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Community Groups Cautiously Optimistic as Governor Green Walks Back Controversial Emergency Proclamation on Housing

New Emergency Proclamation removes suspensions of key laws designed to protect natural and cultural resources and ensure public transparency in government decision-making

Honolulu, Hawai‘i – Today, a new Emergency Proclamation regarding housing was issued by Governor Green. This new proclamation walks back many of the most controversial suspensions challenged in the Na ‘Ohana O Lele v. Green lawsuit filed on August. 31, 2023. At the same time, Governor Green appears to have doubled down on treating the century-old problem of insufficient affordable housing as an emergency.

“I am glad to see that Governor Green has come to his senses,” said Kū‘ikeokalani Kamakea-‘Ōhelo, a party to the Na ‘Ohana v. Green lawsuit, and a member of the Land Use Commission. “The fact that he thought his Administration could do this in the first place is really concerning, so we are definitely going to have to keep watch on the Green Administration going forward.”

The original Emergency Proclamation issued on July 17th raised considerable controversy because it suspended a wide range of laws intended to ensure public participation in decisions related to new construction, safeguard iwi kupuna, protect the environment, and uphold state-level land use goals through the Land Use Commission. In addition, considerable criticism was levied at the original proclamation for citing the hardship many local working families, especially Native Hawaiians, face due to insufficient stocks of affordable housing in Hawai‘i, while doing nothing to require that the new construction it authorized would be affordable or available to local families.

The new proclamation issued today appears to seek to address the majority of the public outrage to the original version.

“We appreciate that the Governor heard many of our concerns and appears to have tried to address them with this new proclamation,” said David Henkin, Senior Attorney for Earthjustice, who represents the parties in Na ‘Ohana o Lele, et al. v. Governor Green, et al. “It remains deeply troubling, however,

that the Governor continues to claim the authority to suspend laws whenever he feels like it to address longstanding public policy issues, however important. In our democracy, passing laws is the job of the Legislature, not the Governor.”

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