

1 planning, zoning, construction standards for subdivisions,
2 development and improvement of land, and the construction of
3 dwelling units thereon; provided that:

4 (1) The corporation finds the housing project is
5 consistent with the purpose and intent of this
6 chapter, and meets minimum requirements of health and
7 safety;

8 (2) The development of the proposed housing project does
9 not contravene any safety standards, tariffs, or rates
10 and fees approved by the public utilities commission
11 for public utilities or of the various boards of water
12 supply authorized under chapter 54;

13 (3) The legislative body of the county in which the
14 housing project is to be situated shall have approved
15 ~~[the project.]~~

16 ~~(A) The legislative body shall approve] with or~~
17 without modifications, or ~~[disapprove]~~
18 disapproved the project by resolution within
19 ~~[forty-five]~~ seventy-five days after the
20 corporation has submitted the preliminary plans
21 and specifications for the project to the
22 legislative body. If on the ~~[forty-sixth]~~



1 seventy-sixth day a project is not disapproved,
2 it shall be deemed approved by the legislative
3 body;

4 [~~(B)~~] (4) No action shall be prosecuted or maintained
5 against any county, its officials, or employees
6 on account of actions taken by them in reviewing,
7 approving, modifying, or disapproving the plans
8 and specifications; [~~and~~]

9 [~~(C)~~] (5) The final plans and specifications for the
10 project shall be deemed approved by the
11 legislative body if the final plans and
12 specifications do not substantially deviate from
13 the preliminary plans and specifications. The
14 final plans and specifications for the project
15 shall constitute the zoning, building,
16 construction, and subdivision standards for that
17 project. For purposes of sections 501-85 and
18 502-17, the executive director of the corporation
19 or the responsible county official may certify
20 maps and plans of lands connected with the
21 project as having complied with applicable laws
22 and ordinances relating to consolidation and



1 subdivision of lands, and the maps and plans
2 shall be accepted for registration or recordation
3 by the land court and registrar; and
4 [~~4~~] (6) The land use commission shall approve, approve
5 with modifications, or disapprove a boundary
6 change within [~~forty-five~~] seventy-five days
7 after the corporation has submitted a petition to
8 the commission as provided in section 205-4. If
9 on the [~~forty-sixth~~] seventy-sixth day the
10 petition is not disapproved, it shall be deemed
11 approved by the commission."

12 PART III

13 SECTION 7. The purpose of this part is to make technical
14 and conforming amendments to correct references to the repealed
15 chapter 201G, Hawaii Revised Statutes, and references to "Hawaii
16 housing finance and development administration" or
17 "administration" throughout various session laws and amendments
18 to the Hawaii Revised Statutes, passed during the regular
19 session of 2006.

20 SECTION 8. Section 201H-57, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Notwithstanding any provision to the contrary, the
2 [+]corporation[+], pursuant to section 201H-4(b), may lease land
3 to any qualified nonprofit organization providing affordable
4 housing, under the following terms and conditions:

5 (1) Leases shall be for ninety-nine years at \$1 per year
6 per parcel; and

7 (2) The instrument of lease shall include provisions,
8 enforceable by the [+]corporation[+], that the land
9 shall:

10 (A) Be used only for providing affordable housing
11 through long-term, renewable, and transferable
12 leases or other means that are in accordance with
13 rules adopted by the [+]corporation[+] under
14 chapter 91; and

15 (B) Revert back to the [+]corporation[+] if:
16 (i) The land is used for any purpose other than
17 as provided under subparagraph (A); or
18 (ii) The qualified nonprofit organization ceases
19 operations."

20 SECTION 9. Section 201H-58, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "[+]§201H-58[+] **Leases; self-help housing.** (a) The
2 [+]corporation[+] may lease parcels that it deems suitable for
3 affordable housing at \$1 per year for up to fifty years to
4 organizations or community trusts to develop the parcel with
5 ownership units through self-help development.

6 (b) The [+]corporation[+] may extend or modify the fixed
7 rental period of the lease or extend the term of the lease.

8 (c) Parcels leased under this section may be transferred
9 or assigned by devise, bequest, or intestate succession, and may
10 be sublet with the approval of the [+]corporation[+]."

11 SECTION 10. Act 179, Session Laws of Hawaii 2006, is
12 amended by amending section 5 to read as follows:

13 "SECTION 5. The department of land and natural resources
14 shall initiate transfer to the Hawaii housing finance and
15 development [~~administration,~~] corporation, no later than
16 December 1, 2006, of the lands identified as suitable for
17 affordable housing development in Appendix F of the Joint
18 Legislative Housing and Homeless Task Force Report to the 2006
19 Session of the Legislature."

20 SECTION 11. Act 196, Session Laws of Hawaii 2006, is
21 amended by amending section 2 to read as follows:



1 "SECTION 2. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$200,000 or so much
3 thereof as may be necessary for fiscal year 2006-2007 for
4 deposit into the Kikala-Keokea housing revolving fund
5 established under section [~~201G-170.5,~~] 201H-81, Hawaii Revised
6 Statutes, to provide low-interest home construction loans for
7 Kikala-Keokea leaseholders and to fund related activities.

8 The sum appropriated shall be expended by the Hawaii
9 housing finance and development [~~administration~~] corporation for
10 the purposes of this Act."

11 SECTION 12. Act 288, Session Laws of Hawaii 2006, is
12 amended by amending sections 3, 4, and 5 to read as follows:

13 "SECTION 3. The Hawaii housing finance and development
14 [~~administration~~] corporation or any appropriate entity of the
15 State shall immediately initiate negotiations with Kukui Gardens
16 Corporation, or its successor in interest, to either:

17 (1) Make available, without competitive award, public
18 financing resources to extend affordable rents at
19 Kukui Gardens through at least 2016; provided that at
20 least fifty per cent of the rental units at Kukui
21 Gardens are retained at affordable rents to households
22 whose incomes do not exceed eighty per cent of the



1 median family income, of which five per cent of the
2 units are set aside for households whose incomes do
3 not exceed thirty per cent of the median family
4 income; or
5 (2) Acquire the property known as Kukui Gardens, tax map
6 key (I) 1-7-26:07, and may partner with private for-
7 profit or nonprofit developers for acquisition of the
8 property; provided that eighty per cent of the housing
9 units on the property shall be retained in perpetuity
10 as affordable housing for households at or below one
11 hundred forty per cent of the median family income as
12 determined by the United States Department of Housing
13 and Urban Development.

14 The Hawaii housing finance and development [~~administration~~]
15 corporation or the appropriate entity of the State shall submit
16 a report to the legislature not later than twenty days prior to
17 the convening of the regular session of 2007 regarding its
18 efforts to acquire Kukui Gardens and its recommendations for
19 financing the purchase of the property.

20 SECTION 4. If an agreement to either extend affordable
21 rents to at least 2016 or acquire the property is not reached
22 within a reasonable time as determined by the Hawaii housing



1 finance and development [~~administration~~] corporation or any
2 other appropriate entity of the State, the state agency shall
3 exercise its power of eminent domain to acquire the property.
4 For the purposes of this Act, and notwithstanding any provision
5 of section [~~201G-16,~~] 201H-13, Hawaii Revised Statutes, to the
6 contrary, condemnation of the Kukui Gardens property shall not
7 be subject to legislative disapproval.

8 SECTION 5. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$200,000 or so much
10 thereof as may be necessary for fiscal year 2006-2007 for the
11 purpose of negotiating with the owner of Kukui Gardens to either
12 extend the period of affordable rents to at least 2016, acquire
13 Kukui Gardens, or to commence the condemnation process.

14 The sum appropriated shall be expended by the Hawaii
15 housing finance and development [~~administration~~] corporation for
16 the purposes of this Act."

17 SECTION 13. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 14. This Act shall take effect upon its approval;
20 provided that sections 11 and 12 shall take effect retroactively
21 to July 1, 2006.



Report Title:

HHFDC; Chapter 201H; Housekeeping

Description:

Clarifies certain amendments to the repealed Chapter 201G, Hawaii Revised Statutes (HRS), that were intended to relate to the Hawaii Housing Finance and Development Corporation and the programs it administers, by making those amendments to the new Chapter 201H, HRS. (SB1352 HD2)

