

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
17 modifications, or ~~[disapprove]~~ disapproved the
18 project by resolution within forty-five days
19 after the corporation has submitted the
20 preliminary plans and specifications for the
21 project to the legislative body. If on the



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

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

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



1 to any qualified nonprofit organization providing affordable
2 housing, under the following terms and conditions:

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

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

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

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

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

20 "[+]§201H-58[+] **Leases; self-help housing.** (a) The
21 [+]corporation[+] may lease parcels that it deems suitable for
22 affordable housing at \$1 per year for up to fifty years to



1 organizations or community trusts to develop the parcel with
2 ownership units through self-help development.

3 (b) The [†]corporation[†] may extend or modify the fixed
4 rental period of the lease or extend the term of the lease.

5 (c) Parcels leased under this section may be transferred
6 or assigned by devise, bequest, or intestate succession, and may
7 be sublet with the approval of the [†]corporation[†]."

8 SECTION 10. Act 100, Session Laws of Hawaii 2006, is
9 amended by amending section 22 to read as follows:

10 "SECTION 22. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$700,000 or so much
12 thereof as may be necessary for fiscal year 2006-2007 as a
13 grant-in-aid to the Hawaii Habitat for Humanity Association to
14 establish a zero interest revolving loan fund to be used to
15 provide loans to low-income families to build self-help
16 ownership homes on lands leased from the State and administered
17 in accordance with subpart B of part III of chapter [~~201G,~~
18 201H, Hawaii Revised Statutes.

19 The sum appropriated shall be expended by the Hawaii
20 housing finance and development [~~administration~~] corporation for
21 the purposes of this part."



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

3 "SECTION 5. The department of land and natural resources
4 shall initiate transfer to the Hawaii housing finance and
5 development [~~administration~~] corporation, no later than
6 December 1, 2006, of the lands identified as suitable for
7 affordable housing development in Appendix F of the Joint
8 Legislative Housing and Homeless Task Force Report to the 2006
9 Session of the Legislature."

10 SECTION 12. Act 196, Session Laws of Hawaii 2006, is
11 amended by amending section 2 to read as follows:

12 "SECTION 2. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$200,000 or so much
14 thereof as may be necessary for fiscal year 2006-2007 for
15 deposit into the Kikala-Keokea housing revolving fund
16 established under section [~~201G-170.57~~] 201H-81, Hawaii Revised
17 Statutes, to provide low-interest home construction loans for
18 Kikala-Keokea leaseholders and to fund related activities.

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



1 SECTION 13. Act 288, Session Laws of Hawaii 2006, is
2 amended by amending sections 3, 4, and 5 to read as follows:

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

7 (1) Make available, without competitive award, public
8 financing resources to extend affordable rents at
9 Kukui Gardens through at least 2016; provided that at
10 least fifty per cent of the rental units at Kukui
11 Gardens are retained at affordable rents to households
12 whose incomes do not exceed eighty per cent of the
13 median family income, of which five per cent of the
14 units are set aside for households whose incomes do
15 not exceed thirty per cent of the median family
16 income; or

17 (2) Acquire the property known as Kukui Gardens, tax map
18 key (I) 1-7-26:07, and may partner with private for-
19 profit or nonprofit developers for acquisition of the
20 property; provided that eighty per cent of the housing
21 units on the property shall be retained in perpetuity
22 as affordable housing for households at or below one



1 hundred forty per cent of the median family income as
2 determined by the United States Department of Housing
3 and Urban Development.

4 The Hawaii housing finance and development [~~administration~~]
5 corporation or the appropriate entity of the State shall submit
6 a report to the legislature not later than twenty days prior to
7 the convening of the regular session of 2007 regarding its
8 efforts to acquire Kukui Gardens and its recommendations for
9 financing the purchase of the property.

10 SECTION 4. If an agreement to either extend affordable
11 rents to at least 2016 or acquire the property is not reached
12 within a reasonable time as determined by the Hawaii housing
13 finance and development [~~administration~~] corporation or any
14 other appropriate entity of the State, the state agency shall
15 exercise its power of eminent domain to acquire the property.
16 For the purposes of this Act, and notwithstanding any provision
17 of section [~~201G-16,~~] 201H-13, Hawaii Revised Statutes, to the
18 contrary, condemnation of the Kukui Gardens property shall not
19 be subject to legislative disapproval.

20 SECTION 5. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$200,000 or so much
22 thereof as may be necessary for fiscal year 2006-2007 for the



1 purpose of negotiating with the owner of Kukui Gardens to either
2 extend the period of affordable rents to at least 2016, acquire
3 Kukui Gardens, or to commence the condemnation process.

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

7 SECTION 14. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 15. This Act shall take effect upon approval.



Report Title:

Chapter 201G; Clarification

Description:

Clarifies certain amendments to the repealed chapter 201G, Hawaii Revised Statutes, 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. (SD2)

