

JAN 22 2010

A BILL FOR AN ACT

RELATING TO HOUSING DEVELOPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 206E-4, Hawaii Revised Statutes, is amended to read as follows:

"§206E-4 Powers; generally. Except as otherwise limited by this chapter, the authority may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at pleasure;
- (3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (4) Make and alter bylaws for its organization and internal management;
- (5) Make rules with respect to its projects, operations, properties, and facilities, which rules shall be in conformance with chapter 91;
- (6) Through its executive director appoint officers, agents, and employees, prescribe their duties and



1 qualifications, and fix their salaries, without regard
2 to chapter 76;

3 (7) Prepare or cause to be prepared a community
4 development plan for all designated community
5 development districts;

6 (8) Acquire, reacquire, or contract to acquire or
7 reacquire by grant or purchase real, personal, or
8 mixed property or any interest therein; to own, hold,
9 clear, improve, and rehabilitate, and to sell, assign,
10 exchange, transfer, convey, lease, or otherwise
11 dispose of or encumber the same;

12 (9) Acquire or reacquire by condemnation real, personal,
13 or mixed property or any interest therein for public
14 facilities, including but not limited to streets,
15 sidewalks, parks, schools, and other public
16 improvements;

17 (10) By itself, or in partnership with qualified persons,
18 acquire, reacquire, construct, reconstruct,
19 rehabilitate, improve, alter, or repair or provide for
20 the construction, reconstruction, improvement,
21 alteration, or repair of any project; own, hold, sell,
22 assign, transfer, convey, exchange, lease, or



1 otherwise dispose of or encumber any project, and in
2 the case of the sale of any project, accept a purchase
3 money mortgage in connection therewith; and repurchase
4 or otherwise acquire any project which the authority
5 has theretofore sold or otherwise conveyed,
6 transferred, or disposed of;

7 (11) Arrange or contract for the planning, replanning,
8 opening, grading, or closing of streets, roads,
9 roadways, alleys, or other places, or for the
10 furnishing of facilities or for the acquisition of
11 property or property rights or for the furnishing of
12 property or services in connection with a project;

13 (12) Grant options to purchase any project or to renew any
14 lease entered into by it in connection with any of its
15 projects, on such terms and conditions as it deems
16 advisable;

17 (13) Prepare or cause to be prepared plans, specifications,
18 designs, and estimates of costs for the construction,
19 reconstruction, rehabilitation, improvement,
20 alteration, or repair of any project, and from time to
21 time to modify such plans, specifications, designs, or
22 estimates;



1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;

8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in such
10 amounts and from such insurers as it deems desirable;

11 (16) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;

13 (17) Do any and all things necessary to carry out its
14 purposes and exercise the powers given and granted in
15 this chapter; and

16 (18) Allow satisfaction of any affordable housing
17 requirements imposed by the authority upon any
18 proposed development project through the construction
19 of or by causing to be constructed substitute reserved
20 housing, as defined in section 206E-101, by a person:

21 (A) ~~[on]~~ On land located outside the geographic
22 boundaries of the authority's jurisdiction;



1 (B) On a one-unit-for-one-unit basis; and

2 (C) At the person's own cost;

3 provided that the authority shall not permit any
4 person to make cash payments in lieu of providing
5 reserved housing, except to account for any fractional
6 unit that results after calculating the percentage
7 requirement against residential floor space or total
8 number of units developed. The [substituted]

9 substitute reserved housing units shall be located on

10 lands controlled by the department of Hawaiian home

11 lands that are situated on the same island as the

12 development project and shall be substantially equal

13 in value to the required reserved housing units that

14 were to be developed [on site. The authority shall

15 ~~establish the following priority in the development of~~

16 ~~reserved housing:~~

17 ~~(A) Within the community development district;~~

18 ~~(B) Within areas immediately surrounding the~~

19 ~~community development district;~~

20 ~~(C) Areas within the central urban core;~~

21 ~~(D) In outlying areas within the same island as the~~

22 ~~development project.]~~



1 within the geographic boundaries of the authority's
2 jurisdiction.

3 The development of substitute reserved housing
4 shall be undertaken only in accordance with a request
5 for those substitute reserved housing units submitted
6 by the department of Hawaiian home lands. All other
7 substitute reserved housing units shall be constructed
8 within the community development district where the
9 proposed development project is located.

10 The Hawaii community development authority
11 ~~[shall]~~ may adopt rules relating to the ~~[approval]~~
12 development of substitute reserved housing units that
13 are ~~[developed]~~ constructed outside of a community
14 development district. ~~[The rules shall include, but~~
15 ~~are not limited to, the establishment of guidelines to~~
16 ~~ensure compliance with the above priorities.] "~~

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

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Report Title:

Hawaii Community Development Authority; Substitute Reserved Housing; Department of Hawaiian Home Lands

Description:

Amends the criteria for approval by the Hawaii community development authority of substitute reserved housing projects to be constructed within and outside of the geographic boundaries of the authority's jurisdiction.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

