
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that the cost and
2 availability of housing in the State are significant challenges
3 facing Hawaii residents. Although Hawaii has the tenth highest
4 median wage nationally, living expenses are two-thirds higher
5 than the rest of the nation, with the cost of housing being a
6 major contributing factor. According to the Honolulu Board of
7 Realtors, by November 2020 the median price for a single-family
8 home on Oahu had risen to \$872,500, while the median price for
9 condominiums on Oahu had risen to \$420,000. With a simple
10 mortgage calculator and using conservative assumptions on
11 interest rates and down payment amounts, a household needs to
12 earn almost \$170,000 annually to afford to buy a median-priced
13 home on Oahu in 2020, making homeownership out of reach for many
14 of Hawaii's residents, especially first-time buyers.

15 Because of the many barriers hindering the production of
16 new housing, such as geographic limitations, lack of major
17 infrastructure, construction costs, and government regulation,



1 the State and housing developers have not been able to produce
2 enough housing for Hawaii residents. According to a 2015 report
3 from the department of business, economic development, and
4 tourism, the projected long-run estimate of demand for total new
5 housing in Hawaii is between 64,700 to 66,000 for the 2015 to
6 2025 period. The legislature has responded through the passage
7 of various legislation. During the regular session of 2016, the
8 legislature passed a bill enacted as Act 127, Session Laws of
9 Hawaii 2016, that, among other things, established a goal of
10 developing or vesting the development of at least 22,500
11 affordable rental housing units ready for occupancy by the end
12 of 2026. During the regular session of 2017, the legislature
13 passed a bill enacted as Act 54, Session Laws of Hawaii 2017, to
14 expand the types of rental housing projects that can be exempt
15 from general excise tax, thereby encouraging the development of
16 rental housing projects targeted for occupancy by households at
17 or below the one hundred forty per cent area median income
18 level. During the regular session of 2018, the legislature
19 passed a bill enacted as Act 39, Session Laws of Hawaii 2018,
20 that, among other things, provides an estimated total value of
21 \$570,000,000 to address Hawaii's affordable rental housing



1 crisis and is expected to generate more than 25,000 affordable
2 units by the year 2030.

3 Despite these efforts, the amount of new construction of
4 housing, especially for low- to middle-income families,
5 continues to be inadequate as the supply of housing remains
6 constrained while demand for housing increases. This lack of
7 supply leads to higher housing prices and rents for households
8 of all income levels, leaving all tenants with less disposable
9 income, increasing the personal stress on buyers and renters,
10 and exacerbating overcrowding and homelessness. Given these
11 consequences, the lack of affordable housing requires the
12 concentrated attention of state government at the highest level.

13 The legislature further finds that Singapore faced a
14 housing crisis in the 1940s through 1960s but was subsequently
15 able to provide nearly one million residential units for its
16 citizens. The housing and development board -- the government
17 entity responsible for the rapid increase in housing development
18 -- plans, develops, and constructs the housing units, including
19 commercial, recreational, and social amenities. The result is
20 that units built by the housing and development board house
21 eighty per cent of the resident population and that, overall,



1 ninety per cent of the resident population are owners of their
2 units. Through government loans, subsidies, and grants and the
3 use of money saved through a government-run mandatory savings
4 program, residents are able to purchase residential units at an
5 affordable price, including options to upgrade to a better
6 living environment in the future.

7 The legislature further finds that with Honolulu's
8 construction of an elevated rail transit system, the State has
9 an opportunity to enhance Oahu's urban environment and increase
10 the quality of life for residents by increasing the affordable
11 housing inventory and eliminating the need for personal
12 automobiles, among other public benefits. As the largest
13 landowner of properties along the transit line, with
14 approximately two thousand acres under the jurisdiction of
15 various departments, the State must be proactive in establishing
16 a unified vision and approach toward redevelopment of its
17 properties to maximize the benefits of state lands available for
18 redevelopment.

19 The purpose of this Act is to:

20 (1) End the housing shortage in Hawaii;



(2) Establish the ALOHA homes program to facilitate the creation of low-cost leasehold homes for sale to Hawaii residents on state-owned land near public transit stations;

(3) Authorize the Hawaii housing finance and development corporation to sell the leasehold interest in residential condominium units located on state lands for lease terms of ninety-nine years; and

(4) Develop an ALOHA homes demonstration project by July 1, 2026.

SECTION 2. Chapter 201H, Hawaii Revised Statutes, is amended by adding two new subparts to part II to be appropriately designated and to read as follows:

"B. ALOHA Homes Program

§201H-A Definitions. As used in this subpart, the following terms have the following meanings, unless the context indicates a different meaning or intent:

"ALOHA" means affordable, locally owned homes for all.

"ALOHA home" means a residential unit within an urban redevelopment site.



1 "Commercial project" means an undertaking involving
2 commercial or light industrial development, which includes a
3 mixed-use development where commercial or light industrial
4 facilities may be built into, adjacent to, under, or above
5 residential units.

6 "Multipurpose project" means a project consisting of any
7 combination of a commercial project, redevelopment project, or
8 residential project.

9 "Owner-occupied residential use" means any use currently
10 permitted in existing residential zones consistent with owner
11 occupancy, but shall not mean renting or leasing to any tenant
12 or lessee of any kind.

13 "Project" means a specific work or improvement, including
14 real and personal properties, or any interest therein, acquired,
15 owned, constructed, reconstructed, rehabilitated, or improved by
16 the corporation, including a commercial project, redevelopment
17 project, or residential project.

18 "Public agency" means any office, department, board,
19 commission, bureau, division, public corporation agency, or
20 instrumentality of the federal, state, or county government.



1 "Public facilities" includes streets, utility and service
2 corridors, and utility lines where applicable, sufficient to
3 adequately service developable improvements in an urban
4 redevelopment site, sites for schools, parks, parking garages,
5 sidewalks, pedestrian ways, and other community facilities.

6 "Public facilities" also includes public highways, as defined in
7 section 264-1, storm drainage systems, water systems, street
8 lighting systems, off-street parking facilities, sanitary
9 sewerage systems, facilities to address climate change and sea
10 level rise, as well as the land required for these facilities.

11 "Public facilities" also includes any facility owned and
12 operated by a public agency and having a useful life of at least
13 five years.

14 "Public transit station" means:

15 (1) A station connected to a locally preferred alternative
16 for a mass transit project; or

17 (2) For the city and county of Honolulu, a station of the
18 Honolulu rail transit system.

19 "Redevelopment project" means an undertaking for the
20 acquisition, clearance, replanning, reconstruction, and
21 rehabilitation, or a combination of these and other methods, of



1 an area for a residential project, for an incidental commercial
2 project, and for other facilities incidental or appurtenant
3 thereto, pursuant to and in accordance with this subpart. The
4 term "acquisition, clearance, replanning, reconstruction, and
5 rehabilitation" includes renewal, redevelopment, conservation,
6 restoration, or improvement, or any combination thereof.

7 "Residential project" means a project or that portion of a
8 multipurpose project, including residential dwelling units,
9 designed and intended for the purpose of providing housing and
10 any facilities as may be incidental or appurtenant thereto.

11 "Small and medium vendor" means a commercial vendor that
12 employs nine hundred ninety-nine employees or less.

13 **§201H-B ALOHA homes program.** There is established the
14 ALOHA homes program for the purpose of providing low-cost, high
15 density leasehold homes for sale to Hawaii residents on state-
16 owned lands within a one mile radius of a public transit
17 station.

18 **§201H-C Urban redevelopment sites; established;**
19 **boundaries.** There shall be established urban redevelopment
20 sites that shall include all state-owned land within a one mile



1 radius of a public transit station in a county having a
2 population greater than five hundred thousand.

3 **§201H-D Rules; guidelines.** (a) The corporation shall
4 establish rules pursuant to chapter 91 on health, safety,
5 building, planning, zoning, and land use, which shall supersede
6 all other inconsistent ordinances and rules relating to the use,
7 zoning, planning, and development of land and construction
8 thereon. Rules adopted under this section shall follow existing
9 law, rules, ordinances, and regulations as closely as is
10 consistent with standards meeting minimum requirements of good
11 design, pleasant amenities, health, safety, and coordinated
12 development. The corporation may provide that lands within
13 urban redevelopment sites shall not be developed beyond existing
14 uses or that improvements thereon shall not be demolished or
15 substantially reconstructed or provide other restrictions on the
16 use of the lands.

17 (b) The following shall be the principles generally
18 governing the corporation's action in urban redevelopment sites:

19 (1) The program seeks to produce enough housing to meet
20 housing demand;



- 1 (2) Each development may include facilities to replace any
2 facilities that must be removed for the development's
3 construction;
- 4 (3) Developments shall endeavor to be revenue-neutral to
5 the State and counties, and all revenues generated
6 shall be used for the purposes of this subpart;
- 7 (4) The corporation shall consider the infrastructure
8 burden of each development and the impact of the
9 development on the education system, and any
10 mitigation actions, prior to construction;
- 11 (5) The corporation may build infrastructure beyond what
12 exists in any development under this subpart and may
13 sell the infrastructure capacity to private sector
14 developers;
- 15 (6) The corporation may build common area facilities for
16 any development undertaken pursuant to this subpart,
17 which shall be paid through the sales of ALOHA homes
18 units;
- 19 (7) Developments shall result in communities that permit
20 an appropriate land mixture of residential,
21 commercial, and other uses. In view of the innovative



1 nature of the mixed use approach, urban design
2 policies shall be established for the public and
3 private sectors in the proper development of urban
4 redevelopment sites; provided that any of the
5 corporation's proposed actions in urban redevelopment
6 sites that are subject to chapter 343 shall comply
7 with chapter 343 and any federal environmental
8 requirements; provided further that the corporation
9 may engage in any studies or coordinative activities
10 permitted in this subpart that affect areas lying
11 outside urban redevelopment sites where the
12 corporation, in its discretion, decides that those
13 activities are necessary to implement the intent of
14 this subpart. The studies or coordinative activities
15 shall be limited to facility systems, resident and
16 industrial relocation, and other activities engaged in
17 with the counties and appropriate state agencies. The
18 corporation may engage in construction activities
19 outside of urban redevelopment sites; provided that
20 the construction relates to infrastructure development
21 or residential or business relocation activities;



1 provided further that the construction shall comply
2 with the general plan, development plan, ordinances,
3 and rules of the county in which the urban
4 redevelopment site is located;

5 (8) Activities shall be located so as to provide primary
6 reliance on public transportation and pedestrian and
7 bicycle facilities for internal circulation within
8 urban redevelopment sites or designated subareas;

9 (9) Where compatible, land use activities within urban
10 redevelopment sites, to the greatest possible extent,
11 shall be mixed horizontally within blocks or other
12 land areas and vertically as integral units of
13 multi-purpose structures;

14 (10) Development shall prioritize maximizing density;
15 provided that development may require a mixture of
16 densities, building types, and configurations in
17 accordance with appropriate urban design guidelines
18 and vertical and horizontal integration of residents
19 of varying incomes, ages, and family groups that
20 reflect the diversity of Hawaii.



1 (11) Development shall provide necessary community
2 facilities, such as parks, community meeting places,
3 child care centers, schools, educational facilities,
4 libraries, and other services, within and adjacent to
5 residential development; provided that any school that
6 is provided by the corporation as a necessary
7 community facility shall be exempt from school size
8 requirements as calculated by recent school site area
9 averages pursuant to section 302A-1602;

10 (12) Public facilities within urban redevelopment sites
11 shall be planned, located, and developed so as to
12 support the redevelopment policies for the sites
13 established by this subpart and plans and rules
14 adopted pursuant to it;

15 (13) Development shall be designed, to the extent possible,
16 to minimize traffic, parking, the use of private
17 automobiles, and noise;

18 (14) Development shall be subject to chapter 104;

19 (15) On-site and off-site infrastructure funded by the
20 State or county, as applicable, shall be brought to
21 the development site; provided that the State and



1 respective county may be reimbursed for its
2 infrastructure contributions with proceeds from the
3 sale of ALOHA homes; and

4 (16) Development shall include the establishment of a
5 building operating and maintenance program, together
6 with the funding to cover its cost.

7 (c) ALOHA homes within urban redevelopment sites shall not
8 be advertised for rent, rented, or used for any purpose other
9 than owner-occupied residential use; provided that the
10 corporation, by rule, shall establish penalties for violations
11 of this subsection up to and including forced sale of an ALOHA
12 home.

13 (d) The design and development contracts for ALOHA homes
14 shall be subject to chapter 103D.

15 (e) The corporation shall, in the interest of revenue-
16 neutrality, recoup expenses through the sales of the leasehold
17 interest of ALOHA homes and other revenue sources, including the
18 leasing of commercial space.

19 (f) The corporation shall transfer ALOHA homes units
20 within residential projects to the department of Hawaiian home
21 lands or to the office of Hawaiian affairs; provided that the



1 corporation shall adopt rules under chapter 91 to determine the
2 number of units or the percentage of units to be transferred to
3 the department of Hawaiian home lands or to the office of
4 Hawaiian affairs; provided further that the corporation may not
5 grant certificates of occupancy for any ALOHA homes units prior
6 to the implementation of these rules.

7 **§201H-E Sale of the leasehold interest of ALOHA homes;**
8 **rules; guidelines.** (a) The corporation shall adopt rules,
9 pursuant to chapter 91, for the sale of the leasehold interest
10 of ALOHA homes under its control within urban redevelopment
11 sites; provided that each lease shall be for a term of ninety-
12 nine years. The rules shall include the following requirements
13 for an eligible buyer or owner of an ALOHA home within an urban
14 redevelopment site:

15 (1) The person shall be a resident of the State; provided
16 that voting in the most recent primary or general
17 election shall be an indication of residency in the
18 State; provided further that not voting in any primary
19 or general election creates a rebuttable presumption
20 of non-residency;



1 (2) The person shall not use the ALOHA home for any
2 purpose other than owner-occupied residential use; and

3 (3) The person, or the person's spouse, or any other
4 person intending to live with the eligible buyer or
5 owner, shall not own any other real property,
6 including any residential and non-residential
7 property, beneficial ownership of trusts, and co-
8 ownership or fractional ownership, while owning an
9 ALOHA home in an urban redevelopment site; provided
10 that an eligible buyer may own real property up to six
11 months after closing on the purchase of an ALOHA home;
12 provided further that an owner of an ALOHA home in the
13 process of selling the ALOHA home may own other real
14 property up to six months prior to closing on the sale
15 of the ALOHA home to an eligible buyer;

16 provided that the rules under this subsection shall not include
17 any requirements or limitations related to an individual's
18 income or any preferences to first-time home buyers. The rules
19 shall include strict enforcement of owner-occupancy, including a
20 prohibition on renting or leasing an ALOHA home to any tenant or
21 lessee. Enforcement of the owner-occupancy condition may



1 include requirements for the use of facial recognition,
2 fingerprint authorization, or retina scan technologies, in-
3 person verification of owner-occupants, and prevention of access
4 to all unauthorized persons. The corporation may also establish
5 rules for a minimum number of days residents must be physically
6 present on the premises and a maximum number of days non-
7 residents may have access to the premises.

8 (b) The median ALOHA homes within urban redevelopment
9 sites shall be priced at the minimum levels necessary to ensure
10 that the development is revenue neutral for the State and
11 counties. The median ALOHA homes price shall be adjusted
12 annually for inflation, as determined by the Bureau of Labor
13 Statistics Consumer Price Index for urban Hawaii.

14 (c) The corporation shall establish waitlists for each
15 residential development for eligible buyers to determine the
16 order in which ALOHA homes shall be sold. Waitlist priorities
17 may include school, college, or university affiliation if the
18 residential property is a redeveloped school, college, or
19 university; proximity of an eligible buyer's existing residence
20 to an ALOHA home within the urban redevelopment site; and other



1 criteria based on the impact that the development has on the
2 eligible buyer.

3 (d) ALOHA homes within urban redevelopment sites shall be
4 sold only to other eligible buyers.

5 (e) An owner of an ALOHA home may sell the ALOHA home
6 provided that the corporation shall have the right of first
7 refusal to purchase the ALOHA home at a price that is determined
8 by the corporation using the price at which the owner purchased
9 the ALOHA home as the cost basis, adjusted for inflation, as
10 determined by the department of business, economic development,
11 and tourism using the Consumer Price Index for All Urban
12 Consumers for Honolulu, and may include a percentage of the
13 appreciation, if any, in value of the unit based on an appraisal
14 obtained by the corporation. If the corporation does not
15 exercise its right to purchase the ALOHA home, the ALOHA home
16 may be sold by the owner to an eligible buyer; provided that the
17 corporation shall retain seventy-five per cent of all profits
18 from the sale net of closing and financing costs, using the
19 price at which the owner purchased the ALOHA home, plus
20 documented capital improvements, as the cost basis. Upon the
21 death of the owner of an ALOHA home, the ALOHA home may be



1 transferred to the deceased's heir by devise or as any other
2 real property under existing law.

3 (g) Any ALOHA home developed and sold under this subpart
4 shall not be subject to sections 201H-47, 201H-49, 201H-50, and
5 201H-51.

6 **§201H-F Use of public lands; acquisition of state lands.**

7 (a) If state lands under the control and management of other
8 public agencies are required by the corporation for the purposes
9 of this subpart, the agency having the control and management of
10 those required lands, upon request by the corporation and with
11 the approval of the governor, may convey or lease those lands to
12 the corporation upon terms and conditions as may be agreed to by
13 the parties.

14 (b) Notwithstanding the foregoing, no public lands shall
15 be conveyed or leased to the corporation pursuant to this
16 section if the conveyance or lease would impair any covenant
17 between the State or any county or any department or board
18 thereof and the holders of bonds issued by the State or that
19 county, department, or board.

20 **§201H-G Acquisition of real property from a county.**

21 Notwithstanding the provision of any law or charter, any county,



1 by resolution of its county council, may, without public
2 auction, sealed bids, or public notice, sell, lease, grant, or
3 convey to the corporation any real property owned by it that the
4 corporation certifies to be necessary for the purposes of this
5 subpart. The sale, lease, grant, or conveyance shall be made
6 with or without consideration and upon terms and conditions as
7 may be agreed upon by the county and the corporation.
8 Certification shall be evidenced by a formal request from the
9 corporation. Before the sale, lease, grant, or conveyance may
10 be made to the corporation, a public hearing shall be held by
11 the county council to consider the same. Notice of the hearing
12 shall be published at least six days before the date set for the
13 hearing in the publication and in the manner as may be
14 designated by the county council.

15 **§201H-H Condemnation of real property.** The corporation,
16 upon making a finding that it is necessary to acquire any real
17 property for its immediate or future use for the purposes of
18 this subpart, may acquire the property, including property
19 already devoted to a public use, by condemnation pursuant to
20 chapter 101. The property shall not thereafter be taken for any
21 other public use without the consent of the corporation. No



1 award of compensation shall be increased by reason of any
2 increase in the value of real property caused by the designation
3 of the urban redevelopment site or plan adopted pursuant to a
4 designation, or the actual or proposed acquisition, use, or
5 disposition of any other real property by the corporation.

6 **§201H-I Construction contracts.** The construction
7 contracts for ALOHA homes shall be subject to chapter 103D.

8 **§201H-J Lease of projects.** Notwithstanding any law to the
9 contrary, the corporation, without recourse to public auction or
10 public notice for sealed bids, may lease for a term not
11 exceeding sixty-five years all or any portion of the real or
12 personal property constituting a commercial project to any
13 person, upon terms and conditions as may be approved by the
14 corporation; provided that all revenues generated from the lease
15 shall be used to support the purpose of the ALOHA homes program.

16 **§201H-K Dedication for public facilities as condition to**
17 **development.** The corporation shall establish rules requiring
18 dedication for public facilities of land or facilities by
19 developers as a condition of developing real property within
20 urban redevelopment sites. Where state and county public



1 facilities dedication laws, ordinances, or rules differ, the
2 provision for greater dedication shall prevail.

3 **§201H-L ALOHA homes revolving fund.** There is established
4 the ALOHA homes revolving fund into which all receipts and
5 revenues of the corporation pursuant to this subpart shall be
6 deposited. Proceeds from the fund shall be used for the
7 purposes of this subpart.

8 **§201H-M Expenditures of ALOHA homes revolving fund under**
9 **the corporation exempt from appropriation and allotment.** Except
10 as to administrative expenditures, and except as otherwise
11 provided by law, expenditures from the ALOHA homes revolving
12 fund administered by the corporation may be made by the
13 corporation without appropriation or allotment of the
14 legislature; provided that no expenditure shall be made from and
15 no obligation shall be incurred against the ALOHA homes
16 revolving fund in excess of the amount standing to the credit of
17 the fund or for any purpose for which the fund may not lawfully
18 be expended. Nothing in sections 37-31 to 37-41 shall require
19 the proceeds of the ALOHA homes revolving fund administered by
20 the corporation to be reappropriated annually.



1 **§201H-N Assistance by state and county agencies.** Any
2 state or county agency may render services for the purposes of
3 this subpart upon request of the corporation.

4 **§201H-O Lands no longer needed.** Lands acquired by the
5 corporation from another government agency that are no longer
6 needed for the ALOHA homes program by the corporation shall be
7 returned to the previous owner of those lands. Lands acquired
8 by the corporation from a private party that are owned by the
9 corporation and designated for the ALOHA homes program but are
10 subsequently no longer needed for the ALOHA homes program shall
11 be retained by the corporation.

12 **§201H-P Rules.** The corporation may adopt rules pursuant
13 to chapter 91 that are necessary for the purposes of this
14 subpart.

15 C. Leasehold Condominiums on State Lands

16 **§201H-Q Leasehold condominiums on state lands.** (a) The
17 corporation may sell leasehold units in condominiums organized
18 pursuant to chapter 514B and developed under this subpart on
19 state land to a "qualified resident" as defined in section
20 201H-32.



1 (b) The term of the lease may be for ninety-nine years,
2 and the corporation may extend or modify the fixed rental period
3 of the lease or extend the term of the lease.

4 (c) The sale of leasehold units shall be subject to
5 sections 201H-47, 201H-49, and 201H-50, except for units sold at
6 fair market value.

7 (d) State land set aside by the governor to the
8 corporation and lands leased to the corporation by any
9 department or agency of the State for a condominium described in
10 this section shall be exempt from the definition of "public
11 lands" under section 171-2; provided that lands described in
12 this subsection shall be considered "public lands" for the
13 purpose of accounting for all receipts from lands described in
14 section 5(f) of the Admission Act for the prior fiscal year,
15 pursuant to section 5 of Act 178, Session Laws of Hawaii 2006;
16 provided further that payment of receipts pursuant to this
17 subsection may be made in a form of remuneration or
18 consideration other than cash.

19 (e) The powers conferred upon the corporation by this
20 section shall be in addition and supplemental to the powers
21 conferred by any other law, and nothing in this section shall be



1 construed as limiting any powers, rights, privileges, or
2 immunities so conferred."

3 SECTION 3. Chapter 237, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§237- Exemption of sale of leasehold interest for ALOHA**
7 **home units.** In addition to the amounts exempt under section
8 237-24, this chapter shall not apply to amounts received from
9 the sale of a leasehold interest in an ALOHA home under chapter
10 201H, part II, subpart B."

11 SECTION 4. Section 171-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§171-2 Definition of public lands.** "Public lands" means
14 all lands or interest therein in the State classed as government
15 or crown lands previous to August 15, 1895, or acquired or
16 reserved by the government upon or subsequent to that date by
17 purchase, exchange, escheat, or the exercise of the right of
18 eminent domain, or in any other manner; including lands accreted
19 after May 20, 2003, and not otherwise awarded, submerged lands,
20 and lands beneath tidal waters that are suitable for



1 reclamation, together with reclaimed lands that have been given
2 the status of public lands under this chapter, except:

3 (1) Lands designated in section 203 of the Hawaiian Homes
4 Commission Act, 1920, as amended;

5 (2) Lands set aside pursuant to law for the use of the
6 United States;

7 (3) Lands being used for roads and streets;

8 (4) Lands to which the United States relinquished the
9 absolute fee and ownership under section 91 of the
10 Hawaiian Organic Act prior to the admission of Hawaii
11 as a state of the United States unless subsequently
12 placed under the control of the board of land and
13 natural resources and given the status of public lands
14 in accordance with the state constitution, the
15 Hawaiian Homes Commission Act, 1920, as amended, or
16 other laws;

17 (5) Lands to which the University of Hawaii holds title;

18 (6) Lands that are set aside by the governor to the Hawaii
19 housing finance and development corporation; lands
20 leased to the Hawaii housing finance and development
21 corporation by any department or agency of the State;



1 or lands to which the Hawaii housing finance and
2 development corporation in its corporate capacity
3 holds title;

4 (7) Lands to which the Hawaii community development
5 authority in its corporate capacity holds title;

6 (8) Lands set aside by the governor to the Hawaii public
7 housing authority or lands to which the Hawaii public
8 housing authority in its corporate capacity holds
9 title;

10 (9) Lands to which the department of agriculture holds
11 title by way of foreclosure, voluntary surrender, or
12 otherwise, to recover moneys loaned or to recover
13 debts otherwise owed the department under chapter 167;

14 (10) Lands that are set aside by the governor to the Aloha
15 Tower development corporation; lands leased to the
16 Aloha Tower development corporation by any department
17 or agency of the State; or lands to which the Aloha
18 Tower development corporation holds title in its
19 corporate capacity;

20 (11) Lands that are set aside by the governor to the
21 agribusiness development corporation; lands leased to



1 the agribusiness development corporation by any
2 department or agency of the State; or lands to which
3 the agribusiness development corporation in its
4 corporate capacity holds title;

5 (12) Lands to which the Hawaii technology development
6 corporation in its corporate capacity holds title; and

7 (13) Lands to which the department of education holds
8 title;

9 provided that, except as otherwise limited under federal law and
10 except for state land used as an airport as defined in section
11 262-1, public lands shall include the air rights over any
12 portion of state land upon which a county mass transit project
13 is developed after July 11, 2005."

14 SECTION 5. Section 171-64.7, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) This section applies to all lands or interest therein
17 owned or under the control of state departments and agencies
18 classed as government or crown lands previous to August 15,
19 1895, or acquired or reserved by the government upon or
20 subsequent to that date by purchase, exchange, escheat, or the
21 exercise of the right of eminent domain, or any other manner,



1 including accreted lands not otherwise awarded, submerged lands,
2 and lands beneath tidal waters that are suitable for
3 reclamation, together with reclaimed lands that have been given
4 the status of public lands under this chapter, including:

5 (1) Land set aside pursuant to law for the use of the
6 United States;

7 (2) Land to which the United States relinquished the
8 absolute fee and ownership under section 91 of the
9 Organic Act prior to the admission of Hawaii as a
10 state of the United States;

11 (3) Land to which the University of Hawaii holds title;

12 (4) Land that is set aside by the governor to the Hawaii
13 housing finance and development corporation; land
14 leased to the Hawaii housing finance and development
15 corporation by any department or agency of the State;
16 or land to which the Hawaii housing finance and
17 development corporation in its corporate capacity
18 holds title;

19 (5) Land to which the department of agriculture holds
20 title by way of foreclosure, voluntary surrender, or



otherwise, to recover moneys loaned or to recover
debts otherwise owed the department under chapter 167;

(6) Land that is set aside by the governor to the Aloha
Tower development corporation; or land to which the
Aloha Tower development corporation holds title in its
corporate capacity;

(7) Land that is set aside by the governor to the
agribusiness development corporation; or land to which
the agribusiness development corporation in its
corporate capacity holds title;

(8) Land to which the Hawaii technology development
corporation in its corporate capacity holds title;

(9) Land to which the department of education holds title;
and

(10) Land to which the Hawaii public housing authority in
its corporate capacity holds title."

SECTION 6. Chapter 201H, Hawaii Revised Statutes, part II
is amended by designating sections 201H-31 to 201H-70 as subpart
A and inserting a title before section 201H-31 to read as
follows:

"A. General Provisions"



SECTION 7. Section 302A-1603, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The following shall be exempt from this section:

(1) Any form of housing permanently excluding school-aged children, with the necessary covenants or declarations of restrictions recorded on the property;

(2) Any form of housing that is or will be paying the transient accommodations tax under chapter 237D;

(3) All nonresidential development; [~~and~~]

(4) Any development with an executed education contribution agreement or other like document with the department for the contribution of school sites or payment of fees for school land or school construction~~[-]~~; and

(5) Any form of development by the Hawaii housing finance and development corporation pursuant to chapter 201H, part II, subpart B."

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal



1 year 2022-2023 to be deposited into the ALOHA homes revolving
2 fund established pursuant to section 201H-L, Hawaii Revised
3 Statutes.

4 SECTION 9. There is appropriated out of the ALOHA homes
5 revolving fund established pursuant to section 201H-L, Hawaii
6 Revised Statutes, the sum of \$ or so much thereof as
7 may be necessary for fiscal year 2021-2022 and the same sum or
8 so much thereof as may be necessary for fiscal year 2022-2023
9 for the purposes for which the revolving fund is established.

10 The sums appropriated shall be expended by the Hawaii
11 housing finance and development corporation for the purposes of
12 this Act.

13 SECTION 10. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2021-2022 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2022-2023 to fund one full-time equivalent (1.0 FTE)
18 program manager position, one full-time equivalent (1.0 FTE)
19 compliance specialist position, and one full-time equivalent
20 (1.0 FTE) fiscal clerk position within the Hawaii Housing
21 Finance and Development Corporation for the ALOHA Homes program.



1 The sums appropriated shall be expended by the Department
2 of Business, Economic Development, and Tourism for the purposes
3 of this Act.

4 SECTION 11. In codifying the new sections added by
5 section 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 12. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 13. This Act shall take effect on July 1, 2021.

11



Report Title:

HHFDC; Affordable Housing; ALOHA Homes; Public Land Exemptions; Appropriation

Description:

Establishes the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii Housing Finance and Development Corporation (HHFDC) to qualified residents. Exempts certain land from the definition of public lands. Requires HHFDC to gain legislative approval before disposing of certain lands. Requires HHFDC to transfer a number of ALOHA homes units to the Department of Hawaiian Home Lands or Office of Hawaiian Affairs. Provides for the disposition of lands acquired by HHFDC but no longer needed for the ALOHA homes program. Requires HHFDC to develop an ALOHA homes demonstration project by July 1, 2026. Appropriates funds. (Proposed SD1)

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

