
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§171-2 Definition of public lands.** "Public lands" means
4 all lands or interest therein in the State classed as government
5 or crown lands previous to August 15, 1895, or acquired or
6 reserved by the government upon or subsequent to that date by
7 purchase, exchange, escheat, or the exercise of the right of
8 eminent domain, or in any other manner; including lands accreted
9 after May 20, 2003, and not otherwise awarded, submerged lands,
10 and lands beneath tidal waters that are suitable for
11 reclamation, together with reclaimed lands that have been given
12 the status of public lands under this chapter, except:

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

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

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



- 1 (4) Lands to which the United States relinquished the
2 absolute fee and ownership under section 91 of the
3 Hawaiian Organic Act prior to the admission of Hawaii
4 as a state of the United States unless subsequently
5 placed under the control of the board of land and
6 natural resources and given the status of public lands
7 in accordance with the state constitution, the
8 Hawaiian Homes Commission Act, 1920, as amended, or
9 other laws;
- 10 (5) Lands to which the University of Hawaii holds title;
- 11 (6) Lands that are set aside by the governor to the Hawaii
12 housing finance and development corporation, lands
13 leased to the Hawaii housing finance and development
14 corporation by any department or agency of the State,
15 or lands to which the Hawaii housing finance and
16 development corporation in its corporate capacity
17 holds title;
- 18 (7) Lands to which the Hawaii community development
19 authority in its corporate capacity holds title;
- 20 (8) Lands set aside by the governor to the Hawaii public
21 housing authority or lands to which the Hawaii public



- 1 housing authority in its corporate capacity holds
2 title;
- 3 (9) Lands to which the department of agriculture holds
4 title by way of foreclosure, voluntary surrender, or
5 otherwise, to recover moneys loaned or to recover
6 debts otherwise owed the department under chapter 167;
- 7 (10) Lands that are set aside by the governor to the Aloha
8 Tower development corporation[+], lands leased to the
9 Aloha Tower development corporation by any department
10 or agency of the State[+], or lands to which the Aloha
11 Tower development corporation holds title in its
12 corporate capacity;
- 13 (11) Lands that are set aside by the governor to the
14 agribusiness development corporation[+], lands leased
15 to the agribusiness development corporation by any
16 department or agency of the State[+], or lands to
17 which the agribusiness development corporation in its
18 corporate capacity holds title;
- 19 (12) Lands to which the Hawaii technology development
20 corporation in its corporate capacity holds title; and



1 (13) Lands to which the department of education holds
2 title;
3 provided that, except as otherwise limited under federal law and
4 except for state land used as an airport as defined in
5 section 262-1, public lands shall include the air rights over
6 any portion of state land upon which a county mass transit
7 project is developed after July 11, 2005."

8 SECTION 2. Section 171-64.7, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) This section applies to all lands or interest therein
11 owned or under the control of state departments and agencies
12 classed as government or crown lands previous to August 15,
13 1895, or acquired or reserved by the government upon or
14 subsequent to that date by purchase, exchange, escheat, or the
15 exercise of the right of eminent domain, or any other manner,
16 including accreted lands not otherwise awarded, submerged lands,
17 and lands beneath tidal waters that are suitable for
18 reclamation, together with reclaimed lands that have been given
19 the status of public lands under this chapter, including:

20 (1) Land that is set aside pursuant to law for the use of
21 the United States;



- 1 (2) Land to which the United States relinquished the
2 absolute fee and ownership under section 91 of the
3 Organic Act prior to the admission of Hawaii as a
4 state of the United States;
- 5 (3) Land to which the University of Hawaii holds title;
- 6 (4) Land that is set aside by the governor to the Hawaii
7 housing finance and development corporation, land
8 leased to the Hawaii housing finance and development
9 corporation by any department or agency of the State,
10 or land to which the Hawaii housing finance and
11 development corporation in its corporate capacity
12 holds title;
- 13 (5) Land to which the department of agriculture holds
14 title by way of foreclosure, voluntary surrender, or
15 otherwise, to recover moneys loaned or to recover
16 debts otherwise owed the department under chapter 167;
- 17 (6) Land that is set aside by the governor to the Aloha
18 Tower development corporation[+], or land to which the
19 Aloha Tower development corporation holds title in its
20 corporate capacity;



- 1 (7) Land that is set aside by the governor to the
- 2 agribusiness development corporation[+], or land to
- 3 which the agribusiness development corporation in its
- 4 corporate capacity holds title;
- 5 (8) Land to which the Hawaii technology development
- 6 corporation in its corporate capacity holds title;
- 7 (9) Land to which the department of education holds title;
- 8 and
- 9 (10) Land to which the Hawaii public housing authority in
- 10 its corporate capacity holds title."

11 SECTION 3. Section 201H-9, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "[+]§201H-9[+] **Acquisition, use, and disposition of**
 14 **property.** (a) The corporation may acquire any real or personal
 15 property or interest therein by purchase, exchange, gift, grant,
 16 lease, or other means from any person or government to provide
 17 housing. Exchange of real property shall be in accordance with
 18 section 171-50. Any lands leased to the corporation by any
 19 department or agency of the State that are no longer needed for
 20 housing, finance, or development pursuant to this chapter shall



1 be returned to the department or agency of the State that leased
2 the lands to the corporation.

3 (b) The corporation may own or hold real property. All
4 real property owned or held by the corporation shall be exempt
5 from mechanic's or materialman's liens and also from levy and
6 sale by virtue of an execution, and no execution or other
7 judicial process shall issue against the same nor shall any
8 judgment against the corporation be a charge or lien upon its
9 real property; provided that this subsection shall not apply to
10 or limit the right of obligees to foreclose or otherwise enforce
11 any mortgage of the corporation or the right of obligees to
12 pursue any remedies for the enforcement of any pledge or lien
13 given by the corporation on its rents, fees, or revenues. The
14 corporation and its property shall be exempt from all taxes and
15 assessments.

16 (c) The corporation may lease or rent all or a portion of
17 any housing project and establish and revise the rents or
18 charges therefor. The corporation may sell, exchange, transfer,
19 assign, or pledge any property, real or personal, or any
20 interest therein to any person or government.



1 (d) The corporation may insure or provide for the
2 insurance of its property or operations against risks as it
3 deems advisable.

4 (e) With regard to real property set aside or leased to
5 the corporation that was classed as government or crown lands
6 previous to August 15, 1895, or exchanged for such lands by the
7 corporation for an aggregate period of more than sixty-five
8 years, the corporation shall submit the following documentation
9 to the office of Hawaiian affairs at least three months prior to
10 any plan to develop or finance an affordable housing development
11 under this section:

12 (1) The specific location and size of the parcel of land
13 to be developed or financed; and

14 (2) A detailed project description of the proposed
15 affordable housing development, including the type of
16 project, whether rental or owned; number of stories;
17 number of units; amenities; estimated rent or sales
18 price of the units; and a development timeline."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Public Lands; Hawaii Housing Finance and Development Corporation; Office of Hawaiian Affairs; Affordable Housing

Description:

Clarifies that lands set aside by the governor to the Hawaii housing finance and development corporation or leased to the corporation by other state departments or agencies are exempt from the definition of "public lands". Clarifies that lands set aside by the governor or leased to the Hawaii housing finance development corporation from other state departments or agencies are subject to legislative approval prior to the sale or gift of those lands. Requires the corporation to return any land leased to the corporation by other state departments or agencies if the land is no longer needed for housing, finance, or development. Requires the Hawaii housing finance and development corporation to submit certain documentation to the office of Hawaiian affairs regarding government or crown lands set aside or leased to the corporation prior to the corporation developing or financing an affordable housing development on those lands. Effective 7/1/2050. (HD1)

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