

JAN 21 2022

A BILL FOR AN ACT

RELATING TO LEASEHOLD CONDOMINIUMS ON LANDS CONTROLLED BY THE
STATE.

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

SECTION 1. Chapter 201H, Hawaii Revised Statutes, is
amended by adding a new section to part II to be appropriately
designated and to read as follows:

"§201H- Leasehold condominiums on state land. (a) The
corporation may sell leasehold units in condominiums created
pursuant to chapter 514B and developed under this part on state
land to a "qualified resident" as defined in section 201H-32.

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

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

(d) State land set aside by the governor to the
corporation and lands leased to the corporation by any
department or agency of the State for a condominium described in



1 this section shall be exempt from the definition of "public
2 land" under section 171-2.

3 (e) The powers conferred upon the corporation by this
4 section shall be in addition and supplemental to the powers
5 conferred by any other law, and nothing in this section shall be
6 construed as limiting any powers, rights, privileges, or
7 immunities so conferred."

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

10 **"§171-2 Definition of public lands.** "Public lands" means
11 all lands or interest therein in the State classed as government
12 or crown lands previous to August 15, 1895, or acquired or
13 reserved by the government upon or subsequent to that date by
14 purchase, exchange, escheat, or the exercise of the right of
15 eminent domain, or in any other manner; including lands accreted
16 after May 20, 2003, and 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, except:

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



- 1 (2) Lands set aside pursuant to law for the use of the
2 United States;
- 3 (3) Lands being used for roads and streets;
- 4 (4) Lands to which the United States relinquished the
5 absolute fee and ownership under section 91 of the
6 Hawaiian Organic Act prior to the admission of Hawaii
7 as a state of the United States unless subsequently
8 placed under the control of the board of land and
9 natural resources and given the status of public lands
10 in accordance with the state constitution, the
11 Hawaiian Homes Commission Act, 1920, as amended, or
12 other laws;
- 13 (5) Lands to which the University of Hawaii holds title;
- 14 (6) Lands to which the Hawaii housing finance and
15 development corporation in its corporate capacity
16 holds title[+] and state lands set aside by the
17 governor to the development corporation or lands
18 leased to the development corporation by any
19 department or agency of the State for a condominium
20 described in section 201H- ;



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



1 the agribusiness development corporation in its

2 corporate capacity holds title;

3 (12) Lands to which the Hawaii technology development

4 corporation in its corporate capacity holds title; and

5 (13) Lands to which the department of education holds

6 title;

7 provided that, except as otherwise limited under federal law and

8 except for state land used as an airport as defined in section

9 262-1, public lands shall include the air rights over any

10 portion of state land upon which a county mass transit project

11 is developed after July 11, 2005."

12 SECTION 3. Statutory material to be repealed is bracketed

13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'B. S. L.', written over a horizontal line.

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Report Title:

Leases; Leasehold Condominiums on Lands Controlled by the State;
Hawaii Housing Finance and Development Corporation

Description:

Authorizes the Hawaii Housing Finance and Development Corporation to enter into ninety-nine-year leases of units in residential condominiums located on state lands.

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

