

JAN 21 2022

# A BILL FOR AN ACT

RELATING TO HOUSING.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## "CHAPTER

### HAWAII TRANSIT-ORIENTED HOUSING CORPORATION

§ -1 Definitions. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Board" means the board of directors of the Hawaii transit-oriented housing corporation.

"Contract" means any agreement of the corporation with an obligee or a trustee for the obligee, whether contained in a resolution, trust indenture, mortgage, lease, bond, or other instrument.

"Corporation" means the Hawaii transit-oriented housing corporation.



1 "Executive director" means the executive director of the  
2 Hawaii transit-oriented housing corporation.

3 "Federal government" includes the United States and any  
4 agency or instrumentality, corporate or otherwise, of the United  
5 States.

6 "Government" or "government agency" includes the State and  
7 the United States and any political subdivision, agency, or  
8 instrumentality, corporate or otherwise, of either of them.

9 "Land" or "property" includes vacant land or land with site  
10 improvements, whether partially or entirely finished in  
11 accordance with governmental subdivision standards, or with  
12 complete dwellings.

13 "Mortgage holder" includes the United States Department of  
14 Housing and Urban Development, Federal Housing Administration,  
15 the United States Department of Agriculture, or other federal or  
16 state agency engaged in housing activity, United States  
17 Department of Veterans Affairs, Federal National Mortgage  
18 Association, Government National Mortgage Association, Federal  
19 Home Loan Mortgage Corporation, private mortgage lender, private  
20 mortgage insurer, and their successors, grantees, and assigns.



1 "Nonprofit organization" means a corporate entity,  
2 association, or other duly chartered entity that is registered  
3 with the State and has received a written determination from the  
4 Internal Revenue Service that it is exempt under either section  
5 501(c)(3), section 501(c)(4), or so much of section 501(c)(2) as  
6 applied to title holding entities that turn over their income to  
7 organizations that are exempt under either section 501(c)(3) or  
8 501(c)(4), of the Internal Revenue Code of 1986, as amended.

9 "Obligee of the corporation" or "obligee" includes any  
10 bondholder, trustee or trustees for any bondholders, any lessor  
11 demising property to the corporation used in connection with a  
12 housing project, or any assignee or assignees of the lessor's  
13 interest or any part thereof, and the United States, when it is  
14 a party to any contract with the corporation.

15 § -2 Hawaii transit-oriented housing corporation;  
16 establishment, staff. (a) There is established the Hawaii  
17 transit-oriented housing corporation to be placed within the  
18 department of business, economic development, and tourism for  
19 administrative purposes only. The corporation shall be a public  
20 body and a body corporate and politic. The corporation shall



1 coordinate the development of housing on state owned lands near  
2 rail stations or other transit hubs.

3 (b) The corporation shall employ, exempt from chapter 76  
4 and section 26-35(a)(4), an executive director and an executive  
5 assistant. The executive director shall be paid a salary not to  
6 exceed the salary of the director of business, economic  
7 development, and tourism. The executive assistant shall be paid  
8 a salary not to exceed ninety per cent of the executive  
9 director's salary. The corporation may employ, subject to  
10 chapter 76, technical experts and officers, agents, and  
11 employees, permanent and temporary, as required. The  
12 corporation may also employ officers, agents, and employees,  
13 prescribe their duties and qualifications, and fix their  
14 salaries, not subject to chapter 76, when in the determination  
15 of the corporation, the services to be performed are unique and  
16 essential to the execution of the functions of the corporation.  
17 The corporation may call upon the attorney general for legal  
18 services as it may require. The corporation may delegate to one  
19 or more of its agents or employees its powers and duties as it  
20 deems proper.



1 (c) The board shall submit a report to the legislature no  
2 later than twenty days prior to the convening of the regular  
3 session immediately following each adjustment of salary of the  
4 executive director.

5 § -3 Board; establishment, functions, duties. (a)

6 There is created a board of directors of the Hawaii transit-  
7 oriented housing corporation consisting of nine members, of whom  
8 six shall be public members appointed by the governor as  
9 provided in section 26-34. At least four of the public members  
10 shall have knowledge and expertise in public or private  
11 financing and development of transit-oriented housing. Public  
12 members shall be appointed from each of the counties in which  
13 there is located a transit-oriented development project. At  
14 least one public member shall represent community advocates for  
15 low-income housing, affiliated with private nonprofit  
16 organizations that serve the residents of low-income housing.  
17 The public members of the board shall serve four-year staggered  
18 terms; provided that the initial appointments shall be as  
19 follows:

20 (1) Two members to be appointed for four years;

21 (2) Two members to be appointed for three years; and



1           (3) Two members to be appointed for two years.

2   The director of business, economic development, and tourism and  
3   the director of finance, or their designated representatives, and  
4   a representative of the governor's office, shall be ex officio,  
5   voting members. The corporation shall be headed by the board.

6           (b) The board of directors shall select a chairperson and  
7   vice chairperson from among its members; provided that the  
8   chairperson shall be a public member. The director of business,  
9   economic development, and tourism, director of finance, and the  
10   governor's representative shall be ineligible to serve as  
11   chairperson of the board.

12           (c) Five members shall constitute a quorum, whose  
13   affirmative vote shall be necessary for all actions by the  
14   corporation. The members shall receive no compensation for  
15   services, but shall be entitled to necessary expenses, including  
16   travel expenses, incurred in the performance of their duties.

17       §   -4   **General powers.** (a) The corporation may:

18           (1) Sue and be sued;

19           (2) Have a seal and alter the same at pleasure;

20           (3) Make and execute contracts and other instruments

21           necessary or convenient to the exercise of its powers;



(4) Adopt bylaws and rules in accordance with chapter 91 for its organization, internal management, and to carry into effect its purposes, powers, and programs; and

(5) Notwithstanding any law to the contrary, establish and collect fees for administrative expenses incurred by the corporation to process applications for loans, grants, services, and real estate documents related to the corporation's functions under this chapter.

(b) In addition to other powers conferred upon it, the corporation may do all things necessary and convenient to carry out the powers expressly provided in this chapter."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Stacy", is written over a horizontal line.

# S.B. NO. 2589

**Report Title:**

Hawaii Transit-Oriented Housing Corporation; Establishment; Non-Profit Organization

**Description:**

Establishes the Hawaii Transit-Oriented Housing Corporation to coordinate the development on state lands near rail stations and other transit hubs.

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

