
A BILL FOR AN ACT

RELATING TO WAIAKEA PENINSULA REDEVELOPMENT.

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

1 SECTION 1. The legislature finds that the rejuvenation of
2 public lands located on the Waiakea peninsula on the island of
3 Hawaii that have become dilapidated, obsolete, or have
4 deteriorated over time is in the best interest of the public and
5 constitutes a valid public purpose.

6 The purpose of this Act is to establish the Waiakea
7 peninsula on the island of Hawaii as a redevelopment district
8 and establish:

- 9 (1) Policies for the management of lands in the
10 redemption district;
- 11 (2) A plan for the district, including district-wide
12 improvements, that is coordinated with state and
13 county land use and planning policies; and
- 14 (3) Asset and property management concepts that will
15 optimize income from the properties and evolve in
16 response to changing principles of property
17 administration.



1 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . WAIAKEA PENINSULA PUBLIC LANDS REDEVELOPMENT**

5 **§171-A Definitions.** As used in this part, unless the
6 context requires otherwise:

7 "Premises" means the property that is being leased or
8 rented in the Waiakea peninsula redevelopment district.

9 "Public facilities" includes streets and highways, storm
10 drainage systems, water systems, street lighting systems, off-
11 street parking facilities, and sanitary sewerage systems.

12 "Waiakea peninsula redevelopment district" means the area
13 of public lands designated for redevelopment pursuant to section
14 171-B.

15 "Waiakea planning committee" or "committee" means the
16 policy-making committee established for the Waiakea peninsula
17 redevelopment district pursuant to section 171-C.

18 **§171-B Waiakea peninsula redevelopment district;**
19 **boundaries; transfer to the committee.** (a) The legislature
20 designates the public lands on the Waiakea peninsula on the
21 island of Hawaii classified as commercial and industrial; hotel,



1 apartment, and motel; or resort use pursuant to section 171-10
2 as the Waiakea peninsula redevelopment district.

3 (b) The Waiakea peninsula redevelopment district shall
4 include the area bounded by the shoreline from the intersection
5 of Lihikai street and Kamehameha avenue; Kamehameha avenue to
6 its intersection with Kalaniana'ole avenue; Kalaniana'ole avenue
7 to its intersection with Banyan way; Banyan way from its
8 intersection with Kalaniana'ole avenue to its intersection with
9 Banyan drive; from the intersection of Banyan way and Banyan
10 drive to the shoreline; the shoreline around the Waiakea
11 peninsula, including Mokuola island, to the intersection of
12 Lihikai street and Kamehameha avenue.

13 (c) The management of the public lands within the Waiakea
14 peninsula redevelopment district shall be transferred to the
15 Waiakea planning committee; provided that any lessee or
16 permittee within the Waiakea peninsula redevelopment district
17 shall comply fully with the existing lease or permit.

18 (d) All rules, policies, procedures, guidelines, leases,
19 contracts, loans, agreements, permits, and other materials and
20 documents adopted or developed by the department to implement



1 applicable state laws shall remain in full force and effect
2 until amended or repealed by the committee.

3 **§171-C Waiakea planning committee; members; district**
4 **administrator; repeal.** (a) A planning committee for the
5 Waiakea peninsula redevelopment district shall be established
6 within the department for administrative purposes.

7 (b) The committee shall be an executive committee for the
8 Waiakea peninsula redevelopment district and shall consist of
9 nine voting members. The committee shall consist of:

10 (1) The chairperson of the board of land and natural
11 resources and the director of planning of the county
12 of Hawaii, or their designated representatives, who
13 shall be ex officio, voting members; and

14 (2) Seven members of the public appointed by the governor
15 pursuant to section 26-34; provided that:

16 (A) Two of the members shall be selected from a list
17 of three names for each nomination submitted by
18 the president of the senate, in collaboration
19 with the senate legislators from the county of
20 Hawaii; and two of the members shall be selected
21 from a list of three names for each nomination



1 submitted by the speaker of the house of
2 representatives, in collaboration with the house
3 legislators from the county of Hawaii; provided
4 further that the governor shall select the
5 members no later than days after receipt of
6 each list;

7 (B) All members shall be residents of the State, and
8 three of the members shall be residents of the
9 county of Hawaii;

10 (C) One of the members shall represent the business
11 sector of the county of Hawaii;

12 (D) One of the members shall have experience and
13 expertise in the area of Hawaiian cultural
14 practices; and

15 (E) All members shall be selected on the basis of
16 their knowledge, experience, and expertise in one
17 of the following areas:

- 18 (i) Management of small or large businesses;
19 (ii) Economics, banking, investment, or finance;
20 (iii) Real estate development;
21 (iv) Marketing;



1 (v) Regenerative tourism practices;
2 (vi) Hawaiian cultural practices; or
3 (vii) Hotel and resort management;
4 provided further that the governor shall appoint the
5 members described in subparagraphs (B) to (E) no later
6 than days after the effective date of this Act.
7 (c) The committee shall elect its chairperson from among
8 its members of the public.
9 (d) The members of the committee shall serve without
10 compensation but shall be reimbursed for reasonable expenses,
11 including travel expenses, incurred in the performance of their
12 duties. This subsection shall not be construed to prohibit the
13 ex officio members of the committee from receiving their
14 salaries and wages for their work as public officials.
15 (e) The committee shall appoint a district administrator,
16 who shall be the chief executive officer for the Waiakea
17 peninsula redevelopment district. The district administrator
18 shall have expertise in engineering, planning, architecture,
19 real estate, or law. The committee shall set the district
20 administrator's duties, responsibilities, holidays, vacations,
21 leaves, hours of work, and working conditions. The committee



1 shall set the salary of the district administrator, who shall
2 serve at the pleasure of the committee and shall be exempt from
3 chapter 76.

4 (f) The committee shall be dissolved upon the completion
5 of the redevelopment project.

6 **§171-D Powers and duties; generally; exemption from**
7 **administrative supervision of boards and commissions.** (a) The
8 committee shall have the following powers and duties:

9 (1) Through its district administrator, appoint staff and
10 employees, prescribe their duties and qualifications,
11 and fix their salaries, without regard to chapter 76;

12 (2) Through its district administrator:

13 (A) Allocate space or spaces that are to be occupied
14 by the committee and appropriate staff; and

15 (B) Purchase necessary supplies, equipment, or
16 furniture;

17 (3) Prepare a redevelopment plan for the Waiakea peninsula
18 redevelopment district;

19 (4) Notwithstanding any other law to the contrary, lease
20 public lands in the Waiakea peninsula redevelopment
21 district and renew or renegotiate any lease in



1 connection with any project contained in the
2 redevelopment plan for the Waiakea peninsula
3 redevelopment district, on terms and conditions
4 pursuant to section 171-E and consistent with the
5 redevelopment plan;

6 (5) Prepare or cause to be prepared plans, design
7 criteria, landscaping, and estimates of costs for the
8 construction, rehabilitation, repair, or destruction
9 of any project contained in the redevelopment plan,
10 and from time to time modify the plans or estimates;

11 (6) Conduct studies in conjunction with county and state
12 agencies necessary to determine the appropriate
13 activities for redevelopment in the Waiakea peninsula
14 redevelopment district;

15 (7) Reduce or waive the lease rental on any lease of
16 public land for any project in the Waiakea peninsula
17 redevelopment district that requires substantial
18 improvements; provided that the duration of the
19 reduction or waiver shall not exceed one year;

20 (8) Make and execute all contracts and instruments
21 necessary for the exercise of its powers and functions



- 1 relating to the Waiakea peninsula redevelopment
2 district, including engaging the services of
3 consultants for rendering of professional and
4 technical assistance and advice;
- 5 (9) Enter into a development agreement with a developer or
6 developers for any project contained in the
7 redevelopment plan; provided that the development
8 agreement shall contain:
- 9 (A) A description of the location, area, and size of
10 the parcel to be developed;
- 11 (B) The use or uses to which the parcel shall be put
12 in conformance with the redevelopment plan and
13 with applicable state and county laws and
14 ordinances;
- 15 (C) The period of time for the construction and
16 completion of the redevelopment; and
- 17 (D) Other terms and conditions that the committee
18 deems necessary;
- 19 (10) Work closely and communicate with the county to
20 coordinate the execution of the Waiakea peninsula



1 redevelopment district's planning, incremental
2 projects, work schedules, public works, and budget;
3 (11) Sue or be sued;
4 (12) Adopt a seal and alter the same at its pleasure; and
5 (13) Do any and all things necessary to carry out its
6 purposes and exercise the powers given and granted in
7 this part.

8 (b) Notwithstanding any law to the contrary, the committee
9 shall be exempt from section 26-35(a)(1), (4), (5), and (6).

10 **§171-E District redevelopment plan.** (a) The committee
11 shall prepare a redevelopment plan for the Waiakea peninsula
12 redevelopment district, including district development policies,
13 the district improvement program, necessary public facilities,
14 and the development guidelines and rules for the Waiakea
15 peninsula redevelopment district. In carrying out its planning
16 activities, the committee shall comply with chapter 205A and
17 applicable county building and zoning ordinances.

18 (b) In preparing a redevelopment plan for the Waiakea
19 peninsula redevelopment district, the following guidelines shall
20 govern the committee's actions:



- 1 (1) Development of a community according to design
2 policies that promote the appropriate mixture of uses
3 that respond to the social, economic, and physical
4 needs of the residents of the county of Hawaii and the
5 district's businesses; and
- 6 (2) Recognition of the visitor industry as the primary
7 commercial use of the district and promotion of
8 development and design concepts that preserve
9 environmental elements such as view planes; enhance
10 historical and cultural assets; and are sensitive to
11 the impact on adjacent residential, commercial,
12 industrial, and other uses.
- 13 (c) The committee shall prepare a redevelopment plan for
14 the Waiakea peninsula redevelopment district that:
- 15 (1) Establishes, if applicable, areas principally for:
- 16 (A) Commercial activities;
- 17 (B) Processing, construction, deconstruction,
18 manufacturing, transportation, wholesaling,
19 storage, and similar industrial activities;
- 20 (C) Resort and hotel activities, including uses that
21 provide facilities and services for visitors; and



- 1 (D) Public facilities and recreational facilities,
2 with detailed standards for height, bulk, size,
3 and location of buildings;
- 4 (2) Includes a district-wide improvement program for
5 necessary district-wide public facilities within the
6 Waiakea peninsula redevelopment district;
- 7 (3) Includes plans, specifications, and estimates of the
8 costs for the development, construction,
9 deconstruction, reconstruction, or improvement of any
10 project in the Waiakea peninsula redevelopment
11 district, and from time to time modify the plans,
12 specifications, or estimates;
- 13 (4) If possible, identifies specific uses for areas in the
14 Waiakea peninsula redevelopment district and the
15 required parceling of land into minimum size areas
16 related to the specific uses;
- 17 (5) Determines the lease rental that should be established
18 for the specific uses and the terms and conditions of
19 the leases;
- 20 (6) Establishes interim development controls to be
21 implemented during the transition to the execution of



1 the provisions of the redevelopment plan, such as
2 recommending the holdover of a lessee pursuant to
3 section 171-40 or issuance of permits pursuant to
4 section 171-55 to existing lessees upon the expiration
5 of their lease terms; and

6 (7) Allows the use of land or any building existing on the
7 date the redevelopment plan is adopted to continue as
8 a nonconforming use; provided that the nonconforming
9 building shall not be replaced, expanded, or changed
10 to another nonconforming use.

11 (d) The district redevelopment plan may provide for the
12 withdrawal or taking for public purposes of public land or
13 portion of public land under a lease. The rental shall be
14 reduced in proportion to the value of the portion of the
15 premises condemned, and the lessee shall be entitled to receive
16 the proportionate value of the permanent improvements legally
17 made to or constructed upon the land by the lessee taken in the
18 proportion that it bears to the unexpired term of the lease.

19 (e) Prior to adoption, the committee shall hold a public
20 hearing on a proposed redevelopment plan for the Waiakea
21 peninsula redevelopment district and shall consider the comments



1 received and incorporate any revisions to the plan that may be
2 necessary.

3 (f) No later than after the effective date of
4 this Act, the committee shall submit a report to the board of
5 the redevelopment plan adopted by the committee with its
6 recommendations for appropriations by the legislature or the
7 authorization of bonds, or both, to implement the redevelopment
8 plan in a timely manner. The board shall review the
9 redevelopment plan to approve, disapprove, or modify the plan
10 and provide such recommendation in its report and submit the
11 report to the governor and the legislature with a request for
12 any necessary appropriations or bond authorizations.

13 **§171-F Leases.** All leases issued by the committee may
14 contain:

- 15 (1) The lessee's name, telephone number, address, and
16 electronic mail address;
- 17 (2) A description of the premises being leased;
- 18 (3) The specific use or uses to which the premises shall
19 be limited; provided that no other uses shall be
20 permitted without the prior written consent of the
21 committee;



- 1 (4) The exact commencement and termination dates of the
2 lease, and the specific term and type of notice
3 required to exercise any renewal option;
- 4 (5) The rent payable not more than one year in advance or
5 in installments in monthly, quarterly, semiannual, or
6 annual payments;
- 7 (6) When rent is based on a percentage of sales, the rent
8 shall be a percentage of the gross sales sold from the
9 premises; or a minimum or base rent, plus a percentage
10 of sales over an amount established by negotiation;
- 11 (7) A rent adjustment clause tied to an inflation-based
12 index, such as the consumer price index, to allow an
13 annual rent adjustment, downward or upward, based on
14 the index;
- 15 (8) The repairs and maintenance that are the
16 responsibility of the lessee and the systems and
17 components that are the responsibility of the
18 committee; provided that all modifications and
19 improvements shall be done in compliance with
20 applicable building codes and zoning ordinances;



- 1 (9) Insurance coverage, at a minimum, for fire, liability,
2 and property damage;
- 3 (10) Prohibition of assignment or subletting of the lease
4 without the written consent of the committee;
- 5 (11) Criteria for lessee default, including:
 - 6 (A) Failure to pay any installment of rent or other
7 payment within an agreed to number of days after
8 the due date;
 - 9 (B) Failure to perform or observe any covenant, term,
10 or condition under the lease; or
 - 11 (C) Failure to continue a business, or vacating or
12 abandoning the premises; and
- 13 (12) Remedies for lessee default, including:
 - 14 (A) Failure to perform as required by the lease;
 - 15 (B) Termination of the lease and suing for damages;
16 and
 - 17 (C) Dispossessing the lessee and suing for damages.

18 **§171-G Waiakea peninsula redevelopment district revolving**
19 **fund.** (a) There is established the Waiakea peninsula
20 redevelopment district revolving fund into which shall be
21 deposited:



1 (1) The revenues, income, and receipts from the public
2 lands in the Waiakea peninsula redevelopment district
3 that is established by the committee;

4 (2) Moneys appropriated by the legislature to the
5 revolving fund; and

6 (3) Any gifts, grants, and other funds accepted by the
7 committee.

8 (b) Moneys in the revolving fund shall be expended by the
9 committee and used in the Waiakea peninsula redevelopment
10 district for the purposes of this part; provided that no
11 expenditure shall be made from the fund and no obligation shall
12 be incurred against the fund in excess of the amount standing to
13 the credit of the fund.

14 (c) After the committee is dissolved, the unencumbered
15 balance remaining in the revolving fund shall be transferred to
16 the special land and development fund established pursuant to
17 section 171-19."

18 SECTION 3. (a) All deeds, leases, contract, loans,
19 agreements, permits, or other documents executed or entered into
20 by or on behalf of the department of land and natural resources,
21 pursuant to the provisions of the Hawaii Revised Statutes that



1 are enacted, transferred, or made applicable to the Waiakea
2 peninsula redevelopment district planning committee by this Act
3 shall remain in full force and effect.

4 (b) Effective July 1, , every reference to the
5 department of land and natural resources or the chairperson of
6 the board of land and natural resources to all deeds, leases,
7 contract, loans, agreements, permits, or other documents
8 enacted, transferred, or made applicable to the Waiakea
9 peninsula redevelopment district planning committee pursuant to
10 subsection (a) shall be construed as a reference to the Waiakea
11 peninsula redevelopment district planning committee or the
12 district administrator, as appropriate.

13 SECTION 4. Upon repeal of this Act, all leases, contract,
14 agreements, permits, or other documents executed or entered into
15 by or on behalf of the Waiakea peninsula redevelopment district
16 planning committee shall remain in full force and effect and
17 shall be administered by the department of land and natural
18 resources.

19 SECTION 5. Upon repeal of this Act, all appropriations,
20 records, equipment, machines, files, supplies, contracts, books,
21 papers, documents, maps, and other personal property held by the



1 Waiakea peninsula redevelopment district planning committee
2 shall be transferred to the department of land and natural
3 resources.

4 SECTION 6. The revisor of statutes shall insert the
5 effective date of this Act in the appropriate location in
6 section 2 of this Act.

7 SECTION 7. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2022-2023 to be
10 deposited into the Waiakea peninsula redevelopment district
11 revolving fund.

12 SECTION 8. There is appropriated out of the Waiakea
13 peninsula redevelopment district revolving fund the sum of
14 \$ or so much thereof as may be necessary for fiscal
15 year 2022-2023 for the purposes of this Act.

16 The sum appropriated shall be expended by the department of
17 land and natural resources for the purposes of this Act.

18 SECTION 9. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 10. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 11. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 12. This Act shall take effect on July 1, 2050,
11 and shall be repealed on June 30, 2032.

12



H.B. NO. 1788
H.D. 1

Report Title:

Waiakea Peninsula; Redevelopment; Revolving Fund; Appropriation

Description:

Establishes the Waiakea peninsula redevelopment district and planning committee for the redevelopment of public lands on the Waiakea peninsula. Establishes the Waiakea peninsula redevelopment district revolving fund. Makes an appropriation. Sunsets June 30, 2032. Effective July 1, 2050. (HD1)

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