
A BILL FOR AN ACT

RELATING TO LAHAINA.

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

1 PART I

2 SECTION 1. Chapter 206E, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 "PART . LELE COMMUNITY DISTRICT

6 §206E- Purposes; findings. The legislature finds that
7 the wildfire of August 8, 2023, devastated Lahaina's heritage,
8 economy, and sense of place, and has deeply affected housing,
9 businesses, jobs, and treasured resources. If the area is not
10 rebuilt in a deliberate, coordinated, and expeditious manner,
11 the area may languish in the long term and affect the well-being
12 of the land, the people, and the economy. However, there is an
13 opportunity to rebuild Lahaina by preserving and reintroducing
14 its valued resources in a manner that reflects the values and
15 priorities of its residents and businesses, and addresses future
16 challenges, including climate change and affordable housing.



1 Accordingly, the purpose of this part is to establish the
2 Lele community district to facilitate the rebuilding of Lahaina.

3 **§206E- Definitions.** As used in this part, unless the
4 context otherwise requires:

5 "Board" shall mean the Lele community district board
6 established pursuant to this part.

7 "District" means the Lele community district.

8 "Fund" means the Lele community special fund.

9 "Wildfire" means the wildfire that affected Lahaina on
10 August 8, 2023.

11 **§206E- District established; boundaries.** The Lele
12 community district is hereby established under the board. The
13 district shall comprise the Lahaina moku, which includes twenty-
14 nine ahupua`a, as noted in the State of Hawaii geographical
15 information system database.

16 **§206E- State lands within district.** After planning for
17 the district is completed, the board shall determine what state-
18 owned lands, if any, except lands under the jurisdiction of the
19 department of Hawaiian home lands, that shall be transferred to
20 either the board or the Hawaii community development authority.



1 **§206E- Lele community district board; established;**
2 **members; terms.** (a) There is established the Lele community
3 district board, which shall be placed under the authority within
4 the department of business, economic development, and tourism
5 for administrative purposes. The nine members of the board
6 shall be residents of the district.

7 (b) The board shall have the powers and responsibilities
8 that would otherwise be assigned to the authority pursuant to
9 section 206E-4, except powers and responsibilities that bear no
10 relation to the district.

11 (c) The district shall be governed by the board. The
12 board shall carry out the duties and responsibilities as set
13 forth in this part.

14 (d) Pursuant to section 92-15, a majority of all members
15 of the board shall constitute a quorum to do business, and the
16 concurrence of a majority of all board members shall be
17 necessary to make any action of the board valid.

18 (e) The nine members of the board shall be elected
19 pursuant to applicable law. The term of office of each member
20 shall begin on the day of the election held in conjunction with
21 the general election of the year in which they are elected and



1 ending on the day of the election held in conjunction with the
2 following general election.

3 (f) The board may establish one or more advisory groups,
4 consisting only of individuals who are not board members, to
5 advise the board as to matters related to this part.

6 **§206E- Board; Hawaii community development authority;**

7 **relationship.** (a) The board shall have sole jurisdiction over
8 the district. The authority shall not have jurisdiction over
9 the district except to the extent that the board is
10 administratively placed under the authority and as set forth in
11 this section.

12 (b) All employees necessary to carry out the purposes of
13 this part may be employed or retained by the authority.

14 (c) Existing employees of the authority may carry out
15 tasks necessary to carry out the purposes of this part.

16 (d) The authority and the board may enter into a
17 memorandum of agreement to clarify the roles, relationship, and
18 responsibilities of the authority and board with regard to the
19 district.

20 (e) The board may delegate any tasks or duties to the
21 authority as necessary to carry out the purposes of this part.



1 (f) To the extent applicable, the board shall follow the
2 administrative procedures set forth in part I with respect to
3 public notice and hearings.

4 **§206E- Community plan.** The board shall create and
5 implement, as expeditiously as possible, a community plan for
6 the rebuilding within the district, in coordination with all
7 stakeholders, including the county of Maui, residents,
8 landowners, charitable organizations, and businesses. The board
9 shall review and may consider all relevant past plans and
10 strategies, and shall be the master coordinator of all federal,
11 state, and county agencies for recovery within the district. To
12 the extent applicable, the board shall follow the administrative
13 procedures set forth in section 206E-5.

14 **§206E- Lele community district; guidance policies.** The
15 following guidance policies shall generally govern the board's
16 actions in the district:

- 17 (1) The board's actions shall result in a community that:
- 18 (A) Reflects the values, aspirations and goals of
19 residents;
- 20 (B) Includes a significant number of affordable
21 homes;



- 1 (C) Encourages a thriving, sustainable business
- 2 sector that includes tourism; and
- 3 (D) Restores community assets, including schools,
- 4 parks, gathering places, and ocean-based
- 5 recreation;
- 6 (2) Rebuilding shall be in accordance with fire prevention
- 7 strategies;
- 8 (3) The provision of new housing, replacing the
- 9 approximately three thousand units destroyed in the
- 10 wildfire, shall be a priority, and include the
- 11 participation of other government agencies, nonprofit
- 12 organizations, and builders of housing;
- 13 (4) The design of all neighborhoods shall include
- 14 alternative means of mobility, including pathways,
- 15 bikeways, public transportation, and other strategies
- 16 that reduce the dependence on private vehicles and
- 17 provide redundant travel routes;
- 18 (5) The threat of sea level rise and other climate change
- 19 impacts shall be addressed through appropriate
- 20 mitigation strategies, including shoreline setbacks
- 21 and underground utility placement;



- 1 (6) Major public view planes, view corridors and
2 preservation of landmarks shall be preserved through
3 necessary regulation and design review;
- 4 (7) Rebuilding in the district shall be compatible with
5 county plans and zoning, as reflected in any relevant
6 county plan and Lahaina historic district, as amended;
- 7 (8) Building in residential areas shall cater to the needs
8 of residents, especially those who lost their homes in
9 the fire, in terms of location, type of housing, and
10 cost;
- 11 (9) Public facilities within the district shall be
12 planned, located, and upgraded to support rebuilding
13 plans and policies for the district as established by
14 this part;
- 15 (10) Restoration of cultural practices, educational assets,
16 and natural resources shall be supported and
17 encouraged;
- 18 (11) Special management area permit administration for the
19 district shall remain under the authority of the
20 county of Maui;



1 (12) When reconstructing public rights-of-way,
2 consideration may be given to establishing public
3 street names that are in the Hawaiian language and
4 relate to the area's history, geography, and culture;
5 and

6 (13) Any other guidance policies that are approved by the
7 board and consistent with the foregoing paragraphs.

8 **§206E- Board; powers.** Except as otherwise limited by
9 this part, with respect to the district, the board may:

10 (1) Establish and administer programs for purposes of this
11 part;

12 (2) Make and execute contracts and all other instruments
13 necessary or convenient for the exercise of its powers
14 and functions under this part;

15 (3) Prepare or cause to be prepared a community plan for
16 the district;

17 (4) Acquire, reacquire, or contract to acquire or
18 reacquire, by grant or purchase, real, personal, or
19 mixed property, or any interest therein, and own,
20 hold, clear, improve, rehabilitate, sell, assign,



- 1 exchange, transfer, convey, lease, or otherwise
2 dispose of or encumber the same;
- 3 (5) Acquire or reacquire by condemnation real, personal,
4 or mixed property, or any interest therein, for
5 purposes of this part;
- 6 (6) By itself or in partnership with qualified persons,
7 acquire, reacquire, construct, reconstruct,
8 rehabilitate, improve, alter, or repair or provide for
9 the construction, reconstruction, improvement,
10 alteration, or repair of any improvement and own,
11 hold, sell, assign, transfer, convey, exchange, lease,
12 or otherwise dispose of or encumber any improvement;
- 13 (7) Arrange or contract for the planning, replanning,
14 opening, grading, or closing of streets, roads,
15 roadways, alleys, or other places, or the furnishing
16 of facilities, or for the acquisition of property or
17 property rights, or for the furnishing of property or
18 services in connection with any project;
- 19 (8) Prepare or cause to be prepared plans, specifications,
20 designs, and estimates of costs for the construction,
21 reconstruction, rehabilitation, improvement,



- 1 alteration, or repair of any improvement project, and
2 modify the plans, specifications, designs, or
3 estimates of any project;
- 4 (9) Provide or obtain advisory, consultative, training,
5 and educational services, technical assistance, and
6 advice to or from any person, partnership, or
7 corporation, either public or private, to carry out
8 the purposes of this part, and engage the services of
9 consultants on a contractual basis for rendering
10 professional and technical assistance and advice;
- 11 (10) Procure insurance against any loss in connection with
12 its property and other assets and operations in
13 amounts and from insurers as it deems desirable;
- 14 (11) Contract for and accept gifts or grants in any form
15 from any public agency or from any other source;
- 16 (12) Delegate any tasks and duties to the authority
17 necessary to carry out the purposes of this part;
- 18 (13) Enter into memoranda of agreement with governmental
19 agencies and private parties as necessary to carry out
20 this part;



1 (14) Exercise the power of eminent domain to acquire
 2 necessary property interests; provided that the
 3 exercise of eminent domain shall only be undertaken to
 4 achieve the community master plan; and

5 (15) Take any and all actions necessary to carry out its
 6 purposes and exercise the powers given and granted
 7 pursuant to this part.

8 **§206E- Assessment for operating costs.** (a) The board
 9 shall have the power to assess all land users, except the
 10 federal government, for their fair share of the costs required
 11 to administer and operate the district, which may include costs
 12 associated with staffing. Assessments shall be based on each
 13 land user's proportionate share of the total acreage of the
 14 district of the land used versus the total acreage of the
 15 district. No land user assessment as provided in this part
 16 shall constitute a tax on real property within the meanings of
 17 any constitutional or statutory provision.

18 (b) The assessment shall be set by the board every six
 19 years. The assessments shall be paid to the board in semiannual
 20 payments commencing thirty days after the beginning of the
 21 fiscal year and shall be deposited into the fund.



1 (c) The board may charge interest or other fees on
2 assessment amounts not paid on a timely basis, and may withhold
3 services or approval of governmental permits for land users
4 delinquent in payments.

5 (d) For the purposes of this section, "land user" includes
6 the owner of land; provided that the landowner may assign the
7 responsibility for payment of assessments to the lessee or
8 licensee of the land.

9 **§206E- Rent control; district representatives.**

10 Notwithstanding any law to the contrary, the board may adopt
11 rules to impose and enforce limits on the amount of rent that
12 landlords of properties located within the district may collect
13 from tenants.

14 **§206E- Financial aid from the federal government;**

15 **contracts with the federal government.** (a) The board may
16 secure financial aid from the federal government for any
17 planning, design, building, construction, and maintenance work
18 that the board is authorized to undertake pursuant to this part.

19 (b) The board may:

20 (1) Borrow moneys or accept grants from the federal
21 government in aid of or for any construction project



1 the board is authorized to undertake pursuant to this
2 part;

3 (2) Issue bonds or other evidence of indebtedness and
4 pledge revenues and other assets as security for
5 indebtedness incurred pursuant to this part;

6 (3) Repay any indebtedness, including any interest
7 incurred thereon by the board pursuant to this part;

8 (4) Procure insurance or loan guarantees from the federal
9 government for the payment of any debts or parts
10 thereof secured by mortgages made by or held by the
11 board;

12 (5) Execute contracts with the federal government in
13 accordance with this part; and

14 (6) Comply with terms and conditions required by the
15 federal government in any contract or grant for
16 federal assistance.

17 (c) It is the purpose and intent of this section to
18 authorize the board to do all things necessary to secure the
19 cooperation of and financial aid from the federal government for
20 any planning, design, building, construction, and maintenance



1 work that the board is authorized to undertake pursuant to this
2 part.

3 **§206E- Lele community special fund.** (a) There is
4 established in the state treasury the Lele community special
5 fund, into which shall be deposited:

6 (1) All revenues, income, and receipts of the board for
7 the district, notwithstanding any other law to the
8 contrary, including section 206E-16;

9 (2) Moneys directed, allocated, or disbursed to the
10 district from government agencies or private
11 individuals or organizations, including grants, gifts,
12 awards, donations, and assessments of landowners for
13 costs to administer and operate the district; and

14 (3) Moneys appropriated to the fund by the legislature.

15 (b) Moneys in the fund shall be used:

16 (1) By the State to match federal funds for federal
17 disaster relief and recovery; and

18 (2) For any other purpose of this part.

19 (c) Investment earnings credited to the assets of the fund
20 shall become part of the fund.



1 **§206E- Annual comprehensive report.** No later than
2 twenty days prior to the convening of each regular session, the
3 authority shall submit to the legislature an annual
4 comprehensive report on the progress of building within the
5 district.

6 **§206E- Rules.** (a) The board has the power to adopt
7 rules pursuant to chapter 91 necessary for the purposes of this
8 part.

9 (b) The board has the power to adopt rules pursuant to
10 chapter 91 relating to health, safety, building, planning,
11 zoning, and land use, which, upon final adoption of a community
12 plan, shall supersede all other inconsistent ordinances and
13 rules relating to the use, zoning, planning, and development of
14 land and construction thereon; provided that rules adopted
15 pursuant to this subsection shall follow existing laws, rules,
16 and ordinances, as closely as is consistent with standards
17 meeting minimum requirements of good design, pleasant amenities,
18 health, safety, and coordinated development."



1 PART II

2 SECTION 2. The Hawaii Revised Statutes is amended by
3 adding a new chapter to title 2 to be appropriately designated
4 and to read as follows:

5 "CHAPTER

6 LELE COMMUNITY DISTRICT BOARD MEMBERS

7 § -1 Election of Lele community district board members.

8 (a) Members of the Lele community district board shall be
9 elected in conjunction with the general election in every even-
10 numbered year; provided that the first election shall take place
11 on January 31, 2025.

12 (b) Any person intending to register as a candidate for
13 the election as a Lele community district board member shall
14 submit to an examination under oath by the clerk of the county
15 in which the Lele community district is located. In addition,
16 each candidate shall make and subscribe to an application in the
17 form of an affidavit verifying the candidate's qualifications.

18 (c) The chief election officer shall prepare the
19 nomination papers in a manner that requires a candidate desiring
20 to file for election to the Lele community district board to



1 specify that the candidate resides within the Lele community
2 district.

3 (d) The ballot for the election of board members shall be
4 prepared in a manner that provides to each eligible voter
5 residing within the Lele community district the opportunity to
6 cast a ballot for the candidates seeking election to the board.
7 Each ballot shall contain the names of the candidates arranged
8 alphabetically. Each eligible voter shall be entitled to
9 receive the Lele community district board ballot and to vote for
10 all open seats on the board.

11 (e) The cost of the election of the board members shall be
12 borne by the Lele community special fund established pursuant to
13 part of chapter 206E.

14 § -2 **Qualification of voters; registration.** No person
15 shall be eligible to vote for the election of Lele community
16 district board members unless the person is registered to vote
17 in the State under applicable law and resides within the
18 boundaries of the Lele community district established pursuant
19 to part of chapter 206E.

20 § -3 **Qualification of voters; registration.** (a) The
21 term of office of members of the Lele community district board



1 shall be two years, beginning on the day of the election held in
2 conjunction with the general election of the year in which they
3 are elected and ending on the day of the election held in
4 conjunction with the following general election.

5 (b) Any vacancy that may occur through any cause other
6 than the expiration of the term of office shall be filled in
7 accordance with applicable law."

8 SECTION 3. Chapter 17, Hawaii Revised Statutes, is amended
9 by adding a new section to be appropriately designated and to
10 read as follows:

11 "§17- Lele community district board members. (a)
12 Whenever any vacancy in the membership of the Lele community
13 district board occurs, the term of which ends at the next
14 succeeding general election, the vacancy shall be filled by the
15 governor within sixty days after the vacancy occurs. The person
16 so appointed shall reside within the Lele community district and
17 shall serve for the duration of the unexpired term.

18 (b) All appointments made by the governor under this
19 section shall be made without consideration of the appointee's
20 party preference or nonpartisanship."



1 SECTION 4. Section 11-357, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) No person shall make contributions to:

4 (1) A candidate seeking nomination or election to a two-
5 year office or to a candidate committee in an
6 aggregate amount greater than \$2,000 during an
7 election period;

8 (2) A candidate seeking nomination or election to a four-
9 year nonstatewide office or to a candidate committee
10 in an aggregate amount greater than \$4,000 during an
11 election period; [~~e~~]

12 (3) A candidate seeking nomination or election to a four-
13 year statewide office or to a candidate committee in
14 an aggregate amount greater than \$6,000 during an
15 election period[~~-~~]; or

16 (4) A candidate seeking nomination or election to the Lele
17 community district board or to a candidate committee
18 in an aggregate amount greater than \$100 during an
19 election period."

20 SECTION 5. Section 12-5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Nomination papers for candidates for either branch of
2 the legislature [~~and for~~], county office, and the Lele community
3 district board shall be signed by not less than fifteen
4 registered voters of the district or county or subdivision
5 thereof for which the person nominated is a candidate."

6 SECTION 6. Section 12-6, Hawaii Revised Statutes, is
7 amended by amending subsection (a) and (b) to read as follows:

8 "(a) For members of Congress, state offices, county
9 offices, [~~and~~] the board of trustees for the office of Hawaiian
10 affairs, and the Lele community district board, nomination
11 papers shall be filed with the chief election officer, or clerk
12 in case of county offices, not later than 4:30 p.m. on the first
13 Tuesday in June. However, in the event of a special primary or
14 special election, the filing deadline shall be determined in the
15 proclamation that is issued calling for the election as provided
16 for by state law or county charter. A state candidate from the
17 counties of Hawaii, Maui, and Kauai may file the declaration of
18 candidacy with the respective clerk. The clerk shall transmit
19 to the office of the chief election officer the state
20 candidate's declaration of candidacy without delay.



1 (b) If after the close of filing there are no candidates
2 who have filed nomination papers for an elective office for the
3 primary, special primary, or any special election held in
4 conjunction with the primary election[7] or the general
5 election, the chief election officer or clerk, in the case of a
6 county election, shall accept nomination papers for that office
7 until 4:30 p.m. on the tenth day after the original close of
8 filing."

9 PART III

10 SECTION 7. In accordance with section 9 of article VII, of
11 the Constitution of the State of Hawaii and sections 37-91 and
12 37-93, Hawaii Revised Statutes, the legislature has determined
13 that the appropriations contained in this Act will cause the
14 state general fund expenditure ceiling for fiscal year 2024-2025
15 to be exceeded by \$, or per cent. The reasons
16 for exceeding the general fund expenditure ceiling are that the
17 appropriations made in this Act are necessary to serve the
18 public interest and to meet the needs provided for by this Act.

19 SECTION 8. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$1,500,000 or so much
21 thereof as may be necessary for fiscal year 2024-2025 for the



1 establishment of nine full-time equivalent (9.0 FTE) positions
2 within the Hawaii community development authority.

3 The sum appropriated shall be expended by the Hawaii
4 community development authority for the purposes of this Act.

5 SECTION 9. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$6,000,000 or so much
7 thereof as may be necessary for fiscal year 2024-2025 for the
8 Hawaii community development authority to engage residents of
9 the Lele community district and conduct predevelopment planning
10 and design within the district.

11 The sum appropriated shall be expended by the Hawaii
12 community development authority for the purposes of this Act.

13 SECTION 10. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$800,000 or so much
15 thereof as may be necessary for fiscal year 2024-2025 for other
16 current expenses of the Hawaii community development authority
17 relating to the purposes of this Act.

18 The sum appropriated shall be expended by the Hawaii
19 community development authority for the purposes of this Act.

20 SECTION 11. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$250,000 or so much



1 thereof as may be necessary for fiscal year 2024-2025 for the
2 office of elections to conduct the special Lele election in
3 January of 2025.

4 The sum appropriated shall be expended by the office of
5 elections for the purposes of this Act.

6 SECTION 12. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$100,000,000 or so
8 much thereof as may be necessary for fiscal year 2024-2025 to be
9 deposited into the Lele community special fund; provided that no
10 funds shall be made available under this section unless the Lele
11 community district board obtains \$100,000,000 in matching funds
12 from the private sector for the purpose for which this sum is
13 appropriated.

14 SECTION 13. There is appropriated out of the Lele
15 community special fund the sum of \$200,000,000 or so much
16 thereof as may be necessary for fiscal year 2024-2025 for the
17 purposes of the Lele community district; provided that funds are
18 available pursuant to section 11 of this Act.

19 The sum appropriated shall be expended by the Lele
20 community district board for the purposes of this Act.



1 PART IV

2 SECTION 14. This Act does not affect rights and duties
3 that matured, penalties that were incurred, and proceedings that
4 were begun before its effective date.

5 SECTION 15. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 16. This Act shall take effect on January 1, 2060;
8 provided that:

9 (1) Section 2 shall take effect on January 1, 2025; and

10 (2) Section 3 shall take effect on November 15, 2026.



Report Title:

HCDA; Lahaina; Lele Community District; Board; General Fund
Expenditure Ceiling Exceeded; Appropriations

Description:

Establishes the Lele Community District and Board to facilitate rebuilding in Lahaina. Establishes the Lele Community Special Fund. Makes appropriations. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025. Takes effect 1/1/2060. (SD2)

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

