
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HOUSING.

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

1 SECTION 1. The legislature finds that multiple state
2 agencies are responsible for housing. This structure creates
3 redundancies and bureaucracies that hinder the work of solving
4 Hawaii's housing shortage. Accordingly, the purpose of this Act
5 is to consolidate the Hawaii housing finance and development
6 corporation, Hawaii community development authority, Hawaii
7 public housing authority, and office of planning and sustainable
8 development into a new department of housing.

9 SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended
10 by adding a new section to be appropriately designated and to
11 read as follows:

12 "§26- Department of housing. (a) The department of
13 housing shall be headed by a single executive to be known as the
14 director of housing.

15 (b) The department of housing shall:

16 (1) Be responsible for:



1 (A) Planning, coordinating, and implementing section
2 226-19;

3 (B) All aspects of policy and planning relating to
4 the development, redevelopment, preservation,
5 maintenance, and improvement of housing for
6 individuals and families at all income levels;

7 (C) All aspects of coastal zone management and
8 special management area permits, land use,
9 climate change, sustainability, environmental
10 review, geographic information systems and
11 mapping, economic resilience, and other statewide
12 policy interests as it pertains to the
13 development of housing for individuals and
14 families at all income levels; and

15 (D) All aspects of planning, infrastructure, and
16 community building and mixed-use development of
17 housing for individuals and families at all
18 income levels.

19 (2) Strengthen and revitalize communities throughout the
20 State by promoting affordable housing opportunities;



1 (3) Collaborate with local officials, public agencies,
2 community groups, local housing authorities, and other
3 housing developers to plan for and develop affordable
4 housing units; and

5 (4) Ensure compliance with applicable statutes,
6 regulations, and financial assistance agreements for
7 funded activities through long-term program compliance
8 monitoring.

9 (c) The department may adopt rules pursuant to chapter 91
10 as may be necessary or desirable to fulfill its mission.

11 (d) The following are placed in the department of housing
12 for administrative purposes pursuant to section 26-35:

13 (1) Hawaii community development authority;

14 (2) Hawaii housing finance and development corporation;

15 (3) Office of planning and sustainable development;

16 (4) Hawaii public housing authority; and

17 (5) Any other agencies, boards, and commissions as shall
18 be provided by law;

19 provided that the Hawaii public housing authority shall be
20 attached to the department for administrative purposes only."



SECTION 3. Section 26-4, Hawaii Revised Statutes, is amended to read as follows:

"§26-4 Structure of government. Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments that are hereby established:

(1) Department of human resources development (Section

26-5);

(2) Department of accounting and general services (Section

26-6);

(3) Department of the attorney general (Section 26-7);

(4) Department of budget and finance (Section 26-8);

(5) Department of commerce and consumer affairs (Section

26-9);

(6) Department of taxation (Section 26-10);

(7) University of Hawaii (Section 26-11);

(8) Department of education (Section 26-12);

(9) Department of health (Section 26-13);

(10) Department of human services (Section 26-14);



- 1 (11) Department of land and natural resources (Section
2 26-15);
- 3 (12) Department of agriculture (Section 26-16);
- 4 (13) Department of Hawaiian home lands (Section 26-17);
- 5 (14) Department of business, economic development, and
6 tourism (Section 26-18);
- 7 (15) Department of transportation (Section 26-19);
- 8 (16) Department of labor and industrial relations (Section
9 26-20);
- 10 (17) Department of defense (Section 26-21);
- 11 (18) Department of corrections and rehabilitation (Section
12 26-14.6); ~~and~~
- 13 (19) Department of law enforcement (Section 26-14.8) ~~[and]~~;
14 and
- 15 (20) Department of housing (Section 26-) ."

16 SECTION 4. Section 26-14, Hawaii Revised Statutes, is
17 amended by amending subsection (d) to read as follows:

18 "(d) The ~~[Hawaii public housing authority and the]~~ Hawaii
19 state commission on the status of women ~~[are]~~ is placed within
20 the department of human services for administrative purposes
21 only."



1 SECTION 5. Section 26-18, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The following are placed in the department of
4 business, economic development, and tourism for administrative
5 purposes as defined by section 26-35: [~~Hawaii community~~
6 ~~development authority, Hawaii housing finance and development~~
7 ~~corporation,~~] Hawaii technology development corporation, natural
8 energy laboratory of Hawaii authority, and any other boards and
9 commissions as shall be provided by law."

10 SECTION 6. Section 26-52, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§26-52 Department heads and executive officers.** The
13 salaries of the following state officers shall be as follows:

- 14 (1) The salary of the superintendent of education shall be
15 set by the board of education. The superintendent
16 shall be subject to an annual performance evaluation
17 that is in alignment with other employee evaluations
18 within the department of education and are based on
19 outcomes determined by the board of education;
20 provided that nothing shall prohibit the board of



1 education from conditioning a portion of the salary on
2 performance;

3 (2) The salary of the president of the university of
4 Hawaii shall be set by the board of regents;

5 (3) Effective July 1, 2004, the salaries of all department
6 heads or executive officers of the departments of
7 accounting and general services; agriculture; attorney
8 general; budget and finance; business, economic
9 development, and tourism; commerce and consumer
10 affairs; corrections and rehabilitation; Hawaiian home
11 lands; health; housing; human resources development;
12 human services; labor and industrial relations; land
13 and natural resources; law enforcement; taxation; and
14 transportation shall be as last recommended by the
15 executive salary commission. Effective July 1, 2007,
16 and every six years thereafter, the salaries shall be
17 as last recommended by the commission on salaries
18 pursuant to section 26-56, unless rejected by the
19 legislature; and

20 (4) The salary of the adjutant general shall be \$85,302 a
21 year. Effective July 1, 2007, and every six years



1 thereafter, the salary of the adjutant general shall
2 be as last recommended by the commission on salaries
3 pursuant to section 26-56, unless rejected by the
4 legislature, except that if the state salary is in
5 conflict with the pay and allowance fixed by the
6 tables of the regular Army or Air Force of the United
7 States, the latter shall prevail."

8 SECTION 7. Section 225M-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§225M-1 Purpose.** The purpose of this chapter is to
11 establish an office of planning and sustainable development to
12 assist the governor; the director of housing; the director of
13 business, economic development, and tourism; the legislature;
14 and state and county agencies in maintaining an overall
15 framework to guide the development of the State through a
16 continuous process of comprehensive, long-range, and strategic
17 planning to meet the physical, economic, and social needs of
18 Hawaii's people, and provide for the wise use of Hawaii's
19 resources in a coordinated, efficient, and economical manner,
20 including the conservation of those natural, environmental,
21 recreational, scenic, historic, and other limited and



1 irreplaceable resources [~~which~~] that are required for future
2 generations.

3 The establishment of an office of planning and sustainable
4 development in the department of [~~business, economic~~
5 ~~development, and tourism,~~] housing, for administrative purposes,
6 is intended to:

- 7 (1) Fix responsibility and accountability to successfully
8 carry out statewide planning programs, policies, and
9 priorities;
- 10 (2) Improve the efficiency and effectiveness of the
11 operations of the executive branch; and
- 12 (3) Ensure comprehensive planning and coordination to
13 enhance the quality of life of the people of Hawaii."

14 SECTION 8. Section 356D-2, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) There is established the Hawaii public housing
17 authority to be placed within the department of [~~human services~~]
18 housing for administrative purposes only. The authority shall
19 be a public body and a body corporate and politic."

20 SECTION 9. Sections 201H-2, 201H-3, 206E-3, 225M-2,
21 225M-3, and 225M-4, Hawaii Revised Statutes, are amended by



1 substituting the phrase "director of housing" wherever the
2 phrase "director of business, economic development, and tourism"
3 appears, as the context requires.

4 SECTION 10. Sections 201H-2, 206E-3, and 225M-2, Hawaii
5 Revised Statutes, are amended by substituting the phrase
6 "department of housing" wherever the phrase "department of
7 business, economic development, and tourism" appears, as the
8 context requires.

9 SECTION 11. All rights, powers, functions, and duties of:

10 (1) The department of business, economic development, and
11 tourism relating to the Hawaii housing finance and
12 development corporation pursuant to chapter 201H,
13 Hawaii Revised Statutes; Hawaii community development
14 authority pursuant to chapter 206E, Hawaii Revised
15 Statutes; and office of planning and sustainable
16 development pursuant to chapter 225M, Hawaii Revised
17 Statutes; and

18 (2) The department of human services relating to the
19 Hawaii public housing authority pursuant to chapter
20 356D, Hawaii Revised Statutes,

21 are transferred to the department of housing.



1 All officers and employees whose functions are transferred
2 by this Act shall be transferred with their functions and shall
3 continue to perform their regular duties upon their transfer,
4 subject to the state personnel laws and this Act.

5 No officer or employee of the State having tenure shall
6 suffer any loss of salary, seniority, prior service credit,
7 vacation, sick leave, or other employee benefit or privilege as
8 a consequence of this Act, and the officer or employee may be
9 transferred or appointed to a civil service position without the
10 necessity of examination; provided that the officer or employee
11 possesses the minimum qualifications for the position to which
12 transferred or appointed; and provided that subsequent changes
13 in status may be made pursuant to applicable civil service and
14 compensation laws.

15 An officer or employee of the State who does not have
16 tenure and who may be transferred or appointed to a civil
17 service position as a consequence of this Act shall become a
18 civil service employee without the loss of salary, seniority,
19 prior service credit, vacation, sick leave, or other employee
20 benefits or privileges and without the necessity of examination;
21 provided that such officer or employee possesses the minimum



1 qualifications for the position to which transferred or
2 appointed.

3 If an office or position held by an officer or employee
4 having tenure is abolished, the officer or employee shall not
5 thereby be separated from public employment, but shall remain in
6 the employment of the State with the same pay and classification
7 and shall be transferred to some other office or position for
8 which the officer or employee is eligible under the personnel
9 laws of the State as determined by the head of the department or
10 the governor.

11 SECTION 12. All rules, policies, procedures, guidelines,
12 and other material adopted or developed by the transferred
13 agencies to implement provisions of the Hawaii Revised Statutes
14 that are reenacted or made applicable to the department of
15 housing by this Act shall remain in full force and effect until
16 amended or repealed by the department of housing pursuant to
17 chapter 91, Hawaii Revised Statutes. In the interim, every
18 reference to the department of business, economic development,
19 and tourism and department of human services as they pertain to
20 the transferred agencies in those rules, policies, procedures,



1 guidelines, and other material is amended to refer to the
2 department of housing, as appropriate.

3 SECTION 13. All deeds, leases, contracts, loans,
4 agreements, permits, or other documents executed or entered into
5 by or on behalf of the department of business, economic
6 development and tourism and the department of human services as
7 they pertain to the transferred agencies pursuant to the
8 provisions of the Hawaii Revised Statutes that are reenacted or
9 made applicable to the department of housing by this Act shall
10 remain in full force and effect. Upon the effective date of
11 this Act, every reference to the department of business,
12 economic development, and tourism and the department of human
13 services as they pertain to the transferred agencies in those
14 deeds, leases, contracts, loans, agreements, permits, or other
15 documents shall be construed as a reference to the department of
16 housing.

17 SECTION 14. All appropriations, records, equipment,
18 machines, files, supplies, contracts, books, papers, documents,
19 maps, and other personal property heretofore made, used,
20 acquired, or held by the department of business, economic
21 development, and tourism and the department of human services



1 relating to the functions transferred to the department of
2 housing shall be transferred with the functions to which they
3 relate.

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

6 SECTION 16. This Act shall take effect on July 1, 2050.



Report Title:

Department of Housing; HCDA; HHFDC; OPSD; HPHA; Establishment;
Transfer

Description:

Establishes the Department of Housing. Places the Hawaii Community Development Authority, Hawaii Housing Finance and Development Corporation, Office of Planning and Sustainable Development, and Hawaii Public Housing Authority within the Department of Housing for administrative purposes. Replaces the Director of Business, Economic Development, and Tourism with the Director of Housing on the Hawaii Community Development Authority. Effective 7/1/2050. (SD1)

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

