

**ACT 188**

S.B. NO. 2869

A Bill for an Act Relating to the Maintenance of Properties Within the Kalaeloa Community Development District.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Barbers Point Naval Air Station was officially closed on July 1, 1999, and the Navy is in the process of conveying approximately two thousand one hundred and fifty acres of this property, which has been named the "Kalaeloa community development district," to various agencies of the federal government, the State, and the city and county of Honolulu. However, for various reasons, many of these parcels remain vacant and, therefore, are not being sufficiently maintained. As a result, the condition of these properties at Kalaeloa has continued to deteriorate. Complaints include overgrown grass, kiawe fires, rubbish near roadways, and unkempt appearance of property. The Hawaii community development authority, as the agency with jurisdiction over the Kalaeloa community development district, is concerned about the threats these issues pose to public health and safety and seeks to encourage proper maintenance of all properties in Kalaeloa by establishing a set of procedures to address the deteriorating conditions in Kalaeloa.

The purpose of this Act is to clarify the power of the Hawaii community development authority to act as an ombudsman for issues of concern within the Kalaeloa community development district as defined in section 206E-193, Hawaii Revised Statutes. This Act will clarify the Hawaii community development authority's power to:

- (1) Receive and follow up on complaints with appropriate landowners within Kalaeloa;
- (2) Take a proactive role in researching and monitoring problem areas; and
- (3) Report to the landowners in the district regarding the nature and number of complaints and inquiries to ensure proper notification at the highest levels.

SECTION 2. Chapter 206E, Hawaii Revised Statutes, is amended by adding six new sections to part VII to be appropriately designated and to read as follows:

“**§206E- Procedure.** The authority may establish procedures for receiving and processing district-related complaints, conducting research, monitoring matters that arise within the district, and reporting its findings.

**§206E- Investigation of complaints.** (a) The authority may research any complaint relating to the district that it determines to be an appropriate subject for investigation, including:

- (1) Unkempt appearance of property;
- (2) Brushfires on property;
- (3) Rubbish disposed of inappropriately; or
- (4) Conditions on property otherwise incongruous with generally accepted standards of maintenance.

(b) The authority may investigate, conduct research, or monitor any matter that arises within the district, in accordance with this part.

**§206E- Notice to complainant and landowner; actions taken.** (a) If the authority decides not to research a complaint filed with the authority, it shall inform the complainant of its decision and shall state its reasons.

If the authority decides to research the complaint, it shall notify the complainant of its decision and shall also notify the landowner of its intention to investigate.

(b) After a reasonable time has elapsed, the authority shall notify the complainant of the actions taken by it and by the landowner.

**§206E- Consultation with landowner.** Before giving any opinion or recommendation that is critical of a landowner or person who is the subject of the complaint, the authority shall consult with the landowner or person on the best means to remedy the situation.

**§206E- Publication of recommendations.** After a reasonable time has elapsed, the authority may present its opinion and recommendations to the governor, the legislature, the public, or any of these. The authority shall include with this opinion any reply made by the landowner.

**§206E- Quarterly report.** The authority shall submit to the various landowners in the district a quarterly report discussing the authority’s activities under this part. The report shall be made available to the public upon request.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 2004.

(Approved July 8, 2004.)

**Note**

1. Edited pursuant to HRS §23G-16.5.