

ACT 143

H.B. NO. 1045

A Bill for an Act Relating to the Hawaii Housing Finance and Development Corporation.

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

SECTION 1. Chapter 201H, part II, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§201H- Authority to modify and amend development agreements with eligible developers. The corporation is authorized to amend, delete, restate, and otherwise modify the terms, conditions, plans, specifications, and all other matters relating, directly or indirectly, to any housing project that was previously approved by the corporation, including the terms, covenants, and conditions of any development agreement for a housing project between the corporation and an eligible developer.”

SECTION 2. Section 201H-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The corporation may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at pleasure;
- (3) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers; ~~and~~
- (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."

SECTION 3. Section 201H-10, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The corporation may:

- (1) Obtain the aid and cooperation of governmental agencies in the planning, construction, and operation of [~~public~~] housing projects and enter into agreements and arrangements as it deems advisable to obtain aid and cooperation;
- (2) Arrange or enter into agreements with any governmental agency for the acquisition of property, options, or property rights or for the furnishing, installing, opening, or closing of streets, roads, alleys, sidewalks, or other places, or for the furnishing of property, services, parks, sewage, water, and other facilities in connection with housing projects, or for the changing of the map of a political subdivision or the planning, replanning, zoning, or rezoning of any part of a political subdivision;
- (3) Procure insurance or guarantees from any governmental agency for the payment of any debts or parts thereof incurred by the corporation, including the power to pay premiums on any such insurance; and
- (4) Agree to make payments to any state or county agency, if the agency is authorized to accept payments, as the corporation deems consistent with the maintenance of the character of housing projects or the purposes of this chapter.”

2. By amending subsection (c) to read:

“(c) Any county in which a [~~public~~] housing project is located or is about to be located may make donations or advances to the corporation in sums as the county in its discretion may determine. The advances or donations shall be made for the purpose of aiding or cooperating in the construction and operation of the housing project. The corporation, when it has money available therefor, shall reimburse the county for all advances made by way of a loan to it.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2009.

(Approved June 22, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.