

JAN 20 2023

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:

1 SECTION 1. Section 84-17, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The financial disclosure statements of the following
4 persons shall be public records and available for inspection and
5 duplication:

6 (1) The governor, the lieutenant governor, the members of
7 the legislature, candidates for and delegates to the
8 constitutional convention, the trustees of the office
9 of Hawaiian affairs, and candidates for state elective
10 offices;

11 (2) The directors of the state departments and their
12 deputies, regardless of the titles by which the
13 foregoing persons are designated; provided that with
14 respect to the department of the attorney general, the
15 foregoing shall apply only to the attorney general and
16 the first deputy attorney general;



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- 1 (3) The administrative director of the State;
- 2 (4) The president, the vice presidents, the assistant vice
3 presidents, the chancellors, members of the board of
4 regents, and the provosts of the University of Hawaii;
- 5 (5) The members of the board of education and the
6 superintendent, the deputy superintendent, the state
7 librarian, and the deputy state librarian of the
8 department of education;
- 9 (6) The administrative director and the deputy director of
10 the courts;
- 11 (7) The administrator and the assistant administrator of
12 the office of Hawaiian affairs; and
- 13 (8) The members of the following state boards,
14 commissions, and agencies:
 - 15 (A) The board of directors of the agribusiness
16 development corporation established under section
17 163D-3;
 - 18 (B) The board of agriculture established under
19 section 26-16;
 - 20 (C) The state ethics commission established under
21 section 84-21;



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- 1 (D) The Hawaii community development authority
- 2 established under section 206E-3;
- 3 (E) The Hawaiian homes commission established under
- 4 the Hawaiian Homes Commission Act of 1920, as
- 5 amended, and section 26-17;
- 6 ~~[(F) The board of directors of the Hawaii housing~~
- 7 ~~finance and development corporation established~~
- 8 ~~under section 201H-3;~~
- 9 ~~[(G)]~~ (F) The board of land and natural resources
- 10 established under section 171-4;
- 11 ~~[(H)]~~ (G) The state land use commission established
- 12 under section 205-1;
- 13 ~~[(I)]~~ (H) The legacy land conservation commission
- 14 established under section 173A-2.4;
- 15 ~~[(J)]~~ (I) The natural area reserves system commission
- 16 established under section 195-6;
- 17 ~~[(K)]~~ (J) The board of directors of the natural energy
- 18 laboratory of Hawaii authority established under
- 19 section 227D-2;



1 ~~[(L)]~~ (K) The board of directors of the Hawaii public
2 housing authority established under section
3 356D-3;

4 ~~[(M)]~~ (L) The public utilities commission established
5 under section 269-2;

6 ~~[(N)]~~ (M) The commission on water resource management
7 established under section 174C-7; and

8 ~~[(O)]~~ (N) The stadium authority established under
9 section 109-1."

10 SECTION 2. Section 201H-1, Hawaii Revised Statutes, is
11 amended by deleting the definition of "board".

12 ~~["Board" means the board of directors of the Hawaii
13 housing finance and development corporation."]~~

14 SECTION 3. Section 201H-2, Hawaii Revised Statutes, is
15 amended by amending subsections (b) and (c) to read as follows:

16 "(b) The corporation shall employ an executive director
17 who shall be nominated and, by and with the advice and consent
18 of the senate, appointed by the governor without regard to
19 chapter 76, and who shall serve at the pleasure of the governor.

20 The executive director shall employ, exempt from chapter 76
21 and section 26-35(a)(4), ~~[an executive director and]~~ an



1 executive assistant. The executive director shall be paid a
2 salary not to exceed the salary of the director of business,
3 economic development, and tourism. The executive assistant
4 shall be paid a salary not to exceed ninety per cent of the
5 executive director's salary. The corporation may employ,
6 subject to chapter 76, technical experts and officers, agents,
7 and employees, permanent and temporary, as required. The
8 corporation may also employ officers, agents, and employees,
9 prescribe their duties and qualifications, and fix their
10 salaries, not subject to chapter 76, when in the determination
11 of the corporation, the services to be performed are unique and
12 essential to the execution of the functions of the corporation.
13 The corporation may call upon the attorney general for legal
14 services as it may require. The corporation may delegate to one
15 or more of its agents or employees its powers and duties as it
16 deems proper.

17 (c) The [~~board~~] executive director shall submit a report
18 to the legislature no later than twenty days prior to the
19 convening of the regular session immediately following each
20 adjustment of salary of the executive director."



1 SECTION 4. Section 201H-71, Hawaii Revised Statutes, is
2 amended by amending subsections (g) and (h) to read as follows:

3 "(g) Any housing project or projects authorized by, and
4 undertaken pursuant to, this chapter shall constitute an
5 "undertaking" within the meaning of that term as defined and
6 used in part III, chapter 39. Any loan program authorized by,
7 and undertaken pursuant to, this chapter, including without
8 limitation "housing loan programs" defined in and authorized by
9 subparts B and D, shall constitute a "loan program" within the
10 meaning of that term as defined and used in part III, chapter
11 39. The corporation shall constitute a "department" [~~and the~~
12 ~~board shall constitute a "governing body" within the meaning of~~
13 ~~those terms~~] as defined and used in part III, chapter 39.

14 (h) [~~Neither the members of the board nor any~~] No person
15 executing the bonds shall be liable personally on the bonds by
16 reason of the issuance thereof."

17 SECTION 5. Section 201H-124, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) A rental assistance contract and any subsidy of
20 tenants' rents in projects developed under this subpart shall be
21 for a term not in excess of thirty-five years and shall be



1 approved by the [~~board of directors~~] executive director of the
2 corporation. Upon that approval by the corporation, the
3 director of finance shall be authorized to guarantee the
4 obligation of the corporation for the term of the rental
5 assistance contract or the subsidy of tenants' rents in an
6 amount equal to the aggregate obligation of the corporation to
7 make assistance payments; provided that the aggregate of all of
8 the outstanding guarantees shall not exceed \$100,000,000.
9 Pursuant to that guarantee, the corporation shall make annual
10 rental payments to the owner in accordance with the approved
11 rental assistance contract or to the tenants in accordance with
12 the approved subsidy."

13 SECTION 6. Section 201H-3, Hawaii Revised Statutes, is
14 repealed.

15 [~~"§201H-3 Board, establishment, functions, duties. (a)~~
16 ~~There is created a board of directors of the Hawaii housing~~
17 ~~finance and development corporation consisting of nine members,~~
18 ~~of whom six shall be public members appointed by the governor as~~
19 ~~provided in section 26-34. At least four of the public members~~
20 ~~shall have knowledge and expertise in public or private~~
21 ~~financing and development of affordable housing. Public members~~



1 ~~shall be appointed from each of the counties of Honolulu,~~
2 ~~Hawaii, Maui, and Kauai. At least one public member shall~~
3 ~~represent community advocates for low income housing, affiliated~~
4 ~~with private nonprofit organizations that serve the residents of~~
5 ~~low income housing. The public members of the board shall serve~~
6 ~~four year staggered terms, provided that the initial~~
7 ~~appointments shall be as follows:~~

8 ~~(1) Two members to be appointed for four years,~~

9 ~~(2) Two members to be appointed for three years; and~~

10 ~~(3) Two members to be appointed for two years.~~

11 ~~The director of business, economic development, and tourism and~~
12 ~~the director of finance, or their designated representatives, and~~
13 ~~a representative of the governor's office, shall be ex officio[,]~~
14 ~~voting members. The corporation shall be headed by the board.~~

15 ~~(b) The board of directors shall select a chairperson and~~
16 ~~vice chairperson from among its members; provided that the~~
17 ~~chairperson shall be a public member. The director of business,~~
18 ~~economic development, and tourism, director of finance, and the~~
19 ~~governor's representative shall be ineligible to serve as~~
20 ~~chairperson of the board.~~



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1 ~~(c) Five members shall constitute a quorum, whose~~
2 ~~affirmative vote shall be necessary for all actions by the~~
3 ~~corporation. The members shall receive no compensation for~~
4 ~~services, but shall be entitled to necessary expenses, including~~
5 ~~travel expenses, incurred in the performance of their duties."]~~

6 SECTION 7. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 8. This Act shall take effect upon its approval.

9

INTRODUCED BY:





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Report Title:

Hawaii Housing Finance and Development Corporation; Executive Director; Board of Directors; Repeal

Description:

Repeals the Board of Directors of the Hawaii Housing Finance and Development Corporation and requires the Corporation to employ an Executive Director to be nominated by the Governor, subject to the advice and consent of the Senate. Makes conforming amendments.

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

