
A BILL FOR AN ACT

RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1 **PART I**

2 SECTION 1. The legislature finds that there are five
3 voting members on the Hawaii community development authority
4 that are appointed to represent the Kalaeloa community
5 development district. Two of the five members are the
6 chairperson of the Hawaiian homes commission and the director of
7 the city and county of Honolulu department of planning and
8 permitting.

9 The legislature further finds that taking into account the
10 other heavy responsibilities that their positions may require of
11 them, in many instances, these officials find it difficult to
12 attend Hawaii community development authority meetings; however,
13 section 206E-191(c), Hawaii Revised Statutes, does not permit
14 them to appoint a designated representative. As a result, at
15 times, a quorum is difficult to achieve, thereby delaying
16 important discussions and decisions.

17 The purpose of this part is to amend section 206E-191(c),
18 Hawaii Revised Statutes, to allow the chairperson of the



1 Hawaiian homes commission and the director of the city and
2 county of Honolulu department of planning and permitting or
3 their respective designated representatives to serve as ex
4 officio, voting members of the Hawaii community development
5 authority.

6 SECTION 2. Section 206E-191, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) Five additional voting members [~~shall~~], except as
9 otherwise provided in this subsection, shall be appointed to the
10 authority by the governor to represent the Kalaeloa community
11 development district. These members shall be considered in
12 determining quorum and majority only on issues relating to the
13 Kalaeloa community development district, and may vote only on
14 issues relating to the Kalaeloa community development district.

15 These members shall consist of:

16 (1) The chairperson of the Hawaiian homes commission[+] or
17 the chairperson's designated representative who shall
18 serve as an ex officio, voting member;

19 (2) The director of the city and county of Honolulu
20 department of planning and permitting[+] or the
21 director's designated representative who shall serve
22 as an ex officio, voting member;



1 (3) Two members representing the surrounding community for
2 a term pursuant to section 26-34, one of ~~which~~ whom
3 shall be selected by the mayor of the city and county
4 of Honolulu; and

5 (4) One member who is a Hawaiian cultural specialist."

6 **PART II**

7 SECTION 3. Section 206E-4, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§206E-4 Powers; generally.** Except as otherwise limited
10 by this chapter, the authority may:

- 11 (1) Sue and be sued;
- 12 (2) Have a seal and alter the same at pleasure;
- 13 (3) Make and execute contracts and all other instruments
14 necessary or convenient for the exercise of its powers
15 and functions under this chapter;
- 16 (4) Make and alter bylaws for its organization and
17 internal management;
- 18 (5) Make rules with respect to its projects, operations,
19 properties, and facilities, which rules shall be in
20 conformance with chapter 91;
- 21 (6) Through its executive director appoint officers,
22 agents, and employees, prescribe their duties and



- 1 qualifications, and fix their salaries, without regard
2 to chapter 76;
- 3 (7) Prepare or cause to be prepared a community
4 development plan for all designated community
5 development districts;
- 6 (8) Acquire, reacquire, or contract to acquire or
7 reacquire by grant or purchase real, personal, or
8 mixed property or any interest therein; to own, hold,
9 clear, improve, and rehabilitate, and to sell, assign,
10 exchange, transfer, convey, lease, or otherwise
11 dispose of or encumber the same;
- 12 (9) Acquire or reacquire by condemnation real, personal,
13 or mixed property or any interest therein for public
14 facilities, including but not limited to streets,
15 sidewalks, parks, schools, and other public
16 improvements;
- 17 (10) By itself, or in partnership with qualified persons,
18 acquire, reacquire, construct, reconstruct,
19 rehabilitate, improve, alter, or repair or provide for
20 the construction, reconstruction, improvement,
21 alteration, or repair of any project; own, hold, sell,
22 assign, transfer, convey, exchange, lease, or



1 otherwise dispose of or encumber any project, and in
2 the case of the sale of any project, accept a purchase
3 money mortgage in connection therewith; and repurchase
4 or otherwise acquire any project which the authority
5 has theretofore sold or otherwise conveyed,
6 transferred, or disposed of;

7 (11) Arrange or contract for the planning, replanning,
8 opening, grading, or closing of streets, roads,
9 roadways, alleys, or other places, or for the
10 furnishing of facilities or for the acquisition of
11 property or property rights or for the furnishing of
12 property or services in connection with a project;

13 (12) Grant options to purchase any project or to renew any
14 lease entered into by it in connection with any of its
15 projects, on such terms and conditions as it deems
16 advisable;

17 (13) Prepare or cause to be prepared plans, specifications,
18 designs, and estimates of costs for the construction,
19 reconstruction, rehabilitation, improvement,
20 alteration, or repair of any project, and from time to
21 time to modify such plans, specifications, designs, or
22 estimates;



- 1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;
- 8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in such
10 amounts and from such insurers as it deems desirable;
- 11 (16) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;
- 13 (17) Do any and all things necessary to carry out its
14 purposes and exercise the powers given and granted in
15 this chapter; and
- 16 (18) Allow satisfaction of [~~any~~] up to thirty-three per
17 cent of the affordable housing requirements imposed by
18 the authority upon any proposed development project
19 through the construction of substitute reserved
20 housing, as defined in section 206E-101, [~~by a person~~
21 ~~on~~] or by causing substitute reserved housing to be
22 constructed:



1 (A) On land located [~~outside the geographic~~
2 ~~boundaries of the authority's jurisdiction,]~~
3 within the jurisdiction of the department of
4 Hawaiian home lands and within the urban core of
5 Honolulu; and

6 (B) On a one-unit-for-one-unit basis;

7 provided that the authority shall not permit any
8 person to make cash payments in lieu of providing
9 reserved housing, except to account for any fractional
10 unit that results after calculating the percentage
11 requirement against residential floor space or total
12 number of units developed[. ~~The substituted housing~~
13 ~~shall be located on the same island as the development~~
14 ~~project and shall be substantially equal in value to~~
15 ~~the required reserved housing units that were to be~~
16 ~~developed on site. The authority shall establish the~~
17 ~~following priority in the development of reserved~~
18 ~~housing:~~

19 ~~(A) Within the community development district;~~

20 ~~(B) Within areas immediately surrounding the~~
21 ~~community development district;~~

22 ~~(C) Areas within the central urban core;~~



1 ~~(D) In outlying areas within the same island as the~~
2 ~~development project.]~~;
3 provided further that if the development project is
4 within the Kalaeloa community development district,
5 established under section 206E-193, the substitute
6 reserved housing units shall be located on lands
7 within the jurisdiction of the department of Hawaiian
8 home lands on the island of Oahu. The development of
9 substitute reserved housing shall be undertaken only
10 in accordance with a request for those substitute
11 reserved housing units submitted by the department of
12 Hawaiian home lands or the Hawaiian homestead
13 community associations. All other reserved housing
14 units shall be constructed within the community
15 development district where the proposed development
16 project is located.

17 The Hawaii community development authority
18 ~~[shall]~~ may adopt rules relating to the ~~[approval]~~
19 development of substitute reserved housing units that
20 are ~~[developed]~~ constructed outside of a community
21 development district. ~~[The rules shall include, but~~



Report Title:

HCDA; Kalaeloa Community Development District; Reserved Housing

Description:

Allows the chairperson of the Hawaiian homes commission and the director of city and county of Honolulu department of planning and permitting to designate a representative to serve on HCDA; amends the criteria for approval by the HCDA of substitute reserved housing projects to be constructed within and outside of the geographic boundaries of the authority's jurisdiction.
(SD1)

