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# A BILL FOR AN ACT

RELATING TO LEASEHOLD CONDOMINIUMS ON LANDS CONTROLLED BY THE  
STATE.

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

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

4           "§201H-           Leasehold condominiums on state land. (a) The  
5 corporation may sell leasehold units in condominiums created  
6 pursuant to chapter 514B and developed under this part on state  
7 land to a "qualified resident" as defined in section 201H-32.

8           (b) The term of the lease may be for seventy-five years,  
9 and the corporation may extend or modify the fixed rental period  
10 of the lease or extend the term of the lease.

11           (c) The sale of leasehold units shall be subject to  
12 sections 201H-47, 201H-49, and 201H-50, except for units sold at  
13 fair market value.

14           (d) State land set aside by the governor to the  
15 corporation and lands leased to the corporation by any  
16 department or agency of the State for a condominium described in



1 this section shall be exempt from the definition of "public  
2 land" under section 171-2.

3 (e) The powers conferred upon the corporation by this  
4 section shall be in addition and supplemental to the powers  
5 conferred by any other law, and nothing in this section shall be  
6 construed as limiting any powers, rights, privileges, or  
7 immunities so conferred."

8 SECTION 2. Section 171-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§171-2 Definition of public lands.** "Public lands" means  
11 all lands or interest therein in the State classed as government  
12 or crown lands previous to August 15, 1895, or acquired or  
13 reserved by the government upon or subsequent to that date by  
14 purchase, exchange, escheat, or the exercise of the right of  
15 eminent domain, or in any other manner; including lands accreted  
16 after May 20, 2003, and not otherwise awarded, submerged lands,  
17 and lands beneath tidal waters that are suitable for  
18 reclamation, together with reclaimed lands that have been given  
19 the status of public lands under this chapter, except:

20 (1) Lands designated in section 203 of the Hawaiian Homes  
21 Commission Act, 1920, as amended;



- 1 (2) Lands set aside pursuant to law for the use of the  
2 United States;
- 3 (3) Lands being used for roads and streets;
- 4 (4) Lands to which the United States relinquished the  
5 absolute fee and ownership under section 91 of the  
6 Hawaiian Organic Act prior to the admission of Hawaii  
7 as a state of the United States unless subsequently  
8 placed under the control of the board of land and  
9 natural resources and given the status of public lands  
10 in accordance with the state constitution, the  
11 Hawaiian Homes Commission Act, 1920, as amended, or  
12 other laws;
- 13 (5) Lands to which the University of Hawaii holds title;
- 14 (6) Lands to which the Hawaii housing finance and  
15 development corporation in its corporate capacity  
16 holds title[+] and state lands set aside by the  
17 governor to the Hawaii housing finance and development  
18 corporation or lands leased to the Hawaii housing  
19 finance and development corporation by any department  
20 or agency of the State for a condominium described in  
21 section 201H- ;



- 1           (7) Lands to which the Hawaii community development  
2           authority in its corporate capacity holds title;
- 3           (8) Lands to which the department of agriculture holds  
4           title by way of foreclosure, voluntary surrender, or  
5           otherwise, to recover moneys loaned or to recover  
6           debts otherwise owed the department under chapter 167;
- 7           (9) Lands that are set aside by the governor to the Aloha  
8           Tower development corporation; lands leased to the  
9           Aloha Tower development corporation by any department  
10          or agency of the State; or lands to which the Aloha  
11          Tower development corporation holds title in its  
12          corporate capacity;
- 13          (10) Lands that are set aside by the governor to the  
14          agribusiness development corporation; lands leased to  
15          the agribusiness development corporation by any  
16          department or agency of the State; or lands to which  
17          the agribusiness development corporation in its  
18          corporate capacity holds title;
- 19          (11) Lands to which the Hawaii technology development  
20          corporation in its corporate capacity holds title; and



1           (12) Lands to which the department of education holds  
2                   title;  
3 provided that, except as otherwise limited under federal law and  
4 except for state land used as an airport as defined in section  
5 262-1, public lands shall include the air rights over any  
6 portion of state land upon which a county mass transit project  
7 is developed after July 11, 2005."

8           SECTION 3. Section 171-64.7, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10           "(a) This section applies to all lands or interest therein  
11 owned or under the control of state departments and agencies  
12 classed as government or crown lands previous to August 15,  
13 1895, or acquired or reserved by the government upon or  
14 subsequent to that date by purchase, exchange, escheat, or the  
15 exercise of the right of eminent domain, or any other manner,  
16 including accreted lands not otherwise awarded, submerged lands,  
17 and lands beneath tidal waters that are suitable for  
18 reclamation, together with reclaimed lands that have been given  
19 the status of public lands under this chapter, including:

20           (1) Land set aside pursuant to law for the use of the  
21                   United States;



- 1 (2) Land to which the United States relinquished the  
2 absolute fee and ownership under section 91 of the  
3 Organic Act prior to the admission of Hawaii as a  
4 state of the United States;
- 5 (3) Land to which the University of Hawaii holds title;
- 6 (4) Land to which the Hawaii housing finance and  
7 development corporation in its corporate capacity  
8 holds title [7] and state land set aside by the  
9 governor to the Hawaii housing finance and development  
10 corporation or land leased to the Hawaii housing  
11 finance and development corporation by any department  
12 or agency of the State for a condominium described in  
13 section 201H- ;
- 14 (5) Land to which the department of agriculture holds  
15 title by way of foreclosure, voluntary surrender, or  
16 otherwise, to recover moneys loaned or to recover  
17 debts otherwise owed the department under chapter 167;
- 18 (6) Land that is set aside by the governor to the Aloha  
19 Tower development corporation; or land to which the  
20 Aloha Tower development corporation holds title in its  
21 corporate capacity;



- 1           (7) Land that is set aside by the governor to the  
2                   agribusiness development corporation; or land to which  
3                   the agribusiness development corporation in its  
4                   corporate capacity holds title;
- 5           (8) Land to which the Hawaii technology development  
6                   corporation in its corporate capacity holds title; and
- 7           (9) Land to which the department of education holds  
8                   title."

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

11          SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Leases; HHFDC; Leasehold Condominiums on Lands Controlled by the State

**Description:**

Authorizes the Hawaii Housing Finance and Development Corporation (HHFDC) to enter into 75-year leases of units in residential condominiums located on state lands. Subjects lands set aside by the governor or lands leased to HHFDC by any agency or department of the State to the legislative approval requirement prior to the sale or gift of the lands. Effective 7/1/2050. (SD2)

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

