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:

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

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

(b) The term of the lease may be for ninety-nine years,
and the corporation may extend or modify the fixed rental period
of the lease or extend the term of the lease.

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

(d) State land set aside by the governor to the
corporation and lands leased to the corporation by any
department or agency of the State for a condominium described in
this section shall be exempt from the definition of "public land" under section 171-2.

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

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

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

(1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;
(2) Lands set aside pursuant to law for the use of the United States;

(3) Lands being used for roads and streets;

(4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;

(5) Lands to which the University of Hawaii holds title;

(6) Lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title and state lands set aside by the governor to the Hawaii housing finance and development corporation or lands leased to the Hawaii housing finance and development corporation by any department or agency of the State for a condominium described in section 201H- ;
(7) Lands to which the Hawaii community development
authority in its corporate capacity holds title;
(8) Lands to which the department of agriculture holds
title by way of foreclosure, voluntary surrender, or
otherwise, to recover moneys loaned or to recover
debts otherwise owed the department under chapter 167;
(9) Lands that are set aside by the governor to the Aloha
Tower development corporation; lands leased to the
Aloha Tower development corporation by any department
or agency of the State; or lands to which the Aloha
Tower development corporation holds title in its
corporate capacity;
(10) Lands that are set aside by the governor to the
agribusiness development corporation; lands leased to
the agribusiness development corporation by any
department or agency of the State; or lands to which
the agribusiness development corporation in its
corporate capacity holds title;
(11) Lands to which the Hawaii technology development
corporation in its corporate capacity holds title; and
(12) Lands to which the department of education holds title;

provided that, except as otherwise limited under federal law and except for state land used as an airport as defined in section 262-1, public lands shall include the air rights over any portion of state land upon which a county mass transit project is developed after July 11, 2005."

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

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

(1) Land set aside pursuant to law for the use of the United States;
(2) Land to which the United States relinquished the absolute fee and ownership under section 91 of the Organic Act prior to the admission of Hawaii as a state of the United States;

(3) Land to which the University of Hawaii holds title;

(4) Land to which the Hawaii housing finance and development corporation in its corporate capacity holds title and state land set aside by the governor to the Hawaii housing finance and development corporation or land leased to the Hawaii housing finance and development corporation by any department or agency of the State for a condominium described in section 201H-__;

(5) Land to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;

(6) Land that is set aside by the governor to the Aloha Tower development corporation; or land to which the Aloha Tower development corporation holds title in its corporate capacity;
(7) Land that is set aside by the governor to the agribusiness development corporation; or land to which the agribusiness development corporation in its corporate capacity holds title;

(8) Land to which the Hawaii technology development corporation in its corporate capacity holds title; and

(9) Land to which the department of education holds title."

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

SECTION 5. This Act shall take effect on July 1, 2050.
Report Title:
Leases; HHFDC; Leasehold Condominiums on State Land

Description:
Authorizes HHFDC to enter into 99-year leases for residential condominium units developed on state lands. Exempts certain land from the definition of public land. Subjects certain land to the legislative approval requirement for the sale or gift of the lands. (SB1190 HD2)

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