A BILL FOR AN ACT

RELATING TO LEASEHOLD CONDOMINIUMS ON STATE LAND.

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 leasehold units in condominiums created pursuant to chapter 514B and developed under this part on state land to a "qualified resident" as defined in section 201H-32; provided that, prior to the sale of any leasehold unit in any condominium, the corporation shall establish rules pursuant to chapter 91 that provide for the transfer of a certain percentage or number of leasehold units within the same condominium to the department of Hawaiian home lands or to the office of Hawaiian affairs.

(b) The term of the lease shall not exceed ninety-nine years and shall not be extended beyond the initial ninety-nine year term."
(c) 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 lands" under section 171-2; except for the provision in section 171-2(6) that subjects corporation lands to the accounting for all receipts for lands subject to section 5(f) of the Admission Act; provided further that any sale, gift, or exchange of real property shall be subject to the terms, conditions, and restrictions applicable to the sale, gift, or exchange of public lands in sections 171-50 and 171-64.7.

(d) 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. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§206E- Leasehold condominiums on state land. (a) The authority may sell leasehold units in condominiums created
pursuant to chapter 514B and developed under this part on state
land to a "qualified resident" as defined in section 201H-32;
provided that, prior to the sale of any leasehold unit in any
condominium, the authority shall establish rules pursuant to
chapter 91 that provide for the transfer of a certain percentage
or number of leasehold units within the same condominium to the
department of Hawaiian home lands or to the office of Hawaiian
affairs.

(b) The term of the lease shall not exceed ninety-nine
years and shall not be extended beyond the initial ninety-nine
year term.

(c) State land set aside by the governor to the authority
and lands leased to the authority by any department or agency of
the State for a condominium described in this section shall be
exempt from the definition of "public lands" under section 171-
2; except for the provision in section 171-2(7) that subjects
corporation lands to the accounting for all receipts for lands
subject to section 5(f) of the Admission Act; provided further
that any sale, gift, or exchange of real property shall be
subject to the terms, conditions, and restrictions applicable to
the sale, gift, or exchange of public lands in sections 171-50
and 171-64.7.

(d) The powers conferred upon the authority 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 3. Chapter 356D, Hawaii Revised Statutes, is
amended by adding a new section to part I to be appropriately
designated and to read as follows:

"§356D- Leasehold condominiums on state land. (a) The
authority may sell leasehold units in condominiums created
pursuant to chapter 514B and developed under this part on state
land to a "qualified resident" as defined in section 201H-32;
provided that, prior to the sale of any leasehold unit in any
condominium, the authority shall establish rules pursuant to
chapter 91 that provide for the transfer of a certain percentage
or number of leasehold units within the same condominium to the
department of Hawaiian home lands or to the office of Hawaiian
affairs."
(b) The term of the lease shall not exceed ninety-nine years and shall not be extended beyond the initial ninety-nine year term.

(c) State land set aside by the governor to the authority and lands leased to the authority by any department or agency of the State for a condominium described in this section shall be exempt from the definition of "public lands" under section 171-2; except for the provision in section 171-2(8) that subjects corporation lands to the accounting for all receipts for lands subject to section 5(f) of the Admission Act; provided further that any sale, gift, or exchange of real property shall be subject to the terms, conditions, and restrictions applicable to the sale, gift, or exchange of public lands in sections 171-50 and 171-64.7.

(d) The powers conferred upon the authority 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 4. 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[7] and state lands set aside by the
governor and 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[7] and
state lands set aside to the Hawaii community
development authority by the governor and lands leased
by any department or agency of the State for a
condominium described in section 206E-__;
(8) Lands set aside by the governor to the Hawaii public
housing authority or lands to which the Hawaii public
housing authority in its corporate capacity holds
title[7] and state lands set aside to the Hawaii
community development authority by the governor and
lands leased by any department or agency of the State
for a condominium described in section 356D-__;

(9) 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;

(10) 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;

(11) 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;

(12) Lands to which the Hawaii technology development
corporation in its corporate capacity holds title; and
(13) Lands to which the Hawaii technology development corporation in its corporate capacity 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 5. 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[7], state land set aside to the Hawaii
housing finance and development corporation by the
governor and land leased to the Hawaii housing finance
and development corporation by any department or
agency of the State;

(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;

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

[and]

(10) Land to which the Hawaii public housing authority in its corporate capacity holds title[7], state land set aside to the Hawaii public housing authority by the governor and land leased to the Hawaii public housing authority by any department or agency of the State;

and

(11) Land to which the Hawaii community development authority in its corporate capacity holds title, state land set aside to the Hawaii community development authority by the governor, and land leased to the Hawaii community development authority by any department or agency of the State."
SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on June 18, 2050.
Report Title:
Leases; Leasehold Condominiums on State Land; Hawaii Community Development Authority; Hawaii Housing Finance and Development Corporation; Hawaii Public Housing Authority

Description:
Authorizes the Hawaii housing finance and development corporation, Hawaii community development authority, and Hawaii public housing authority to sell leasehold units in residential condominiums located on state lands. Takes effect 6/18/2050. (SD2)

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