
A BILL FOR AN ACT

RELATING TO THE PUBLIC HOUSING AUTHORITY.

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

1 SECTION 1. Chapter 356D, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§356D- Ceded lands; vacancy; development. (a) No
5 housing projects developed or constructed pursuant to this part
6 shall be developed or constructed on ceded land that is vacant
7 on or after January 1, 2022.

8 (b) For the purposes of this section, "housing project"
9 means any home, house, residence, building, apartment, living
10 quarters, abode, domicile, or dwelling unit that is designed
11 principally for the purposes of sheltering people."

12 SECTION 2. Section 356D-1, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending the definition of "elder or elderly
15 housing" to read:

16 ""Elder or elderly housing" means:



1 (1) A public housing project intended for and occupied by
2 elder or elderly households; or
3 (2) Housing provided under any state or federal program
4 that the Secretary of the United States Department of
5 Housing and Urban Development determines is
6 specifically designed and operated to assist elder or
7 elderly persons, or if the Secretary makes a
8 determination, the project may also be occupied by
9 persons with disabilities who have reached eighteen
10 years of age."

11 2. By amending the definitions of "obligee of the
12 authority" and "public housing project" to read:

13 ""Obligee of the authority" or "obligee" includes any
14 bondholder, trustee or trustees for any bondholders, any lessor
15 demising property to the authority used in connection with a
16 public housing project, or any assignee or assignees of the
17 lessor's interest or any part thereof, and the United States,
18 when it is a party to any contract with the authority.

19 "Public housing project" [~~7~~ "~~housing project~~"~~7~~] or "complex"
20 means a housing project directly controlled, owned, developed,
21 or managed by the authority pursuant to any federally assisted



1 housing as defined in title 24 Code of Federal Regulations
2 section 5.100, but does not include state low-income housing
3 projects as defined in section 356D-51."

4 SECTION 3. Section 356D-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§356D-11 Development of property.** (a) The authority, in
7 its own behalf or on behalf of any government, may:

8 (1) Clear, improve, and rehabilitate property; and
9 (2) Plan, develop, construct, and finance [~~public~~] housing
10 projects.

11 (b) The authority may develop public land in an
12 agricultural district subject to the prior approval of the land
13 use commission when developing lands greater than five acres in
14 size. The authority shall not develop state monuments,
15 historical sites, or parks. When the authority proposes to
16 develop public land, it shall file with the department of land
17 and natural resources a petition setting forth [~~such~~] that
18 purpose. The petition shall be conclusive proof that the
19 intended use is a public use superior to that to which the land
20 had been appropriated.



1 (c) The authority may develop or assist in the development
2 of federal lands with the approval of appropriate federal
3 authorities.

4 (d) The authority shall not develop any public land where
5 the development may endanger the receipt of any federal grant,
6 impair the eligibility of any government agency for a federal
7 grant, prevent the participation of the federal government in
8 any government program, or impair any covenant between the
9 government and the holder of any bond issued by the government.

10 (e) The authority may contract or sponsor with any county,
11 housing authority, or person, subject to the availability of
12 funds, [~~an experimental or demonstration~~] housing [~~project~~]
13 projects designed to meet the needs of elders, disabled,
14 displaced or homeless persons, low- and moderate-income persons,
15 government employees, teachers, or university and college
16 students and faculty.

17 (f) The authority may enter into contracts with eligible
18 developers to develop [~~public~~] housing projects in exchange for
19 mixed use development rights. Eligibility of a developer for an
20 exchange pursuant to this subsection shall be determined



1 pursuant to rules adopted by the authority in accordance with
2 chapter 91.

3 As used in this subsection, "mixed use development rights"
4 means the right to develop a portion of a [~~public~~] housing
5 project for commercial use.

6 (g) The authority may develop, with an eligible developer,
7 or may assist under a government assistance program in the
8 development of, [~~public~~] housing projects. The land planning
9 activities of the authority shall be coordinated with the county
10 planning departments and the county land use plans, policies,
11 and ordinances.

12 Any person, if qualified, may act simultaneously as
13 developer and contractor.

14 In selecting eligible developers or in contracting any
15 services or materials for the purposes of this subsection, the
16 authority shall be subject to all federal procurement laws and
17 regulations.

18 For purposes of this subsection, "government assistance
19 program" means a [~~public~~] housing program qualified by the
20 authority and administered or operated by the authority or the



1 United States or any of their political subdivisions, agencies,
2 or instrumentalities, corporate or otherwise.

3 (h) In connection with the development of any [~~public~~]
4 housing dwelling units under this chapter, the authority may
5 also develop commercial properties and industrial properties and
6 sell or lease other properties if it determines that the uses
7 will be an integral part of the [~~public~~] housing development or
8 a benefit to the community in which the properties are situated.
9 The authority may designate any portions of the [~~public~~] housing
10 development for commercial, industrial, or other use and shall
11 have all the powers granted under this chapter with respect
12 thereto. The authority may use any funding authorized under
13 this chapter to implement this subsection.

14 The net proceeds of all sales or leases, less costs to the
15 authority, shall be deposited in the public housing special fund
16 established by section 356D-28.

17 (i) For purposes of this section, "housing" or "housing
18 project" means any home, house, residence, building, apartment,
19 living quarters, abode, domicile, or dwelling unit that is
20 designed principally for the purposes of sheltering people."



1 SECTION 4. Section 356D-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§356D-12[+] **Development of property; additional**
4 **powers.** (a) Notwithstanding any other law to the contrary,
5 whenever the bids submitted for the development or
6 rehabilitation of any [~~public~~] housing project authorized
7 pursuant to this chapter exceed the amount of funds available
8 for that project, the authority, with the approval of the
9 governor, may disregard the bids and enter into an agreement to
10 carry out the project, undertake the project, or participate in
11 the project under the agreement; provided that:

12 (1) The total cost of the agreement and the authority's
13 participation, if any, shall not exceed the amount of
14 funds available for the project; and

15 (2) If the agreement is with a nonbidder, the scope of the
16 project under agreement shall remain the same as that
17 for which bids were originally requested.

18 (b) For purposes of this section, "housing project" means
19 any home, house, residence, building, apartment, living
20 quarters, abode, domicile, or dwelling unit that is designed
21 principally for the purposes of sheltering people."



1 SECTION 5. Section 356D-12.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [†]§356D-12.5[†] **Development of property; partnership or**
4 **development agreement.** (a) Any [~~public~~] housing project may be
5 developed under sections 356D-11 and 356D-12 by the authority in
6 partnership or under a development agreement with a private
7 party; provided that a written partnership or development
8 agreement is executed by the authority. At a minimum, the
9 partnership or development agreement shall provide for:

- 10 (1) A determination by the authority that the partnership
11 or development agreement is for a public purpose; and
- 12 (2) Final approval by the authority of the plans and
13 specifications for the [~~public~~] housing project.

14 (b) For the development of [~~public~~] housing projects
15 pursuant to subsection (a), except as provided by federal law or
16 regulation, the authority shall not be subject to chapters 103
17 and 103D or any and all other requirements of law for
18 competitive bidding for partnership or development agreements,
19 construction contracts, or other contracts; provided that the
20 authority shall develop internal policies and procedures for the
21 procurement of goods, services, and construction, consistent



1 with the goals of public accountability and public procurement
2 practices.

3 (c) The authority shall submit an annual report to the
4 legislature, no later than twenty days prior to the convening of
5 each regular session, on the status of all [~~public~~] housing
6 projects being developed using partnership or development
7 agreements pursuant to subsection (a).

8 (d) The authority may adopt rules pursuant to chapter 91
9 necessary for the purposes of this section.

10 (e) For the purposes of this section, "housing project"
11 means any home, house, residence, building, apartment, living
12 quarters, abode, domicile, or dwelling unit that is designed
13 principally for the purposes of sheltering people."

14 SECTION 6. Section 356D-71, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§356D-71 Resident selection; dwelling units; rentals.** In
17 the administration of elder or elderly housing, the authority
18 shall observe the following with regard to resident selection,
19 dwelling units, and rentals:



- 1 (1) Except as provided in this section, the authority
2 shall accept elder or elderly households as residents
3 in the public housing projects;
- 4 (2) It may accept as residents in any dwelling unit one or
5 more persons, related or unrelated by blood or
6 marriage. It may also accept as a resident in any
7 dwelling unit or in any public housing project, in the
8 case of illness or other disability of an elder who is
9 a resident in the dwelling unit or in the public
10 housing project, a person designated by the elder as
11 the elder's live-in aide whose qualifications as a
12 live-in aide are verified by the authority, although
13 the person is not an elder; provided that the person
14 shall cease to be a resident therein upon the recovery
15 of, or removal from the public housing project of, the
16 elder;
- 17 (3) It may rent or lease to an elder a dwelling unit
18 consisting of any number of rooms as the authority
19 deems necessary or advisable to provide safe and
20 sanitary accommodations to the proposed resident or
21 residents without overcrowding; and



1 (4) Notwithstanding that the elder has no written rental
 2 agreement or that the agreement has expired, during
 3 hospitalization of the elder due to illness or other
 4 disability so long as the elder continues to tender
 5 the usual rent to the authority or proceeds to tender
 6 receipts for rent lawfully withheld, no action or
 7 proceeding to recover possession of the dwelling unit
 8 may be maintained against the elder, nor shall the
 9 authority otherwise cause the elder to quit the
 10 dwelling unit involuntarily, demand an increase in
 11 rent from the elder, or decrease the services to which
 12 the elder has been entitled."

13 SECTION 7. Section 356D-102, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "[+]§356D-102[+] **Facilities and services by counties to**
 16 **authority and tenants.** Each county within which the authority
 17 may own, operate, or administer any public housing project or
 18 complex and to which, or for whose benefit, the authority or its
 19 predecessors in interest has made (by payment to the county) or
 20 may hereafter make, gifts or donations including any payment in
 21 lieu of taxes, upon request of the authority, shall provide and



1 furnish to the authority in regard to every public housing
2 project or complex, and to the tenants and other occupants of
3 the public housing project, free of charge and without condition
4 or other requirement, all the facilities, services, and
5 privileges as it provides or furnishes, with or without charge
6 or other consideration, to any person or persons. The
7 facilities and services may include police protection, fire
8 protection, street lighting, paving maintenance, traffic
9 control, garbage or trash collection and disposal, use of
10 streets or highways, use of county incinerators or garbage
11 dumps, storm drainage, and sewage disposal. In addition, each
12 county, upon request of the authority and free of charge and
13 without condition or other requirement, shall open or close, but
14 not construct or reconstruct, streets, roads, highways, alleys,
15 or other facilities within any public housing project or complex
16 within the county. Nothing in this section shall be construed
17 to restrict or limit the power of the authority to agree to pay,
18 or to pay, for any and all of the facilities, services, and
19 privileges, if in its discretion it deems the payment
20 advisable."



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

HPHA; Non-subsidized Housing; Affordable Housing; Ceded Land;
Vacant

Description:

Allows the Hawaii public housing authority to develop mixed-income and mixed-financed housing projects. Prohibits the development or construction of housing projects on ceded land that is vacant on or after 1/1/2022. Effective 7/1/2050. (HD1)

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

