

JAN 22 2007

S.B. NO. 1543

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# A BILL FOR AN ACT

RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT  
CORPORATION.

**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 be appropriately designated  
3 and to read as follows:

4           "§201H- Non-alienation of ceded lands and kuleana lands.

5           (a) Notwithstanding any other law to the contrary, the  
6 corporation shall not, without the consent of the board of  
7 trustees of the office of Hawaiian affairs, engage in any  
8 transaction, arrangement, or other activity that requires the  
9 sale, exchange, or other alienation, by or on behalf of any  
10 person, agency, or party, of ceded lands or kuleana lands.

11           (b) For purposes of this section:

12           "Ceded lands" means:

13           (1) Lands ceded to the United States by the Republic of  
14 Hawaii under the joint resolution of annexation,  
15 approved July 7, 1898 (30 Stat. 750), or acquired in  
16 exchange for lands so ceded, and granted to the State



1           by virtue of section 5(b) of the Admission Act of  
2           1959; or

3       (2) Lands retained by the United States under Sections  
4       5(c) and 5(d) of the Admission Act of 1959 and later  
5       conveyed to the State under section 5(e).

6       "Kuleana lands" means those lands granted to native tenants  
7       pursuant to L. 1850, p. 202, entitled "An Act Confirming Certain  
8       Resolutions of the King and Privy Council, Passed on the 21st  
9       Day of December, A.D. 1849, Granting to the Common People  
10       Allodial Titles for Their Own Lands and House Lots, and Certain  
11       Other Privileges," as originally enacted and amended."

12       SECTION 2. Section 201H-10, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14       "(b) For the purpose of aiding and cooperating in the  
15 planning, construction, and operation of housing projects  
16 located within their respective territorial boundaries, any  
17 state or county agency, upon those terms, with or without  
18 consideration, as it determines, may:

19       (1) Dedicate, grant, sell, convey, or lease any of its  
20 property or grant easements, licenses, or any other  
21 rights or privileges therein to the corporation or to  
22 the federal government;



- 1           (2) To the extent that it is within the scope of the  
2           agency:
- 3           (A) Cause the services customarily provided by the  
4           agency to be rendered for the benefit of housing  
5           projects and the occupants thereof;
- 6           (B) Provide and maintain parks and sewage, water,  
7           lights, and other facilities adjacent to or in  
8           connection with housing projects;
- 9           (C) Open, close, pave, install, or change the grade  
10          of streets, roads, roadways, alleys, sidewalks,  
11          or other related facilities; and
- 12          (D) Change the map of a political subdivision or  
13          plan, replan, zone, or rezone any part of a  
14          political subdivision;
- 15          (3) Enter into agreements with the corporation with  
16          respect to the exercise of their powers relating to  
17          the repair, closing, or demolition of unsafe,  
18          unsanitary, or unfit dwellings;
- 19          (4) Employ, notwithstanding any other law as to what  
20          constitutes legal investments, any available funds  
21          belonging to them or within their control, including  
22          funds derived from the sale or furnishing of property



1 or facilities to the corporation, in the purchase of  
2 bonds or other obligations of the corporation to the  
3 extent provided under section 201G-161; and exercise  
4 all the rights of any holder of the bonds or other  
5 obligations;

6 (5) Do any and all things necessary or convenient to aid  
7 and cooperate in the planning, undertaking, and  
8 construction of such housing projects; and

9 (6) Enter into contracts with the corporation or the  
10 federal government for any period agreeing to exercise  
11 any of the powers conferred hereby or to take any  
12 other action in aid of such housing projects.

13 In connection with the exercise of this power, any  
14 political subdivision may incur the entire expense of any such  
15 public improvements located within its territorial boundaries  
16 without assessment against abutting property owners.

17 For the purpose of aiding and cooperating in the planning,  
18 construction, and operation of housing projects, the department  
19 of land and natural resources, the Hawaiian homes commission,  
20 and any other agency of the State having power to manage or  
21 dispose of its public lands, with the approval of the governor  
22 and with or without consideration, may grant, sell, convey, or



1 lease, for any period, any parts of such public lands, without  
2 limit as to area, to the corporation or to the federal  
3 government.

4 Any law to the contrary notwithstanding, any gift, grant,  
5 sale, conveyance, lease, or agreement provided for in this  
6 section may be made by the state or county government without  
7 appraisal, public notice, advertisement, or public bidding.

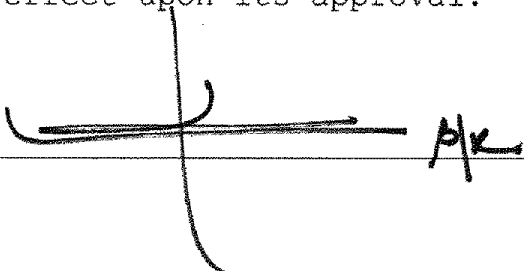
8 If at any time title to, or possession of, any housing  
9 project is held by any governmental agency authorized by law to  
10 engage in the development or corporation of low-rent housing or  
11 slum clearance projects, any agreement made under this chapter  
12 relating to the project shall inure to the benefit of and may be  
13 enforced by that governmental agency.

14 ~~[Insofar as this subsection is inconsistent with the~~  
15 ~~provisions of any other law, this subsection shall be~~  
16 ~~controlling.]"~~

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

 A handwritten signature in black ink, consisting of a horizontal line with a vertical stroke crossing it, and the initials 'AK' to the right.



**Report Title:**

Sale, Exchange, or Alienation of Ceded or Kuleana Lands

**Description:**

Prohibits the Hawaii housing finance and development corporation from engaging in activities that require the sale, exchange, or other alienation of ceded or kuleana lands without consent of office of Hawaiian affair's board of trustee.

