

1 of affordable housing. This eighty-acre parcel is included in
2 the new Heeia community development district. Kakoo Oiwi, a
3 Hawaii nonprofit corporation, approached the Hawaii community
4 development authority to request a long-term lease to restore
5 the wetlands, eliminate invasive species, and establish an
6 agricultural and educational center that will contribute to the
7 community at large. A thirty-eight year lease was granted to
8 Kakoo Oiwi in March 2010 for these purposes.

9 The purpose of this part is to establish the Heeia
10 community development district to develop culturally appropriate
11 agriculture, education, and natural-resource restoration and
12 management of the Heeia wetlands.

13 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
14 amended by adding a new part to be appropriately designated and
15 to read as follows:

16 "PART . HEEIA COMMUNITY DEVELOPMENT DISTRICT

17 §206E- Definitions. As used in this part:

18 "District" means the Heeia community development district.

19 "Fund" means the Heeia community development revolving
20 fund.

21 §206E- District established; boundaries. (a) The Heeia
22 community development district is hereby established. The



1 district shall include that area within the boundaries described
 2 as follows: the southern boundary begins at the residential
 3 portion of lands owned by the Kamehameha Schools and runs west
 4 to Kahekili highway and east to Kamehameha highway. The
 5 northern boundary borders the McCabe property where it runs west
 6 to Kahekili highway and east to Kamehameha highway. The tax map
 7 key numbers are 4-6-16:001 and 4-6-16:002 (owned by the
 8 authority), 4-6-16:036 (owned by Kamehameha Schools), and
 9 4-6-16:004, 011, 012, and 017 (owned by various owners of
 10 kuleana parcels).

11 (b) The authority shall serve as the local redevelopment
 12 authority of the district to facilitate culturally appropriate
 13 agriculture, education, and natural-resource restoration and
 14 management of the Heeia wetlands, in alignment with the Honolulu
 15 board of water supply's most current "Koolau Poko Watershed
 16 Management Plan" and the city and county of Honolulu's most
 17 current "Koolaupoko Sustainable Communities Plan". In addition
 18 to any other of its duties under this chapter, the authority
 19 shall:

20 (1) Consult with the following persons and entities:

21 (A) Recorded landowners in the district;



- 1 (B) Recorded landowners in section 6 of zone 4 of the
2 first tax map key division;
- 3 (C) Koolaupoko Hawaiian Civic Club;
- 4 (D) Kailua neighborhood board;
- 5 (E) Kahaluu neighborhood board; and
- 6 (F) Kaneohe neighborhood board,
- 7 to implement activities related to and supportive of
8 cultural practices, agriculture, education, and
9 natural-resource restoration and management;
- 10 (2) Assist land users to manage their properties and
11 implement activities related to and supportive of
12 cultural practices, agriculture, education, and
13 natural-resource restoration and management;
- 14 (3) Work with federal, state, county, and other agencies
15 to ensure that infrastructural support is provided for
16 the district;
- 17 (4) Develop the infrastructure necessary to support the
18 implementation of the Heeia community development
19 district master plan; and
- 20 (5) Provide, to the extent feasible, maximum opportunity
21 for the restoration and implementation of sustainable,



1 culturally appropriate, biologically responsible, or
2 agriculturally beneficial enterprises.

3 (c) Three additional voting members shall, except as
4 otherwise provided in this subsection, be appointed to the
5 authority by the governor pursuant to section 26-34 to represent
6 the district. These three members shall be considered in
7 determining quorum and majority only on issues relating to the
8 district and may vote only on issues related to the district.
9 The three members shall be residents of the district or the
10 Koolaupoko district which consists of section 1 through 9 of
11 zone 4 of the first tax map key division.

12 **§206E- Heeia community development district; policies to**
13 **guide development.** The following general policies to guide
14 development shall govern the authority's actions in the
15 district:

16 (1) Development shall be in accordance with the Heeia
17 master plan, except as it conflicts with the Hawaii
18 State Constitution and the Hawaii Revised Statutes;

19 (2) With the approval of the governor, and in accordance
20 with law, the authority, upon the concurrence of a
21 majority of its voting members, may modify and make
22 changes to the Heeia master plan to respond to



1 changing conditions; provided that prior to amending
2 the Heeia master plan, the authority shall conduct a
3 public meeting pursuant to chapter 92 to inform the
4 public of the proposed changes and receive public
5 input;

6 (3) The authority shall provide, to the extent feasible,
7 maximum opportunity for the restoration and
8 implementation of sustainable, culturally appropriate,
9 biologically responsible, or agriculturally beneficial
10 enterprises;

11 (4) The authority may engage in planning, design, and
12 construction activities within and outside the
13 district; provided that activities outside the
14 district shall relate to infrastructural development,
15 area-wide drainage improvements and sediment transport
16 mitigation, roadway realignments and improvements, and
17 other activities the authority deems necessary to
18 carry out redevelopment of the district and implement
19 this part. Studies or coordinating activities may be
20 undertaken by the authority in conjunction with the
21 county and appropriate federal and state agencies and



- 1 may address infrastructural systems, natural-resource
2 systems, and other activities;
- 3 (5) Planning, replanning, rehabilitation, development,
4 redevelopment, and other preparations for the
5 restoration of cultural practices, education, natural
6 resources, and agriculture related activities shall be
7 pursued;
- 8 (6) Hawaiian archaeological, historic, and cultural sites
9 shall be preserved and protected to the extent
10 feasible while allowing for continued use of the
11 property for cultural activities, education,
12 agricultural and economic pursuits, and natural-
13 resource restoration;
- 14 (7) Endangered species of flora and fauna shall be
15 preserved and protected to the extent feasible;
- 16 (8) Land use and redevelopment activities within the
17 district shall be coordinated with and, to the extent
18 possible, complement existing county and state
19 policies, plans, and programs affecting the district;
- 20 (9) Public facilities within the district shall be
21 planned, located, and developed to support the
22 redevelopment policies established by this part for



1 the district, the master plan approved by the
2 governor, and rules adopted pursuant to this chapter;
3 and

4 (10) Special management area permit administration for the
5 district shall continue to be under the authority of
6 the city and county of Honolulu.

7 **§206E- Heeia community development revolving fund. (a)**

8 There is established in the state treasury the Heeia community
9 development revolving fund, into which shall be deposited:

10 (1) All revenues, income, and receipts of the authority
11 for the district, notwithstanding any other law to the
12 contrary, including section 206E-16;

13 (2) Moneys directed, allocated, or disbursed to the
14 district from government agencies or private
15 individuals or organizations, including grants, gifts,
16 awards, donations, and assessments of landowners for
17 costs to administer and operate the district; and

18 (3) Moneys appropriated to the fund by the legislature.

19 (b) Moneys in the fund shall be used only for the purposes
20 of this part.

21 (c) Investment earnings credited to the assets of the fund
22 shall become part of the fund.



1 transferring their right to develop to eligible zones
2 in urban areas;

3 (6) Providing a mechanism whereby development rights may
4 be reliably transferred; and

5 (7) Ensuring that development rights are transferred to
6 properties in certain urban areas or districts that
7 have adequate community facilities, including
8 infrastructure, to accommodate additional development.

9 **§205-C Definitions.** As used in this part:

10 "Density" or "net density" means the result of multiplying
11 the net area in acres times 43,560 square feet per acre and then
12 dividing the product by the required minimum number of square
13 feet per dwelling unit required by the zoning ordinance or state
14 statute for a specific use district. Density or net density is
15 expressed as dwelling units per acre or per net acre.

16 "Development rights" means the development potential of
17 real property that can be removed from the real property to
18 which it is appurtenant and transferred to other real property
19 to increase the amount of development allowed on the other real
20 property. For purposes of this definition, development
21 potential specifically comprises the rights of the owner of a
22 parcel of land, under land development regulations, to configure



1 that parcel and the structures thereon to a particular density
2 for residential uses or floor area ratio for nonresidential
3 uses, and specifically excludes uses allowable on the lot or
4 parcel. Development rights include transferable development
5 rights.

6 "Floor area" means the area of all floors of a structure
7 excluding unroofed areas, measured from the exterior faces of
8 the exterior walls or from the center line of party walls
9 dividing a structure. The floor area of a structure, or portion
10 thereof, that is not enclosed by exterior walls shall be the
11 area under the covering, roof, or floor above that is supported
12 by posts, columns, partial walls, or similar structural members
13 which define the wall line. Excluded from the floor area are:

- 14 (1) Parking structures, including covered driveways and
15 accessways, porte cocheres, and parking attendant
16 booths;
- 17 (2) Attic areas with head room less than seven feet;
- 18 (3) Basements;
- 19 (4) Lanais;
- 20 (5) Projections such as sunshade devices and architectural
21 embellishments which are decorative only;



1 (6) Areas covered by roofing treatment to screen roof top
2 machinery only; and

3 (7) Areas underneath unsupported building overhangs,
4 provided the area is not otherwise enclosed.

5 Floor area includes the floor area of accessory buildings and
6 structures.

7 "Floor area ratio" means the ratio of floor area to total
8 area of the zoning lot expressed as a per cent or decimal.

9 Where rounding of numbers is necessary to determine floor area
10 ratio, the nearest one-hundredth shall be used. Multiplying the
11 permissible floor area ratio by the lot area of the zoning lot
12 determines the maximum floor area permitted.

13 "Net area" means the total area of a site for residential
14 or nonresidential development, excluding street rights-of-way
15 and other publicly dedicated improvements, such as parks, open
16 space, and stormwater detention and retention facilities, and
17 easements, covenants, or deed restrictions that prohibit the
18 construction of building on any part of the site. Net area is
19 expressed in either acres or square feet.

20 "Receiving district" means one or more districts in which
21 the development rights of parcels in the sending district may be
22 used.



1 "Receiving property" means a lot or parcel of land in the
2 receiving district that is the subject of a transfer of
3 development rights, where the owner of the receiving property is
4 receiving transferable development rights from a sending
5 property, and on which increased density, increased intensity,
6 or both, is allowed by reason of the transfer of development
7 rights.

8 "Sending district" means one or more districts in which the
9 development rights of parcels in the district may be designated
10 for use in one or more receiving districts.

11 "Sending property" means a parcel of land in the sending
12 district that is the subject of a transfer of development
13 rights, where the owner of the parcel is conveying development
14 rights of the parcel, and on which those rights so conveyed are
15 extinguished and may not be used by reason of the transfer of
16 development rights.

17 "Severance of development rights" means the process by
18 which development rights from a sending property are severed and
19 extinguished pursuant to this part.

20 "Transfer of development rights" means the procedure
21 prescribed by this part whereby the owner of a lot or parcel in
22 the sending district may convey development rights to the owner



1 of a lot or parcel in the receiving district, whereby the
2 development rights so conveyed are extinguished on the sending
3 property, affixed to the receiving property as an appurtenant
4 real property interest that runs with the land, and may be
5 thereafter exercised on the receiving property in addition to
6 the development rights already existing regarding that lot or
7 parcel.

8 "Transferable development rights" means all or that portion
9 of development rights that are transferred or are transferable
10 pursuant to this part.

11 "Transferee" means the person or legal entity that owns
12 property in a receiving district, who purchases the transferable
13 development rights.

14 "Transferor" means the landowner of a lot or parcel in a
15 sending district.

16 "Zoning agency" means the state or county agency
17 responsible for enacting ordinances or adopting administrative
18 rules governing the development rights for specific real
19 property.

20 **§205-D Sending district and sending properties;**
21 **description.** (a) All land within the agricultural state land
22 use district shall comprise the sending district.



1 (b) Any landowner of land within the sending district may
2 convey the land's development rights under this part, subject to
3 the restrictions in this part.

4 **§205-E Receiving districts and receiving properties;**

5 **description.** (a) The receiving district shall be land within
6 the urban state land use district on which is allowed multi-
7 family dwellings, commercial, industrial, business, or mixed use
8 as permitted uses by the applicable zoning agency. No land on
9 which is allowed only single-family dwellings by the applicable
10 zoning agency shall be within the receiving district. Each
11 zoning agency shall cause its official zoning district map and
12 general plan to be amended by depicting the qualifying areas as
13 overlay districts to the affected properties. The designation
14 "TDR-R" shall be the title of the overlay for a receiving
15 district.

16 (b) A receiving property may increase its density up to
17 the maximum density and intensity described in section 205-G.
18 If a proposed receiving property has already met or exceeded
19 this maximum density or intensity allowable for the receiving
20 property by the applicable zoning agency, then the proposed
21 receiving property may not receive transferable development
22 rights pursuant to this part. A receiving property may use only



1 the development rights permitted in accordance with the zoning
2 regulations applicable to the receiving property and must meet
3 all other development requirements under state law and county
4 ordinances, and any rules adopted thereunder.

5 (c) No amendment to the zoning map, ordinance, statute, or
6 rules, nor any amendments to the text of the zoning ordinance,
7 statute, or rules, with respect to the zoning district
8 applicable thereto, initiated by the zoning agency that
9 eliminate or materially restrict, reduce, or downzone the uses
10 or the density of uses permitted in the zoning district
11 applicable to any property to which development rights have been
12 transferred, shall be effective with respect to such property
13 unless there has been mistake, fraud, or a material change in
14 circumstances substantially affecting the public health, safety,
15 or welfare.

16 **§205-F Right to transfer development rights.** (a) Each
17 transferor shall have the right to sever all or a portion of the
18 development rights from a sending property owned by the
19 transferor in a sending district and to sell, trade, or barter
20 all or a portion of those rights to a transferee consistent with
21 the requirements of this part.



1 (b) Upon transfer of development rights from a sending
2 property, the transferee may apply them to the transferee's
3 receiving property in a receiving district in order to obtain
4 approval for development at a density or intensity of use
5 greater than would otherwise be allowed on the land, up to the
6 maximum density or intensity indicated in section 205-G.

7 **§205-G Maximum density and intensity allowed through**
8 **transfer of development rights.** (a) The maximum increase in
9 residential density on a receiving property is one hundred per
10 cent of the number of residential dwelling units otherwise
11 permissible by the zoning agency for the receiving property;
12 provided that for any receiving property that is otherwise
13 permitted by the zoning agency to construct ten residential
14 dwelling units, the maximum increase in residential density on a
15 receiving property is fifty per cent of the number of
16 residential dwelling units otherwise permissible by the zoning
17 agency for the receiving property.

18 (b) The maximum increase in the floor area of commercial,
19 industrial, business, mixed-use, or other uses in the receiving
20 areas and on receiving properties is fifty per cent of the floor
21 area ratio otherwise permissible by the zoning agency for the
22 receiving property.



1 **§205-H Conversion of development rights; density formula.**

2 (a) The authority to construct one single-family dwelling unit
3 that is authorized by right by the applicable zoning agency on a
4 sending property shall equal one dwelling unit for the receiving
5 property. The authority to construct one single-family dwelling
6 unit that is authorized by right by the applicable zoning agency
7 on a sending property shall equal 1,500 square feet of floor
8 area, for purposes of calculating transferable development
9 rights for the receiving property when the density of the
10 receiving property is measured by floor area by the receiving
11 property's zoning agency.

12 (b) Notwithstanding subsection (a), when the sending
13 property and the receiving property are located in the same
14 county, then the ratio above shall be increased by twenty-five
15 per cent, such that a receiving property receives 1.25 dwelling
16 units for one dwelling unit transferred from a sending property,
17 and a receiving property receives 1,875 square feet of floor
18 area for one dwelling unit transferred from a sending property.

19 (c) For any county that determines allowable density by
20 stating the minimum building site area and does not authorize
21 more than one dwelling unit on the building site even if the lot
22 is more than twice the minimum building site area, the number of



1 single-family dwellings allowed by the zoning agency shall be
2 measured by dividing the lot by the minimum building site area.

3 (d) The authority to construct an ohana dwelling on the
4 sending property shall not be a development right that may be
5 transferable under this part.

6 (e) If the applicable zoning agency will only approve a
7 second dwelling unit on the sending property:

8 (1) Subject to conditions, such as a farm plan, that are
9 not required for the first dwelling unit on the
10 sending property; or

11 (2) Subject to limitations on square footage that are not
12 required for the first dwelling unit on the sending
13 property,

14 then the authority to construct the second dwelling on the
15 sending property shall not be a development right that may be
16 transferable under this part.

17 (f) Any zoning agency may give an additional density
18 bonus, similar to the density bonus described in subsection (b),
19 for the transfer of development rights into a specific portion
20 of the receiving district under the jurisdiction of the zoning
21 agency which may be better served by increasing the area's
22 density. Any designation of an area under this subsection shall



1 be consistent with the community or development plan for the
2 area.

3 **§205-I Residual use of sending property.** (a) After the
4 severance of a sending property's transferable development
5 rights, a sending property may be used to generate one or more
6 forms of renewable energy, as otherwise allowed by law, subject
7 to the requirements or conditions of the applicable zoning
8 agency.

9 (b) The declaration described in section 205-M shall
10 further describe the residual uses of the sending property.

11 **§205-J Zoning agency; transferable development rights**
12 **certificates; duties.** Each zoning agency shall be responsible
13 for:

14 (1) Determining, upon application by a transferor, the
15 development rights that may be transferred from a
16 sending property within a sending district to a
17 property in a receiving district and issuing a
18 transfer of development rights certificate upon
19 application by the transferor;

20 (2) Determining, upon application by a transferee, whether
21 the development rights described in a certificate
22 issued to a transferor may be affixed to the



1 transferee's receiving property within a receiving
2 district, or whether the rights described exceed the
3 maximum density of the receiving property, and issuing
4 a transfer of development rights certificate upon
5 application by the transferee;

6 (3) Countersigning the deed and declaration described in
7 section 205-M, provided that a transfer of development
8 rights certificate and a receipt of development rights
9 certificate for the sending and receiving properties
10 have been validly issued by the applicable zoning
11 agency or agencies;

12 (4) Maintaining permanent records of all certificates
13 issued, deeds conveying transferable development
14 rights from a sending property to a receiving
15 property, declaration of transferable development
16 rights, and development rights retired or otherwise
17 extinguished and transferred to specific properties;
18 and

19 (5) Making available forms on which to apply for a
20 transfer of development rights certificate and receipt
21 of development rights certificate.



1 §205-K Determination of development rights; issuance of
2 certificate for transferor. (a) An application for a transfer
3 of development rights certificate shall contain:

- 4 (1) A completed application form;
- 5 (2) A title report for the sending property dated not
6 later than forty-five days prior to the date of the
7 application;
- 8 (3) A description of the state land use district in which
9 the sending property is located, the sending
10 property's zoning designation, and whether the sending
11 property has used any of its allowable development
12 rights;
- 13 (4) A statement of the type and number of development
14 rights in terms of density or floor area ratio being
15 transferred from the sending property, and
16 calculations showing their determination;
- 17 (5) Applicable fees; and
- 18 (6) Any other additional information required by the
19 zoning agency as necessary to determine the number of
20 development rights that qualify for transfer.

21 (b) A transfer of development rights certificate shall
22 identify:



- 1 (1) The transferor;
- 2 (2) The transferee, if known;
- 3 (3) A legal description of the sending property on which
- 4 the calculation of development rights is based;
- 5 (4) A statement of the number of development rights in
- 6 either dwelling units per net acre or square feet of
- 7 nonresidential floor area eligible for transfer;
- 8 (5) The date of issuance; and
- 9 (6) The signature of the director or head of the zoning
- 10 agency.

11 (c) All development rights shall be calculated to the
12 nearest whole number. For example, any fractional calculation
13 as to development rights must be converted upward if the result
14 is one-half or more of a whole unit, or converted downward if
15 the result is less than one-half of a whole unit, rounded to the
16 nearest whole unit.

17 (d) After receiving and considering a complete application
18 for a determination of compliance, the zoning agency shall
19 provide a written determination stating the number of
20 residential development rights available for severance from the
21 sending property.

1 §205-L Receipt of development rights; issuance of
2 certificate for transferee. (a) An application for receipt of
3 development rights certificate shall contain:

- 4 (1) A completed application form;
- 5 (2) A title report for the receiving property dated not
6 later than forty-five days prior to the date of the
7 application;
- 8 (3) A transfer of development rights certificate for the
9 sending property issued by the zoning agency for the
10 sending property;
- 11 (4) A description of the state land use district in which
12 receiving property is located, the receiving
13 property's zoning designation, and whether the
14 receiving property has used any of its allowable
15 development rights;
- 16 (5) Applicable fees;
- 17 (6) Copies of the deed and declaration described in
18 section 205-M that are executed by the transferor and
19 the transferee; and
- 20 (7) Any other additional information required to the
21 zoning agency as necessary to confirm that the
22 transfer of development rights is authorized.



1 (b) A receipt of development rights certificate shall
2 identify:

3 (1) The transferor;
4 (2) The transferee;
5 (3) A legal description of the receiving property and a
6 statement that the development rights to be
7 transferred may be affixed to the receiving property
8 without exceeding the maximum density allowable for
9 the receiving property;
10 (4) A statement of the number of development rights in
11 either dwelling units per net acre or square feet of
12 nonresidential floor area eligible for transfer;
13 (5) The date of issuance; and
14 (6) The signature of the director or head of the zoning
15 agency.

16 (c) After receiving and considering a complete application
17 for a determination of compliance, the zoning agency shall
18 provide a written determination stating that the development
19 rights to be transferred may be affixed to the receiving
20 property without exceeding the maximum density allowable for the
21 receiving property. Additionally, the zoning agency shall
22 countersign the deed and the declaration described in section



1 205-M and return the deed and declaration to the transferee for
2 recording or filing pursuant to section 205-M.

3 **§205-M Instruments of transfer.** (a) A transfer of
4 development rights shall be effectuated by the concurrent
5 recordation in the bureau of conveyances or the filing in the
6 office of the assistant registrar of the land court, as
7 applicable, of the following documents:

8 (1) A deed entitled "Deed; Transferable Development
9 Rights"; and

10 (2) A declaration entitled "Declaration; Transferable
11 Development Rights".

12 (b) The deed shall convey the transferable development
13 rights described in the transfer of development rights
14 certificate and the receipt of development rights certificate.

15 The deed shall contain a legal description of the sending
16 property and the receiving property, shall be countersigned by
17 the zoning agency that has jurisdiction over the receiving
18 property, and shall have attached as exhibits the applicable
19 transfer of development rights certificate and the applicable
20 receipt of development rights certificate. The deed shall be
21 recorded in the bureau of conveyances or filed in the office of
22 the assistant registrar of the land court, as applicable.



1 (c) Concurrently with the recordation of the deed
2 described in subsection (b), the owner of the sending real
3 property shall record in the bureau of conveyances or the land
4 court, as applicable, the declaration described in subsection
5 (a). The declaration shall contain a legal description of the
6 sending property and the receiving property, shall be
7 countersigned by the zoning agency that has jurisdiction over
8 the receiving property, and shall have attached as exhibits the
9 applicable transfer of development rights certificate and the
10 applicable receipt of development rights certificate. The
11 declaration shall also contain a description of residual uses of
12 the sending real property. The declaration shall run with the
13 land and shall permanently remove the transferable development
14 rights from the sending property.

15 (d) Transferable development rights conveyed pursuant to
16 this part shall be interests in real property and shall be
17 considered as such for purposes of conveyance and taxation.
18 Once the deed and the declaration described in this section have
19 been recorded in the bureau of conveyances or filed in the
20 office of the assistant registrar of the land court, as
21 applicable, the transferable development rights shall vest in
22 the transferee and thereafter may be transferred to a successor



1 in interest, provided that the transaction meets all of the
2 requirements of this part.

3 (e) For purposes of the title to the receiving property,
4 the transferable development rights shall constitute an
5 appurtenant real property right that runs with the land and,
6 upon recordation or filing described in this section, shall be
7 affixed to the receiving property. The transferable development
8 rights shall not be conveyed separately from the receiving
9 property, unless the rights are conveyed to another receiving
10 property at which point the transferable development rights
11 shall become appurtenant to the subsequent receiving property.

12 (f) For purposes of the title to the sending property, the
13 transferable development rights shall constitute an encumbrance
14 on the title of the sending property that runs with the land."

15 SECTION 4. Chapter 501, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§501- Transfer of transferable development rights.

19 Notwithstanding section 501-109, transferable development
20 rights, pursuant to part of chapter 205, received by a
21 receiving property shall be considered an appurtenant real
22 property right that runs with the land, and shall be reflected



1 on the title of the registered land of the receiving property,
2 as defined in section 205-C, in this manner. A declaration
3 filed in accordance with section 205-M shall be treated as an
4 encumbrance on the title of the registered land of the sending
5 property, as defined in section 205-C, for purposes of this
6 chapter. The deed and the declaration described in section
7 205-M shall be filed concurrently, however, the deed shall not
8 be recorded without a corresponding declaration. The deed and
9 the declaration shall correspond to the requirements described
10 in section 205-M and shall have the exhibits described in
11 section 205-M attached. The certificates attached to the deed
12 and declaration shall refer to the correct sending and receiving
13 properties, and the transferable development rights referred to
14 in the certificates and in the deed and declaration shall be
15 consistent."

16 SECTION 5. Chapter 502, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§502- Transfer of transferable development rights. For
20 purposes of this chapter, transferable development rights,
21 pursuant to part of chapter 205, received by a receiving
22 property shall be considered an appurtenant real property right



1 that runs with the land, and shall be reflected on the title of
2 the receiving property, as defined in section 205-C, in this
3 manner. A declaration recorded in accordance with section 205-M
4 shall be treated as an encumbrance on the title of the sending
5 property, as defined in section 205-C, for purposes of this
6 chapter. The deed and the declaration described in section
7 205-M shall be recorded concurrently, however, the deed shall
8 not be recorded without a corresponding declaration. The deed
9 and the declaration shall correspond to the requirements
10 described in section 205-M and shall have the exhibits described
11 in section 205-M attached. The certificates attached to the
12 deed and declaration shall refer to the correct sending and
13 receiving properties, and the transferable development rights
14 referred to in the certificates and in the deed and declaration
15 shall be consistent."

PART III

17 SECTION 6. In codifying the new sections added by
18 section 3 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

21 SECTION 7. New statutory material is underscored.

22 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Land Use; Heeia Community Development District; Transferable Development Rights

Description:

Establishes the Heeia community development district in Koolaupoko, Oahu. Authorizes certain development rights to be conveyed from owners in agricultural districts to certain owners of land in urban districts, subject to conditions. Effective July 1, 2050. (Proposed SD1)

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

