
A BILL FOR AN ACT

RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1 SECTION 1. The legislature finds that the office of
2 Hawaiian affairs was established under the Hawaii State
3 Constitution and chapter 10, Hawaii Revised Statutes, to, among
4 other responsibilities, advocate for and better the conditions
5 of native Hawaiians and Hawaiians.

6 The legislature further finds that in order to fulfill its
7 constitutional mission under sections 4 and 6 of article XII of
8 the Hawaii State Constitution and statutory mission under
9 chapter 10, Hawaii Revised Statutes, the office of Hawaiian
10 affairs was given the responsibility to manage and administer
11 lands, income, and proceeds set aside for the specific purpose
12 of bettering the conditions of native Hawaiians and Hawaiians,
13 including a pro rata portion of the public land trust. The
14 legislature recognizes that the public land trust, created by
15 the Admission Act of 1959, comprises former Hawaiian Kingdom
16 crown and government lands, and is held in trust for the general
17 public and native Hawaiians and Hawaiians. The legislature
18 recognizes that despite constitutional and statutory mandates,



1 it was only after over thirty years of litigation and advocacy,
2 including multiple Hawaii supreme court decisions, that the
3 legislature, office of Hawaiian affairs, and governor agreed
4 upon a transfer of lands to discharge claims relating to the
5 nonpayment of public land trust revenues from the State to the
6 office of Hawaiian affairs between November 7, 1978, and
7 June 30, 2012, as described in Act 15, Session Laws of Hawaii
8 2012 (Act 15). The legislature finds that Act 15 intended, in
9 part, to provide the office of Hawaiian affairs with an
10 opportunity to obtain land assets that can provide a revenue
11 stream that will increase its capacity to deliver programs and
12 services to its beneficiaries.

13 The legislature finds that lands transferred under Act 15
14 may require certain residential entitlements to afford the
15 office of Hawaiian affairs the necessary flexibility to obtain
16 the meaningful revenue stream as intended under Act 15.
17 Allowing residential development on certain lands transferred to
18 the office of Hawaiian affairs will allow the agency to continue
19 to carry out the State's moral and legal responsibilities to
20 address the historical injustices suffered by the Hawaiian
21 people as well as the ongoing negative disparities relating to
22 the health, economic, housing, food security, educational, and



1 environmental condition of Native Hawaiians and their
2 communities.

3 Accordingly, the purpose of this Act is to allow the office
4 of Hawaiian affairs to seek residential development on a
5 specified subset of land parcels transferred to the office of
6 Hawaiian affairs pursuant to Act 15, subject to public hearing
7 and input requirements to hear and expressly consider the
8 concerns of the public relating to the use and development of
9 those parcels.

10 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
11 amended by adding three new sections to part II to be
12 appropriately designated and to read as follows:

13 "§206E-A Limited residential development in Kakaako;
14 public hearing prerequisite; height limit; association fee. (a)
15 The authority may approve any plan or proposal for any
16 residential development in Kakaako on any parcels identified as
17 tax map keys 2-1-15-61 and Lots 1 and 9 of File Plan 2471 filed
18 at the bureau of conveyances on February 23, 2010; provided that
19 the authorization for residential development pursuant to this
20 section shall apply to each of these land areas even in the
21 event that a parcel's official tax map key number changes;
22 provided further that approval may be granted only after the



1 applicant seeking approval conducts a public hearing held in
2 accordance with subsection (b), notwithstanding hearing
3 procedures under chapter 91.

4 (b) Prior to submission to the authority of any plan or
5 proposal for any residential development pursuant to this
6 section, the applicant seeking approval shall hold a public
7 hearing after notice is published, in accordance with section
8 1-28.5, at least thirty days prior to the hearing. The notice
9 shall include:

- 10 (1) The date, time, and place of the hearing;
11 (2) A statement of the topic of the hearing; and
12 (3) A description of where, when, and how the residential
13 development proposal may be viewed by the public.

14 All interested persons may submit data or opinions, orally or in
15 writing, in conjunction with the hearing.

16 (c) Prior to submitting to the authority for approval any
17 plan or proposal for residential development pursuant to this
18 section, the applicant for approval shall fully consider all
19 written and oral submissions allowed pursuant to subsection (b)
20 with regard to the proposed residential development.



1 (d) Prior to approving any plan or proposal for
2 residential development pursuant to this section, the authority
3 shall hold a public hearing in accordance with subsection (b).

4 (e) Prior to approving any plan or proposal for
5 residential development, pursuant to this section, the authority
6 shall fully consider all written and oral submissions received
7 at the public hearings held by the applicant and the authority.

8 (f) Any other law to the contrary notwithstanding, the
9 building height limit shall be four hundred feet for residential
10 development pursuant to this section on the parcels identified
11 by tax map keys 2-1-15-61 and Lot 1 of File Plan 2471 filed at
12 the bureau of conveyances on February 23, 2010.

13 §206E-B Kakaako makai association fee. The authority
14 shall determine a Kakaako makai association fee to be collected
15 from all residential developments in Kakaako on lands identified
16 in section 206E-A(a); provided that the fee shall be collected
17 from residential owners.

18 §206E-C Kakaako makai special account. Kakaako makai
19 association fees collected pursuant to section 206E-B shall be
20 deposited into a special account in the Hawaii community
21 development revolving fund established in section 206E-16.
22 Moneys from the special account shall be used to fund various



1 services and projects, including but not limited to maintenance,
 2 improvements, free public parking for park users, public beach
 3 access, security, and parks and open spaces, for the Kakaako
 4 community development district makai of Ala Moana boulevard and
 5 between Kewalo basin and the foreign trade zone. Disbursements
 6 from the account shall be made in accordance with procedures
 7 adopted by the authority and approved by the director of
 8 finance."

9 SECTION 3. Section 206E-12, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "§206E-12 Dedication for public facilities as condition to
 12 development. The authority shall establish rules requiring
 13 dedication for public facilities of land or facilities, or cash
 14 payments in lieu thereof, by developers as a condition of
 15 developing real property pursuant to the community development
 16 plan. Where state and county public facilities dedication laws,
 17 ordinances, or rules differ, the provision for greater
 18 dedication shall prevail.

19 This section shall not apply to lands identified in section
 20 206E-A(a)."

21 SECTION 4. Section 206E-31.5, Hawaii Revised Statutes, is
 22 amended to read as follows:



1 "~~§~~206E-31.5~~§~~ Prohibitions. Anything contained in
2 this chapter to the contrary notwithstanding~~§~~ and except as
3 provided in section 206E-A, the authority is prohibited from:

4 (1) Selling or otherwise assigning the fee simple interest
5 in any lands in the Kakaako community development
6 district to which the authority in its corporate
7 capacity holds title, except with respect to:

- 8 (A) Utility easements;
- 9 (B) Remnants as defined in section 171-52;
- 10 (C) Grants to any state or county department or
11 agency; or
- 12 (D) Private entities for purposes of any easement,
13 roadway, or infrastructure improvements; or

14 (2) Approving any plan or proposal for any residential
15 development in that portion of the Kakaako community
16 development district makai of Ala Moana boulevard and
17 between Kewalo [~~Basin~~] basin and the foreign trade
18 zone."

19 SECTION 5. In codifying the new sections added by section
20 2 of this Act, the revisor of statutes shall substitute
21 appropriate section numbers for the letters used in designating
22 the new sections in this Act.

1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Hawaii Community Development Authority; Residential Development

Description:

Authorizes residential development on certain specified parcels of land owned by the office of Hawaiian affairs in Kakaako. Requires applicants for residential development to hold a public hearing regarding a plan or proposal for residential development in Kakaako and consider all written and oral submissions from the hearing prior to submitting the plan or proposal to HCDA for approval. Requires HCDA to hold a public hearing and fully consider all written and oral submissions received at the hearings held by the applicant and the HCDA prior to approving any plan or proposal for residential development. Establishes a Kakaako makai association fee and Kakaako makai special account to fund various public services and projects in Kakaako. Exempts the Office of Hawaiian Affairs from section 206E-12, HRS, regarding the dedication of public facilities by developers as a condition of development in Kakaako. Effective 07/01/50.
(SD2)

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