

JAN 28 2015

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. The legislature finds and declares that there
2 is a lack of affordable housing in Hawaii. At the same time,
3 Hawaii also lacks land with the necessary infrastructure
4 improvements to support residential development, which is a
5 significant barrier to the development of affordable housing.
6 The Hawaii housing finance and development corporation has both
7 the capacity to develop and manage lands to generate income and
8 to develop infrastructure for affordable housing, although it
9 lacks available land. The University of Hawaii-West Oahu has
10 extensive undeveloped or underdeveloped land holdings, but lacks
11 the capacity to fully develop them to realize maximum income
12 potential.

13 The legislature further finds that the University of
14 Hawaii-West Oahu campus has grown and continues to grow.
15 Because the university is supported with public funds, it is the
16 legislature's responsibility to ensure that the university is



1 fiscally sustainable. Transferring certain parcels of land from
2 the University of Hawaii to the Hawaii housing finance and
3 development corporation for affordable-housing related
4 development will achieve the dual purpose of generating income
5 for the support of the University of Hawaii-West Oahu and adding
6 to the State's available affordable housing stock.

7 The legislature finds that the disposition of land to
8 support the development of much needed affordable housing and
9 the generation of revenue for the University of Hawaii-West Oahu
10 is a matter of statewide concern and therefore subject to the
11 purview of the legislature pursuant to article X, section 6, of
12 the Hawaii state constitution.

13 The purpose of this Act is to allocate and transfer titles
14 to certain parcels of land contained in the conceptual land use
15 plan for the University of Hawaii-West Oahu dated July 27, 2011,
16 between the University of Hawaii and the Hawaii housing finance
17 and development corporation, for affordable housing development
18 by the Hawaii housing finance and development corporation and
19 revenue generation for the benefit of the University of Hawaii-
20 West Oahu, including repayment of outstanding debt.



1 SECTION 2. Section 304A-2166, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~§304A-2166~~ **University of Hawaii-West Oahu special**
4 **fund.** (a) There is established the University of Hawaii-West
5 Oahu special fund. ~~The~~ Except as otherwise provided in
6 subsection (c), the proceeds of the special fund shall be used
7 for the following purposes:

8 (1) Planning, land acquisition, design, construction, and
9 equipment necessary for the development of the
10 permanent campus of the University of Hawaii-West Oahu
11 in Kapolei; and

12 (2) Planning, land acquisition, design, improvement, and
13 construction of infrastructure and other public or
14 common facilities necessary for the development of the
15 permanent campus of the University of Hawaii-West Oahu
16 in Kapolei.

17 (b) The following shall be deposited into the special
18 fund:

19 (1) Appropriations by the legislature to the special fund;

20 (2) All net proceeds from the sale of public lands, all
21 net rents from leases, licenses, and permits, or all



1 net proceeds derived from development rights for
2 public lands:

3 (A) Proposed for large lot subdivision as a five
4 hundred acre parcel and designated as Lot 10077
5 in Land Court Application 1069[+], including
6 those parcels of land contained in the conceptual
7 land use plan for the University of Hawaii-West
8 Oahu dated July 27, 2011, and identified by tax
9 map keys (1)9-1-16:120, (1)9-1-16:179, (1)9-1-
10 16:222, and (1)9-1-16:223 transferred to the
11 Hawaii housing finance and development
12 corporation pursuant to Act _____, Session Laws of
13 Hawaii 2015; and

14 (B) Obtained from the Campbell Estate in the land
15 exchange described in section 2 of Act 294,
16 Session Laws of Hawaii 1996, located mauka of the
17 H-1 Freeway and consisting of nine hundred forty-
18 one acres, more or less; and

19 (3) Interest earned or accrued on moneys in the special
20 fund.



1 (c) All net proceeds from the sale of public lands, all
2 net rents from leases, licenses, and permits, or all net
3 proceeds derived from development rights for public lands
4 contained in the conceptual land use plan for the University of
5 Hawaii-West Oahu dated July 27, 2011, and identified by tax map
6 keys (1)9-1-16:120, (1)9-1-16:179, (1)9-1-16:222, and (1)9-1-
7 16:223 transferred to the Hawaii housing finance and development
8 corporation pursuant to Act _____, Session Laws of Hawaii 2015,
9 shall be used solely for the following purposes:

- 10 (1) The repayment of any outstanding debt of the
11 University of Hawaii-West Oahu; and
12 (2) The benefit of the University of Hawaii-West Oahu.

13 [~~(e)~~] (d) The fund shall be managed by the university,
14 which shall also make expenditures from the fund.

15 [~~(d)~~] (e) Notwithstanding any other law to the contrary,
16 no moneys from the special fund may be expended for any purposes
17 other than the purposes set forth herein unless otherwise
18 approved by the legislature."

19 SECTION 3. (a) The University of Hawaii is directed to
20 transfer title, control, and custody of certain parcels of land
21 contained in the conceptual land use plan for the University of



1 Hawaii-West Oahu dated July 27, 2011, and identified by tax map
2 keys (1)9-1-16:120, (1)9-1-16:179, (1)9-1-16:222, and (1)9-1-
3 16:223 to the Hawaii housing finance and development
4 corporation; provided that, upon transfer, if a portion of any
5 of the identified parcels subject to transfer under this Act is
6 being used by the University of Hawaii, the Hawaii housing
7 finance and development corporation shall subdivide the parcel,
8 insofar as practicable, to delineate the portion of the parcel
9 being used by the University of Hawaii as a separate lot and
10 transfer title, control, and custody of that separate lot back
11 to the University of Hawaii.

12 (b) The Hawaii housing finance and development corporation
13 is directed to assume management authority over the lands
14 transferred to it by this Act.

15 (c) The Hawaii housing finance and development corporation
16 shall develop and manage the lands transferred to it by this
17 Act, pursuant to chapter 201H, Hawaii Revised Statutes,
18 including:

19 (1) Developing infrastructure; and



1 (2) Ensuring that the land is used in such a way as to
2 generate income for the University of Hawaii-West
3 Oahu.

4 (d) All proceeds received by the Hawaii housing finance
5 and development corporation from the sale, rental, lease, or
6 development of lands transferred pursuant to this Act shall be
7 deposited into the University of Hawaii-West Oahu special fund
8 established under section 304A-2166, Hawaii Revised Statutes.

9 SECTION 4. All deeds, leases, contracts, loans,
10 agreements, permits, or other documents executed or entered into
11 by or on behalf of the University of Hawaii pursuant to the
12 Hawaii Revised Statutes, which are applicable to the lands that
13 are being transferred pursuant to this Act, shall remain in full
14 force and effect, unless affirmatively amended by the
15 appropriate agency, under due process. Upon transfer of the
16 lands pursuant to this Act, every reference to the University of
17 Hawaii applicable to the lands that are being transferred to the
18 Hawaii housing finance and development corporation pursuant to
19 this Act shall be construed as a reference to the Hawaii housing
20 finance and development corporation.



1 SECTION 5. All rights, powers, functions, and duties of
2 the University of Hawaii relating to the lands that are being
3 transferred to the Hawaii housing finance and development
4 corporation pursuant to this Act are transferred to the Hawaii
5 housing finance and development corporation.

6 SECTION 6. During the time between the enactment of this
7 Act and its effective date, the University of Hawaii shall make
8 no decisions on deeds, leases, contracts, loans, agreements,
9 permits, or other documents relating to the lands that are being
10 transferred pursuant to this Act unless the Hawaii housing
11 finance and development corporation concurs.

12 SECTION 7. If any part of this Act is found to be in
13 conflict with federal requirements that are a prescribed
14 condition for the allocation of federal funds to the State, the
15 conflicting part of this Act is inoperative solely to the extent
16 of the conflict and with respect to the agencies directly
17 affected, and this finding does not affect the operation of the
18 remainder of this Act in its application to the agencies
19 concerned. Any rules in effect as a result of this Act shall
20 meet federal requirements that are a necessary condition to the



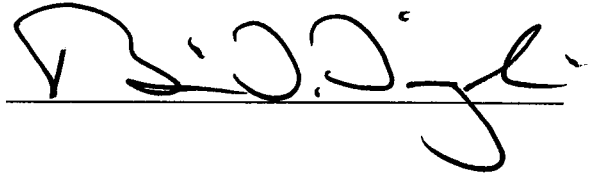
1 receipt of federal funds by the State or the city and county of
2 Honolulu.

3 SECTION 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect upon its approval;
6 provided that the conveyance of the lands subject to this Act
7 shall not be finally executed until July 1, 2016, to allow for
8 budgetary adjustments, rule changes, and other necessary
9 transition actions.

10

INTRODUCED BY:





S.B. NO. 1226

Report Title:

University of Hawaii West Oahu; Hawaii Housing Finance and Development Corporation; Land Transfer

Description:

Transfers title to certain parcels of land from the University of Hawaii to the Hawaii Housing Finance and Development Corporation for development of affordable housing and income generation for University of Hawaii-West Oahu.

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

