
A BILL FOR AN ACT

RELATING TO LEASEHOLD CONDOMINIUMS ON LANDS CONTROLLED BY THE STATE.

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 part II to be appropriately
3 designated and to read as follows:

4 "§201H- Leasehold condominiums on state land. (a) The
5 corporation may sell a leasehold unit in a condominium created
6 pursuant to chapter 514B and developed under this part on state
7 land to a qualified resident, as defined in section 201H-32.

8 (b) The term of the lease may be for ninety-nine years,
9 and the corporation may extend or modify the fixed rental period
10 of the lease or extend the term of the lease.

11 (c) The sale of leasehold units shall be subject to
12 sections 201H-47, 201H-49, and 201H-50, except for units sold at
13 fair market value.

14 (d) State land set aside by the governor to the
15 corporation and lands leased to the corporation by any
16 department or agency of the State for a condominium described in



1 this section shall be exempt from the definition of "public
2 land" under section 171-2.

3 (e) The powers conferred upon the corporation by this
4 section shall be in addition and supplemental to the powers
5 conferred by any other law, and nothing in this section shall be
6 construed as limiting any powers, rights, privileges, or
7 immunities so conferred."

8 SECTION 2. Section 171-2, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§171-2 Definition of public lands. "Public lands" means
11 all lands or interest therein in the State classed as government
12 or crown lands previous to August 15, 1895, or acquired or
13 reserved by the government upon or subsequent to that date by
14 purchase, exchange, escheat, or the exercise of the right of
15 eminent domain, or in any other manner; including lands accreted
16 after May 20, 2003, and not otherwise awarded, submerged lands,
17 and lands beneath tidal waters that are suitable for
18 reclamation, together with reclaimed lands that have been given
19 the status of public lands under this chapter, except:

20 (1) Lands designated in section 203 of the Hawaiian Homes
21 Commission Act, 1920, as amended;



- 1 (2) Lands set aside pursuant to law for the use of the
2 United States;
- 3 (3) Lands being used for roads and streets;
- 4 (4) Lands to which the United States relinquished the
5 absolute fee and ownership under section 91 of the
6 Hawaiian Organic Act prior to the admission of Hawaii
7 as a state of the United States unless subsequently
8 placed under the control of the board of land and
9 natural resources and given the status of public lands
10 in accordance with the state constitution, the
11 Hawaiian Homes Commission Act, 1920, as amended, or
12 other laws;
- 13 (5) Lands to which the University of Hawaii holds title;
- 14 (6) Lands to which the Hawaii housing finance and
15 development corporation in its corporate capacity
16 holds title[+] and state lands set aside by the
17 governor to the Hawaii housing finance and development
18 corporation or lands leased to the Hawaii housing
19 finance and development corporation by any department
20 or agency of the State for a condominium described in
21 section 201H- ;



- 1 (7) Lands to which the Hawaii community development
2 authority in its corporate capacity holds title;
- 3 (8) Lands to which the department of agriculture holds
4 title by way of foreclosure, voluntary surrender, or
5 otherwise, to recover moneys loaned or to recover
6 debts otherwise owed the department under chapter 167;
- 7 (9) Lands that are set aside by the governor to the Aloha
8 Tower development corporation; lands leased to the
9 Aloha Tower development corporation by any department
10 or agency of the State; or lands to which the Aloha
11 Tower development corporation holds title in its
12 corporate capacity;
- 13 (10) Lands that are set aside by the governor to the
14 agribusiness development corporation; lands leased to
15 the agribusiness development corporation by any
16 department or agency of the State; or lands to which
17 the agribusiness development corporation in its
18 corporate capacity holds title;
- 19 (11) Lands to which the Hawaii technology development
20 corporation in its corporate capacity holds title; and



1 (12) Lands to which the department of education holds
2 title;
3 provided that, except as otherwise limited under federal law and
4 except for state land used as an airport as defined in section
5 262-1, public lands shall include the air rights over any
6 portion of state land upon which a county mass transit project
7 is developed after July 11, 2005."

8 SECTION 3. Section 171-64.7, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) This section applies to all lands or interest therein
11 owned or under the control of state departments and agencies
12 classed as government or crown lands previous to August 15,
13 1895, or acquired or reserved by the government upon or
14 subsequent to that date by purchase, exchange, escheat, or the
15 exercise of the right of eminent domain, or any other manner,
16 including accreted lands not otherwise awarded, submerged lands,
17 and lands beneath tidal waters that are suitable for
18 reclamation, together with reclaimed lands that have been given
19 the status of public lands under this chapter, including:

20 (1) Land set aside pursuant to law for the use of the
21 United States;



- 1 (2) Land to which the United States relinquished the
2 absolute fee and ownership under section 91 of the
3 Organic Act prior to the admission of Hawaii as a
4 state of the United States;
- 5 (3) Land to which the University of Hawaii holds title;
- 6 (4) Land to which the Hawaii housing finance and
7 development corporation in its corporate capacity
8 holds title[+] and state land set aside by the
9 governor to the Hawaii housing finance and development
10 corporation or land leased to the Hawaii housing
11 finance and development corporation by any department
12 or agency of the State for a condominium described in
13 section 201H- ;
- 14 (5) Land to which the department of agriculture holds
15 title by way of foreclosure, voluntary surrender, or
16 otherwise, to recover moneys loaned or to recover
17 debts otherwise owed the department under chapter 167;
- 18 (6) Land that is set aside by the governor to the Aloha
19 Tower development corporation; or land to which the
20 Aloha Tower development corporation holds title in its
21 corporate capacity;



1 (7) Land that is set aside by the governor to the
2 agribusiness development corporation; or land to which
3 the agribusiness development corporation in its
4 corporate capacity holds title;

5 (8) Land to which the Hawaii technology development
6 corporation in its corporate capacity holds title; and

7 (9) Land to which the department of education holds
8 title."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Leases; HHFDC; Leasehold Condominiums on State Land

Description:

Authorizes HHFDC to enter into 99-year leases for residential condominium units developed on state lands. Exempts certain land from the definition of public land. Subjects certain land to the legislative approval requirement for the sale or gift of the lands. (SB1190 HD2)

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