

JAN 15 2020

A BILL FOR AN ACT

RELATING TO LEASEHOLD CONDOMINIUMS ON STATE LAND.

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 leasehold units in condominiums 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 shall not exceed ninety-nine
9 years and shall not be extended beyond the initial ninety-nine
10 year term.

11 (c) State land set aside by the governor to the
12 corporation and lands leased to the corporation by any
13 department or agency of the State for a condominium described in
14 this section shall be exempt from the definition of "public
15 lands" under section 171-2.

16 (d) The powers conferred upon the corporation by this
17 section shall be in addition and supplemental to the powers



1 conferred by any other law, and nothing in this section shall be
2 construed as limiting any powers, rights, privileges, or
3 immunities so conferred."

4 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
5 amended by adding a new section to part I to be appropriately
6 designated and to read as follows:

7 "§206E- Leasehold condominiums on state land. (a) The
8 authority may sell leasehold units in condominiums created
9 pursuant to chapter 514B and developed under this part on state
10 land to a "qualified resident" as defined in section 201H-32.

11 (b) The term of the lease shall not exceed ninety-nine
12 years and shall not be extended beyond the initial ninety-nine
13 year term.

14 (c) State land set aside by the governor to the authority
15 and lands leased to the authority by any department or agency of
16 the State for a condominium described in this section shall be
17 exempt from the definition of "public lands" under section 171-
18 2.

19 (d) The powers conferred upon the authority by this
20 section shall be in addition and supplemental to the powers
21 conferred by any other law, and nothing in this section shall be



1 construed as limiting any powers, rights, privileges, or
2 immunities so conferred."

3 SECTION 3. Section 171-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§171-2 Definition of public lands. "Public lands" means
6 all lands or interest therein in the State classed as government
7 or crown lands previous to August 15, 1895, or acquired or
8 reserved by the government upon or subsequent to that date by
9 purchase, exchange, escheat, or the exercise of the right of
10 eminent domain, or in any other manner; including lands accreted
11 after May 20, 2003, and not otherwise awarded, submerged lands,
12 and lands beneath tidal waters that are suitable for
13 reclamation, together with reclaimed lands that have been given
14 the status of public lands under this chapter, except:

- 15 (1) Lands designated in section 203 of the Hawaiian Homes
16 Commission Act, 1920, as amended;
- 17 (2) Lands set aside pursuant to law for the use of the
18 United States;
- 19 (3) Lands being used for roads and streets;
- 20 (4) Lands to which the United States relinquished the
21 absolute fee and ownership under section 91 of the



1 Hawaiian Organic Act prior to the admission of Hawaii
2 as a state of the United States unless subsequently
3 placed under the control of the board of land and
4 natural resources and given the status of public lands
5 in accordance with the state constitution, the
6 Hawaiian Homes Commission Act, 1920, as amended, or
7 other laws;

8 (5) Lands to which the University of Hawaii holds title;

9 (6) Lands to which the Hawaii housing finance and
10 development corporation in its corporate capacity
11 holds title[+] and state lands set aside by the
12 governor and lands leased to the Hawaii housing
13 finance and development corporation by any department
14 or agency of the State for a condominium described in
15 section 201H- ;

16 (7) Lands to which the Hawaii community development
17 authority in its corporate capacity holds title[+] and
18 state lands set aside to the Hawaii community
19 development authority by the governor and lands leased
20 by any department of agency of the State for a
21 condominium described in section 206E- ;



1 (8) Lands set aside by the governor to the Hawaii public
2 housing authority or lands to which the Hawaii public
3 housing authority in its corporate capacity holds
4 title;

5 (9) Lands to which the department of agriculture holds
6 title by way of foreclosure, voluntary surrender, or
7 otherwise, to recover moneys loaned or to recover
8 debts otherwise owed the department under chapter 167;

9 (10) Lands that are set aside by the governor to the Aloha
10 Tower development corporation; lands leased to the
11 Aloha Tower development corporation by any department
12 or agency of the State; or lands to which the Aloha
13 Tower development corporation holds title in its
14 corporate capacity;

15 (11) Lands that are set aside by the governor to the
16 agribusiness development corporation; lands leased to
17 the agribusiness development corporation by any
18 department or agency of the State; or lands to which
19 the agribusiness development corporation in its
20 corporate capacity holds title;



1 (12) Lands to which the Hawaii technology development
2 corporation in its corporate capacity holds title; and

3 (13) Lands to which the Hawaii technology development
4 corporation in its corporate capacity holds title;

5 provided that, except as otherwise limited under federal law and
6 except for state land used as an airport as defined in section
7 262-1, public lands shall include the air rights over any
8 portion of state land upon which a county mass transit project
9 is developed after July 11, 2005."

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

12 SECTION 5. This Act shall take effect upon its approval.
13

INTRODUCED BY: BSGS
 DKR
 SHU



S.B. NO. 2043

Report Title:

Leases; Leasehold Condominiums on State Land; Hawaii Community Development Authority; Hawaii Housing Finance and Development Corporation

Description:

Authorizes the Hawaii housing finance and development corporation and Hawaii community development authority to sell leasehold units in residential condominiums located on state lands.

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

