
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 provided that, prior to the sale of any leasehold unit in any
9 condominium, the corporation shall establish rules pursuant to
10 chapter 91 that provide for the transfer of a certain percentage
11 or number of leasehold units within the same condominium to the
12 department of Hawaiian home lands or to the office of Hawaiian
13 affairs.

14 (b) The term of the lease shall not exceed ninety-nine
15 years and shall not be extended beyond the initial ninety-nine
16 year term.



1 (c) State land set aside by the governor to the
2 corporation and lands leased to the corporation by any
3 department or agency of the State for a condominium described in
4 this section shall be exempt from the definition of "public
5 lands" under section 171-2; except for the provision in section
6 171-2(6) that subjects corporation lands to the accounting for
7 all receipts for lands subject to section 5(f) of the Admission
8 Act; provided further that any sale, gift, or exchange of real
9 property shall be subject to the terms, conditions, and
10 restrictions applicable to the sale, gift, or exchange of public
11 lands in sections 171-50 and 171-64.7."

12 (d) The powers conferred upon the corporation by this
13 section shall be in addition and supplemental to the powers
14 conferred by any other law, and nothing in this section shall be
15 construed as limiting any powers, rights, privileges, or
16 immunities so conferred."

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

20 "§206E- Leasehold condominiums on state land. (a) The
21 authority may sell leasehold units in condominiums created



1 pursuant to chapter 514B and developed under this part on state
2 land to a "qualified resident" as defined in section 201H-32;
3 provided that, prior to the sale of any leasehold unit in any
4 condominium, the authority shall establish rules pursuant to
5 chapter 91 that provide for the transfer of a certain percentage
6 or number of leasehold units within the same condominium to the
7 department of Hawaiian home lands or to the office of Hawaiian
8 affairs.

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

12 (c) State land set aside by the governor to the authority
13 and lands leased to the authority by any department or agency of
14 the State for a condominium described in this section shall be
15 exempt from the definition of "public lands" under section 171-
16 2; except for the provision in section 171-2(7) that subjects
17 corporation lands to the accounting for all receipts for lands
18 subject to section 5(f) of the Admission Act; provided further
19 that any sale, gift, or exchange of real property shall be
20 subject to the terms, conditions, and restrictions applicable to



1 the sale, gift, or exchange of public lands in sections 171-50
2 and 171-64.7."

3 (d) The powers conferred upon the authority 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 3. Chapter 356D, Hawaii Revised Statutes, is
9 amended by adding a new section to part I to be appropriately
10 designated and to read as follows:

11 "§356D- Leasehold condominiums on state land. (a) The
12 authority may sell leasehold units in condominiums created
13 pursuant to chapter 514B and developed under this part on state
14 land to a "qualified resident" as defined in section 201H-32;
15 provided that, prior to the sale of any leasehold unit in any
16 condominium, the authority shall establish rules pursuant to
17 chapter 91 that provide for the transfer of a certain percentage
18 or number of leasehold units within the same condominium to the
19 department of Hawaiian home lands or to the office of Hawaiian
20 affairs.



1 (b) The term of the lease shall not exceed ninety-nine
2 years and shall not be extended beyond the initial ninety-nine
3 year term.

4 (c) State land set aside by the governor to the authority
5 and lands leased to the authority by any department or agency of
6 the State for a condominium described in this section shall be
7 exempt from the definition of "public lands" under section 171-
8 2; except for the provision in section 171-2(8) that subjects
9 corporation lands to the accounting for all receipts for lands
10 subject to section 5(f) of the Admission Act; provided further
11 that any sale, gift, or exchange of real property shall be
12 subject to the terms, conditions, and restrictions applicable to
13 the sale, gift, or exchange of public lands in sections 171-50
14 and 171-64.7."

15 (d) The powers conferred upon the authority by this
16 section shall be in addition and supplemental to the powers
17 conferred by any other law, and nothing in this section shall be
18 construed as limiting any powers, rights, privileges, or
19 immunities so conferred."

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



1 **"§171-2 Definition of public lands.** "Public lands" means
2 all lands or interest therein in the State classed as government
3 or crown lands previous to August 15, 1895, or acquired or
4 reserved by the government upon or subsequent to that date by
5 purchase, exchange, escheat, or the exercise of the right of
6 eminent domain, or in any other manner; including lands accreted
7 after May 20, 2003, and not otherwise awarded, submerged lands,
8 and lands beneath tidal waters that are suitable for
9 reclamation, together with reclaimed lands that have been given
10 the status of public lands under this chapter, except:

- 11 (1) Lands designated in section 203 of the Hawaiian Homes
12 Commission Act, 1920, as amended;
- 13 (2) Lands set aside pursuant to law for the use of the
14 United States;
- 15 (3) Lands being used for roads and streets;
- 16 (4) Lands to which the United States relinquished the
17 absolute fee and ownership under section 91 of the
18 Hawaiian Organic Act prior to the admission of Hawaii
19 as a state of the United States unless subsequently
20 placed under the control of the board of land and
21 natural resources and given the status of public lands



- 1 in accordance with the state constitution, the
2 Hawaiian Homes Commission Act, 1920, as amended, or
3 other laws;
- 4 (5) Lands to which the University of Hawaii holds title;
- 5 (6) Lands to which the Hawaii housing finance and
6 development corporation in its corporate capacity
7 holds title[+] and state lands set aside by the
8 governor and lands leased to the Hawaii housing
9 finance and development corporation by any department
10 or agency of the State for a condominium described in
11 section 201H- ;
- 12 (7) Lands to which the Hawaii community development
13 authority in its corporate capacity holds title[+] and
14 state lands set aside to the Hawaii community
15 development authority by the governor and lands leased
16 by any department or agency of the State for a
17 condominium described in section 206E- ;
- 18 (8) Lands set aside by the governor to the Hawaii public
19 housing authority or lands to which the Hawaii public
20 housing authority in its corporate capacity holds
21 title[+] and state lands set aside to the Hawaii



community development authority by the governor and
lands leased by any department or agency of the State
for a condominium described in section 356D- ;

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

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

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

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



1 (13) Lands to which the Hawaii technology development
2 corporation in its corporate capacity holds 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 5. Section 171-64.7, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "**§171-64.7 Legislative approval of sale or gift of lands.**

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



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



- 1 Aloha Tower development corporation holds title in its
2 corporate capacity;
- 3 (7) Land that is set aside by the governor to the
4 agribusiness development corporation; or land to which
5 the agribusiness development corporation in its
6 corporate capacity holds title;
- 7 (8) Land to which the Hawaii technology development
8 corporation in its corporate capacity holds title;
- 9 (9) Land to which the department of education holds title;
10 [and]
- 11 (10) Land to which the Hawaii public housing authority in
12 its corporate capacity holds title[-], state land set
13 aside to the Hawaii public housing authority by the
14 governor and land leased to the Hawaii public housing
15 authority by any department of agency of the State;
16 and
- 17 (11) Land to which the Hawaii community development
18 authority in its corporate capacity holds title, state
19 land set aside to the Hawaii community development
20 authority by the governor and land leased to the



1 Hawaii community development authority by any
2 department of agency of the State."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.



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, Hawaii community development authority, and Hawaii public housing authority to sell leasehold units in residential condominiums located on state lands. (SD1)

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

