

1 affordable housing; insufficient commercial and industrial
2 facilities for rent; residential areas that do not have
3 facilities necessary for basic liveability, such as parks and
4 open space; and areas that are planned for extensive land
5 allocation to one use, rather than mixed uses.

6 The legislature further determines that the lack of
7 planning and coordination in such areas has given rise to these
8 community development needs and that existing laws and public
9 and private mechanisms have either proven incapable or
10 inadequate to facilitate timely redevelopment and renewal.

11 The legislature finds that a new and comprehensive
12 authority for community development must be created to join the
13 strengths of private enterprise, public development, and
14 regulation into a new entity capable of long-range planning and
15 implementation of improved community development. The purpose
16 of this chapter is to establish such a mechanism through the
17 west Oahu community development authority, a public entity which
18 shall determine community development programs and cooperate
19 with private enterprise and the various components of federal,
20 state, and county governments in bringing plans to fruition.
21 For areas designated as community development districts in west



1 Oahu, the legislature believes that the planning and
 2 implementation program of the west Oahu community development
 3 authority will result in communities that serve the highest
 4 needs and aspirations of Hawaii's people.

5 The legislature finds that the creation of the west Oahu
 6 community development authority, the establishment of community
 7 development districts in west Oahu, and the issuance of bonds
 8 pursuant to this chapter to finance public facilities serve the
 9 public interest and are matters of statewide concern.

10 § -2 Definitions. As used in this chapter, the
 11 following terms have the following meanings, unless the context
 12 indicates a different meaning or intent:

13 "Authority" means the west oahu community development
 14 authority established by section -3.

15 "Commercial project" means an undertaking involving
 16 commercial or light industrial development, which includes a
 17 mixed-use development where commercial or light industrial
 18 facilities may be built into, adjacent to, under, or above
 19 residential units.

20 "County" means any county of the State.

21 "Local governing body" means the county council.



1 "Multipurpose project" means a project consisting of any
2 combination of a commercial project, redevelopment project, or
3 residential project.

4 "Project" means a specific work or improvement, including
5 real and personal properties, or any interest therein, acquired,
6 owned, constructed, reconstructed, rehabilitated, or improved by
7 the authority, including a commercial project, redevelopment
8 project, residential project, or multipurpose project.

9 "Project cost" means the total of all costs incurred by the
10 authority in carrying out all undertakings that it deems
11 reasonable and necessary for the development of a project,
12 including but not limited to: studies; surveys; plans;
13 specifications; architectural, engineering, or any other
14 development related services; acquisition of land and any
15 improvement thereon; site preparation and development;
16 construction; reconstruction; rehabilitation; the necessary
17 expenses in administering the chapter; the cost of financing the
18 project; and relocation costs.

19 "Public agency" means any office, department, board,
20 commission, bureau, division, public corporation agency, or
21 instrumentality of the federal, state, or county government.



1 "Public facilities" includes streets, utility and service
2 corridors, and utility lines where applicable, sufficient to
3 adequately service developable improvements in the district,
4 sites for schools, parks, parking garage, sidewalks, pedestrian
5 ways, and other community facilities. "Public facilities" also
6 includes public highways, as defined in section 264-1, storm
7 drainage systems, water systems, street lighting systems, off-
8 street parking facilities, and sanitary sewerage systems.

9 "Qualified nonprofit housing trust" means a corporation,
10 association, or other duly chartered organization that is
11 registered and in good standing with the State; is recognized by
12 the Internal Revenue Service as a charitable or otherwise tax-
13 exempt organization under section 501(c)(3) of the Internal
14 Revenue Code of 1986, as amended; and has the capacity and
15 resources as determined by the authority to carry out the
16 requirements of the reserved housing and workforce housing
17 programs.

18 "Qualified person" includes any individual, partnership,
19 corporation, or any public agency possessing the competence,
20 expertise, experience, and resources, including financial,
21 personnel, and tangible resources, required for the purposes of



1 the project and other qualifications as may be deemed desirable
2 by the authority in administering this chapter.

3 "Real property" means lands, structures, and interests in
4 land, including lands under water and riparian rights, space
5 rights, and air rights and any and all other things and rights
6 usually included within the term. Real property also means any
7 and all interests in the property less than full title, such as
8 easements, incorporeal hereditaments, and every estate,
9 interest, or right, legal or equitable, including terms for
10 years and liens thereon by way of judgments, mortgages, or
11 otherwise.

12 "Redevelopment project" means an undertaking for the
13 acquisition, clearance, replanning, reconstruction, and
14 rehabilitation, or a combination of these and other methods, of
15 an area for a residential project, for an incidental commercial
16 project, and for other facilities incidental or appurtenant
17 thereto, pursuant to and in accordance with this chapter. The
18 terms "acquisition, clearance, replanning, reconstruction, and
19 rehabilitation" include renewal, redevelopment, conservation,
20 restoration, or improvement, or any combination thereof.



1 "Reserved housing" means housing designated for residents
2 in the low-income or moderate-income ranges who meet eligibility
3 requirements as the authority may adopt by rule.

4 "Residential project" means a project or that portion of a
5 multipurpose project, including residential dwelling units,
6 designed and intended for the purpose of providing housing and
7 any facilities as may be incidental or appurtenant thereto.

8 "Workforce housing" means new residential projects where at
9 least seventy-five per cent of the residential units are set
10 aside for purchase or rent for residents in the low-income or
11 moderate-income ranges who meet such eligibility requirements as
12 the authority may adopt by rule and that do not require
13 financial assistance for design and construction from federal,
14 state, or county government agencies.

15 **§ -3 West Oahu community development authority;**
16 **established.** (a) There is established the west Oahu community
17 development authority, which shall be a body corporate and a
18 public instrumentality of the State, for the purpose of
19 implementing this chapter. The authority shall be placed within
20 the department of business, economic development, and tourism
21 for administrative purposes.



- 1 (b) The authority shall consist of:
- 2 (1) The director of finance or the director's designee;
- 3 (2) The director of transportation or the director's
- 4 designee;
- 5 (3) The chairperson of the Hawaiian homes commission or
- 6 the chairperson's designee, who shall serve in an ex
- 7 officio, nonvoting capacity;
- 8 (4) The director of planning and permitting of each county
- 9 in which a community development district is located
- 10 or the director's designee, who shall serve in an ex
- 11 officio, nonvoting capacity;
- 12 (5) A cultural specialist;
- 13 (6) An at-large member; and
- 14 (7) Three representatives of the Kalaeloa community
- 15 development district, consisting of two residents of
- 16 the Ewa zone (zone 9, sections 1 through 2) or the
- 17 Waianae zone (zone 8, sections 1 through 9) of the
- 18 first tax map key division, and one owner of a small
- 19 business or one officer or director of a nonprofit
- 20 organization in the Ewa or Waianae zone, nominated by



1 the county council of the county in which the Kalaeloa
2 community development district is located.

3 All members except the director of finance, director of
4 transportation, county directors of planning and permitting, and
5 chairperson of the Hawaiian homes commission or their designees
6 shall be appointed by the governor pursuant to section 26-34.

7 For purposes of this subsection, "small business" means a
8 business which is independently owned and which is not dominant
9 in its field of operation.

10 (c) For matters affecting the Kalaeloa community
11 development district, the following members shall be considered
12 in determining quorum and majority and shall be eligible to
13 vote:

- 14 (1) The director of finance or the director's designee;
- 15 (2) The director of transportation or the director's
16 designee;
- 17 (3) The cultural specialist;
- 18 (4) The one at-large member; and
- 19 (5) The three representatives of the Kalaeloa community
20 development district;



1 provided that the director of planning and permitting of the
2 relevant county and the chairperson of the Hawaiian homes
3 commission, or their respective designees, shall participate in
4 these matters as ex officio, nonvoting members and shall not be
5 considered in determining quorum and majority.

6 (d) In the event of a vacancy, a member shall be appointed
7 to fill the vacancy in the same manner as the original
8 appointment within thirty days of the vacancy or within ten days
9 of the senate's rejection of a previous appointment, as
10 applicable.

11 (e) The terms of the director of finance, director of
12 transportation, county directors of planning and permitting, and
13 chairperson of the Hawaiian homes commission or their respective
14 designees shall run concurrently with each official's term of
15 office. The terms of the appointed voting members shall be for
16 four years, commencing on July 1 and expiring on June 30;
17 provided that the initial terms of all voting members initially
18 appointed pursuant to Act , Session Laws of Hawaii 2020,
19 shall commence on March 1, 2021. The governor shall provide for
20 staggered terms of the initially appointed voting members so
21 that the initial terms of four members selected by lot shall be



1 for two years, the initial terms of four members selected by lot
2 shall be for three years, and the initial terms of the remaining
3 five members shall be for four years.

4 (f) The governor may remove or suspend for cause any
5 member after due notice and public hearing.

6 (g) Notwithstanding section 92-15, a majority of all
7 eligible voting members as specified in this subsection shall
8 constitute a quorum to do business, and the concurrence of a
9 majority of all eligible voting members as specified in this
10 subsection shall be necessary to make any action of the
11 authority valid. All members shall continue in office until
12 their respective successors have been appointed and qualified.
13 Except as herein provided, no member appointed under this
14 subsection shall be an officer or employee of the State or its
15 political subdivisions.

16 (h) The authority shall appoint the executive director who
17 shall be the chief executive officer. The authority shall set
18 the salary of the executive director, who shall serve at the
19 pleasure of the authority and shall be exempt from chapter 76.

20 (i) The authority shall annually elect the chairperson and
21 vice chairperson from among its members.



1 (j) The members of the authority appointed under
2 subsection (b) shall serve without compensation, but each shall
3 be reimbursed for expenses, including travel expenses, incurred
4 in the performance of their duties.

5 § -4 Powers; generally. Except as otherwise limited by
6 this chapter, the authority may:

- 7 (1) Sue and be sued;
- 8 (2) Have a seal and alter the same at pleasure;
- 9 (3) Make and execute contracts and all other instruments
10 necessary or convenient for the exercise of its powers
11 and functions under this chapter;
- 12 (4) Make and alter bylaws for its organization and
13 internal management;
- 14 (5) Make rules with respect to its projects, operations,
15 properties, and facilities, which rules shall be in
16 conformance with chapter 91;
- 17 (6) Through its executive director appoint officers,
18 agents, and employees, prescribe their duties and
19 qualifications, and fix their salaries, without regard
20 to chapter 76;



- 1 (7) Prepare or cause to be prepared a community
2 development plan for all designated community
3 development districts;
- 4 (8) Acquire, reacquire, or contract to acquire or
5 reacquire by grant or purchase real, personal, or
6 mixed property or any interest therein; to own, hold,
7 clear, improve, and rehabilitate, and to sell, assign,
8 exchange, transfer, convey, lease, or otherwise
9 dispose of or encumber the same;
- 10 (9) Acquire or reacquire by condemnation real, personal,
11 or mixed property or any interest therein for public
12 facilities, including but not limited to streets,
13 sidewalks, parks, schools, and other public
14 improvements;
- 15 (10) By itself, or in partnership with qualified persons,
16 acquire, reacquire, construct, reconstruct,
17 rehabilitate, improve, alter, or repair or provide for
18 the construction, reconstruction, improvement,
19 alteration, or repair of any project; own, hold, sell,
20 assign, transfer, convey, exchange, lease, or
21 otherwise dispose of or encumber any project, and in



1 the case of the sale of any project, accept a purchase
2 money mortgage in connection therewith; and repurchase
3 or otherwise acquire any project that the authority
4 has theretofore sold or otherwise conveyed,
5 transferred, or disposed of;

6 (11) Arrange or contract for the planning, replanning,
7 opening, grading, or closing of streets, roads,
8 roadways, alleys, or other places, or for the
9 furnishing of facilities or for the acquisition of
10 property or property rights or for the furnishing of
11 property or services in connection with a project;

12 (12) Grant options to purchase any project or to renew any
13 lease entered into by it in connection with any of its
14 projects, on terms and conditions as it deems
15 advisable;

16 (13) Prepare or cause to be prepared plans, specifications,
17 designs, and estimates of costs for the construction,
18 reconstruction, rehabilitation, improvement,
19 alteration, or repair of any project, and from time to
20 time to modify the plans, specifications, designs, or
21 estimates;



- 1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, to carry out the purposes of this
5 chapter, and engage the services of consultants on a
6 contractual basis for rendering professional and
7 technical assistance and advice;
- 8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in
10 amounts and from insurers as it deems desirable;
- 11 (16) Contract for and accept gifts or grants in any form
12 from any public agency or from any other source;
- 13 (17) Do any and all things necessary to carry out its
14 purposes and exercise the powers given and granted in
15 this chapter; and
- 16 (18) Allow satisfaction of any affordable housing
17 requirements imposed by the authority upon any
18 proposed development project through the construction
19 of reserved housing, as defined in section 206E-101,
20 by a person on land located outside the geographic
21 boundaries of the authority's jurisdiction; provided



1 that the authority may permit cash payments in lieu of
 2 providing reserved housing. The substituted housing
 3 shall be located on the same island as the development
 4 project and shall be substantially equal in value to
 5 the required reserved housing units that were to be
 6 developed on site. The authority shall establish the
 7 following priority in the development of reserved
 8 housing:

- 9 (A) Within the community development district;
- 10 (B) Within areas immediately surrounding the
- 11 community development district; and
- 12 (C) In outlying areas within the same island as the
- 13 development project.

14 The authority shall adopt rules relating to the approval of
 15 reserved housing that are developed outside of a community
 16 development district. The rules shall include but are not
 17 limited to the establishment of guidelines to ensure compliance
 18 with the priorities stated in paragraph (18).

19 **§ -5 Assignment of powers and duties prohibited.**

20 Notwithstanding anything contained in this chapter to the
 21 contrary, the authority shall not assign to any person or



1 agency, including the executive director of the authority, any
2 of its powers and duties related to the approval of any
3 variance, exemption, or modification of any provision of a
4 community development plan or community development rules.

5 **§ -6 Reserved and workforce housing units; transfer to**
6 **qualified nonprofit housing trust.** (a) Notwithstanding any law
7 to the contrary, the authority may authorize a designated
8 qualified nonprofit housing trust to administer the covenants
9 and rules related to the reserved housing and workforce housing
10 programs. Additionally, the authority may waive its right to
11 repurchase a reserved or workforce housing unit during the
12 restriction period and may transfer that right of repurchase to
13 a qualified nonprofit housing trust for the purpose of
14 maintaining the reserved or workforce housing unit as an
15 affordable housing unit. If the repurchase rights are
16 transferred to a qualified nonprofit housing trust, the
17 restrictions prescribed in this chapter or in rules adopted by
18 the authority shall be automatically extinguished and shall not
19 attach in subsequent transfers of title; provided further that
20 the qualified nonprofit housing trust shall establish new
21 buyback restrictions for the purpose of maintaining the unit as



1 affordable for as long as practicable, or as otherwise required
2 by the authority.

3 (b) A qualified nonprofit housing trust shall report the
4 status and use of its housing units to the authority by November
5 30 of each calendar year.

6 § -7 **Urban gardening programs.** Notwithstanding any
7 other provision of law, the authority may develop programs that
8 provide incentives for the development of housing projects that
9 incorporate urban gardening programs; provided that the college
10 of tropical agriculture and human resources of the University of
11 Hawaii at Manoa shall be consulted regarding best practices in
12 urban gardening, including vertical gardening, aquaponics, and
13 community gardening.

14 § -8 **Designation of community development districts;**
15 **community development plans.** (a) The legislature, by statute,
16 may designate an area as a community development district in
17 west Oahu if it determines that there is need for replanning,
18 renewal, or redevelopment of that area. The designation shall
19 describe the boundaries of the district.

20 (b) After designation, the authority shall develop a
21 community development plan for the designated district. The



1 plan shall include but not be limited to community development
2 guidance policies and district-wide improvement program and
3 community development rules.

4 (c) The authority may enter into cooperative agreements
5 with qualified persons or public agencies, where the powers,
6 services, and capabilities of such persons or agencies are
7 deemed necessary and appropriate for the development of the
8 community development plan.

9 (d) Whenever possible, planning activities of the
10 authority shall be coordinated with federal, state, and county
11 plans. Consideration shall be given to state goals and
12 policies, adopted state plan or land use guidance policies,
13 county general plans, development plans, and ordinances.

14 (e) The authority shall hold a public hearing on a
15 proposed community development plan pursuant to chapter 91 and,
16 after consideration of comments received and appropriate
17 revision, shall submit the community development plan to the
18 governor for the governor's approval.

19 After approval, the governor shall submit to the
20 legislature requests for appropriations, authorization to issue
21 bonds, or both, to implement the community development plan in



1 an orderly, affordable, and feasible manner. The governor shall
2 submit the requests to the legislature as part of the executive
3 budget or supplemental budget, as appropriate. In addition to
4 the information, data, and materials required under chapter 37,
5 the requests shall be accompanied by:

- 6 (1) Plans, maps, narrative descriptions, and other
7 appropriate materials on the:
 - 8 (A) Locations and design of projects or public
9 facilities proposed to be funded; and
 - 10 (B) Phase of the community development plans proposed
11 to be implemented with the requested funds; and
- 12 (2) Other information deemed by the governor of
13 significance to the legislature regarding the projects
14 or public facilities proposed to be funded, including
15 a discussion of the public benefits intended by, and
16 adverse effects that may result from, implementation
17 of the projects or public facilities.

18 (f) The authority may amend the community development plan
19 as may be necessary. Amendments shall be made in accordance
20 with chapter 91.



1 § -9 Community and public notice requirements; posting
2 on the authority's website; required. (a) The authority shall
3 adopt community and public notice procedures pursuant to chapter
4 91 that shall include at a minimum:

5 (1) A means to effectively engage the community in which
6 the authority is planning a development project to
7 ensure that community concerns are received and
8 considered by the authority;

9 (2) The posting of the authority's proposed plans for
10 development of community development districts, public
11 hearing notices, and minutes of its proceedings on the
12 authority's website;

13 (3) The posting of every application for a development
14 permit for any project within a community development
15 district on the authority's website when the
16 application is deemed complete;

17 (4) Notification by the applicant of any application for a
18 development permit for a project valued at \$250,000 or
19 more by first class United States mail, postage
20 prepaid to owners and lessees of record of real
21 property located within a three hundred foot radius of



1 the perimeter of the proposed project identified from
2 the most current list available from the agency
3 responsible for real property assessment within the
4 county in which the proposed project is located when
5 the application is deemed complete; provided that
6 notice mailed pursuant to this paragraph shall include
7 but not be limited to notice of:

- 8 (A) Project specifications;
- 9 (B) Requests for variance, exemption, or modification
10 of a community development plan or the
11 authority's community development rules; and
- 12 (C) Procedures for intervention and a contested case
13 hearing; and

14 (5) Any other information that the public may find useful
15 so that it may meaningfully participate in the
16 authority's decision-making processes.

17 (b) The authority shall notify the president of the senate
18 and speaker of the house of representatives:

- 19 (1) Of any public hearing upon posting of the hearing
20 notice; and



1 (2) With a report detailing the public's reaction at the
2 public hearing, within one week after the hearing.

3 § -10 Public hearing for decision-making; separate
4 hearings required; contested case hearing; judicial review. (a)

5 When rendering a decision regarding:

6 (1) An amendment to any of the authority's community
7 development rules established pursuant to chapter 91
8 and section -12; or

9 (2) The acceptance of a developer's proposal to develop
10 lands under the authority's control,

11 the authority shall render its decision at a public hearing
12 separate from the hearing at which the proposal under paragraph
13 (1) or (2) was presented.

14 (b) The authority shall issue a public notice in
15 accordance with section 1-28.5 and post the notice on its
16 website; provided that the decision-making hearing shall not
17 occur earlier than five business days after the notice is
18 posted. Public notice issued pursuant to this subsection for
19 public hearings on the acceptance of a developer's proposal to
20 develop lands under the authority's control shall state that any
21 written motion to intervene as a formal party to the proceeding



1 shall be received within twenty days after the publication date
2 of the public notice.

3 (c) Prior to rendering a decision, the authority shall
4 provide the general public with the opportunity to testify at
5 its decision-making hearing; provided that members of the public
6 who are not intervenors in the proceeding shall not be
7 considered formal parties to the proceeding.

8 (d) The authority shall notify the president of the senate
9 and speaker of the house of representatives:

10 (1) Of any public hearing upon posting of the hearing
11 notice; and

12 (2) With a report detailing the public's reaction at the
13 public hearing, within one week after the hearing.

14 (e) When considering any developer's proposal to develop
15 lands under the authority's control that includes any request
16 for a variance, exemption, or modification of a community
17 development plan or of the authority's community development
18 rules, the authority shall consider the request for variance,
19 exemption, or modification at a public hearing, noticed in
20 accordance with section 1-28.5, separate from and subsequent to
21 the hearing at which the developer's proposal was presented;



1 provided that the authority may consider all requests applicable
2 to a single proposal at the same public hearing. The
3 authority's decision on requests subject to this subsection
4 shall be rendered at the decision-making hearing on the
5 developer's proposal.

6 (f) No final decision of the authority on a developer's
7 proposal shall be issued until after all proceedings required by
8 this section are finally concluded.

9 (g) Proceedings regarding the acceptance of a developer's
10 proposal to develop lands under the authority's control shall be
11 considered a contested case hearing.

12 (h) Any party aggrieved by a final decision of the
13 authority regarding the acceptance of a developer's proposal to
14 develop lands under the authority's control may seek judicial
15 review of the decision within thirty days. Chapter 91 shall
16 apply to the judicial review except where chapter 91 conflicts
17 with this chapter, in which case this chapter shall apply. Any
18 other law to the contrary notwithstanding, including chapter 91,
19 any contested case under this chapter shall be appealed from a
20 final decision and order or a preliminary ruling that is of the
21 nature defined by section 91-14(a) upon the record directly to



1 the supreme court for final decision. Only a person aggrieved
2 in a contested case proceeding provided for in this chapter may
3 appeal from the final decision and order or preliminary ruling.
4 For the purposes of this section, the term "person aggrieved"
5 includes an agency that is a party to a contested case
6 proceeding before that agency or another agency.

7 (i) The court shall give priority to contested case
8 appeals of significant statewide importance over all other civil
9 or administrative appeals or matters and shall decide these
10 appeals as expeditiously as possible.

11 (j) The authority shall not approve any developer's
12 proposal to develop lands under the authority's control unless
13 the authority finds that the proposed development project is
14 reasonable and is consistent with the development rules and
15 policies of the relevant development district. In making its
16 finding pursuant to this subsection, the authority shall
17 consider:

18 (1) The extent to which the proposed project:

19 (A) Advances the goals, policies, and objectives of
20 the applicable district plan;



- 1 (B) Protects, preserves, or enhances desirable
- 2 neighborhood characteristics through compliance
- 3 with the standards and guidelines of the
- 4 applicable district rules;
- 5 (C) Avoids a substantially adverse effect on
- 6 surrounding land uses through compatibility with
- 7 the existing and planned land use character of
- 8 the surrounding area; and
- 9 (D) Provides housing opportunities for all income
- 10 groups, particularly low, moderate, and other
- 11 qualified income groups;
- 12 (2) The impact of the proposed project on the following
- 13 areas of urban design, as applicable:
- 14 (A) Pedestrian oriented development, including
- 15 complete streets design;
- 16 (B) Transit oriented development, including rail,
- 17 bus, and other modes of rapid transit; and
- 18 (C) Community amenities such as gathering places,
- 19 community centers, culture and arts facilities,
- 20 and the full array of public facilities normally
- 21 provided by the public sector;



1 (3) The impact of the proposed project on the following
2 areas of state concern:

3 (A) Preservation of important natural systems or
4 habitats;

5 (B) Maintenance of valued cultural, historical, or
6 natural resources;

7 (C) Maintenance of other resources relevant to the
8 State's economy;

9 (D) Commitment of state funds and resources;

10 (E) Employment opportunities and economic
11 development; and

12 (F) Maintenance and improvement of the quality of
13 educational programs and services provided by
14 schools; and

15 (4) The representations and commitments made by the
16 developer in the permit application process.

17 § -11 **District-wide improvement program.** (a) The
18 authority shall develop a district-wide improvement program to
19 identify necessary district-wide public facilities within a
20 community development district.



1 (b) Whenever the authority shall determine to undertake,
2 or cause to be undertaken, any public facility as part of the
3 district-wide improvement program, the cost of providing the
4 public facilities shall be assessed against the real property in
5 the community development district specially benefiting from
6 such public facilities. The authority shall determine the areas
7 of the community development district that will benefit from the
8 public facilities to be undertaken and, if less than the entire
9 community development district benefits, the authority may
10 establish assessment areas within the community development
11 district. The authority may issue and sell bonds in such
12 amounts as may be authorized by the legislature to provide funds
13 to finance such public facilities. The authority shall fix the
14 assessments against real property specially benefited. All
15 assessments made pursuant to this section shall be a statutory
16 lien against each lot or parcel of land assessed from the date
17 of the notice declaring the assessment until paid, and the lien
18 shall have priority over all other liens except the lien of
19 property taxes. As between liens of assessments, the earlier
20 lien shall be superior to the later lien.



1 (c) Bonds issued to provide funds to finance public
2 facilities shall be secured solely by the real properties
3 benefited or improved, the assessments thereon, or by the
4 revenues derived from the program for which the bonds are
5 issued, including reserve accounts and earnings thereon,
6 insurance proceeds, and other revenues, or any combination
7 thereof. The bonds may be additionally secured by the pledge or
8 assignment of loans and other agreements or any note or other
9 undertaking, obligation, or property held by the authority.
10 Bonds issued pursuant to this section and the income therefrom
11 shall be exempt from all state and county taxation, except
12 transfer and estate taxes. The bonds shall be issued according
13 and subject to the provisions of the rules adopted pursuant to
14 this section.

15 (d) Any other law to the contrary notwithstanding, in
16 assessing real property for public facilities, the authority
17 shall assess the real property within an assessment area
18 according to the special benefits conferred upon the real
19 property by the public facilities. These methods may include
20 assessment on a frontage basis or according to the area of real
21 property within an assessment area or any other assessment



1 method which assesses the real property according to the special
2 benefit conferred, or any combination thereof. No such
3 assessment levied against real property specially benefited as
4 provided by this chapter shall constitute a tax on real property
5 within the meanings of any constitutional or statutory
6 provisions.

7 (e) The authority shall adopt rules pursuant to chapter
8 91, and may amend the rules from time to time, providing for the
9 method of undertaking and financing public facilities in an
10 assessment area or an entire community development district.
11 The rules adopted pursuant to this section shall include but are
12 not limited to the following: methods by which the authority
13 shall establish assessment areas; the method of assessment of
14 real properties specially benefited; the costs to be borne by
15 the authority, the county in which the public facilities are
16 situated, and the property owners; the procedures before the
17 authority relating to the creation of the assessment areas by
18 the owners of real property therein, including provisions for
19 petitions, bids, contracts, bonds, and notices; provisions
20 relating to assessments; provisions relating to financing, such
21 as bonds, revolving funds, advances from available funds,



1 special funds for payment of bonds, payment of principal and
2 interest, and sale and use of bonds; provisions relating to
3 funds and refunding of outstanding debts; and provisions
4 relating to limitations on time to sue, and other related
5 provisions.

6 (f) Any provisions to the contrary notwithstanding, the
7 authority may, in its discretion, enter into any agreement with
8 the county in which the public facilities are located, to
9 implement all or part of the purposes of this section.

10 (g) All sums collected under this section shall be
11 deposited in the west Oahu community development revolving fund
12 established by section -23; except that notwithstanding
13 section -23, all moneys collected on account of assessments
14 and interest thereon for any specific public facilities financed
15 by the issuance of bonds shall be set apart in a separate
16 special fund and applied solely to the payment of the principal
17 and interest on these bonds, the cost of administering,
18 operating, and maintaining the program, the establishment of
19 reserves, and other purposes as may be authorized in the
20 proceedings providing for the issuance of the bonds. If any
21 surplus remains in any special fund after the payment of the



1 bonds chargeable against such fund, it shall be credited to and
2 become a part of the west Oahu community development revolving
3 fund. Moneys in the west Oahu community development revolving
4 fund may be used to make up any deficiencies in the special
5 fund.

6 (h) If the public facilities to be financed through bonds
7 issued by the authority may be dedicated to the county in which
8 the public facilities are to be located, the authority shall
9 ensure that the public facilities are designed and constructed
10 to meet county requirements.

11 (i) Notwithstanding any law to the contrary, whenever as
12 part of a district-wide improvement program it becomes necessary
13 to remove, relocate, replace, or reconstruct public utility
14 facilities, the authority shall establish by rule the allocation
15 of cost between the authority, the affected public utilities,
16 and properties that may specially benefit from such improvement,
17 if any. In determining the allocation of cost, the authority
18 shall consider the cost allocation policies for improvement
19 districts established by the county in which the removal,
20 relocation, replacement, or reconstruction is to take place.



1 § -12 **Community development rules.** (a) The authority
2 shall establish community development rules under chapter 91 on
3 health, safety, building, planning, zoning, and land use which,
4 upon final adoption of a community development plan, shall
5 supersede all other inconsistent ordinances and rules relating
6 to the use, zoning, planning, and development of land and
7 construction thereon. Rules adopted under this section shall
8 follow existing law, rules, ordinances, and regulations as
9 closely as is consistent with standards meeting minimum
10 requirements of good design, pleasant amenities, health, safety,
11 and coordinated development. The authority may, in the
12 community development plan or by a community development rule,
13 provide that lands within a community development district shall
14 not be developed beyond existing uses or that improvements
15 thereon shall not be demolished or substantially reconstructed,
16 or provide other restrictions on the use of the lands.

17 (b) Development rights under a master plan permit and
18 master plan development agreement issued and approved by the
19 authority are vested under the community development district
20 rules in effect at the time of initial approval by the authority



1 and shall govern development on lands subject to such permit and
2 agreement.

3 **§ -13 Use of public lands; acquisition of state lands.**

4 (a) If state lands under the control and management of other
5 public agencies are required by the authority for its purposes,
6 the agency having the control and management of those required
7 lands may, upon request by the authority and with the approval
8 of the governor, convey or lease such lands to the authority
9 upon such terms and conditions as may be agreed to by the
10 parties.

11 (b) Notwithstanding the foregoing, no public lands shall
12 be conveyed or leased to the authority as provided in this
13 section if such conveyance or lease would impair any covenant
14 between the State or any county or any department or board
15 thereof and the holders of bonds issued by the State or such
16 county, department, or board.

17 **§ -14 Developments within special management areas and**

18 **shoreline setback.** (a) Notwithstanding chapter 205A, all
19 requests for developments within a special management area and
20 shoreline setback variances for developments on any lands within
21 a community development district, for which a community



1 development plan has been developed and approved in accordance
2 with section -8, shall be submitted to and reviewed by the
3 lead agency as defined in chapter 205A. In community
4 development districts for which a community development plan has
5 not been developed and approved in accordance with section
6 -8, parts II and III of chapter 205A shall continue to be
7 administered by the applicable county authority until a
8 community development plan for the district takes effect.

9 (b) In the review of such requests, the lead agency shall
10 conform to the following, as deemed appropriate:

11 (1) Applicable county rules adopted in accordance with
12 section 205A-26 for the review of developments within
13 a special management area, except that paragraph

14 (2)(C) of section 205A-26 shall not apply; and

15 (2) Part III of chapter 205A and applicable county rules
16 for the review of developments within the shoreline
17 setback.

18 (c) With the approval of the lead agency, the developments
19 may be allowed without a special management area permit or
20 shoreline setback variance as required by chapter 205A.



1 § -15 **Acquisition of real property from a county.**
2 Notwithstanding the provision of any law or charter, any county,
3 by resolution of its local governing body, may, without public
4 auction, sealed bids, or public notice, sell, lease for a term
5 not exceeding sixty-five years, grant or convey to the authority
6 any real property owned by it which the authority certifies to
7 be necessary for its purposes. The sale, lease, grant, or
8 conveyance shall be made with or without consideration and upon
9 such terms and conditions as may be agreed upon by the county
10 and the authority. Certification shall be evidenced by a formal
11 request from the authority. Before the sale, lease, grant, or
12 conveyance may be made to the authority, a public hearing shall
13 be held by the local governing body to consider the same.
14 Notice of the hearing shall be published at least ten days
15 before the date set for the hearing in such publication and in
16 such manner as may be designated by such local governing body.

17 § -16 **Condemnation of real property.** The authority,
18 upon making a finding that it is necessary to acquire any real
19 property for its immediate or future use for the purposes of
20 this chapter, may acquire the property by condemnation pursuant
21 to chapter 101, including property already devoted to a public



1 use. Such property shall not thereafter be taken for any other
2 public use without the consent of the authority. No award of
3 compensation shall be increased by reason of any increase in the
4 value of real property caused by the designation of a community
5 development district or plan adopted pursuant to a designation,
6 or the actual or proposed acquisition, use, or disposition of
7 any other real property by the authority.

8 **§ -17 Relocation.** (a) Any provision of law to the
9 contrary notwithstanding, the authority shall adopt rules
10 pursuant to chapter 91 to insure the appropriate relocation
11 within or outside the district of persons, families, and
12 businesses displaced by governmental action within the district.
13 The rules may include but are not limited to the establishment
14 and operation of a central relocation office; relocation
15 payments for actual moving costs; fixed payments for losses
16 suffered; payments for replacement housing or business
17 locations; relocation payments and loans to displaced businesses
18 for certain costs related to the reestablishment of their
19 business operations; and other similar relocation matters.

20 (b) The authority shall provide relocation assistance to
21 persons, families, and businesses within the district that are



1 displaced by private action; provided that such assistance shall
 2 not include any form of direct monetary payments except that the
 3 authority may make relocation loans to displaced businesses in
 4 accordance with rules adopted by the authority for the purposes
 5 of this section. Temporary relocation facilities within or
 6 outside the district may be made available to displacees;
 7 provided that those displaced by government action shall be
 8 afforded priority to the facilities.

9 § -18 **Construction contracts.** The authority shall award
 10 construction contracts in conformity with the applicable
 11 provisions of chapter 103D.

12 § -19 **Dedication for public facilities as condition to**
 13 **development.** The authority shall establish rules requiring
 14 dedication for public facilities of land or facilities, or cash
 15 payments in lieu thereof, by developers as a condition of
 16 developing real property pursuant to the community development
 17 plan. Where state and county public facilities dedication laws,
 18 ordinances, or rules differ, the provision for greater
 19 dedication shall prevail.

20 § -20 **Public projects.** Any project or activity of any
 21 county or agency of the State in a designated district shall be



1 constructed, renovated, or improved in consultation with the
2 authority.

3 § -21 Sale or lease of redevelopment projects. (a) The
4 authority may, without recourse to public auction, sell, or
5 lease for a term not exceeding sixty-five years, all or any
6 portion of the real or personal property constituting a
7 redevelopment project to any person, upon such terms and
8 conditions as may be approved by the authority, if the authority
9 finds that the sale or lease is in conformity with the community
10 development plan.

11 (b) In the case of residential projects or redevelopment
12 projects, the terms of the sale shall provide for the repurchase
13 of the property by the authority at its option, in the event
14 that the purchaser, if other than a state agency, desires to
15 sell the property within ten years; provided that this
16 requirement may be waived by the authority if the authority
17 determines that a waiver will not be contrary to the community
18 development plan. The authority shall establish at the time of
19 original sale a formula setting forth a basis for a repurchase
20 price based on market considerations including but not being



1 limited to interest rates, land values, construction costs, and
2 federal tax laws.

3 If the purchaser in a residential project is a state
4 agency, the authority may include as a term of the sale a
5 provision for the repurchase of the property in conformance with
6 this section.

7 § -22 Residential projects; cooperative agreements. (a)

8 If the authority deems it desirable to develop a residential
9 project, it may enter into an agreement with qualified persons
10 to construct, maintain, operate, or otherwise dispose of the
11 residential project. Sale, lease, or rental of dwelling units
12 in the project shall be as provided by the rules established by
13 the authority. The authority may enter into cooperative
14 agreements with the Hawaii housing finance and development
15 corporation for the financing, development, construction, sale,
16 lease, or rental of dwelling units and projects.

17 (b) The authority may transfer the housing fees collected
18 from private residential developments for the provision of
19 housing for residents of low- or moderate-income to the Hawaii
20 housing finance and development corporation for the financing,
21 development, construction, sale, lease, or rental of such



1 housing within or without the community development districts.
2 The fees shall be used only for projects owned by the State or
3 owned or developed by a qualified nonprofit organization.

4 (c) For the purposes of this section, "nonprofit
5 organization" means a corporation, association, or other duly
6 chartered organization registered with the State, which
7 organization has received charitable status under the Internal
8 Revenue Code of 1986, as amended.

9 **§ -23 West Oahu community development revolving fund.**

10 There is created the west Oahu community development revolving
11 fund into which all receipts and revenues of the authority shall
12 be deposited. Proceeds from the fund shall be used for the
13 purposes of this chapter.

14 **§ -24 Expenditures of revolving funds under the**
15 **authority exempt from appropriation and allotment.** Except as to
16 administrative expenditures, and except as otherwise provided by
17 law, expenditures from any revolving fund administered by the
18 authority may be made by the authority without appropriation or
19 allotment of the legislature; provided that no expenditure shall
20 be made from and no obligation shall be incurred against any
21 revolving fund in excess of the amount standing to the credit of



1 the fund or for any purpose for which the fund may not lawfully
2 be expended. Nothing in sections 37-31 to 37-41 shall require
3 the proceeds of any revolving fund administered by the authority
4 to be reappropriated annually.

5 § -25 **Exemption from taxation.** The authority shall not
6 be required to pay assessments levied by any county, nor shall
7 the authority be required to pay state taxes of any kind.

8 § -26 **Assistance by state and county agencies.** Any
9 state or county agency may render services upon request of the
10 authority.

11 § -27 **Annual report.** The authority shall submit to the
12 governor and the legislature, at least twenty days prior to the
13 start of each regular session, a complete and detailed report of
14 its activities.

15 § -28 **Court proceedings; preferences; venue.** (a) Any
16 action or proceeding to which the authority, the State, or the
17 county may be a party, in which any question arises as to the
18 validity of this chapter, shall be brought in the circuit court
19 of the circuit where the case or controversy arises, and shall
20 be heard and determined in preference to all other civil cases



1 pending therein except election cases, irrespective of position
2 on the calendar.

3 (b) Upon application of counsel to the authority, the same
4 preference shall be granted in any action or proceeding
5 questioning the validity of this chapter in which the authority
6 may be allowed to intervene.

7 (c) Any action or proceeding to which the authority, the
8 State, or the county may be a party, in which any question
9 arises as to the validity of this chapter or any portion of this
10 chapter, may be filed in the circuit court of the circuit where
11 the case or controversy arises, which court is hereby vested
12 with original jurisdiction over the action.

13 (d) Notwithstanding any provision of law to the contrary,
14 declaratory relief may be obtained for the action.

15 (e) Any party aggrieved by the decision of the circuit
16 court may appeal in accordance with part I of chapter 641, and
17 the appeal shall be given priority.

18 § -29 **Issuance of bonds.** The director of finance may,
19 from time to time, issue general obligation bonds pursuant to
20 chapter 39 in such amounts as may be authorized by the
21 legislature, for the purposes of this chapter.



1 § -30 **Violations and penalty.** (a) The authority may
2 set, charge, and collect reasonable fines for violation of this
3 chapter or any rule adopted pursuant to chapter 91. Any person
4 violating any of the provisions of this chapter or any rule
5 adopted pursuant to chapter 91, for which violation a penalty is
6 not otherwise provided, shall be fined not more than \$500 a day
7 and shall be liable for administrative costs incurred by the
8 authority.

9 (b) The authority may maintain an action for an injunction
10 to restrain any violation of the provisions of this chapter and
11 may take any other lawful action to prevent or remedy any
12 violation.

13 (c) Any person violating any provision of this chapter
14 shall, upon conviction, be punished by a fine not exceeding
15 \$1,000 or by imprisonment not exceeding thirty days, or both.
16 The continuance of a violation after conviction shall be deemed
17 a new offense for each day of such continuance.

18 **PART II. KALAELOA COMMUNITY DEVELOPMENT DISTRICT**

19 § -41 **Barbers Point Naval Air Station redevelopment;**
20 **power to redevelop established.** (a) The west Oahu community



1 development authority shall be the designated agency of the
2 State to implement this part.

3 (b) The authority shall act as the local redevelopment
4 authority to facilitate the redevelopment of Barbers Point Naval
5 Air Station in accordance with the Barbers Point Naval Air
6 Station community reuse plan. In addition to any other duties
7 that the authority may have pursuant to this chapter, the
8 authority's duties shall include but not be limited to:

- 9 (1) Coordinating with the Navy and other entities during
10 the conveyance of properties and conducting
11 remediation activities for the Barbers Point Naval Air
12 Station community reuse plan;
- 13 (2) Assisting landholders designated by the plan to market
14 their properties and process conveyance requests;
- 15 (3) Working with the Navy and others to ensure that
16 infrastructure support is provided to the existing
17 developed area, referred to as the "downtown area",
18 and other federally retained areas;
- 19 (4) Developing the infrastructure necessary to support the
20 implementation of the Barbers Point Naval Air Station
21 community reuse plan; and



1 (5) Providing, to the extent feasible, maximum opportunity
2 for the reuse of surplus property by private
3 enterprise or state and county government.

4 § -42 Designation of the Kalaeloa community development
5 district. (a) The federal Department of Defense declared
6 approximately two thousand one hundred fifty acres of land at
7 the Barbers Point Naval Air Station to be surplus to its needs
8 and under a base realignment is conveying these surplus lands to
9 the various end users identified by the community reuse plan.
10 The governor has approved and forwarded to the Navy the
11 community reuse plan for these surplus lands.

12 (b) The legislature hereby designates these surplus lands
13 as the "Kalaeloa community development district".

14 § -43 District established; boundaries. The Kalaeloa
15 community development district is established. The district
16 shall include that area within the boundaries described as
17 follows: the eastern boundary begins at Geiger Gate and runs
18 along East Hansen Road to the intersection with Essex Road until
19 its termination at White Plains Beach Park, where it follows the
20 eastern boundary of parcel 9-1-13:74 to the shoreline at the
21 mean high water mark; the northern boundary begins at the



1 eastern corner at the Geiger Road entry gate where it becomes
2 Roosevelt Road and continues westward until its intersection
3 with West Perimeter Road; the western boundary follows the West
4 Perimeter Road until its termination and then follows the
5 western border of parcel 9-1-13:30 to the shoreline at the mean
6 high water mark; two parcels (9-1-13:01 and 9-1-13:09) lying
7 west of West Perimeter Road toward its mauka end, and two
8 parcels (9-1-31:28 and 9-1-31:47) lying west of West Perimeter
9 Road on its makai end, all of which are physically separated
10 from the western boundary by a storm water drainage canal, are
11 also included; the southern boundary follows the shoreline at
12 the mean high water mark from the western boundary of parcel 9-
13 1-13:30 to the eastern boundary of White Plains Beach Park (9-1-
14 13:74). All references to parcel numbers contained herein
15 indicate the areas identified by such tax map key numbers as of
16 March 18, 2002.

17 § -44 Kalaeloa community development district;
18 development guidance policies. The following development
19 guidance policies shall generally govern the authority's actions
20 in the Kalaeloa community development district:



- 1 (1) Development shall be in accordance with the community
2 reuse plan, except as it conflicts with the Hawaii
3 State Constitution and the Hawaii Revised Statutes, as
4 they relate to the department of Hawaiian home lands;
5 (2) With the approval of the governor and concurrence of
6 the Navy, and in accordance with state law governing
7 lands owned by the department of Hawaiian home lands,
8 the authority, upon the concurrence of a majority of
9 its voting members, may modify and make changes to the
10 reuse plan to respond to changing conditions; provided
11 that prior to amending the reuse plan the authority
12 shall conduct a public hearing to inform the public of
13 the proposed changes and receive public input;
14 (3) Development shall seek to promote economic development
15 and employment opportunities by fostering diverse land
16 uses and encouraging private sector investments that
17 utilize the opportunities presented by the receipt of
18 property from the base closure consistent with the
19 needs of the public;
20 (4) The authority may engage in planning, design, and
21 construction activities within and outside of the



1 district; provided that activities outside of the
2 district shall relate to infrastructure development,
3 area-wide drainage improvements, roadways realignments
4 and improvements, business and industrial relocation,
5 and other activities the authority deems necessary to
6 carry out redevelopment of the district and implement
7 this chapter. Studies or coordinating activities may
8 be undertaken by the authority in conjunction with the
9 county and appropriate state agencies and may address
10 facility systems, industrial relocation, and other
11 activities;

12 (5) Planning, replanning, rehabilitation, development,
13 redevelopment, and other preparation for reuse of
14 Barbers Point Naval Air Station under this chapter are
15 public uses and purposes for which public money may be
16 spent and private property acquired;

17 (6) Hawaiian archaeological, historic, and cultural sites
18 shall be preserved and protected. Endangered species
19 of flora and fauna and significant military facilities
20 shall be preserved to the extent feasible;



1 (7) Land use and redevelopment activities within the
 2 district shall be coordinated with and to the extent
 3 possible complement existing county and state
 4 policies, plans, and programs affecting the district;
 5 and

6 (8) Public facilities within the district shall be
 7 planned, located, and developed to support the
 8 redevelopment policies established by this chapter for
 9 the district, the reuse plan approved by the governor,
 10 and rules adopted pursuant to this chapter.

11 **§ -45 Kalaeloa community development revolving fund.**

12 (a) There is established in the state treasury the Kalaeloa
 13 community development revolving fund, into which shall be
 14 deposited:

15 (1) All revenues, income, and receipts of the authority
 16 for the Kalaeloa community development district,
 17 notwithstanding any other law to the contrary,
 18 including section -23;

19 (2) Moneys directed, allocated, or disbursed to the
 20 Kalaeloa community development district from
 21 government agencies or private individuals or



1 organizations, including grants, gifts, awards,
2 donations, and assessments of landowners for costs to
3 administer and operate the Kalaeloa community
4 development district; and

5 (3) Moneys appropriated to the fund by the legislature.

6 (b) Moneys in the Kalaeloa community development revolving
7 fund shall be used for the purposes of this part.

8 (c) Investment earnings credited to the assets of the fund
9 shall become part of the assets of the fund.

10 **§ -46 Assessment for operating costs.** (a) The
11 authority shall have the power to assess all land users, except
12 the federal government, for their fair share of the costs
13 required to administer and operate the Kalaeloa community
14 development district, which may include costs associated with
15 staffing. Assessments shall be based on each landowner's
16 proportionate share of the total acreage of the Kalaeloa
17 community development district.

18 (b) The assessment shall be set by the authority annually,
19 based upon the operating budget for the district, and adjusted
20 for any actual expenditures made in the prior year in excess of
21 the prior approved budget. The assessments shall be paid to the



1 authority in semiannual payments commencing thirty days after
2 the beginning of the fiscal year.

3 (c) The authority may charge interest or other fees on
4 assessment amounts not paid on a timely basis, and may withhold
5 services or approval of governmental permits for land users
6 delinquent in payments.

7 (d) For the purposes of this section, "land user" includes
8 the owner of land; provided that the landowner may assign the
9 responsibility for payment of assessments to the lessee or
10 licensee of the land.

11 § -47 **Complaints.** The authority may establish
12 procedures for receiving and processing district-related
13 complaints, conducting research, monitoring matters that arise
14 within the district, and reporting its findings.

15 § -48 **Remedies.** (a) The authority may research any
16 complaint relating to the district that it determines to be an
17 appropriate subject for investigation, including:

- 18 (1) Unkempt appearance of property;
19 (2) Brushfires on property;
20 (3) Rubbish disposed of inappropriately; or



1 (4) Conditions on property otherwise incongruous with
2 generally accepted standards of maintenance.

3 (b) The authority may investigate, conduct research, or
4 monitor any matter that arises within the district, in
5 accordance with this part.

6 (c) If the authority decides not to research a complaint
7 filed with the authority, it shall inform the complainant of its
8 decision and shall state its reasons.

9 If the authority decides to research the complaint, it
10 shall notify the complainant of its decision and shall also
11 notify the landowner of its intention to investigate.

12 (d) Before giving any opinion or recommendation that is
13 critical of a landowner or person who is the subject of the
14 complaint, the authority shall consult with the landowner or
15 person on the best means to remedy the situation.

16 (e) After a reasonable time has elapsed, the authority
17 shall notify the complainant of the actions taken by it and by
18 the landowner.

19 § -49 Reports. (a) After a reasonable time has
20 elapsed, the authority may present its opinion and
21 recommendations to the governor, the legislature, the public, or



1 any of these. The authority shall include with this opinion any
2 reply made by the landowner.

3 (b) The authority shall submit to the various landowners
4 in the district a quarterly report discussing the authority's
5 activities under this part. The report shall be made available
6 to the public upon request."

7 PART II

8 SECTION 2. Section 26-18, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The following are placed in the department of
11 business, economic development, and tourism for administrative
12 purposes as defined by section 26-35: Hawaii community
13 development authority, Hawaii housing finance and development
14 corporation, Hawaii technology development corporation, land use
15 commission, natural energy laboratory of Hawaii authority, west
16 Oahu community development authority, and any other boards and
17 commissions as shall be provided by law."

18 SECTION 3. Section 46-102, Hawaii Revised Statutes, is
19 amended as follows:

20 1. By amending the definition of "community development
21 plan" to read:



1 "Community development plan" means a plan established
2 pursuant to section 206E-5[-] or _____-8."

3 2. By amending the definition of "redevelopment agency" or
4 "agency" to read:

5 "Redevelopment agency" or "agency" means an agency defined
6 in section 53-1 [~~ex~~], the Hawaii community development authority
7 as established pursuant to chapter 206E[-], or the west Oahu
8 community development authority as established pursuant to
9 chapter _____."

10 SECTION 4. Section 84-17, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 (d) The financial disclosure statements of the following
13 persons shall be public records and available for inspection and
14 duplication:

15 (1) The governor, the lieutenant governor, the members of
16 the legislature, candidates for and delegates to the
17 constitutional convention, the trustees of the office
18 of Hawaiian affairs, and candidates for state elective
19 offices;

20 (2) The directors of the state departments and their
21 deputies, regardless of the titles by which the



- 1 foregoing persons are designated; provided that with
2 respect to the department of the attorney general, the
3 foregoing shall apply only to the attorney general and
4 the first deputy attorney general;
- 5 (3) The administrative director of the State;
- 6 (4) The president, the vice presidents, the assistant vice
7 presidents, the chancellors, members of the board of
8 regents, and the provosts of the University of Hawaii;
- 9 (5) The members of the board of education and the
10 superintendent, the deputy superintendent, the state
11 librarian, and the deputy state librarian of the
12 department of education;
- 13 (6) The administrative director and the deputy director of
14 the courts;
- 15 (7) The administrator and the assistant administrator of
16 the office of Hawaiian affairs; and
- 17 (8) The members of the following state boards,
18 commissions, and agencies:
- 19 (A) The board of directors of the agribusiness
20 development corporation established under section
21 163D-3;



- 1 (B) The board of agriculture established under
- 2 section 26-16;
- 3 (C) The state ethics commission established under
- 4 section 84-21;
- 5 (D) The Hawaii community development authority
- 6 established under section 206E-3;
- 7 (E) The Hawaiian homes commission established under
- 8 the Hawaiian Homes Commission Act of 1920, as
- 9 amended, and section 26-17;
- 10 (F) The board of directors of the Hawaii housing
- 11 finance and development corporation established
- 12 under section 201H-3;
- 13 (G) The board of land and natural resources
- 14 established under section 171-4;
- 15 (H) The state land use commission established under
- 16 section 205-1;
- 17 (I) The legacy land conservation commission
- 18 established under section 173A-2.4;
- 19 (J) The natural area reserves system commission
- 20 established under section 195-6;



- 1 (K) The board of directors of the natural energy
- 2 laboratory of Hawaii authority established under
- 3 section 227D-2;
- 4 (L) The board of directors of the Hawaii public
- 5 housing authority established under section
- 6 356D-3;
- 7 (M) The public utilities commission established under
- 8 section 269-2; ~~and~~
- 9 (N) The commission on water resource management
- 10 established under section 174C-7 ~~[-]~~; and
- 11 (O) The west Oahu community development authority
- 12 established under section -3."

13 SECTION 5. Section 171-2, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 **"§171-2 Definition of public lands.** "Public lands" means
 16 all lands or interest therein in the State classed as government
 17 or crown lands previous to August 15, 1895, or acquired or
 18 reserved by the government upon or subsequent to that date by
 19 purchase, exchange, escheat, or the exercise of the right of
 20 eminent domain, or in any other manner; including lands accreted
 21 after May 20, 2003, and not otherwise awarded, submerged lands,



1 and lands beneath tidal waters that are suitable for
2 reclamation, together with reclaimed lands that have been given
3 the status of public lands under this chapter, except:

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

6 (2) Lands set aside pursuant to law for the use of the
7 United States;

8 (3) Lands being used for roads and streets;

9 (4) Lands to which the United States relinquished the
10 absolute fee and ownership under section 91 of the
11 Hawaiian Organic Act prior to the admission of Hawaii
12 as a state of the United States unless subsequently
13 placed under the control of the board of land and
14 natural resources and given the status of public lands
15 in accordance with the state constitution, the
16 Hawaiian Homes Commission Act, 1920, as amended, or
17 other laws;

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

19 (6) Lands to which the Hawaii housing finance and
20 development corporation in its corporate capacity
21 holds title;



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



1 the agribusiness development corporation in its
2 corporate capacity holds title;
3 (12) Lands to which the Hawaii technology development
4 corporation in its corporate capacity holds title;
5 [and]
6 (13) Lands to which the department of education holds
7 title; and
8 (14) Lands to which the west Oahu community development
9 authority in its corporate capacity holds title;
10 provided that, except as otherwise limited under federal law and
11 except for state land used as an airport as defined in section
12 262-1, public lands shall include the air rights over any
13 portion of state land upon which a county mass transit project
14 is developed after July 11, 2005."

15 SECTION 6. Section 171-64.7, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) This section applies to all lands or interest therein
18 owned or under the control of state departments and agencies
19 classed as government or crown lands previous to August 15,
20 1895, or acquired or reserved by the government upon or
21 subsequent to that date by purchase, exchange, escheat, or the



1 exercise of the right of eminent domain, or any other manner,
2 including accreted lands not otherwise awarded, submerged lands,
3 and lands beneath tidal waters that are suitable for
4 reclamation, together with reclaimed lands that have been given
5 the status of public lands under this chapter, including:

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

13 (11) Lands to which the west Oahu community development
14 authority in its corporate capacity holds title.

15 (b) Notwithstanding any law to the contrary, no sale of
16 lands described in subsection (a) in fee simple including land
17 sold for roads and streets, or gift of lands described in
18 subsection (a) in fee simple to the extent such gift is
19 otherwise permitted by law, shall occur without the prior
20 approval of the sale or gift by the legislature by concurrent
21 resolution to be adopted by each house by at least a two-thirds



1 majority vote of the members to which each house is entitled in
2 a regular or special session at which a concurrent resolution is
3 submitted for approval of the sale; provided that the provisions
4 of this section shall not apply to remnants, as that term is
5 defined in section 171-52, or portions thereof; provided further
6 that this section shall not apply to the issuance of licenses,
7 permits, easements, and leases executed in conformance with the
8 laws applicable to the lands listed in subsection (a); provided
9 further that this section shall not apply to non-ceded lands
10 conveyed to the University of Hawaii after December 31, 1989, to
11 which the University of Hawaii holds title; provided further
12 that this section shall not apply to reserved housing, as that
13 term is defined in section 206E-101, conveyed by the Hawaii
14 community development authority[-] or west Oahu community
15 development authority."

16 SECTION 7. Section 206E-3, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The authority shall consist of the director of
19 finance or the director's designee; the director of
20 transportation or the director's designee; a cultural
21 specialist; an at-large member; an at-large member nominated by



1 the senate president; an at-large member nominated by the
2 speaker of the house; three representatives of the Heeia
3 community development district, comprising two residents of that
4 district or the Koolaupoko district, which consists of sections
5 1 through 9 of zone 4 of the first tax map key division, and one
6 owner of a small business or one officer or director of a
7 nonprofit organization in the Heeia community development
8 district or Koolaupoko district, nominated by the county council
9 of the county in which the Heeia community development district
10 is located; [~~three representatives of the Kalaeloa community
11 development district, comprising two residents of the Ewa zone
12 (zone 9, sections 1 through 2) or the Waianae zone (zone 8,
13 sections 1 through 9) of the first tax map key division, and one
14 owner of a small business or one officer or director of a
15 nonprofit organization in the Ewa or Waianae zone, nominated by
16 the county council of the county in which the Kalaeloa community
17 development district is located,~~] three representatives of the
18 Kakaako community development district, comprising two residents
19 of the district and one owner of a small business or one officer
20 or director of a nonprofit organization in the district,
21 nominated by the county council of the county in which the



1 Kakaako community development district is located; the director
2 of planning and permitting of each county in which a community
3 development district is located or the director's designee, who
4 shall serve in an ex officio, nonvoting capacity; and the
5 chairperson of the Hawaiian homes commission or the
6 chairperson's designee, who shall serve in an ex officio,
7 nonvoting capacity.

8 All members except the director of finance, director of
9 transportation, county directors of planning and permitting, and
10 chairperson of the Hawaiian homes commission or their designees
11 shall be appointed by the governor pursuant to section 26-34.

12 The two at-large members nominated by the [~~senate~~] president of
13 the senate and speaker of the house of representatives and the
14 [~~nine~~] six representatives of the respective community
15 development districts shall each be appointed by the governor
16 from a list of three nominees submitted for each position by the
17 nominating authority specified in this subsection.

18 The authority shall be organized and shall exercise
19 jurisdiction as follows:

20 (1) For matters affecting the Heeia community development
21 district, the following members shall be considered in



1 determining quorum and majority and shall be eligible
2 to vote:

- 3 (A) The director of finance or the director's
- 4 designee;
- 5 (B) The director of transportation or the director's
- 6 designee;
- 7 (C) The cultural specialist;
- 8 (D) The three at-large members; and
- 9 (E) The three representatives of the Heeia community
- 10 development district;

11 provided that the director of planning and permitting
12 of the relevant county or the director's designee
13 shall participate in these matters as an ex officio,
14 nonvoting member and shall not be considered in
15 determining quorum and majority; and

16 [~~2~~] ~~For matters affecting the Kalaeloa community~~
17 ~~development district, the following members shall be~~
18 ~~considered in determining quorum and majority and~~
19 ~~shall be eligible to vote:~~

- 20 ~~(A) The director of finance or the director's~~
- 21 ~~designee;~~



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- 1 ~~(B) The director of transportation or the director's~~
- 2 ~~designee;~~
- 3 ~~(C) The cultural specialist;~~
- 4 ~~(D) The three at large members; and~~
- 5 ~~(E) The three representatives of the Kalaeloa~~
- 6 ~~community development district;~~
- 7 ~~provided that the director of planning and permitting~~
- 8 ~~of the relevant county and the chairperson of the~~
- 9 ~~Hawaiian homes commission, or their respective~~
- 10 ~~designees, shall participate in these matters as ex~~
- 11 ~~officio, nonvoting members and shall not be considered~~
- 12 ~~in determining quorum and majority;~~
- 13 ~~(3)]~~ (2) For matters affecting the Kakaako community
- 14 development district, the following members shall be
- 15 considered in determining quorum and majority and
- 16 shall be eligible to vote:
- 17 (A) The director of finance or the director's
- 18 designee;
- 19 (B) The director of transportation or the director's
- 20 designee;
- 21 (C) The cultural specialist;



1 (D) The three at-large members; and
2 (E) The three representatives of the Kakaako
3 community development district;
4 provided that the director of planning and permitting
5 of the relevant county or the director's designee
6 shall participate in these matters as an ex officio,
7 nonvoting member and shall not be considered in
8 determining quorum and majority.

9 In the event of a vacancy, a member shall be appointed to
10 fill the vacancy in the same manner as the original appointment
11 within thirty days of the vacancy or within ten days of the
12 senate's rejection of a previous appointment, as applicable.

13 The terms of the director of finance, director of
14 transportation, county directors of planning and permitting, and
15 chairperson of the Hawaiian homes commission or their respective
16 designees shall run concurrently with each official's term of
17 office. The terms of the appointed voting members shall be for
18 four years, commencing on July 1 and expiring on June 30;
19 provided that the initial terms of all voting members initially
20 appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall
21 commence on March 1, 2015. The governor shall provide for



1 staggered terms of the initially appointed voting members so
2 that the initial terms of four members selected by lot shall be
3 for two years, the initial terms of four members selected by lot
4 shall be for three years, and the initial terms of the remaining
5 five members shall be for four years.

6 The governor may remove or suspend for cause any member
7 after due notice and public hearing.

8 Notwithstanding section 92-15, a majority of all eligible
9 voting members as specified in this subsection shall constitute
10 a quorum to do business, and the concurrence of a majority of
11 all eligible voting members as specified in this subsection
12 shall be necessary to make any action of the authority valid.
13 All members shall continue in office until their respective
14 successors have been appointed and qualified. Except as herein
15 provided, no member appointed under this subsection shall be an
16 officer or employee of the State or its political subdivisions.

17 For purposes of this section, "small business" means a
18 business which is independently owned and which is not dominant
19 in its field of operation."

20 SECTION 8. Section 226-64, Hawaii Revised Statutes, is
21 amended as follows:



- 1 1. By amending subsection (a) to read:
- 2 "(a) The Hawaii interagency council for transit-oriented
- 3 development shall be composed of the following members:
- 4 (1) Director of the office of planning, who shall serve as
- 5 co-chair;
- 6 (2) Executive director of the Hawaii housing finance and
- 7 development corporation, who shall serve as co-chair;
- 8 (3) Chief of staff, office of the governor;
- 9 (4) Chairperson of the board of land and natural
- 10 resources;
- 11 (5) Director of transportation;
- 12 (6) Comptroller;
- 13 (7) Director of health;
- 14 (8) Director of human services;
- 15 (9) Director of public safety;
- 16 (10) Chairperson of the Hawaiian homes commission;
- 17 (11) Chairperson of the stadium authority;
- 18 (12) President of the University of Hawaii;
- 19 (13) Superintendent of education;
- 20 (14) Executive director of the Hawaii community development
- 21 authority;



- 1 (15) Executive director of the west Oahu community
- 2 development authority;
- 3 [~~(15)~~] (16) Executive director of the Hawaii public housing
- 4 authority;
- 5 [~~(16)~~] (17) One member of the house of representatives to be
- 6 designated by the speaker of the house of
- 7 representatives; provided that the speaker of the
- 8 house of representatives may designate a second member
- 9 of the house of representatives to serve as an
- 10 alternate;
- 11 [~~(17)~~] (18) One member of the senate to be designated by the
- 12 president of the senate; provided that the president
- 13 of the senate may designate a second member of the
- 14 senate to serve as an alternate;
- 15 [~~(18)~~] (19) The mayor of each county;
- 16 [~~(19)~~] (20) A representative of the Honolulu field office of
- 17 the United States Department of Housing and Urban
- 18 Development, who shall be requested to serve on a
- 19 nonvoting[+], [+] ex officio basis by the governor;
- 20 [~~(20)~~] (21) A representative of the business community, to
- 21 be designated by the governor;



1 director and engineers, planners, program specialists, and
 2 accountants or asset managers as necessary; provided that this
 3 sum shall be reimbursed from the west Oahu community development
 4 revolving fund by .

5 The sum appropriated shall be expended by the west Oahu
 6 community development authority for the purposes of this Act.

7 **PART V**

8 SECTION 11. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 12. This Act shall take effect on July 1, 2020.

11

INTRODUCED BY: *Mike Hebbal*

DK
Silvino



S.B. NO. 2745

Report Title:

West Oahu Community Development Authority; Established; Kalaeloa Community Development District; Appropriation

Description:

Establishes the west Oahu community development authority. Designates the Kalaeloa community development district under the west Oahu community development authority, rather than the Hawaii community development authority. Makes an appropriation.

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

