
A BILL FOR AN ACT

RELATING TO THE PUBLIC HOUSING AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 356D, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "~~\$356D-~~ Ceded lands; vacancy; development. (a) No
5 housing projects developed or constructed pursuant to this part
6 shall be developed or constructed on ceded land that is vacant
7 on or after January 1, 2022.

8 (b) For the purposes of this section, "housing project"
9 shall have the same meaning as that term is defined in section
10 356D-11."

11 SECTION 2. Section 356D-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "public housing project",
13 "housing project", or "complex" to read as follows:

14 ""Public housing project"~~[, "housing project",]~~ or
15 "complex" means a housing project directly controlled, owned,
16 developed, or managed by the authority pursuant to any federally
17 assisted housing as defined in title 24 Code of Federal



1 Regulations section 5.100, but does not include state low-income
2 housing projects as defined in section 356D-51."

3 SECTION 3. Section 356D-11, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§356D-11 Development of property.** (a) The authority, in
6 its own behalf or on behalf of any government, may:

7 (1) Clear, improve, and rehabilitate property; and

8 (2) Plan, develop, construct, and finance [~~public~~] housing
9 projects.

10 (b) The authority may develop public land in an
11 agricultural district subject to the prior approval of the land
12 use commission when developing lands greater than five acres in
13 size. The authority shall not develop state monuments,
14 historical sites, or parks. When the authority proposes to
15 develop public land, it shall file with the department of land
16 and natural resources a petition setting forth [~~such~~] that
17 purpose. The petition shall be conclusive proof that the
18 intended use is a public use superior to that to which the land
19 had been appropriated.



1 (c) The authority may develop or assist in the development
2 of federal lands with the approval of appropriate federal
3 authorities.

4 (d) The authority shall not develop any public land where
5 the development may endanger the receipt of any federal grant,
6 impair the eligibility of any government agency for a federal
7 grant, prevent the participation of the federal government in
8 any government program, or impair any covenant between the
9 government and the holder of any bond issued by the government.

10 (e) The authority may contract or sponsor with any county,
11 housing authority, or person, subject to the availability of
12 funds, [~~an experimental or demonstration~~] housing [~~project~~]
13 projects designed to meet the needs of elders, disabled,
14 displaced or homeless persons, low- and moderate-income persons,
15 government employees, teachers, or university and college
16 students and faculty.

17 (f) The authority may enter into contracts with eligible
18 developers to develop [~~public~~] housing projects in exchange for
19 mixed use development rights. Eligibility of a developer for an
20 exchange pursuant to this subsection shall be determined



1 pursuant to rules adopted by the authority in accordance with
2 chapter 91.

3 As used in this subsection, "mixed use development rights"
4 means the right to develop a portion of a [public] housing
5 project for commercial use.

6 (g) The authority may develop, with an eligible developer,
7 or may assist under a government assistance program in the
8 development of, [public] housing projects. The land planning
9 activities of the authority shall be coordinated with the county
10 planning departments and the county land use plans, policies,
11 and ordinances.

12 Any person, if qualified, may act simultaneously as
13 developer and contractor.

14 In selecting eligible developers or in contracting any
15 services or materials for the purposes of this subsection, the
16 authority shall be subject to all federal procurement laws and
17 regulations.

18 For purposes of this subsection, "government assistance
19 program" means a [public] housing program qualified by the
20 authority and administered or operated by the authority or the



1 United States or any of their political subdivisions, agencies,
2 or instrumentalities, corporate or otherwise.

3 (h) In connection with the development of any ~~[public]~~
4 housing dwelling units under this chapter, the authority may
5 also develop commercial properties and industrial properties and
6 sell or lease other properties if it determines that the uses
7 will be an integral part of the ~~[public]~~ housing development or
8 a benefit to the community in which the properties are situated.
9 The authority may designate any portions of the ~~[public]~~ housing
10 development for commercial, industrial, or other use and shall
11 have all the powers granted under this chapter with respect
12 thereto. The authority may use any funding authorized under
13 this chapter to implement this subsection.

14 The net proceeds of all sales or leases, less costs to the
15 authority, shall be deposited in the public housing special fund
16 established by section 356D-28.

17 (i) For purposes of this section, "housing" or "housing
18 project" means any home, house, residence, building, apartment,
19 living quarters, abode, domicile, or dwelling unit that is
20 designed principally for the purposes of sheltering people."



SECTION 4. Section 356D-12, Hawaii Revised Statutes, is amended to read as follows:

"[+]§356D-12[+] **Development of property; additional powers.** (a) Notwithstanding any other law to the contrary, whenever the bids submitted for the development or rehabilitation of any ~~public~~ housing project authorized pursuant to this chapter exceed the amount of funds available for that project, the authority, with the approval of the governor, may disregard the bids and enter into an agreement to carry out the project, undertake the project, or participate in the project under the agreement; provided that:

(1) The total cost of the agreement and the authority's participation, if any, shall not exceed the amount of funds available for the project; and

(2) If the agreement is with a nonbidder, the scope of the project under agreement shall remain the same as that for which bids were originally requested.

(b) For purposes of this section, "housing project" shall have the same meaning as that term is defined in section 356D-11."



SECTION 5. Section 356D-12.5, Hawaii Revised Statutes, is amended to read as follows:

"[+]§356D-12.5[+] Development of property; partnership or development agreement. (a) Any ~~[public]~~ housing project may be developed under sections 356D-11 and 356D-12 by the authority in partnership or under a development agreement with a private party; provided that a written partnership or development agreement is executed by the authority. At a minimum, the partnership or development agreement shall provide for:

(1) A determination by the authority that the partnership or development agreement is for a public purpose; and

(2) Final approval by the authority of the plans and specifications for the ~~[public]~~ housing project.

(b) For the development of ~~[public]~~ housing projects pursuant to subsection (a), except as provided by federal law or regulation, the authority shall not be subject to chapters 103 and 103D or any and all other requirements of law for competitive bidding for partnership or development agreements, construction contracts, or other contracts; provided that the authority shall develop internal policies and procedures for the procurement of goods, services, and construction, consistent



1 with the goals of public accountability and public procurement
2 practices.

3 (c) The authority shall submit an annual report to the
4 legislature, no later than twenty days prior to the convening of
5 each regular session, on the status of all [~~public~~] housing
6 projects being developed using partnership or development
7 agreements pursuant to subsection (a).

8 (d) The authority may adopt rules pursuant to chapter 91
9 necessary for the purposes of this section.

10 (e) For the purposes of this section, "housing project"
11 shall have the same meaning as that term is defined in section
12 356D-11."

13 SECTION 6. Section 356D-71, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§356D-71 Resident selection; dwelling units; rentals.** In
16 the administration of elder or elderly housing, the authority
17 shall observe the following with regard to resident selection,
18 dwelling units, and rentals:

19 (1) Except as provided in this section, the authority
20 shall accept elder or elderly households as residents
21 in the housing projects;



- 1 (2) It may accept as residents in any dwelling unit one or
2 more persons, related or unrelated by blood or
3 marriage. It may also accept as a resident in any
4 dwelling unit or in any housing project, in the case
5 of illness or other disability of an elder who is a
6 resident in the dwelling unit or in the housing
7 project, a person designated by the elder as the
8 elder's live-in aide whose qualifications as a live-in
9 aide are verified by the authority, although the
10 person is not an elder; provided that the person shall
11 cease to be a resident therein upon the recovery of,
12 or removal from the housing project of, the elder;
- 13 (3) It may rent or lease to an elder a dwelling unit
14 consisting of any number of rooms as the authority
15 deems necessary or advisable to provide safe and
16 sanitary accommodations to the proposed resident or
17 residents without overcrowding; and
- 18 (4) Notwithstanding that the elder has no written rental
19 agreement or that the agreement has expired, during
20 hospitalization of the elder due to illness or other
21 disability so long as the elder continues to tender



1 the usual rent to the authority or proceeds to tender
2 receipts for rent lawfully withheld, no action or
3 proceeding to recover possession of the dwelling unit
4 may be maintained against the elder, nor shall the
5 authority otherwise cause the elder to quit the
6 dwelling unit involuntarily, demand an increase in
7 rent from the elder, or decrease the services to which
8 the elder has been entitled."

9 SECTION 7. Section 356D-102, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~§~~§356D-102~~§~~] **Facilities and services by counties to**
12 **authority and tenants.** Each county within which the authority
13 may own, operate, or administer any public housing project or
14 complex and to which, or for whose benefit, the authority or its
15 predecessors in interest has made (by payment to the county) or
16 may hereafter make, gifts or donations including any payment in
17 lieu of taxes, upon request of the authority, shall provide and
18 furnish to the authority in regard to every public housing
19 project or complex, and to the tenants and other occupants of
20 the public housing project, free of charge and without condition
21 or other requirement, all the facilities, services, and



1 privileges as it provides or furnishes, with or without charge
2 or other consideration, to any person or persons. The
3 facilities and services may include police protection, fire
4 protection, street lighting, paving maintenance, traffic
5 control, garbage or trash collection and disposal, use of
6 streets or highways, use of county incinerators or garbage
7 dumps, storm drainage, and sewage disposal. In addition, each
8 county, upon request of the authority and free of charge and
9 without condition or other requirement, shall open or close, but
10 not construct or reconstruct, streets, roads, highways, alleys,
11 or other facilities within any public housing project or complex
12 within the county. Nothing in this section shall be construed
13 to restrict or limit the power of the authority to agree to pay,
14 or to pay, for any and all of the facilities, services, and
15 privileges, if in its discretion it deems the payment
16 advisable."

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2050.



S.B. NO. 2251 S.D. 2 H.D. 2

Report Title:

HPHA; Non-subsidized Housing; Affordable Housing; Ceded Land;
Vacant

Description:

Allows the Hawaii public housing authority to develop mixed-income and mixed-financed housing projects. Prohibits the development or construction of housing projects on ceded land that is vacant on or after 1/1/2022. Effective 7/1/2050. (HD2)

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