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# 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. No housing  
5 projects developed or constructed pursuant to this part shall be  
6 developed or constructed on ceded land that is vacant as of  
7 January 1, 2022."

8           SECTION 2. Section 356D-11, Hawaii Revised Statutes, is  
9 amended to read as follows:

10          "§356D-11 Development of property. (a) The authority, in  
11 its own behalf or on behalf of any government, may:

- 12           (1) Clear, improve, and rehabilitate property; and  
13           (2) Plan, develop, construct, and finance [~~public~~] housing  
14           projects.

15           (b) The authority may develop public land in an  
16 agricultural district subject to the prior approval of the land  
17 use commission when developing lands greater than five acres in



1 size. The authority shall not develop state monuments,  
2 historical sites, or parks. When the authority proposes to  
3 develop public land, it shall file with the department of land  
4 and natural resources a petition setting forth such purpose.  
5 The petition shall be conclusive proof that the intended use is  
6 a public use superior to that to which the land had been  
7 appropriated.

8 (c) The authority may develop or assist in the development  
9 of federal lands with the approval of appropriate federal  
10 authorities.

11 (d) The authority shall not develop any public land where  
12 the development may endanger the receipt of any federal grant,  
13 impair the eligibility of any government agency for a federal  
14 grant, prevent the participation of the federal government in  
15 any government program, or impair any covenant between the  
16 government and the holder of any bond issued by the government.

17 (e) The authority may contract or sponsor with any county,  
18 housing authority, or person, subject to the availability of  
19 funds, [~~an experimental or demonstration~~] housing [~~project~~]  
20 projects designed to meet the needs of elders, disabled,  
21 displaced or homeless persons, low- and moderate-income persons,



1 government employees, teachers, or university and college  
2 students and faculty.

3 (f) The authority may enter into contracts with eligible  
4 developers to develop [public] housing projects in exchange for  
5 mixed use development rights. Eligibility of a developer for an  
6 exchange pursuant to this subsection shall be determined  
7 pursuant to rules adopted by the authority in accordance with  
8 chapter 91.

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

12 (g) The authority may develop, with an eligible developer,  
13 or may assist under a government assistance program in the  
14 development of, [public] housing projects. The land planning  
15 activities of the authority shall be coordinated with the county  
16 planning departments and the county land use plans, policies,  
17 and ordinances.

18 Any person, if qualified, may act simultaneously as  
19 developer and contractor.

20 In selecting eligible developers or in contracting any  
21 services or materials for the purposes of this subsection, the



1 authority shall be subject to all federal procurement laws and  
2 regulations.

3 For purposes of this subsection, "government assistance  
4 program" means a [~~publie~~] housing program qualified by the  
5 authority and administered or operated by the authority or the  
6 United States or any of their political subdivisions, agencies,  
7 or instrumentalities, corporate or otherwise.

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



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

4 (i) For the purposes of this section:

5 "Housing" or housing project" means any home, house,  
6 residence, building, apartment, living quarters, abode,  
7 domicile, or dwelling unit designed principally for the purpose  
8 of sheltering people."

9 SECTION 3. Section 356D-12, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[+]§356D-12[+] **Development of property; additional**  
12 **powers.** (a) Notwithstanding any other law to the contrary,  
13 whenever the bids submitted for the development or  
14 rehabilitation of any [~~public~~] housing project authorized  
15 pursuant to this chapter exceed the amount of funds available  
16 for that project, the authority, with the approval of the  
17 governor, may disregard the bids and enter into an agreement to  
18 carry out the project, undertake the project, or participate in  
19 the project under the agreement; provided that:



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

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

7 (b) For the purposes of this section:

8 "Housing" or housing project" means any home, house,  
9 residence, building, apartment, living quarters, abode,  
10 domicile, or dwelling unit designed principally for the purpose  
11 of sheltering people."

12 SECTION 4. Section 356D-12.5, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[+]§356D-12.5[+] **Development of property; partnership or**  
15 **development agreement.** (a) Any [~~public~~] housing project may be  
16 developed under sections 356D-11 and 356D-12 by the authority in  
17 partnership or under a development agreement with a private  
18 party; provided that a written partnership or development  
19 agreement is executed by the authority. At a minimum, the  
20 partnership or development agreement shall provide for:



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

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

5 (b) For the development of [public] housing projects  
6 pursuant to subsection (a), except as provided by federal law or  
7 regulation, the authority shall not be subject to chapters 103  
8 and 103D or any and all other requirements of law for  
9 competitive bidding for partnership or development agreements,  
10 construction contracts, or other contracts; provided that the  
11 authority shall develop internal policies and procedures for the  
12 procurement of goods, services, and construction, consistent  
13 with the goals of public accountability and public procurement  
14 practices.

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

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



1        (e) For the purposes of this section:  
2        "Housing" or housing project" means any home, house,  
3 residence, building, apartment, living quarters, abode,  
4 domicile, or dwelling unit designed principally for the purpose  
5 of sheltering people."

6        SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8        SECTION 6. This Act shall take effect upon its approval.





**Report Title:**

Hawaii Public Housing Authority; Non-subsidized Housing;  
Affordable Housing; Ceded Land; Vacant

**Description:**

Allows the Hawaii Public Housing Authority to develop mixed-income and mixed-financed housing projects, provided that no such projects shall be constructed on ceded land vacant on or after January 1, 2022. (SD1)

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

