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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. (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       means any home, house, residence, building, apartment, living  
10       quarters, abode, domicile, or dwelling unit that is designed  
11       principally for the purposes of sheltering people."

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

15       "Public housing project" [~~,"housing project",~~] or  
16       "complex" means a housing project directly controlled, owned,  
17       developed, or managed by the authority pursuant to any federally



1 assisted housing as defined in title 24 Code of Federal  
2 Regulations section 5.100, but does not include state low-income  
3 housing projects as defined in section 356D-51."

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

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

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

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

11 (b) The authority may develop public land in an  
12 agricultural district subject to the prior approval of the land  
13 use commission when developing lands greater than five acres in  
14 size. The authority shall not develop state monuments,  
15 historical sites, or parks. When the authority proposes to  
16 develop public land, it shall file with the department of land  
17 and natural resources a petition setting forth ~~[such]~~ that  
18 purpose. The petition shall be conclusive proof that the  
19 intended use is a public use superior to that to which the land  
20 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  
6 and sell or lease other properties if it determines that the  
7 uses will be an integral part of the [~~public~~] housing  
8 development or a benefit to the community in which the  
9 properties are situated. The authority may designate any  
10 portions of the [~~public~~] housing development for commercial,  
11 industrial, or other use and shall have all the powers granted  
12 under this chapter with respect thereto. The authority may use  
13 any funding authorized under this chapter to implement this  
14 subsection.

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

18 (i) For the purposes of this section, "housing" or  
19 "housing project" means any home, house, residence, building,  
20 apartment, living quarters, abode, domicile, or dwelling unit



1 that is designed principally for the purposes of sheltering  
2 people."

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

5 " **[+]§356D-12[+]** **Development of property; additional**  
6 **powers.** (a) Notwithstanding any other law to the contrary,  
7 whenever the bids submitted for the development or  
8 rehabilitation of any ~~[public]~~ housing project authorized  
9 pursuant to this chapter exceed the amount of funds available  
10 for that project, the authority, with the approval of the  
11 governor, may disregard the bids and enter into an agreement to  
12 carry out the project, undertake the project, or participate in  
13 the project under the agreement; provided that:

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

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

20 (b) For the purposes of this section, "housing" or  
21 "housing project" means any home, house, residence, building,



1 apartment, living quarters, abode, domicile, or dwelling unit  
2 that is designed principally for the purposes of sheltering  
3 people."

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

6 "[~~§~~§356D-12.5~~§~~] **Development of property; partnership or**  
7 **development agreement.** (a) Any [~~public~~] housing project may be  
8 developed under sections 356D-11 and 356D-12 by the authority in  
9 partnership or under a development agreement with a private  
10 party; provided that a written partnership or development  
11 agreement is executed by the authority. At a minimum, the  
12 partnership or development agreement shall provide for:

13 (1) A determination by the authority that the partnership  
14 or development agreement is for a public purpose; and  
15 (2) Final approval by the authority of the plans and  
16 specifications for the [~~public~~] housing project.

17 (b) For the development of [~~public~~] housing projects  
18 pursuant to subsection (a), except as provided by federal law or  
19 regulation, the authority shall not be subject to chapters 103  
20 and 103D or any and all other requirements of law for  
21 competitive bidding for partnership or development agreements,



1 construction contracts, or other contracts; provided that the  
2 authority shall develop internal policies and procedures for the  
3 procurement of goods, services, and construction, consistent  
4 with the goals of public accountability and public procurement  
5 practices.

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

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

13 (e) For the purposes of this section, "housing" or  
14 "housing project" means any home, house, residence, building,  
15 apartment, living quarters, abode, domicile, or dwelling unit  
16 that is designed principally for the purposes of sheltering  
17 people."

18 SECTION 6. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 2050.





**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. (SD2)

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

