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# A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

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

1           SECTION 1. The legislature finds that Congress through the  
2 Hawaiian Homes Commission Act, 1920, as amended (HHCA), set  
3 aside lands to be used for the benefit of native Hawaiians. As  
4 required by the Admission Act and as a compact with the United  
5 States, the State of Hawaii and the people of Hawaii adopted the  
6 HHCA as a provision of the Hawaii State Constitution and agreed  
7 to faithfully carry out the spirit of the HHCA for the  
8 rehabilitation of the Hawaiian race. These trust  
9 responsibilities remain to this day.

10           Given this unique and significant history, the Hawaiian  
11 homes commission should be allowed to retain independent legal  
12 counsel. At the same time, the option of utilizing the services  
13 of the attorney general as needed remains available.

14           The purpose of this Act is to allow the Hawaiian homes  
15 commission to retain independent legal counsel.

16           SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is  
17 amended as follows:

18           (1) By amending subsection (a) to read as follows:

.B. NO.          

1           "(a) No department of the State other than the attorney  
2 general may employ or retain any attorney, by contract or  
3 otherwise, for the purpose of representing the State or the  
4 department in any litigation, rendering legal counsel to the  
5 department, or drafting legal documents for the department;  
6 provided that the foregoing provision shall not apply to the  
7 employment or retention of attorneys:

8           (1) By the public utilities commission, the labor and  
9 industrial relations appeals board, and the Hawaii  
10 labor relations board;

11           (2) By any court or judicial or legislative office of the  
12 State; provided that if the attorney general is  
13 requested to provide representation to a court or  
14 judicial office by the chief justice or the chief  
15 justice's designee, or to a legislative office by the  
16 speaker of the house of representatives and the  
17 president of the senate jointly, and the attorney  
18 general declines to provide such representation on the  
19 grounds of conflict of interest, the attorney general  
20 shall retain an attorney for the court, judicial, or  
21 legislative office, subject to approval by the court,  
22 judicial, or legislative office;

\_\_\_\_.B. NO.\_\_\_\_

- 1 (3) By the legislative reference bureau;
- 2 (4) By any compilation commission that may be constituted
- 3 from time to time;
- 4 (5) By the real estate commission for any action involving
- 5 the real estate recovery fund;
- 6 (6) By the contractors license board for any action
- 7 involving the contractors recovery fund;
- 8 (7) By the office of Hawaiian affairs;
- 9 (8) By the department of commerce and consumer affairs for
- 10 the enforcement of violations of chapters 480 and
- 11 485A;
- 12 (9) As grand jury counsel;
- 13 (10) By the Hawaii health systems corporation, or its
- 14 regional system boards, or any of their facilities;
- 15 (11) By the auditor;
- 16 (12) By the office of ombudsman;
- 17 (13) By the insurance division;
- 18 (14) By the University of Hawaii;
- 19 (15) By the Kahoolawe island reserve commission;
- 20 (16) By the division of consumer advocacy;
- 21 (17) By the office of elections;
- 22 (18) By the campaign spending commission;

.B. NO.          

- 1           (19) By the Hawaii tourism authority, as provided in  
2                    section 201B-2.5;
- 3           (20) By the division of financial institutions;
- 4           (21) By the office of information practices;
- 5           (22) By the school facilities authority; [~~or~~]
- 6           (23) By the Hawaiian homes commission; provided that:
- 7                    (A) The Hawaiian homes commission may use the  
8                            services of the attorney general as needed; and
- 9                    (B) Legal fees owed to independent counsel shall be  
10                           paid by the State; or
- 11        [~~(23)~~] (24) By a department, if the attorney general, for  
12                    reasons deemed by the attorney general to be good and  
13                    sufficient, declines to employ or retain an attorney  
14                    for a department; provided that the governor waives  
15                    the provision of this section."
- 16           (2) By amending subsection (c) to read as follows:
- 17           "(c) Every attorney employed by any department on a full-  
18 time basis, except an attorney employed by the public utilities  
19 commission, the labor and industrial relations appeals board,  
20 the Hawaii labor relations board, the office of Hawaiian  
21 affairs, the Hawaii health systems corporation or its regional  
22 system boards, the department of commerce and consumer affairs

.B. NO.      

1 in prosecution of consumer complaints, insurance division, the  
2 division of consumer advocacy, the University of Hawaii, the  
3 Hawaii tourism authority as provided in section 201B-2.5, the  
4 office of information practices, the Hawaiian homes commission,  
5 or as grand jury counsel, shall be a deputy attorney general."

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

8 SECTION 4. This Act shall take effect upon its approval.

9

10

INTRODUCED BY: \_\_\_\_\_

11

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Hawaiian Homes Commission; Independent Legal Counsel

**Description:**

Allows the Hawaiian Homes Commission to retain independent legal counsel. Authorizes the Hawaiian Homes Commission to use the services of the Attorney General as needed. Provides that funds owed to independent legal counsel shall be paid by the State.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT LEGAL COUNSEL.

PURPOSE: To allow the Hawaiian Homes Commission to retain independent legal counsel to be paid by the State and also use the services of the Attorney General as needed.

MEANS: Amend section 28-8.3(a) and (c), Hawaii Revised Statutes.

JUSTIFICATION: The Hawaiian Homes Commission has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, the Hawaiian Homes Commission may at times be at odds with the interests of the State. It is at these times that the Hawaiian Homes Commission must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the Hawaiian Homes Commission eliminates any cloud of uncertainty that there is a conflict of interest that the Hawaiian Homes Commission is represented by the Department of the Attorney General that also represents the State of Hawaii.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Hawaiian Homes Commission to retain independent legal counsel.

Impact on the department and other agencies: This proposal could reduce the legal services provided by the Department of the Attorney General.

GENERAL FUND: \$500,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.



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# A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

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

1           SECTION 1. The legislature finds that section 174C-101(a),  
2 Hawaii Revised Statutes, requires decisions of the commission on  
3 water resource management to incorporate and protect adequate  
4 reserves of water for current and foreseeable development and  
5 use of Hawaiian home lands. The purpose of this Act is to add  
6 the chair of the Hawaiian homes commission, or the chair's  
7 designee, to the commission on water resource management in a  
8 similar ex officio membership as the director of health or the  
9 director's designee.

10           SECTION 2. Section 174C-7, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) and (b) to read as follows:

12           "(a) There is established within the department a  
13 commission on water resource management consisting of [~~seven~~  
14 eight members which shall have exclusive jurisdiction and final  
15 authority in all matters relating to implementation and  
16 administration of the state water code, except as otherwise  
17 specifically provided in this chapter.



\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Commission on Water Resource Management; Membership

**Description:**

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Commission on Water Resource Management.

Increases number of commission members from seven to eight, with only five of eight required to have substantial experience in water resource management.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

PURPOSE: To add the Chair of the Hawaiian Homes Commission or the Chair's designee to the Commission on Water Resource Management.

MEANS: Amend section 174C-7(a) and (b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The State Water Code requires that decisions of the Commission on Water Resource Management incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian Home Lands. Allowing the Chair of the Hawaiian Homes Commission or the Chair's designee to serve on the Commission on Water Resource Management, would provide an opportunity for the Chair or the Chair's designee to participate in setting policies, defining uses, and establishing priorities and procedures over land-based surface water and ground water resources, which are key components of the development and use of Hawaiian Home Lands.

Clarifies in section 174C-7(b), HRS, that only five water commission members selected by the Governor must have substantial experience in the area of water resource management.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chair of the Hawaiian Homes Commission or the Chair's designated representative to serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the department and other agencies:

An additional member would serve on the  
Commission on Water Resource Management.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: Commission on Water Resource Management.

EFFECTIVE DATE: Upon approval.

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1           SECTION 1. The legislature finds that homestead lots or  
2 housing developed for the department of Hawaiian home lands  
3 awarded to native Hawaiians are offered at affordable rates when  
4 compared to similar housing opportunities available in Hawaii.  
5 The purpose of this Act is to exempt any development of  
6 homestead lots or housing for the department of Hawaiian home  
7 lands from general excise and use taxes.

8           SECTION 2. Chapter 237, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11           "§237-   Exemptions for any development of homestead lots  
12 or housing for the department of Hawaiian home lands. (a) Any  
13 amounts related to planning, design, financing, or construction  
14 activities conducted by a qualified person or firm for a new  
15 construction, moderate rehabilitation, or substantial  
16 rehabilitation project for homestead lots or housing for the  
17 department of Hawaiian home lands shall be exempted from the tax  
18 imposed by this chapter. The project may also be developed:

.B. NO.    

1       (1) Under a government assistance program approved by the  
2       department of Hawaiian home lands;

3       (2) Under the sponsorship of a nonprofit organization  
4       providing home rehabilitation or new homes on Hawaiian  
5       home lands for qualified families in need of decent,  
6       low-cost housing; or

7       (3) To provide affordable rental housing where at least  
8       fifty per cent of the available units are for  
9       households with incomes at or below eighty per cent of  
10       the area median family income as determined by the  
11       United States Department of Housing and Urban  
12       Development.

13       (b) All claims for exemption under this section shall be  
14       filed with and certified by the department of Hawaiian home  
15       lands and forwarded to the department of taxation by the  
16       claimant. Any claim for exemption that is filed and approved  
17       shall not be considered a subsidy.

18       (c) The department of Hawaiian home lands may establish,  
19       revise, charge, and collect a reasonable service fee in  
20       connection with its approvals and certifications of the  
21       exemption under this section. The fees shall be deposited into

.B.NO.    

1 the Hawaiian home operating fund pursuant to section 213(e) of  
2 the Hawaiian Homes Commission Act, 1920, as amended.

3 (d) For purposes of this section:

4 "Homestead lot" means a lot of residential, agricultural,  
5 or pastoral use to be awarded pursuant to the Hawaiian Homes  
6 Commission Act, 1920, as amended, including but not limited to  
7 on- and off-site infrastructure requirements, appurtenances, and  
8 dwelling units.

9 "Moderate rehabilitation" shall have the same meaning at  
10 defined in section 201H-36.

11 "Qualified person or firm" means any individual,  
12 partnership, joint venture, corporation, association, limited  
13 liability partnership, limited liability company, business,  
14 trust, or any organized group of persons or legal entities, or  
15 any combination thereof, that possesses all professional or  
16 vocational licenses necessary to do business in the State.

17 "Substantial rehabilitation" shall have the same meaning as  
18 defined in section 201H-36."

19 SECTION 3. Section 238-3, Hawaii Revised Statutes, is  
20 amended by amending subsection (j) to read as follows:



.B.NO.          

1           "(j) The tax imposed by this chapter shall not apply to  
2 any use of property, services, or contracting exempted by  
3 section 237-26 [~~or~~], section 237-29[~~-~~], or section 237-\_\_\_\_\_."

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

6           SECTION 5. This Act, upon its approval, shall take effect  
7 on January 1, 2025.

8

9

INTRODUCED BY: \_\_\_\_\_

BY REQUEST

10

\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Department of Hawaiian Home Lands; General Excise Tax Exemption;  
Use Tax Exemption

**Description:**

Exempts any development of homestead lots or housing for the  
Department of Hawaiian Home Lands from general excise and use  
taxes.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: To exempt any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

MEANS: Add a new section to chapter 237 and amend section 238-3(j), Hawaii Revised Statutes.

JUSTIFICATION: The savings resulting from the exemption from general excise and use taxes that the Department of Hawaiian Home Lands can potentially accrue from this measure would be applied to the development of additional housing and associated infrastructure. This additional saving would allow the Department to more fully commit the funding received toward its mission, development of more homestead lots or housing units for beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by exempting any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

Impact on the department and other agencies: More funding could be allocated toward the development of homestead lots or housing.

GENERAL FUND: \$1,000,000 is the estimated amount of lost tax revenue.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES:

Department of Taxation and Department of  
Budget and Finance.

EFFECTIVE DATE:

January 1, 2025.

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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

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

1           SECTION 1. The legislature finds that section 6E-8, Hawaii  
2 Revised Statutes, plays an important role in the protection and  
3 management of the State's historic properties and burial sites.  
4 Section 6E-8(b) requires the department of Hawaiian home lands,  
5 prior to any proposed project relating to lands under its  
6 jurisdiction, to consult with the department of land and natural  
7 resources regarding the effect of the project upon historic  
8 property or a burial site. The purpose of this Act is to allow  
9 the department of Hawaiian home lands to assume review of the  
10 effect of any proposed project on historic properties or burial  
11 sites for lands under its jurisdiction.

12           SECTION 2. Section 6E-8, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14           "(b) [The] Notwithstanding subsection (a), the department  
15 of Hawaiian home lands [, prior to] may assume review of any  
16 proposed project relating to lands under its jurisdiction [,]  
17 ~~shall consult with the department regarding the effect of the~~  
18 ~~project upon historic property or a burial site.]~~ pursuant to

.B.NO.    

1 this section, and pursuant to any administrative rule adopted  
2 thereunder; provided that the department of Hawaiian home lands  
3 shall:

4     (1) Designate the review to a Hawaiian home lands  
5     preservation officer who has professional competence  
6     and experience in the field of historic preservation;  
7     and

8     (2) Ensure that copies of all reports, maps, and  
9     documents, including those reflecting the Hawaiian  
10    home lands preservation official's comments,  
11    recommendations, and decisions, are provided to the  
12    department to be incorporated into the historic  
13    preservation digital document management system and  
14    library.

15 The department shall retain authority for review under this  
16 section for projects affecting properties listed or nominated  
17 for inclusion in the Hawaii register of historic places or the  
18 national register of historic places."

19       SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21

\_\_\_\_.B. NO.\_\_\_\_

1 SECTION 4. This Act shall take effect upon its approval.

2

3 INTRODUCED BY: \_\_\_\_\_

4 BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Historic Preservation; Department of Hawaiian Home Lands;  
Project Reviews of Proposed State Projects

**Description:**

Allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION REVIEWS.

PURPOSE: To allow the Department of Hawaiian Home Lands to assume review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

MEANS: Amend section 6E-8(b), Hawaii Revised Statutes.

JUSTIFICATION: Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this bill would streamline the process by allowing the Department of Hawaiian Home Lands to assume this review, which would allow for the ability to expedite the construction of proposed projects.

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act 1920, as amended, by streamlining the review process for any proposed project on Hawaiian Home Lands.

Impact on the department and other agencies: The Department of Hawaiian Home Lands would assume this function for lands under its jurisdiction freeing up those resources for the Department of Land and Natural Resources to service other agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.

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A BILL FOR AN ACT

RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS.

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

1 SECTION 1. The legislature finds that illegal activity  
2 occurring on Hawaiian home lands threatens the health and safety  
3 of the community. The purpose of this Act is to establish a  
4 compliance and enforcement program within the department of  
5 Hawaiian home lands to investigate complaints, conduct  
6 investigations, and cooperate with enforcement authorities to  
7 ensure compliance with state law, including the Hawaiian Homes  
8 Commission Act, 1920, as amended, and the rules adopted  
9 thereunder, as well as all other state laws and rules and county  
10 ordinances on Hawaiian home lands.

11 SECTION 2. The Hawaii Revised Statutes is amended by  
12 adding a new chapter to be appropriately designated and to read  
13 as follows:

14 "CHAPTER

15 COMPLIANCE ON HAWAIIAN HOME LANDS

16 § -1 Compliance and enforcement program on Hawaiian home  
17 lands; established. The department of Hawaiian home lands shall  
18 establish a compliance and enforcement program on Hawaiian home

1 lands to enforce state laws and rules, and county ordinances on  
2 Hawaiian home lands and shall employ or appoint, and remove, the  
3 following persons, subject to chapter 76 and section 78-1,  
4 Hawaii Revised Statutes, who shall be provided with suitable  
5 badges or insignia of office by the department of Hawaiian home  
6 lands:

7 (1) An enforcement chief of the department of Hawaiian  
8 home lands, who shall be the head of the compliance  
9 and enforcement program and shall have charge,  
10 direction, and control, subject to the direction and  
11 control of the chair of the Hawaiian homes commission,  
12 of all matters relating to compliance with the  
13 Hawaiian Homes Commission Act, 1920, as amended and  
14 rules adopted thereunder as well as all other state  
15 laws and rules, and county ordinances on Hawaiian home  
16 lands and such other matters as the chair of the  
17 Hawaiian homes commission may from time to time  
18 direct. The enforcement chief shall be an  
19 administrator experienced in law enforcement and  
20 management; and

21 (2) Personnel and enforcement officers of the compliance  
22 and enforcement program on Hawaiian home lands,  
23 including but not limited to enforcement officers on a  
24 voluntary basis and without pay.

1           §   -2   **Compliance and enforcement program on Hawaiian home**  
2 **lands enforcement officers.** (a) The compliance and enforcement  
3 program on Hawaiian home lands enforcement officers, with  
4 respect to all Hawaiian home lands shall:

- 5           (1) Investigate complaints, gather evidence, conduct  
6                 investigations, and conduct field observations and  
7                 inspections as required or assigned;
- 8           (2) Cooperate with enforcement authorities of the State,  
9                 counties, and federal government in development of  
10                programs and mutual aid agreements for compliance and  
11                enforcement activities on Hawaiian home lands;
- 12          (3) Cooperate with established search and rescue agencies  
13                of the counties and the federal government in  
14                developing plans and programs and mutual aid  
15                agreements for search and rescue activities on  
16                Hawaiian home lands;
- 17          (4) Check and verify all homestead leases, general leases,  
18                permits, and licenses and all other land dispositions  
19                issued by the department of Hawaiian home lands;
- 20          (5) Enforce the laws relating to firearms, ammunition, and  
21                dangerous weapons contained in chapter 134; and
- 22          (6) Carry out other duties and responsibilities as the  
23                department of Hawaiian home lands from time to time  
24                may direct.

1           **§ -3 Department of Hawaiian home lands; police powers.**

2       (a) The Hawaiian homes commission shall have police powers.

3 The chair of the Hawaiian homes commission may appoint and  
4 commission enforcement officers within the compliance and  
5 enforcement program on Hawaiian home lands. Persons appointed  
6 and commissioned under this section shall have and may exercise  
7 all of the powers and authority of a police officer, including  
8 the power of arrest, and may enforce all state laws and rules,  
9 and county ordinances on Hawaiian home lands; provided that such  
10 powers shall remain in force and effect only while in actual  
11 performance of their duties, which shall include off-duty  
12 employment when such employment is for other state departments  
13 or agencies. These enforcement officers shall consist of  
14 personnel whose primary duty will be the enforcement of state  
15 and local laws on Hawaiian home lands and to carry out work  
16 related to compliance with Hawaiian home lands leases and  
17 permits, and other requirements.

18           **§ D Rules.** The department of Hawaiian home lands may  
19 promulgate rules and regulations, pursuant to chapter 91,  
20 necessary for administration of this chapter."

21           SECTION 3. There is appropriated out of the general  
22 revenues of the State of Hawaii the sum of \$500,000 or so much  
23 thereof as may be necessary for fiscal year 2024-2025 for the  
24 compliance and enforcement program on Hawaiian home lands.

1           The sums appropriated shall be expended by the department  
2 of Hawaiian home lands for the purposes of this Act.

3           SECTION 4. This Act shall take effect upon its approval.

4

5

INTRODUCED BY: \_\_\_\_\_

6

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Compliance and Enforcement; Hawaiian Home Lands

**Description:**

Establishes a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with all state laws and rules, and county ordinances on Hawaiian Home Lands.

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



JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS.

PURPOSE: To establish a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended, and rules adopted thereunder as well as all other state laws and rules, and county ordinances on Hawaiian home lands.

MEANS: Add a new chapter to the Hawaii Revised Statutes.

JUSTIFICATION: Criminal activity that is threatening the health and safety of the community must be addressed. The establishment of a compliance program within the Department of Hawaiian Home Lands will help to ensure responsive action is taken to address the noted concerns.

Impact on the public: This proposal protects the health and safety of communities.

Impact on the department and other agencies: Additional resources will be needed to implement this program.

GENERAL FUND: \$500,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Department of Budget and Finance and Department of Law Enforcement.

EFFECTIVE DATE: Upon approval.

\_\_\_B. NO. \_\_\_

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# A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

1           SECTION 1. The legislature finds that exempting housing  
2 developed by the department of Hawaiian home lands from school  
3 impact fees allows for more homes to be developed for  
4 beneficiaries. The department of Hawaiian home lands currently  
5 leases educational facilities for public schools, public charter  
6 schools, early learning facilities, and other similar facilities  
7 at minimal to no cost. The purpose of this Act is to make  
8 permanent the exemption of housing developed by the department  
9 of Hawaiian home lands from school impact fees.

10           SECTION 2. Act 197, Session Laws of Hawaii 2021, is  
11 amended by amending section 6 to read as follows:

12           "SECTION 6. This Act shall take effect upon its approval[  
13 ~~provided that on July 1, 2024, section 1 of this Act shall be~~  
14 ~~repealed and section 302A-1603(b), Hawaii Revised Statutes,~~  
15 ~~shall be reenacted in the form in which it read on the day prior~~  
16 ~~to the effective date of this Act]."~~

17           SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken.

\_\_\_\_.B. NO.\_\_\_\_

1 SECTION 3. This Act shall take effect upon its approval.

2

3 INTRODUCED BY: \_\_\_\_\_

4

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

School Impact Fees; Housing; Department of Hawaiian Home Lands

**Description:**

Makes permanent Act 197, Session Laws of Hawaii 2021, which excludes housing developed by the Department of Hawaiian Home Lands from school impact fees.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO SCHOOL IMPACT FEES.

PURPOSE: Repeals the July 1, 2024, sunset date of Act 197, Session Laws of Hawaii 2021, to make permanent the exemption of housing developed by the Department of Hawaiian Home Lands from school impact fees.

MEANS: Amend section 6 of Act 197, Session Laws of Hawaii 2021.

JUSTIFICATION: Making permanent the exemption of housing developed by the Department of Hawaiian Home Lands from school impact fees because exempting housing developed by the Department of Hawaiian Home Lands from school impact fees allows for more homes to be developed for beneficiaries. The Department of Hawaiian Home Lands currently leases educational facilities for public schools, public charter schools, early learning facilities, and other similar facilities at minimal to no cost.

Impact on the public: This bill will protect the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by making permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.

Impact on the department and other agencies: By exempting any housing developed by the Department of Hawaiian Home Lands from school impact fee requirements, that savings can be allocated toward developing more housing.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 602.

OTHER AFFECTED

AGENCIES: Department of Education and School  
Facilities Authority.

EFFECTIVE DATE: Upon approval.

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1           SECTION 1. The legislature finds that Act 279, Session  
2 Laws of Hawaii 2022, appropriated out of the general revenues of  
3 the State of Hawaii the sum of \$600,000,000 or so much thereof  
4 as may be necessary for fiscal year 2021-2022 to provide a  
5 multi-pronged approach to reducing the over 28,000 applicants on  
6 the department of Hawaiian home lands waitlist.

7           The legislature further finds that Act 279, Session Laws of  
8 Hawaii 2022, stipulated that any moneys not encumbered for  
9 specific purposes shall lapse to the general fund on June 30,  
10 2025. Article VII, section 11 of the State Constitution  
11 provides that no appropriation shall be for a period exceeding  
12 three years. This provision therefore permits the expenditure  
13 of biennial appropriations one year beyond the biennial period,  
14 so no later than June 30, 2024, for the fiscal biennium 2021-  
15 2023. Accordingly, the purpose of this Act is to allow for the  
16 expenditure of these funds until June 30, 2025, as provided for  
17 by the legislature in Act 279, Session Laws of Hawaii 2022.



.B. NO.          

1           SECTION 2. Act 279, Session Laws of Hawaii 2022, is  
2 amended by amending section 6 to read as follows:

3           "SECTION 6. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$600,000,000 or so  
5 much there of as may be necessary for fiscal year 2021-2022 for  
6 the purposes of this Act; provided that any moneys not expended  
7 or encumbered for specific purposes shall lapse to the general  
8 fund on June 30, [~~2025~~] 2024."

9           SECTION 3. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$\_\_\_\_\_ or  
11 so much thereof as may be necessary for fiscal year 2024-2025.  
12 The sum appropriated shall be expended for the department of  
13 Hawaiian home lands for the purposes of this Act.

14           SECTION 4. If any provision of this Act, or the  
15 application thereof to any person or circumstance, is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of the Act that can be given effect without the  
18 invalid provision or application, and to this end the provisions  
19 or this Act are severable.

20           SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22           SECTION 6. This Act shall take effect on June 29, 2024.

\_\_\_\_.B. NO.\_\_\_\_

1

2

INTRODUCED BY: \_\_\_\_\_

3

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Department of Hawaiian Home Lands; Appropriation

**Description:**

Confirms the intent of the Legislature that funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: Allow for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022, until June 30, 2025.

MEANS: Amend Act 279, Session Laws of Hawaii 2022.

JUSTIFICATION: The Legislature intended that funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025. This bill confirms the legislative intent.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing for expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022, until June 30, 2025.

Impact on the department and other agencies: This revision will allow the Department of Hawaiian Home Lands to expend funds by June 30, 2025 as intended by the Legislature instead of the year prior or June 30, 2024.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 602.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: June 29, 2024.

\_\_\_\_.B. NO.\_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1           SECTION 1. The purpose of this Act is to provide follow-up  
2 funding for the next steps in the investigation, exploration,  
3 and identification of geothermal resources on Hawaiian home  
4 lands, as these resources may be used for the generation,  
5 transmission, or production of electricity and renewable energy  
6 resources, including but not limited to, hydrogen generation.

7           SECTION 2. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$6,000,000 or so much  
9 thereof as may be necessary for fiscal year 2024-2025 to fund  
10 water well development for geophysical investigation,  
11 exploration, and identification of geothermal resources on  
12 Hawaiian home lands.

13           The sum appropriated shall be expended by the department of  
14 Hawaiian home lands for the purposes of this Act.

15           SECTION 3. This Act shall take effect on July 1, 2024.

16

17

INTRODUCED BY: \_\_\_\_\_

18

BY REQUEST

\_\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Department of Hawaiian Home Lands; Hawaiian Home Lands;  
Geothermal Resources; Appropriation

**Description:**

Appropriates funds to the Department of Hawaiian Home Lands for the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To provide follow-up funds for the next steps in the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands.

MEANS: Appropriates funds.

JUSTIFICATION: There is appropriated out of the general revenues of the State of Hawaii the sum of \$6,000,000 or so much there of as may be necessary for fiscal year 2024-2025 to fund water well development for geophysical investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands. The sum appropriated shall be expended by the Department of the Hawaiian Home Lands for the purposes of Act 205, Session Laws of Hawaii 2022.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by providing funds for the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands, as these resources may be used for the generation, transmission, or production of electricity and renewable energy resources.

Impact on the department and other agencies: This bill could allow for the Department of Hawaiian Home Lands to produce generation, transmission, or production of electricity and renewable energy resources on Hawaiian Home Lands.

GENERAL FUND: \$6,000,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2024.



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# A BILL FOR AN ACT

RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.

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

1           SECTION 1. The legislature finds that the Hawaii housing  
2 finance and development corporation is tasked with developing  
3 and financing low- and moderate- income housing projects and  
4 administering homeownership programs. The purpose of this Act is  
5 to add the chair of the Hawaiian homes commission, or the  
6 chair's designee to the Hawaii housing finance and development  
7 corporation.

8           SECTION 2. Section 201H-3, Hawaii Revised Statutes, is  
9 amended by amending subsections (a) and (b) and (c) to read as  
10 follows:

11           “(a) There is created a board of directors of the Hawaii  
12 housing finance and development corporation consisting of [~~nine~~]  
13 ten members, of whom six shall be public members appointed by  
14 the governor as provided in section 26-34. At least four of the  
15 public members shall have knowledge and expertise in public or  
16 private financing and development of affordable housing. Public  
17 members shall be appointed from each of the counties of

.B. NO.          

1 Honolulu, Hawaii, Maui, and Kauai. At least one public member  
2 shall represent community advocates for low-income housing,  
3 affiliated with private nonprofit organizations that serve the  
4 residents of low-income housing. The public members of the  
5 board shall serve four-year staggered terms; provided that the  
6 initial appointments shall be as follows:

- 7 (1) Two members to be appointed for four years;
- 8 (2) Two members to be appointed for three years; and
- 9 (3) Two members to be appointed for two years.

10 The director of business, economic development, and tourism,  
11 [~~and~~] the director of finance, and the chair of the Hawaiian  
12 homes commission, or their designated representatives, and a  
13 representative of the governor's office, shall be ex officio[,]  
14 voting members. The corporation shall be headed by the board.

15 (b) The board of directors shall select a chairperson  
16 and vice chairperson from among its members; provided that the  
17 chairperson shall be a public member. The director of business,  
18 economic development, and tourism, director of finance, chair of  
19 the Hawaiian homes commission, and the governor's representative  
20 shall be ineligible to serve as chairperson of the board.

21 (c) [~~Five~~] Six members shall constitute a quorum,  
22 whose affirmative vote shall be necessary for all actions by the

**.B. NO.**           

1 corporation. The members shall receive no compensation for  
2 services, but shall be entitled to necessary expenses, including  
3 travel expenses, incurred in the performance of their duties.”

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

6         SECTION 4. This Act shall take effect upon its approval.

7

8

INTRODUCED BY: \_\_\_\_\_

9

BY REQUEST

# \_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Hawaii Housing Finance and Development Corporation; Membership

**Description:**

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Housing Finance and Development Corporation.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.

PURPOSE: To add the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Housing Finance and Development Corporation's board of directors.

MEANS: Amend section 201H-3 (a), (b), and (c), Hawaii Revised Statutes.

JUSTIFICATION: Allowing the Chair of the Hawaiian Homes Commission or the Chair's designee to serve on the Hawaii Housing Finance and Development Corporation, would provide an opportunity for the Chair or the Chair's designee to participate in setting policies, defining uses, and establishing priorities and procedures for the development, subdivision, and construction of dwelling units in housing projects in which the State, through the Corporation, shall participate.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chair of the Hawaiian Homes Commission or the Chair's designated representative to serve on the board of directors of the Hawaii Housing Finance and Development Corporation.

Impact on the department and other agencies: An additional member would serve on the Hawaii Housing Finance and Development Corporation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: Hawaii Housing Finance and Development  
Corporation.

EFFECTIVE DATE: Upon approval.

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# A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

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

1           SECTION 1. The legislature finds that the Hawaii community  
2 development authority is tasked with promoting and coordinating  
3 public and private sector community development and to plan for  
4 the development of underutilized areas of Hawaii. The purpose of  
5 this Act is to add the chair of the Hawaiian homes commission,  
6 or the chair's designee to the Hawaii community development  
7 authority.

8           SECTION 2. Section 206E-3, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10           “(b) The authority shall consist of the director of  
11 finance or the director's designee; the director of  
12 transportation or the director's designee; the chairperson of  
13 the board of land and natural resources; the chair of the  
14 Hawaiian homes commission or the chair's designee; the director  
15 of planning or planning and permitting of each county in which a  
16 community development district is located or the director's  
17 designee.; a cultural specialist; an at-large member nominated  
18 by the president of the senate; an at-large member nominated by

**.B. NO.**           

1 the speaker of the house of representatives; two representatives  
2 of the Heeia community development district, comprising one  
3 resident of that district or the Koolaupoko district, which  
4 consists of sections 1 through 9 of zone 4 of the first tax map  
5 key division, and one owner of a small business or one officer  
6 or director of a nonprofit organization in the Heeia community  
7 development district or Koolaupoko district; two representatives  
8 of the Kalaeloa community development district, comprising one  
9 resident of the Ewa zone (zone 9, sections 1 through 2) or the  
10 Waianae zone (zone 8, sections 1 through 9) of the first tax map  
11 key division, and one owner of a small business or one officer  
12 or director of a nonprofit organization in the Ewa or Waianae  
13 zone; two representatives of the Kakaako community development  
14 district, comprising one resident of the district and one owner  
15 of a small business or one officer or director of a nonprofit  
16 organization in the district; and two representatives of the  
17 Pulehunui community development district, consisting of one  
18 resident of the island of Maui, and one owner of a small  
19 business or one officer or director of a nonprofit organization  
20 on the island of Maui.

21 All members except the director of finance, director of  
22 transportation, county directors of planning or planning and



.B. NO.

1 permitting, director of business, economic development, and  
2 tourism, chairperson of the board of land and natural resources,  
3 chair of the Hawaiian homes commission, or their respective  
4 designees, shall be appointed by the governor pursuant to  
5 section 26-34. The two at-large members nominated by the  
6 president of the senate and speaker of the house of  
7 representatives shall each be invited to serve and appointed by  
8 the governor from a list of three nominees submitted for each  
9 position by the nominating authority specified in this  
10 subsection.

11           The president of the senate and the speaker of the  
12 house of representatives shall each submit a list of six  
13 nominees for each district to the governor to fill the two  
14 district representative positions for each community development  
15 district. For each community development district, the governor  
16 shall appoint one member from a list of nominees submitted by  
17 the president of the senate and one member from a list of  
18 nominees submitted by the speaker of the house of  
19 representatives, and of the two appointees, one shall meet the  
20 district residency requirement and one shall meet the district  
21 small business owner or nonprofit organization officer or  
22 director requirement.

**.B. NO.**           

1           The authority shall be organized and shall exercise  
2 jurisdiction as follows:

3           (1) For matters affecting the Heeia community  
4 development district, the following members shall be considered  
5 in determining quorum and majority and shall be eligible to  
6 vote:

7           (A) The director of finance or the director's designee;

8           (B) The director of transportation or the director's  
9 designee;

10          (C) The director of business, economic development, and  
11 tourism or the director's designee;

12          (D) The director of planning and permitting for the  
13 county in which the Heeia community development district is  
14 located or the director's designee;

15          (E) The cultural specialist;

16                 (F) The two at-large members; and

17                 (G) The two representatives of the Heeia  
18 community development district;

19          (2) For matters affecting the Kalaeloa community  
20 development district, the following members shall be considered  
21 in determining quorum and majority and shall be eligible to  
22 vote:

**.B. NO.**           

1                   (A) The director of finance or the director's  
2 designee;

3                   (B) The director of transportation or the  
4 director's designee;

5                   (C) The director of business, economic  
6 development, and tourism or the director's designee;

7                   (D) The director of planning and permitting for  
8 the county in which the Kalaeloa community development district  
9 is located or the director's designee;

10                   (E) The chair of the Hawaiian homes commission  
11 or the chair's designee;

12                   [~~(E)~~] (F) The cultural specialist;

13                   [~~(F)~~] (G) The two at-large members; and

14                   [~~(G)~~] (H) The two representatives of the  
15 Kalaeloa community development district;

16                   (3) For matters affecting the Kakaako community  
17 development district, the following members shall be considered  
18 in determining quorum and majority and shall be eligible to  
19 vote:

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

.B. NO.          

1                   (B) The director of transportation or the  
2 director's designee;

3                   (C) The director of business, economic  
4 development, and tourism or the director's designee;

5                   (D) The director of planning and permitting for  
6 the county in which the Kakaako community development district  
7 is located or the director's designee;

8                   (E) The cultural specialist;

9                   (F) The two at-large members; and

10                   (G) The two representatives of the Kakaako  
11 community development district; and

12                   (4) For matters affecting the Pulehunui community  
13 development district, the following members shall be considered  
14 in determining quorum and majority and shall be eligible to  
15 vote:

16                   (A) The director of finance or the director's  
17 designee;

18                   (B) The director of transportation or the  
19 director's designee;

20                   (C) The director of business, economic  
21 development, and tourism or the director's designee;

**.B. NO.**           

1                   (D) The director of planning for the county in  
2 which the Pulehunui community development district is located or  
3 the director's designee;

4                   (E) The chairperson of the board of land and  
5 natural resources or the chairperson's designee;

6                   (F) The cultural specialist;

7                   (G) The two at-large members; and

8                   (H) The two representatives of the Pulehunui  
9 community development district.

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

15                   The terms of the director of finance; director of  
16 transportation; county directors of planning and permitting;  
17 director of business, economic development, and tourism; ~~and~~  
18 chairperson of the board of land and natural resources; and  
19 chair of the Hawaiian homes commission; or their respective  
20 designees shall run concurrently with each official's term of  
21 office. The terms of the appointed voting members shall be for  
22 four years, commencing on July 1 and expiring on June 30. The

.B. NO.          

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

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

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

19           For purposes of this section, "small business" means a  
20 business that is independently owned and that is not dominant in  
21 its field of operation."

**.B. NO.**           

1           SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 4. This Act shall take effect upon its approval.

4

5

INTRODUCED BY: \_\_\_\_\_

6

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Hawaii Community Development Authority; Membership

**Description:**

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Community Development Authority.

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



JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

PURPOSE: To add the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Community Development Authority.

MEANS: Amend section 206E-3 (b), Hawaii Revised Statutes.

JUSTIFICATION: Allowing the Chair of the Hawaiian Homes Commission or the Chair's designee to serve on the Hawaii Community Development Authority, would provide an opportunity for the Chair or the Chair's designee to participate in promoting and coordinating public and private sector community development and to plan for the development of underutilized areas of Hawaii.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Chair of the Hawaiian Homes Commission or the Chair's designated representative to serve on the Hawaii Community Development Authority.

Impact on the department and other agencies: An additional member would serve on the Hawaii Community Development Authority.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Hawaii Community Development Authority.

EFFECTIVE DATE: Upon approval.

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---

# A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

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

1           SECTION 1. The legislature finds that the department of  
2 Hawaiian home lands provides loans for the repair, maintenance,  
3 purchase, and erection of a dwelling, however the Hawaiian Homes  
4 Commission Act of 1920, as amended (HHCA), stipulates that these  
5 loans cannot exceed fifty per cent of the maximum single  
6 residence loan amount allowed in Hawaii by the United States  
7 Department of Housing and Urban Development's Federal Housing  
8 Administration (FHA). The purpose of this Act is to amend the  
9 HHCA to increase the FHA loan limit to seventy-five percent of  
10 the maximum single residence loan amount.

11           SECTION 2. Section 215, Hawaiian Homes Commission Act,  
12 1920, as amended, is amended by amending subsection (1) to read  
13 as follows:

14           "(1) At any one time, the outstanding amount of loans made  
15 to any lessee, or successor or successors in interest, for the  
16 repair, maintenance, purchase, and erection of a dwelling and  
17 related permanent improvements shall not exceed [~~fifty~~] seventy-  
18 five per cent of the maximum single residence loan amount

**.B. NO.**           

1 allowed in Hawaii by the United States Department of Housing and  
2 Urban Development's Federal Housing Administration (FHA), for  
3 the development and operation of a farm, ranch, or aquaculture  
4 operation shall not exceed \$50,000, except that when loans are  
5 made to an agricultural or aquacultural cooperative association  
6 for the purposes stated in section 214(a)(4), the loan limit  
7 shall be determined by the department on the basis of the  
8 proposed operations and the available security of the  
9 association, and for the development and operation of a  
10 mercantile establishment shall not exceed the loan limit  
11 determined by the department on the basis of the proposed  
12 operations and the available security of the lessee or of the  
13 organization formed and controlled by lessees; provided that  
14 upon the death of a lessee leaving no relative qualified to be a  
15 lessee of Hawaiian home lands, or the cancellation of a lease by  
16 the department, or the surrender of a lease by the lessee, the  
17 department shall make the payment provided for by section  
18 209(a), the amount of any such payment shall be considered as  
19 part or all, as the case may be, of any such loan to the  
20 successor or successors, without limitation as to the above  
21 maximum amounts; provided further that in case of the death of a  
22 lessee, or cancellation of a lease by the department, or the



# \_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Hawaiian Homes Commission Act; Federal Housing Administration

**Description:**

To increase the Federal Housing Administration loan limit in the Hawaiian Homes Commission Act, 1920, as amended, to be seventy-five per cent of the maximum single residence loan amount, for direct loans administered by the Department of Hawaiian Home Land.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

PURPOSE: To increase the Federal Housing Administration (FHA) loan limit in the Hawaiian Homes Commission Act, 1920, as amended, to be seventy-five percent of the maximum single residence loan amount, for direct loans administered by the Department of Hawaiian Home Lands.

MEANS: Amend Section 215 (1) of the Hawaiian Homes Commission Act, 1920, as amended.

JUSTIFICATION: With the higher cost to construct or purchase a home, increasing the loan limit from fifty percent to seventy-five percent of the maximum single residence loan amount will allow beneficiaries to purchase or make improvements to their home.

Impact on the public: This bill protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the FHA loan limit to be seventy-five percent of the maximum single residence loan amount for direct loans administered by the Department of Hawaiian Home Lands.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

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# A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

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

1           SECTION 1. The legislature finds that the United States  
2 Department of Agriculture's Section 502 Direct Loan Program for  
3 very- low- income households provides a loan term of thirty-  
4 eight years. In contrast, loans administered by the department  
5 of Hawaiian home lands for the beneficiaries of the Hawaiian  
6 Homes Commission Act, 1920, as amended, is thirty years. The  
7 purpose of this Act is to increase the loan term of loans  
8 administered by the department of Hawaiian home lands for the  
9 beneficiaries of the HHCA, 1920, as amended, to forty years.

10           SECTION 2. Section 215, Hawaiian Homes Commission Act,  
11 1920, as amended, is amended by amending subsection (2) to read  
12 as follows:

13           "(2) The loans shall be repaid in periodic installments,  
14 such installments to be monthly, quarterly, semiannual, or  
15 annual as may be determined by the department in each case. The  
16 term of any loan shall not exceed [~~thirty~~] forty years. Payments  
17 of any sum in addition to the required installments, or payment  
18 of the entire amount of the loan, may be made at any time within

**.B. NO.**           

1 the term of the loan. All unpaid balances of principal shall  
2 bear interest at the rate of two and one-half per cent a year  
3 for loans made directly from the Hawaiian home-loan fund, or at  
4 the rate of two and one-half per cent or higher as established  
5 by law for other loans payable periodically or upon demand by  
6 the department, as the department may determine. The payment of  
7 any installment due shall be postponed in whole or in part by  
8 the department for such reasons as it deems good and sufficient  
9 and until such later date as it deems advisable. Such postponed  
10 payments shall continue to bear interest on the unpaid principal  
11 at the rate established for the loan."

12       SECTION 3. The provisions of the amendments made by this  
13 Act to the Hawaiian Homes Commission Act, 1920, as amended, are  
14 declared to be severable, and if any section, sentence, clause,  
15 or phrase, or the application thereof to any person or  
16 circumstances is held ineffective because there is a requirement  
17 of having the consent of the United States to take effect, then  
18 that portion only shall take effect upon the granting of consent  
19 by the United States and effectiveness of the remainder of these  
20 amendments or the application thereof shall not be affected.

21       SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



**.B. NO.**           

**1**           SECTION 5. This Act shall take effect upon its approval.

**2**

**3**

INTRODUCED BY: \_\_\_\_\_

**4**

BY REQUEST

\_\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Hawaiian Homes Commission Act; Loan Term

**Description:**

To increase the Federal Housing Administration loan term in the Hawaiian Homes Commission Act, 1920, as amended, to be forty years, for direct loans administered by the Department of Hawaiian Home Lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

PURPOSE: To increase the Federal Housing Administration (FHA) loan term in the Hawaiian Homes Commission Act, 1920, as amended, to be forty years, for direct loans administered by the Department of Hawaiian Home Lands.

MEANS: Amend Section 215 (2) of the Hawaiian Homes Commission Act, 1920, as amended.

JUSTIFICATION: Allowing for an increase in the FHA loan term of direct loans administered by the Department of Hawaiian Home Lands from thirty years to forty years, will allow for the loan term to be closer to the loan term of the United States Department of Agriculture's Section 502 Direct Loan Program, which is thirty-eight years and will also allow for lower monthly payment amounts.

Impact on the public: This bill protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing for a forty-year FHA loan term for direct loans administered by the Department of Hawaiian Home Lands.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon Approval.