

Hawaii Community Development Authority
Regular Meeting
Wednesday, February 7, 2018
9:00 a.m.
547 Queen Street, 2nd Floor
Honolulu, Hawaii 96813

TENANT GOVERNOR'S
OFFICE
18 FEB -1 P1:32

AGENDA
KAKAAKO, KALAELOA & HEEIA BUSINESS

- I. CALL TO ORDER/ROLL CALL**
- II. APPROVAL OF MINUTES**
 1. General Meeting of January 3, 2018
- III. INFORMATION AND DISCUSSION**
 2. Executive Director Recruitment Process Permitted Interaction Group Update
 3. Litigation Status Update Relating to:
 - a. Close Construction, Inc. v. Hawaii Community Development Authority, et al., Civil No. 14-1-0599-02 (GWBC);
 - b. Hawaii Community Development Authority v. Mitsunaga & Associates, Civil No. 14-1-1585-07 (GWBC).

The Authority anticipates convening an executive meeting pursuant to HRS § 92-5 (a)(4), to consult with the Board's attorneys on questions and issues pertaining to the Board's powers duties, privileges, immunities and liabilities relating to the above item.
- IV. ACTION ITEMS**
 4. Shall the Authority Adopt the Positions Recommended by the Interim Executive Director Regarding the 2018 Legislative Bills Affecting the Hawaii Community Development Authority? (Exhibit A)
- V. REPORT OF THE INTERIM EXECUTIVE DIRECTOR**
 5. Information: Monthly Financial Report for December 2017
 6. Information: Kalaeloa Monthly Report
 - a. Kalaeloa Landowner Assessments
- VI. ADJOURNMENT**

Individuals who require an auxiliary aid or accommodation due to a disability are invited to contact Francine Murray, HCDA's ADA Compliance Coordinator, by phone at (808) 594-0300, e-mail at dbedt.hcda.contact@hawaii.gov or by facsimile at (808) 587-0299 at least 5 working days prior to the date required.

This agenda and meeting materials are available on the HCDA website at, dbedt.hawaii.gov/hcda. Hard copies can be reviewed at the HCDA office located at 547 Queen Street, 5th Floor, Honolulu,

Hawaii.

The HCDA welcomes public testimony on HCDA agenda items. Written public testimony will be accepted through our website at dbedt.hawaii.gov/hcda/ up to 12:00 p.m. the day before the date of the meeting. Persons wishing to submit public testimony after the written testimony deadline are encouraged to appear in person at the meeting to present oral testimony. Persons who intend to present oral testimony on HCDA agenda items may sign-up at the beginning of each meeting. Please be advised that any written public testimony submitted to the HCDA will be treated as a public record, and any contact information contained therein may be available for public inspection and copying.

The HCDA is located at 547 Queen Street, Honolulu, Hawaii. HCDA does not have public parking; however, there are several parking options in the area. Metered street parking is also available on a first-come first-serve basis.

DBEDT-HCDA
Tracked Measure

2018 BILL STATUS

MEASURE	COMPANION TITLE	ADMINISTRATION	DESCRIPTION	STATUS	COMMENTS
<u>SB2065</u>	<u>HB1900</u>	RELATING TO THE STATE BUDGET.	To adjust and request appropriations for Fiscal Biennium 2017-19 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs. Clarifies the interests that must be represented by members of the HCDA representing community development districts. Requires the senate president and the speaker of the house of representatives to nominate representatives of the several community development districts to the HCDA, and requires those representatives to be nominated only as a resident representative or a small business owner or nonprofit organization representative, but not both.	<u>SB2065</u>	Passed first reading. Referred to WAM 1/22.
<u>HB2122</u>	<u>SB2951</u>	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Exempts unpaid board or commission members whose financial disclosure statements are not public records from the daily late disclosure filing fee.	<u>HB2122</u>	Passed first reading 1/22.
<u>SB2231</u>		RELATING TO FINANCIAL DISCLOSURE. Financial Disclosure; Fines; Unpaid Board or Commission Members	Clarifies that any member of a state board or commission, whose nomination for reappointment is withdrawn by the governor for cause prior to the senate's action to advise and consent or not advise and consent, shall be considered disqualified and ineligible to continue to serve as a holdover member beyond the member's most recent term of appointment.	<u>SB2231</u>	Passed first reading. Referred to JDC, WAM 1/22.
<u>SB2300</u>		RELATING TO STATE BOARDS AND COMMISSIONS. Boards and Commissions; Holdover Members; Qualifications	Creates a state commission for community investment within the Department of Business, Economic Development, and Tourism for administrative purposes to coordinate planning and provide grants for activities advancing community investment. Creates the state commission for community investment revolving fund, to be used to support the activities of the commission. Appropriates funds.	<u>SB2300</u>	Passed first reading. Referred to GVO/LBR 1/22.
<u>SB2516</u>		RELATING TO THE STATE COMMISSION FOR COMMUNITY INVESTMENT. DBEDT; Community Investment; State Commission for Community Investment; Revolving Fund; Appropriation (\$)		<u>SB2516</u>	Passed first reading 1/22
<u>HB2183</u>	<u>SB2851</u>	RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS. Revision Bill	Amends or repeals various provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, and deleting obsolete or unnecessary provisions.	<u>HB2183</u>	
<u>HB2203</u>		RELATING TO LAW ENFORCEMENT. Law Enforcement; Attorney General; DLNR; DPS; DOT	Establishes an enforcement division in the Department of the Attorney General. Transfers to the Department of the Attorney General enforcement division the law enforcement activities of the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement; the Department of Public Safety state law enforcement officers and the narcotics enforcement division; and the Department of Transportation harbors division. Repeals the sunset of Act 116, SLH 2013, as amended by section 4 of Act 101, SLH 2015. Effective 7/1/2019.	<u>HB2203</u>	
<u>SB2909</u>		RELATING TO LAW ENFORCEMENT. Law Enforcement; Attorney General; DLNR; DPS; DOT	Establishes an enforcement division in the Department of the Attorney General. Transfers to the Department of the Attorney General enforcement division the law enforcement activities of the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement; the Department of Public Safety state law enforcement officers and the narcotics enforcement division; and the Department of Transportation harbors division. Repeals the sunset of Act 116, SLH 2013, as amended by section 4 of Act 101, SLH 2015. Effective 7/1/2019.	<u>SB2909</u>	Referred to GVO/JDC/PSM, WAM. GVO/JDC/PSM hearing for 2/8.

2018 BILL STATUS

DEVELOPMENT DISTRICTS

<u>SB2098</u>	RELATING TO AFFORDABLE HOUSING. Affordable Housing; County-Designated Transit-Oriented Development Zone	Requires a percentage of units in a housing development on public land or real property in a county-designated transit-oriented development zone and under the control of the Board of Land and Natural Resources, the Hawaii Housing Finance and Development Corporation, or the Hawaii Community Development Authority to be sold or rented to low-income residents. Applies only to transfers of a leasehold interest in the public land or real property.	<u>SB2098</u>	Passed first reading. Referred to WTL/HOU, WAM 1/22.
<u>HB2142</u>	RELATING TO AFFORDABLE HOUSING. Affordable Housing; County-Designated Transit-Oriented Development Zone	Requires a percentage of units in a housing development on public land or real property in a county-designated transit-oriented development zone and under the control of the Board of Land and Natural Resources, the Hawaii Housing Finance and Development Corporation, or the Hawaii Community Development Authority to be sold or rented to low-income residents. Applies only to transfers of a leasehold interest in the public land or real property.	<u>HB2142</u>	Passed first reading 1/22.
<u>HB1865</u>	RELATING TO TRANSIT-ORIENTED DEVELOPMENT.	Establishes Transit-Oriented Development Community Districts within the Hawaii Community Development Authority (HCDA) to develop districts along certain rail stations in the Honolulu rail station transit corridor. Allows the HCDA to enter into public-private partnerships for a lease-back arrangement of lands and coordinate activities outside of the district, including construction.	<u>HB1865</u>	Passed first reading. Referred to TRN/HSG, WAL, FIN 1/22.
<u>HB2073</u>	RELATING TO URBAN REDEVELOPMENT.	Authorizes a local redevelopment agency to contract with a developer for construction of non-residential uses on public land within a redevelopment area. Exempts construction of works or improvements of a redevelopment project from General Excise and Use Taxes.	<u>HB2073</u>	Passed first reading 1/22.
<u>HB2123</u>	RELATING TO TRANSIT-ORIENTED DEVELOPMENT ZONES. Transit-Oriented Development; Hawaii Community Development Authority; Appropriation (\$)	Requires the Hawaii Community Development Authority to develop a transit-oriented development zone improvement program to foster infrastructure development by strategically investing in public facilities. Appropriates funds to HCDA for staff necessary to develop and manage the transit-oriented development zone improvement program.	<u>HB2123</u>	Passed first reading 1/22.
<u>SB2943</u>	RELATING TO TRANSIT-ORIENTED DEVELOPMENT ZONES. Transit-Oriented Development; Zones; Public Facilities; Hawaii Community Development Authority; Dwelling Unit Revolving Fund; Hawaii Housing Finance and Development Corporation; Study; Appropriation (\$) RELATING TO RENTAL HOUSING ON GOVERNMENT LANDS IN PROPOSED TRANSIT ORIENTED DEVELOPMENT COMMUNITY DISTRICTS. Transit Oriented Development Districts; Hawaii Community Development Authority; Infrastructure; Public-private Partnerships	Authorizes the Hawaii housing finance and development corporation, at the request of the Hawaii community development authority, to establish and operate transit-oriented development zone infrastructure subaccounts within the dwelling unit revolving fund for the benefit of transit-oriented development zone improvement projects within a transit-oriented development zone. Requires HCDA to develop a transit-oriented development zone improvement program to foster infrastructure development by strategically investing in public facilities. Requires the executive director of HHFDC in collaboration with the executive director of HCDA to conduct a study examining the current infrastructure of the transit-oriented development zones and the requirements necessary to upgrade the infrastructure to facilitate future transit-oriented development. Appropriates funds out of the dwelling unit revolving fund for HHFDC and HCDA to conduct an infrastructure study. Appropriates funds to HCDA for staff necessary to develop and manage the transit-oriented development zone improvement program. Establishes transit oriented development districts along transit corridors as a community development district, empowers Hawaii community development authority to develop infrastructure in transit oriented development districts, and allows Hawaii community development authority to form public-private partnerships through a lease back arrangement.	<u>SB2943</u>	Passed first reading 1/24. Referred to HOU, WAM. HOU hearing 2/1.
<u>SB2214</u>			<u>SB2214</u>	Passed first reading. Referred to HOU/WTL, WAM 1/22.

DBEDT-HCDA
Tracked Measure

2018 BILL STATUS

<u>SB2630</u>	RELATING TO HOUSING: Housing: Expedited Approvals; Eligible Affordable Housing Projects	Establishes expedited approvals for affordable housing projects seeking district boundary amendments for land areas of fifteen acres or less under the jurisdiction of the counties as well as expedited approvals for project exemptions by the Hawaii community development authority. Requires a percentage of units in a housing development on public land or real property in a county-designated transit-oriented development zone and under the control of the Board of Land and Natural Resources, the Hawaii Housing Finance and Development Corporation, or the Hawaii Community Development Authority to be sold or rented to low-income residents. Applies only to transfers of a leasehold interest in the public land or real property.	<u>SB2630</u>	Passed first reading 1/22.
<u>SB2917</u>	RELATING TO AFFORDABLE HOUSING: Affordable Housing; County-Designated Transit-Oriented Development Zone	Expands the authority of counties to use land-based financing to support operating costs for certain county services provided within improvement districts and community facilities districts: Adds county maintenance of the capital improvements to be land-based financed. Authorizes counties to use up to per cent of the assessment or tax revenues to cover administrative expenses in creating and administering the district and the associated assessments, fees, and taxes.	<u>SB2917</u>	
<u>SB3057</u>	RELATED TO LAND-SECURED FINANCING: Counties; Land-Based Financing; Improvement District; Community Facilities District		<u>SB3057</u>	Referred to PSM, WAM, PSM hearing on 2/2.
HEEIA				
<u>HB2613</u>	MAKING AN APPROPRIATION FOR HE'EIA NATIONAL ESTUARINE RESEARCH RESERVE. He'eia National Estuarine Research Reserve; Staff Hiring; University of Hawaii; Appropriation (\$)	Appropriates funds for fiscal year 2018-2019 to maintain the initial staff positions that are necessary to develop and manage the He'eia National Estuarine Research Reserve and its programs.	<u>HB2613</u>	
KAKAAKO				
<u>HCR10</u> <u>SCR17</u>	APPROVING THE CONVEYANCE OF CERTAIN HAWAII COMMUNITY DEVELOPMENT AUTHORITY LANDS TO THE CITY AND COUNTY OF HONOLULU.	Requires certain private streets, highways, or thoroughfares in a development district of the HCDA to conform to county construction and maintenance standards. Requires owners of private streets, highways, or thoroughfares in a development district to be responsible for the costs of conforming and maintaining the private roads to county standards. Authorizes private civil injunctive actions in the circuit courts to enforce compliance. Repeal on 6/30/2023.	<u>HCR10</u>	
<u>HB2275</u> <u>SB2953</u>	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY. HCDA; Private Street, Highway, or Thoroughfare; County Standards		<u>HB2275</u>	Referred to WAL, JUD, FIN, WAL hearing 2/2 deleted from agenda.
<u>SB3016</u>	RELATING TO CONVEYANCE TAX: Affordable Housing; Kakaako Community Development District; Conveyance Tax; Hawaii Housing Finance and Development Corporation	Assesses an additional conveyance tax of 50 cents per \$100 for units in the Kakaako community development district with a value of at least \$1,000,000. Requires the proceeds to be used for the development of affordable housing by the Hawaii housing finance and development corporation.	<u>SB3016</u>	
KALAELOA				

DBEDT-HCDA

Tracked Measure

2018 BILL STATUS

RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTIETH SENATORIAL DISTRICT. CIP; Twentieth Senatorial District; Appropriation (\$)

RELATING TO ENERGY. Office of Science National Laboratory; Department of Business, Economic Development, and Tourism; United States Department of Energy

Appropriates funds for capital improvement projects in the twentieth senatorial district.

Requires the department of business, economic development, and tourism to partner with the United States Department of Energy to establish an office of science national laboratory in the Kalaheo community development district.

SB2835

SB3086

PARK-RELATED ISSUES

RELATING TO HOMELESSNESS. Homelessness; Illegal Homeless Encampments; Pilot Project; Trespass Enforcement; Office of the Governor; Appropriation (\$)

Establishes a pilot program, within the office of the governor, to enforce trespass laws to prevent and address illegal homeless encampments on state lands. Appropriation.

Passed first reading 1/22.

HB2068

RELATING TO CRIMINAL TRESPASS. Criminal Trespass; Public Park or Recreational Ground; Homeless

Amends the penalty for criminal trespass onto public parks and recreational grounds. Requires law enforcement officers to provide homeless individuals who trespass onto public parks and recreational grounds with information regarding homeless shelters, services, facilities, and safe zones.

Passed first reading 1/24

HB2222

RELATING TO HOMELESSNESS. DLNR: Homelessness, Alternative Living, Park Campsite Program

This Act instructs DLNR to create a park maintenance campsite program which provides homeless individuals and families with legal campsites at parks in exchange for their services maintaining park grounds.

Passed first reading 1/24.

HB2254

PUBLIC LANDS

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS. OHA Package; Public Land Trust; Pro Rata Share; DLNR; Appropriation (\$)

Establishes \$35,000,000 as the Office of Hawaiian Affairs' pro rata share of the public land trust. Transfers \$119,000,000 less certain funds to the Office of Hawaiian Affairs for underpayment of the public land trust funds for 7/1/12 to 6/30/18. Requires the Department of Land and Natural Resources to provide an annual accounting of receipts from lands described in section 5(f) of the Admissions Act. Establishes a committee to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually. Appropriates funds.

Passed first reading. Referred to OMH, FIN, referral sheet 4 on 1/22. Referred to HWN/WTL/JDC, WAM. HWN/WTL/JDC hearing on 2/1.

SB2136

RELATING THE TRANSFER OF LANDS. Transfer of Land; Department of Education; Property; Title; Public Schools

SB2379

Passed first reading. Referred to EDU/WTL/PSM, WAM 1/22

RELATING TO PUBLIC LANDS. Public Lands; Hawaii Public Housing Authority Lands Exemption

Transfers certain public school lands from city and county of Honolulu and the department of land and natural resources, as applicable, to the department of education.

Exempts lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in section 171-2, Hawaii Revised Statutes

Passed first reading 1/24. Referred to HSG, WAL, FIN, HSG hearing 2/1.

HB2358

SB2785

**DBEDT-HCDA
Tracked Measure**

2018 BILL STATUS

RELATING TO PORT INFRASTRUCTURE, Department of Land and Natural Resources; Maintenance Dredging; Port Infrastructure; Strategic Plan; Appropriation (\$)

HB2419

REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO IDENTIFY POSSIBLE STATE-OWNED LAND AND ESTABLISH A PUBLIC-PRIVATE PARTNERSHIP TO BUILD A RACE TRACK FACILITY ON THE ISLAND OF OAHU. Race Track Facility; State-Owned Land; Department of Business, Economic Development, and Tourism; Public-Private Partnership

SCR20

SCR20 Referred to ETT/MTL, WAM.

PUBLIC MEETINGS/INFORMATION

RELATING TO GOVERNMENT RECORDS, Hawaii State Association of Counties Package; Sunshine Law; Government Records; Permitted Interactions

SB2167

Amends the Sunshine Law to allow certain government records to be shared among public board members where no commitment relating to a vote on the matter is made or sought.

SB2167

Passed first reading. Referred to PSM, JDC 1/22. PSM hearing on 2/2.

SB2691

RELATING TO BOARD MEETINGS, State Agencies; Boards; Public Meetings; Copy of Notice; Electronic Mail

Allows boards to file a copy of the notice of public meetings with the office of the lieutenant governor or appropriate county clerk's office via electronic mail.

SB2691

Passed first reading 1/22. Referred to JDC, JDC hearing on 2/2.

CARRY-OVER BILLS

SB1146

RELATING TO SCHOOL IMPACT FEES, School Impact Fees; Affordable Housing

Exempts the following from school impact fee requirements: housing developments reserved for persons or families with incomes up to 80 percent of the area median income located in a county having a population greater than 500,000; state or federal public housing projects; state low-income housing projects; housing projects certified or approved for a general excise tax exemption under section 201H-36, Hawaii Revised Statutes (HRS); and government housing projects and projects processed pursuant to sections 46-15.1 and 201H-38, HRS. (SB1146 HD2)

SB1146

SD2 HD2

The conference committee deferred the measure 4/28/2017. Carried over to 2018 Regular Session 11/30. Senate Conferee(s) discharged. Received notice of all Senate conferees being discharged (Sen. Com. No. 1)1/17/2018.

SB717

RELATING TO PUBLIC REAL PROPERTY, State Property Cleanup Program; Sheriff Patrol Program; Appropriation (\$)

Establishes a temporary program to clean up state real property after the departure of persons who have illegally camped or lodged on state real property. Requires the Governor to designate the state executive department responsible for the program. Establishes a temporary sheriff patrol program to enforce laws against illegally camping, trespassing, or being present on state real property. Makes appropriations. (SB717 HD2)

SB717 SD2

HD2

The conference committee deferred the measure. Carried over to 2018 Regular Session 11/30. Senate Conferee(s) discharged. Received notice of all Senate conferees being discharged (Sen. Com. No. 1)1/17/2018.

HB1479

RELATING TO THE HILO COMMUNITY ECONOMIC DISTRICT, HCDA

Establishes the Hilo Community Economic District as a community development district located in East Hawaii under the Hawaii Community Development Authority. Establishes the Hilo Community Economic Revolving Fund. Repeals on the earliest of 6/30/2037, inclusion of lands within the District within a redevelopment area, or establishment of a special improvement district that encompasses the lands within the District. Effective 7/1/2050. (SD2)

HB1479

HD2 SD2

Carried over to 2018 Regular Session. Senate Conferee(s) discharged. Received notice of all Senate conferees being discharged (Sen. Com. No. 1)1/17/2018.

DBEDT-HCDA
Tracked Measure

2018 BILL STATUS

<u>HB588</u> <u>HD1 SD2</u>	MAKING AN APPROPRIATION FOR HE'EIA NATIONAL ESTUARINE RESEARCH RESERVE. He'eia National Estuarine Research Reserve; Staff Hiring; University of Hawaii; Appropriation (\$)	Appropriates funds for fiscal year 2018-2019 to maintain the initial staff positions that are necessary to develop and manage the He'eia National Estuarine Research Reserve and its programs. Effective 7/1/2050. (SD2)	<u>HB588</u> <u>HD1 SD2</u>	Carried over to 2018 Regular Session. Senate Conferees(s) discharged. Received notice of all Senate conferees being discharged (Sen. Com. No. 11/17/2018.
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