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# A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

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

1           SECTION 1. Chapter 10, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§10-     Housing development; exemption from statutes,  
5 ordinances, charter provisions, rules. (a) The office may  
6 develop housing projects that shall be exempt from all statutes,  
7 ordinances, charter provisions, and rules of any governmental  
8 agency relating to planning, districting, zoning, and  
9 construction standards for subdivisions, development and  
10 improvement to land, and the construction of units thereon;  
11 provided that:

12           (1) The office finds the project is consistent with the  
13 purpose and intent of this chapter, and meets minimum  
14 requirements of health and safety;

15           (2) The development of the proposed project does not  
16 contravene any safety standards, tariffs, or rates and  
17 fees approved by the public utilities commission for



1 public utilities or the various boards of water supply  
2 authorized under chapter 54; and

3 (3) The office consults during the planning phase of the  
4 project with the county in which the project will be  
5 located to receive any county concerns and county  
6 recommendations about the project.

7 (b) For the purpose of this section:

8 "Housing project" means a project of affordable housing or  
9 workforce housing.

10 "Affordable housing" and "workforce housing" means housing  
11 that primarily includes for-sale housing or rental housing for  
12 persons or families whose incomes are identified as one hundred  
13 forty per cent or less of the area median income for each of the  
14 counties of Hawaii, Maui, Honolulu, and Kauai, as determined by  
15 the United States Department of Housing and Urban Development,  
16 from time to time, and as adjusted by family size. Such persons  
17 or families include persons or families within the following  
18 income groups:

19 (1) "Very low income" meaning those earning fifty per cent  
20 of the area median income and below;

21 (2) "Low income" meaning those earning between fifty per  
22 cent and eighty per cent of the area median income;



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- 1        (3) "Low-moderate income" meaning those earning between
- 2                eighty per cent and one hundred twenty per cent of the
- 3                area median income; and
- 4        (4) "Moderate income" meaning those earning between one
- 5                hundred twenty per cent and one hundred forty per cent
- 6                of the area median income."

7        SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: Calvin K. Ay

BY REQUEST

JAN 23 2006



**Report Title:**

Office of Hawaiian Affairs

**Description:**

Allows OHA to develop housing projects exempt from all statutes, charter provisions, ordinances, and rules relating to planning, districting, zoning, and standards for subdivisions, developments, and the construction of units.

