

JAN 25 2006

S.B. NO. *3000*

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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 senate and house of representatives of the  
2 twenty-third legislature of the State of Hawaii, regular session  
3 of 2005, enacted Act 196, Relating to Housing, and section 35 of  
4 that act established the joint legislative housing and homeless  
5 task force to further identify near-term solutions to Hawaii's  
6 affordable housing and homeless problem. The task force issued  
7 its report with findings and recommendations in January 2006.  
8 The task force recommended in general that the State: (1)  
9 leverage more sources of financing for affordable housing; (2)  
10 make available more public land for the development of  
11 affordable housing; (3) streamline government approvals and  
12 permitting of affordable housing projects; (4) build more  
13 offsite infrastructure to serve affordable housing; (5)  
14 appropriate additional funds for transitional housing, shelters,  
15 and services for the homeless population; and (6) preserve and  
16 maintain the existing public housing stock.

17           The specific recommendations of the task force for  
18 government approvals and permitting for affordable housing



1 include but are not limited to: (1) requiring that state  
2 agencies in the permit review process give affordable housing  
3 projects priority processing; (2) amending chapter 46, Hawaii  
4 Revised Statutes, relating to the general jurisdiction and  
5 powers of the counties, to provide greater flexibility in  
6 approving affordable housing projects by waiving certain  
7 requirements for infrastructure; and (3) amending section  
8 201G-118, Hawaii Revised Statutes, to improve and further  
9 streamline the fast-track permitting process for affordable  
10 housing projects.

11 The purpose of this Act is to implement the recommendations  
12 of the task force with regard to government approvals and  
13 permitting for affordable housing.

14 SECTION 2. Section 46-14.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§46-14.5[+] **Land use density and infrastructure; low-**  
17 **income rental units.** Notwithstanding any other law to the  
18 contrary, the counties are authorized to provide flexibility in  
19 land use density provisions and public facility requirements to  
20 encourage the development of any rental housing project where at  
21 least a portion of the rental units are set aside for persons  
22 and families with incomes at or below one hundred forty per cent



1 of the area median family income, of which twenty per cent are  
2 set aside for persons and families with incomes at or below  
3 eighty per cent of the area median family income."

4 SECTION 3. Section 91-13.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 **"§91-13.5 Maximum time period for business or development-**  
7 **related permits, licenses, or approvals; automatic approval;**  
8 **extensions.** (a) Unless otherwise provided by law, an agency  
9 shall adopt rules that specify a maximum time period to grant or  
10 deny a business or development-related permit, license, or  
11 approval; provided that the application is not subject to state  
12 administered permit programs delegated, authorized, or approved  
13 under federal law.

14 (b) All such issuing agencies shall clearly articulate  
15 informational requirements for applications and review  
16 applications for completeness in a timely manner.

17 (c) All such issuing agencies shall take action to grant  
18 or deny any application for a business or development-related  
19 permit, license, or approval within the established maximum  
20 period of time, or the application shall be deemed approved;  
21 provided that a delay in granting or denying an application  
22 caused by the lack of quorum at a regular meeting of the issuing



1 agency shall not result in approval under this subsection;  
2 provided further that any subsequent lack of quorum at a regular  
3 meeting of the issuing agency that delays the same matter shall  
4 not give cause for further extension, unless an extension is  
5 agreed to by all parties.

6 (d) Notwithstanding any other law to the contrary, any  
7 agency that reviews and comments upon an application for a  
8 business or development-related permit, license, or approval for  
9 a housing project under section 201G-118 shall respond within  
10 forty-five days of receipt of the application, or the  
11 application shall be deemed approved as submitted to the agency.

12 [~~(d)~~] (e) The maximum period of time established pursuant  
13 to this section shall be extended in the event of a national  
14 disaster, state emergency, or union strike, which would prevent  
15 the applicant, the agency, or the department from fulfilling  
16 application or review requirements.

17 [~~(e)~~] (f) This section shall not apply to any proceedings  
18 of the public utilities commission.

19 [~~(f)~~] (g) For purposes of this section, "application for a  
20 business or development-related permit, license, or approval"  
21 means any state or county application, petition, permit,  
22 license, certificate, or any other form of a request for



1 approval required by law to be obtained prior to the formation,  
2 operation, or expansion of a commercial or industrial  
3 enterprise, or for any permit, license, certificate, or any form  
4 of approval required under sections 46-4, 46-4.2, 46-4.5, 46-5,  
5 and chapters 183C, 205, 205A, 340A, 340B, 340E, 340F, 342B,  
6 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, and 342P."

7 SECTION 4. Section 201G-118, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§201G-118 Housing development; exemption from statutes,**  
10 **ordinances, charter provisions, rules.** (a) The administration  
11 may develop, on behalf of the State or with an eligible  
12 developer, or may assist under a government assistance program  
13 in the development of, housing projects which shall be exempt  
14 from all statutes, ordinances, charter provisions, and rules of  
15 any governmental agency relating to planning, zoning,  
16 construction standards for subdivisions, development and  
17 improvement of land, and the construction of units thereon;  
18 provided that:

19 (1) The project primarily or exclusively includes housing  
20 units affordable to households with incomes at or  
21 below one hundred forty per cent of the median family  
22 income;



- 1           (2)    The administration finds the project is consistent  
2                    with the purpose and intent of this chapter, and meets  
3                    minimum requirements of health and safety;
- 4           (3)    The development of the proposed project does not  
5                    contravene any safety standards, tariffs, or rates and  
6                    fees approved by the public utilities commission for  
7                    public utilities or the various boards of water supply  
8                    authorized under chapter 54;
- 9           (4)    The legislative body of the county in which the  
10                   project is to be situated shall have [~~approved~~] made a  
11                   decision on the project.
- 12           (A)    The legislative body shall approve, approve with  
13                   modifications, or disapprove the project by  
14                    resolution within forty-five days after the  
15                    administration has submitted the preliminary  
16                    plans and specifications for the project to the  
17                    legislative body.  If on the forty-sixth day a  
18                    project is not disapproved, it shall be deemed  
19                    approved by the legislative body;
- 20           (B)    No action shall be prosecuted or maintained  
21                    against any county, its officials, or employees  
22                    on account of actions taken by them in reviewing,



1 approving, modifying, or disapproving the plans  
2 and specifications; and  
3 (C) The final plans and specifications for the  
4 project shall be deemed approved by the  
5 legislative body if the final plans and  
6 specifications do not substantially deviate from  
7 the preliminary plans and specifications. The  
8 final plans and specifications for the project  
9 shall constitute the zoning, building,  
10 construction, and subdivision standards for that  
11 project. For purposes of sections 501-85 and  
12 502-17, the executive director of the  
13 administration, or the responsible county  
14 official may certify maps and plans of lands  
15 connected with the project as having complied  
16 with applicable laws and ordinances relating to  
17 consolidation and subdivision of lands, and the  
18 maps and plans shall be accepted for registration  
19 or recordation by the land court and registrar;  
20 (5) The land use commission shall approve, approve with  
21 modifications, or disapprove a boundary change within  
22 forty-five days after the administration has submitted



1 a petition to the commission as provided in section  
2 205-4. If on the forty-sixth day the petition is not  
3 disapproved, it shall be deemed approved by the  
4 commission.

5 (b) For the purposes of this section, "government  
6 assistance program" means a housing program qualified by the  
7 administration and administered or operated by the  
8 administration or the United States or any of their political  
9 subdivisions, agencies, or instrumentalities, corporate or  
10 otherwise.

11 (c) Notwithstanding any other law to the contrary, no  
12 project or boundary change under this section shall be approved  
13 with modifications by imposition of conditions, except where  
14 necessary to uphold minimum requirements of health and safety."

15 SECTION 5. The land use commission shall amend its rules  
16 pursuant to the intent of subsection 205-4(a) and this Act, and  
17 shall report to the legislature on its compliance with this  
18 section no later than twenty days prior to the convening of the  
19 regular session of 2007.

20 SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.





1 SECTION 7. This Act shall take effect on July 1, 2006.

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INTRODUCED BY:

Ramman  
By Request



**Report Title:**

Affordable Housing; Permit Streamlining; Planning; Zoning;  
Construction

**Description:**

Requires agencies in the land use permit review process to expedite review of applications for affordable housing projects. Authorizes the counties to waive certain infrastructure requirements for affordable housing projects. Amends the process for approval of affordable housing projects exempt from planning, zoning, and construction standards.

