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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:

- 9           (1) Leverage more sources of financing for affordable  
10           housing;
- 11           (2) Make available more public land for the development of  
12           affordable housing;
- 13           (3) Streamline government approvals and permitting of  
14           affordable housing projects;
- 15           (4) Build more offsite infrastructure to serve affordable  
16           housing;



1 (5) Appropriate additional funds for transitional housing,  
2 shelters, and services for the homeless population;  
3 and

4 (6) Preserve and maintain the existing public housing  
5 stock.

6 The specific recommendations of the task force for  
7 government approvals and permitting for affordable housing  
8 include but are not limited to:

9 (1) Requiring that state agencies in the permit review  
10 process give affordable housing projects priority  
11 processing;

12 (2) Amending chapter 46, Hawaii Revised Statutes, relating  
13 to the general jurisdiction and powers of the  
14 counties, to provide greater flexibility in approving  
15 affordable housing projects by waiving certain  
16 requirements for infrastructure; and

17 (3) Amending section 201G-118, Hawaii Revised Statutes, to  
18 improve and further streamline the fast-track  
19 permitting process for affordable housing projects.

20 The purpose of this Act is to implement the recommendations  
21 of the task force with regard to government approvals and  
22 permitting for affordable housing.

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

3 "[~~§~~46-14.5] **Land use density and infrastructure;**  
4 **low-income rental units.** Notwithstanding any other law to the  
5 contrary, the counties are authorized to provide flexibility in  
6 land use density provisions and public facility requirements to  
7 encourage the development of any rental housing project where at  
8 least a portion of the rental units are set aside for persons  
9 and families with incomes at or below one hundred forty per cent  
10 of the area median family income, of which twenty per cent are  
11 set aside for persons and families with incomes at or below  
12 eighty per cent of the area median family income."

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

15 "~~§~~91-13.5 **Maximum time period for business or development-**  
16 **related permits, licenses, or approvals; automatic approval;**  
17 **extensions.** (a) Unless otherwise provided by law, an agency  
18 shall adopt rules that specify a maximum time period to grant or  
19 deny a business or development-related permit, license, or  
20 approval; provided that the application is not subject to state  
21 administered permit programs delegated, authorized, or approved  
22 under federal law.

1 (b) All such issuing agencies shall clearly articulate  
2 informational requirements for applications and review  
3 applications for completeness in a timely manner.

4 (c) All such issuing agencies shall take action to grant  
5 or deny any application for a business or development-related  
6 permit, license, or approval within the established maximum  
7 period of time, or the application shall be deemed approved;  
8 provided that a delay in granting or denying an application  
9 caused by the lack of quorum at a regular meeting of the issuing  
10 agency shall not result in approval under this subsection;  
11 provided further that any subsequent lack of quorum at a regular  
12 meeting of the issuing agency that delays the same matter shall  
13 not give cause for further extension, unless an extension is  
14 agreed to by all parties.

15 (d) Notwithstanding any other law to the contrary, any  
16 agency that reviews and comments upon an application for a  
17 business or development-related permit, license, or approval for  
18 a housing project under section 201G-118 shall respond within  
19 forty-five days of receipt of the application, or the  
20 application shall be deemed acceptable as submitted to the  
21 agency.

1           ~~(d)~~ (e) The maximum period of time established pursuant  
2 to this section shall be extended in the event of a national  
3 disaster, state emergency, or union strike, which would prevent  
4 the applicant, the agency, or the department from fulfilling  
5 application or review requirements.

6           ~~(e)~~ (f) This section shall not apply to any proceedings  
7 of the public utilities commission.

8           ~~(f)~~ (g) For purposes of this section, "application for a  
9 business or development-related permit, license, or approval"  
10 means any state or county application, petition, permit,  
11 license, certificate, or any other form of a request for  
12 approval required by law to be obtained prior to the formation,  
13 operation, or expansion of a commercial or industrial  
14 enterprise, or for any permit, license, certificate, or any form  
15 of approval required under sections 46-4, 46-4.2, 46-4.5, 46-5,  
16 and chapters 183C, 205, 205A, 340A, 340B, 340E, 340F, 342B,  
17 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, and 342P."

18           SECTION 4. Section 201G-118, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20           "(a) The administration may develop, on behalf of the  
21 State or with an eligible developer, or may assist under a  
22 government assistance program in the development of, housing

1 projects which shall be exempt from all statutes, ordinances,  
2 charter provisions, and rules of any governmental agency  
3 relating to planning, zoning, construction standards for  
4 subdivisions, development and improvement of land, and the  
5 construction of units thereon; provided that:

6 (1) The project primarily or exclusively includes housing  
7 units affordable to households with incomes at or  
8 below one hundred forty per cent of the median family  
9 income;

10 (2) The administration finds the project is consistent  
11 with the purpose and intent of this chapter, and meets  
12 minimum requirements of health and safety;

13 (3) The development of the proposed project does not  
14 contravene any safety standards, tariffs, or rates and  
15 fees approved by the public utilities commission for  
16 public utilities or the various boards of water supply  
17 authorized under chapter 54;

18 (4) The legislative body of the county in which the  
19 project is to be situated shall have approved the  
20 project with or without modifications.

21 (A) The legislative body shall approve, approve with  
22 modifications, or disapprove the project by

1 resolution within forty-five days after the  
2 administration has submitted the preliminary  
3 plans and specifications for the project to the  
4 legislative body. If on the forty-sixth day a  
5 project is not disapproved, it shall be deemed  
6 approved by the legislative body;

7 (B) No action shall be prosecuted or maintained  
8 against any county, its officials, or employees  
9 on account of actions taken by them in reviewing,  
10 approving, modifying, or disapproving the plans  
11 and specifications; and

12 (C) The final plans and specifications for the  
13 project shall be deemed approved by the  
14 legislative body if the final plans and  
15 specifications do not substantially deviate from  
16 the preliminary plans and specifications. The  
17 final plans and specifications for the project  
18 shall constitute the zoning, building,  
19 construction, and subdivision standards for that  
20 project. For purposes of sections 501-85 and  
21 502-17, the executive director of the  
22 administration, or the responsible county



1 official may certify maps and plans of lands  
2 connected with the project as having complied  
3 with applicable laws and ordinances relating to  
4 consolidation and subdivision of lands, and the  
5 maps and plans shall be accepted for registration  
6 or recordation by the land court and registrar;  
7 and

8 (5) The land use commission shall approve, approve with  
9 modifications, or disapprove a boundary change within  
10 forty-five days after the administration has submitted  
11 a petition to the commission as provided in section  
12 205-4. If on the forty-sixth day the petition is not  
13 disapproved, it shall be deemed approved by the  
14 commission."

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

17 SECTION 6. This Act shall take effect on July 1, 2006.



**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. (CD1)

