

Honolulu, Hawaii

**FEB 15**, 2008

RE: H.B. No. 2242

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 2242 entitled:

"A BILL FOR AN ACT RELATING TO COUNTIES,"

begs leave to report as follows:

The purpose of this bill is to authorize each county to impose upon certain subdividers or developers affordable housing requirements as a condition for approval of a subdivision or issuance of a building permit.

The City and County of Honolulu Department of Planning and Permitting, Building Industry Association of Hawaii, The Chamber of Commerce of Hawaii, and Land Use Research Foundation of Hawaii opposed this bill.

Your Committee finds that further discussion is urgently need on the components of a successful inclusionary zoning ordinance including:

- (1) The land use or zoning ordinance should be of general application to all developments to better protect against legal challenges based on the constitutional "taking clause";
- (2) The best way to achieve specificity and across-the-board application to survive legal attacks is by the adoption of an implementing ordinance, that provides exemptions



for true hardship and alternative means of compliance,  
as well as clear implementation procedures;

- (3) The inclusionary zoning ordinance should specify by income category the economic segments for whom the units must be affordable;
- (4) To have maximum effectiveness and meet the inclusion goals, policies should require as many on-site comparable affordable housing units as possible; and
- (5) The provision of incentives and concessions, such as density bonuses, expedited application and permit processing, and financial incentives are a critical part of a successful inclusionary zoning ordinance.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2242 and recommends that it pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services &  
Housing,



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MAILE SHIMABUKURO, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: <b>HB 2242</b>	Committee Referral: <b>HSH, EDB</b>	Date: <b>February 14, 2008</b>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)     Pass, with amendments (HD)     Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	X			
2. RHOADS, Karl (VC)	X			
3. AWANA, Karen Leinani	X			
4. BELATTI, Della Au	X			
5. BERTRAM, Joe, III	X			
6. CABANILLA, Rida T.R.	X			
7. GREEN, Josh, M.D.	X			
8. MIZUNO, John	X			
9. TOKIOKA, James Kunane	X			
10. WARD, Gene, Ph.D.	X			
TOTAL (10)	10	0	0	0

The recommendation is:  Adopted     Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature: *Paul Rhoads*

Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office