
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. In August 2007, Hawaii accepted an invitation
2 by the United States Department of Housing and Urban Development
3 to join the National Call to Action for Affordable Housing
4 Through Regulatory Reform. The Call to Action presented an
5 opportunity for Hawaii to receive technical assistance from the
6 federal government and collaborate with other states, counties,
7 municipalities, and organizations to knock down the barriers
8 imposed by governments in hopes of building more affordable
9 housing. Governor Lingle convened a statewide task force
10 comprised of representatives from the counties, business, labor,
11 developers, architects, nonprofit providers of services, the
12 State, and the legislature to carry out the mission of the Call
13 to Action and recommend solutions to address barriers to
14 affordable housing. This Act implements the legislative
15 recommendations of the task force.

16 The State recognizes that the need for more affordable
17 housing in Hawaii remains a significant problem affecting all
18 segments of society. Although a process is in place that



1 provides an opportunity to develop affordable housing projects
2 using an expedited review at the state and county levels, no
3 similar process exists for mixed-use projects with an affordable
4 housing component, or infrastructure projects that are
5 associated with housing projects or mixed-use housing projects.
6 If an expedited review were provided for these types of
7 projects, the State may be able to stimulate more affordable
8 housing development at a faster pace.

9 Accordingly, the purpose of this Act is to allow mixed-use
10 housing projects and infrastructure projects that are associated
11 with a housing or mixed-use housing project to be eligible for
12 the expedited review process currently offered to qualifying
13 housing projects.

14 SECTION 2. Section 201H-1, Hawaii Revised Statutes, is
15 amended by adding two new definitions to be appropriately
16 inserted and to read as follows:

17 "Infrastructure" means any facility, public work, or
18 utility installed or improved by the government for the
19 functioning of a community or private or government owned
20 facility.

21 "Mixed-use housing" means the combination of different
22 types of structures in a housing project including commercial,



1 public facilities, industrial, and residential that may include
2 single family, multi-family, for sale, lease, rental, low,
3 moderate, workforce, affordable, and market housing, or
4 combinations of the foregoing, but at least twenty per cent of
5 the housing units shall be for individuals and families that
6 meet the affordable income threshold under section 201H-
7 202(e)(2)."

8 SECTION 3. Section 201H-38, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§201H-38 Housing development; exemption from statutes,**
11 **ordinances, charter provisions, and rules.** (a) The corporation
12 may develop on behalf of the State or with an eligible
13 developer, or may assist under a government assistance program
14 in the development of [7] housing projects, mixed-use housing
15 projects, or infrastructure projects associated with a housing
16 or mixed-use housing project, that shall be exempt from all
17 statutes, ordinances, charter provisions, and rules of any
18 government agency relating to planning, zoning, construction
19 standards for subdivisions, development and improvement of land,
20 and the construction of dwelling units thereon; provided that:
21 (1) The corporation finds the housing project, mixed-use
22 housing project, or infrastructure project associated



1 with a housing or mixed-use housing project is
2 consistent with the purpose and intent of this
3 chapter, and meets minimum requirements of health and
4 safety;

5 (2) The development of the proposed housing project,
6 mixed-use housing project, or infrastructure project
7 associated with a housing or mixed-use housing project
8 does not contravene any safety standards, tariffs, or
9 rates and fees approved by the public utilities
10 commission for public utilities or of the various
11 boards of water supply authorized under chapter 54;

12 (3) The legislative body of the county in which the
13 housing project, mixed-use housing project, or
14 infrastructure project associated with a housing or
15 mixed-use housing project is to be situated shall have
16 approved the project with or without modifications:

17 (A) The legislative body shall approve, approve with
18 modification, or disapprove the project by
19 resolution within forty-five days after the
20 corporation has submitted the preliminary plans
21 and specifications for the project to the
22 legislative body. If on the forty-sixth day a



1 project is not disapproved, it shall be deemed
2 approved by the legislative body;

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

8 (C) The final plans and specifications for the
9 project shall be deemed approved by the
10 legislative body if the final plans and
11 specifications do not substantially deviate from
12 the preliminary plans and specifications. The
13 final plans and specifications for the project
14 shall constitute the zoning, building,
15 construction, and subdivision standards for that
16 project. For purposes of sections 501-85 and
17 502-17, the executive director of the corporation
18 or the responsible county official may certify
19 maps and plans of lands connected with the
20 project as having complied with applicable laws
21 and ordinances relating to consolidation and
22 subdivision of lands, and the maps and plans



1 shall be accepted for registration or recordation
2 by the land court and registrar; and

3 (4) The land use commission shall approve, approve with
4 modification, or disapprove a boundary change within
5 forty-five days after the corporation has submitted a
6 petition to the commission as provided in section 205-
7 4. If, on the forty-sixth day, the petition is not
8 disapproved, it shall be deemed approved by the
9 commission.

10 (b) For the purposes of this section, "government
11 assistance program" means a housing program qualified by the
12 corporation and administered or operated by the corporation or
13 the United States or any of their political subdivisions,
14 agencies, or instrumentalities, corporate or otherwise."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on June 30, 2009.

18

INTRODUCED BY:



Richard F. Castonille
Carthia Yveler
Denny Coffey
Henni Noui



Report Title:

Housing; Infrastructure Development

Description:

Expedites project reviews for mixed-use housing and related infrastructure projects to stimulate affordable housing development.

