

JAN 23 2009

A BILL FOR AN ACT

RELATING TO COUNTIES.

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

1 SECTION 1. In 2007, the governor of Hawaii convened a
2 statewide task force comprised of representatives of the State,
3 counties, business, labor, developers, architects, nonprofit
4 providers of services, and the legislature to recommend
5 solutions to address barriers to affordable housing, pursuant to
6 the program of the United States Department of Housing and Urban
7 Development, entitled National Call to Action for Affordable
8 Housing Through Regulatory Reform.

9 The legislature finds that the need for more affordable
10 housing in Hawaii affects all segments of society. Nonetheless,
11 there has been an apparent problem with the counties in their
12 delay to affirmatively accept or reject public infrastructure
13 improvements that have been developed as part of a housing
14 project.

15 The purpose of this Act is to require counties to accept or
16 reject a dedication of infrastructure request from an affordable



1 rental housing project within a specified time and under certain
2 conditions, or the request is deemed dedicated.

3 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§46- Infrastructure dedication; affordable housing.

7 (a) A request for dedication of infrastructure for affordable
8 housing, as defined in section 201H-57, shall be deemed
9 dedicated to the county if the county does not accept or reject
10 the dedication request within sixty days of the filing of the
11 dedication request, if:

12 (1) There is paid applicable meter and connection fees and
13 utility costs relating to the dedicated
14 infrastructure;

15 (2) The dedicated infrastructure conforms to county
16 building codes; and

17 (3) The dedicated infrastructure is certified to be in
18 compliance by the county inspector responsible for
19 accepting the dedicated infrastructure or by an third-
20 party licensed building inspector.

21 (b) For the purposes of this section, "infrastructure"
22 shall:



1 (1) Have the same meaning as in section 171-131; and

2 (2) Connect to the infrastructure of the county."

3 SECTION 3. This Act shall apply to any affordable housing
4 project that is constructed or is in the process of construction
5 as of the effective date of this Act, without regard to whether
6 there has been a request for dedication of infrastructure, as
7 defined in section 2 of this Act, by the effective date of this
8 Act.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Norman Sakami
Theranne Chun Oallana
Arvid y Jage
G.S.T.



Report Title:

Counties; Affordable Housing; Infrastructure

Description:

Requires counties to accept or reject a public infrastructure dedication, under specified conditions, as part of an affordable housing project, or the infrastructure is deemed dedicated.

