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

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

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

10 The purpose of this Act is to implement the legislative  
11 recommendations of the task force by authorizing mixed-use  
12 housing projects and infrastructure projects that are associated  
13 with a housing or mixed-use housing project to be eligible for  
14 the expedited review process currently offered to qualifying  
15 housing projects.

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

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

1       "Mixed-use housing" means the combination of different  
2 types of structures in a housing project including commercial,  
3 public facilities, industrial, and residential, which may  
4 include single-family, multi-family, for sale, lease, rental,  
5 low, moderate, workforce, affordable, and market housing, or  
6 combinations of some or all of the above; provided that at least  
7 twenty per cent of the housing units shall be for individuals  
8 and families that meet the affordable income threshold under  
9 section 201H-202(e)(2)."

10       SECTION 3. Section 201H-38, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

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

- 1 (1) The corporation finds the housing project, mixed-use  
2 housing project, or infrastructure project associated  
3 with a housing or mixed-use housing project is  
4 consistent with the purpose and intent of this  
5 chapter, and meets minimum requirements of health and  
6 safety;
- 7 (2) The development of the proposed housing project,  
8 mixed-use housing project, or infrastructure project  
9 associated with a housing or mixed-use housing project  
10 does not contravene any safety standards, tariffs, or  
11 rates and fees approved by the public utilities  
12 commission for public utilities or of the various  
13 boards of water supply authorized under chapter 54;
- 14 (3) The legislative body of the county in which the  
15 housing project, mixed-use housing project, or  
16 infrastructure project associated with a housing or  
17 mixed-use housing project is to be situated shall have  
18 approved the project with or without modifications:
- 19 (A) The legislative body shall approve, approve with  
20 modification, or disapprove the project by  
21 resolution within forty-five days after the  
22 corporation has submitted the preliminary plans

1 and specifications for the project to the  
2 legislative body[-]; provided that for a  
3 mixed-use housing project, or infrastructure  
4 project associated with a housing or mixed-use  
5 housing project, the legislative body shall  
6 approve, approve with modification, or disapprove  
7 the project by resolution within ninety days  
8 after the corporation has submitted the  
9 preliminary plans and specifications for the  
10 project to the legislative body. If on the  
11 forty-sixth day, or the ninety-first day for a  
12 mixed-use housing project, or infrastructure  
13 project associated with a housing or mixed-use  
14 housing project, a project is not disapproved, it  
15 shall be deemed approved by the legislative body;

16 (B) No action shall be prosecuted or maintained  
17 against any county, its officials, or employees  
18 on account of actions taken by them in reviewing,  
19 approving, modifying, or disapproving the plans  
20 and specifications; and

21 (C) The final plans and specifications for the  
22 project shall be deemed approved by the

1 legislative body if the final plans and  
2 specifications do not substantially deviate from  
3 the preliminary plans and specifications. The  
4 final plans and specifications for the project  
5 shall constitute the zoning, building,  
6 construction, and subdivision standards for that  
7 project. For purposes of sections 501-85 and  
8 502-17, the executive director of the corporation  
9 or the responsible county official may certify  
10 maps and plans of lands connected with the  
11 project as having complied with applicable laws  
12 and ordinances relating to consolidation and  
13 subdivision of lands, and the maps and plans  
14 shall be accepted for registration or recordation  
15 by the land court and registrar; and

16 (4) The land use commission shall approve, approve with  
17 modification, or disapprove a boundary change within  
18 forty-five days after the corporation has submitted a  
19 petition to the commission as provided in section  
20 205-4. If, on the forty-sixth day, the petition is  
21 not disapproved, it shall be deemed approved by the  
22 commission."

1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on June 30, 2050.

**Report Title:**

Housing; Infrastructure Development

**Description:**

Authorizes mixed-use housing projects and infrastructure projects that are associated with a housing or mixed-use housing project to be eligible for the expedited review process currently offered to qualifying housing projects; allows ninety days for a county legislative body to act on a mixed-use housing project, or infrastructure project associated with a housing or mixed-use housing project. (SD1)