

H.B. NO. 1083

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, and the
12 State to carry out the mission of the Call to Action and
13 recommend solutions to address barriers to affordable housing.
14 Accordingly, the purpose of this Act is to implement the
15 legislative 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 there is a process in place that

1 provides an opportunity to develop affordable housing projects
2 using an expedited review at the state and county levels, there
3 is no similar process in place for mixed use projects with an
4 affordable housing component, or infrastructure projects that
5 are associated with housing projects or mixed use housing
6 projects. If an expedited review were provided for these types
7 of projects, the state may be able to stimulate more affordable
8 housing development at a faster pace. Accordingly, the purpose
9 of this Act is to allow mixed use housing projects and
10 infrastructure projects that are associated with an affordable
11 housing or mixed use housing project to be eligible for the
12 expedited review process currently offered to qualifying housing
13 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 uses
22 in a housing project including commercial, public facilities,

1 industrial, and residential uses, which may include single
2 family, multi-family, for sale, lease, rental, low, moderate,
3 workforce, affordable, and market housing, or combinations of
4 all of the above, but at least twenty per cent of the housing
5 units, developed under this chapter, must be affordable to
6 households with incomes at or below one hundred forty per cent
7 of the median family income or as may be determined by the
8 United States Department of Housing and Urban Development."

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

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

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- 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, mixed
8 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. If on the forty-sixth day a
3 project is not disapproved, it shall be deemed
4 approved by the legislative body;

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

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

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1 and ordinances relating to consolidation and
2 subdivision of lands, and the maps and plans
3 shall be accepted for registration or recordation
4 by the land court and registrar; and

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

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

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon approval.

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INTRODUCED BY: Calvin K. Day
BY REQUEST

JAN 26 2009

Report Title:

Housing; Infrastructure Development

Description:

Stimulates the expeditious development of affordable housing using faster project reviews for mixed use housing projects and related infrastructure projects.

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: To stimulate affordable housing development by allowing mixed use housing projects, including infrastructure projects for a housing or mixed use housing project, to be eligible for expeditious review at the state and county levels.

MEANS: Amend sections 201H-1 and 201H-38, Hawaii Revised Statutes.

JUSTIFICATION: In 2007, Governor Lingle convened the Affordable Housing Regulatory Barriers Task Force in response to the U.S. Department of Housing and Urban Development's National Call to Action. The Task Force's main objective is to identify barriers to affordable housing development in Hawaii and to recommend appropriate solutions.

One of the regulatory barriers identified by The Task Force is the protracted review process for affordable housing developments that contain a mixed income component or that involve infrastructure construction at the state and county levels. The Task Force collectively agreed that one remedy is to expand the projects that qualify for the expeditious review process currently offered to qualifying housing projects in section 201H-38, Hawaii Revised Statutes.

Accordingly, this bill expands the eligibility for expeditious review to include mixed use projects and infrastructure projects associated with a housing project or mixed used project.

This bill will enable faster project reviews and therefore directly stimulate a quicker

delivery of affordable housing to the residents across the state that need it.

Impact on the public: This bill will expedite the development of affordable housing to the public.

Impact on the department and other agencies: This bill will increase the amount of affordable housing reviews that qualify for expedited review at government agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Hawaii Housing Finance and Development Corporation, Hawaii Land Use Commission, City and County of Honolulu, Maui County, Kauai County, Hawaii County

EFFECTIVE DATE: Upon approval.