

JAN 22 2010

S.B. NO. 2557

A BILL FOR AN ACT

RELATING TO GREEN BUILDINGS.

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

1 SECTION 1. The legislature finds that private developers
2 of commercial projects should be encouraged to design,
3 construct, and operate environmentally responsible buildings.
4 Other jurisdictions have instituted green building incentive
5 programs, which permits developers to increase the maximum
6 allowable development on a property in exchange for implementing
7 specific green building standards into the project. This policy
8 has been highly effective in cities like Arlington, Virginia,
9 and Ashland, Oregon.

10 The purpose of this Act is to promote market growth in
11 energy efficiency and renewable energy technologies by requiring
12 counties and other state agencies to allow commercial developers
13 who choose to incorporate qualifying green practices into their
14 projects to qualify for a density bonus.

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



1 "§46- Density bonus for green commercial buildings. (a)
2 Notwithstanding section 46-4(a), each county shall authorize a
3 land use density bonus to a new qualifying green commercial
4 building that meets qualifying green building standards. To
5 qualify for the density bonus, the construction plans and
6 building permit application for the qualifying green commercial
7 building shall guarantee that the building will meet or exceed
8 the LEED silver certification rating and otherwise qualify under
9 county specifications adopted for this purpose. Within
10 forty-five days of the submission to the county of documentation
11 sufficient to establish the building's qualification for the
12 density bonus, the county shall approve, deny, or conditionally
13 approve of the density bonus for the building. A density bonus
14 may allow for increase in developed square footage, increase in
15 the number of developed units, or exemption from height or yard
16 area restrictions, as may be specified by county rule or
17 ordinance.

18 (b) Each county shall adopt rules pursuant to chapter 91
19 as are necessary to carry out the purposes of this section.

20 (c) For purposes of this section:

21 "LEED" means Leadership in Energy and Environmental Design.



1 "Qualifying green building standards" means the LEED silver
2 certification rating, and other standards as may be adopted by
3 each county for approval of the density bonuses within its
4 jurisdiction.

5 "Qualifying green commercial building" means a new
6 building, which meets qualifying green building standards, that
7 is intended for commercial or business use to be constructed on
8 appropriately zoned land."

9 SECTION 3. Chapter 183C, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§183C- Density bonus for green commercial buildings.

13 (a) The department shall authorize a land use density bonus to
14 a new qualifying green commercial building that meets qualifying
15 green building standards; provided that such use is otherwise in
16 conformity with chapter 205A, if applicable, and the intent of
17 the legislature as provided in section 183C-1. To qualify for
18 the density bonus, the develop permit application for the
19 qualifying green commercial building shall guarantee that the
20 building will meet or exceed the LEED silver certification
21 rating and otherwise qualify under department specifications
22 adopted for this purpose. Within forty-five days of the



1 submission to the department of documentation sufficient to
2 establish the building's qualification for the density bonus,
3 the department shall approve, deny, or conditionally approve of
4 the density bonus for the building. A density bonus may allow
5 for increase in developed square footage, increase in the number
6 of developed units, or exemption from height or yard area
7 restrictions, as may be specified by department rule.

8 (b) The department shall adopt rules pursuant to chapter
9 91 as are necessary to carry out the purposes of this section.

10 (c) For purposes of this section:

11 "LEED" means Leadership in Energy and Environmental Design.

12 "Qualifying green building standards" means the LEED silver
13 certification rating, and other standards as may be adopted by
14 the department for approval of the density bonuses within its
15 jurisdiction.

16 "Qualifying green commercial building" means a new
17 building, which meets qualifying green building standards, that
18 is intended for commercial or business use to be constructed on
19 appropriately zoned land."

20 SECTION 4. Chapter 206E, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:



1 "§206E- Density bonus for green commercial buildings.

2 (a) The authority shall authorize a land use density bonus to a
3 new qualifying green commercial building that meets qualifying
4 green building standards. To qualify for the density bonus, the
5 develop permit application for the qualifying green commercial
6 building shall guarantee that the building will meet or exceed
7 the LEED silver certification rating and otherwise qualify under
8 authority specifications adopted for this purpose. Within
9 forty-five days of the submission to the county of documentation
10 sufficient to establish the building's qualification for the
11 density bonus, the authority shall approve, deny, or
12 conditionally approval of the density bonus for the building. A
13 density bonus may allow for increase in developed square
14 footage, increase in the number of developed units, or exemption
15 from height or yard area restrictions, as may be specified by
16 authority rule.

17 (b) The authority shall adopt rules pursuant to chapter 91
18 as are necessary to carry out the purposes of this section.

19 (c) For purposes of this section:

20 "LEED" means Leadership in Energy and Environmental Design.

21 "Qualifying green building standards" means the LEED silver
22 certification rating, and other standards as may be adopted by



1 the authority for approval of the density bonuses within its
2 jurisdiction.

3 "Qualifying green commercial building" means a new
4 building, which meets qualifying green building standards, that
5 is intended for commercial or business use to be constructed on
6 appropriately zoned land."

7 SECTION 5. Chapter 206G, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§206E- Density bonus for green commercial buildings.

11 (a) The commission shall authorize a land use density bonus to
12 a new qualifying green commercial building that meets qualifying
13 green building standards. To qualify for the density bonus, the
14 develop permit application for the qualifying green commercial
15 building shall guarantee that the building will meet or exceed
16 the LEED silver certification rating and otherwise qualify under
17 commission specifications adopted for this purpose. Within
18 forty-five days of the submission to the county of documentation
19 sufficient to establish the building's qualification for the
20 density bonus, the commission shall approve, deny, or
21 conditionally approval of the density bonus for the building. A
22 density bonus may allow for increase in developed square



1 footage, increase in the number of developed units, or exemption
2 from height or yard area restrictions, as may be specified by
3 commission rule.

4 (b) The commission shall adopt rules pursuant to chapter
5 91 as are necessary to carry out the purposes of this section.

6 (c) For purposes of this section:

7 "LEED" means Leadership in Energy and Environmental Design.

8 "Qualifying green building standards" means the LEED silver
9 certification rating, and other standards as may be adopted by
10 the commission for approval of the density bonuses within its
11 jurisdiction.

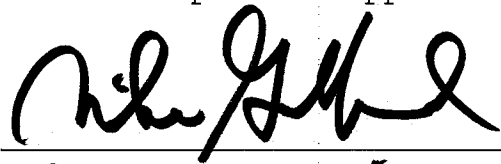
12 "Qualifying green commercial building" means a new
13 building, which meets qualifying green building standards, that
14 is intended for commercial or business use to be constructed on
15 appropriately zoned land."

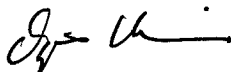
16 SECTION 6. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:


Clarence B. Fischer
Fred Remmer





Report Title:

Green Buildings; Density Bonus; Counties and State Agencies

Description:

Requires counties and state agencies responsible for zoning to give developers of qualifying green commercial buildings a density bonus. Requires the county or state agency, as applicable, to process the density bonus application within 45 days of receipt of required documentation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

