

JAN 25 2010

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**A BILL FOR AN ACT**

RELATING TO AFFORDABLE 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 executive branch, and the legislature to carry out the mission  
13 of the Call to Action and recommend solutions to address  
14 barriers to affordable housing. Accordingly, the purpose of  
15 this Act is to implement the legislative recommendations of the  
16 task force.

17           The State recognizes that the need for more affordable  
18 housing in Hawaii remains a significant problem affecting all

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1 segments of society. Although there is a process in place that  
2 provides an opportunity for expedited state and county land use  
3 and zoning approvals for affordable housing projects, the  
4 ministerial permits that are issued subsequent to project  
5 approval may take a significant amount of time to issue. This  
6 delay adds costs to the affordable housing project, ultimately  
7 affecting the buyer or renter, and lengthens the time it takes  
8 for the unit to be constructed and occupied. Accordingly, the  
9 purpose of this Act is to place standard timeframes on agency  
10 issuance of ministerial permits for approved affordable housing  
11 projects.

12 SECTION 2. Chapter 201H, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§201H- Ministerial permits; state and county review  
16 deadline. (a) State and county agencies shall issue any  
17 ministerial permits associated with any project approved  
18 pursuant to section 201H-38 or section 46-15.1 within forty-five  
19 days from the date of acceptance of the permit application;  
20 provided that the review procedure for ministerial permits  
21 performed by any state or county agency is limited to not more  
22 than two comprehensive reviews.

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1        (b) For the purposes of this section, "ministerial  
2 permits" means any nondiscretionary permit for which the permit  
3 administrator needs to determine conformity with applicable  
4 ordinances before approving the project."

5        SECTION 3. New statutory material is underscored.

6        SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY: \_\_\_\_\_

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BY REQUEST

**Report Title:**

Affordable Housing; Forty-five-day review

**Description:**

Expedites the construction of affordable housing units by requiring ministerial permits associated with the project to be issued by the state or county within forty-five days of acceptance of the permit application for the project.

## JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development and Tourism

TITLE: A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING.

PURPOSE: Establishes a 45-day limit on review of ministerial permits for affordable housing projects to expedite the construction of affordable housing units.

MEANS: Add new section to chapter 201H, 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 that non-discretionary, ministerial permits that are issued subsequent to approval of an affordable housing project take a significant amount of time to issue. To remedy this, the Task Force recommends the establishment of standard timeframes that govern permit issuances for affordable housing projects.

Accordingly, this bill requires state and county agencies to issue any ministerial permits associated with an approved affordable housing project within 45 days from the time of acceptance of the permit application for the project. The bill also creates a cap on the number of reviews allowed.

Impact on the public: Enables a faster delivery of affordable housing to the public.

Impact on the department and other agencies:  
Requires state and county agencies to adjust their permit issuance processes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

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

EFFECTIVE DATE: July 1, 2010.