
A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1 SECTION 1. The purpose of this Act is to increase the
2 reserved housing requirement for a major development on a lot of
3 at least one acre in the Kakaako community development district,
4 mauka area. For such a major development, at least twenty per
5 cent of the floor area shall be constructed and made available
6 as reserved housing units for low- and moderate-income families.
7 The floor area countable for establishing the percentage for
8 reserved housing units is the total floor area of every building
9 of the major development, except the floor area developed for
10 community or special facility uses. The developer is required
11 to divide the reserved housing floor area into the number,
12 types, and sizes of reserved housing units set by the Hawaii
13 community development authority. The legislature intends that
14 the reserved housing requirement apply to every major
15 development on a lot of at least one acre, except if the major
16 development is on a lot owned by a public utility and developed
17 for public utility operations. The legislature emphasizes that
18 the requirement is intended to apply even if the developer



1 proposes to construct only commercial, industrial, or resort
2 uses on the lot.

3 This Act also establishes a reserved housing requirement
4 for a major development with multi-family dwelling units on a
5 lot of at least twenty thousand square feet, but less than one
6 acre. At least twenty per cent of the multi-family dwelling
7 units to be constructed are required to be set aside for
8 reserved housing. This provision essentially restates in
9 statute the existing rule for a planned development with multi-
10 family dwelling units on a lot of at least twenty thousand
11 square feet.

12 This Act requires the Hawaii community development
13 authority to adopt implementing rules without regard to the
14 notice and public hearing requirements of chapter 91, Hawaii
15 Revised Statutes, and small business impact review requirements
16 of chapter 201M, Hawaii Revised Statutes. The provision is
17 intended to facilitate the adoption of the rules.

18 To prevent a flurry of permit applications for major
19 developments on lots of at least one acre before adoption of the
20 rules, this Act prohibits the authority from accepting such
21 applications until the rules take effect. The legislature finds



1 that this action is necessary to ensure that the public receives
2 the maximum benefit from this Act.

3 With respect to the eligibility requirements of a low- or
4 moderate-income family to purchase or rent a reserved housing
5 unit, the legislature does not intend that this Act cause any
6 change from the requirements under existing statute or rule.

7 The legislature intends that the present eligibility
8 requirements remain the same until amended by statute or rule.

9 This Act also (1) prohibits a developer from paying a fee
10 in lieu of developing required reserved housing and (2) repeals
11 the provisions that had allowed a developer to fulfill the
12 developer's reserved housing requirement by developing
13 affordable housing outside the applicable community development
14 district.

15 Finally, this Act establishes certain provisions relating
16 to the rules of the authority. One provision requires a
17 development to be completed within five years of issuance of the
18 relevant permit. Another provision makes a development subject
19 to the rules in effect at the time of issuance of that permit.

20 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
21 amended by adding two new sections to part II to be
22 appropriately designated and to read as follows:



1 "§206E-A Reserved housing requirement for Kakaako mauka

2 area. (a) For the purpose of this section:

3 "Base zoning" means the use, lot area, building area,
4 height, density, bulk, yard, setback, open space, on-site
5 parking and loading, and other zoning standards or other
6 restrictions imposed upon a development on a particular lot.

7 "Community service use" means any of the following uses:

- 8 (1) Nursing or convalescent home, nursing facility,
9 assisted living administration, or ancillary assisted
10 living amenities for the elderly or persons with
11 disabilities;
- 12 (2) Child care, day care, or senior citizen center;
- 13 (3) Nursery school or kindergarten;
- 14 (4) Church;
- 15 (5) Charitable institution or nonprofit organization;
- 16 (6) Public use; or
- 17 (7) Consulate.

18 "Countable floor area" of a major development means the
19 total floor area of every building on the lot of a major
20 development, except the floor area developed for the following:

- 21 (1) Community service use; or
- 22 (2) Special facility use.



1 "Floor area" means the area of the several floors of a
2 building, including basement but not unroofed areas, measured
3 from the exterior faces of the exterior walls or from the center
4 line of party walls separating portions of a building. The
5 floor area of a building or portion thereof not provided with
6 surrounding exterior walls shall be the usable area under the
7 horizontal projection of the roof or floor above, including but
8 not limited to elevator shafts, corridors, and stairways.
9 "Floor area" shall not include the area for parking facilities
10 and loading spaces, driveways and access ways, lanais or
11 balconies of dwelling or lodging units that do not exceed
12 fifteen per cent of the total floor area of the units to which
13 they are appurtenant, attic areas with head room less than seven
14 feet, covered rooftop areas, and rooftop machinery equipment and
15 elevator housings on the top of buildings.

16 "Floor area ratio" means the ratio of floor area to land of
17 a development as expressed as a percentage or decimal. The
18 ratio shall be calculated by dividing the total floor area on a
19 development lot by the area of the development lot.

20 "Kakaako mauka area" means the area of the Kakaako
21 community development district mauka of Ala Moana Boulevard.



1 "Major development" means a development that has a floor
2 area ratio exceeding 1.5, a structure height exceeding forty-
3 five feet, or both.

4 "Median income" means the median annual income, adjusted
5 for family size, for households in the city and county of
6 Honolulu as most recently established by the United States
7 Department of Housing and Urban Development for the section 8
8 housing assistance payments program.

9 "Planned development" means a development for which the
10 authority approves a greater density or any other difference
11 from the base zoning applicable to the lot on which the
12 development is situated in exchange for public facilities,
13 amenities, and reserved housing units provided by the developer.

14 "Public utility" means the same as defined under section
15 269-1.

16 "Reserved housing unit" means a multi-family dwelling unit
17 that is developed for the following:

- 18 (1) Purchase by a family that:
- 19 (A) Has an income of not more than one hundred forty
 - 20 per cent of the median income; and
 - 21 (B) Complies with other eligibility requirements
 - 22 established by statute or rule; or

1 (2) Rent to a family that:

2 (A) Has an income of not more than one hundred per
3 cent of the median income; and

4 (B) Complies with other eligibility requirements
5 established by statute or rule.

6 A "reserved housing unit" shall be one of the following types of
7 dwelling units: studio with one bathroom; one bedroom with one
8 bathroom; two bedrooms with one bathroom; two bedrooms with one
9 and one-half bathrooms; two bedrooms with two bathrooms; three
10 bedrooms with one and one-half bathrooms; three bedrooms with
11 two bathrooms; and four bedrooms with two bathrooms.

12 "Special facility use" means a use in a "special facility"
13 as defined under section 206E-181.

14 (b) Until December 31, 2014, at least twenty per cent of
15 the countable floor area of each major development on a lot of
16 at least one acre in the Kakaako mauka area shall be developed
17 as and made available for reserved housing units. After
18 December 31, 2014, the minimum percentage shall be increased
19 pursuant to section 206E-B.

20 The developer of the major development shall divide the
21 floor area required for reserved housing into and construct the
22 number, types, and sizes of reserved housing units set by the



1 authority. The authority shall establish sale prices or rents
2 to be charged that are affordable to families intended to be
3 served by the reserved housing units. The authority also shall
4 set the number of parking stalls to be assigned to the reserved
5 housing units according to the same off-street parking
6 requirements applicable to non-reserved housing units. The
7 authority shall not waive or exempt the developer from providing
8 the required number of parking stalls for the reserved housing
9 units.

10 The countable floor area upon which the reserved housing
11 floor area requirement is calculated shall be based on the plan
12 approved by the authority in the planned development permit or
13 base zone development permit, as applicable, for the
14 development.

15 The reserved housing floor area requirement shall not be
16 changed if, subsequent to the approval or submission of the plan
17 to the authority, the countable floor area is decreased. If,
18 however, the countable floor area is increased before the
19 issuance of a building permit for a building on the lot, the
20 reserved housing floor area requirement shall be appropriately
21 increased.



1 The reserved housing requirement of this subsection shall
2 not apply to a major development on a lot owned by a public
3 utility if all the uses and facilities developed are intended
4 for public utility operations.

5 (c) For a major development with multi-family dwelling
6 units on a lot of between twenty thousand and 43,559 square
7 feet, at least twenty per cent of the units shall be reserved
8 housing units. The authority shall set the types and sizes of
9 the reserved housing units and establish sale prices or rents to
10 be charged that are affordable to families intended to be served
11 by the reserved housing units. The authority also shall set the
12 number of parking stalls to be assigned to the reserved housing
13 units according to the same off-street parking requirements
14 applicable to non-reserved housing units. The authority shall
15 not waive or exempt the developer from providing the required
16 number of parking stalls.

17 (d) The reserved housing floor area or units required for
18 a major development under this section need not be developed on
19 the same lot as the major development, but shall be developed
20 within the Kakaako mauka area.

21 (e) The authority shall not allow the developer of a major
22 development to make a cash payment to the authority in lieu of



1 developing and making available the reserved housing floor area
2 or units required by this section.

3 (f) The developer of a major development shall construct
4 the reserved housing floor area or units required by this
5 section prior to or concurrent with the construction of other
6 uses of the development. The authority shall prohibit the
7 issuance of any certificate of occupancy for any of the other
8 uses before the issuance of the certificate of occupancy for all
9 the required reserved housing floor area or units.

10 (g) A developer of a major development who develops and
11 makes available more reserved housing floor area or units than
12 required by this section shall be entitled to a credit for the
13 excess and may transfer the credit to another of the developer's
14 major development in the Kakaako mauka area. The credit shall
15 equal the amount of reserved housing floor area or units
16 developed and made available in excess of the requirement of
17 this section. The developer may deduct the transferred credit
18 from the reserved housing floor area or units required of the
19 developer's other major development.

20 Alternatively, a developer of a major development may sell
21 a credit to another developer of a major development in the
22 Kakaako mauka area at a price mutually agreed upon by both



1 developers or, if the authority chooses to set a price, the
2 price so set. The developer who purchases the credit may deduct
3 the credit from the reserved housing square footage or units
4 required for the developer's major development.

5 For the purpose of this subsection, a transferred or
6 purchased credit:

7 (1) Shall be deductible from the reserved housing square
8 footage or units required for a major development only
9 after a certificate of occupancy is issued for all the
10 excess reserved housing that served as the source of
11 the credit; and

12 (2) Shall expire on the tenth anniversary date of the last
13 certificate of occupancy that is issued for the excess
14 reserved housing that served as the source of the
15 credit.

16 (h) The authority shall adopt rules in accordance with
17 chapter 91 and section 8 of this Act to implement this section.

18 **§206E-B Reserved housing requirements.** (a) This section
19 shall apply to reserved housing units required to be developed
20 in the Kakaako mauka area pursuant to section 206E-A, but not to
21 reserved housing developed with a reserved housing loan issued



1 under part III or to a residential project developed by the
2 authority under section 206E-15.

3 (b) Of the reserved housing units developed for a major
4 development that are offered for sale by the developer to
5 families with incomes of not more than one hundred forty percent
6 of the median income:

7 (1) Fifty per cent shall be subject to shared appreciation
8 and minimum owner-occupancy requirements established
9 by the authority; and

10 (2) The other fifty per cent shall be subject to a minimum
11 one-year owner-occupancy requirement, but no shared
12 appreciation requirement.

13 (c) After December 31, 2014, the minimum percentage of a
14 the countable floor area of a major development that shall be
15 developed and made available for reserved housing units shall be
16 as follows:

17 (1) Twenty-five per cent from January 1, 2015 until
18 December 31, 2019;

19 (2) Thirty per cent from January 1, 2020 until December
20 31, 2024; and

21 (3) Thirty-five per cent from January 1, 2025.



1 (d) The reserved housing requirement for a major
 2 development shall be that applicable on the date a completed
 3 application for a planned development permit or base zone
 4 development permit, as applicable, for the major development is
 5 accepted by the authority."

6 SECTION 3. Section 206E-4, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "**§206E-4 Powers; generally.** Except as otherwise limited
 9 by this chapter, the authority may:

- 10 (1) Sue and be sued;
- 11 (2) Have a seal and alter the same at pleasure;
- 12 (3) Make and execute contracts and all other instruments
 13 necessary or convenient for the exercise of its powers
 14 and functions under this chapter;
- 15 (4) Make and alter bylaws for its organization and
 16 internal management;
- 17 (5) Make rules with respect to its projects, operations,
 18 properties, and facilities, which rules shall be in
 19 conformance with chapter 91;
- 20 (6) Through its executive director appoint officers,
 21 agents, and employees, prescribe their duties and



- 1 qualifications, and fix their salaries, without regard
2 to chapter 76;
- 3 (7) Prepare or cause to be prepared a community
4 development plan for all designated community
5 development districts;
- 6 (8) Acquire, reacquire, or contract to acquire or
7 reacquire by grant or purchase real, personal, or
8 mixed property or any interest therein; to own, hold,
9 clear, improve, and rehabilitate, and to sell, assign,
10 exchange, transfer, convey, lease, or otherwise
11 dispose of or encumber the same;
- 12 (9) Acquire or reacquire by condemnation real, personal,
13 or mixed property or any interest therein for public
14 facilities, including but not limited to streets,
15 sidewalks, parks, schools, and other public
16 improvements;
- 17 (10) By itself, or in partnership with qualified persons,
18 acquire, reacquire, construct, reconstruct,
19 rehabilitate, improve, alter, or repair or provide for
20 the construction, reconstruction, improvement,
21 alteration, or repair of any project; own, hold, sell,
22 assign, transfer, convey, exchange, lease, or



1 otherwise dispose of or encumber any project, and in
2 the case of the sale of any project, accept a purchase
3 money mortgage in connection therewith; and repurchase
4 or otherwise acquire any project [~~which~~] that the
5 authority has [~~theretofore~~] sold or otherwise
6 conveyed, transferred, or disposed of;

7 (11) Arrange or contract for the planning, replanning,
8 opening, grading, or closing of streets, roads,

9 roadways, alleys, or other places, or for the
10 furnishing of facilities or for the acquisition of
11 property or property rights or for the furnishing of
12 property or services in connection with a project;

13 (12) Grant options to purchase any project or to renew any
14 lease entered into by it in connection with any of its
15 projects, on such terms and conditions as it deems
16 advisable;

17 (13) Prepare or cause to be prepared plans, specifications,
18 designs, and estimates of costs for the construction,
19 reconstruction, rehabilitation, improvement,
20 alteration, or repair of any project, and from time to
21 time to modify such plans, specifications, designs, or
22 estimates;



- 1 (14) Provide advisory, consultative, training, and
2 educational services, technical assistance, and advice
3 to any person, partnership, or corporation, either
4 public or private, in order to carry out the purposes
5 of this chapter, and engage the services of
6 consultants on a contractual basis for rendering
7 professional and technical assistance and advice;
- 8 (15) Procure insurance against any loss in connection with
9 its property and other assets and operations in [~~such~~]
10 amounts and from [~~such~~] insurers as it deems
11 desirable;
- 12 (16) Contract for and accept gifts or grants in any form
13 from any public agency or from any other source;
- 14 (17) Do any and all things necessary to carry out its
15 purposes and exercise the powers given and granted in
16 this chapter; and
- 17 (18) Allow satisfaction of any affordable housing
18 requirements imposed by law or the authority upon any
19 proposed development project through the construction
20 of reserved housing[~~7~~] units, as defined in section
21 [~~206E-1017~~] 206E-A, by a person on land located
22 outside the [~~geographic boundaries of the authority's~~



1 ~~jurisdiction. Such substituted housing shall be~~
 2 ~~located on the same island as the development project~~
 3 ~~and shall be substantially equal in value to the~~
 4 ~~required reserved housing units that were to be~~
 5 ~~developed on site. The authority shall establish the~~
 6 ~~following priority in the development of reserved~~
 7 ~~housing:~~

8 ~~(A) Within the] lot of the proposed project, but~~
 9 ~~within the same community development district;~~

10 ~~[(B) Within areas immediately surrounding the~~
 11 ~~community development district;~~

12 ~~(C) Areas within the central urban core;~~

13 ~~(D) In outlying areas within the same island as the~~
 14 ~~development project.] provided that the~~
 15 ~~prohibition of section 206E-31.5(2) shall apply.~~

16 The Hawaii community development authority shall
 17 adopt rules relating to the approval of reserved
 18 housing [~~that are~~] units to be developed outside [~~of a~~
 19 ~~community development district. The rules shall~~
 20 ~~include, but are not limited to, the establishment of~~
 21 ~~guidelines to ensure compliance with the above~~
 22 ~~priorities.] the lot of a proposed project, but within~~



1 the same community development district, in accordance
2 with this paragraph."

3 SECTION 4. Section 206E-7, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§~~**206E-7**~~§~~ **Community development rules.** (a) The
6 authority shall establish community development rules under
7 chapter 91 on health, safety, building, planning, zoning, and
8 land use which, upon final adoption of a community development
9 plan, shall supersede all other inconsistent ordinances and
10 rules relating to the use, zoning, planning, and development of
11 land and construction thereon. Rules adopted under this section
12 shall follow existing law, rules, ordinances, and regulations as
13 closely as is consistent with standards meeting minimum
14 requirements of good design, pleasant amenities, health, safety,
15 and coordinated development. The authority may, in the
16 community development plan or by a community development rule,
17 provide that lands within a community development district shall
18 not be developed beyond existing uses or that improvements
19 thereon shall not be demolished or substantially reconstructed,
20 or provide other restrictions on the use of the lands.

21 (b) Under the rules of the authority, a development shall
22 be subject to the rules in effect at the time a completed



1 application for a base zone development permit or planned
2 development permit, as applicable, is accepted by the authority.

3 The authority shall not:

4 (1) Permit a development to be subject to different rules
5 that were in effect at the time of approval by the
6 authority of a master plan for an area encompassing
7 the development; or

8 (2) Grant exceptions from rules relating to the allowable
9 floor area or reserved housing requirements for a
10 development within an area covered by an approved
11 master plan.

12 A "master plan" means a long-range development plan for an area
13 within a community development district which describes the
14 overall character of the development envisioned within the area
15 and the manner in which development projects shall be
16 implemented.

17 (c) The rules shall require a development within a
18 community development district to be completed within five years
19 of issuance of the base zone development or planned development
20 permit, as applicable. The authority shall define by rule when
21 a development is "completed" for the purpose of this
22 subsection."



1 SECTION 5. Section 206E-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§206E-15 Residential projects; cooperative agreements.**

4 ~~[(a)]~~ If the authority deems it desirable to develop a
5 residential project, it may enter into an agreement with
6 qualified persons to construct, maintain, operate, or otherwise
7 dispose of the residential project. Sale, lease, or rental of
8 dwelling units in the project shall be as provided by the rules
9 established by the authority. The authority may enter into
10 cooperative agreements with the Hawaii housing finance and
11 development corporation for the financing, development,
12 construction, sale, lease, or rental of dwelling units and
13 projects.

14 ~~[(b)]~~ ~~The authority may transfer the housing fees collected~~
15 ~~from private residential developments for the provision of~~
16 ~~housing for residents of low- or moderate-income to the Hawaii~~
17 ~~housing finance and development corporation for the financing,~~
18 ~~development, construction, sale, lease, or rental of such~~
19 ~~housing within or without the community development districts.~~
20 ~~The fees shall be used only for projects owned by the State or~~
21 ~~owned or developed by a qualified nonprofit organization. For~~
22 ~~the purposes of this section, "nonprofit organization" means a~~



1 ~~corporation, association, or other duly chartered organization~~
2 ~~registered with the State, which organization has received~~
3 ~~charitable status under the Internal Revenue Code of 1986, as~~
4 ~~amended.]"~~

5 SECTION 6. Section 206E-33, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§206E-33 Kakaako community development district;**
8 **development guidance policies.** The following shall be the
9 development guidance policies generally governing the
10 authority's action in the Kakaako community development
11 district:

12 (1) Development shall result in a community [~~which~~] that
13 permits an appropriate land mixture of residential,
14 commercial, industrial, and other uses. In view of
15 the innovative nature of the mixed use approach, urban
16 design policies should be established to provide
17 guidelines for the public and private sectors in the
18 proper development of this district; while the
19 authority's development responsibilities apply only to
20 the area within the district, the authority may engage
21 in any studies or coordinative activities permitted in
22 this chapter [~~which~~] that affect areas lying outside



1 the district, where the authority in its discretion
2 decides that those activities are necessary to
3 implement the intent of this chapter. The studies or
4 coordinative activities shall be limited to facility
5 systems, resident and industrial relocation, and other
6 activities with the counties and appropriate state
7 agencies. The authority may engage in construction
8 activities outside of the district; provided that
9 [~~such~~] the construction relates to infrastructure
10 development or residential or business relocation
11 activities; provided further, notwithstanding section
12 206E-7, that such construction shall comply with the
13 general plan, development plan, ordinances, and rules
14 of the county in which the district is located;

15 (2) Existing and future industrial uses shall be permitted
16 and encouraged in appropriate locations within the
17 district. No plan or implementation strategy shall
18 prevent continued activity or redevelopment of
19 industrial and commercial uses [~~which~~] that meet
20 reasonable performance standards;

21 (3) Activities shall be located [~~so as~~] to provide primary
22 reliance on public transportation and pedestrian



- 1 facilities for internal circulation within the
2 district or designated subareas;
- 3 (4) Major view planes, view corridors, and other
4 environmental elements such as natural light and
5 prevailing winds, shall be preserved through necessary
6 regulation and design review;
- 7 (5) Redevelopment of the district shall be compatible with
8 plans and special districts established for the Hawaii
9 Capital District, and other areas surrounding the
10 Kakaako district;
- 11 (6) Historic sites and culturally significant facilities,
12 settings, or locations shall be preserved;
- 13 (7) Land use activities within the district, where
14 compatible, shall to the greatest possible extent be
15 mixed horizontally, that is, within blocks or other
16 land areas, and vertically, as integral units of
17 multi-purpose structures;
- 18 (8) Residential development may require a mixture of
19 densities, building types, and configurations in
20 accordance with appropriate urban design guidelines[+]
21 and the integration both vertically and horizontally
22 of residents of varying incomes, ages, and family



1 groups [~~;~~ and an increased supply of housing for
2 residents of low or moderate income may be required as
3 a condition of redevelopment in residential use.];
4 provided that the reserved housing requirements of
5 section 206E-A shall be imposed upon a major
6 development when applicable. Residential development
7 shall provide necessary community facilities, such as
8 open space, parks, community meeting places, child
9 care centers, and other services, within and adjacent
10 to residential development; and

11 (9) Public facilities within the district shall be
12 planned, located, and developed [~~so as~~] to support the
13 redevelopment policies for the district established by
14 this chapter and plans and rules adopted pursuant to
15 it."

16 SECTION 7. Section 206E-101, Hawaii Revised Statutes, is
17 amended by amending the definition of "reserved housing" to read
18 as follows:

19 ""Reserved housing" means [~~housing designated for residents~~
20 ~~in the low or moderate income ranges who meet such~~] a reserved
21 housing unit, as defined under section 206E-A, developed and
22 made available for purchase by a family that has a household



1 income of not more than one hundred forty per cent of the area
2 median income and that meets other eligibility requirements as
3 the authority may adopt by rule."

4 SECTION 8. The Hawaii community development authority
5 shall adopt new or amendatory rules to implement this Act
6 without regard to the public notice and public hearing
7 requirements of section 91-3, Hawaii Revised Statutes, or the
8 small business impact review requirements of chapter 201M,
9 Hawaii Revised Statutes. The authority shall adopt the rules
10 before January 1, 2010. Any subsequent amendment of the rules
11 adopted pursuant to this section shall be subject to all
12 applicable provisions of chapter 91 and chapter 201M, Hawaii
13 Revised Statutes.

14 SECTION 9. (a) From the effective date of this Act until
15 the effective date of the new or amendatory rules adopted
16 pursuant to section 8, the Hawaii community development
17 authority shall not accept any planned development permit
18 application for a planned development on a lot of at least one
19 acre.

20 (b) From the effective date of the new or amendatory rules
21 adopted pursuant to section 8, the Hawaii community development



1 authority may accept any planned development permit application
2 for a planned development on a lot of at least one acre.

3 (c) From the effective date of this Act, the Hawaii
4 community development authority may accept any planned
5 development permit application for a planned development with
6 multi-family dwelling units on a lot of between twenty thousand
7 and 43,559 square feet. The reserved housing unit requirement
8 for such a planned development shall be subject to the statutes
9 and rules in effect on the date of the permit application.

10 (d) Any planned development permit application pending on
11 the effective date of this Act, shall not be subject to this Act
12 or rules adopted pursuant to section 8. The planned development
13 shall be subject to the statutes and rules in effect on the date
14 of the planned development permit application.

15 SECTION 10. (a) This section shall apply only to a major
16 development on a lot of at least one acre that is not a planned
17 development.

18 (b) From the effective date of this Act until the
19 effective date of the new or amendatory rules adopted pursuant
20 to section 8, the Hawaii community development authority shall
21 prohibit the developer of a major development subject to



1 subsection (a) from submitting a building permit application to
2 the city and county of Honolulu.

3 (c) From the effective date of the new or amendatory rules
4 adopted pursuant to section 8, the Hawaii community development
5 authority shall allow the developer of a major development
6 subject to subsection (a) to submit a building permit
7 application for the major development to the city and county of
8 Honolulu.

9 (d) Any major development subject to this section, the
10 building permit application for which is pending on the
11 effective date of this Act, shall not be subject to this Act or
12 rules adopted pursuant to section 8. Such a major development
13 shall be subject to the statutes and rules in effect on the date
14 of the building permit application.

15 SECTION 11. (a) Title 15, subtitle 4, chapter 22, Hawaii
16 Administrative Rules, is repealed.

17 (b) From the effective date of this Act, the Hawaii
18 community development authority shall not:

19 (1) Approve any master plan, the application for which is
20 pending on the effective date of this Act;

21 (2) Accept any master plan application;

22 (3) Amend any master plan previously approved; or



1 (4) Extend the period of validity of any master plan
2 previously approved.

3 SECTION 12. This Act shall apply to the unbuilt portion of
4 a major development within the area of an approved master plan
5 which was pending on the effective date of this Act.

6 If the major development is a planned development, the
7 major development shall be subject to this Act, as may be
8 amended, and any implementing rules as existing on the date of
9 application for the planned development permit.

10 If the major development is not a planned development, the
11 major development shall be subject to this Act, as may be
12 amended, and any implementing rules as existing on the date of
13 application for the first building permit for the major
14 development.

15 SECTION 13. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 14. This Act shall take effect upon its approval.

18

INTRODUCED BY:

Calvin K. Boy

JAN 26 2009



Report Title:

Kakaako Community Development District, Mauka Area; Reserved Housing

Description:

Increases the reserved housing requirement for a major development on a lot of at least one acre in the Kakaako community development district, mauka area. Makes other amendments.

