

JAN 23 2009

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. 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



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.

