
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 legislature finds that more reserved
2 housing units are needed in the Kakaako mauka area. Time is
3 critical in the development of housing projects and delays in
4 obtaining the necessary approvals or the requirement of multiple
5 governmental approvals may jeopardize projects. Currently,
6 planned development projects requiring either a consolidation or
7 subdivision of land must seek approvals from both the Hawaii
8 community development authority and the city and county of
9 Honolulu.

10 The purpose of this Act is to authorize the Hawaii
11 community development authority to process an application for
12 subdivision and consolidation of land for a planned development
13 project:

14 (1) On a development lot between 20,000 and 80,000 square
15 feet with at least twenty per cent of the total number
16 of dwelling units in the project reserved for sale or

1 rental to qualified persons as determined by the
2 authority; and

3 (2) On a development lot greater than 80,000 square feet
4 with at least twenty-five per cent of the total number
5 of dwelling units in the project reserved for sale or
6 rental to qualified persons as determined by the
7 authority.

8 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§206E- Planned development project; reserved housing;
12 subdivision and consolidation of land. (a) Every applicant for
13 a planned development containing multi-family dwelling units on
14 development lots of between 20,000 and 80,000 square feet shall
15 reserve at least twenty per cent of the total number of dwelling
16 units in the project for sale or rental to qualified persons as
17 determined by the authority.

18 (b) Every applicant for a planned development containing
19 multi-family dwelling units on development lots greater than
20 80,000 square feet shall reserve at least twenty-five per cent
21 of the total number of dwelling units in the project for sale or
22 rental to qualified persons as determined by the authority.

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(c) Notwithstanding any law to the contrary, the authority shall process and take action on an application for subdivision and consolidation of land for a planned development project:

(1) On a development lot of between 20,000 to 80,000 square feet with at least twenty per cent of the total number of dwelling units in the project reserved for sale or rental to qualified persons as determined by the authority; and

(2) On a development lot greater than 80,000 square feet with at least twenty-five per cent of the total number of dwelling units in the project reserved for sale or rental to qualified persons as determined by the authority.

(d) For any planned development project described in subsection (c), the following review periods shall apply:

(1) Project eligibility review shall be completed by the:
(A) City and county of Honolulu and any other governmental agency within thirty days; and
(B) Authority within forty-five days after receipt of the application for a planned development, at

1 which time a written project eligibility
2 determination shall be issued to the applicant;
3 (2) Action on the application for a planned development
4 shall be taken by the authority within forty-five days
5 after the date the authority issues a written project
6 eligibility determination; provided that the
7 application shall be deemed approved if no decision is
8 made by the authority in granting or denying the
9 application within the forty-five day time period; and
10 (3) Action on the application for subdivision or
11 consolidation of land shall be taken by the authority
12 within ninety days after the date the application for
13 subdivision or consolidation is deemed complete by the
14 authority. If an applicant for a planned development
15 project described in subsection (c) requires
16 subdivision or consolidation approval, the application
17 for subdivision or consolidation shall be submitted
18 together with the planned development application.
19 The application shall be deemed approved if no
20 decision is made by the authority in granting or
21 denying the application within the ninety-day time
22 period.

1 (e) The authority shall adopt rules pursuant to chapter 91
2 for the purposes of this section."

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

5 "**§206E-4 Powers; generally.** Except as otherwise limited
6 by this chapter, the authority may:

- 7 (1) Sue and be sued;
- 8 (2) Have a seal and alter the same at pleasure;
- 9 (3) Make and execute contracts and all other instruments
10 necessary or convenient for the exercise of its powers
11 and functions under this chapter;
- 12 (4) Make and alter bylaws for its organization and
13 internal management;
- 14 (5) Make rules with respect to its projects, operations,
15 properties, and facilities, which rules shall be in
16 conformance with chapter 91;
- 17 (6) Through its executive director appoint officers,
18 agents, and employees, prescribe their duties and
19 qualifications, and fix their salaries, without regard
20 to chapter 76;

- 1 (7) Prepare or cause to be prepared a community
2 development plan for all designated community
3 development districts;
- 4 (8) Acquire, reacquire, or contract to acquire or
5 reacquire by grant or purchase real, personal, or
6 mixed property or any interest therein; to own, hold,
7 clear, improve, and rehabilitate, and to sell, assign,
8 exchange, transfer, convey, lease, or otherwise
9 dispose of or encumber the same;
- 10 (9) Acquire or reacquire by condemnation real, personal,
11 or mixed property or any interest therein for public
12 facilities, including but not limited to streets,
13 sidewalks, parks, schools, and other public
14 improvements;
- 15 (10) By itself, or in partnership with qualified persons,
16 acquire, reacquire, construct, reconstruct,
17 rehabilitate, improve, alter, or repair or provide for
18 the construction, reconstruction, improvement,
19 alteration, or repair of any project; own, hold, sell,
20 assign, transfer, convey, exchange, lease, or
21 otherwise dispose of or encumber any project, and in
22 the case of the sale of any project, accept a purchase

1 money mortgage in connection therewith; and repurchase
2 or otherwise acquire any project which the authority
3 has theretofore sold or otherwise conveyed,
4 transferred, or disposed of;

5 (11) Arrange or contract for the planning, replanning,
6 opening, grading, or closing of streets, roads,
7 roadways, alleys, or other places, or for the
8 furnishing of facilities or for the acquisition of
9 property or property rights or for the furnishing of
10 property or services in connection with a project;

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

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

21 (14) Provide advisory, consultative, training, and
22 educational services, technical assistance, and advice

- 1 to any person, partnership, or corporation, either
2 public or private, in order to carry out the purposes
3 of this chapter, and engage the services of
4 consultants on a contractual basis for rendering
5 professional and technical assistance and advice;
- 6 (15) Procure insurance against any loss in connection with
7 its property and other assets and operations in such
8 amounts and from such insurers as it deems desirable;
- 9 (16) Contract for and accept gifts or grants in any form
10 from any public agency or from any other source;
- 11 (17) Do any and all things necessary to carry out its
12 purposes and exercise the powers given and granted in
13 this chapter; [~~and~~]
- 14 (18) Allow satisfaction of any affordable housing
15 requirements imposed by the authority upon any
16 proposed development project through the construction
17 of reserved housing, as defined in section 206E-101,
18 by a person on land located outside the geographic
19 boundaries of the authority's jurisdiction. Such
20 substituted housing shall be located on the same
21 island as the development project and shall be
22 substantially equal in value to the required reserved

1 housing units that were to be developed on site. The
2 authority shall establish the following priority in
3 the development of reserved housing:

- 4 (A) Within the community development district;
5 (B) Within areas immediately surrounding the
6 community development district;
7 (C) Areas within the central urban core;
8 (D) In outlying areas within the same island as the
9 development project.

10 The Hawaii community development authority shall
11 adopt rules relating to the approval of reserved
12 housing that are developed outside of a community
13 development district. The rules shall include, but
14 are not limited to, the establishment of guidelines to
15 ensure compliance with the above priorities~~[]~~; and

16 (19) Process and take action on an application for
17 subdivision and consolidation of land for a planned
18 development project:

- 19 (A) On a development lot of between 20,000 and 80,000
20 square feet with at least twenty per cent of the
21 total number of dwelling units in the project

1 reserved for sale or rental to qualified persons
2 as determined by the authority; and
3 (B) On a development lot greater than 80,000 square
4 feet with at least twenty-five per cent of the
5 total number of dwelling units in the project
6 reserved for sale or rental to qualified persons
7 as determined by the authority."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

Report Title:

Hawaii Community Development Authority; Planned Development;
Reserved Housing

Description:

Authorizes the Hawaii community development authority to process an application for subdivision and consolidation of land for planned development projects on development lots between 20,000 to 80,000 square feet with at least twenty per cent of the total number of dwelling units in the project reserved for sale or rental to qualified persons, and on development lots greater than 80,000 square feet with at least twenty-five per cent of the total number of dwelling units in the project reserved for sale or rental to qualified persons; requires the authority to adopt rules. (SD1)