

STAND. COM. REP. NO.

44

Honolulu, Hawaii

Feb 6, 2009

RE: H.B. No. 357

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Housing, to which was referred H.B. No. 357
entitled:

"A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,"

begs leave to report as follows:

The purpose of this bill is to knock down government barriers to building more affordable housing by clarifying the authority of counties and state planning agencies to hire third parties to handle permits and review approvals and to limit the liability of these third-party reviewers.

The Office of Hawaiian Affairs, Housing Hawaii, EAH Housing, the Hawaii Developers' Council, The Chamber of Commerce of Hawaii, Kamehameha Schools, and the Land Use Research Foundation of Hawaii supported this bill. The Hawaii Housing Finance and Development Corporation supported the intent of this measure. The Affordable Housing Regulatory Barriers Task Force supported this bill with amendments. The Department of Planning and Permitting of the City and County of Honolulu and the American Civil Liberties Union of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Removing the provision allowing the State or a county to contract with third-party reviewers only when there is a need for services to review affordable housing development project and permit applications and the

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estimated time necessary with current staff to complete the reviews is longer than 45 days from the time the project or permit application was submitted to the State or a county;

- (2) Including gross negligence as one of the instances where third-party reviewers are not immune from liability when providing services to the State or a county;
- (3) Deleting language limiting the application of this bill only to instances where reviews are not currently conducted by civil service employees, to allow situations where reviews are conducted by both civil service employees and third-party reviewers; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 357, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 357, H.D. 1, and be referred to the Committee on Labor & Public Employment.

Respectfully submitted on
behalf of the members of the
Committee on Housing,



RIDA CABANILLA, Chair



Record of Votes of the Committee on Housing

Bill/Resolution No.: HB 357	Committee Referral: HSG, LAB, FIN	Date: 2-4-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSG Members	Ayes	Ayes (WR)	Nays	Excused
1. CABANILLA, Rida (C)	X			
2. CHONG, Pono (VC)	X			
3. CHANG, Jerry L.	X			
4. COFFMAN, Denny	X			
5. HAR, Sharon E.	X			
6. HERKES, Robert N.				X
7. ITO, Ken	X			
8. LEE, Chris	X			
9. LUKE, Sylvia	X			
10. MORITA, Hermina M.				X
11. SAGUM, Roland D., III	X			
12. CHING, Corinne W.L.	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	11			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
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