

TESTIMONY
SB2110, SD1
LATE



LATE TESTIMONY

EXECUTIVE CHAMBERS HONOLULU

LINDA LINGLE
GOVERNOR

Testimony of
Linda L. Smith
Senior Policy Advisor to the Governor

Before the
SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, & HAWAIIAN AFFAIRS

Wednesday, February 17, 2010, 2:45 PM
State Capitol, Room 229

S.B. 2110 SD1 RELATING TO AFFORDABLE HOUSING

Chair Hee, Vice Chair Tokuda, and members of the Committee:

The Administration supports the intent of SB 2110 SD1 and recommends that the bill be **amended** to the bill language as it read at the time of introduction. The SD1 provides for the expedited construction of affordable housing by creating a 60-day timeframe for the issuance of non-discretionary ministerial permits for approved affordable housing projects.

The Administration strongly supports the creation of a standard timeframe for permit issuance for affordable housing. Although currently there is a process in place that allows government agencies to approve affordable housing project proposals through an expedited track, ministerial permits that are issued subsequent to project approval may take significant amounts of time before they are issued. The current regulatory system for the construction of a housing project in Hawaii can take seven years or more to complete from the initial presentation of a project, to construction. Therefore, standard timeframes can serve as an important guide for government agencies.

The Administration prefers that the bill be amended to establish a 45-day timeframe as proposed in the original bill and in the Administration-sponsored bill, SB

2679. A 45-day timeframe is based on a proposal developed over an eighteen month period by the Affordable Housing Regulatory Barriers Task Force, which was made up of stakeholders such as affordable housing developers, nonprofit organizations, academics, legislators, and state and county housing and planning agencies.

Therefore, we recommend that section 2 of the bill be amended to read:

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

"§201H- Ministerial permits; state and county review deadline. (a) State and county agencies shall issue any ministerial permit associated with any project approved pursuant to section 201H-38 or section 46-15.1 within **forty-five** days from the date of receipt of a permit application deemed to be complete by the receiving state or county agency.

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

Thank you for the opportunity to provide testimony on this measure.

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



LATE TESTIMONY

KAULANA H. R. PARK
CHAIRMAN
HAWAIIAN HOMES COMMISSION

ANITA S. WONG
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
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TESTIMONY OF KAULANA H. R. PARK, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON WATER, LAND, AGRICULTURE AND
HAWAIIAN AFFAIRS
ON SB 2110 RELATING TO AFFORDABLE HOUSING

February 17, 2010

Chair Hee and Members of the Committees:

The Hawaiian Homes Commission and Department of Hawaiian Home Lands support SB 2110 which helps expedite permitting processes to support affordable housing projects.

DHHL is the state's largest housing developer and our agency has observed firsthand how the permitting process can delay construction of affordable homes and, in turn, delay a family's home ownership opportunity. I respectfully urge your committees to pass legislation like this that assists in the construction of much needed affordable units in Hawai'i. SB 2110 will support projects on Hawaiian home lands as well as other affordable housing projects throughout the state.

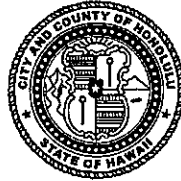
Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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LATE TESTIMONY

MUFI HANNEMANN
MAYOR



DAVID K. TANOUÉ
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

February 17, 2010

The Honorable Clayton Hee, Chair
and Members of the Committee on Water, Land,
Agriculture, and Hawaiian Affairs
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

**Subject: Senate Bill No. 2110, SD1
Relating to Affordable Housing**

The Department of Planning and Permitting has **serious concerns** regarding Senate Bill No. 2110, SD1. Although the SD1 amendments address some of the concerns identified in our testimony for the hearing on the original version of the measure, the bill continues to impose a deadline on counties for issuance of any ministerial permit for an affordable housing project.

The deadline imposition impinges on the counties' ability to perform the necessary reviews to ensure that a project satisfies all the applicable statutory requirements and receives a properly issued permit. In order to meet the deadline, the counties may need to forego some reviews or rush reviews with the probability of mistakes happening that could compromise public health and safety. As a result, the counties may be exposed to increased liability. To protect against this liability, the bill should be amended by adding the following subsection:

(c) No lawsuit or action shall be prosecuted or maintained against the counties, its officials and employees for actions taken to review and issue any ministerial permit within the deadline specified in this section.

Accordingly, we continue to object to Senate Bill No. 2110, SD1 and recommend that it be amended as indicated above, or otherwise be filed.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:
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TESTIMONY
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(END)