
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that affordable housing
2 continues to be one of the State's most significant and
3 challenging social problems. As the cost of housing increases,
4 the State must continue to assist residents in obtaining
5 affordable housing while balancing fiscal restrictions.

6 In 2011, the home for life task force, established pursuant
7 to S.C.R. 7, S.D. 1 (2009) and amended by H.C.R. 13 (2010),
8 found that accessory dwelling units hold enormous potential to
9 support affordable housing in addition to supporting
10 multigenerational living, aging in place, smart growth, and the
11 revitalization of the construction industry.

12 An accessory dwelling unit is a separate additional living
13 unit either attached or detached from the primary residential
14 unit. Accessory dwelling units provide a legal alternative to
15 illegal rental units and are similar to ohana dwelling units,
16 but with less restrictions, particularly, the absence of the
17 requirement that the unit be rented to a family member only.
18 This allows families to pool their resources while living



1 together, yet provides them the flexibility to rent their
2 accessory dwelling unit to anyone if a family member vacates it.

3 In addition, existing government policies and personnel may
4 readily be adapted to administer accessory dwelling units with
5 minimal changes. Ohana zones have been mapped to identify where
6 accessory dwelling units may be added. Newly created accessory
7 dwelling units may use existing utility and roadway
8 infrastructure without requiring government subsidies. At the
9 same time, the new construction may increase property tax
10 revenue, permit fees, and sewer fees.

11 The legislature further finds that accessory dwelling units
12 support the elderly by providing a supplemental source of rental
13 income or the option of a companion living arrangement where
14 reduced rent is exchanged for assistance.

15 The legislature finds that requiring the counties to allow
16 for the construction of accessory dwelling units will reduce the
17 market for illegal dwelling units, increase the supply of
18 affordable housing, provide families with additional housing
19 flexibility, provide opportunities to revitalize the
20 construction industry, and increase tax revenues.



1 The purpose of this Act is to require the counties to allow
2 the construction of accessory dwelling units on lots where a
3 residential dwelling unit is permitted.

4 SECTION 2. Section 46-4, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (c) to read:

7 "(c) Each county may adopt reasonable standards to allow
8 the construction of two single-family dwelling units and shall
9 adopt reasonable standards to allow the construction of one
10 single-family dwelling unit and one accessory dwelling unit on
11 any lot where a residential dwelling unit is permitted."

12 2. By amending subsection (f) to read:

13 "(f) For purposes of this section:

14 "Accessory dwelling unit" means a separate additional
15 dwelling unit, including separate kitchen, bedroom, and bathroom
16 facilities, attached or detached from the primary residential
17 dwelling unit.

18 "Clean and sober home" means a house that is operated
19 pursuant to a program designed to provide a stable environment
20 of clean and sober living conditions to sustain recovery and
21 that is shared by unrelated adult persons who:

22 (1) Are recovering from substance abuse;



1 (2) Share household expenses; and

2 (3) Do not require twenty-four-hour supervision,
3 rehabilitation, or therapeutic services or care in the
4 home or on the premises;

5 provided that the home shall meet all applicable laws, codes,
6 and rules of the counties and State.

7 "Developmentally disabled person" means a person suffering
8 from developmental disabilities as defined under section 333F-1.

9 "Disabled person" means a person with a disability as
10 defined under section 515-2.

11 "Drug rehabilitation home" means:

12 (1) A residential treatment facility that provides a
13 therapeutic residential program for care, diagnosis,
14 treatment, or rehabilitation for socially or
15 emotionally distressed persons, mentally ill persons,
16 persons suffering from substance abuse, and
17 developmentally disabled persons; or

18 (2) A supervised living arrangement that provides mental
19 health services, substance abuse services, or
20 supportive services for individuals or families who do
21 not need the structure of a special treatment facility
22 and are transitioning to independent living;



1 provided that drug rehabilitation homes shall not include
2 halfway houses or clean and sober homes.

3 "Elder" means an elder as defined under section 356D-1.

4 "Halfway house" means a group living facility for people
5 who:

6 (1) Have been released or are under supervised release
7 from a correctional facility;

8 (2) Have been released from a mental health treatment
9 facility; or

10 (3) Are receiving substance abuse or sex offender
11 treatment; and

12 are housed to participate in programs that help them readjust to
13 living in the community.

14 "Intermediate care facility for individuals with
15 intellectual disabilities in the community" means an
16 identifiable unit providing residence and care for eight or
17 fewer individuals with intellectual disabilities. Its primary
18 purpose is the provision of health, social, and rehabilitation
19 services to the individuals with intellectual disabilities
20 through an individually designed active treatment program for
21 each resident. No person who is predominantly confined to bed
22 shall be admitted as a resident of such a facility.



1 "Mental health treatment facility" means a psychiatric
2 facility or special treatment facility as defined under section
3 334-1.

4 "Mentally ill person" has the same meaning as defined under
5 section 334-1.

6 "Totally disabled person" means a "person totally disabled"
7 as defined under section 235-1.


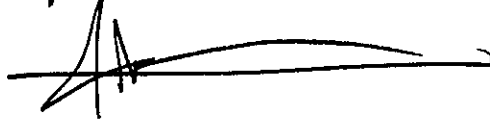
8 "Treatment program" means a "substance abuse program" or
9 "treatment program", as those terms are defined under section
10 353G-2."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY:

JAN 22 2013



H.B. NO. 738

Report Title:

Counties; Land Use; Accessory Dwelling Units

Description:

Requires the counties to allow the construction of accessory dwelling units on lots where a residential dwelling unit is permitted.

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