
HOUSE CONCURRENT RESOLUTION

URGING THE COUNTIES TO CONTINUE TO IMPLEMENT SECTION 46-15.1, HAWAII REVISED STATUTES (ACT 141, SESSION LAWS OF HAWAII 2009, AS AMENDED), TO FACILITATE THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS PLANNED BY THE DEPARTMENT OF HAWAIIAN HOME LANDS.

1 WHEREAS, the intent of Act 141, Session Laws of Hawaii 2009
2 (Act 141), was to stimulate the development of affordable
3 housing by the Department of Hawaiian Home Lands and provide a
4 more reasonable and convenient means of satisfying the housing
5 requirements of the Department by enhancing the feasibility of
6 projects with large affordable housing requirements; and

7
8 WHEREAS, Act 141 amended the counties' statutory housing
9 powers under section 46-15.1, Hawaii Revised Statutes, by
10 requiring each county to issue affordable housing credits to the
11 Department of Hawaiian Home Lands with respect to existing or
12 future Hawaiian home lands projects upon the request for these
13 credits by the Department; and

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15 WHEREAS, the affordable housing credits are transferrable
16 and are required to be issued on a one-unit-for-one-unit basis;
17 and

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19 WHEREAS, these affordable housing credits may be applied
20 county-wide within the same county in which the credits were
21 earned and may be used to satisfy affordable housing obligations
22 imposed by a county on market-priced residential and non-
23 residential developments; and

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25 WHEREAS, Act 141 was intended to precipitate the building
26 of more affordable housing through the Department of Hawaiian
27 Home Lands; and

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29 WHEREAS, the Department has over twenty thousand families
30 on the waitlist, and Act 141 was intended to provide affordable



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1 housing to these families in order to free existing housing
2 units to the general public; and

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4 WHEREAS, furthermore, Act 141 was expected to have
5 additional positive residual effects, such as increasing
6 employment in the construction industry, and more effectively
7 meeting the high demand for affordable housing units in the
8 State; and

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10 WHEREAS, subsequently, the Legislature passed Act 98,
11 Session Laws of Hawaii 2012 (Act 98), to further amend the
12 counties' affordable housing credits to the Department of
13 Hawaiian Home Lands; and

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15 WHEREAS, the Department of Hawaiian Home Lands stated that
16 since the passage of Act 141, the Department has worked with
17 each county to request and acquire affordable housing credits
18 for completed units in the Department's homestead communities;
19 and

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21 WHEREAS, despite the Department's efforts, Act 98 was
22 needed to clarify the use of the affordable housing credits
23 because the affordable housing requirements varied from county
24 to county and impacted the Department of Hawaiian Home Lands in
25 disparate ways; and

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27 WHEREAS, Act 98 provided the following:

28
29 (1) Clarified that the affordable housing credits shall be
30 issued for each single-family residence, multi-family
31 unit, or other residential unit, or if allowed under
32 the county's affordable housing programs, vacant lot,
33 developed by the Department of Hawaiian Home Lands;

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35 (2) Provided that county-wide and project-specific housing
36 class, use, or type requirements, among other
37 requirements, shall not be applied to impair,
38 restrict, or condition the county's obligation to
39 apply the credits in full satisfaction of all county
40 requirements; and

41
42 (3) Defined "affordable housing obligation"; and
43



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1 WHEREAS, in 2009, the Legislature adopted Senate Concurrent
2 Resolution No. 132, S.D. 1, which established the construction
3 industry task force (task force) to determine the economic value
4 of the construction industry in Hawaii; and

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6 WHEREAS, as directed in the Concurrent Resolution, the task
7 force was charged with developing a series of recommendations to
8 stimulate the construction industry and create new jobs in the
9 local construction industry; and

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11 WHEREAS, introducing a resolution to urge the acceptance
12 and implementation of Act 141 by the counties to facilitate the
13 development of affordable housing planned by the Department of
14 Hawaiian Home Lands was one of the task force's recommendations;
15 and

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17 WHEREAS, to date, no such resolution was introduced and
18 adopted by the Legislature; and

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20 WHEREAS, furthermore, under Act 141, as amended, the
21 counties' statutory housing powers with respect to issuing
22 affordable housing credits to the Department of Hawaiian Home
23 Lands will be repealed on June 30, 2015, making the
24 implementation of Act 141 even more urgent; now, therefore,

25
26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-seventh Legislature of the State of Hawaii, Regular
28 Session of 2014, the Senate concurring, that the counties are
29 urged to continue to implement section 46-15.1, Hawaii Revised
30 Statutes (Act 141, Session Laws of Hawaii 2009, as amended), to
31 facilitate the development of affordable housing planned by the
32 Department of Hawaiian Home Lands; and

33
34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Chairperson of the
36 Hawaiian Homes Commission, Mayor of the County of Hawaii, Mayor
37 of the City and County of Honolulu, Mayor of the County of
38 Kauai, Mayor of the County of Maui, Housing Administrator of the
39 Office of Housing and Community Development of the County of
40 Hawaii, Director of the Department of Planning and Permitting of
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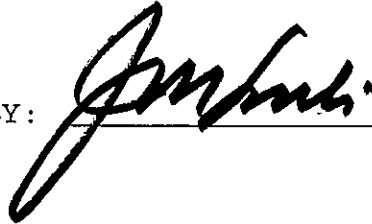


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1 the City and County of Honolulu, Director of the Kauai County
2 Housing Agency, and Director of the Department of Planning of
3 the County of Maui.

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OFFERED BY:

A handwritten signature in black ink, appearing to read "J. Smith", written over a horizontal line.

By Request

JAN 16 2014

