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# 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 established the Hawaii  
2 community development authority in 1976 as a public entity to  
3 plan new and innovative forms of urban redevelopment and renewal  
4 to meet certain community needs, especially the provision of low  
5 and moderate income housing located in residential and mixed-use  
6 areas with sufficient public facilities and services. To ensure  
7 that comprehensive and coordinated development plans were  
8 executed by and for the community, the authority was explicitly  
9 required to engage affected communities in area development  
10 plans and projects. However the legislature finds that in the  
11 over thirty-seven years since its creation, the authority has  
12 not fulfilled the policies and purposes set out for it by the  
13 legislature. Development projects that do not comply either  
14 with legislative goals or the applicable development plans  
15 established for community development districts have been  
16 permitted, sometimes on an accelerated basis. The approval  
17 processes for proposed projects also lack both accountability  
18 and transparency to the detriment of the communities affected.



1           The legislature finds that, in accord with the intent of  
2 the legislature in establishing the Hawaii community development  
3 authority, community development plans should be implemented in  
4 recognition of existing uses and according to minimum  
5 requirements for good planning and design to preserve public  
6 health and safety, ensure access to sufficient public services,  
7 and avoid unintended effects on public resources and the human  
8 environment. Community development plans are intended to be  
9 adopted in consideration of community engagement and, once  
10 adopted, are intended to be strictly followed, particularly in  
11 regards to density, infrastructure, and affordable housing  
12 requirements.

13           The legislature finds that renewal and redevelopment of  
14 residential areas provide stability to existing neighborhoods  
15 and encourage compatible land uses that promote the unique  
16 character of Hawaii, including through renovation and  
17 restoration of existing historical neighborhoods and structures  
18 that might otherwise deteriorate. Innovative planning and  
19 creative development strategies ensure that urban redevelopment  
20 fulfils the intent of the legislature in creating the authority;  
21 meets community needs; and accommodates resident, commercial,



1 and visitor needs including for sanitation, schools, hospitals  
2 and emergency services, and parks and open space.

3 The legislature also finds that support for multiple modes  
4 of transportation and circulation patterns that are consistent  
5 with the needs of residents, businesses, and visitors will make  
6 redeveloped urban areas more accessible and attractive because  
7 of the efficient flow of pedestrian, bicycle, and vehicular  
8 traffic within the area. Building design, architectural  
9 elements, and landscape elements can be used to facilitate  
10 pedestrian and other non-vehicular traffic that complements  
11 Hawaii's tropical climate while acknowledging the urban setting.

12 Finally, the legislature finds that urban redevelopment  
13 should provide adequate, functional, and accessible view planes,  
14 historic and cultural resources, and parks and open spaces  
15 containing generous landscaping to offset high density.

16 The purpose of this Act is to specify mandatory, statewide  
17 redevelopment policies and processes for urban areas to ensure  
18 that redevelopment projects serve all of Hawaii's residents,  
19 particularly by providing sufficient affordable housing and  
20 needed community services while minimizing real estate  
21 speculation.



1 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4 "§206E- Contested case hearing; judicial review. Any  
5 person adversely affected by an action or decision of the  
6 authority may file a petition for a contested case hearing on  
7 the authority's action or decision. Any contested case hearing  
8 shall be held in accordance with chapter 91."

9 SECTION 3. Section 206E-5, Hawaii Revised Statutes, is  
10 amended by amending subsection (f) to read as follows:

11 "(f) The authority [~~may~~] shall adopt and amend the  
12 community development plan [~~as may be necessary. Amendments~~  
13 ~~shall be made in accordance with chapter 91.~~] only as authorized  
14 by the legislature."

15 SECTION 4. Section 206E-5.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§206E-5.5[+] Community engagement and public notice  
18 requirements; informative and timely posting on the authority's  
19 website; required. (a) The authority shall adopt community  
20 engagement and public notice procedures pursuant to chapter 91  
21 that shall include at a minimum:



- 1           (1) A means to effectively engage the community in which  
2           the authority is planning a [~~development~~] project to  
3           ensure that community concerns are received and  
4           considered, and, where appropriate, modifications are  
5           incorporated into the plans for the project by the  
6           authority[+] through working with residents and  
7           landowners in the community in which a project is  
8           proposed to be located to ensure that the area plan  
9           and development rules are followed and that proposed  
10           projects do not adversely affect the community or its  
11           residents or businesses;
- 12           (2) The posting of the authority's proposed plans for  
13           development of community development districts,  
14           including plans for redevelopment projects, which  
15           shall include details of any proposed projects as well  
16           as public hearing notices[+] and minutes of its  
17           proceedings on the authority's website; provided that  
18           the authority shall mail copies of all documents  
19           required by this paragraph to property owners and  
20           residents of the affected community upon request; and
- 21           (3) Any other information that the public may [~~find~~  
22           useful] request so that it may meaningfully



1           participate in the authority's decision-making  
2           processes.

3           (b) ~~[The]~~ Upon receipt of any new development proposal,  
4 the authority shall notify [the president of the senate and  
5 speaker of the house.] all members of the legislature and the  
6 appropriate city or county council members who represent the  
7 district in which the proposed project is to be located and  
8 shall transmit to them:

9           (1) A copy of the project proposal and application;

10          (2) A copy of the proposed project's environmental  
11 assessment or environmental impact statement, which  
12 may be provided electronically;

13          (3) The recommendations of the authority's executive  
14 director regarding the proposed project; and

15          ~~[-1-]~~ ~~0f]~~ (4) Notice of any public hearing upon posting of  
16 the hearing notice [; and

17          ~~-2- With a] .~~

18          (c) At least two weeks prior to a decision-making hearing  
19 on the proposed project, a report detailing the public's  
20 [reaction at the public hearing, within one week after the  
21 hearing.] comments on the proposed project and the authority's  
22 response to any concerns raised about the proposed project at a



1 public hearing on the proposed project or in written testimony  
2 submitted within one week after the public hearing.

3 (d) For each project proposal, the authority shall:

4 (1) Hold at least one public hearing that is scheduled in  
5 the evening or on the weekend; and

6 (2) Give ten-day's notice to the public for at least one  
7 of its public hearings."

8 SECTION 5. Section 206E-5.6, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[+]§206E-5.6[+] **Public hearing for decision-making;**  
11 **separate hearing required.** (a) When rendering a decision  
12 regarding:

13 (1) An amendment to any of the authority's community  
14 development rules established pursuant to chapter 91  
15 and section 206E-7; or

16 (2) The acceptance of a developer's proposal to develop  
17 lands under the authority's control,

18 the authority shall render its decision at a public hearing  
19 separate from the hearing that the proposal under paragraph (1)  
20 or (2) was presented.

21 (b) The authority shall issue a public notice in  
22 accordance with section 1-28.5 and post the notice on its



1 website; provided that the decision-making hearing shall not  
2 occur earlier than five business days after the notice is  
3 posted. Prior to rendering a decision, the authority shall  
4 ~~[provide the general public with the opportunity to testify]~~  
5 take additional public testimony at its decision-making hearing.

6 (c) The authority shall notify ~~[the president of the~~  
7 ~~senate and speaker of the house:]~~ all members of the legislature  
8 and the appropriate city or county council member who represents  
9 the district in which the proposed project is to be located:

10 (1) Of any public hearing upon posting of the hearing  
11 notice; and

12 (2) With a report ~~[detailing the public's reaction at the~~  
13 ~~public hearing, within one week after the hearing.]~~  
14 that conforms to the requirements of section 206E-  
15 5.5(b)(5).

16 (d) The authority shall give serious consideration to and  
17 shall respond orally to all concerns raised by the public at the  
18 decision-making hearing before the authority makes a decision.

19 If suggested modifications raised prior to the decision-making  
20 hearing by community members impacted by a proposed project are  
21 not incorporated into the authority's decision to approve the  
22 project, the authority shall explain in detail, both in writing





1 and orally, the reasons why those modifications have not been  
2 incorporated before issuing a decision to approve the project."

3 SECTION 6. Section 206E-33, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§206E-33 Kakaako community development district;  
6 development guidance policies. The following shall be the  
7 development guidance policies generally governing the  
8 authority's action in the Kakaako community development  
9 district:

- 10 (1) Development shall result in a community which permits  
11 an appropriate land mixture of residential,  
12 commercial, industrial, and other uses. In view of  
13 the innovative nature of the mixed use approach, urban  
14 design policies should be established to provide  
15 guidelines for the public and private sectors in the  
16 proper development of this district; while the  
17 authority's development responsibilities apply only to  
18 the area within the district, the authority may engage  
19 in any studies or coordinative activities permitted in  
20 this chapter which affect areas lying outside the  
21 district, where the authority in its discretion  
22 decides that those activities are necessary to



1           implement the intent of this chapter. The studies or  
2           coordinative activities shall be limited to facility  
3           systems, resident and industrial relocation, and other  
4           activities with the counties and appropriate state  
5           agencies. The authority may engage in construction  
6           activities outside of the district; provided that such  
7           construction relates to infrastructure development or  
8           residential or business relocation activities;  
9           provided further, notwithstanding section 206E-7, that  
10          such construction shall comply with the general plan,  
11          development plan, ordinances, and rules of the county  
12          in which the district is located;

13          (2) Existing and future industrial uses shall be permitted  
14          and encouraged in appropriate locations within the  
15          district. No plan or implementation strategy shall  
16          prevent continued activity or redevelopment of  
17          industrial and commercial uses which meet reasonable  
18          performance standards;

19          (3) Activities shall be located so as to provide primary  
20          reliance on public transportation and pedestrian  
21          facilities for internal circulation within the  
22          district or designated subareas;



- 1           (4) Major view planes, view corridors, and other  
2           environmental elements such as natural light and  
3           prevailing winds, shall be preserved through necessary  
4           regulation and design review;
- 5           (5) Redevelopment of the district shall be compatible with  
6           plans and special districts established for the Hawaii  
7           Capital District, and other areas surrounding the  
8           Kakaako district;
- 9           (6) Historic sites and culturally significant facilities,  
10          settings, or locations shall be preserved;
- 11          (7) Land use activities within the district, where  
12          compatible, shall to the greatest possible extent be  
13          mixed horizontally, that is, within blocks or other  
14          land areas, and vertically, as integral units of  
15          multi-purpose structures;
- 16          (8) Residential development [~~may~~] shall require a mixture  
17          of densities[~~7~~] not to exceed a maximum floor area  
18          ratio of 3.5, building types, building heights not to  
19          exceed four hundred feet, and configurations in  
20          accordance with appropriate urban design guidelines;  
21          integration both vertically and horizontally of  
22          residents of varying incomes, ages, and family groups;



1 and an increased supply of housing for residents of  
2 low- or moderate-income may be required as a condition  
3 of redevelopment in residential use. Residential  
4 development shall provide necessary and adequate  
5 community facilities[~~7~~] and services, such as schools,  
6 open space, parks, community meeting places, child  
7 care centers, and other services, within and adjacent  
8 to residential development;

9 (9) Public facilities within the district shall be  
10 planned, located, and developed so as to support the  
11 redevelopment policies for the district established by  
12 this chapter and plans and rules adopted pursuant to  
13 it[~~-~~]; and

14 (10) Before approving development projects, the authority  
15 shall require comprehensive studies of and plans for  
16 the capacity of the sewers, roads, water, utilities,  
17 emergency services, schools, parks, and other  
18 infrastructure requirements to ensure that the  
19 infrastructure can meet the demands generated by the  
20 anticipated additional residents and, where  
21 improvements are needed, the authority shall impose  
22 the necessary impact fees upon the developer."



1           SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 8. This Act shall take effect on July 1, 2050.



**Report Title:**

Hawaii Community Development Authority; Redevelopment

**Description:**

Amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes. Establishes additional requirements for development projects before HCDA approval can be granted. Creates appeal process for HCDA actions and decisions. Effective 7/1/2050.  
(SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

