
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 determine community development programs and--in cooperation
4 with private enterprise and federal, state, and county
5 governments--to plan and implement programs that result in
6 communities that serve the highest needs and aspirations of
7 Hawaii's people. To ensure that a comprehensive and coordinated
8 plan is executed with and for the community, the law that
9 established the Hawaii community development authority
10 explicitly requires community engagement in the community
11 development plans and development projects.

12 However, the legislature finds that in the approximately
13 thirty-seven years since its creation, the Hawaii community
14 development authority has not met the standards for creating a
15 mixed-use, mixed-income community. In fact, the Hawaii
16 community development authority has not followed the plan
17 adopted by the community and has instead liberally interpreted
18 the requirements and amended the plan and rules without



1 accountability or transparency, to the detriment of the
2 community. As such, the Hawaii community development authority
3 has failed to fulfill the mandate that the community development
4 plan be implemented in an orderly, affordable, and feasible
5 manner.

6 The legislature also finds that the Hawaii community
7 development authority is operating without accountability or
8 transparency in failing to meet one of its major objectives: to
9 create housing for low- or moderate-income residents.

10 The purpose of this Act is to ensure that the Hawaii
11 community development authority follows the intent of chapter
12 206E, Hawaii Revised Statutes, along with the plans and rules
13 adopted to achieve the chapter's objectives--to create a
14 community development district that meets the minimum
15 requirements of good design, pleasant amenities, and public
16 health and safety, while staying within existing uses. More
17 specifically, this Act:

- 18 (1) Ensures that adopted plans and rules are followed,
19 particularly in regard to density, height,
20 infrastructure, and low- and moderate-income housing;



- 1 (2) Provides for adequate community engagement in the
- 2 Hawaii community development authority's planning and
- 3 decision-making on development projects; and
- 4 (3) Establishes a process for contesting the Hawaii
- 5 community development authority's decisions.

6 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
 7 amended by adding a new section to be appropriately designated
 8 and to read as follows:

9 "§206E- Reconsideration; judicial review. Any person
 10 adversely affected by an action or decision of the authority may
 11 file a petition for reconsideration within thirty days of the
 12 authority's action or decision. Proceedings for judicial review
 13 of the authority's final decision on the petition for
 14 reconsideration shall be in the same manner as provided for in
 15 section 91-14."

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

18 "(f) The authority may amend the community development
 19 plan as may be necessary. Amendments shall be made in
 20 accordance with chapter 91[-]; provided that no amendment to the
 21 operative Kakaako community development district mauka and makai
 22 area plans, and their attendant rules, shall take effect without



1 the prior approval of the legislature by a concurrent resolution
2 submitted by the authority and adopted by each house by at least
3 a two-thirds majority vote of the members to which that house is
4 entitled.

5 The authority shall include in the concurrent resolution
6 the proposed amendments and the justification therefor."

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

9 "[~~+~~]\$206E-5.5[+] Community engagement and public notice
10 requirements; posting on the authority's website; required. (a)
11 The authority shall adopt community engagement and public notice
12 procedures pursuant to chapter 91 that [~~shall include~~], at a
13 minimum [~~+~~], shall:

14 (1) [~~A means to effectively~~] Effectively engage the
15 community in which the authority is planning a
16 development project [~~to ensure that community concerns~~
17 ~~are received and considered by the authority;~~], by
18 working with landowners and residents in the community
19 in which the project is located to ensure adherence to
20 the community development rules, established pursuant
21 to section 206E-7, and ensure that proposed buildings



1 do not adversely affect the community or its residents
2 and businesses;

3 (2) ~~[The]~~ Include the posting of the authority's proposed
4 plans for development of community development
5 districts, including details of any new proposed
6 developments; public hearing notices~~[7]~~; and minutes
7 of its proceedings on the authority's website;
8 provided that, upon request, a copy of notices shall
9 be mailed to property owners and residents in the
10 affected community; and

11 (3) ~~[Any]~~ Include any other information that the public
12 ~~[may find useful]~~ requests so that it may meaningfully
13 participate in the authority's decision-making
14 processes.

15 (b) The authority shall notify the president of the senate
16 ~~[and]~~; speaker of the house~~[+]~~; and the state senators, state
17 representatives, and city council members who represent the
18 district in which the development project is to be located:

19 (1) Of any public hearing upon posting of the hearing
20 notice; and

21 (2) With a report detailing the public's ~~[reaction at the~~
22 ~~public hearing,~~ comments and the authority's response



1 to any concerns raised about the project, within one
2 week after the public hearing."

3 SECTION 5. Section 206E-5.6, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) The authority shall notify the president of the
6 senate [~~and~~]; speaker of the house[+]; and the state senators,
7 state representatives, and city council members who represent
8 the district in which the development project is to be located:

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

11 (2) With a report detailing the public's [~~reaction at the~~
12 ~~public hearing,~~] comments and the authority's response
13 to any concerns raised about the project, within one
14 week after the public hearing."

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

17 "**§206E-33 Kakaako community development district;**
18 **development guidance policies.** The following shall be the
19 development guidance policies generally governing the
20 authority's action in the Kakaako community development
21 district:



1 (1) Development shall result in a community [~~which~~] that
2 permits an appropriate land mixture of residential,
3 commercial, industrial, and other uses. In view of
4 the innovative nature of the mixed use approach, urban
5 design policies should be established to provide
6 guidelines for the public and private sectors in the
7 proper development of this district; while the
8 authority's development responsibilities apply only to
9 the area within the district, the authority may engage
10 in any studies or coordinative activities permitted in
11 this chapter [~~which~~] that affect areas lying outside
12 the district, where the authority in its discretion
13 decides that those activities are necessary to
14 implement the intent of this chapter. The studies or
15 coordinative activities shall be limited to facility
16 systems, resident and industrial relocation, and other
17 activities with the counties and appropriate state
18 agencies. The authority may engage in construction
19 activities outside of the district; provided that
20 [~~such~~] the construction relates to infrastructure
21 development or residential or business relocation
22 activities; provided further, notwithstanding section



- 1 206E-7, that [~~such~~] the construction shall comply with
2 the general plan, development plan, ordinances, and
3 rules of the county in which the district is located;
- 4 (2) Existing and future industrial uses shall be permitted
5 and encouraged in appropriate locations within the
6 district. No plan or implementation strategy shall
7 prevent continued activity or redevelopment of
8 industrial and commercial uses [~~which~~] that meet
9 reasonable performance standards;
- 10 (3) Activities shall be located so as to provide primary
11 reliance on public transportation and pedestrian
12 facilities for internal circulation within the
13 district or designated subareas;
- 14 (4) Major view planes, view corridors, and other
15 environmental elements, such as natural light and
16 prevailing winds, shall be preserved through necessary
17 regulation and design review;
- 18 (5) Redevelopment of the district shall be compatible with
19 plans and special districts established for the Hawaii
20 Capital District, and other areas surrounding the
21 Kakaako district;



- 1 (6) Historic sites and culturally significant facilities,
2 settings, or locations shall be preserved;
- 3 (7) Land use activities within the district, where
4 compatible, shall to the greatest possible extent be
5 mixed horizontally, that is, within blocks or other
6 land areas, and vertically, as integral units of
7 multi-purpose structures;
- 8 (8) Residential development [~~may~~] shall require a mixture
9 of densities[~~7~~] not to exceed a maximum of 3.5 with
10 respect to the floor area ratio; building types[~~7~~] of
11 no more than four hundred feet in height; and
12 configurations in accordance with appropriate urban
13 design guidelines; integration both vertically and
14 horizontally of residents of varying incomes, ages,
15 and family groups; and an increased supply of housing
16 for residents of [~~low-or~~] low- or moderate-income may
17 be required as a condition of redevelopment in
18 residential use. Residential development shall
19 provide necessary community facilities, such as open
20 space, parks, community meeting places, child care
21 centers, and other services, within and adjacent to
22 residential development;



1 (9) Public facilities within the district shall be
2 planned, located, and developed so as to support the
3 redevelopment policies for the district established by
4 this chapter and plans and rules adopted pursuant to
5 it[-]; and

6 (10) Before approving development projects, the authority
7 shall:

8 (A) Require comprehensive studies of and plans for
9 the infrastructure capacity of the sewers, roads,
10 utilities including water and electricity,
11 schools, parks, and other requirements to ensure
12 that they meet the needs generated by the
13 additional number of anticipated residents; and

14 (B) Where improvements are needed, impose the
15 necessary impact fees upon the developer."

16 SECTION 7. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 8. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

HCDA; Public Notice; Reconsideration Process

Description:

Amends HCDA public notice requirements and requirements for project approval. Creates a reconsideration process with available judicial review for HCDA decisions or actions. 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.

