
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 finds that successful planning
2 for growth requires increasing the density of existing and new
3 communities. Well-designed and well-integrated higher-density
4 development near a rail transit system can significantly reduce
5 dependency on motor vehicles, which, in turn would reduce the
6 adverse environmental impacts resulting from motor vehicle use.

7 The legislature further finds that the Hawaii community
8 development authority was established to supplement traditional
9 community renewal methods by promoting and coordinating public
10 and private sector community development in urban areas in the
11 State. The Hawaii community development authority is therefore
12 uniquely suited to ensure the development of adequate housing
13 near the rail corridor of the State's largest rail transit
14 system.

15 The purpose of this Act is to establish a transit-oriented
16 development district under the Hawaii community development
17 authority.



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

4 "PART . TRANSIT-ORIENTED DEVELOPMENT DISTRICT

5 §206E-A Definitions. For the purposes of this part:

6 "District" means the transit-oriented development district.

7 §206E-B Transit-oriented development district;

8 established; boundaries. The transit-oriented development
9 district is established as a community development district that
10 the legislature has determined is in need of redevelopment. The
11 boundaries of the district shall encompass the area within a
12 one-half mile radius from any location along the rail corridor
13 of the largest rail transit system within a county with a
14 population of five hundred thousand or more; provided that areas
15 within the Kakaako community development district established
16 pursuant to section 206E-32 shall be excluded from the transit-
17 oriented development district. The district shall be
18 reclassified as an urban district under section 205-2.

19 §206E-C Projects; review. Any residential project located
20 within the district shall be exempt from all statutes,
21 ordinances, charter provisions, and rules of any state or county



1 government agency relating to planning, zoning, construction
2 standards for subdivisions, development and improvement of land,
3 and the construction of dwelling units; provided that:

- 4 (1) The project is executed by a qualified person;
- 5 (2) All work on the project is performed by contractors
6 and subcontractors licensed pursuant to chapter 444;
- 7 (3) The project meets minimum requirements of health and
8 safety;
- 9 (4) The authority has approved the project with or without
10 modifications, subject to the following conditions:
 - 11 (A) The authority shall approve, approve with
12 modification, or disapprove the project after the
13 qualified person has submitted the preliminary
14 plans and specifications for the project to the
15 authority;
 - 16 (B) No action shall be prosecuted or maintained
17 against the authority, its members, its
18 officials, or employees on account of actions
19 taken in reviewing, approving, modifying, or
20 disapproving the plans and specifications of a
21 project; and



1 (C) The final plans and specifications for the
2 project shall be deemed approved by the authority
3 if the final plans and specifications do not
4 substantially deviate from the preliminary plans
5 and specifications. The final plans and
6 specifications for a project shall constitute the
7 zoning, building, construction, and subdivision
8 standards for that project. For purposes of
9 sections 501-85 and 502-17, the qualified person
10 may certify maps and plans of lands connected
11 with the project as having complied with
12 applicable laws and ordinances relating to
13 consolidation and subdivision of lands, and the
14 maps and plans shall be accepted for registration
15 or recordation by the land court and registrar."

16 SECTION 3. Section 46-142, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§46-142 Authority to impose impact fees; enactment of**
19 **ordinances required[-]; exemption.** (a) Impact fees may be
20 assessed, imposed, levied, and collected by:



1 (1) Any county for any development, or portion thereof,
2 not involving water supply or service; or

3 (2) Any board for any development, or portion thereof,
4 involving water supply or service[?] ,

5 provided that the county enacts appropriate impact fee
6 ordinances or the board adopts rules to effectuate the
7 imposition and collection of the fees within their respective
8 jurisdictions.

9 (b) Except for any ordinance governing impact fees enacted
10 before July 1, 1993, impact fees may be imposed only for those
11 types of public facility capital improvements specifically
12 identified in a county comprehensive plan or a facility needs
13 assessment study. The plan or study shall specify the service
14 standards for each type of facility subject to an impact fee;
15 provided that the standards shall apply equally to existing and
16 new public facilities.

17 (c) The Hawaii community development authority may grant
18 an exemption from this part if it finds that there is sufficient
19 justification pursuant to its rules."

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



1 "(b) The authority shall consist of the director of
2 finance or the director's designee; the director of
3 transportation or the director's designee; a cultural
4 specialist; an at-large member; an at-large member nominated by
5 the senate president; an at-large member nominated by the
6 speaker of the house; three representatives of the Heeia
7 community development district, comprising two residents of that
8 district or the Koolaupoko district, which consists of sections
9 1 through 9 of zone 4 of the first tax map key division, and one
10 owner of a small business or one officer or director of a
11 nonprofit organization in the Heeia community development
12 district or Koolaupoko district, nominated by the county council
13 of the county in which the Heeia community development district
14 is located; three representatives of the Kalaeloa community
15 development district, comprising two residents of the Ewa zone
16 (zone 9, sections 1 through 2) or the Waianae zone (zone 8,
17 sections 1 through 9) of the first tax map key division, and one
18 owner of a small business or one officer or director of a
19 nonprofit organization in the Ewa or Waianae zone, nominated by
20 the county council of the county in which the Kalaeloa community
21 development district is located; three representatives of the



1 Kakaako community development district, comprising two residents
2 of the district and one owner of a small business or one officer
3 or director of a nonprofit organization in the district,
4 nominated by the county council of the county in which the
5 Kakaako community development district is located; three
6 representatives of the transit-oriented development district,
7 comprising two residents of that district and one officer or
8 director of a business in that district, nominated by the county
9 council of the county in which the transit-oriented development
10 district is located; the director of planning and permitting of
11 each county in which a community development district is located
12 or the director's designee, who shall serve in an ex officio,
13 nonvoting capacity; and the chairperson of the Hawaiian homes
14 commission or the chairperson's designee, who shall serve in an
15 ex officio, nonvoting capacity.

16 All members except the director of finance, director of
17 transportation, county directors of planning and permitting, and
18 chairperson of the Hawaiian homes commission or their designees
19 shall be appointed by the governor pursuant to section 26-34.
20 The two at-large members nominated by the senate president and
21 speaker of the house and the nine representatives of the



1 respective community development districts shall each be
2 appointed by the governor from a list of three nominees
3 submitted for each position by the nominating authority
4 specified in this subsection.

5 The authority shall be organized and shall exercise
6 jurisdiction as follows:

7 (1) For matters affecting the Heeia community development
8 district, the following members shall be considered in
9 determining quorum and majority and shall be eligible
10 to vote:

11 (A) The director of finance or the director's
12 designee;

13 (B) The director of transportation or the director's
14 designee;

15 (C) The cultural specialist;

16 (D) The three at-large members; and

17 (E) The three representatives of the Heeia community
18 development district;

19 provided that the director of planning and permitting
20 of the relevant county or the director's designee
21 shall participate in these matters as an ex officio,



1 nonvoting member and shall not be considered in
2 determining quorum and majority;

3 (2) For matters affecting the Kalaeloa community
4 development district, the following members shall be
5 considered in determining quorum and majority and
6 shall be eligible to vote:

7 (A) The director of finance or the director's
8 designee;

9 (B) The director of transportation or the director's
10 designee;

11 (C) The cultural specialist;

12 (D) The three at-large members; and

13 (E) The three representatives of the Kalaeloa
14 community development district;

15 provided that the director of planning and permitting
16 of the relevant county and the chairperson of the
17 Hawaiian homes commission, or their respective
18 designees, shall participate in these matters as ex
19 officio, nonvoting members and shall not be considered
20 in determining quorum and majority;



1 (3) For matters affecting the Kakaako community
2 development district, the following members shall be
3 considered in determining quorum and majority and
4 shall be eligible to vote:

5 (A) The director of finance or the director's
6 designee;

7 (B) The director of transportation or the director's
8 designee;

9 (C) The cultural specialist;

10 (D) The three at-large members; and

11 (E) The three representatives of the Kakaako
12 community development district;

13 provided that the director of planning and permitting
14 of the relevant county or the director's designee
15 shall participate in these matters as an ex officio,
16 nonvoting member and shall not be considered in
17 determining quorum and majority[-]; and

18 (4) For matters affecting the transit-oriented development
19 district, the following members shall be considered in
20 determining quorum and majority and shall be eligible
21 to vote:



- 1 (A) The director of finance or the director's
2 designee;
- 3 (B) The director of transportation or the director's
4 designee;
- 5 (C) The cultural specialist;
- 6 (D) The three at-large members; and
- 7 (E) The three representatives of the transit-oriented
8 development district;
- 9 provided that the director of planning and permitting
10 of the relevant county or the director's designee
11 shall participate in these matters as an ex officio,
12 nonvoting member and shall not be considered in
13 determining quorum and majority.

14 ~~[In the event of]~~ If a vacancy~~[7]~~ occurs, a member shall be
15 appointed to fill the vacancy in the same manner as the original
16 appointment within thirty days of the vacancy or within ten days
17 of the senate's rejection of a previous appointment, as
18 applicable.

19 The terms of the director of finance, director of
20 transportation, county directors of planning and permitting, and
21 chairperson of the Hawaiian homes commission or their respective



1 designees shall run concurrently with each official's term of
2 office. The terms of the appointed voting members shall be for
3 four years, commencing on July 1 and expiring on June 30;
4 provided that the initial terms of all voting members initially
5 appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall
6 commence on March 1, 2015~~[.—The]~~, and the governor shall
7 provide for staggered terms of [the initially appointed voting]
8 those members so that the initial terms of four members selected
9 by lot shall be for two years, the initial terms of four members
10 selected by lot shall be for three years, and the initial terms
11 of the remaining five members shall be for four years.
12 Notwithstanding the foregoing, the initial terms of the three
13 representatives of the transit-oriented development district
14 initially appointed pursuant to Act _____, Session Laws of Hawaii
15 2016, shall commence on March 1, 2017, and the governor shall
16 provide for staggered terms of those members so that the initial
17 term of one member selected by lot shall be for two years, the
18 initial term of one member selected by lot shall be for three
19 years, and the initial term of the remaining member shall be for
20 four years.



1 The governor may remove or suspend for cause any member
2 after due notice and public hearing.

3 Notwithstanding section 92-15, a majority of all eligible
4 voting members as specified in this subsection shall constitute
5 a quorum to do business, and the concurrence of a majority of
6 all eligible voting members as specified in this subsection
7 shall be necessary to make any action of the authority valid.
8 All members shall continue in office until their respective
9 successors have been appointed and qualified. Except as herein
10 provided, no member appointed under this subsection shall be an
11 officer or employee of the State or its political subdivisions.

12 For purposes of this section, "small business" means a
13 business which is independently owned and which is not dominant
14 in its field of operation."

15 SECTION 5. The nomination and appointment by and with the
16 advice and consent of the senate of the three representatives of
17 the transit-oriented development district pursuant to section 4
18 of this Act shall take place as expeditiously as possible so
19 that, to the extent possible, there are no vacancies in the
20 membership of the authority as of March 1, 2017. The applicable
21 county council shall each submit lists of three nominees for



1 each appointment, as required by section 4 of this Act, no later
 2 than December 30, 2016. The governor shall make all
 3 appointments of members of the authority, including from each of
 4 the lists submitted, no later than January 29, 2017.

5 SECTION 6. This Act does not affect rights and duties that
 6 matured, penalties that were incurred, and proceedings that were
 7 begun before its effective date.

8 SECTION 7. In codifying the new sections added by section
 9 2 of this Act, the revisor of statutes shall substitute
 10 appropriate section numbers for the letters used in designating
 11 the new sections in this Act.

12 SECTION 8. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act shall take effect upon its approval.

15

INTRODUCED BY:

[Handwritten signatures and names of legislators]

[Signature]
[Signature]
 Mark J. Hahn
[Signature]
[Signature]

[Signature]
[Signature]
 Richard [unclear]
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 Linda [unclear]

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H.B. NO. 2747

Matt Quinn

Gregg Tolson

AA

JAN 27 2016



H.B. NO. 2747

Report Title:

Hawaii Community Development Authority; Transit-Oriented
Development

Description:

Designates the area within a one-half mile radius from any location along the rail corridor of the Honolulu rail transit system as the transit-oriented development district. Excludes areas within the Kakaako community development district from the new district. Add 3 members from the new district to the Hawaii community development authority.

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

