
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. Act 61, Session Laws of Hawaii 2014, was
2 enacted to reform the notice, hearing, approval, and vesting
3 rights for development permits. Act 61 also amended the
4 membership of, and appointment process for, the Hawaii community
5 development authority.

6 The legislature intended for the terms of office of each
7 existing member of the Hawaii community development authority in
8 office as of the day before the effective date of Act 61 to
9 terminate on March 1, 2015. However, because new members must
10 be appointed from lists submitted by the speaker of the house of
11 representatives, the president of the senate, and the Honolulu
12 city council, and also confirmed by the senate, it is unclear
13 whether the authority will be fully constituted to act on
14 proceedings that had commenced in 2013. Pursuant to section 91-
15 13.5(c), Hawaii Revised Statutes, "issuing agencies shall take
16 action to grant or deny any application for a business or
17 development-related permit, license, or approval within the



1 established maximum period of time, or the application shall be
2 deemed approved; provided that a delay in granting or denying an
3 application caused by the lack of quorum at a regular meeting of
4 the issuing agency shall not result in approval under this
5 subsection; provided further that any subsequent lack of quorum
6 at a regular meeting of the issuing agency that delays the same
7 matter shall not give cause for further extension, unless an
8 extension is agreed to by all parties."

9 According to the Hawaii community development authority,
10 the following six projects, which have applications before the
11 authority, could be automatically approved pursuant to section
12 91-13.5(c), Hawaii Revised Statutes, if any delay in the
13 appointment and confirmation of members repeatedly prevents the
14 Hawaii community development authority from conducting business
15 due to a lack of quorum:

16 (1) Ward Village land block 2, project 2: Referred to as
17 the "gateway development" with two iconic residential
18 towers and a total of two hundred thirty-six new
19 housing units at the Ward Warehouse site, including a
20 water feature and green space/public plaza connecting
21 the nearby Kakaako rail station to the ocean at Kewalo



- 1 Basin Harbor. The permit application was received and
2 deemed complete on August 6, 2014;
- 3 (2) Ward Village land block 1, project 2: Proposed by
4 Whole Foods Market, the project comprises a
5 residential tower at the former Nordstrom Rack/Office
6 Depot parking lot site behind the Ward theaters. The
7 permit application was received and deemed complete on
8 September 15, 2014;
- 9 (3) Vida (Kobayashi/MacNaughton): Luxury residential
10 tower proposed at 888 Ala Moana Boulevard (Kamehameha
11 Schools Land Block 1), where the Cutter auto
12 dealership is currently located. It is part of the
13 Kamehameha Schools Master Plan, which is vested under
14 the 2005 rules that were applicable to the Howard
15 Hughes/Ward Village Master Plan;
- 16 (4) Artspace: Eighty-four affordable rental units for
17 artists earning at or below thirty per cent of the
18 average median income, built on the Hawaii community
19 development authority's lot behind the Pacifica on
20 Waimanu Street;



1 (5) Cooke Street Micro-units: Fifty to seventy affordable
2 micro-units to be built on the Hawaii community
3 development authority's parking lot near Karen's
4 Kitchen; and

5 (6) B.I.G. Ward Village: This residential tower would be
6 built behind Marukai, where the warehouses are
7 currently located next to the Ward Village theater
8 parking structure.

9 The legislature finds that Act 61 was not intended to allow
10 applications pending before the Hawaii community development
11 authority to be automatically approved due to the transition of
12 its membership.

13 Accordingly, the purpose of this Act is to extend the
14 termination date of authority members in office at the time Act
15 61 was enacted from March 1, 2015, to the adjournment sine die
16 of the 2015 regular session of the legislature. This will
17 ensure that the Hawaii community development authority will be
18 able to act on applications and conduct business while the
19 authority transitions in accordance with Act 61.

20 SECTION 2. Act 61, Session Laws of Hawaii 2014, is amended
21 by amending section 13 to read as follows:



1 "SECTION 13. The term of office of each existing member of
2 the Hawaii community development authority in office as of the
3 day before the effective date of this Act shall terminate [~~on~~
4 ~~March 1, 2015,~~] upon the adjournment sine die of the 2015
5 regular session of the legislature. The nomination and
6 appointment of successor members of the authority pursuant to
7 section 3 of this Act shall not cause the term of office of any
8 existing member to terminate before that date, regardless of the
9 date of the successor member's appointment by and with the
10 advice and consent of the senate.

11 No existing member of the authority as it is constituted on
12 the day prior to the effective date of this Act shall serve as a
13 holdover member due to a vacancy as of [~~March 1, 2015,~~] the
14 adjournment sine die of the 2015 regular session of the
15 legislature, in the membership of the authority as it is
16 constituted by section 3 of this Act; provided that a new term
17 of office for the director of transportation, director of
18 finance, county directors of planning and permitting, and
19 chairperson of the Hawaiian homes commission, or their
20 respective designees, shall automatically commence on [~~March 1,~~



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1 ~~2015,~~] the adjournment sine die of the 2015 regular session of
2 the legislature, pursuant to section 3 of this Act.

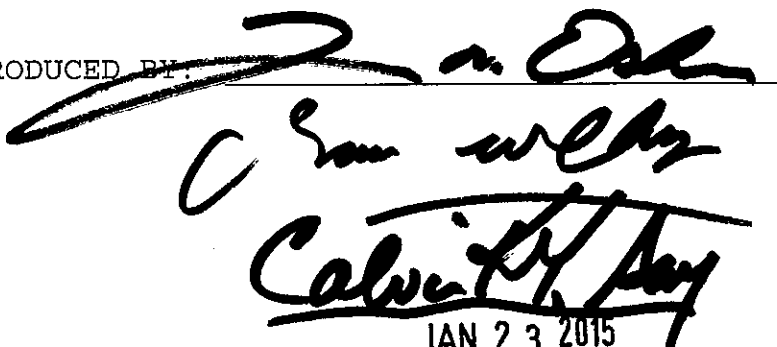
3 The nomination and appointment by and with the advice and
4 consent of the senate of members of the Hawaii community
5 development authority pursuant to section 3 of this Act shall
6 take place as expeditiously as possible so that, to the extent
7 possible, there are no vacancies in the membership of the
8 authority as of [~~March 1, 2015.~~] the adjournment sine die of the
9 2015 regular session of the legislature. The speaker of the
10 house of representatives, president of the senate, and
11 applicable county council shall each submit lists of three
12 nominees for each appointment subject to their respective
13 nominating authority, as required by section 3 of this Act, no
14 later than December 30, 2014. The governor shall make all
15 appointments of members of the authority, including from each of
16 the lists submitted, no later than January 29, 2015."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

20

INTRODUCED BY:



H.B. NO. 333

Report Title:

HCDA; Membership; Transition

Description:

Extends the terms of holdover HCDA members from 3/1/2015, to the adjournment sine die of the 2015 regular session of the legislature to ensure the fulfillment of quorum requirements during the transitioning of HCDA membership pursuant to Act 61, SLH 2014.

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