

JAN 20 2017

A BILL FOR AN ACT

RELATING TO HOUSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

4 "§206E- Kakaako community development district housing
5 development projects; programmatic environmental impact
6 statement. (a) The authority may prepare a programmatic
7 environmental impact statement for housing development projects
8 within the Kakaako community development district for maximum
9 allowable use of district land.

10 (b) The authority shall submit the programmatic
11 environmental impact statement to the office of environmental
12 quality control.

13 Acceptance of a programmatic environmental impact statement
14 by the office of environmental quality control shall be a
15 condition precedent to implementation of any proposed housing
16 development project within the Kakaako community development
17 district.



1 (c) Once the programmatic environmental impact statement
2 has been accepted by the office of environmental quality
3 control, it shall satisfy the requirements of chapter 343 for
4 any housing development project approved by the authority within
5 the Kakaako community development district.

6 (d) The authority shall adopt rules pursuant to chapter 91
7 for the purposes of this section.

8 (e) As used in this section:

9 "Environmental impact statement" shall have the same
10 meaning as in section 343-2.

11 "Housing development project" means the planning, financing
12 and acquisition of real and personal property; demolition of
13 existing structures and clearance of real property;
14 construction, reconstruction, alteration, or repairing of
15 approaches, streets, sidewalks, utilities, and services, or
16 other site improvements; construction, reconstruction, repair,
17 remodeling, extension, equipment, or furnishing of buildings or
18 other structures; or any combination of the foregoing, of any
19 housing units reserved for rental or ownership by residents or
20 families with incomes no greater than one hundred forty per cent
21 of the area median income."



1 SECTION 2. Section 343-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§343-5 **Applicability and requirements.** (a) Except as
4 otherwise provided, an environmental assessment shall be
5 required for actions that:

6 (1) Propose the use of state or county lands or the use of
7 state or county funds, other than funds to be used for
8 feasibility or planning studies for possible future
9 programs or projects that the agency has not approved,
10 adopted, or funded, or funds to be used for the
11 acquisition of unimproved real property; provided that
12 the agency shall consider environmental factors and
13 available alternatives in its feasibility or planning
14 studies; provided further that an environmental
15 assessment for proposed uses under section
16 205-2(d)(11) or 205-4.5(a)(13) shall only be required
17 pursuant to section 205-5(b);

18 (2) Propose any use within any land classified as a
19 conservation district by the state land use commission
20 under chapter 205;



- 1 (3) Propose any use within a shoreline area as defined in
2 section 205A-41;
- 3 (4) Propose any use within any historic site as designated
4 in the National Register or Hawaii Register, as
5 provided for in the Historic Preservation Act of 1966,
6 Public Law 89-665, or chapter 6E;
- 7 (5) Propose any use within the Waikiki area of Oahu, the
8 boundaries of which are delineated in the land use
9 ordinance as amended, establishing the "Waikiki
10 Special District";
- 11 (6) Propose any amendments to existing county general
12 plans where the amendment would result in designations
13 other than agriculture, conservation, or preservation,
14 except actions proposing any new county general plan
15 or amendments to any existing county general plan
16 initiated by a county;
- 17 (7) Propose any reclassification of any land classified as
18 a conservation district by the state land use
19 commission under chapter 205;
- 20 (8) Propose the construction of new or the expansion or
21 modification of existing helicopter facilities within



1 the State, that by way of their activities, may
2 affect:

3 (A) Any land classified as a conservation district by
4 the state land use commission under chapter 205;

5 (B) A shoreline area as defined in section 205A-41;
6 or

7 (C) Any historic site as designated in the National
8 Register or Hawaii Register, as provided for in
9 the Historic Preservation Act of 1966, Public Law
10 89-665, or chapter 6E; or until the statewide
11 historic places inventory is completed, any
12 historic site that is found by a field
13 reconnaissance of the area affected by the
14 helicopter facility and is under consideration
15 for placement on the National Register or the
16 Hawaii Register of Historic Places; and

17 (9) Propose any:

18 (A) Wastewater treatment unit, except an individual
19 wastewater system or a wastewater treatment unit
20 serving fewer than fifty single-family dwellings
21 or the equivalent;



- 1 (B) Waste-to-energy facility;
- 2 (C) Landfill;
- 3 (D) Oil refinery; or
- 4 (E) Power-generating facility[-];

5 provided that for any action that proposes any housing project
 6 development within the Kakaako community development district,
 7 neither the environmental assessment nor the environmental
 8 impact statement pursuant to this section shall be required.

9 Instead the process established under section 206E- shall be
 10 used to assess the potential environmental impacts of the
 11 housing project development through a programmatic environmental
 12 impact statement."

13 SECTION 3. This Act does not affect rights and duties that
 14 matured, penalties that were incurred, and proceedings that were
 15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Will Espero
~~Don AC. King-Ogana~~
Michelle N. Stedani 4th Dist Marked



S.B. NO. 578

Report Title:

Affordable Housing; Hawaii Community Development Authority;
Office of Environmental Quality Control; Programmatic
Environmental Impact Statement

Description:

Authorizes the Hawaii community development authority to prepare a programmatic environmental impact statement for housing development projects on all lands within the Kakaako community development district. Allows the programmatic environmental impact statement, once it is accepted by the office of environmental quality control, to satisfy the environmental assessment and impact statement requirements for any housing development project within the Kakaako community development district.

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

