



LATE TESTIMONY

LAND USE RESEARCH
FOUNDATION OF HAWAII

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February 23, 2017

Senator Will Espero, Chair
Senator Breene Harimoto, Vice Chair
Senate Committee on Housing

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
Senate Committee on Public Safety,
Intergovernmental, and Military Affairs

Comments and Concerns in Opposition to SB 482, Relating to Affordable Housing (Extends the window for a county council to approve or disapprove affordable housing projects that are exempt from planning, zoning, and construction standards, from forty-five days to sixty days.)

HOU/PSM Hrg: Thursday, February 23, 2017, 2:45 p.m., in Conference Room 225

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF **opposes SB 482**, which has been proposed because the Maui County Council wants additional time to review and modify affordable housing projects, despite the fact that all counties, have been able to comply with the forty-five-day review period since this law was originally passed in 1970 (Act 105). Instead, of passing this bill, LURF is willing to work with the Maui County Council, Maui County Department of Housing and Human Concerns (DHHC), the Planning Department, housing developers, and other housing stakeholders to recommend a process that would address the Maui County Council's concerns.

SB 482. This measure would amend Section 201H-38, Hawaii Revised Statutes (HRS) to extend the window for a county council to approve or disapprove affordable housing projects from forty-five days to sixty days, based on Maui County's claim that a county council's "ability to approve a project with modifications and the need for a thorough vetting of the project require that county councils be granted more time (sixty days) for their review.

LURF's Position. LURF believes that this measure is unnecessary, based on discussions with several parties on Maui who currently participate, or have recently participated in the forty-five day Maui County Council process to review and disapprove/approve 201H affordable housing applications. This morning, LURF also called key Maui County Council members, including proponents of this bill, and we are awaiting return telephone calls to discuss this matter further. LURF objects to SB 426, based on the following:

1. **Unnecessary: Since 1970, all counties (including Maui County) have been able to compete a thorough vetting of 201H affordable housing projects within the forty-five-day review period.** LURF understands that the forty-five-day disapproval/approval requirement for affordable housing projects has been in effect since 1970 (Act 105, originally Section 359G, Hawaii Revised Statutes), with all counties being able to complete thorough reviews, and without having to pass legislation to expand the review time
2. **Inconsistent with the purpose and intent of the affordable housing law, which is to expedite affordable housing; and could set a precedent for expanding the review time for affordable housing applications to even longer periods, based on similar claims.**
3. **LURF is willing to work with the Maui County Council to address issues or concerns which could cause delays in the review and disapproval/approval of affordable housing 201H applications.** Based on discussions with Maui officials familiar with the process, LURF believes that the Maui County Council and the Maui County Department of Housing and Human Concerns (DHHC) might be able to address timing issues by considering the following:
 - **Council Training.** All Council members should participate in a training session on the 201H affordable housing purpose, intent and process.
 - **Meetings with council members.** Prior to submittal the 201H Application, Applicants should meet with the Chair of the Maui County Council Land Use Committee and each Council member individually, to explain the project and address the Council members concerns.
 - **Community Meeting.** Prior to the submittal of the Application, the applicant and the DHHC should present the project in a community meeting.
 - **Traffic Impact Analysis Reports (TIAR).** LURF understands that oftentimes, the surrounding neighbors raise traffic concerns. When warranted, the application should include a TIAR.

- **Executive Summary of the Application should follow the format of the Council Committee Report.** The Application should include an Executive Summary which is consistent with the format of the Land Use Committee Report, and a Word version of the Executive Summary should be provided to the Committee.
- **List of 201H Exemptions and Conditions.** To aid the Maui County Council in reviewing the projects, the Application should include a list of the 201H exemptions and conditions for prior approved Maui 201h projects and the names of those projects.

Conclusion. Given that the incontrovertible, clear and express intent of Hawaii's 201H affordable housing law, which is to expedite the approval of affordable housing projects while allowing public transparency and review; and the fact that the current 201H application and review system has worked since 1970, it is not necessary to expand the current forty-five-day review period. However, LURF is willing to work with the Maui County Council, the Maui County DHHC and Planning Department, and other housing stakeholders to recommend a process that would address the Maui County Council's concerns.

Given the above, LURF must respectfully **oppose SB 482**, and requests that it be **held in Committee**.