
A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

1 SECTION 1. The legislature recognizes that Hawaii is
2 experiencing a severe affordable housing crisis, with a lack of
3 affordable rental and for-sale units. According to the report
4 "Measuring Housing Demand in Hawai'i, 2015-2025", published by
5 the department of business, economic development, and tourism,
6 the State is projected to require 64,693 additional housing
7 units to meet housing demand by 2025. Nearly seventy per cent,
8 or 43,828, of those units will be needed for low-income
9 households earning eighty per cent or less of the area median
10 income.

11 In response to this critical problem, the legislature
12 enacted Act 127, Session Laws of Hawaii 2016, which established
13 a goal of creating 22,500 new affordable rental units by 2026.
14 Achieving this goal will require a variety of approaches,
15 including incentivizing the construction of low-income housing
16 by authorizing certain counties to grant exemptions from the



1 State's environmental impact statement requirements to specific
2 affordable housing projects.

3 The legislature finds that one recent action in furtherance
4 of the goal of increasing affordable housing units in the State
5 was the adoption in 2019 of chapter 11-200.1, Hawaii
6 Administrative Rules. These rules, in part, specify that new
7 construction of affordable housing meeting certain conditions is
8 eligible for exemption from the State's environmental impact
9 statement requirements.

10 The purpose of this Act is to require a county agency
11 having jurisdiction over planning and permitting, in any county
12 with a population of five hundred thousand or more, to make a
13 determination regarding whether certain affordable housing
14 projects shall be exempt from the State's environmental impact
15 statement laws pursuant to chapter 11-200.1, subchapter 8,
16 Hawaii Administrative Rules.

17 SECTION 2. Chapter 343, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§343- _____ Determination regarding exemption for certain
21 affordable housing projects. Notwithstanding any law to the



1 contrary, the county agency having jurisdiction over planning
 2 and permitting in any county having a population of 500,000 or
 3 more shall determine whether certain affordable housing projects
 4 shall be exempt from chapter 343 and any applicable rules,
 5 pursuant to chapter 11-200.1, subchapter 8, Hawaii
 6 Administrative Rules.

7 For purposes of this section, "affordable housing" means
 8 housing that is affordable to households having incomes at or
 9 below one hundred forty per cent of the median family income as
 10 determined by the United States Department of Housing and Urban
 11 Development."

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2020.

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Report Title:

Affordable Housing; Department of Health; Environmental Impact Statements; Exemption

Description:

Requires a county agency having jurisdiction over planning and permitting, in any county with a population of 500,000 or more, to determine whether certain affordable housing development projects shall be exempt from the State's environmental impact statement laws pursuant to chapter 11-200.1, subchapter 8, Hawaii Administrative Rules.

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