

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1           SECTION 1. The legislature finds that there exists in the  
2 State a critical need for the development and construction of  
3 affordable housing units. Act 127, Session Laws of Hawaii 2016,  
4 amended by Act 96, Session Laws of Hawaii 2017, established a  
5 goal of developing at least 22,500 affordable rental housing  
6 units ready for occupancy between 2017 and 2026. The  
7 legislature further finds that the transit-oriented development  
8 associated with the construction of a rail transit system in  
9 Honolulu has the potential to fulfill this housing goal.  
10 Because the State is the largest landowner of properties along  
11 the rail transit line, the State has the opportunity to utilize  
12 its resources to significantly increase the inventory of  
13 affordable housing units.

14           The legislature additionally finds that Act 130, Session  
15 Laws of Hawaii 2016, established the office of planning as the  
16 lead agency to coordinate and advance smart growth and transit-  
17 oriented development planning within the State, including



1 targeting transit-oriented development areas for significant  
2 increases in affordable housing and rental units and approving  
3 all state agencies' development plans for parcels along the rail  
4 transit corridor. The legislature also finds that requiring an  
5 affordable housing component as part of development and  
6 redevelopment of state properties along the rail transit line  
7 will not only increase the affordable housing stock, but also  
8 support rail ridership goals by locating denser, mixed use  
9 developments along the rail transit line.

10 The purpose of this Act is to require affordable housing to  
11 be included as part of the development or redevelopment plan for  
12 state transit-oriented development along the rail transit  
13 corridor as part of the office of planning's function as lead  
14 agency to coordinate and advance smart growth and transit-  
15 oriented development planning within the State.

16 SECTION 2. Section 225M-2, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) The office of planning shall gather, analyze, and  
19 provide information to the governor to assist in the overall  
20 analysis and formulation of state policies and strategies to  
21 provide central direction and cohesion in the allocation of



1 resources and effectuation of state activities and programs and  
2 effectively address current or emerging issues and  
3 opportunities. More specifically, the office shall engage in  
4 the following activities:

5 (1) State comprehensive planning and program coordination.  
6 Formulating and articulating comprehensive statewide  
7 goals, objectives, policies, and priorities, and  
8 coordinating their implementation through the  
9 statewide planning system established in part II of  
10 chapter 226;

11 (2) Strategic planning. Identifying and analyzing  
12 significant issues, problems, and opportunities  
13 confronting the State, and formulating strategies and  
14 alternative courses of action in response to  
15 identified problems and opportunities by:

16 (A) Providing in-depth policy research, analysis, and  
17 recommendations on existing or potential areas of  
18 critical state concern;

19 (B) Examining and evaluating the effectiveness of  
20 state programs in implementing state policies and  
21 priorities;



1 (C) Monitoring current social, economic, and physical  
2 conditions and trends through surveys,  
3 environmental scanning, and other techniques[—  
4 ~~current social, economic, and physical conditions~~  
5 ~~and trends~~]; and

6 (D) Developing, in collaboration with affected public  
7 or private agencies and organizations,  
8 implementation plans and schedules and, where  
9 appropriate, assisting in the mobilization of  
10 resources to meet identified needs;

11 (3) Planning coordination and cooperation. Facilitating  
12 coordinated and cooperative planning and policy  
13 development and implementation activities among state  
14 agencies and between the state, county, and federal  
15 governments, by:

16 (A) Reviewing, assessing, and coordinating, as  
17 necessary, major plans, programs, projects, and  
18 regulatory activities existing or proposed by  
19 state and county agencies;



- 1 (B) Formulating mechanisms to simplify, streamline,  
2 or coordinate interagency development and  
3 regulatory processes; and
- 4 (C) Recognizing the presence of federal defense and  
5 security forces and agencies in the State as  
6 important state concerns;
- 7 (4) Statewide planning and geographic information system.  
8 Collecting, integrating, analyzing, maintaining, and  
9 disseminating various forms of data and information,  
10 including geospatial data and information, to further  
11 effective state planning, policy analysis and  
12 development, and delivery of government services by:
  - 13 (A) Collecting, assembling, organizing, evaluating,  
14 and classifying existing geospatial and non-  
15 geospatial data and performing necessary basic  
16 research, conversions, and integration to provide  
17 a common database for governmental planning and  
18 geospatial analyses by state agencies;
  - 19 (B) Planning, coordinating, and maintaining a  
20 comprehensive, shared statewide planning and  
21 geographic information system and associated



1 geospatial database. The office shall be the  
2 lead agency responsible for coordinating the  
3 maintenance of the multi-agency, statewide  
4 planning and geographic information system and  
5 coordinating, collecting, integrating, and  
6 disseminating geospatial data sets that are used  
7 to support a variety of state agency applications  
8 and other spatial data analyses to enhance  
9 decision-making. The office shall promote and  
10 encourage free and open data sharing among and  
11 between all government agencies. To ensure the  
12 maintenance of a comprehensive, accurate, up-to-  
13 date geospatial data resource that can be drawn  
14 upon for decision-making related to essential  
15 public policy issues such as land use planning,  
16 resource management, homeland security, and the  
17 overall health, safety, and well-being of  
18 Hawaii's citizens, and to avoid redundant data  
19 development efforts, state agencies shall provide  
20 to the shared system either their respective  
21 geospatial databases or, at a minimum, especially



1 in cases of secure or confidential data sets that  
2 cannot be shared or must be restricted, metadata  
3 describing existing geospatial data. In cases  
4 where agencies provide restricted data, the  
5 office of planning shall ensure the security of  
6 that data; and

7 (C) Maintaining a centralized depository of state and  
8 national planning references;

9 (5) Land use planning. Developing and presenting the  
10 position of the State in all boundary change petitions  
11 and proceedings before the land use commission,  
12 assisting state agencies in the development and  
13 submittal of petitions for land use district boundary  
14 amendments, and conducting periodic reviews of the  
15 classification and districting of all lands in the  
16 State, as specified in chapter 205;

17 (6) Coastal and ocean policy management. Carrying out the  
18 lead agency responsibilities for the Hawaii coastal  
19 zone management program, as specified in chapter 205A.

20 Also:



- 1 (A) Developing and maintaining an ocean and coastal  
2 resources information, planning, and management  
3 system;
- 4 (B) Further developing and coordinating  
5 implementation of the ocean resources management  
6 plan; and
- 7 (C) Formulating ocean policies with respect to the  
8 exclusive economic zone, coral reefs, and  
9 national marine sanctuaries;
- 10 (7) Regional planning and studies. Conducting plans and  
11 studies to determine:
- 12 (A) The capability of various regions within the  
13 State to support projected increases in both  
14 resident populations and visitors;
- 15 (B) The potential physical, social, economic, and  
16 environmental impact on these regions resulting  
17 from increases in both resident populations and  
18 visitors;
- 19 (C) The maximum annual visitor carrying capacity for  
20 the State by region, county, and island; and





1 (D) The appropriate guidance and management of  
2 selected regions and areas of statewide critical  
3 concern.

4 The studies in subparagraphs (A) to (C) shall be  
5 conducted at appropriate intervals, but not less than  
6 once every five years;

7 (8) Regional, national, and international planning.  
8 Participating in and ensuring that state plans,  
9 policies, and objectives are consistent, to the extent  
10 practicable, with regional, national, and  
11 international planning efforts;

12 (9) Climate adaptation planning. Conducting plans and  
13 studies and preparing reports as follows:

14 (A) Develop, monitor, and evaluate strategic climate  
15 adaptation plans and actionable policy  
16 recommendations for the State and counties  
17 addressing expected statewide climate change  
18 impacts identified under Act 286, Session Laws of  
19 Hawaii 2012, through the year 2050;



1 (B) Provide planning and policy guidance and  
2 assistance to state and county agencies regarding  
3 climate change; and

4 (C) Publish its findings, recommendations, and  
5 progress reports on actions taken no later than  
6 December 31, 2017, and its annual report to the  
7 governor and the legislature thereafter; and

8 (10) Smart growth and transit-oriented development. Acting  
9 as the lead agency to coordinate and advance smart  
10 growth and transit-oriented development planning  
11 within the State as follows:

12 (A) Identify transit-oriented development  
13 opportunities shared between state and county  
14 agencies, including relevant initiatives such as  
15 the department of health's healthy Hawaii  
16 initiative and the Hawaii clean energy  
17 initiative;

18 (B) Refine the definition of "transit-oriented  
19 development" in the context of Hawaii, while  
20 recognizing the potential for smart growth  
21 development patterns in all locations;



- 1 (C) Clarify state goals for transit-oriented  
2 development and smart growth that support the  
3 principles of the Hawaii State Planning Act by  
4 preserving non-urbanized land, improving worker  
5 access to jobs, and reducing fuel consumption;
- 6 (D) Target transit-oriented development areas for  
7 significant increase in affordable housing and  
8 rental units;
- 9 (E) Conduct outreach to state agencies to help  
10 educate state employees about the ways they can  
11 support and benefit from transit-oriented  
12 development and the State's smart growth goals;
- 13 (F) Publicize coordinated state efforts that support  
14 smart growth, walkable neighborhoods, and  
15 transit-oriented development;
- 16 (G) Review state land use decision-making processes  
17 to identify ways to make transit-oriented  
18 development a higher priority and facilitate  
19 better and more proactive leadership in creating  
20 walkable communities and employment districts,



1 even if transit will only be provided at a later  
 2 date; and  
 3 (H) Approve all state agencies' development plans for  
 4 parcels along the rail transit corridor[-];  
 5 provided that every development or redevelopment  
 6 plan shall include housing units with at least  
 7 \_\_\_\_\_ per cent reserved for residents with an  
 8 income less than or equal to eighty per cent of  
 9 the area median income, unless the office of  
 10 planning determines that housing is not feasible  
 11 or desirable on a particular property. For the  
 12 purposes of this subparagraph, "development  
 13 plans" means conceptual land use plans that  
 14 identify the location and planned uses within a  
 15 defined area."

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

18 SECTION 4. This Act shall take effect on July 1, 2020.  
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# S.B. NO. 2396

**Report Title:**

Office of Planning; Development or Redevelopment Plans;  
Affordable Housing

**Description:**

Requires inclusion of an unspecified minimum percentage of affordable housing units in state agencies' development and redevelopment plans along the rail transit corridor. Allows the Office of Planning to make exceptions to the affordable housing requirement.

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

