

JAN 18 2019

---

---

# 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 established  
9 pursuant to section 206E-32 for maximum allowable use of  
10 district land.  
11           (b) The authority shall submit the programmatic  
12 environmental impact statement to the office of environmental  
13 quality control.  
14           Acceptance of a programmatic environmental impact statement  
15 by the office of environmental quality control shall be a  
16 condition precedent to implementation of any proposed housing



1 development project within the Kakaako community development  
2 district.

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

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

11 (e) As used in this section:

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

14 "Housing development project" means the planning,  
15 financing, and acquisition of real and personal property;  
16 demolition of existing structures and clearance of real  
17 property; construction, reconstruction, alteration, or repairing  
18 of approaches, streets, sidewalks, utilities, and services, or  
19 other site improvements; construction, reconstruction, repair,  
20 remodeling, extension, equipment, or furnishing of buildings or  
21 other structures; or any combination of the foregoing, of any



1 housing units reserved for rental or ownership by residents or  
2 families with incomes no greater than one hundred forty per cent  
3 of the area median income."

4 SECTION 2. Section 343-5, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) Except as otherwise provided, an environmental  
7 assessment shall be required for actions that:

- 8 (1) Propose the use of state or county lands or the use of  
9 state or county funds, other than funds to be used for  
10 feasibility or planning studies for possible future  
11 programs or projects that the agency has not approved,  
12 adopted, or funded, or funds to be used for the  
13 acquisition of unimproved real property; provided that  
14 the agency shall consider environmental factors and  
15 available alternatives in its feasibility or planning  
16 studies; provided further that an environmental  
17 assessment for proposed uses under section 205-  
18 2(d)(11) or 205-4.5(a)(13) shall only be required  
19 pursuant to section 205-5(b);



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



- 1           (7) Propose any reclassification of any land classified as  
2           a conservation district by the state land use  
3           commission under chapter 205;
- 4           (8) Propose the construction of new or the expansion or  
5           modification of existing helicopter facilities within  
6           the State, that by way of their activities, may  
7           affect:
- 8           (A) Any land classified as a conservation district by  
9           the state land use commission under chapter 205;
- 10          (B) A shoreline area as defined in section 205A-41;  
11          or
- 12          (C) Any historic site as designated in the National  
13          Register or Hawaii Register, as provided for in  
14          the Historic Preservation Act of 1966, Public Law  
15          89-665, or chapter 6E; or until the statewide  
16          historic places inventory is completed, any  
17          historic site that is found by a field  
18          reconnaissance of the area affected by the  
19          helicopter facility and is under consideration  
20          for placement on the National Register or the  
21          Hawaii Register of Historic Places; and



- 1           (9) Propose any:
- 2           (A) Wastewater treatment unit, except an individual
- 3           wastewater system or a wastewater treatment unit
- 4           serving fewer than fifty single-family dwellings
- 5           or the equivalent;
- 6           (B) Waste-to-energy facility;
- 7           (C) Landfill;
- 8           (D) Oil refinery; or
- 9           (E) Power-generating facility[-];

10 provided that for any action that proposes any housing  
11 development project within the Kakaako community development  
12 district established pursuant to section 206E-32, neither the  
13 environmental assessment nor the environmental impact statement  
14 pursuant to this section shall be required. Instead, the  
15 process established under section 206E-       shall be used to  
16 assess the potential environmental impacts of the housing  
17 project development through a programmatic environmental impact  
18 statement."

19           SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



# S.B. NO. 350

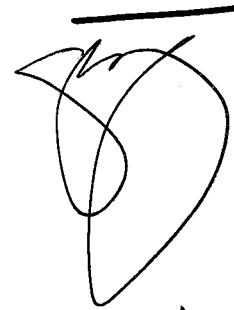
1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

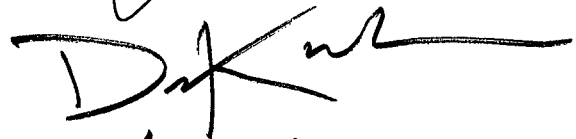
3 SECTION 5. This Act shall take effect upon its approval.  
4

INTRODUCED BY:

 \_\_\_\_\_











# S.B. NO. 350

**Report Title:**

Affordable Housing; Hawaii Community Development Authority; Office of Environmental Quality Control; Kakaako Community Development District; 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.*

