

JAN 21 2022

A BILL FOR AN ACT

RELATING TO PLANNING.

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

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§46- Duty to affirmatively further fair housing;
housing assessment; general plans. (a) The counties and all of
their agencies shall administer their programs and activities
relating to housing and community development in a manner to
affirmatively further fair housing and shall not take any action
that is materially inconsistent with this obligation.

(b) Pursuant to subsection (a), each county's general plan
shall assess fair housing in its jurisdiction, which shall
include all of the following components:

(1) An analysis of population trends and documentation of
projections and qualification of the county's existing
and projected housing needs for all income levels,
including extremely low-income households;



- 1 (2) A summary of fair housing issues in the county and an
2 assessment of the county's fair housing enforcement
3 and fair housing outreach capacity;
- 4 (3) An analysis of available federal, state, and local
5 data and knowledge to identify integration and
6 segregation patterns and trends, racially or
7 ethnically concentrated areas of poverty and
8 affluence, disparities in access to opportunity, and
9 disproportionate housing needs, including displacement
10 risk; provided that the analysis shall identify and
11 examine such patterns, trends, areas, disparities, and
12 needs, both within the county and in comparison to the
13 State, based on race and other classes of persons
14 protected by employment and housing laws;
- 15 (4) An assessment of the contributing factors, including
16 the local and regional historical origins and current
17 policies and practices for the fair housing issues
18 identified in this section;
- 19 (5) An identification of the county's fair housing
20 priorities and goals, giving highest priority to those
21 factors identified in paragraph (4) that limit or deny



1 fair housing choice or access to opportunity, or
2 negatively impact fair housing or civil rights
3 compliance, and identifying the metrics and milestones
4 for determining what fair housing results will be
5 achieved;

6 (6) Strategies and actions to implement those priorities
7 and goals identified in paragraph (5), which may
8 include but are not limited to enhancing mobility
9 strategies and encouraging development of new
10 affordable housing in areas of opportunity, place-
11 based strategies to encourage community revitalization
12 including preservation of existing affordable housing,
13 and protecting existing residents from displacement;
14 and

15 (7) An inventory of land suitable and available for
16 residential development, including vacant sites and
17 sites having realistic and demonstrated potential for
18 redevelopment to meet the county's housing need for a
19 designated income level, an analysis of the
20 relationship of zoning and public facilities and
21 services to these sites, and an analysis of the



1 relationship of the sites identified in the land
2 inventory to the county's duty to affirmatively
3 further fair housing.

4 (c) Each county shall develop a statement of the
5 community's goals, qualified objectives, and policies to
6 incorporate into its revised general plan relative to
7 affirmatively further fair housing and to the maintenance,
8 preservation, improvement, and development of housing. The
9 statement shall identify:

10 (1) Actions that will be taken to make sites available
11 during the planning period with appropriate zoning and
12 development standards and with services and facilities
13 to accommodate that portion of the county's share of
14 the regional housing need for each income level that
15 could not be accommodated on sites identified in the
16 inventory completed pursuant to this subsection
17 without rezoning;

18 (2) Sites as needed to affirmatively further fair housing
19 and to facilitate and encourage the development of a
20 variety of types of housing for all income levels,
21 including multifamily rental housing, factory-built



1 housing, housing for agricultural employees,

2 supportive housing, single-room occupancy units,

3 emergency shelters, and transitional housing;

4 (3) Strategies to assist in the development of adequate

5 housing to meet the needs of extremely low, very low,

6 low- and moderate-income households;

7 (4) Methods to conserve and improve the condition of

8 existing affordable housing stock, which may include

9 addressing ways to mitigate the loss of dwelling units

10 demolished by public or private action; and

11 (5) A commitment to promote and affirmatively further fair

12 housing opportunities and supply of housing throughout

13 the community or communities for all persons

14 regardless of race, religion, sex, marital status,

15 ancestry, national origin, color, familial status,

16 sexual orientation, age, or disability, and other

17 classes protected under state law.

18 (d) The counties shall revise their general plans to

19 accommodate the housing-related policies of a sustainable

20 community strategy or an alternative planning strategy adopted

21 pursuant to this section. The schedule shall provide for



1 adoption of the required rezoning within one year of the
2 adoption of the resolution. Each county shall submit a report
3 of its findings with a detailed budget and schedule for
4 preparation and adoption of the required rezoning, including
5 plans for citizen participation and expected interim action, to
6 the legislature no later than twenty days prior to the convening
7 of each regular session.

8 (e) For purposes of this section, "affirmatively further
9 fair housing" means taking meaningful actions to:

10 (1) Overcome patterns of segregation;

11 (2) Foster inclusive communities free from barriers that
12 restrict access to opportunity based on protected
13 characteristics or classes of persons;

14 (3) Combat discrimination;

15 (4) Address significant disparities in housing needs and
16 in access to opportunity;

17 (5) Replace segregated living patterns with truly
18 integrated and balanced living patterns;

19 (6) Transform racially and ethnically concentrated areas
20 of poverty into areas of opportunity; and



1 (7) Foster and maintain compliance with civil rights and
2 fair housing laws."

3 SECTION 2. New statutory material is underscored.

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

5

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'B. C.', is written over a horizontal line.



S.B. NO. 2493

Report Title:

Counties; Duties; Affirmatively Further Fair Housing; Housing Assessment; General Plans

Description:

Requires counties to affirmatively further fair housing and conduct certain assessments to combat discrimination and overcome patterns of segregation. Requires counties to amend their general plans to accommodate housing-related policies adopted pursuant to this Act.

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

