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# A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1           SECTION 1. Chapter 206E, Hawaii Revised Statutes, is  
2 amended by adding two new sections to part I to be appropriately  
3 designated and to read as follows:

4           "§206E- Developers to abide by representations and  
5 commitments. A developer who proposes to develop lands under  
6 the authority's control and whose proposal is approved by the  
7 authority shall abide by all representations and commitments  
8 made in the permit application process.

9           §206E- Public information meeting. Upon issuance of the  
10 certificate of completeness of a project development, the  
11 authority shall schedule a public information meeting for the  
12 presentation of the developer's proposed project and requests  
13 for modifications or variances and reasons therefor. The  
14 developer shall present its proposed project plans, including  
15 but not limited to visual presentations of the proposed project  
16 and justification for any variances or modifications from the  
17 community development plan and rules, and answer questions and



1 receive and address comments and recommendations from the  
2 public."

3 SECTION 2. Section 206E-5.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The authority shall adopt community and public notice  
6 procedures pursuant to chapter 91 that shall include at a  
7 minimum:

8 (1) A means to effectively engage the community in which  
9 ~~[the authority is planning]~~ a development project is  
10 planned to ensure that community concerns are received  
11 and considered by the ~~[authority,]~~ developer,  
12 including but not limited to the following:

13 (A) Prior to submitting its application to the  
14 authority, the developer shall convene at least  
15 two pre-application meetings in the community  
16 development district of the proposed project, in  
17 addition to a presentation to the area  
18 neighborhood board, to present its conceptual  
19 proposal of the development project, receive  
20 comments on the proposal, identify opportunities  
21 and benefits to the community, and address or



1           mitigate potential adverse impacts on the  
2           neighborhood and community; and

3           (B) The authority shall not issue a certificate of  
4           completeness unless the application provides  
5           evidence that the developer has met with the  
6           affected community development district residents  
7           and stakeholders to identify opportunities,  
8           benefits, community concerns, and potential  
9           adverse impacts of the proposed project, and  
10           actions taken to address or mitigate identified  
11           adverse impacts on the public health, safety, and  
12           welfare of the neighborhood and broader  
13           community;

14           (2) The posting of the authority's proposed plans for  
15           development of community development districts, public  
16           hearing notices, ~~and~~ minutes, and decisions of its  
17           proceedings on the authority's website;

18           (3) The posting of every application for a development  
19           permit for any project within a community development  
20           district on the authority's website when the  
21           application is received; pre-application meetings and



1 other relevant information on the proposed project;  
2 the application when deemed complete; and the schedule  
3 of the public meeting, intervention deadlines, and  
4 subsequent public hearings on the project;

- 5 (4) Notification by the applicant of any [~~application for~~  
6 a] development permit for a project valued at \$250,000  
7 or more, when the application is deemed complete, by  
8 first class United States mail, postage prepaid to  
9 owners and lessees of record of real property located  
10 within a three hundred foot radius of the perimeter of  
11 the proposed project identified from the most current  
12 list available from the real property assessment  
13 division of the department of budget and fiscal  
14 services of the county in which the proposed project  
15 is located [~~when the application is deemed complete,]~~  
16 and to all boards of directors of associations of  
17 apartment owners, as defined in section 514A-3, and  
18 boards, as defined in section 514B-3, of condominiums  
19 within the relevant community development district,  
20 which, upon receipt, shall be posted in a prominent  
21 location on site by the respective building manager;



1 provided that notice mailed pursuant to this paragraph  
2 shall include but not be limited to notice of:

- 3 (A) Project specifications;
- 4 (B) Requests for variance, exemption, or modification  
5 of a community development plan or the  
6 authority's community development rules; [and]
- 7 (C) Procedures for intervention and a contested case  
8 hearing; and

- 9 (D) The schedule of the public meeting, intervention  
10 motion and decision deadlines, and public  
11 hearings; and

- 12 (5) Any other information that the public may find useful  
13 so that it may meaningfully participate in the  
14 authority's decision-making processes."

15 SECTION 3. Section 206E-5.6, Hawaii Revised Statutes, is  
16 amended as follows:

17 1. By amending subsection (b) to read:

18 "(b) The authority shall issue a public notice in  
19 accordance with section 1-28.5 and post the notice on its  
20 website[; ~~provided that the decision making hearing shall not~~  
21 ~~occur earlier than five business days after the notice is~~



1 ~~posted.]~~ within five business days after issuance of a  
2 certificate of completeness of the developer's application.  
3 Public notice issued pursuant to this subsection [~~for public~~  
4 ~~hearings]~~ on the acceptance of a developer's proposal to develop  
5 lands under the authority's control shall state [~~that any]~~ the  
6 schedule for the proposal review, including but not limited to  
7 the public information meeting, public hearings, intervention  
8 motions and decisions, and any other information pertinent to  
9 the application. Any written motion to intervene as a formal  
10 party to the proceeding shall be received within twenty business  
11 days after the [~~publication date of the public notice.]~~ public  
12 information meeting. The authority shall schedule the  
13 commencement of the contested case hearing no earlier than  
14 twenty business days after rendering a decision on the  
15 intervention motion."

16 2. By amending subsection (i) to read:

17 "(i) The authority shall not approve any developer's  
18 proposal to develop lands under the authority's control unless  
19 the authority finds that the proposed development project is  
20 reasonable and is consistent with the development rules and  
21 policies of the relevant development district. In making its



1 ~~[finding]~~ determination pursuant to this subsection, the  
2 authority shall ~~[consider:~~

3 ~~(1) The extent to which the]~~ find that the proposed  
4 project:

5 ~~[(A)]~~ (1) Advances the goals, policies, and  
6 objectives of the applicable district plan;

7 ~~[(B)]~~ (2) Protects, preserves, or enhances desirable  
8 neighborhood characteristics through compliance with  
9 the standards and guidelines of the applicable  
10 district rules;

11 ~~[(C)]~~ (3) Avoids a substantially adverse effect on  
12 surrounding land uses and infrastructure through  
13 compatibility with or enhancement of the existing and  
14 planned land use ~~[character]~~ of the ~~[surrounding]~~  
15 area; ~~[and]~~

16 ~~[(D)]~~ (4) Provides housing opportunities for all  
17 income groups, particularly low, moderate, and other  
18 qualified income groups;

19 ~~[(2) The impact of the proposed project on the following~~  
20 ~~areas of urban design, as applicable:~~



- 1           ~~(A) Pedestrian-oriented development, including~~
- 2           ~~complete streets design;~~
- 3           ~~(B) Transit-oriented development, including rail,~~
- 4           ~~bus, and other modes of rapid transit; and]~~
- 5           (5) Enhances the following urban design and state
- 6           interests:
- 7           (A) Neighborhood and transit-oriented development
- 8           that is compact, pedestrian-oriented, and mixed-
- 9           use;
- 10          (B) Multi-modal transportation system, including
- 11          rail, bus, bicycle, motorcycle, and other
- 12          alternative modes, that is safe and accessible;
- 13          (C) Community amenities such as gathering places,
- 14          community centers, culture and arts facilities,
- 15          and the full array of public facilities [normally
- 16          provided by the public sector;
- 17          ~~(3) The impact of the proposed project on the following~~
- 18          ~~areas of state concern:~~
- 19          ~~(A)]~~ that reinforce the neighborhood's identity;
- 20          (D) Open spaces, including parks, squares, plazas,
- 21          and playgrounds;



1            (E) Preservation of important natural systems or  
2            habitats;

3            ~~[(B)]~~ (F) ~~[Maintenance]~~ Preservation or renewal of  
4            valued cultural ~~[, historical, or natural~~  
5            ~~resources;]~~ or historic structures;

6            ~~[(C)]~~ ~~Maintenance of other resources relevant to the~~  
7            ~~State's economy;~~

8            ~~(D)~~ ~~Commitment of state funds and resources;~~

9            ~~(E)]~~ (G) Employment opportunities and economic  
10           development; [and

11           ~~(F)]~~ (H) Maintenance and improvement of the quality  
12           of educational programs and services provided by  
13           schools;

14           ~~[(4)]~~ ~~The representations and commitments made by the~~  
15           ~~developer in the permit application process.]~~

16           (I) Health and wellness and other supportive services  
17           for residents of all ages, including aging in  
18           place and care for families; and

19           (J) Opportunities for locally grown and made products  
20           and services."



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 on July 1, 2015.



**Report Title:**

Hawaii Community Development Authority; Public Hearings

**Description:**

Requires HCDA to schedule a public information meeting to present the developer's project proposal and requests for modifications or variances. Amends the deadline to intervene in a proceeding to accept a developer's proposal to twenty days after the public informational meeting on a developer's proposal. Requires developers to convene community meetings on proposed projects prior to submitting their application. Requires HCDA to make certain findings regarding the proposed project and its impacts in order to approve the proposed development. Requires developers to abide by all representations and commitments made in the permit application process. (SD1)

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

