

JAN 21 2022

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 the State has a
2 critical need for the development and construction of affordable
3 housing units for residents of the State. Act 127, Session Laws
4 of Hawaii 2016, as amended by Act 96, Session Laws of Hawaii
5 2017, established a goal of developing at least 22,500
6 affordable rental housing units ready for occupancy between 2017
7 and 2026. The legislature further finds that the transit-
8 oriented development associated with the construction of a rail
9 transit system in Honolulu has the potential to fulfill this
10 housing goal. Because the State is the largest landowner of
11 properties along the rail transit line, the State has an
12 opportunity to utilize its resources to significantly increase
13 the inventory of 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 in state agencies' development or redevelopment
12 plans for state transit-oriented development along the rail
13 transit corridor that are subject to approval by the office of
14 planning as part of its function as the lead agency to
15 coordinate and advance smart growth and transit-oriented
16 development planning within the State.

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

19 "(b) The office of planning and sustainable development
20 shall gather, analyze, and provide information to the governor,
21 the legislature, and state and county agencies to assist in the



1 overall analysis and formulation of state policies and
2 strategies to provide central direction and cohesion in the
3 allocation of resources and effectuation of state activities and
4 programs and effectively address current or emerging issues and
5 opportunities. More specifically, the office shall engage in
6 the following activities:

7 (1) State comprehensive planning and program coordination.

8 Formulating and articulating comprehensive statewide
9 goals, objectives, policies, and priorities, and
10 coordinating their implementation through the
11 statewide planning system established in part II of
12 chapter 226;

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

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



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

(C) Monitoring current social, economic, and physical conditions and trends through surveys, environmental scanning, and other techniques; and

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

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

(A) Reviewing, assessing, and coordinating, as necessary, major plans, programs, projects, and regulatory activities existing or proposed by 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 and sustainable development
6 shall ensure the security of 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, [and]
12 assisting state agencies in the development and
13 submittal of petitions for land use district boundary
14 amendments, and conducting 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, and sea level
18 rise adaptation coordination. Carrying out the lead
19 agency responsibilities for the Hawaii coastal zone
20 management program, as specified in chapter 205A.

21 Also:



(A) Developing and maintaining an ocean and coastal resources information, planning, and management system;

(B) Further developing and coordinating implementation of the ocean resources management plan;

(C) Formulating ocean policies with respect to the exclusive economic zone, coral reefs, and national marine sanctuaries; and

(D) Coordinating sea level rise adaptation with state agencies having operational responsibilities over state facilities to identify existing and planned facilities, including critical infrastructure, that are vulnerable to sea level rise, flooding impacts, and natural hazards;

(7) Regional planning and studies. Conducting plans and studies to determine:

(A) The capability of various regions within the State to support projected increases in both resident populations and visitors;



1 (B) The potential physical, social, economic, and
2 environmental impact on these regions resulting
3 from increases in both resident populations and
4 visitors;

5 (C) The maximum annual visitor carrying capacity for
6 the State by region, county, and island; and

7 (D) The appropriate guidance and management of
8 selected regions and areas of statewide critical
9 concern.

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

13 (8) Regional, national, and international planning.
14 Participating in and ensuring that state plans,
15 policies, and objectives are consistent, to the extent
16 practicable, with regional, national, and
17 international planning efforts;

18 (9) Climate adaptation and sustainability planning and
19 coordination. Conducting plans and studies and
20 preparing reports as follows:



(A) Develop, monitor, and evaluate strategic climate adaptation plans and actionable policy recommendations for the State and counties addressing expected statewide climate change impacts identified under chapter 225P and sections 226-108 and 226-109; and

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

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

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

(B) Refine the definition of "transit-oriented development" in the context of Hawaii, while



1 recognizing the potential for smart growth

2 development patterns in all locations;

3 (C) Clarify state goals for transit-oriented
4 development and smart growth that support the
5 principles of the Hawaii State Planning Act by
6 preserving non-urbanized land, improving worker
7 access to jobs, and reducing fuel consumption;

8 (D) Target transit-oriented development areas for
9 significant increase in affordable housing and
10 rental units;

11 (E) Conduct outreach to state agencies to help
12 educate state employees about the ways they can
13 support and benefit from transit-oriented
14 development and the State's smart growth goals;

15 (F) Publicize coordinated state efforts that support
16 smart growth, walkable neighborhoods, and
17 transit-oriented development;

18 (G) Review state land use decision-making processes
19 to identify ways to make transit-oriented
20 development a higher priority and facilitate
21 better and more proactive leadership in creating



1 walkable communities and employment districts,
2 even if transit will only be provided at a later
3 date; and

4 (H) Approve all state agencies' development plans for
5 parcels along the rail transit corridor[+];
6 provided that every development or redevelopment
7 plan shall include housing units with at least
8 _____ per cent reserved for residents who:

9 (i) Are residents of the State;

10 (ii) Are the owner-occupants of the unit; and

11 (iii) Own no other property,

12 unless the office of planning determines that

13 housing is not feasible or desirable on a

14 particular property; provided further that this

15 subparagraph shall not apply to the rail transit

16 corridor located in Halawa.

17 For the purposes of this subparagraph,

18 "development plans" means conceptual land use

19 plans that identify the location and planned uses

20 within a defined area; and



1 (11) Environmental review. Performing duties set forth
2 under chapter 343, serving the governor in an advisory
3 capacity on all matters relating to environmental
4 review, and having such powers delegated by the
5 governor as are necessary to coordinate and, when
6 requested by the governor, direct all state
7 governmental agencies in matters concerning
8 environmental quality control, including:

9 (A) Advising and assisting private industries,
10 governmental department and agencies, and other
11 persons on the requirements of chapter 343; and

12 (B) Conducting public education programs on
13 environmental quality control;

14 provided that the office shall adopt rules in
15 accordance with chapter 91 to implement this
16 paragraph."

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



1 SECTION 4. This Act shall take effect on July 1, 2022.

2

INTRODUCED BY:

Bennett J. Nishenko



S.B. NO. 2193

Report Title:

Office of Planning and Sustainable Development; Transit-Oriented Development; 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 and Sustainable Development to make exceptions to the affordable housing requirement.

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