

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 Hawaii's housing
2 market suffers from a persistent shortage of housing,
3 particularly housing that is affordable to Hawaii's workforce
4 and lower income groups. Of the approximately sixty-four
5 thousand seven hundred housing units that are projected to be
6 needed between 2015 and 2025, nearly eighty-nine per cent, or
7 about fifty-seven thousand five hundred units, will be needed by
8 working and lower income groups, or those earning one hundred
9 forty per cent or less of the area median income. Of these,
10 approximately forty-three thousand eight hundred units are
11 estimated to be needed for renter households. The special
12 action team on affordable rental housing has determined that
13 additional incentives are needed to spur rental housing
14 development to meet this considerable demand.

15 The legislature also finds that current law establishes a
16 forty-five day entitlement approval process for affordable
17 housing projects seeking district boundary amendments from the



1 state land use commission or county approvals and exemptions
2 relating to planning, zoning, subdivision construction
3 standards, land development and improvement, or construction of
4 dwelling units. However, current law does not address boundary
5 amendment applications for certain parcels of land of fifteen
6 acres or less, which are submitted to county agencies rather
7 than to the state land use commission. Establishing a forty-
8 five day approval process for affordable housing projects
9 seeking district boundary amendments from the counties will
10 expedite governmental approvals and save time and money that
11 will serve as incentives to spur housing development.

12 Furthermore, the legislature finds that there is a lack of
13 clarity in the entitlement application process for affordable
14 housing projects in a community development district
15 administered by the Hawaii community development authority.
16 Requiring consultation with the authority for construction,
17 renovation, or improvement of affordable housing projects in a
18 community development district, in the same way that
19 consultation is currently required for county and state public
20 works projects, will improve clarity and transparency in the
21 process.



1 The purpose of this Act is to expedite the development of
2 affordable housing by:

- 3 (1) Establishing expedited county approvals for district
4 boundary amendments for affordable housing projects on
5 land areas fifteen acres or less; and
6 (2) Requiring consultation with the Hawaii community
7 development authority for affordable housing project
8 development within designated community development
9 districts.

10 SECTION 2. Section 201H-38, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The corporation may develop on behalf of the State or
13 with an eligible developer, or may assist under a government
14 assistance program in the development of, housing projects that
15 shall be exempt from all statutes, ordinances, charter
16 provisions, and rules of any government agency relating to
17 planning, zoning, construction standards for subdivisions,
18 development and improvement of land, and the construction of
19 dwelling units thereon; provided that:

- 20 (1) The corporation finds the housing project is
21 consistent with the purpose and intent of this



chapter, and meets minimum requirements of health and safety;

(2) The development of the proposed housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or of the various boards of water supply authorized under chapter 54;

(3) The legislative body of the county in which the housing project is to be situated shall have approved the project with or without modifications:

(A) The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the legislative body;

(B) No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing,



1 approving, modifying, or disapproving the plans
2 and specifications; and

3 (C) The final plans and specifications for the
4 project shall be deemed approved by the
5 legislative body if the final plans and
6 specifications do not substantially deviate from
7 the preliminary plans and specifications. The
8 final plans and specifications for the project
9 shall constitute the zoning, building,
10 construction, and subdivision standards for that
11 project. For purposes of sections 501-85 and
12 502-17, the executive director of the corporation
13 or the responsible county official may certify
14 maps and plans of lands connected with the
15 project as having complied with applicable laws
16 and ordinances relating to consolidation and
17 subdivision of lands, and the maps and plans
18 shall be accepted for registration or recordation
19 by the land court and registrar; ~~and~~

20 (4) The land use commission shall approve, approve with
21 modification, or disapprove a boundary change within



1 forty-five days after the corporation has submitted a
2 petition to the commission as provided in section 205-
3 4. If, on the forty-sixth day, the petition is not
4 disapproved, it shall be deemed approved by the
5 commission[+]; and

6 (5) The appropriate county land use decision-making
7 authority of the county in which the project is
8 located shall approve, approve with modification, or
9 disapprove a district boundary change involving land
10 areas of fifteen acres or less as provided in section
11 205-3.1(b) and (c) within forty-five days after the
12 corporation has submitted a petition to the county
13 land use decision-making authority. If on the forty-
14 sixth day the petition is not disapproved, it shall be
15 deemed approved by the county land use decision-making
16 authority."

17 SECTION 3. Section 206E-13, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~+~~**\$206E-13**~~+~~ **Public projects.** Any project or activity
20 of any county or agency of the State, or an eligible housing
21 project developed pursuant to section 201H-38, in a designated



1 district shall be constructed, renovated, or improved in
2 consultation with the authority."

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

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

6

INTRODUCED BY:

DKR



S.B. NO. 2921

Report Title:

Affordable Housing; County District Boundary Amendments; Hawaii Housing Finance and Development Corporation; Hawaii Community Development Authority

Description:

Establishes expedited county approvals for district boundary amendments for affordable housing projects on land areas fifteen acres or less. Requires consultation with the Hawaii community development authority for affordable housing development within designated community development districts.

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

