

JAN 26 2022

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

PART I

SECTION 1. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to subpart A of part II to be appropriately designated and to read as follows:

"§171- Former military lands prioritized for affordable housing. (a) Lands that were formerly used as a military base or for other military purposes and that are either:

(1) Transferred to the State; or

(2) Returned to the State at the end of a lease,

shall be disposed of or leased by the board of land and natural resources with the purpose of affordable housing as a first priority; provided that the board determines that the lands are or will be properly zoned and are otherwise suitable for the development of affordable housing.

(b) The board may approve a proposed development for an affordable housing project on former military lands pursuant to the expedited procedure established in chapter ; provided



1 that this section shall not be construed to preclude the board
2 from using any other means to develop or prioritize the
3 development of affordable housing on state lands as authorized
4 under any other law.

5 (c) As used in this section:

6 "Affordable housing" means housing that is affordable to
7 households of moderate, low, or very low income.

8 "Households of moderate, low, or very low income" means a
9 person or household having an income that is at or below
10 per cent of the median family income as determined by the United
11 States Department of Housing and Urban Development."

12 PART II

13 SECTION 2. The Hawaii Revised Statutes is amended by
14 adding a new chapter to title 13 to be appropriately designated
15 and to read as follows:

16 "CHAPTER

17 EXPEDITED AFFORDABLE HOUSING DEVELOPMENT

18 PROCESS FOR FORMER MILITARY LANDS

19 § -1 Definitions. As used in this chapter, unless the
20 context otherwise requires:



1 "Affordable housing" means housing that is leased or sold
2 at a level affordable to households of moderate, low, or very
3 low income.

4 "Applicant" means a developer that intends to build a
5 project under this chapter.

6 "Dwelling unit" means a structure, or part of a structure,
7 that is used as a home, residence, or sleeping place by one
8 person or by two or more persons maintaining a common household,
9 to the exclusion of all others.

10 "Level affordable to households of moderate, low, or very
11 low income" means an amount that is affordable to households
12 having incomes at or below per cent of the median family
13 income as determined by the United States Department of Housing
14 and Urban Development.

15 "Project" has the same meaning as "housing project" in
16 section 201H-1.

17 **§ -2 Eligibility.** (a) An applicant may develop a
18 project that shall be subject to the exemptions from statutes,
19 ordinances, charter provisions, and rules provided in section
20 201H-38(a); provided that:



- 1 (1) The project is being developed on lands that were
2 formerly used as a military base or for other military
3 purposes that are either transferred to the State or
4 returned to the State at the end of a lease;
- 5 (2) The project will include not less than one thousand
6 two hundred housing units at build out;
- 7 (3) At least of every residential unit
8 increment constructed shall be affordable housing;
- 9 (4) The affordable housing pursuant to paragraph (3) are
10 subject to a recorded covenant, ordinance, or law that
11 restricts rents or mortgages to levels affordable to
12 households of moderate, low, or very low income for a
13 minimum of fifty-five years for rental housing and
14 forty-five years for ownership housing;
- 15 (5) Where nonresidential development is included in the
16 development, at least of the total planned
17 units affordable to households of moderate, low, or
18 very low income shall be made available for lease or
19 sale, use, and occupancy for every of
20 nonresidential development made available for lease or
21 sale, use, and occupancy;



1 (6) The project meets minimum requirements of health and
2 safety;

3 (7) The project, and any associated lease or other
4 disposition of the land on which the project is sited,
5 is approved by the board of land and natural
6 resources;

7 (8) The project is approved by the legislative body of the
8 county in which the projected is to be developed as
9 provided in section -3;

10 (9) If the project requires a boundary change, the project
11 receives approval from the land use commission as
12 provided in section -4; and

13 (10) The applicant meets all other requirements of this
14 chapter.

15 **§ -3 County action.** An applicant seeking to develop a
16 project pursuant to this chapter shall submit an application to
17 the legislative body of the county in which the project is
18 proposed to be developed. Upon receiving the application, the
19 legislative body shall determine whether the project meets the
20 eligibility requirements described in section -2 and shall



1 follow the procedures described in section 201H-38(a)(3) to
2 approve, approve with modification, or disapprove the project.

3 **§ -4 Land use commission action.** If a project requires
4 a boundary change, then the applicant seeking to develop a
5 project pursuant to this chapter shall submit an application for
6 the boundary change to the land use commission. Upon receiving
7 the application, the land use commission shall determine whether
8 the project meets the eligibility requirements described in
9 section -2 and shall follow the procedures described in
10 section 201H-38(a)(4) to approve, approve with modification, or
11 disapprove the boundary change.

12 **§ -5 Construction.** This chapter shall not be construed
13 to preclude the board of land and natural resources or other
14 agency from using any other means to develop or prioritize the
15 development of affordable housing on state lands, including
16 through the disposal or reconveyance of land for the development
17 of affordable housing as authorized under any other law.

18 **§ -6 Rules.** The board of land and natural resources may
19 adopt rules pursuant to chapter 91 necessary to implement this
20 chapter."



1 PART III

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

5 SECTION 4. New statutory material is underscored.

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

7

INTRODUCED BY: BSL



S.B. NO. 3174

Report Title:

Affordable Housing; Former Military Bases; Prioritization; BLNR

Description:

Directs the Board of Land and Natural Resources to prioritize lands that were formerly used as a military base that are conveyed to the State or returned to the State after the end of a lease to be disposed of or leased with affordable housing purposes as a first priority. Establishes a process to expedite the development of affordable housing projects on former military lands by exempting qualifying projects from certain statutes, ordinances, charter provisions, and rules.

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

