

JAN 25 2023

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

1 SECTION 1. The legislature finds that the State is
2 suffering from an acute shortage of affordable housing, with the
3 rapidly rising cost of housing in the State consistently pricing
4 out local renters and homeowners. Resulting from barriers that
5 hinder development of new housing such as geographic
6 limitations, lack of major infrastructure, and government
7 regulation, the legislature recognizes that the State's ongoing
8 housing crisis warrants a thorough examination of every
9 impediment to the development of affordable housing, including
10 access to potable water.

11 The legislature also finds that under article XI, section
12 VII, of the Hawaii State Constitution, "[t]he State has an
13 obligation to protect, control, and regulate the use of Hawaii's
14 water resources for the benefit of its people." Thus, the
15 Hawaii water plan, established under the state water code
16 pursuant to chapter 174C, Hawaii Revised Statutes, implements a



1 comprehensive water resources plan to address supply and
2 conservation of the State's water resources.

3 The Hawaii water plan consists of four parts, with a
4 different entity responsible for preparing each part, including:

5 (1) A water resource protection plan, prepared by the
6 commission on water resource management;

7 (2) A water use and development plan, prepared by each
8 county;

9 (3) A state water projects plan, prepared by the
10 engineering division of the department of land and
11 natural resources; and

12 (4) A water quality plan, prepared by the department of
13 health.

14 Each component considers the other aspects of the Hawaii water
15 plan, therefore requiring the cooperation amongst the various
16 entities involved.

17 The legislature additionally finds that in recent years,
18 determinations made by the commission on water resource
19 management have conflicted with the recommended water resource
20 distribution determined in various counties' water use and
21 development plans, which align future demand with the county's



1 land use plans, the community's priorities, climate change
2 impacts, and other considerations. The legislature believes
3 that the counties are well-equipped to determine water
4 allocation to future land use, as prescribed by the Hawaii water
5 plan, to maintain consistency with its respective county zoning
6 and planning policies.

7 Accordingly, the purpose of this Act is to establish a
8 working group that will ascertain the State's available water
9 resources to further plan for the development of affordable
10 housing.

11 SECTION 2. (a) There is established a working group to
12 ascertain and address state watershed management to enable the
13 development and construction of affordable housing projects
14 across the State.

15 The working group shall be placed in the department of land
16 and natural resources for administrative purposes.

17 (b) The working group shall conduct an inventory of all
18 available water resources statewide and identify appropriate
19 aquifer replenishment as it pertains to each county water use
20 and development plan, including the capacity for affordable
21 housing development.



1 (c) The working group shall address and make
2 recommendations on:

3 (1) Mitigating impacts arising from affordable housing
4 development;

5 (2) Projected water usage following the completion of
6 affordable housing projects in each county;

7 (3) The adoption of rules for water allocation for each
8 county;

9 (4) Defining the role of the commission on water resource
10 management in relation to affordable housing
11 development statewide; and

12 (5) The impact of federal government obligations on the
13 development of new water sources for affordable
14 housing.

15 (d) The working group shall consist of the following
16 members:

17 (1) The chairs of the senate and house of representative
18 standing committees on housing, who shall serve as
19 co-chairpersons of the working group;

20 (2) The executive director of the Hawaii housing finance
21 and development corporation, or their designee;



1 (3) The chairperson of the commission on water resource
2 management, or their designee;

3 (4) The chief of the department of health clean water
4 branch, or their designee;

5 (5) The chief engineer of the department of land and
6 natural resources engineering division, or their
7 designee;

8 (6) The directors of each county planning department, or
9 their designees;

10 (7) The directors of each county housing department, or
11 their designees; and

12 (8) The chief engineers of each county board of water
13 supply, or their designee.

14 (e) The working group shall submit a report of its
15 findings and recommendations, including any proposed
16 legislation, to the legislature no later than twenty days prior
17 to the convening of the regular session of 2024.

18 (f) The task force shall dissolve on June 30, 2024.

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

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INTRODUCED BY:



S.B. NO. 1573

Report Title:

Affordable Housing; Watershed Management; Water Resources;
Working Group

Description:

Establishes a working group within the Department of Land and Natural Resources for administrative purposes. Requires the working group to ascertain the State's available water resources as pertaining to affordable housing. Requires the working group to inventory all available water resources statewide and identify sources of aquifer replenishment in relation to affordable housing development. Requires a report to the Legislature.

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