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# A BILL FOR AN ACT

RELATING TO THE EXPEDITIOUS REDEVELOPMENT AND DEVELOPMENT OF  
AFFORDABLE RENTAL HOUSING.

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

1 PART I

2 SECTION 1. Chapter 205A, Hawaii Revised Statutes, is  
3 amended by adding a new section to part II to be appropriately  
4 designated and to read as follows:

5 "§205A- Special management area use permits; affordable  
6 multi-family rental housing; redevelopment. (a) Subject to  
7 terms and conditions under section 205A-26, the director of a  
8 county planning department may issue a special management area  
9 use permit to an applicant to redevelop permanent affordable  
10 multi-family rental housing that has been substantially  
11 destroyed as a result of a disaster from a wildfire, hurricane,  
12 or earthquake proclaimed by the governor to constitute a state  
13 of emergency under chapter 127A.

14 (b) After issuing a special management area use permit  
15 pursuant to this section, the county planning department in the  
16 respective county shall file a notice of the issuance in the



1 next available issue of the periodic bulletin of the office of  
2 planning and sustainable development.

3 (c) This section shall not apply to parcels on the  
4 shoreline or parcels impacted by waves, storm surges, high tide,  
5 or shoreline erosion."

6 PART II

7 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
8 by adding a new section to be appropriately designated and to  
9 read as follows:

10 **"§46- Affordable multi-family rental housing;**  
11 **experimental and demonstration housing projects; redevelopment.**

12 (a) Notwithstanding any other law to the contrary, if an  
13 affordable multi-family rental housing that was originally  
14 developed as an experimental and demonstration housing project  
15 pursuant to section 46-15 has been substantially destroyed as a  
16 result of a disaster from a wildfire, hurricane, or earthquake  
17 proclaimed by the governor to constitute a state of emergency  
18 under chapter 127A:

19 (1) Any ordinance approved by a county for the initial  
20 construction of the experimental and demonstration  
21 housing project shall remain valid and relevant and



1 continue to be in full force and effect with respect  
2 to the rebuilding of the project in accordance with  
3 this section;

4 (2) The director of a county planning department in the  
5 respective county or any other state or county agency  
6 authorized to issue a permit or approval required for  
7 the rebuilding of the project may amend or modify the  
8 final plans and specifications of the experimental and  
9 demonstration housing project to incorporate  
10 cost-effective best industry practices that include  
11 advances in building design, materials, construction  
12 types, or methods; provided that any modification  
13 shall adhere to principles that emphasize community,  
14 history, culture, future resilience, and the safety  
15 and well-being of the project's occupants; provided  
16 further that the modifications shall not impose  
17 requirements or conditions that unreasonably increase  
18 rebuilding or future operating costs; and

19 (3) Notwithstanding any termination of the applicable  
20 emergency proclamation before the completion of  
21 construction, the experimental and demonstration



1           housing project shall not be subject to any specific  
2           provisions of law suspended pursuant to the emergency  
3           proclamation issued under section 127A-13, if an  
4           application for the initial permit or approval to  
5           commence rebuilding of the project has been submitted  
6           to the county planning department, the department or  
7           office of housing of a county, or any other relevant  
8           agency of the applicable state or county before the  
9           end of the disaster emergency relief period; provided  
10           that the submitted application was deemed by the  
11           relevant state or county department or agency as  
12           complete.

13           (b) This section shall not apply to parcels on the  
14           shoreline or parcels impacted by waves, storm surges, high tide,  
15           or shoreline erosion."

16           SECTION 3. Chapter 201H, Hawaii Revised Statutes, is  
17           amended by adding a new section to be appropriately designated  
18           and to read as follows:

19           "§201H-           Affordable multi-family rental housing;  
20           redevelopment. After issuing a special management area use  
21           permit pursuant section 205A-           , the county planning department



1 in the respective county and any other state or county agency  
2 authorized to issue a permit or approval shall prioritize  
3 approving permits to redevelop the permanent affordable multi-  
4 family rental housing."

5 SECTION 4. Chapter 343, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8 "§343- Affordable multi-family rental housing;  
9 redevelopment. Except as otherwise provided in chapter 201H or  
10 under federal law, permanently affordable multi-family rental  
11 housing projects that are being redeveloped pursuant to a  
12 special management area use permit issued under section  
13 205A- that are located on properties or districts on the  
14 Hawaii or national register of historic places shall be exempt  
15 from the requirements of this chapter."

PART III

17 SECTION 5. If any provision of this Act, or the  
18 application thereof to any person or circumstance, is held  
19 invalid, the invalidity does not affect other provisions or  
20 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

3 SECTION 6. New statutory material is underscored.

4 SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Counties; County Planning Departments; Affordable Rental Housing; Special Management Area Use Permits; Experimental and Demonstration Housing Projects

**Description:**

Authorizes the director of a county planning department to issue a special management area use permit to redevelop permanent affordable multi-family rental housing that has been substantially destroyed as result of certain natural disasters, with certain exceptions. Permits county planning departments and any other applicable state or county department or agency to amend or modify final plans and specifications for redevelopment of an existing experimental and demonstration housing project, with certain restrictions. Requires county planning departments and any other applicable state or county department or agency to prioritize approving permits for the redevelopment of permanent affordable multi-family rental housing in special management areas, under certain circumstances. Exempts permanently affordable multi-family rental housing projects within a special management area that are being redeveloped and are located on properties or districts on the state or national historic register from environmental impact statement requirements. Effective 7/1/3000. (HD3)

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

