

ACT 142

S.B. NO. 440

A Bill for an Act Relating to Counties.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In 2007, the governor convened a statewide task force comprised of representatives of the State, counties, business, labor, developers, architects, nonprofit providers of services, and the legislature to recommend solutions to address barriers to affordable housing, pursuant to the program of the United States Department of Housing and Urban Development, entitled National Call to Action for Affordable Housing Through Regulatory Reform.

The legislature finds that the need for more affordable housing in Hawaii affects all segments of society. Nonetheless, there has been an apparent problem with the counties in their delay to affirmatively accept or reject public infrastructure improvements that have been developed as part of a housing project.

The purpose of this Act is to require counties to accept or reject a dedication of infrastructure request for affordable housing within a specified time and under certain conditions, or the infrastructure is deemed dedicated.

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

“§46- Infrastructure dedication; affordable housing. (a) Infrastructure for affordable housing shall be deemed dedicated to the county if the county does not accept or reject the request for dedication of infrastructure within ninety days of the filing of the dedication request; provided that:

- (1) Applicable meter and connection fees and utility costs relating to the dedicated infrastructure have been paid;
 - (2) The dedicated infrastructure conforms to applicable county standards in effect at the time of construction; and
 - (3) The completion of the improvements comprising a dedicated infrastructure is granted approval by the county.
- (b) For the purposes of this section:

“Affordable housing” means housing that is affordable to households with incomes at or below one hundred forty per cent of the median family income as determined by the United States Department of Housing and Urban Development.

“Infrastructure” includes water, drainage, sewer, waste disposal and waste treatment systems, road, and street lighting that connect to the infrastructure of the county.”

SECTION 3. This Act shall apply to any affordable housing project that is constructed or is in the process of construction as of the effective date of this Act, without regard to whether there has been a request for dedication of infrastructure by the effective date of this Act.

SECTION 4. New statutory material is underscored.¹

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

(Approved June 22, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.