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IN REPLY REFER TO:

18:PEO/67

August 14, 2018

To: Land Use Commission
Attention: Daniel Orodener
P.O. Box 2359
Honolulu, Hawaii 96804

From: Craig K. Hirai, Executive Director

Subject: Amendments to and Compilation of Chapter 15-15, "Land Use Commission Rules", Hawaii Administrative Rules

The Hawaii Housing Finance and Development Corporation (HHFDC) offers the following comments on the proposed amendments to and compilation of Chapter 15-15, "Land Use Commission Rules", Hawaii Administrative Rules (HAR). In recent years, affordable housing developments sponsored or assisted by HHFDC have not been of sufficient size to trigger Land Use Commission (LUC) purview. However, HHFDC is concerned that some proposed amendments may hinder affordable housing development.

Guidance for Proposed Amendments to §15-15-50, HAR.

The new subparagraphs (24) and (25) added to §15-15-50(c), HAR require petitioners to submit statements regarding (1) climate change, including sea level rise, infrastructure adaptation, and carbon footprint impacts, and (2) adherence to sustainability principles. However, there is no specific guidance on what information should be included in the required statement on climate change. For example, would the LUC accept an environmental assessment which includes a discussion on the impacts of sea level rise on the project and proposed mitigation measures? How would the developer address the overall carbon footprint of the project? HHFDC recommends including criteria to assist the petitioner in preparing the required statements for climate change and sustainability.

Reconsider Proposed Amendments to §15-15-97, HAR.

The proposed amendment to subsection (k) relating to the new requirement that petitions for housing projects under §201H-38, HRS, include submittal of "a certified copy of an approved county council resolution approving the project with conditions and any exceptions granted." It

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appears that the new requirement would preclude an affordable housing developer from seeking a state district boundary amendment before or concurrently with county approval.

Given the severe shortage of affordable housing statewide, and, therefore, the continued need for expedited approvals of 201H projects, HHFDC respectfully requests that the LUC reconsider this proposed amendment as it may have an unintended impact of lengthening the entitlement process.

Thank you for the opportunity to provide written comments on proposed amendments to and compilation of Chapter 15-15, HAR.