



GOV. MSG. NO. 759

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 22, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 22, 2009, the following bill was signed into law:

SB440 SD2 HD1 CD1

A BILL FOR AN ACT  
RELATING TO COUNTIES.  
**ACT 142 (09)**

Sincerely,



LINDA LINGLE

Approved by the Governor

on JUN 22 2009

THE SENATE  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**ACT 142**  
**S.B. NO.** 440  
S.D. 2  
H.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO COUNTIES.

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

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

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

15           The purpose of this Act is to require counties to accept or  
16 reject a dedication of infrastructure request for affordable



1 housing within a specified time and under certain conditions, or  
2 the infrastructure is deemed dedicated.

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

6 "§46- Infrastructure dedication; affordable housing.

7 (a) Infrastructure for affordable housing shall be deemed  
8 dedicated to the county if the county does not accept or reject  
9 the request for dedication of infrastructure within ninety days  
10 of the filing of the dedication request; provided that:

11 (1) Applicable meter and connection fees and utility costs  
12 relating to the dedicated infrastructure have been  
13 paid;

14 (2) The dedicated infrastructure conforms to applicable  
15 county standards in effect at the time of  
16 construction; and

17 (3) The completion of the improvements comprising a  
18 dedicated infrastructure is granted approval by the  
19 county.

20 (b) For the purposes of this section:

21 "Affordable housing" means housing that is affordable to  
22 households with incomes at or below one hundred forty per cent



1 of the median family income as determined by the United States  
2 Department of Housing and Urban Development.

3 "Infrastructure" includes water, drainage, sewer, waste  
4 disposal and waste treatment systems, road, and street lighting  
5 that connect to the infrastructure of the county."

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

11 SECTION 4. New statutory material is underscored.

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

APPROVED this 22 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII