
A BILL FOR AN ACT

RELATING TO SMART GROWTH DEVELOPMENT.

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

1 SECTION 1. The legislature finds that urban sprawl should
2 be curtailed by requiring state agencies involved in public
3 infrastructure projects to ensure that the projects meet smart
4 growth criteria. An investment in smart, sustainable growth is
5 an investment in the long-term fiscal, economic, and
6 environmental sustainability of the State.

7 SECTION 2. Chapter 226, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 **"PART . STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY**

11 **§226-A Definitions.** As used in this part:

12 "Municipal centers" means:

13 (1) Areas of concentrated and mixed land uses that serve
14 as centers for various activities, including but not
15 limited to:

16 (A) Central business districts;

17 (B) Main streets;



- 1 (C) Downtown areas;
- 2 (D) Brownfield opportunity areas;
- 3 (E) Local waterfront revitalization program areas;
- 4 (F) Transit-oriented development areas;
- 5 (G) Environmental justice areas; and
- 6 (H) Hardship areas; and
- 7 (2) Areas adjacent to the areas described in paragraph (1)
- 8 that:
- 9 (A) Have clearly defined borders;
- 10 (B) Are designated for concentrated development in
- 11 the future in a municipal or regional
- 12 comprehensive plan; and
- 13 (C) Exhibit strong land-use, transportation,
- 14 infrastructural, and economic connections to a
- 15 municipal center or areas designated in a
- 16 municipal or comprehensive plan and appropriately
- 17 zoned in a municipal zoning ordinance as a future
- 18 municipal center.

19 "State infrastructure agency" means the department of
20 transportation, the department of education, the department of



1 health, the University of Hawaii, the Hawaii public housing
2 authority, and the department of land and natural resources.

3 **§226-B State smart growth public infrastructure policy.**

4 It is the purpose of this part to augment the State's
5 environmental policy by declaring a fiscally prudent state
6 policy that:

- 7 (1) Maximizes the social, economic, and environmental
8 benefits of public infrastructure development;
- 9 (2) Minimizes the unnecessary costs of urban sprawl,
10 including environmental degradation, disinvestments in
11 urban and suburban communities, and loss of open
12 space; and
- 13 (3) Restricts funding and development of public
14 infrastructure inconsistent with smart growth.

15 **§226-C State smart growth public infrastructure**

16 **requirements; criteria.** (a) In addition to meeting any other
17 criteria and requirements governing the approval, development,
18 financing, and provision of state assistance for new or expanded
19 public infrastructure or the reconstruction thereof, no state
20 infrastructure agency shall approve, undertake, support, or
21 finance a public infrastructure project, including providing



1 grants, awards, loans, or assistance programs, unless, to the
2 extent practicable, the public infrastructure project meets the
3 criteria specified in subsection (b).

4 (b) State smart growth public infrastructure criteria
5 includes:

6 (1) The advancement of projects for the use, maintenance,
7 or improvement of existing infrastructure;

8 (2) The advancement of projects located in municipal
9 centers;

10 (3) The advancement of projects in developed areas or
11 areas designated for concentrated infill development
12 in a municipally approved comprehensive land use plan,
13 local waterfront revitalization plan, or brownfield
14 opportunity area plan;

15 (4) The protection, preservation, and enhancement of the
16 State's resources, including agricultural land,
17 forests, surface and groundwater, air quality,
18 recreation and open spaces, scenic areas, and
19 significant historic and archeological resources;

20 (5) The fostering of mixed land uses and compact
21 development, downtown revitalization, brownfield



1 redevelopment, enhancement of beauty in public spaces,
2 diversity and affordability of housing in proximity to
3 places of employment, and recreation and commercial
4 development;

5 (6) Increased transportation choices, including improved
6 public transportation and reduced dependency on
7 automobiles;

8 (7) Coordination between state and local government and
9 inter-municipal and regional planning;

10 (8) Community-based planning and collaboration;

11 (9) Predictability in building and land use codes; and

12 (10) Promotion of sustainability by:

13 (A) Strengthening existing communities and creating
14 new communities that reduce greenhouse gas
15 emissions and do not compromise the needs of
16 future generations;

17 (B) Encouraging broad-based public involvement in
18 developing and implementing a community plan; and

19 (C) Ensuring an adequate governance structure.

20 **§226-D Smart growth impact statement.** Before making any
21 commitment, entering into any agreement, or incurring any



1 indebtedness for the purpose of acquiring, constructing, or
2 financing any public infrastructure project, the chief executive
3 officer of each state infrastructure agency shall attest in a
4 written smart growth impact statement that the project, to the
5 extent practicable, meets the criteria set forth in section
6 226-C(b). To the extent the project does not meet the criteria
7 set forth in section 226-C(b) or compliance is considered to be
8 impracticable, the chief executive officer shall state in a
9 written statement of justification the reasons why the project
10 does not meet the criteria set forth in section 226-C(b) or why
11 compliance is considered to be impracticable.

12 **§226-E Federal law; infrastructure.** Nothing in this part
13 shall contravene any federal law governing the expenditure or
14 disbursement of federal funds administered by the State.

15 **§226-F Smart growth advisory committees.** The chief
16 executive officer of each state infrastructure agency shall
17 establish a smart growth advisory committee to advise the agency
18 regarding the agency's policies, programs, projects, and
19 compliance with state smart growth public infrastructure
20 criteria. The committee shall consist of appropriate agency
21 personnel designated by the chief executive officer to conduct



H.B. NO. 720

1 the analysis required by section 226-D. The committee shall
 2 solicit input from and consult with various representatives of
 3 affected communities and organizations within those communities,
 4 and shall give consideration to the local and environmental
 5 interests affected by any public infrastructure projects
 6 planned, approved, or financed through the agency.

7 **§226-G No private right of action.** Nothing contained in
 8 this part shall be construed to create a private right of action
 9 against the State or a state infrastructure agency."

10 SECTION 3. This Act does not affect rights and duties that
 11 matured, penalties that were incurred, and proceedings that were
 12 begun before its effective date.

13 SECTION 4. In codifying the new sections added by section
 14 2 of this Act, the revisor of statutes shall substitute
 15 appropriate section numbers for the letters used in designating
 16 the new sections in this Act.

17 SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

[Handwritten signatures and names over the text "INTRODUCED BY:"]
 Frank Kelly
 Linda Chingame
 [Signature]
 [Signature]
 [Signature]
 [Signature]



H.B. NO. 720

Report Title:

Public Infrastructure; Smart Growth

Description:

Establishes the state smart growth public infrastructure policy. Requires state agencies involved in the planning, development, and financing of public infrastructure to consider smart growth criteria prior to approving or financing any public infrastructure project and to either attest that the project meets smart growth criteria or prepare a statement of justification explaining why the project cannot meet smart growth criteria.

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