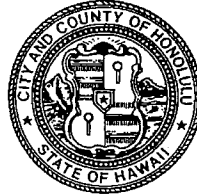


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DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DEPT. WEB SITE: www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



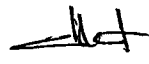
DAVID K. TANOUE
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

ET

July 20, 2009

TO: NEIGHBORHOOD BOARDS/COMMUNITY ASSOCIATIONS, AND
OTHER INTERESTED ORGANIZATIONS AND INDIVIDUALS

FROM: DAVID K. TANOUE, DIRECTOR 
DEPARTMENT OF PLANNING AND PERMITTING

SUBJECT: AMENDMENTS OF THE RULES OF THE TERMS OF UNILATERAL
AGREEMENTS REQUIRING AFFORDABLE HOUSING

The Department of Planning and Permitting is proposing amendments to the Rules for the Terms of Unilateral Agreements (UA) requiring affordable housing.

A public hearing will be held on Monday, August 17, 2009, at 1:30 p.m. in the City Council Committee Meeting Room to receive testimony on the proposed revisions. Please see the enclosed public hearing notice, which explains the purpose of the public hearing and provides a brief description of the proposed changes.

You may obtain copies of the proposed rules at our office on the 7th floor of the Fasi Municipal Building, 650 South King Street, during normal business hours (7:45 a.m. to 4:30 p.m.) or by calling the Department of Planning and Permitting at 768-8054. Should you have any questions, please contact Eugene Takahashi of our staff at 768-8035.

DKT: bkg

Enclosures

P:\Revised Rules\AH Its-memos.doc

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PLANNING AND PERMITTING

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Chapter 91, Hawaii Revised Statutes (HRS), that the Department of Planning and Permitting (DPP) of the City and County of Honolulu will hold a public hearing to consider amending the “**Rules for the Terms of Unilateral Agreements Requiring Affordable Housing.**” The schedule for the public hearing, as well as the purpose of the public hearing, and a brief description of the changes proposed are provided below.

Date: August 17, 2009

Time: 1:30 p.m.

Place: City Council Committee Meeting Room, Room 205, Honolulu Hale, 530 South King Street, Honolulu, Hawaii

PURPOSE:

To update the existing Rules for the Terms of Unilateral Agreement Requiring Affordable Housing. The proposed rules have been revised in accordance with Sections 4-105 and 6-1504 of the City Charter, and Chapter 91-2, Hawaii Revised Statutes (HRS). The proposed rules reflect the reorganization of the City, as well as other changes summarized below.

DESCRIPTION:

1. Updates references to reflect existing organizational names and statutory references.
2. Clarifies that the objective of the rules is to provide communities that offer housing to a wide range of household incomes.
3. Clarifies that the rules apply to residential projects providing a total of ten (10) or more units.
4. Updates various definitions relating to household eligibility, tenancy, and affordable housing pricing are revised, added or deleted.
5. Amends “Moderate Income Household” from a maximum of 120 percent (120%) to 100 percent (100%) of median income, pursuant to City Council Resolution 05-154, CD1.

6. Clarifies that the Director has the authority to withhold processing of permits and apply other enforcement options for violations of these rules, the affordable housing agreement, or implementation schedule.
7. Allows conveyance of land to a qualified non-profit affordable housing provider as a delivery option in lieu of providing affordable housing directly.
8. Restricts in-lieu cash payment to projects of 100 units or less, and the amount of fees to be determined by formula set by City Council, per City Council Resolution 05-154, CD1.
9. Equates affordable housing monthly rents to federal program guidelines.
10. Adds provisions for determining how surplus housing credits may be used.
11. Clarifies household eligibility requirements for purchasing or renting affordable units.
12. Makes provisions for households who become ineligible for affordable housing rents due to increased income.
13. Makes provisions for households that include live-in aides.
14. Clarifies that an authorized agent may review affordable housing documents on behalf of the Director.
15. Revises restriction period on re-sale of affordable housing to be consistent with the Hawaii Housing Finance and Development Corporation program.
16. Allows the City's Department of Budget and Fiscal Services (BFS) more flexibility on resale restrictions that can be applied to affordable units the City purchases and resells.
17. Clarifies developer's reporting and record-keeping obligations.

Copies of the proposed revisions may be reviewed or obtained at the Department of Planning and Permitting, City and County of Honolulu, 7th Floor, Frank F. Fasi Municipal Building, 650 South King Street, Honolulu, Hawaii 96813, during business hours. Copies of the proposed rules will also be mailed at no cost to any interested person who requests a copy by writing to the above address or by calling 768-8054 or 768-8035.

All interested persons are invited to attend the hearing and to state their views on the proposed rules orally or in writing.

Disabled persons requiring special assistance may contact the Department of Planning and Permitting at 768-8006 or notify the Department in writing at the address above, at least 10 days before the public hearing.

DAVID K. TANOUE
Director
Department of Planning and Permitting

(Honolulu Star Bulletin: Friday, July 17, 2009)