

Kaua'i's proposed Housing Policy: Bill 2202 ties applicability only to zoning:

Sec. ___-1.4 Applicability.

The workforce housing requirements shall apply to:

(a) New zoning district boundary amendments that create additional residential uses in any type of zoning district.

(b) New zoning district boundary amendments to residential, resort, commercial, industrial, open, or rural districts.

(c) Previous zoning district boundary amendments which contain affordable housing conditions that have not been satisfied as of the effective date of this ordinance, or that the County has not yet agreed on through executed agreement of the specific means of satisfying the housing conditions.

We need language similar to Maui County's existing policy where it is tied to zoning AND building permits, which ever comes first (Maui Ordinance #3418):

2.96.030 Applicability. A. Any development, including the subdivision of land and/or the construction of single-family dwelling units, two-family dwelling units, multi-family dwelling units, or hotels, as defined in section 19.04.040 of this code, whether constructed at one time or over several years, shall be subject to this chapter upon final subdivision or building permit approval, whichever is applicable and occurs first, if it will result in the creation of the following:

1. Five or more dwelling units, excluding farm labor dwellings or a second farm dwelling, as defined in section 19.04.040 of this code; provided that, such farm labor dwelling or farm dwelling is in full compliance with chapter 205, Hawaii Revised Statutes, and is not part of a condominium property regime, as set forth in chapter 514A, Hawaii Revised Statutes;

2. Five or more new lots;

3. A combination of dwelling units and new lots totaling five or more;

4. Three or more lodging, dwelling, or time share units in a hotel;

5. A conversion of one or more hotel units to dwelling units or time share units; or

6. Any hotel redevelopment or renovation project that increases the number of lodging or dwelling units in a hotel.