

JAN 17 2024

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# A BILL FOR AN ACT

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RELATING TO HOUSING.

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

SECTION 1. Section 201H-38, Hawaii Revised Statutes, is amended to read as follows:

"§201H-38 Housing development; exemption from statutes, ordinances, charter provisions, and rules[+]; applicability of development requirements. (a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that:

- (1) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;



(2) The development of the proposed housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or of the various boards of water supply authorized under chapter 54;

(3) The legislative body of the county in which the housing project is to be situated shall have approved the project with or without modifications:

(A) The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the legislative body;

(B) No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing, approving, modifying, or disapproving the plans and specifications; and



1           (C) The final plans and specifications for the  
2           project shall be deemed approved by the  
3           legislative body if the final plans and  
4           specifications do not substantially deviate from  
5           the preliminary plans and specifications. The  
6           final plans and specifications for the project  
7           shall constitute the zoning, building,  
8           construction, and subdivision standards for that  
9           project. For purposes of sections 501-85 and  
10          502-17, the executive director of the corporation  
11          or the responsible county official may certify  
12          maps and plans of lands connected with the  
13          project as having complied with applicable laws  
14          and ordinances relating to consolidation and  
15          subdivision of lands, and the maps and plans  
16          shall be accepted for registration or recordation  
17          by the land court and registrar; and

18          (4) The land use commission shall approve, approve with  
19          modification, or disapprove a boundary change within  
20          forty-five days after the corporation has submitted a  
21          petition to the commission as provided in section



1           205-4. If, on the forty-sixth day, the petition is  
2           not disapproved, it shall be deemed approved by the  
3           commission.

4           (b) Any government agency that exercises its authority to  
5           develop low- or moderate-income housing projects shall process  
6           any housing project that meets the development requirements of  
7           this chapter and applicable rules adopted pursuant to section  
8           201H-4; provided that no county shall adopt any rule or  
9           ordinance that imposes stricter income requirements than those  
10          adopted or established by the State.

11          ~~[(b)]~~ (c) For the purposes of this section, "government  
12          assistance program" means a housing program qualified by the  
13          corporation and administered or operated by the corporation or  
14          the United States or any of their political subdivisions,  
15          agencies, or instrumentalities, corporate or otherwise."


16          SECTION 2. This Act does not affect rights and duties that  
17          matured, penalties that were incurred, and proceedings that were  
18          begun before its effective date.

19          SECTION 3. Statutory material to be repealed is bracketed  
20          and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 2063

**Report Title:**

Development; Low- or Moderate-Income Housing Projects

**Description:**

Requires any government agency that exercises its authority to develop low- or moderate- income housing projects to process any low- or moderate-income housing project that meets the development requirements of chapter 201H, Hawaii Revised Statutes, and applicable administrative rules.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

