
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Section 201H-38, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The corporation may develop on behalf of the State or
4 with an eligible developer, or may assist under a government
5 assistance program in the development of, housing projects that
6 shall be exempt from all statutes, ordinances, charter
7 provisions, and rules of any government agency relating to
8 planning, zoning, construction standards for subdivisions,
9 development and improvement of land, and the construction of
10 dwelling units thereon; provided that~~[+]~~ either:

11 (1) The housing projects meet the following conditions:

12 ~~[(1)]~~ (A) The corporation finds the housing project is
13 consistent with the purpose and intent of this
14 chapter, and meets minimum requirements of health
15 and safety;

16 ~~[(2)]~~ (B) The development of the proposed housing
17 project does not contravene any safety standards,



1 tariffs, or rates and fees approved by the public
2 utilities commission for public utilities or of
3 the various boards of water supply authorized
4 under chapter 54;

5 ~~[(3)]~~ (C) The legislative body of the county in which
6 the housing project is to be situated shall have
7 approved the project with or without
8 modifications:

9 ~~[(A)]~~ (i) The legislative body shall approve,
10 approve with modification, or disapprove the
11 project by resolution within forty-five days
12 after the corporation has submitted the
13 preliminary plans and specifications for the
14 project to the legislative body. If on the
15 forty-sixth day a project is not
16 disapproved, it shall be deemed approved by
17 the legislative body;

18 ~~[(B)]~~ (ii) No action shall be prosecuted or
19 maintained against any county, its
20 officials, or employees on account of
21 actions taken by them in reviewing,



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



1 ~~[(4)]~~ (D) The land use commission shall approve,
 2 approve with modification, or disapprove a
 3 boundary change within forty-five days after the
 4 corporation has submitted a petition to the
 5 commission as provided in section 205-4. If, on
 6 the forty-sixth day, the petition is not
 7 disapproved, it shall be deemed approved by the
 8 commission~~[-]~~; or

9 (2) The housing projects:

10 (A) Meet the conditions of paragraph (1); and

11 (B) Shall be exclusively for sale or rent to
 12 occupants who are Hawaii residents who own no
 13 other real property."

14 SECTION 2. Section 201H-41, Hawaii Revised Statutes, is
 15 amended by amending subsection (c) to read as follows:

16 "(c) The corporation may accept and approve housing
 17 projects independently initiated by private developers that
 18 fully comply with subsections (a) and (b). The corporation may
 19 review the plans, specifications, districting, and zoning of the
 20 project for the purpose of exempting the project from all
 21 statutes, ordinances, charter provisions, and rules of any



1 government agency relating to zoning and construction standards
2 for subdivisions, development, and improvement of land and the
3 construction, improvement, and sale of dwelling units thereon;
4 provided that the procedures in section [~~201H-38(a)(1), (2), and~~
5 ~~(3)~~] 201H-38(a)(1)(A) through (C) have been satisfied."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY: Lt A Cu

JAN 18 2024



H.B. NO. 1765

Report Title:

Hawaii Housing Finance and Development Corporation; Housing Development; Planning Exemptions

Description:

Requires certain projects meeting the criteria of section 201H-38(a)(1), Hawaii Revised Statutes, to be exclusively for sale or rent to occupants who are Hawaii residents who own no other real property.

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

