

JAN 20 2023

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

1 SECTION 1. Section 91-13.5, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Notwithstanding any other law to the contrary, any
4 agency that reviews and comments upon an application for a
5 business or development-related permit, license, or approval for
6 a housing project developed under section 201H-38 shall respond
7 within [~~forty-five~~] sixty days of receipt of the application, or
8 the application shall be deemed acceptable as submitted to the
9 agency[-]; provided that the application has not been
10 withdrawn."

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

13 "(a) The corporation may develop on behalf of the State or
14 with an eligible developer, or may assist under a government
15 assistance program in the development of, housing projects that
16 shall be exempt from all statutes, ordinances, charter
17 provisions, and rules of any government agency relating to



1 planning, zoning, construction standards for subdivisions,
2 development and improvement of land, and the construction of
3 dwelling units thereon; provided that:

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

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

13 (3) The legislative body of the county in which the
14 housing project is to be situated shall have approved
15 the project with or without modifications[+]; provided
16 further that:

17 (A) The legislative body shall approve, approve with
18 modification, or disapprove the project by
19 resolution within [~~forty-five~~] sixty days after
20 the corporation has submitted the preliminary
21 plans and specifications for the project to the



1 legislative body. If, on the [~~forty-sixth~~
2 sixty-first day, a project is not disapproved, it
3 shall be deemed approved by the legislative body;
4 provided further that the project has not been
5 withdrawn;

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

11 (C) The final plans and specifications for the
12 project shall be deemed approved by the
13 legislative body if the final plans and
14 specifications do not substantially deviate from
15 the preliminary plans and specifications. The
16 final plans and specifications for the project
17 shall constitute the zoning, building,
18 construction, and subdivision standards for that
19 project. For purposes of sections 501-85 and
20 502-17, the executive director of the corporation
21 or the responsible county official may certify



1 maps and plans of lands connected with the
2 project as having complied with applicable laws
3 and ordinances relating to consolidation and
4 subdivision of lands, and the maps and plans
5 shall be accepted for registration or recordation
6 by the land court and registrar; and

7 (4) The land use commission shall approve, approve with
8 modification, or disapprove a boundary change within
9 [~~forty-five~~] sixty days after the corporation has
10 submitted a petition to the commission as provided in
11 section 205-4. If, on the [~~forty-sixth~~] sixty-first
12 day, the petition is not disapproved, it shall be
13 deemed approved by the commission[-]; provided further
14 that the petition has not been withdrawn."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 491

Report Title:

Affordable Housing Projects; Hawaii Housing Finance and Development Corporation; State and County Agencies; Review and Comment Period; Licenses; Land Use Commission; State District Boundary Amendment; Permits

Description:

Expands from forty-five days to sixty days, the time within which: any agency that reviews and comments upon an application for a business or development-related permit, license, or approval for a Hawaii Housing Finance and Development Corporation housing project shall respond; a county shall approve, approve with modification, or disapprove housing projects developed by the Hawaii Housing Finance and Development Corporation; and the Land Use Commission shall approve, approve with modification, or disapprove a boundary change for a Hawaii Housing Finance and Development Corporation housing project. Clarifies that the provisions that require agencies, counties, and the Land Use Commission to act within sixty days, or deem their failure to do so as their acceptance or approval of the application, project, or petition, do not apply to applications, projects, and petitions that have been withdrawn.

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

