

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO ZONING EXEMPTIONS.

**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:

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

15           (2) The development of the proposed housing project does  
16                 not contravene any safety standards, tariffs, or rates  
17                 and fees approved by the public utilities commission



1           for public utilities or of the various boards of water  
2           supply authorized under chapter 54;

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

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

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

19          (C) The final plans and specifications for the  
20          project shall be deemed approved by the  
21          legislative body if the final plans and



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

15 (4) The land use commission shall approve, approve with  
16 modification, or disapprove a boundary change within  
17 forty-five days after the corporation has submitted a  
18 petition to the commission as provided in section  
19 205-4. If, on the forty-sixth day, the petition is  
20 not disapproved, it shall be deemed approved by the  
21 commission~~[ ]~~; and



1        (5) This section shall not apply to the development of any  
2        lands within the conservation district as defined by  
3        section 183C-2 or lands zoned as a preservation  
4        district by a county."

5        SECTION 2. This Act does not affect rights and duties that  
6        matured, penalties that were incurred, and proceedings that were  
7        begun before its effective date.

8        SECTION 3. Statutory material to be repealed is bracketed  
9        and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Carol Fulmer*



# S.B. NO. 643

**Report Title:**

Housing Development; HHFDC; Conservation District; Preservation District

**Description:**

Requires the Hawaii Housing Finance and Development Corporation to comply with various development statutes, ordinances, charter provisions, and rules when developing on lands of the state conservation district or a county preservation district.

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

