
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, charter provisions,
7 ordinances, 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 (A) The corporation finds the housing project is
13 consistent with the purpose and intent of this
14 chapter, [~~and~~] meets minimum requirements of
15 health and safety[~~+~~], and provides the county an
16 opportunity to comment;



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

7 (C) The legislative body of the county in which the
8 housing project is to be situated has approved
9 the project with or without modifications:

10 (i) The legislative body shall approve, approve
11 with modification, or disapprove the project
12 by resolution within forty-five days after
13 the corporation has submitted the
14 preliminary plans and specifications for the
15 project to the legislative body[-]; provided
16 further that the legislative body shall not
17 impose stricter conditions, impose stricter
18 median income requirements, or reduce fee
19 waivers that will increase the cost of the
20 project beyond those approved by the
21 corporation. If, on the forty-sixth day, a



1 project is not disapproved, it shall be
2 deemed approved by the legislative body;

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

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



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

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

15 (2) The housing projects:

16 (A) Meet the conditions of paragraph (1);

17 (B) Do not impose stricter income requirements than
18 those adopted or established by the State; and

19 (C) For the lifetime of the project, require that one
20 hundred per cent of the units in the project be
21 exclusively for qualified residents."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.



Report Title:

HHFDC; Housing Development; Counties; Stricter Conditions; Fee Waivers

Description:

Requires the Hawaii Housing Finance and Development Corporation to provide counties with an opportunity to comment on certain housing development projects. Prohibits the legislative body of a county from imposing stricter conditions than the Hawaii Housing Finance and Development Corporation, stricter area median income requirements, or a reduction in fee waivers to housing development proposals that would increase the cost of the project. (CD1)

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

