
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that certain provisions
2 of the State's housing law expedite the development of housing
3 by exempting certain government projects from all planning,
4 zoning, and construction standards. In 2006, the legislature
5 allowed counties to approve these types of housing projects with
6 or without modifications when it enacted Act 217. During that
7 same session, however, Act 180 repealed the State's housing law
8 and recodified it in chapter 201H. As a result, the amendments
9 in Act 217 were not included in the State's current housing law.
10 The legislature finds that it was intended that the amendments
11 in Act 217 be included.

12 In addition, the same provisions exempting certain
13 government housing development projects from planning, zoning,
14 and construction standards provide a forty-five day window for a
15 county legislative body to approve a project, and for the land
16 use commission to approve a land use boundary change for the
17 project. The legislature believes that forty-five days is too
18 short to allow meaningful discussion by these decision-making



1 bodies. A ninety-day window will provide an expedited review
2 while allowing county legislative bodies and the land use
3 commission to do their due diligence.

4 The purpose of this Act is to amend the provisions of the
5 housing law that exempt certain government housing development
6 projects from planning, zoning, and construction standards by:

7 (1) Placing the amendments in Act 217, Session Laws of
8 Hawaii 2006, allowing county legislative bodies to
9 approve a project with or without modifications, in
10 the law; and

11 (2) Increasing the window for county legislative body
12 project approvals and disapprovals and land use
13 commission land use boundary approvals and
14 disapprovals from forty-five days to ninety days.

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

17 "(a) The corporation may develop on behalf of the State or
18 with an eligible developer, or may assist under a government
19 assistance program in the development of, housing projects that
20 shall be exempt from all statutes, ordinances, charter
21 provisions, and rules of any government agency relating to
22 planning, zoning, construction standards for subdivisions,



1 development and improvement of land, and the construction of
2 dwelling units thereon; provided that:

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

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

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

15 (A) The legislative body shall approve, approve with
16 modifications, or disapprove the project by
17 resolution within [~~forty-five~~] ninety days after
18 the corporation has submitted the preliminary
19 plans and specifications for the project to the
20 legislative body. If on the [~~forty-sixth~~]
21 ninety-first day a project is not disapproved, it
22 shall be deemed approved by the legislative body;



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

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



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

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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Report Title:

Housing Project Approvals; County Councils; Land Use Commission

Description:

Amends chapter 201H, HRS, housing development provisions to allow county councils to approve certain expedited government housing development projects with modifications, and to extend the county and Land Use Commission approval or disapproval window for these projects from 45 to 90 days.

