
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:

11 (1) The project primarily or exclusively includes housing
12 units affordable to households with incomes at or
13 below one hundred forty per cent of the median family
14 income;

15 [~~1~~] (2) The corporation finds the housing project is
16 consistent with the purpose and intent of this
17 chapter, and meets minimum requirements of health and
18 safety;



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

6 [~~3~~] (4) The legislative body of the county in which the
7 housing project is to be situated shall have approved
8 the project~~[+]~~ with or without modifications:

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

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

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

18 [~~4~~] (5) The land use commission shall approve, approve
19 with modifications, or disapprove a boundary change
20 within forty-five days after the corporation has
21 submitted a petition to the commission as provided in
22 section 205-4. If on the forty-sixth day the petition



1 is not disapproved, it shall be deemed approved by the
2 commission."

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

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

6

INTRODUCED BY: 

JAN 19 2007



Report Title:

Housing project exemptions; Housekeeping

Description:

Makes housekeeping amendments to correct statutory references.

