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# 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7 same session, however, Act 180 repealed the State's housing law  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, Hawaii Revised Statutes. As  
9 a result, the amendments in Act 217 were not included in the  
10 State's current housing law. The legislature finds that it was  
11 intended that the amendments 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 -day window will provide an expedited  
2 review 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 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~~] \_\_\_\_\_ days  
18 after the corporation has submitted the  
19 preliminary plans and specifications for the  
20 project to the legislative body. If on the  
21 [~~forty sixth~~] \_\_\_\_\_ day a project is not



1           disapproved, it shall be deemed approved by the  
2           legislative body;

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

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



1                   shall be accepted for registration or recordation  
2                   by the land court and registrar; and

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

10           SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12           SECTION 4. This Act shall take effect on July 1, 2020.



**Report Title:**

Housing Project Approvals; County Councils; Land Use Commission

**Description:**

Amends chapter 201H, Hawaii Revised Statutes, 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 days. (SD1)

