

---

---

## A BILL FOR AN ACT

RELATING TO AFFORDABLE 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  
3 affordable housing by exempting qualified projects from certain  
4 planning, zoning, and construction standards. The legislature  
5 allowed counties to approve these types of housing projects with  
6 or without modifications by Act 217, Session Laws of Hawaii  
7 2006. The Maui county council has on multiple occasions availed  
8 itself of the modification option, instead of disapproving an  
9 affordable housing project simply because modifications were  
10 needed. While the ability to approve a project with  
11 modifications has proven desirable, this feature and the need  
12 for thorough vetting of the project require that county councils  
13 be granted more time for their reviews.

14           Section 201H-38, Hawaii Revised Statutes, allows a mere  
15 forty-five day window for a county council to approve or  
16 disapprove a project. The legislature finds that forty-five  
17 days is too short to allow meaningful discussion and decision-



## H.B. NO. 330

1 making, particularly where failure to act within forty-five days  
2 is deemed as approval. Alternatively, a sixty-day window would  
3 still provide an expedited review of qualified projects while  
4 also allowing county councils to appropriately exercise the due  
5 diligence required of an undertaking as important to the  
6 community as affordable housing.

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

9 "(a) The corporation may develop on behalf of the State or  
10 with an eligible developer, or may assist under a government  
11 assistance program in the development of, housing projects that  
12 shall be exempt from all statutes, ordinances, charter  
13 provisions, and rules of any government agency relating to  
14 planning, zoning, construction standards for subdivisions,  
15 development and improvement of land, and the construction of  
16 dwelling units thereon; provided that:

17 (1) The corporation finds the housing project is  
18 consistent with the purpose and intent of this  
19 chapter, and meets minimum requirements of health and  
20 safety;



# H.B. NO. 330

- 1           (2) The development of the proposed housing project does  
2           not contravene any safety standards, tariffs, or rates  
3           and fees approved by the public utilities commission  
4           for public utilities or of the various boards of water  
5           supply authorized under chapter 54;
- 6           (3) 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           modification, or disapprove the project by  
11           resolution within [~~forty-five~~] sixty days after  
12           the corporation has submitted the preliminary  
13           plans and specifications for the project to the  
14           legislative body. If on the [~~forty-sixth~~] sixty-  
15           first day a project is not disapproved, it shall  
16           be deemed 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



# H.B. NO. 330

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) The land use commission shall approve, approve with  
19          modification, or disapprove a boundary change within  
20          forty-five days after the corporation has submitted a  
21          petition to the commission as provided in section



# H.B. NO. 330

1           205-4. If, on the forty-sixth day, the petition is  
2           not disapproved, it shall be deemed approved by the  
3           commission."

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

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

7

INTRODUCED BY: \_\_\_\_\_

  
By Request

JAN 20 2017



# H.B. NO. 330

**Report Title:**

Maui County Package; County Councils; Housing Projects

**Description:**

Extends the window for a county council to approve or disapprove affordable housing projects that are exempt from planning, zoning, and construction standards, from forty-five days to sixty days.

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

