

JAN 23 2020

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 recognizes that Hawaii is
2 experiencing a severe affordable housing crisis with a lack of
3 affordable rental and for-sale units. According to the 2018
4 affordable rental housing report and ten-year plan, Hawaii will
5 need an additional 64,693 housing units by 2025 with nearly
6 seventy per cent of those units for low-income households
7 earning eighty per cent or less of the area median income.

8 In 2016, the legislature established the goal of developing
9 22,500 affordable rental units by the end of 2026. Achieving
10 this goal will require a variety of approaches.

11 The purpose of this Act is to temporarily exempt affordable
12 housing projects by the Hawaii housing finance and development
13 corporation from all state fees related to discretionary
14 approval or ministerial permits.

15 SECTION 2. Section 201H-38, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§201H-38 Housing development; exemption from statutes,
2 ordinances, charter provisions, and rules. (a) The corporation
3 may develop on behalf of the State or with an eligible
4 developer, or may assist under a government assistance program
5 in the development of, housing projects that shall be exempt
6 from all statutes, ordinances, charter provisions, and rules of
7 any government agency relating to planning, zoning, construction
8 standards for subdivisions, development and improvement of land,
9 and the construction of dwelling units thereon; provided that:

10 (1) The corporation finds the housing project is
11 consistent with the purpose and intent of this
12 chapter, and meets minimum requirements of health and
13 safety;

14 (2) The development of the proposed housing project does
15 not contravene any safety standards, tariffs, or rates
16 and fees approved by the public utilities commission
17 for public utilities or of the various boards of water
18 supply authorized under chapter 54;

19 (3) The legislative body of the county in which the
20 housing project is to be situated shall have approved
21 the project with or without modifications:



1 (A) The legislative body shall approve, approve with
2 modification, or disapprove the project by
3 resolution within forty-five days after the
4 corporation has submitted the preliminary plans
5 and specifications for the project to the
6 legislative body. If on the forty-sixth day a
7 project is not disapproved, it shall be deemed
8 approved by the legislative body;

9 (B) No action shall be prosecuted or maintained
10 against any county, its officials, or employees
11 on account of actions taken by them in reviewing,
12 approving, modifying, or disapproving the plans
13 and specifications; and

14 (C) The final plans and specifications for the
15 project shall be deemed approved by the
16 legislative body if the final plans and
17 specifications do not substantially deviate from
18 the preliminary plans and specifications. The
19 final plans and specifications for the project
20 shall constitute the zoning, building,
21 construction, and subdivision standards for that



1 project. For purposes of sections 501-85 and
2 502-17, the executive director of the corporation
3 or the responsible county official may certify
4 maps and plans of lands connected with the
5 project as having complied with applicable laws
6 and ordinances relating to consolidation and
7 subdivision of lands, and the maps and plans
8 shall be accepted for registration or recordation
9 by the land court and registrar; and

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

17 (b) Affordable housing projects shall be exempt from all
18 state fees related to discretionary approval or ministerial
19 permitting.

20 [~~(b)~~] (c) For the purposes of this section, "government
21 assistance program" means a housing program qualified by the



1 corporation and administered or operated by the corporation or
2 the United States or any of their political subdivisions,
3 agencies, or instrumentalities, corporate or otherwise."

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 provided that on January 1, 2032, this Act shall be repealed and
8 section 201H-38, Hawaii Revised Statutes, shall be reenacted in
9 the form in which it read on the day before the effective date
10 of this Act.

11
INTRODUCED BY: _____

Ann R. McClintock
By Request



S.B. NO. 2969

Report Title:

Hawaii Housing Finance and Development Corporation; Affordable Housing; State Fees

Description:

Temporarily exempts affordable housing projects from all state fees related to discretionary approval or ministerial permitting. Sunsets on 1/1/2032.

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

