

JAN 21 2022

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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. 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 corporation finds the housing project is  
12 consistent with the purpose and intent of this  
13 chapter, and meets minimum requirements of health and  
14 safety;

15       (2) The development of the proposed housing project does  
16 not contravene any safety standards, tariffs, or rates  
17 and fees approved by the public utilities commission



1 for public utilities or of the various boards of water  
2 supply authorized under chapter 54;

3 (3) ~~[The legislative body of the county in which the~~  
4 ~~housing project is to be situated shall have approved~~  
5 ~~the project with or without modifications.~~

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

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

19 ~~(C) The final plans and specifications for the~~  
20 ~~project shall be deemed approved by the~~  
21 ~~legislative body if the final plans and~~



~~specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the zoning, building, construction, and subdivision standards for that project. For purposes of sections 501-85 and 502-17, the executive director of the corporation or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar.]~~ The development project meets the appropriate zoning designation or plan designation; and

- (4) The land use commission shall approve, approve with modification, or disapprove a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in section 205-4. If, on the forty-sixth day, the petition is not



1           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.

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

A handwritten signature in black ink, appearing to be 'ATL', is written over a horizontal line.

# S.B. NO. 2229

**Report Title:**

By-Right Development; Counties; Housing; Hawaii Housing Finance and Development Corporation

**Description:**

Removes requirements for housing projects developed by the Hawaii Housing Finance and Development Corporation to obtain approval from county legislative bodies; provided the project meets the appropriate zoning and plan designations.

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

