

JAN 21 2022

# A BILL FOR AN ACT

RELATING TO RESIDENTIAL ZONING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§46- County residential zoning compliance. (a)  
Notwithstanding any other law to the contrary, a county shall  
deem a residential development compliant with its county zoning  
requirements if the proposed development meets the requirements  
in subsections (b) and (c).

(b) The residential development is located on a site that  
meets the following requirements:

(1) At the time of application, the parcel is zoned for  
residential use by the county and low-density  
residential single-family construction is authorized;

(2) Notwithstanding any provision of this section or any  
local ordinance, the proposed housing development  
would not require demolition or alteration of any of  
the following types of housing:



1           (A) Housing that is subject to a recorded covenant,  
2                   ordinance, or law that restricts rents to levels  
3                   affordable to persons and families of low or very  
4                   low income;

5           (B) Housing that is subject to any form of rent or  
6                   price control through a county's valid exercise  
7                   of its police power; and

8           (C) Housing that has been occupied by a tenant in the  
9                   last three years; and

10          (3) The parcel is not located within a historic district  
11               listed in the National Register of Historic Places or  
12               as determined by the state historic preservation  
13               program in accordance with chapter 6E.

14          (c) The residential development meets all of the following  
15          requirements:

16          (1) Compliance with the county's objective design review  
17               standards, including but not limited to minimum lot  
18               area and required setbacks;

19          (2) The residential development height limit does not  
20               exceed twenty-six feet unless the county allows a  
21               greater height;



1        (3) The proposed project consists of ten units of housing  
2        or less; and

3        (4) If the proposed project is subject to an inclusionary  
4        housing ordinance when the project application is  
5        submitted, the project satisfies the requirements of  
6        the inclusionary housing ordinance."

7        SECTION 2. New statutory material is underscored.

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

9  
INTRODUCED BY:

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



# S.B. NO. 2466

**Report Title:**

County Zoning; Housing; Residential Development

**Description:**

Requires a county to approve a resident development plan that is compliant with certain requirements.

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

