

JAN 26 2022

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



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

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

(A) The ~~[legislative body]~~ county shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the ~~[legislative body.]~~ county. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the ~~[legislative body,]~~ county;

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

(C) The final plans and specifications for the project shall be deemed approved by the



1 ~~[legislative body]~~ county if the final plans and
2 specifications do not substantially deviate from
3 the preliminary plans and specifications. The
4 final plans and specifications for the project
5 shall constitute the zoning, building,
6 construction, and subdivision standards for that
7 project. For purposes of sections 501-85 and
8 502-17, the executive director of the corporation
9 or the responsible county official may certify
10 maps and plans of lands connected with the
11 project as having complied with applicable laws
12 and ordinances relating to consolidation and
13 subdivision of lands, and the maps and plans
14 shall be accepted for registration or recordation
15 by the land court and registrar; ~~[and]~~

- 16 (4) If the proposed housing project is a for-sale project,
17 the housing project shall, in perpetuity, not require
18 income restrictions and provide that the proposed
19 housing project is built only for "qualified
20 residents" as defined in section 201H-32, who:
21 (A) Will be owner-occupants of the units; and



(B) Own no other real property; and

[+4+] (5) 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 disapproved, it shall be deemed approved by the commission."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY:

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S.B. NO. 3177

Report Title:

Housing; Exemption; Income Restrictions

Description:

Exempts from income restrictions for-sale housing projects that, in perpetuity, do not require income restrictions and are built for qualified residents, who will be owner-occupants and who own no other property.

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

