
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Chapter 201H, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

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

14 (b) Housing projects developed by the corporation pursuant
15 to this section shall not be subject to income restrictions by
16 the corporation or any other agency of the State or county in
17 which the project is developed; provided that:



1 (1) All units constructed under the proposed project shall
2 exclusively be:

3 (A) Sold or transferred as leasehold or fee simple
4 units;

5 (B) Sold or transferred to owner-occupiers;

6 (C) Sold or transferred to prospective owners who own
7 no other real property; and

8 (D) Sold or transferred to residents of the State.

9 The provisions of this paragraph shall apply in
10 perpetuity. If the project fails to meet the
11 above provisions at any point, all exemptions for
12 the project shall lapse and the developer shall
13 be subject to all fees, fines, or other penalties
14 deemed appropriate by the county in which the
15 project is located;

16 (2) The corporation finds that the housing project meets
17 minimum requirements of health and safety;

18 (3) The development of the proposed housing project does
19 not contravene any safety standards, tariffs, or rates
20 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 (4) The county in which the housing project is to be
4 situated shall have approved the project with or
5 without modifications and:

6 (A) The county 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 county.
11 If on the forty-sixth day a project is not
12 disapproved, it shall be deemed approved by the
13 county;

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 county if
21 the final plans and specifications do not



1 substantially deviate from the preliminary plans
2 and specifications. The final plans and
3 specifications for the project shall constitute
4 the zoning, building, construction, and
5 subdivision standards for that project. For
6 purposes of sections 501-85 and 502-17, the
7 executive director of the corporation or the
8 responsible county official, as applicable, may
9 certify maps and plans of lands connected with
10 the project as having complied with applicable
11 laws and ordinances relating to consolidation and
12 subdivision of lands, and the maps and plans
13 shall be accepted for registration or recordation
14 by the land court and registrar; and

- 15 (5) The land use commission shall approve, approve with
16 modification, or disapprove a boundary change within
17 forty-five days after the corporation has submitted a
18 petition to the commission as provided in section
19 205-4. If, on the forty-sixth day, the petition is
20 not disapproved, it shall be deemed approved by the
21 commission.



1 (c) For the purposes of this section, "government
2 assistance program" means a housing program qualified by the
3 corporation and administered or operated by the corporation or
4 the United States or any of their political subdivisions,
5 agencies, or instrumentalities, corporate or otherwise."

6 SECTION 2. New statutory material is underscored.

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



Report Title:

Hawaii Housing Finance and Development Corporation; Exemptions;
Homeownership; Income Restrictions; Prohibition

Description:

Exempts housing projects from laws, rules, and ordinances;
provided that units in the project are only sold or transferred
as leasehold or fee simple housing, are owner-occupied, and are
available only to owners who own no other real property.
Prohibits the Hawaii Housing Finance and Development Corporation
or any other government agency from imposing income restrictions
on the housing units. (SD1)

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not legislation or evidence of legislative intent.*

