

---

---

# 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[-]; provided that the  
12 legislative body shall not approve the project  
13 with a modification that imposes stricter income  
14 requirements than those adopted or established by  
15 the State. If on the forty-sixth day a project  
16 is not disapproved, it shall be deemed approved  
17 by the legislative body;

18 (B) No action shall be prosecuted or maintained  
19 against any county, its officials, or employees  
20 on account of actions taken by them in reviewing,



1 approving, modifying, or disapproving the plans  
2 and specifications; and  
3 (C) The final plans and specifications for the  
4 project shall be deemed approved by the  
5 legislative body if the final plans and  
6 specifications do not substantially deviate from  
7 the preliminary plans and specifications. The  
8 final plans and specifications for the project  
9 shall constitute the zoning, building,  
10 construction, and subdivision standards for that  
11 project. For purposes of sections 501-85 and  
12 502-17, the executive director of the corporation  
13 or the responsible county official may certify  
14 maps and plans of lands connected with the  
15 project as having complied with applicable laws  
16 and ordinances relating to consolidation and  
17 subdivision of lands, and the maps and plans  
18 shall be accepted for registration or recordation  
19 by the land court and registrar; and  
20 (4) The land use commission shall approve, approve with  
21 modification, or disapprove a boundary change within



1           forty-five days after the corporation has submitted a  
2           petition to the commission as provided in section  
3           205-4. If, on the forty-sixth day, the petition is  
4           not disapproved, it shall be deemed approved by the  
5           commission."

6           SECTION 2. This Act does not affect rights and duties that  
7           matured, penalties that were incurred, and proceedings that were  
8           begun before its effective date.

9           SECTION 3. Statutory material to be repealed is bracketed  
10          and stricken. New statutory material is underscored.

11          SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Affordable Housing; Counties; Income Restrictions

**Description:**

Prohibits a county's legislative body from approving an affordable housing project with modifications that impose stricter income requirements than the State. Effective 7/1/3000. (HD1)

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

