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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[-]; provided that the  
12 legislative body shall not impose requirements  
13 for residential incomes lower than those adopted  
14 or established by the State. If on the forty-  
15 sixth day a project is not disapproved, it shall  
16 be deemed approved by the legislative body;

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



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

18 (4) The land use commission shall approve, approve with  
19 modification, or disapprove a boundary change within  
20 forty-five days after the corporation has submitted a  
21 petition to the commission as provided in section



1           205-4. If, on the forty-sixth day, the petition is  
2           not disapproved, it shall be deemed approved by the  
3           commission."

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

7           SECTION 3. Statutory material to be repealed is bracketed  
8           and stricken. New statutory material is underscored.

9           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Housing; Counties; Approval of Projects; Income Requirements

**Description:**

Prohibits the legislative body of a county from imposing requirements for residential incomes lower than those adopted or established by the State for housing projects. (SD1)

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

