
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 to read as follows:

3 "**§201H-38 Housing development; exemption from statutes,**
4 **ordinances, charter provisions, and rules[-]; applicability of**
5 **development requirements.** (a) The corporation may develop on
6 behalf of the State or with an eligible developer, or may assist
7 under a government assistance program in the development of,
8 housing projects that shall be exempt from all statutes,
9 ordinances, charter provisions, and rules of any government
10 agency relating to planning, zoning, construction standards for
11 subdivisions, development and improvement of land, and the
12 construction of dwelling units thereon; provided that:

13 (1) The corporation finds the housing project is
14 consistent with the purpose and intent of this
15 chapter, and meets minimum requirements of health and
16 safety;



1 (2) The development of the proposed housing project does
2 not contravene any safety standards, tariffs, or rates
3 and fees approved by the public utilities commission
4 for public utilities or of the various boards of water
5 supply authorized under chapter 54;

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

9 (A) The legislative body shall approve, approve with
10 modification, or disapprove the project by
11 resolution within forty-five days after the
12 corporation has submitted the preliminary plans
13 and specifications for the project to the
14 legislative body. If on the forty-sixth day a
15 project is not disapproved, it shall be deemed
16 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 (b) Any government agency that exercises its authority to
5 develop low- or moderate-income housing projects shall process
6 any housing project that meets the development requirements of
7 this chapter and applicable rules adopted pursuant to section
8 201H-4; provided that no county shall adopt any rule or
9 ordinance that imposes stricter income requirements than those
10 adopted or established by the State.

11 [~~(b)~~] (c) For the purposes of this section, "government
12 assistance program" means a housing program qualified by the
13 corporation and administered or operated by the corporation or
14 the United States or any of their political subdivisions,
15 agencies, or instrumentalities, corporate or otherwise."

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 1762

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

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INTRODUCED BY: Lo A. Cu

JAN 18 2024



H.B. NO. 1762

Report Title:

Development; Low- or Moderate-Income Housing Projects

Description:

Requires any government agency that exercises its authority to develop low- or moderate- income housing projects to process any low- or moderate-income housing project that meets the development requirements of chapter 201H, Hawaii Revised Statutes, and applicable administrative rules.

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

