

JAN 20 2023

A BILL FOR AN ACT

RELATING TO AFFORDABLE 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.** (a) The corporation
5 may develop on behalf of the State or with an eligible
6 developer, or may assist under a government assistance program
7 in the development of, housing projects that shall be exempt
8 from all statutes, ordinances, charter provisions, and rules of
9 any government agency relating to planning, zoning, construction
10 standards for subdivisions, development and improvement of land,
11 and the construction of dwelling units thereon; provided that:

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

16 (2) The development of the proposed housing project does
17 not contravene any safety standards, tariffs, or rates



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1 and fees approved by the public utilities commission
2 for public utilities or of the various boards of water
3 supply authorized under chapter 54;

4 (3) The preliminary plans and specifications for the
5 project shall include a restrictive covenant that the
6 percentage of units of the projects that are
7 designated as affordable housing, as described in the
8 submitted project application, shall be affordable
9 housing in perpetuity;

10 [~~3~~] (4) The legislative body of the county in which the
11 housing project is to be situated shall have approved
12 the project with or without modifications:

13 (A) The legislative body shall approve, approve with
14 modification, or disapprove the project by
15 resolution within forty-five days after the
16 corporation has submitted the preliminary plans
17 and specifications for the project to the
18 legislative body. If on the forty-sixth day a
19 project is not disapproved, it shall be deemed
20 approved by the legislative body;



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

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



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1 shall be accepted for registration or recordation
2 by the land court and registrar; and

3 [~~(4)~~] (5) The land use commission shall approve, approve
4 with modification, or disapprove a boundary change
5 within forty-five days after the corporation has
6 submitted a petition to the commission as provided in
7 section 205-4. If, on the forty-sixth day, the
8 petition is not disapproved, it shall be deemed
9 approved by the commission.

10 (b) For the purposes of this section [~~,"government"]:~~

11 "Affordable housing" has the same meaning as in section
12 201H-57.

13 "Government assistance program" means a housing program
14 qualified by the corporation and administered or operated by the
15 corporation or the United States or any of their political
16 subdivisions, agencies, or instrumentalities, corporate or
17 otherwise."

18 SECTION 2. Section 201H-41, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) The corporation may accept and approve housing
21 projects independently initiated by private developers that



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1 fully comply with subsections (a) and (b). The corporation may
2 review the plans, specifications, districting, and zoning of the
3 project for the purpose of exempting the project from all
4 statutes, ordinances, charter provisions, and rules of any
5 government agency relating to zoning and construction standards
6 for subdivisions, development, and improvement of land and the
7 construction, improvement, and sale of dwelling units thereon;
8 provided that the procedures in section 201H-38(a)(1), (2),
9 [~~and~~], (3), and (4) have been satisfied."

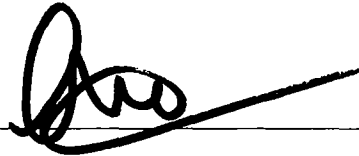
10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'J. W.', is written over a horizontal line.

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Report Title:

Affordable Housing; Housing Projects; Affordability; Perpetuity

Description:

Requires that Hawaii housing finance and development corporation housing projects include a restrictive covenant that the percentage of units of the housing project that are designated as affordable housing, as described in the submitted housing project application, shall be affordable housing in perpetuity.

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

