THE SENATE THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

S.B. NO. 812

JAN 2 0 2023

#### 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 part II to be appropriately
3	designated and to read as follows:
4	"§201H- Housing development; income restrictions and
5	additional exemptions. (a) The corporation may develop on
6	behalf of the State or, with an eligible developer, 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.
13	(b) Housing projects developed by the corporation pursuant
14	to this section shall not be subject to income restrictions by
15	the corporation or any other agency of the State or county in

- 16 which the project is developed; provided that:
- 17 (1) Either:



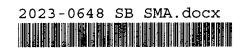
1	(A)	Fift	y per cent of the units constructed under the
2		prop	osed housing project shall be reserved for
3		hous	eholds with an income of up to one hundred
4		fort	y per cent of the area median income as
5		dete	rmined by the United States Department of
6		Hous	ing and Urban Development; or
7	<u>(B)</u>	All	units constructed under the proposed housing
8		proj	ect shall exclusively be:
9		<u>(i)</u>	Sold or transferred as leasehold or fee
10			simple units;
11		(ii)	Sold or transferred to owner-occupiers;
12	<u>(</u>	<u>iii)</u>	Sold or transferred to prospective owners
13			who own no other real property; and
14		(iv)	Sold or transferred to residents of the
15			State;
16	provided furth	er th	at the provisions of this paragraph shall
17	apply in perpe	tuity	. If the project fails to meet the above
18	provisions at	any p	oint, all exemptions for the project shall
19	lapse and the	devel	oper shall be subject to all fees, fines, or
20	other penaltie	s dee	med appropriate by the county in which the
21	project is loc	ated;	



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1	(2)	The corporation finds that the housing project meets
2		minimum requirements of health and safety;
3	(3)	The development of the proposed housing project does
4		not contravene any safety standards, tariffs, or rates
5		and fees approved by the public utilities commission
6		for public utilities or of the various boards of water
7		supply authorized under chapter 54;
8	(4)	The county in which the housing project is to be
9		situated shall have approved the project with or
10		without modifications and:
11		(A) The county shall approve, approve with
12		modification, or disapprove the project by
13		resolution within forty-five days after the
14		corporation has submitted the preliminary plans
15		and specifications for the project to the county.
16		If on the forty-sixth day a project is not
17		disapproved, it shall be deemed approved by the
18		county;
19		(B) No action shall be prosecuted or maintained
20		against any county, its officials, or employees
21		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 county if
5			the final plans and specifications do not
6			substantially deviate from the preliminary plans
7			and specifications. The final plans and
8			specifications for the project shall constitute
9			the zoning, building, construction, and
10			subdivision standards for that project. For
11			purposes of sections 501-85 and 502-17, the
12			executive director of the corporation or the
13			responsible county official, as applicable, may
14			certify maps and plans of lands connected with
15			the project as having complied with applicable
16			laws 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	(5)	The	land use commission shall approve, approve with
21		modi	fication, 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	(c) For the purposes of this section, "government
7	assistance program" has the same meaning as defined in section
8	<u>201H-38.</u> "
9	SECTION 2. New statutory material is underscored.
10	SECTION 3. This Act shall take effect upon its approval.
11	

INTRODUCED BY:



#### Report Title:

Hawaii Housing Finance and Development Corporation; Housing Development; Exemptions; Income Restrictions; Affordable Housing; Homeownership; Workforce Rentals

#### Description:

Allows the Hawaii Housing Finance and Development Corporation to develop certain housing projects that are exempt from laws, rules, and ordinances, including income restrictions, under certain circumstances.

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

