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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. The legislature finds that section 201H-38,  
2 Hawaii Revised Statutes, was enacted in 2006 to authorize the  
3 Hawaii housing finance and development corporation to grant  
4 affordable housing projects approved by the agency exemptions  
5 from any statutes, ordinances, and rules of any governmental  
6 agency relating to planning, zoning, and construction standards  
7 that would not negatively affect the health and safety of the  
8 general public. These exceptions were also intended to expedite  
9 the building process for urgently needed housing. Applications  
10 for exemptions pursuant to section 201H-38, Hawaii Revised  
11 Statutes, for affordable housing projects increased in 2019  
12 after new rules under chapter 343, Hawaii Revised Statutes,  
13 relating to environmental impact statements, removed a  
14 requirement that projects approved pursuant to section 201H-38,  
15 Hawaii Revised Statutes, be accompanied by draft environmental  
16 assessments.



1           The legislature also finds that several housing projects  
2 proposed for development pursuant to section 201H-38, Hawaii  
3 Revised Statutes, have recently been approved in neighborhoods  
4 where existing infrastructure has raised concerns regarding  
5 whether that infrastructure can adequately sustain higher-  
6 density development.

7           The legislature further finds that transit-oriented  
8 development (TOD) zones, or specially zoned areas within one-  
9 fourth to one-half mile of a rail station, are designed to  
10 encourage people to live, work, and shop within walking or  
11 biking distance of a rail station. These TOD zones are more  
12 likely to have coordinated infrastructure plans that include  
13 integrated roadways, sewer, water, and electrical infrastructure  
14 projects and land use requirements that can support the housing  
15 projects developed pursuant to section 201H-38, Hawaii Revised  
16 Statutes.

17           Accordingly, the purpose of this Act is to require housing  
18 projects developed pursuant to section 201H-38, Hawaii Revised  
19 Statutes, to be located within county-designated transit-  
20 oriented development zones or within a certain distance of a  
21 proposed or existing transit station.



1 SECTION 2. 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, charter provisions,  
7 ordinances, 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 either:

11 (1) The housing projects are located within county-  
12 designated transit-oriented development zones, or  
13 within a one-half mile radius of a proposed or  
14 existing transit station if the county has not  
15 designated transit-oriented development zones, and  
16 meet the following conditions:

17 (A) The corporation finds the housing project is  
18 consistent with the purpose and intent of this  
19 chapter, and meets minimum requirements of health  
20 and safety;



- 1 (B) The development of the proposed housing project  
2 does not contravene any safety standards,  
3 tariffs, or rates and fees approved by the public  
4 utilities commission for public utilities or of  
5 the various boards of water supply authorized  
6 under chapter 54;
- 7 (C) The legislative body of the county in which the  
8 housing project is to be situated has approved  
9 the project with or without modifications:
- 10 (i) The legislative body shall approve, approve  
11 with modification, or disapprove the project  
12 by resolution within forty-five days after  
13 the corporation has submitted the  
14 preliminary plans and specifications for the  
15 project to the legislative body. If on the  
16 forty-sixth day a project is not  
17 disapproved, it shall be deemed approved by  
18 the legislative body;
- 19 (ii) No action shall be prosecuted or maintained  
20 against any county, its officials, or  
21 employees on account of actions taken by



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





# H.B. NO. 1480

**Report Title:**

Housing; Exemptions; Transit-Oriented Zones; Development

**Description:**

Requires housing projects developed pursuant to section 201H-38, HRS, to be located within county-designated transit-oriented zones.

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

