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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, 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 meet the following conditions:

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

16                   (B) The development of the proposed housing project  
17                   does not contravene any safety standards,



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

5 (C) The legislative body of the county in which the  
6 housing project is to be situated has approved  
7 the project with or without modifications:

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

17 (ii) No action shall be prosecuted or maintained  
18 against any county, its officials, or  
19 employees on account of actions taken by  
20 them in reviewing, approving, modifying, or



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



1           provided further that projects that have received  
2           financing from the State shall be exempt from  
3           approval by the legislative body of the county in  
4           which the housing project is to be situated; and

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

13          (2) The housing projects:

14               (A) Meet the conditions of paragraph (1);

15               (B) Do not impose stricter income requirements than  
16               those adopted or established by the State; and

17               (C) For the lifetime of the project, require one  
18               hundred per cent of the units in the project be  
19               exclusively for qualified residents."



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

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: ZNC  
JAN 16 2025



# H.B. NO. 416

**Report Title:**

Housing Development; County Council Approval Exemption;  
State-Financing

**Description:**

Exempts state-financed housing developments from the requirement to obtain approval from the applicable county council.

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

