
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 a financing commitment from the State shall be
3 exempt from approval by the legislative body of
4 the county in which the housing project is to be
5 situated; and

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

14 (2) The housing projects:

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

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

18 (C) For the lifetime of the project, require one
19 hundred per cent of the units in the project be
20 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.



Report Title:

Housing Development; County Council Approval Exemption; State Financing Commitments

Description:

Exempts housing developments that have obtained financing commitments from the State from the requirement to obtain approval from the applicable county council. (SD1)

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