
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~~[-]~~; provided
14 that the legislative body shall not make any
15 modifications or impose conditions that will
16 increase the cost of the project. If on the
17 forty-sixth day a project is not
18 disapproved, it shall be deemed approved by
19 the legislative body;

20 (ii) No action shall be prosecuted or maintained
21 against any county, its officials, or



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



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

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

11 (2) The housing projects:

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

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

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

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Hawaii Housing Finance and Development Corporation; Housing Development; Counties; Modifications; Conditions

Description:

Prohibits the legislative body of a county from making modifications or imposing conditions to housing development proposals that would increase the cost of the project. (SD1)

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