
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 to read as follows:

3 "**§201H-38 Housing development; exemption from statutes,**
4 **ordinances, charter provisions, and rules.** (a) The corporation
5 may develop on behalf of the State or with an eligible
6 developer, or may assist under a government assistance program
7 in the development of, housing projects that shall be exempt
8 from all statutes, charter provisions, ordinances, and rules of
9 any government agency relating to planning, zoning, construction
10 standards for subdivisions, development and improvement of land,
11 and the construction of dwelling units thereon; provided that
12 either:

13 (1) The housing projects meet the following conditions:

14 (A) The corporation finds the housing project is
15 consistent with the purpose and intent of this
16 chapter, and meets minimum requirements of health
17 and safety; provided that the corporation may



1 modify a housing project or impose conditions on
2 the housing project only to the extent necessary
3 to address minimum health and safety standards;

4 (B) The development of the proposed housing project
5 does not contravene any safety standards,
6 tariffs, or rates and fees approved by the public
7 utilities commission for public utilities or of
8 the various boards of water supply authorized
9 under chapter 54;

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

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



1 project as having complied with applicable
2 laws and ordinances relating to
3 consolidation and subdivision of lands, and
4 the maps and plans shall be accepted for
5 registration or recordation by the land
6 court and registrar; and

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

15 (2) The housing projects:

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

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

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



1 (b) The corporation or a county shall have thirty days to
2 accept an application submitted pursuant to this section. The
3 corporation or county shall have one hundred twenty days to
4 process the application before final approval by a county
5 legislative body pursuant to subsection (a)(1)(C).

6 [~~(b)~~] (c) For the purposes of this section, "government
7 assistance program" means a housing program qualified by the
8 corporation and administered or operated by the corporation or
9 the United States or any of their political subdivisions,
10 agencies, or instrumentalities, corporate or otherwise."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

HHFDC; Housing Development; Counties; Affordable Housing;
Application; Approval

Description:

Clarifies that projects seeking exemptions from planning and development laws and rules may be modified by the Hawaii Housing Finance and Development Corporation under certain conditions. Authorizes HHFDC to make recommendations to appropriate Legislative bodies. Requires HHFDC or a county to accept an application seeking certain exemptions within thirty days, and to process the application within one hundred twenty days before final approval by a county legislative body for certain housing projects. Effective 7/1/2050. (SD1)

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

