

JAN 17 2025

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



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 3. New statutory material is underscored.

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

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INTRODUCED BY: Carol Johnson



S.B. NO. 806

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.

