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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



disapproving the plans and specifications;

and

(iii) The final plans and specifications for the project shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the zoning, building, construction, and subdivision standards for that project. For purposes of sections 501-85 and 502-17, the executive director of the corporation or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar;



1           provided that projects that have received a  
2           financing commitment from the State within the  
3           urban land use district shall be exempt from  
4           approval by the legislative body of the county in  
5           which the housing project is to be situated;  
6           provided further that a county planning director  
7           may reject a permit application within thirty  
8           days of receiving the preliminary plans and  
9           specifications for reasons related to a lack of  
10          infrastructure for a project within a urban land  
11          use district that received a financing commitment  
12          from the State;

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

21           (2) The housing projects:



- 1 (A) Meet the conditions of paragraph (1);
- 2 (B) Do not impose stricter income requirements than
- 3 those adopted or established by the State; and
- 4 (C) For the lifetime of the project, require one
- 5 hundred per cent of the units in the project be
- 6 exclusively for qualified residents."

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

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Housing Development; HHFDC; County Council Approval Exemption;  
State-Financing; Infrastructure

**Description:**

Exempts certain state-financed housing developments from the requirement to obtain approval from the applicable county council. Authorizes a county planning director to reject certain permit applications due to a lack of infrastructure. Effective 7/1/3000. (HD1)

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

