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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~~[-]~~; provided  
14 that the legislative body shall not impose  
15 stricter conditions than the Hawaii housing  
16 finance and development corporation,  
17 stricter area median income requirements, or  
18 a reduction in fee waivers that will  
19 increase the cost of the project. If on the  
20 forty-sixth day a project is not



disapproved, it shall be deemed approved by  
the legislative body;

(ii) No action shall be prosecuted or maintained  
against any county, its officials, or  
employees on account of actions taken by  
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



1 connected with the project as having  
2 complied with applicable laws and ordinances  
3 relating to consolidation and subdivision of  
4 lands, and the maps and plans shall be  
5 accepted for registration or recordation by  
6 the land 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           SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 3. This Act shall take effect on April 23, 2057.



**Report Title:**

Hawaii Housing Finance and Development Corporation; Housing  
Development; Counties; Stricter Conditions; Fee Waivers

**Description:**

Prohibits the legislative body of a county from making imposing  
stricter conditions than the Hawaii Housing Finance and  
Development Corporation, stricter area median income  
requirements, or a reduction in fee waivers to housing  
development proposals that would increase the cost of the  
project. Effective 4/23/2057. (HD1)

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not legislation or evidence of legislative intent.*

