
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, impose stricter median
16 income requirements, or reduce fee waivers
17 that will increase the cost of the project
18 beyond those approved by the corporation.

19 If, on the forty-sixth day, a project is not
20 disapproved, it shall be deemed approved by
21 the legislative body;



1 (ii) No action shall be prosecuted or maintained
2 against any county, its officials, or
3 employees on account of actions taken by
4 them in reviewing, approving, modifying, or
5 disapproving the plans and specifications;
6 and

7 (iii) The final plans and specifications for the
8 project shall be deemed approved by the
9 legislative body if the final plans and
10 specifications do not substantially deviate
11 from the preliminary plans and
12 specifications. The final plans and
13 specifications for the project shall
14 constitute the zoning, building,
15 construction, and subdivision standards for
16 that project. For purposes of sections
17 501-85 and 502-17, the executive director of
18 the corporation or the responsible county
19 official may certify maps and plans of lands
20 connected with the project as having
21 complied with applicable laws and ordinances



1 relating to consolidation and subdivision of
2 lands, and the maps and plans shall be
3 accepted for registration or recordation by
4 the land court and registrar; and

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

13 (2) The housing projects:

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

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

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

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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



Report Title:

HHFDC; Housing Development; Counties; Stricter Conditions; Fee
Waivers

Description:

Prohibits the legislative body of a county from 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. (HD2)

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