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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 make any  
15 modifications or impose conditions that will  
16 increase the cost of the project. If on the  
17 forty-sixth day a project is not  
18 disapproved, it shall be deemed approved by  
19 the legislative body;

20 (ii) No action shall be prosecuted or maintained  
21 against any county, its officials, or



1 employees on account of actions taken by  
2 them in reviewing, approving, modifying, or  
3 disapproving the plans and specifications;  
4 and

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   Statutory material to be repealed is bracketed  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

20       SECTION 3.   This Act shall take effect upon its approval.



**Report Title:**

Hawaii Housing Finance and Development Corporation; Housing  
Development; Counties; Modifications; Conditions

**Description:**

Prohibits the legislative body of a county from making  
modifications or imposing conditions to housing development  
proposals that would increase the cost of the project. (SD1)

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

