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# A BILL FOR AN ACT

RELATING TO HOUSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 201H-38, Hawaii Revised Statutes, is amended to read as follows:

**"§201H-38 Housing development; exemption from statutes, ordinances, charter provisions, and rules.** (a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, charter provisions, ordinances, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that either:

(1) The housing projects meet the following conditions:

(A) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety; provided that the corporation may



modify a housing project or impose conditions on  
the housing project only to the extent necessary  
to address minimum health and safety standards;

(B) The development of the proposed housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or of the various boards of water supply authorized under chapter 54;

(C) The legislative body of the county in which the housing project is to be situated has approved the project with or without modifications:

(i) The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the 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 make recommendations to the appropriate legislative body to certify maps and plans of lands connected with the



1 project as having complied with applicable  
2 laws and ordinances relating to  
3 consolidation and subdivision of lands, and  
4 the maps and plans shall be accepted for  
5 registration or recordation by the land  
6 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        (b) The corporation or a county shall have thirty days to  
2        accept an application submitted pursuant to this section. The  
3        corporation or county shall have one hundred twenty days to  
4        process the application before final approval by a county  
5        legislative body pursuant to subsection (a)(1)(C).

6        [~~(b)~~] (c) For the purposes of this section, "government  
7        assistance program" means a housing program qualified by the  
8        corporation and administered or operated by the corporation or  
9        the United States or any of their political subdivisions,  
10       agencies, or instrumentalities, corporate or otherwise."

11       SECTION 2. Statutory material to be repealed is bracketed  
12       and stricken. New statutory material is underscored.

13       SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

HHFDC; Housing Development; Counties; Affordable Housing;  
Application; Approval

**Description:**

Clarifies that projects seeking exemptions from planning and development laws and rules may be modified by the Hawaii Housing Finance and Development Corporation under certain conditions. Authorizes HHFDC to make recommendations to appropriate Legislative bodies. Requires HHFDC or a county to accept an application seeking certain exemptions within thirty days, and to process the application within one hundred twenty days before final approval by a county legislative body for certain housing projects. Effective 7/1/2050. (SD1)

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

