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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 to read as follows:

3           "**§201H-38 Housing development; exemption from statutes,**  
4 **ordinances, charter provisions, and rules.** (a) The corporation  
5 may develop on behalf of the State or with an eligible  
6 developer, or may assist under a government assistance program  
7 in the development of, housing projects that shall be exempt  
8 from all statutes, charter provisions, ordinances, and rules of  
9 any government agency relating to planning, zoning, construction  
10 standards for subdivisions, development and improvement of land,  
11 and the construction of dwelling units thereon; provided that:

12           (1) The housing projects meet the following conditions:

13           (A) The corporation finds the housing project is  
14 consistent with the purpose and intent of this  
15 chapter, meets minimum requirements of health and  
16 safety, and provides the county an opportunity to  
17 comment;



- 1 (B) The development of the proposed housing project
- 2 does not contravene any safety standards,
- 3 tariffs, or rates and fees approved by the public
- 4 utilities commission for public utilities or of
- 5 the various boards of water supply authorized
- 6 under chapter 54;
- 7 (C) The legislative body of the county in which the
- 8 housing project is to be situated has approved
- 9 the project with or without modifications:
- 10 (i) The legislative body shall approve, approve
- 11 with modification, or disapprove the project
- 12 by resolution within forty-five days after
- 13 the corporation has submitted the
- 14 preliminary plans and specifications for the
- 15 project to the legislative body; provided
- 16 further that the legislative body shall not
- 17 impose stricter conditions, impose stricter
- 18 median income requirements, or reduce fee
- 19 waivers that will increase the cost of the
- 20 project beyond those approved by the
- 21 corporation. If, on the forty-sixth day, a



1 project is not disapproved, it shall be  
2 deemed approved by the legislative body;  
3 (ii) No action shall be prosecuted or maintained  
4 against any county, its officials, or  
5 employees on account of actions taken by  
6 them in reviewing, approving, modifying, or  
7 disapproving the plans and specifications;  
8 and  
9 (iii) The final plans and specifications for the  
10 project shall be deemed approved by the  
11 legislative body if the final plans and  
12 specifications do not substantially deviate  
13 from the preliminary plans and  
14 specifications. The final plans and  
15 specifications for the project shall  
16 constitute the zoning, building,  
17 construction, and subdivision standards for  
18 that project. For the purposes of  
19 sections 501-85 and 502-17, the executive  
20 director of the corporation or the  
21 responsible county official may certify maps



1 and plans of lands connected with the  
2 project as having complied with applicable  
3 laws and ordinances relating to  
4 consolidation and subdivision of lands, and  
5 the maps and plans shall be accepted for  
6 registration or recordation by the land  
7 court and registrar; and

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

16 (2) The housing projects:

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

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



1 (C) For the lifetime of the project, require that one  
2 hundred per cent of the units in the project be  
3 exclusively for qualified residents.

4 (b) The corporation or a county shall have thirty days to  
5 accept a complete application submitted pursuant to this  
6 section. If the application satisfies the requirements of the  
7 corporation's administrative rules, the corporation or county  
8 shall have one hundred twenty days from acceptance of an  
9 application to process the application and bring it before the  
10 corporation's board of directors, unless the applicant requests  
11 additional time. A county agency processing an application  
12 shall have one hundred twenty days from acceptance of an  
13 application to transmit the application to the county  
14 legislative body unless the applicant requests additional time.

15 [~~(b)~~] (c) For the purposes of this section, "government  
16 assistance program" means a housing program qualified by the  
17 corporation and administered or operated by the corporation or  
18 the United States or any of their political subdivisions,  
19 agencies, or instrumentalities, corporate or otherwise."

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 July 1, 2050.



**Report Title:**

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

**Description:**

Requires the Hawaii Housing Finance and Development Corporation or a county to accept a complete application seeking certain exemptions within 30 days. Requires HHFDC to process an application and bring it before the Corporation's Board of Directors within 120 days of accepting the application. Requires county agencies to process an application and bring it before the county's legislative body within 120 days of accepting the application. Effective 7/1/2050. (SD2)

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

