
A BILL FOR AN ACT

RELATING TO THE COUNTIES.

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

1 SECTION 1. Section 46-15, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§46-15. Experimental and demonstration housing projects~~[-]~~**
4 **or commercial projects.** (a) The mayor of each county, after
5 holding a public hearing on the matter and receiving the
6 approval of the respective council, shall be empowered to
7 designate areas of land for experimental and demonstration
8 housing projects~~[-]~~ or commercial projects, the purposes of
9 which are to research and develop ideas that would reduce the
10 cost of housing or support commercial development in the State.
11 Except as [~~hereinafter~~] provided~~[-]~~ in this section, the
12 experimental and demonstration housing projects or commercial
13 projects shall be exempt from all statutes, ordinances, charter
14 provisions, and rules or regulations of any governmental agency
15 or public utility relating to planning, zoning, construction
16 standards for subdivisions, development and improvement of land,
17 and the construction and sale of homes thereon; provided that



1 the experimental and demonstration housing projects or
2 commercial projects shall not affect the [~~safety~~]:

3 (1) Safety standards or tariffs approved by the public
4 [~~utility commissions~~] utilities commission for such
5 public utility~~[-]~~; or

6 (2) Safety standards, tariffs, rates, and fees of the
7 various boards of water supply authorized under
8 chapter 54.

9 (b) The mayor of each county, with the approval of the
10 respective council, may designate a county agency or official
11 who shall have the power to review all plans and specifications
12 for the subdivisions, development and improvement of the land
13 involved, and the construction and sale of homes thereon. The
14 county agency or official shall have the power to approve or
15 disapprove or to make modifications to all or any portion of the
16 plans and specifications.

17 (c) The county agency or official shall submit preliminary
18 plans and specifications to the legislative body of the
19 respective county for its approval or disapproval. The final
20 plans and specifications for the project shall be deemed
21 approved by the legislative body if the final plans and



1 specifications do not substantially deviate from the approved
2 preliminary plans and specifications. The final plans and
3 specifications shall constitute the standards for the particular
4 project.

5 (d) No action shall be prosecuted or maintained against
6 any county, its officials, or its employees, on account of
7 actions taken in reviewing, approving, or disapproving such
8 plans and specifications.

9 (e) Any experimental or demonstration housing project [~~for~~
10 ~~the purposes hereinabove mentioned]~~ or commercial project may be
11 sponsored by any state or county agency or any person as defined
12 in section 1-19[~~-~~] for the purposes of this section.

13 (f) The county agency or official shall apply to the state
14 land use commission for an appropriate land use district
15 classification change, except where a proposed project is
16 located on land within an urban district established by the
17 state land use commission. Notwithstanding any law, rule, or
18 regulation to the contrary, the state land use commission may
19 approve the application at any time after a public hearing held
20 in the county where the land is located, upon notice of the time
21 and place of the hearing being published in the same manner as



1 the notice required for a public hearing by the planning
2 commission of the appropriate county.

3 ~~[(b) The experimental]~~ (g) Experimental and demonstration
4 homes or commercial projects may be sold to the public under
5 terms and conditions approved by the county agency or official
6 who has been designated to review the plans and specifications.

7 ~~[(e)]~~ (h) The county agency or official may adopt ~~[and~~
8 ~~promulgate]~~ rules and regulations ~~[which are]~~ necessary or
9 desirable to carry out the purposes of this section."

10 SECTION 2. Section 46-15.01, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§46-15.01[+] **Limitation of application.** This chapter
13 shall not be construed to exempt counties from the application
14 of chapter 104 to experimental and demonstration housing
15 projects or commercial projects pursuant to section 46-15."

16 SECTION 3. Section 104-1, Hawaii Revised Statutes, is
17 amended by amending the definition of "public work" to read as
18 follows:

19 ""Public work" means any project, including development of
20 any housing or commercial project pursuant to section 46-15 or
21 housing project pursuant to chapter 201H and development,



1 construction, renovation, and maintenance related to
2 refurbishment of any real or personal property, where the funds
3 or resources required or used to undertake the project are to
4 any extent derived, either directly or indirectly, from public
5 revenues of the State or any county, or from the sale of
6 securities or bonds whose interest or dividends are exempt from
7 state or federal taxes."

8 SECTION 4. Section 104-2, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) This chapter shall apply to every contract in excess
11 of \$2,000 for construction of a public work project to which a
12 governmental contracting agency is a party; provided that this
13 chapter shall not apply to experimental and demonstration
14 housing or commercial project developed pursuant to section 46-
15 15 or housing developed pursuant to chapter 201H if the cost of
16 the project is less than \$500,000 and the eligible bidder or
17 eligible developer is a private nonprofit corporation.

18 For the purposes of this subsection:

19 "Contract" includes but is not limited to any agreement,
20 purchase order, or voucher in excess of \$2,000 for construction
21 of a public work project.



1 "Governmental contracting agency" includes:

2 (1) Any person or entity that causes either directly or
3 indirectly the building or development of a public
4 work; and

5 (2) Any public-private partnership.

6 "Party" includes eligible bidders for and eligible
7 developers of any public work and any housing under chapter
8 201H; provided that this subsection shall not apply to any
9 housing or commercial project developed under section 46-15 or
10 housing project developed under chapter 201H if the entire cost
11 of the project is less than \$500,000 and the eligible bidder or
12 eligible developer is a private nonprofit corporation."

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 3000;
16 provided that the amendments made to section 104-2(a), Hawaii
17 Revised Statutes, by section 4 of this Act shall not be repealed
18 when that section is reenacted on June 30, 2030, pursuant to
19 section 5 of Act 54, Session Laws of Hawaii 2017, as amended by
20 section 4 of Act 39, Session Laws of Hawaii 2018.



Report Title:

Counties; Experimental and Demonstration Housing Projects;
Commercial Projects

Description:

Expands on a county's experimental and demonstration housing
project authority to include the development of commercial
projects. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

