
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 sections
19 501-85 and 502-17, the executive director of
20 the corporation or the responsible county
21 official may certify maps and plans of lands



1 connected with the project as having
2 complied with applicable laws and ordinances
3 relating to consolidation and subdivision of
4 lands, and the maps and plans shall be
5 accepted for registration or recordation by
6 the land 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 that 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 a complete application submitted pursuant to this
3 section. If the application satisfies the requirements of the
4 corporation's administrative rules, the corporation or county
5 shall have one hundred twenty days from acceptance of an
6 application to process the application and bring it before the
7 corporation's board of directors, unless the applicant requests
8 additional time. A county agency processing an application
9 shall have one hundred twenty days from acceptance of an
10 application to transmit the application to the county
11 legislative body unless the applicant requests additional time.

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

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

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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 thirty days. Requires HHFDC to process an application and bring it before the Corporation's Board of Directors within one hundred twenty days of accepting the application. Requires county agencies to process an application and bring it before the county's legislative body within one hundred twenty days of accepting the application. (SD1)

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

