

ACT 178

S. B. NO. 2013-72

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 359G-4, Hawaii Revised Statutes, is amended by adding thereto a new subsection to read as follows:

“(g) Except as hereinafter provided, the Authority is empowered to develop, on behalf of the state or in partnership with others, housing projects which shall be exempt from all statutes, ordinances, charter provisions, and rules and regulations of any governmental agency relating to zoning and construction standards for subdivisions, development and improvement of land and the construction and sale of homes thereon; provided that:

- (1) The Authority finds the project is (i) consistent with the production of housing under this chapter, and meets minimum requirements of good design, pleasant amenities, health, safety and coordinated development, and (ii) in harmony with the general purpose and intent of this chapter.
- (2) The development of the proposed project does not contravene any safety standards or tariffs approved by the public utilities commission for public utilities.
- (3) The Authority shall have first presented the plans and specifications for the project to the legislative body of the county in which the project is to be situate, and the legislative body, which shall have the right to approve or disapprove the project within 45 days after presentment, shall have approved the project within 45 days. On the forty sixth day after presentment, a project not disapproved shall be deemed approved by the legislative body of the county. The approval shall be based, or deemed to be based, upon a finding that the spirit of any applicable ordinance of that county in maintaining public welfare and safety is not prejudiced by the variance of the proposed project from such ordinance.

The final plans and specifications for the project approved by the legislative body, shall constitute the zoning, building, construction and subdivision standards for that project. No action shall be prosecuted or maintained against any county, its officials or employees, on account of actions taken by them in reviewing, approving or disapproving such plans and specifications. For purposes of Sections 501-85 and 502-17, the executive director of the Authority or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and such maps and plans shall be accepted for registration or recordation by the land court and registrar.”

ACT 178

SECTION 2. This Act shall take effect upon its approval.

(Approved June 2, 1972.)