

ACT 93

S.B. NO. 2091-86

A Bill for an Act Relating to Hawaii Housing Authority.

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

SECTION 1. Section 205-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district. This section is applicable to all petitions for changes in district boundaries of lands within conservation districts and all petitions for changes in district boundaries involving lands greater than fifteen acres in the agricultural, rural, and urban districts[.], except as provided in section 359-4.1.¹ The land use commission shall adopt rules pursuant to chapter 91 to implement section 359-4.1¹.”

SECTION 2. Section 359G-4.1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The authority may develop, on behalf of the State or in partnership, or may assist under a government assistance program in the development of housing projects which shall be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of units thereon; provided that:

- (1) The authority finds the project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;
- (2) The development of the proposed project does not contravene any safety standards or tariffs approved by the public utilities commission for public utilities; and
- (3) The legislative body of the county in which the project is to be situated or, where a land designation amendment is required, the Land Use Commission shall have approved the project.
 - (A) The legislative body or Land Use Commission shall approve or disapprove the project within forty-five days after the authority has submitted the preliminary plans and specifications for the project to the legislative body [.] or Land Use Commission. If after the forty-fifth day a project is not disapproved, it shall be deemed approved by the legislative body [.] or Land Use Commission.
 - (B) 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 the plans and specifications.

- (C) 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 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.”

SECTION 3. Section 359G-10.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) In any county, the authority may develop or may enter into agreements for housing projects with a private developer where [a project was initiated by the private developer and] in the authority’s reasonable judgment a project is primarily designed for low-income housing. The agreement may provide for the housing to be placed under the control of the authority, or to be sold by the authority, or to be sold to the authority as soon as the units are completed and shall contain such terms, conditions, and covenants as the authority, by rules made in conformity with this chapter and chapter 91 deems appropriate, and every agreement shall provide for the developer to furnish a performance bond² in favor of the authority, assuring the timely and complete performance of the housing project. Sureties of the bond must be satisfactory to the authority.

(b) [Whenever the authority determines a developer to be eligible it may accept its application for approval of a project provided the] The plans and specifications for the project [and the terms of the agreement to be entered:] shall:

- (1) Provide for economically integrated housing by stipulation and design; provided that not less than sixty per cent of the units shall be sold in price ranges established by the authority under this chapter and chapter 91 as being within the purchasing power of lower income purchasers and the balance of the units to be sold at these or other prices; provided further that the variously priced units shall not be segregated and shall be randomly dispersed individually or in clusters throughout the project horizontally, and if applicable, vertically;
- (2) Provide for the sale of all units in fee simple or in leasehold either to the authority or to the purchaser and in all cases subject to all of the provisions of [section 359G-9.2;] sections 359G-9.2, 359G-9.3 and 359G-9.4, excepting units sold at market price; and
- (3) Encompass the use of lands adequately suited to the size, design, and types of occupancies designated in subsection (a), properly located for occupancy by the groups for which primarily designed under this section, properly districted for the use intended prior to this application, and appropriately zoned within an urban land use

ACT 93

district, or appropriate in its situation and surroundings for more intensive or denser zoning.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon December 31, 1986.

(Approved April 22, 1986.)

Notes

1. Should probably read “359G-4.1”.
2. Prior to amendment, “,” appeared here.