

ACT 313

S.B. NO. 1170

A Bill for an Act Relating to the Expeditious Redevelopment and Development of Affordable Rental Housing.

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

PART I

SECTION 1. Chapter 205A, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§205A- Special management area use permits; affordable multi-family rental housing; redevelopment. (a) Subject to terms and conditions under section 205A-26, the director of a county planning department may issue a special management area use permit to an applicant to redevelop permanent affordable multi-family rental housing that has been substantially destroyed as a result of a disaster from a wildfire, hurricane, or earthquake proclaimed by the governor to constitute a state of emergency under chapter 127A.

(b) After issuing a special management area use permit pursuant to this section, the county planning department in the respective county shall file a notice of the issuance in the next available issue of the periodic bulletin of the office of planning and sustainable development.

(c) This section shall not apply to parcels on the shoreline or parcels impacted by waves, storm surges, high tide, or shoreline erosion.”

PART II

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§46- Affordable multi-family rental housing; experimental and demonstration housing projects; redevelopment. (a) Notwithstanding any other law to the contrary, if an affordable multi-family rental housing project that was originally developed as an experimental and demonstration housing project pursuant

to section 46-15 has been substantially destroyed as a result of a disaster from a wildfire, hurricane, or earthquake proclaimed by the governor to constitute a state of emergency under chapter 127A:

- (1) Any ordinance approved by a county for the initial construction of the experimental and demonstration housing project shall remain valid and relevant and continue to be in full force and effect with respect to the rebuilding of the project in accordance with this section;
 - (2) The director of a county planning department in the respective county or any other state or county agency authorized to issue a permit or approval required for the rebuilding of the project may amend or modify the final plans and specifications of the experimental and demonstration housing project to incorporate cost-effective best industry practices that include advances in building design, materials, construction types, or methods; provided that any modification shall adhere to principles that emphasize community, history, culture, future resilience, and the safety and well-being of the project's occupants; provided further that the modifications shall not impose requirements or conditions that unreasonably increase rebuilding or future operating costs; and
 - (3) Notwithstanding any termination of the applicable emergency proclamation before the completion of construction, the experimental and demonstration housing project shall not be subject to any specific provisions of law suspended pursuant to the emergency proclamation issued under section 127A-13, if an application for the initial permit or approval to commence rebuilding of the project has been submitted to the county planning department, the department or office of housing of a county, or any other relevant agency of the state or applicable county before the end of the disaster emergency relief period; provided that the submitted application was deemed by the relevant state or county department or agency as complete.
- (b) This section shall not apply to parcels on the shoreline or parcels impacted by waves, storm surges, high tide, or shoreline erosion."

SECTION 3. Chapter 201H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§201H- Affordable multi-family rental housing; redevelopment. After issuing a special management area use permit pursuant section 205A- , the county planning department in the respective county and any other state or county agency authorized to issue a permit or approval shall prioritize approving permits to redevelop the permanent affordable multi-family rental housing."

SECTION 4. Chapter 343, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§343- Affordable multi-family rental housing; redevelopment. Except as otherwise provided in chapter 201H or under federal law, permanently affordable multi-family rental housing projects that are being redeveloped pursuant to a special management area use permit issued under section 205A- that are located on properties or districts on the Hawaii or national register of historic places shall be exempt from the requirements of this chapter."

PART III

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved July 9, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.