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# 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 by amending subsection (a) to read as follows:

3           "(a) The corporation may develop on behalf of the State or  
4 with an eligible developer, or may assist under a government  
5 assistance program in the development of, housing projects that  
6 shall be exempt from all statutes, ordinances, charter  
7 provisions, and rules of any government agency relating to  
8 planning, zoning, construction standards for subdivisions,  
9 development and improvement of land, and the construction of  
10 dwelling units thereon; provided that ~~[+]~~ either:

11           (1) The housing projects meet the following conditions:

12           ~~[(+)]~~ (A) The corporation finds the housing project is  
13 consistent with the purpose and intent of this  
14 chapter, and meets minimum requirements of health  
15 and safety;

16           ~~[(+)]~~ (B) The development of the proposed housing project  
17 does not contravene any safety standards,



1 tariffs, or rates and fees approved by the public  
2 utilities commission for public utilities or of  
3 the various boards of water supply authorized  
4 under chapter 54;

5 ~~(3)~~ (C) The legislative body of the county in which the  
6 housing project is to be situated shall have  
7 approved the project with or without  
8 modifications:

9 ~~(A)~~ (i) The legislative body shall approve, approve  
10 with modification, or disapprove the project  
11 by resolution within forty-five days after  
12 the corporation has submitted the  
13 preliminary plans and specifications for the  
14 project to the legislative body. If on the  
15 forty-sixth day a project is not  
16 disapproved, it shall be deemed approved by  
17 the legislative body;

18 ~~(B)~~ (ii) No action shall be prosecuted or maintained  
19 against any county, its officials, or  
20 employees on account of actions taken by  
21 them in reviewing, approving, modifying, or



1 disapproving the plans and specifications;  
2 and  
3 ~~(c)~~ (iii) The final plans and specifications for the  
4 project shall be deemed approved by the  
5 legislative body if the final plans and  
6 specifications do not substantially deviate  
7 from the preliminary plans and  
8 specifications. The final plans and  
9 specifications for the project shall  
10 constitute the zoning, building,  
11 construction, and subdivision standards for  
12 that project. For purposes of sections 501-  
13 85 and 502-17, the executive director of the  
14 corporation or the responsible county  
15 official may certify maps and plans of lands  
16 connected with the project as having  
17 complied with applicable laws and ordinances  
18 relating to consolidation and subdivision of  
19 lands, and the maps and plans shall be  
20 accepted for registration or recordation by  
21 the land court and registrar; and



1       ~~(4)~~ (D) The land use commission shall approve, approve  
2                   with modification, or disapprove a boundary  
3                   change within forty-five days after the  
4                   corporation has submitted a petition to the  
5                   commission as provided in section 205-4. If, on  
6                   the forty-sixth day, the petition is not  
7                   disapproved, it shall be deemed approved by the  
8                   commission~~(-)~~; or

9       (2) The housing projects:

10           (A) Meet the conditions of paragraph (1); and

11           (B) Shall be exclusively for sale or rent to  
12           qualified residents as defined in section 201H-32  
13           who are deemed to be moderate income households."

14       SECTION 2. Section 201H-41, Hawaii Revised Statutes, is  
15 amended by amending subsection (c) to read as follows:

16       "(c) The corporation may accept and approve housing  
17 projects independently initiated by private developers that  
18 fully comply with subsections (a) and (b). The corporation may  
19 review the plans, specifications, districting, and zoning of the  
20 project for the purpose of exempting the project from all  
21 statutes, ordinances, charter provisions, and rules of any



1 government agency relating to zoning and construction standards  
2 for subdivisions, development, and improvement of land and the  
3 construction, improvement, and sale of dwelling units thereon;  
4 provided that the procedures in section [~~201H-38(a)(1), (2), and~~  
5 ~~(3)~~] 201H-38(a)(1)(A) through (C) have been satisfied."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on April 14, 2112.



**Report Title:**

Hawaii Housing Finance and Development Corporation; Housing  
Development; Planning Exemptions

**Description:**

Requires certain projects meeting the criteria of section  
201H-38(a)(1), HRS, to be exclusively for sale or rent to  
qualified residents as defined in section 201H-32, HRS, who are  
deemed to be moderate income household. Takes effect 4/14/2112.  
(SD2)

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

