A BILL FOR AN ACT

RELATING TO HOUSING DEVELOPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 201H-38, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

(1) The corporation finds the housing 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 housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission.
for public utilities or of the various boards of water
supply authorized under chapter 54; and

(3) The legislative body of the county in which the
housing project is to be situated [shall have approved
the project with or without modifications]:

(A) [The legislative body shall] Shall approve,
approve with modification, or disapprove the
project by resolution within forty-five days
after the corporation has submitted the
preliminary plans and specifications for the
project to the legislative body. If on the
forty-sixth day a project is not disapproved, it
shall be deemed approved by the legislative body;

and

(B) Notwithstanding section 205-3.1(c), may approve a
district boundary amendment for a housing project
involving a land area of fifteen acres or less
that is contiguous to urban lands or in the urban
growth boundary; provided that this subparagraph
shall not apply to conservation lands and
important agricultural lands.
No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing, approving, modifying, or disapproving the plans and specifications. 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 corporation 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 the maps and plans shall be accepted for registration or recordation by the land court and registrar; and
For projects greater than fifteen acres, the land use commission shall approve, approve with modification, or disapprove a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in section 205-4. If, on the forty-sixth day, the petition is not disapproved, it shall be deemed approved by the commission."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 4. This Act shall take effect upon its approval.
Report Title:
Hawaii State Association of Counties (HSAC) Package; Housing Development; Affordable Housing Land Use District Boundary Amendment

Description:
Provides to each county legislative body the ability to review and approve land use district boundary amendments for affordable housing projects on lands that are 15 acres or less and contiguous to urban lands or in the urban growth boundary. (SD1)

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