
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 to read as follows:

3 "**§201H-38 Housing development; exemption from statutes,**
4 **ordinances, charter provisions, and rules.** (a) The corporation
5 may develop on behalf of the State or with an eligible
6 developer, or may assist under a government assistance program
7 in the development of, housing projects that shall be exempt
8 from all statutes, ordinances, charter provisions, and rules of
9 any government agency relating to planning, zoning, construction
10 standards for subdivisions, development and improvement of land,
11 and the construction of dwelling units thereon; provided that:

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

16 (2) The development of the proposed housing project does
17 not contravene any safety standards, tariffs, or rates



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

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

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

15 (B) No action shall be prosecuted or maintained
16 against any county, its officials, or employees
17 on account of actions taken by them in reviewing,
18 approving, modifying, or disapproving the plans
19 and specifications; and

20 (C) The final plans and specifications for the
21 project shall be deemed approved by the



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

16 (4) If the proposed housing project is a for-sale project,
 17 as an alternative to the existing provisions found in
 18 chapter 201H, it does not require income restrictions,
 19 provided the proposed housing project is built only
 20 for:

21 (A) Residents of the State of Hawaii;



1 (B) Who will be owner-occupants of the units in
2 perpetuity; and
3 (C) Own no other real property; and
4 ~~[(4)]~~ (5) The land use commission shall approve, approve
5 with modification, or disapprove a boundary change
6 within forty-five days after the corporation has
7 submitted a petition to the commission as provided in
8 section 205-4. If, on the forty-sixth day, the
9 petition is not disapproved, it shall be deemed
10 approved by the commission.

11 (b) For the purposes of this section, "government
12 assistance program" means a housing program qualified by the
13 corporation and administered or operated by the corporation or
14 the United States or any of their political subdivisions,
15 agencies, or instrumentalities, corporate or otherwise."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Housing; Exemption; Income Restrictions

Description:

Amends section 201H-38 of the Hawaii Revised Statutes to clarify that the section does not require income restrictions for projects that are built for Hawaii residents, who will be owner-occupants in perpetuity, and who own no other property. (SD1)

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