A BILL FOR AN ACT

RELATING TO HOUSING.

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

SECTION 1. Section 201H-38, Hawaii Revised Statutes, is amended to read as follows:

"§201H-38 Housing development; exemption from statutes, ordinances, charter provisions, and rules. (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;

(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 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;

(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, modifying, or disapproving the plans
and specifications; and

(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 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]

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

(A) Residents of the State of Hawaii;
(B) Who will be owner-occupants of the units in perpetuity; and

(C) Own no other real property; and

[(4)] (5) 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.

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

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 Statutory material to be repealed is bracketed and stricken.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

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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