
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The current forty-five day period of review for
2 a legislative body to approve, approve with modification, or
3 disapprove, an affordable housing project limits the legislative
4 body's ability to have a meaningful discussion about the
5 project. Permitting a legislative body to have a ninety day
6 period of review will allow the legislative body to complete its
7 necessary due diligence in evaluating an affordable housing
8 project and still enable a decision from the legislative body in
9 a reasonable amount of time.

10 SECTION 2. Section 201H-38, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The corporation may develop on behalf of the State or
13 with an eligible developer, or may assist under a government
14 assistance program in the development of, housing projects that
15 shall be exempt from all statutes, ordinances, charter
16 provisions, and rules of any government agency relating to
17 planning, zoning, construction standards for subdivisions,



1 development and improvement of land, and the construction of
2 dwelling units thereon; provided that:

3 (1) The corporation finds the housing project is
4 consistent with the purpose and intent of this
5 chapter, and meets minimum requirements of health and
6 safety;

7 (2) The development of the proposed housing project does
8 not contravene any safety standards, tariffs, or rates
9 and fees approved by the public utilities commission
10 for public utilities or of the various boards of water
11 supply authorized under chapter 54;

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

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



1 (B) No action shall be prosecuted or maintained
2 against any county, its officials, or employees
3 on account of actions taken by them in reviewing,
4 approving, modifying, or disapproving the plans
5 and specifications; and

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



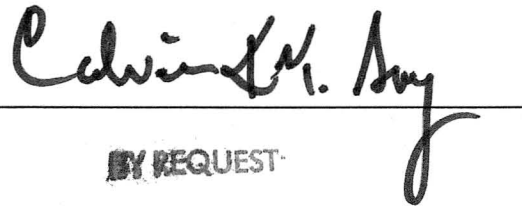
1 (4) The land use commission shall approve, approve with
2 modification, or disapprove a boundary change within
3 forty-five days after the corporation has submitted a
4 petition to the commission as provided in section
5 205-4. If, on the forty-sixth day, the petition is
6 not disapproved, it shall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

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

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:


BY REQUEST

JAN 15 2008



Report Title:

Affordable Housing Projects; Period of Review

Description:

Extends the period of review for a legislative body from 45 days to 90 days when examining affordable housing projects.

