

JAN 18 2008

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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. 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;



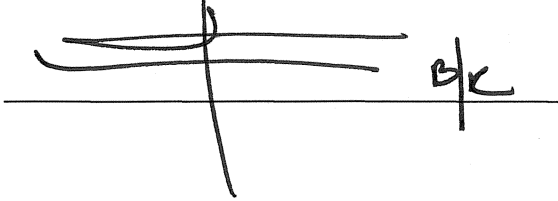
1           (B) No action shall be prosecuted or maintained  
2                    against any county, its officials, or employees  
3                    on account of actions taken by them in reviewing,  
4                    approving, modifying, or disapproving the plans  
5                    and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

**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.

