
A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

1 SECTION 1. In August 2007, Hawaii accepted an invitation
2 by the United States Department of Housing and Urban Development
3 to join the National Call to Action for Affordable Housing
4 Through Regulatory Reform. The Call to Action presented an
5 opportunity for Hawaii to receive technical assistance from the
6 federal government and collaborate with other states, counties,
7 municipalities, and organizations to knock down the barriers
8 imposed by governments in hopes of building more affordable
9 housing. Governor Lingle convened a statewide task force
10 comprised of representatives from the counties, business, labor,
11 developers, architects, non-profit providers of services, the
12 executive branch, and the legislature to carry out the mission
13 of the Call to Action and recommend solutions to address
14 barriers to affordable housing. Accordingly, the purpose of
15 this Act is to implement the legislative recommendations of the
16 task force.

17 The State recognizes that the need for more affordable
18 housing in Hawaii remains a significant problem affecting all



1 segments of society. Although there is a process in place that
2 provides an opportunity to approve affordable housing project
3 proposals in an expedited manner at the state and county levels,
4 the ministerial permits that are issued subsequent to project
5 approval may take a significant amount of time to issue. This
6 delay adds costs to the affordable housing project, ultimately
7 affecting the buyer or renter, and lengthens the time it takes
8 for the unit to be constructed and occupied. Accordingly, the
9 purpose of this Act is to place standard timeframes on agency
10 issuance of ministerial permits for approved affordable housing
11 projects.

12 SECTION 2. Section 201H-38, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§201H-38 Housing development; exemption from statutes,**
15 **ordinances, charter provisions, and rules.** (a) The corporation
16 may develop on behalf of the State or with an eligible
17 developer, or may assist under a government assistance program
18 in the development of, housing projects that shall be exempt
19 from all statutes, ordinances, charter provisions, and rules of
20 any government agency relating to planning, zoning, construction
21 standards for subdivisions, development and improvement of land,
22 and the construction of dwelling units thereon; provided that:



- 1 (1) The corporation finds the housing project is
2 consistent with the purpose and intent of this
3 chapter, and meets minimum requirements of health and
4 safety;
- 5 (2) The development of the proposed housing project does
6 not contravene any safety standards, tariffs, or rates
7 and fees approved by the public utilities commission
8 for public utilities or of the various boards of water
9 supply authorized under chapter 54;
- 10 (3) The legislative body of the county in which the
11 housing project is to be situated shall have approved
12 the project with or without modifications:
- 13 (A) The legislative body shall approve, approve with
14 modification, or disapprove the project by
15 resolution within forty-five days after the
16 corporation has submitted the preliminary plans
17 and specifications for the project to the
18 legislative body. If on the forty-sixth day a
19 project is not disapproved, it shall be deemed
20 approved by the legislative body;
- 21 (B) No action shall be prosecuted or maintained
22 against any county, its officials, or employees



1 on account of actions taken by them in reviewing,
2 approving, modifying, or disapproving the plans
3 and specifications; and

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

21 (4) The land use commission shall approve, approve with
22 modification, or disapprove a boundary change within



1 forty-five days after the corporation has submitted a
2 petition to the commission as provided in section 205-
3 4. If, on the forty-sixth day, the petition is not
4 disapproved, it shall be deemed approved by the
5 commission.

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

11 (c) State and county agencies shall issue any ministerial
12 permits associated with any project approved pursuant to this
13 section or section 46-15.1 within forty-five days from the time
14 of approval by the legislative body of the applicable county;
15 provided that the review procedure for ministerial permits
16 performed by any state or county agency is limited to not more
17 than two comprehensive reviews.

18 For the purposes of this subsection, "ministerial permits"
19 means any nondiscretionary permit for which the permit
20 administrator needs to determine only conformity with applicable
21 ordinances before approving the project."

22 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: Paula Cutorilla

[Signature]

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JAN 23 2009



Report Title:

Affordable Housing; Ministerial Permits

Description:

Expedites the construction of affordable housing units by requiring ministerial permits associated with the project to be issued by the State or county within 45 days of county council approval of the project.

