

JAN 23 2009

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The forty-five day window for a legislative
2 body to approve, approve with modification, or disapprove an
3 affordable housing project is too short to have a meaningful
4 discussion of the project. Allowing ninety days will provide an
5 expedited review while allowing the legislative body of a county
6 to do its due diligence in evaluating a project.

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

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

17 (1) The corporation finds the housing project is
18 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~~] ninety days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the [~~forty-sixth~~] ninety-first 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,



1 approving, modifying, or disapproving the plans
2 and specifications; and

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

20 (4) The land use commission shall approve, approve with
21 modification, or disapprove a boundary change within
22 forty-five days after the corporation has submitted a



S.B. NO. 100

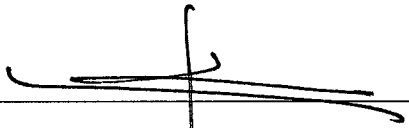
1 petition to the commission as provided in section
2 205-4. If, on the forty-sixth day, the petition is
3 not disapproved, it shall be deemed approved by the
4 commission."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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

8

INTRODUCED BY: _____



By Request



Report Title:

HSAC Package; Affordable Housing; Legislative Approval

Description:

Allows a county legislative body 90 instead of 45 days to approve, approve with modifications, or disapprove an affordable housing project.

