
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 additional days will
5 provide an expedited review while allowing the legislative body
6 of a county 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

1 chapter, and meets minimum requirements of health and
2 safety;

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

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

11 (A) The legislative body shall approve, approve with
12 modification, or disapprove the project by
13 resolution within forty-five days after the
14 corporation has submitted the preliminary plans
15 and specifications for the project to the
16 legislative body[-]; provided that the
17 legislative body may request the corporation to
18 approve an extension to sixty days if the
19 legislative body determines that circumstances
20 require additional time for review. If on the
21 forty-sixth day, or sixty-first day in the case
22 of an approved extension, a project is not

1 disapproved, it shall be deemed approved by the
2 legislative body;

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

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

1 shall be accepted for registration or recordation
2 by the land court and registrar; and

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

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

Report Title:

HSAC Package; Affordable Housing; Legislative Approval

Description:

Amends the number of days a county legislative body has to approve, approve with modifications, or disapprove an affordable housing project. (SD1)