

JAN 22 2010

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Section 201H-38, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

11 (1) The corporation finds the housing project is
12 consistent with the purpose and intent of this
13 chapter, and meets minimum requirements of health and
14 safety;

15 (2) The development of the proposed housing project does
16 not contravene any safety standards, tariffs, or rates
17 and fees approved by the public utilities commission



1 for public utilities or of the various boards of water
2 supply authorized under chapter 54;

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

6 (A) The legislative body shall approve, approve with
7 modification, or disapprove the project by
8 resolution within forty-five days after the
9 corporation has submitted the preliminary plans
10 and specifications for the project to the
11 legislative body. If on the forty-sixth day a
12 project is not disapproved, it shall be deemed
13 approved by the legislative body;

14 (B) No action shall be prosecuted or maintained
15 against any county, its officials, or employees
16 on account of actions taken by them in reviewing,
17 approving, modifying, or disapproving the plans
18 and specifications; and

19 (C) The final plans and specifications for the
20 project shall be deemed approved by the
21 legislative body if the final plans and
22 specifications do not substantially deviate from



1 the preliminary plans and specifications. The
2 final plans and specifications for the project
3 shall constitute the zoning, building,
4 construction, and subdivision standards for that
5 project. For purposes of sections 501-85 and
6 502-17, the executive director of the corporation
7 or the responsible county official may certify
8 maps and plans of lands connected with the
9 project as having complied with applicable laws
10 and ordinances relating to consolidation and
11 subdivision of lands, and the maps and plans
12 shall be accepted for registration or recordation
13 by the land court and registrar; [~~and~~]

14 (4) The land use commission shall approve, approve with
15 modification, or disapprove a boundary change within
16 forty-five days after the corporation has submitted a
17 petition to the commission as provided in section
18 205-4. If, on the forty-sixth day, the petition is
19 not disapproved, it shall be deemed approved by the
20 commission[~~-~~]; and

21 (5) If the housing project is a new residential
22 development, as defined in section 302A-1602, to be



1 located in a school impact district designated
2 pursuant to section 302A-1604, that housing project
3 shall be subject to all statutes, ordinances, charter
4 provisions, and rules relating to school impact fees
5 and school impact districts, including but not limited
6 to sections 46-142.5, 302A-1601 to 302A-1605,
7 302A-1607 to 302A-1609, and 302A-1611."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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Report Title:

Housing Development Exemptions; School Impact Fees

Description:

Requires new residential developments in school impact districts to be subject to all statutes, ordinances, charter provisions, and rules relating to school impact fees and school impact districts.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

