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# 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 from the United States Department of Housing and Urban  
3 Development to join the National Call to Action for Affordable  
4 Housing Through Regulatory Reform (Call to Action). The Call to  
5 Action presented an opportunity for Hawaii to receive technical  
6 assistance from the federal government and collaborate with  
7 other states, counties, municipalities, and organizations to  
8 eliminate government barriers to increase the building of more  
9 affordable housing. Governor Lingle convened a statewide task  
10 force comprised of representatives from county governments,  
11 business, labor, developers, architects, nonprofit  
12 organizations, the executive branch, and the legislature to  
13 carry out the Call to Action mission and recommend solutions to  
14 address barriers to affordable housing.

15           The State recognizes that the need for more affordable  
16 housing in Hawaii remains a significant problem affecting all  
17 segments of society. Although there is a process in place  
18 providing an opportunity to approve affordable housing project



1 proposals in an expedited manner at the state and county levels,  
2 the ministerial permits issued subsequent to project approval  
3 may take a significant amount of time to issue. This delay adds  
4 costs to the affordable housing project that ultimately affects  
5 the buyer or renter, and lengthens the time it takes for the  
6 unit to be constructed and occupied.

7 Accordingly, the purpose of this Act is to implement the  
8 legislative recommendations of the governor's task force and  
9 place standard timeframes on agency issuance of ministerial  
10 permits for affordable housing projects.

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

13 **"§201H-38 Housing development; exemption from statutes,**  
14 **ordinances, charter provisions, and rules.** (a) The corporation  
15 may develop on behalf of the State or with an eligible  
16 developer, or may assist under a government assistance program  
17 in the development of, housing projects that shall be exempt  
18 from all statutes, ordinances, charter provisions, and rules of  
19 any government agency relating to planning, zoning, construction  
20 standards for subdivisions, development and improvement of land,  
21 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) State and county agencies shall issue any ministerial  
7           permits associated with any project approved pursuant to this  
8           section or section 46-15.1 within forty-five days from the time  
9           of application; provided that the review process for ministerial  
10           permits performed by any state or county agency is limited to  
11           not more than two comprehensive reviews.

12           ~~(b)~~ (c) For the purposes of this section~~(7)~~:  
13           "~~government~~ Government assistance program" means a housing  
14           program qualified by the corporation and administered or  
15           operated by the corporation or the United States or any of their  
16           political subdivisions, agencies, or instrumentalities,  
17           corporate or otherwise.

18           "Ministerial permits" means any nondiscretionary permit for  
19           which the permit administrator needs to determine only  
20           conformity with applicable ordinances before approving the  
21           project."

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1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

(HB361 HD1)

