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## A BILL FOR AN ACT

RELATING TO HOUSING.

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

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

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

10           "(a) The corporation may develop on behalf of the State or  
11 with an eligible developer, or may assist under a government  
12 assistance program in the development of, housing projects that  
13 shall be exempt from all statutes, ordinances, charter  
14 provisions, and rules of any government agency relating to  
15 planning, zoning, construction standards for subdivisions,  
16 development and improvement of land, and the construction of  
17 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[-]; provided that the  
19 legislative body may request the corporation to  
20 approve an extension to sixty days if the  
21 legislative body determines that circumstances  
22 require additional time for review. If on the



1           forty-sixth day, or sixty-first day in the case  
2           of an approved extension, a project is not  
3           disapproved, it shall be deemed approved by the  
4           legislative body;

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

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



1           and ordinances relating to consolidation and  
 2           subdivision of lands, and the maps and plans  
 3           shall be accepted for registration or recordation  
 4           by the land court and registrar; and

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

12          SECTION 3. Statutory material to be repealed is bracketed  
 13          and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



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By Request

JAN 20 2011



**Report Title:**

HSAC Package; HHFDC; Housing Development

**Description:**

Extends the window for the legislative body of a county to approve, approve with modification, or disapprove an affordable housing project from 45 days to 60 days, when the legislative body determines circumstances require additional time.

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

