

JAN 21 2011

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



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.

