

JAN 26 2011

S.B. NO. 1199

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

1 SECTION 1. The legislature finds that chapter 201H, Hawaii
2 Revised Statutes, authorizes the Hawaii housing finance and
3 development corporation to develop or assist in the development
4 of housing projects that are exempt from certain statutes,
5 ordinances, charter provisions, and governmental agency rules,
6 with certain exceptions. The intent of these exemptions is to
7 create an expedited process that provides greater design
8 flexibility and cost savings for affordable housing projects. A
9 county agency usually processes applications for chapter 201H
10 exemptions, but under certain circumstances developers may apply
11 for the exemptions from the Hawaii housing finance and
12 development corporation.

13 The legislature finds that although the chapter 201H
14 expedited process is a useful tool, more precautions should be
15 taken to ensure that communities can sustain the impact of
16 housing projects and that potential issues and concerns are
17 considered and addressed prior to approval of the exemptions.



1 The purpose of this Act is to require the Hawaii housing
2 finance and development corporation and housing project
3 developers to seek input from the public, legislators, and
4 neighborhood board members as a precondition to the approval of
5 an application for chapter 201H exemptions.

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

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

16 (1) The corporation finds the housing project is
17 consistent with the purpose and intent of this
18 chapter, and meets minimum requirements of health and
19 safety;

20 (2) The development of the proposed housing project does
21 not contravene any safety standards, tariffs, or rates
22 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) Prior to submitting any plans and specifications for
4 the proposed housing project to another state or
5 county agency for approval, the corporation or
6 eligible developer, as the case may be, shall solicit
7 input on the proposed housing project by:

8 (A) Conducting at least one public meeting; and

9 (B) Making at least one presentation on the proposed
10 housing project to legislators and the
11 neighborhood board or boards in the district in
12 which the housing project is to be situated;

13 ~~[(3)]~~ (4) The legislative body of the county in which the
14 housing project is to be situated shall have approved
15 the project with or without modifications:

16 (A) The legislative body shall approve, approve with
17 modification, or disapprove the project by
18 resolution within forty-five days after the
19 corporation has submitted the preliminary plans
20 and specifications for the project to the
21 legislative body. If on the forty-sixth day a



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

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Report Title:

HHFDC; Affordable Housing; Exemptions; Public Input

Description:

Requires the Hawaii housing finance and development corporation and housing project developers to seek input from the public, legislators, and neighborhood board members prior to the approval of an application for certain exemptions by the corporation.

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

