

JAN 20 2017

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 certain provisions
2 of the State's housing law expedite the development of
3 affordable housing by exempting qualified projects from certain
4 planning, zoning, and construction standards. The legislature
5 allowed counties to approve these types of housing projects with
6 or without modifications by Act 217, Session Laws of Hawaii
7 2006. The Maui county council has on multiple occasions availed
8 itself of the modification option, instead of disapproving an
9 affordable housing project simply because modifications were
10 needed. While the ability to approve a project with
11 modifications has proven desirable, this feature and the need
12 for thorough vetting of the project require that county councils
13 be granted more time for their reviews.

14 Section 201H-38, Hawaii Revised Statutes, allows a mere
15 forty-five day window for a county council to approve or
16 disapprove a project. The legislature finds that forty-five
17 days is too short to allow meaningful discussion and decision-



1 making, particularly where failure to act within forty-five days
2 is deemed as approval. Alternatively, a sixty-day window would
3 still provide an expedited review of qualified projects while
4 also allowing county councils to appropriately exercise the due
5 diligence required of an undertaking as important to the
6 community as affordable housing.

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

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

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



1 (2) The development of the proposed housing project does
2 not contravene any safety standards, tariffs, or rates
3 and fees approved by the public utilities commission
4 for public utilities or of the various boards of water
5 supply authorized under chapter 54;

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

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

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



1 (C) The final plans and specifications for the
2 project shall be deemed approved by the
3 legislative body if the final plans and
4 specifications do not substantially deviate from
5 the preliminary plans and specifications. The
6 final plans and specifications for the project
7 shall constitute the zoning, building,
8 construction, and subdivision standards for that
9 project. For purposes of sections 501-85 and
10 502-17, the executive director of the corporation
11 or the responsible county official may certify
12 maps and plans of lands connected with the
13 project as having complied with applicable laws
14 and ordinances relating to consolidation and
15 subdivision of lands, and the maps and plans
16 shall be accepted for registration or recordation
17 by the land court and registrar; and

18 (4) The land use commission shall approve, approve with
19 modification, or disapprove a boundary change within
20 forty-five days after the corporation has submitted a
21 petition to the commission as provided in section



S.B. NO. 482

Report Title:

Maui County Package; County Councils; Housing Projects

Description:

Extends the window for a county council to approve or disapprove affordable housing projects that are exempt from planning, zoning, and construction standards, from forty-five days to sixty days.

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