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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 a legislative body to approve, approve with  
3 modification, or disapprove an affordable housing project  
4 submitted pursuant to section 201H-38, Hawaii Revised Statutes,  
5 is an inadequate amount of time to have a meaningful discussion  
6 on a proposed project. The legislature further finds that  
7 repealing the option for counties to approve projects with  
8 modifications and allowing sixty days will still provide for an  
9 expedited review while increasing the amount of time the  
10 legislative body of a county has to exercise its due diligence  
11 in evaluating a proposed project.

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

14           "(a) The corporation may develop on behalf of the State or  
15 with an eligible developer, or may assist under a government  
16 assistance program in the development of, housing projects that  
17 shall be exempt from all statutes, ordinances, charter



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1 provisions, and rules of any government agency relating to  
2 planning, zoning, construction standards for subdivisions,  
3 development and improvement of land, and the construction of  
4 dwelling units thereon; provided that:

5 (1) The corporation finds the housing project is  
6 consistent with the purpose and intent of this  
7 chapter, and meets minimum requirements of health and  
8 safety;

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

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

17 (A) The legislative body shall approve [~~approve with~~  
18 ~~modification,~~] or disapprove the project by  
19 resolution within [~~forty-five~~] sixty days after  
20 the corporation has submitted the preliminary  
21 plans and specifications for the project to the



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1 legislative body. If on the [~~forty-sixth~~] sixty-  
2 first day a project is not disapproved, it shall  
3 be deemed approved by the legislative body;

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

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



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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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**Report Title:**

Affordable Housing Projects

**Description:**

Increases the time the county councils have to review affordable housing projects from forty-five to sixty days. Repeals option for county councils to approve with modifications.

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

