

JAN 17 2020

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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 while it  
2 facilitates expedited review, the forty-five day window for a  
3 legislative body to approve, approve with modification, or  
4 disapprove an affordable housing project is too short for  
5 meaningful discussion of the project and impedes the ability of  
6 a county to perform its due diligence in evaluating an  
7 affordable housing project.

8           Accordingly, the purpose of this Act is to allow ninety  
9 days for a legislative body to approve, approve with  
10 modification, or disapprove an affordable housing project.

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

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



1 planning, zoning, construction standards for subdivisions,  
2 development and improvement of land, and the construction of  
3 dwelling units thereon; provided that:

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

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

13 (3) 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~~] ninety days after  
19 the corporation has submitted the preliminary  
20 plans and specifications for the project to the  
21 legislative body. If on the [~~forty-sixth~~]



1            ninety-first day a project is not disapproved, it  
2            shall be deemed 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




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

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

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

13 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:   
 By Request

# S.B. NO. 2160

**Report Title:**

Maui County Package; Housing; Affordable Housing Projects

**Description:**

Extends to ninety days a legislative body's deadline to approve, approve with modification, or disapprove an affordable housing project.

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

