
A BILL FOR AN ACT

RELATING TO HOUSING DEVELOPMENT.

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

1 SECTION 1. Section 201H-38, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

11 (1) The corporation finds the housing project is
12 consistent with the purpose and intent of this
13 chapter, and meets minimum requirements of health and
14 safety;

15 (2) The development of the proposed housing project does
16 not contravene any safety standards, tariffs, or rates
17 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; and

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

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

15 (B) Notwithstanding section 205-3.1(c), may approve a
16 district boundary amendment for a housing project
17 involving a land area of fifteen acres or less
18 that is contiguous to urban lands or in the urban
19 growth boundary; provided that this subparagraph
20 shall not apply to conservation lands and
21 important agricultural lands.



1 No action shall be prosecuted or maintained against
2 any county, its officials, or employees on account of
3 actions taken by them in reviewing, approving,
4 modifying, or disapproving the plans and
5 [~~specifications; and~~
6 ~~(C)~~] specifications. The final plans and
7 specifications for the project shall be deemed
8 approved by the legislative body if the final plans
9 and specifications do not substantially deviate from
10 the preliminary plans and specifications. The final
11 plans and specifications for the project shall
12 constitute the zoning, building, construction, and
13 subdivision standards for that project. For purposes
14 of sections 501-85 and 502-17, the executive director
15 of the corporation or the responsible county official
16 may certify maps and plans of lands connected with the
17 project as having complied with applicable laws and
18 ordinances relating to consolidation and subdivision
19 of lands, and the maps and plans shall be accepted for
20 registration or recordation by the land court and
21 registrar; and



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

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

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.



Report Title:

Hawaii State Association of Counties (HSAC) Package; Housing Development; Affordable Housing Land Use District Boundary Amendment

Description:

Provides to each county legislative body the ability to review and approve land use district boundary amendments for affordable housing projects on lands that are 15 acres or less and contiguous to urban lands or in the urban growth boundary.

(SD1)

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