

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO HOUSING.

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

1       SECTION 1. The legislature finds that the Hawaii housing  
2 finance and development corporation (HHFDC) may develop or  
3 assist in the development of housing projects that are exempted  
4 from all regulations relating to planning, zoning, construction  
5 standards for subdivisions, development and improvement of land,  
6 and the construction of dwelling units thereon if certain  
7 conditions are met. The HHFDC may accept and approve projects  
8 that are initiated by private developers as a "chapter 201H  
9 project" if the HHFDC determines that the project is primarily  
10 designed for lower income housing and that it satisfies certain  
11 requirements.

12       These requirements include approval from the county council  
13 of the county in which the housing project is to be situated  
14 within forty-five days of receiving the preliminary plans and  
15 specifications. If the county council fails to disapprove a  
16 project within forty-five days, the project is deemed approved.



1       The legislature finds that the forty-five-day window is  
2   insufficient for a county council to review the proposed housing  
3   project and requested exemptions, evaluate the effects on the  
4   environment and the county's finances, and have a meaningful  
5   discussion to determine whether to approve, approve with  
6   modification, or disapprove the project. Therefore, the purpose  
7   of this Act is to extend the timeframe for a county council to  
8   approve of chapter 201H lower income housing projects from  
9   forty-five days to sixty days.

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

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

20       (1) The corporation finds the housing project is  
21       consistent with the purpose and intent of this



chapter, and meets minimum requirements of health and safety;

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

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

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

(B) No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing,



1 approving, modifying, or disapproving the plans  
2 and specifications; and

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

20 (4) The land use commission shall approve, approve with  
21 modification, or disapprove a boundary change within



forty-five days after the corporation has submitted a petition to the commission as provided in section 205-4. If, on the forty-sixth day, the petition is not disapproved, it shall be deemed approved by the commission."

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

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Permette E. Musaluch



# S.B. NO. 2192

**Report Title:**

Affordable Housing; Hawaii Housing Finance and Development Corporation; County Council; Approval Process

**Description:**

Extends the timeframe given to the county councils to approve, approve with modification, or disapprove an affordable housing project submitted for review pursuant to section 201H-38(a), Hawaii Revised Statutes, from forty-five days to sixty days.

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

