

JAN 20 2023

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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. Chapter 201H, Hawaii Revised Statutes, is  
2 amended by adding a new section to part II to be appropriately  
3 designated and to read as follows:

4           "§201H-    Housing development; income restrictions and  
5 additional exemptions. (a) The corporation may develop on  
6 behalf of the State or, with an eligible developer, may assist  
7 under a government assistance program in the development of  
8 housing projects that shall be exempt from all statutes,  
9 ordinances, charter provisions, and rules of any government  
10 agency relating to planning, zoning, construction standards for  
11 subdivisions, development and improvement of land, and the  
12 construction of dwelling units thereon.

13           (b) Housing projects developed by the corporation pursuant  
14 to this section shall not be subject to income restrictions by  
15 the corporation or any other agency of the State or county in  
16 which the project is developed; provided that:

17           (1) Either:



1           (A) Fifty per cent of the units constructed under the  
2           proposed housing project shall be reserved for  
3           households with an income of up to one hundred  
4           forty per cent of the area median income as  
5           determined by the United States Department of  
6           Housing and Urban Development; or  
7           (B) All units constructed under the proposed housing  
8           project shall exclusively be:  
9           (i) Sold or transferred as leasehold or fee  
10           simple units;  
11           (ii) Sold or transferred to owner-occupiers;  
12           (iii) Sold or transferred to prospective owners  
13           who own no other real property; and  
14           (iv) Sold or transferred to residents of the  
15           State;  
16 provided further that the provisions of this paragraph shall  
17 apply in perpetuity. If the project fails to meet the above  
18 provisions at any point, all exemptions for the project shall  
19 lapse and the developer shall be subject to all fees, fines, or  
20 other penalties deemed appropriate by the county in which the  
21 project is located;



1       (2) The corporation finds that the housing project meets  
2       minimum requirements of health and safety;

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

8       (4) The county in which the housing project is to be  
9       situated shall have approved the project with or  
10       without modifications and:

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

19       (B) No action shall be prosecuted or maintained  
20       against any county, its officials, or employees  
21       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 county if  
5                   the final plans and specifications do not  
6                   substantially deviate from the preliminary plans  
7                   and specifications. The final plans and  
8                   specifications for the project shall constitute  
9                   the zoning, building, construction, and  
10                   subdivision standards for that project. For  
11                   purposes of sections 501-85 and 502-17, the  
12                   executive director of the corporation or the  
13                   responsible county official, as applicable, may  
14                   certify maps and plans of lands connected with  
15                   the project as having complied with applicable  
16                   laws 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           (5) The land use commission shall approve, approve with  
21                   modification, or disapprove a boundary change within



1           forty-five days after the corporation has submitted a  
2           petition to the commission as provided in section  
3           205-4. If, on the forty-sixth day, the petition is  
4           not disapproved, it shall be deemed approved by the  
5           commission.

6           (c) For the purposes of this section, "government  
7           assistance program" has the same meaning as defined in section  
8           201H-38."

9           SECTION 2. New statutory material is underscored.

10          SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 872

**Report Title:**

Hawaii Housing Finance and Development Corporation; Housing Development; Exemptions; Income Restrictions; Affordable Housing; Homeownership; Workforce Rentals

**Description:**

Allows the Hawaii Housing Finance and Development Corporation to develop certain housing projects that are exempt from laws, rules, and ordinances, including income restrictions, under certain circumstances.

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

