
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 Hawaii faces a
2 critical housing shortage, particularly for Hawaii residents who
3 are seeking a permanent home for their families, rather than
4 trying to acquire real estate for investment or speculative
5 purposes. The legislature further finds that the State provides
6 a pathway for housing projects to be exempt from all statutes,
7 ordinances, charter provisions, and rules of any government
8 agency relating to planning, zoning, construction standards for
9 subdivisions, development and improvement of land, and the
10 construction of dwelling units under certain conditions. Among
11 the requirements for these projects, a majority of the units
12 must be priced at levels affordable to Hawaii residents who earn
13 less than one hundred forty per cent of the area median income.
14 With recent interest rate increases, it is no longer possible to
15 finance housing construction under these terms.

16 Accordingly, the purpose of this Act is to establish a
17 separate, alternative pathway for projects to qualify for the



1 exemptions from certain state laws and rules relating to
 2 planning, zoning, and construction, among others. Under this
 3 alternative pathway, all units must be set aside exclusively for
 4 Hawaii residents who have no majority ownership in other
 5 residential properties, are domiciled in the state, and are
 6 owner-occupants. While none of the units would have income or
 7 price restrictions, all of them would be occupied by qualified
 8 residents.

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

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

19 (1) The housing projects meet the following conditions:

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



1 chapter, and meets minimum requirements of health
2 and safety;

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

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

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



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

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

- 13 (2) The housing projects:
14 (A) Meet the conditions of paragraph (1);
15 (B) Do not have an affordability requirement or
16 income restrictions; and
17 (C) For the life time of the project, dedicate one
18 hundred per cent of the units in the project
19 exclusively for qualified residents."

20 SECTION 3. Section 201H-41, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) The corporation may accept and approve housing
2 projects independently initiated by private developers that
3 fully comply with subsections (a) and (b). The corporation may
4 review the plans, specifications, districting, and zoning of the
5 project for the purpose of exempting the project from all
6 statutes, ordinances, charter provisions, and rules of any
7 government agency relating to zoning and construction standards
8 for subdivisions, development, and improvement of land and the
9 construction, improvement, and sale of dwelling units thereon;
10 provided that the procedures in section [~~201H-38(a)(1), (2), and~~
11 ~~(3)~~] 201H-38(a)(1)(A), (B), and (C) have been satisfied."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii Housing Finance and Development Corporation; Housing Development; Planning Exemptions

Description:

Establishes another means for a housing project to seek an exemption from laws and rules of the State that are developed under various programs of the Hawaii Housing Finance and Development Corporation. Effective 7/1/3000. (HD1)

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

