

JAN 15 2025

A BILL FOR AN ACT

RELATING TO HOUSING.

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, charter provisions,
7 ordinances, 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 either:

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

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

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



1 and fees approved by the public utilities commission
2 for public utilities or of the various boards of water
3 supply authorized under chapter 54;

4 (C) The legislative body of the county in which the
5 housing project is to be situated has approved the
6 project with or without modifications:

7 (i) The legislative body shall approve, approve with
8 modification, or disapprove the project by
9 resolution within forty-five days after the
10 corporation has submitted the preliminary plans
11 and specifications for the project to the
12 legislative body[-]; provided that the
13 legislative body shall not make any modifications
14 that will increase the cost of the project. If
15 on the forty-sixth day a project is not
16 disapproved, it shall be deemed approved by the
17 legislative body;

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



1 approving, modifying, or disapproving the plans
2 and specifications; and
3 (iii) 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 (D) The land use commission has approved, approved with
21 modification, or disapproved 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; or

6 (2) The housing projects:

7 (A) Meet the conditions of paragraph (1);

8 (B) Do not impose stricter income requirements than those
9 adopted or established by the State; and

10 (C) For the lifetime of the project, require one hundred
11 per cent of the units in the project be exclusively
12 for qualified residents."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'ASL', is written over a horizontal line.

S.B. NO. 38

Report Title:

Hawaii Housing Finance and Development Corporation; Housing Development; Counties; Modifications

Description:

Prohibits the legislative body of a county from making modifications to housing development proposals that would increase the cost of the project.

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

