

JAN 17 2025

A BILL FOR AN ACT

RELATING TO HOUSING.

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

SECTION 1. Section 201H-38, Hawaii Revised Statutes, is amended to read as follows:

"§201H-38 Housing development; exemption from statutes, ordinances, charter provisions, and rules. (a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, charter provisions, ordinances, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that either:

(1) The housing projects meet the following conditions:

(A) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety; provided that the corporation shall



1 not undertake an evaluator function as it
2 pertains to the application approval process but
3 shall assess the submitted application for
4 accuracy and completeness and shall reserve the
5 final approval process for the appropriate
6 legislative body at the county level;

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

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

16 (i) The legislative body shall approve, approve
17 with modification, or disapprove the project
18 by resolution within forty-five days after
19 the corporation has submitted the
20 preliminary plans and specifications for the
21 project to the legislative body. If on the



1 forty-sixth day a project is not
2 disapproved, it shall be deemed approved by
3 the legislative body;

4 (ii) No action shall be prosecuted or maintained
5 against any county, its officials, or
6 employees on account of actions taken by
7 them in reviewing, approving, modifying, or
8 disapproving the plans and specifications;
9 and

10 (iii) The final plans and specifications for the
11 project shall be deemed approved by the
12 legislative body if the final plans and
13 specifications do not substantially deviate
14 from the preliminary plans and
15 specifications. The final plans and
16 specifications for the project shall
17 constitute the zoning, building,
18 construction, and subdivision standards for
19 that project. For purposes of sections
20 501-85 and 502-17, the executive director of
21 the corporation or the responsible county



1 official may make recommendations to the
2 appropriate legislative body to certify maps
3 and plans of lands connected with the
4 project as having complied with applicable
5 laws and ordinances relating to
6 consolidation and subdivision of lands, and
7 the maps and plans shall be accepted for
8 registration or recordation by the land
9 court and registrar; and

10 (D) The land use commission has approved, approved
11 with modification, or disapproved a boundary
12 change within forty-five days after the
13 corporation has submitted a petition to the
14 commission as provided in section 205-4. If, on
15 the forty-sixth day, the petition is not
16 disapproved, it shall be deemed approved by the
17 commission; or

18 (2) The housing projects:

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

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



1 (C) For the lifetime of the project, require one
2 hundred per cent of the units in the project be
3 exclusively for qualified residents.

4 (b) The corporation shall work in conjunction with county
5 planning departments to ensure that state-approved affordable
6 housing developments conform to county general plans and growth
7 policies. Exemptions from zoning and permitting requirements
8 shall be granted only after consultation with county agencies to
9 ensure that infrastructure and public services are adequate to
10 support the proposed developments.

11 [~~b~~] (c) For the purposes of this section, "government
12 assistance program" means a housing program qualified by the
13 corporation and administered or operated by the corporation or
14 the United States or any of their political subdivisions,
15 agencies, or instrumentalities, corporate or otherwise."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19 INTRODUCED BY: 



Report Title:

HHFDC; Housing Development; Counties; Affordable Housing;
Planning Exemptions

Description:

Clarifies that approval for certain housing projects seeking exemptions from planning and development laws and rules shall be granted by the appropriate county legislative body, rather than the Hawaii Housing Finance and Development Corporation.

Requires the HHFDC to work in conjunction with the counties to ensure state-approved affordable housing developments conform to county general plans and growth policies.

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

