

GOV. MSG. NO. 993

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE GOVERNOR

June 28, 2007

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 28, 2007, the following bill was signed into law:

SB1917 SD3 HD2 CD1

A BILL FOR AN ACT RELATING TO HOUSING. (ACT 222)

Sincerely,

LINDA LINGLE

Approved by the Governor on ______JUN 2 8 2007

THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII ACT 222 S.B. NO. ¹⁹¹⁷ S.D. 3 H.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO HOUSING.

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

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PART I. FINDINGS AND PURPOSE

2 SECTION 1. The legislature finds that the homeless and
3 affordable housing crises continue to be two of the State's most
4 significant and challenging social problems.

5 The most recent estimate of the total number of homeless 6 persons in the State is six thousand twenty-nine on any given 7 day. In addition, the Hawaii Homeless Point-in-Time Study of 8 2003 found that over four thousand of these homeless persons are 9 unsheltered. This is indicative of the limited shelter space 10 available in the State.

11 Also troubling is the fact that a staggering thirty-seven 12 per cent of the unsheltered homeless are individuals of Hawaiian 13 or part-Hawaiian ancestry. Equally troubling is the fact that 14 on any given day, there are eight hundred thirty-eight homeless 15 children in the State. None of these numbers reflect the number 16 of people who are considered hidden homeless or those who are 17 at-risk of homelessness.





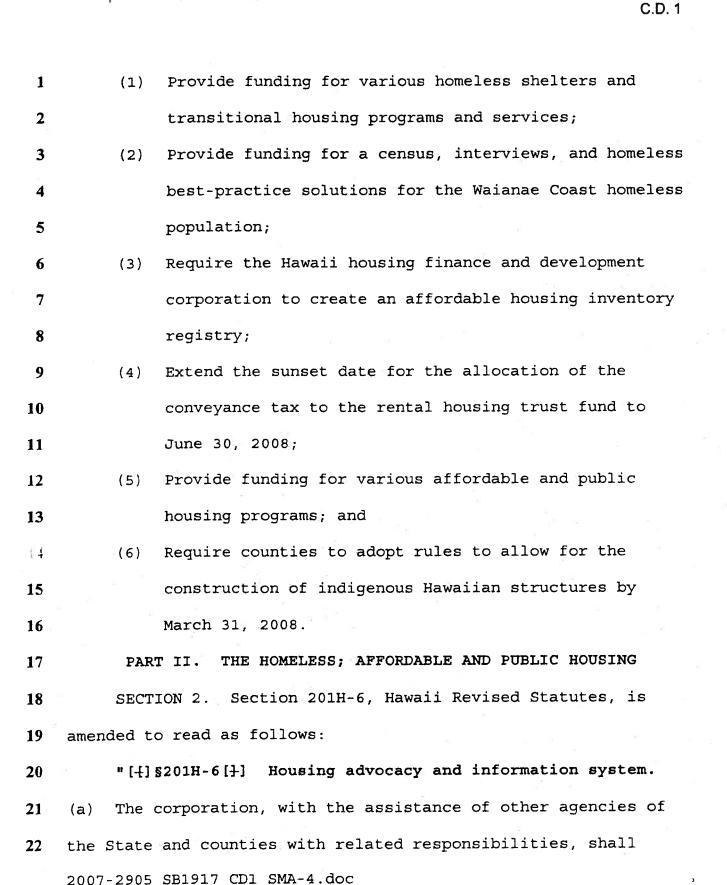
The housing crisis requires government to explore 1 alternative means of providing shelter to Hawaii's residents. 2 Large numbers of native Hawaiians are currently without shelter. 3 Indigenous forms of shelter may be an option for many native 4 Hawaiians as provided under section 46-1.55, Hawaii Revised 5 Statutes. However, only Maui county has amended its building 6 code to allow for the construction of indigenous Hawaiian structures, and no counties have amended their codes to allow 8 for the construction of indigenous Hawaiian dwellings for 9 10 residential purposes.

Housing, in general, is a critical issue for many residents 11 in Hawaii, where the costs of homeownership and rental are 12 increasing. The prospect of making high mortgage payments and 13 saving enough money for the downpayment and closing costs needed 14 to buy a home at current market prices is a formidable 15 challenge. Even higher income families must often seek help 16 from relatives to overcome this obstacle. More needs to be done 17 to increase the inventory of and ensure that residents have 18 access to affordable housing as well. 19

20 The legislature recognizes that meaningful solutions to
21 Hawaii's housing and homeless problems must be found.

22 The purpose of this Act is to:





S.B. NO. ¹⁹¹⁷ S.D. 3





develop and maintain a housing advocacy and information system
 to aid the corporation in meeting the needs and demands of
 housing consumers.

4 (b) In establishing and maintaining the housing advocacy
5 and information system, the corporation shall conduct market
6 studies, engage in community outreach, and solicit

7 recommendations from, and statistics and research developed by, 8 agencies of the United States, the State, the counties, private 9 research organizations, nonprofit community groups, trade 10 associations, including those of the construction and real 11 estate industries, departments, individuals at the University of 12 Hawaii, and housing consumers.

(c) The corporation shall analyze the information received
and make recommendations to the appropriate agencies and
developers.

The corporation, through the housing advocacy and 16 (d) information system, shall act as a clearinghouse for information 17 relating to housing conditions, needs, supply, demand, 18 characteristics, developments, trends in federal housing 19 programs, and housing laws, ordinances, rules, and regulations. 20 The housing advocacy and information system may be 21 (e) used by housing researchers, planners, administrators, and 22

Page 4

2007-2905 SB1917 CD1 SMA-4.doc

S.B. NO. ¹⁹¹⁷ S.D. 3 H.D. 2 C.D. 1

developers and shall be coordinated with other housing research
 efforts. The corporation shall maintain a current supply of
 information, including means to gather new information through
 surveys, contracted research, and investigations.

(f) The corporation, through the housing advocacy and
information system, shall develop and maintain an affordable

- 7 housing inventory registry to identify:
- 8 (1) Affordable housing projects developed by the
- 9 corporation utilizing moneys in the rental housing
 10 trust fund or the dwelling unit revolving fund;
- 11 (2) State and federal public housing projects identified
 12 by the Hawaii public housing authority;

13 (3) United States Department of Housing and Urban

- 14 Development Region 9 federally supported and privately
 15 managed housing projects; and
- 16 (4) State and county lands that may be developed for
 17 affordable housing, as defined in section 201H-57(b)."

18 SECTION 3. Section 247-7, Hawaii Revised Statutes, is 19 amended to read as follows:

20 "\$247-7 Disposition of taxes. All taxes collected each
21 fiscal year under this chapter shall be [paid into the state
22 treasury to the credit of the general fund of the State, to be



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S.B. NO. ¹⁹¹⁷ S.D. 3 H.D. 2 C.D. 1

1	used and	xpended for the purposes for which the general fund	
2	was create	l and exists by law; provided that of the taxes	
3	collected	each fiscal year:] deposited as follows:	
4	(1)	Ten per cent shall be paid into the land conservation	n
5		fund established pursuant to section 173A-5;	
6	(2)	Fifty per cent shall be paid into the rental housing	
7		trust fund established by section [2016-432;]	
8		201H-202; and	
9	(3)	Iwenty-five per cent shall be paid into the natural	
10		area reserve fund established by section 195-9;	
. 1		provided that the funds paid into the natural area	
12		reserve fund shall be annually disbursed by the	
13		department of land and natural resources in the	
14		following priority:	
15		(A) To natural area partnership and forest	
16		stewardship programs after joint consultation	
17		with the forest stewardship committee and the	
18		natural area reserves system commission;	
19		(B) Projects undertaken in accordance with watershe	ed.
20		management plans pursuant to section 171-58 or	
21		watershed management plans negotiated with	
22		private landowners, and management of the natur	ral
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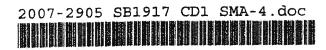
2007-2905 SB1917 CD1 SMA-4.doc

Page 7

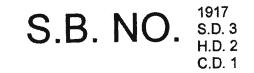
S.B. NO. ¹⁹¹⁷ S.D. 3 H.D. 2 C.D. 1

1	area reserves system pursuant to section 195-3;		
2	and		
3	(C) The youth conservation corps established under		
4	chapter 193."		
5	SECTION 4. Act 100, Session Laws of Hawaii 2006, is		
6	amended by amending section 30 to read as follows:		
7	"SECTION 30. This Act shall take effect on July 1, 2006;		
8	provided that on June 30, [2007,] <u>2008,</u> section 21 shall be		
9	repealed and section 247-7, Hawaii Revised Statutes, shall be		
10	reenacted in the form in which it read on the day before the		
!1	approval of this Act."		
12	SECTION 5. There is appropriated out of the rental housin		
13	trust fund the sum of \$14,000,000 or so much thereof as may be		
14	necessary for fiscal year 2007-2008 for the planning,		
15	development, and construction of affordable housing in		
16	cooperation with private and nonprofit developers.		
17	The sum appropriated shall be expended by the Hawaii		
18	housing finance and development corporation for the purposes of		
19	this section.		
20	SECTION 6. There is appropriated out of the general		

revenues of the State of Hawaii the sum of \$6,000,000 or so much



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thereof as may be necessary for fiscal year 2007-2008 to Hawaii 1 public housing authority for: 2 Homeless facilities, emergency shelters, and (1)3 transitional shelters, as defined by section 356D-121, 4 Hawaii Revised Statutes; 5 Outreach or support services, or both, to unsheltered (2)6 homeless, at-risk homeless, and those residing in 7 homeless facilities, including emergency shelters and 8 transitional shelters, pursuant to the purchase of 9 service agreements under chapter 42F, Hawaii Revised 10 Statutes; and 11 The provision of continual operational funds to (3) 12 provide matching funds for shelter plus care grants 13 and supportive housing programs and operational funds 14 for nonprofit agencies to develop affordable housing. 15 The sum appropriated shall be expended by the Hawaii public 16 housing authority for the purposes of this Act. 17 INDIGENOUS HAWAIIAN ARCHITECTURE PART III. 18 SECTION 7. Section 46-1.55, Hawaii Revised Statutes, is 19 amended to read as follows: 20

"[+]§46-1.55[+] Indigenous Hawaiian architecture. (a)
 Each county shall adopt ordinances allowing the exercise of 2007-2905 SB1917 CD1 SMA-4.doc



S.B. NO. ¹⁹¹⁷ S.D. 3 H.D. 2 C.D. 1

indigenous native Hawaiian architectural practices, styles,
 customs, techniques, and materials historically employed by
 native Hawaiians, in the county's building code, including but
 not limited to residential and other structures comprised of
 either rock wall or wood frame walls covered by thatches of
 different native grasses or other natural material for roofs.

(b) The application of indigenous Hawaiian architecture
8 shall be permitted in all zoning districts; provided it is
9 consistent with the intent and purpose of the uniquely
10 designated, special, or historic district.

 (c) Each county shall adopt or amend its ordinances to implement this section no later than March 31, 2008. The
 ordinance adopted by Maui county shall serve as a model."
 PART IV.

15 SECTION 8. The appropriations made in sections 5 and 6 of 16 this Act shall not lapse at the end of the fiscal year for which 17 the appropriation is made; provided that all appropriations that 18 are unencumbered as of June 30, 2010, shall lapse as of that 19 date into the appropriate fund.

20 SECTION 9. If any provision of this Act, or the 21 application thereof to any person or circumstance is held 22 invalid, the invalidity does not affect other provisions or

2007-2905 SB1917 CD1 SMA-4.doc



applications of the Act, which can be given effect without the
 invalid provision or application, and to this end the provisions
 of this Act are severable.

4 SECTION 10. Statutory material to be repealed is bracketed5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect on July 1, 2007;
provided that section 4 of this Act shall take effect on
8 June 29, 2007.

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GOVERNOR OF THE STATE OF HAWAII Approved this day: ______JUN 2 8 2007

