

---

---

## A BILL FOR AN ACT

RELATING TO IMPACT FEES.

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

1           SECTION 1. The legislature finds that homelessness  
2 continues to be a major concern for the State. Although there  
3 has been some success providing shelters and services for the  
4 homeless, there appears to be an identifiable segment of the  
5 homeless population that has had difficulty transitioning into  
6 those shelters. These independent individuals appear to prefer  
7 the freedom and openness of the outdoors and are drawn in  
8 growing numbers to local parks and beaches.

9           The legislature also finds that providing the financing to  
10 acquire and maintain state parks to serve this segment of the  
11 homeless population would reduce many of the problems evident in  
12 several parks and beaches across the State.

13           The purpose of this Act is to assess an impact fee,  
14 collected by the counties, on developers of executive homes to  
15 fund homeless programs and develop parks to serve the homeless  
16 population.



1 SECTION 2. Chapter 184, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§184- Parks for homeless special fund. (a) There is  
5 established in the state treasury, the parks for homeless  
6 special fund, into which shall be deposited moneys designated by  
7 law to be used to provide for homeless services or to develop  
8 parks for the use by the homeless."

9 SECTION 3. Section 46-141, Hawaii Revised Statutes, is  
10 amended by amending the definition of "impact fees" to read as  
11 follows:

12 "Impact fees" means the charges imposed upon a developer by  
13 a county or board to fund all or a portion of the public  
14 facility capital improvement costs required by the development  
15 from which it is collected, [~~or~~] to recoup the cost of existing  
16 public facility capital improvements made in anticipation of the  
17 needs of a development[-], to provide for homeless services and  
18 programs, or to acquire parks for the use of the homeless."

19 SECTION 4. Section 46-142, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§46-142 Authority to impose impact fees; enactment of  
2 ordinances required. (a) Impact fees may be assessed, imposed,  
3 levied, and collected by:

4           (1) Any county for any development, or portion thereof,  
5                 not involving water supply or service; or

6           (2) Any board for any development, or portion thereof,  
7                 involving water supply or service;

8 provided that the county enacts appropriate impact fee  
9 ordinances or the board adopts rules to effectuate the  
10 imposition and collection of the fees within their respective  
11 jurisdictions.

12           (b) Except for any ordinance governing impact fees enacted  
13 before July 1, 1993, impact fees may be imposed only for those  
14 types of public facility capital improvements specifically  
15 identified in a county comprehensive plan or a facility needs  
16 assessment study. The plan or study shall specify the service  
17 standards for each type of facility subject to an impact fee;  
18 provided that the standards shall apply equally to existing and  
19 new public facilities.

20           (c) In addition to any other impact fees imposed by a  
21 county ordinance pursuant to subsection (a), the counties shall  
22 collect an impact fee equal to one per cent of the sales price



1 of every executive home built and sold by a developer in the  
 2 county. The counties shall transfer the fees collected pursuant  
 3 to this subsection into the parks for homeless special fund  
 4 under section 184- . For the purposes of this subsection,  
 5 "executive home" means any home sold for a price of more than  
 6 \$600,000."

7 SECTION 5. This Act does not affect rights and duties that  
 8 matured, penalties that were incurred, and proceedings that were  
 9 begun before its effective date.

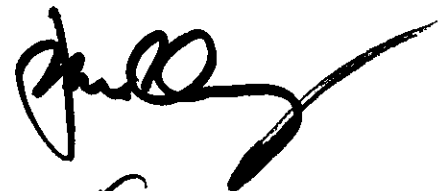
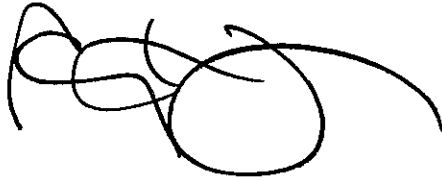
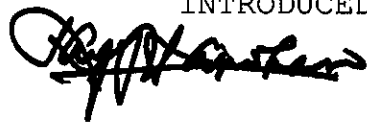
10 SECTION 6. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY:

Rick Cutanilla



JAN 25 2010



**Report Title:**

Homeless; Impact Fees

**Description:**

Requires the counties to collect an impact fee equal to one per cent of every home sold by a developer with a sales price over \$600,000 to fund homeless programs and parks for the use by the homeless. Creates the parks for homeless fund.

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

