

JAN 22 2010

A BILL FOR AN ACT

RELATING TO THE HOMELESS.

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 difficulties 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 will reduce many of the problems evident in
12 several parks and beaches across the State.

13 The purpose of this Act is to increase the conveyance tax
14 on the sale of luxury homes to finance the purchase,
15 acquisition, design, and maintenance of state or county parks to
16 serve the homeless 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 the designated
7 portion of the conveyance tax under section 247-7(4).

8 (b) Moneys in the parks for homeless special fund shall be
9 administered by the finance department of any county with a
10 population greater than five hundred thousand that receives
11 funds under this section, and shall be used pursuant to sections
12 184-2 and 184-3 to acquire, convert, or maintain parks under the
13 jurisdiction of the department to service the homeless,
14 including providing open structures or shelters to protect park
15 users from the wind and rain, providing basic services such as
16 showers, toilets, drinking fountains, coin-operated washers and
17 dryers, lockers, and providing accommodations for overnight
18 camping, one shopping cart per person for personal possessions,
19 and not more than one small pet. Park users shall relinquish
20 the park for maintenance from 9:00 a.m. to 4:30 p.m. daily and
21 tents shall be removed during the day."



1 SECTION 3. Section 247-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§247-2 Basis and rate of tax.** The tax imposed by section
4 247-1 shall be based on the actual and full consideration
5 (whether cash or otherwise, including any promise, act,
6 forbearance, property interest, value, gain, advantage, benefit,
7 or profit), paid or to be paid for all transfers or conveyance
8 of realty or any interest therein, that shall include any liens
9 or encumbrances thereon at the time of sale, lease, sublease,
10 assignment, transfer, or conveyance, and shall be at the
11 following rates:

- 12 (1) Except as provided in paragraph (2):
- 13 (A) Ten cents per \$100 for properties with a value of
14 less than \$600,000;
 - 15 (B) Twenty cents per \$100 for properties with a value
16 of at least \$600,000, but less than [~~\$1,000,000~~]
17 \$700,000;
 - 18 (C) Twenty-two cents per \$100 for properties with a
19 value of at least \$700,000, but less than
20 \$1,000,000;

1 (B) Twenty-five cents per \$100 for properties with a
2 value of at least \$600,000, but less than
3 [~~\$1,000,000;~~] \$700,000;
4 (C) Twenty-eight cents per \$100 for properties with a
5 value of at least \$700,000, but less than
6 \$1,000,000;
7 [~~(C) Forty~~] (D) Forty-four cents per \$100 for
8 properties with a value of at least \$1,000,000,
9 but less than \$2,000,000;
10 [~~(D) Sixty~~] (E) Sixty-six cents per \$100 for
11 properties with a value of at least \$2,000,000,
12 but less than \$4,000,000;
13 [~~(E) Eighty-five~~] (F) Ninety-four cents per \$100 for
14 properties with a value of at least \$4,000,000,
15 but less than \$6,000,000;
16 [~~(F) One dollar and ten~~] (G) One dollar and [~~ten~~] twenty-one cents per
17 \$100 for properties with a value of at least
18 \$6,000,000, but less than \$10,000,000; and
19 [~~(G) One dollar and twenty-five~~] (H) One dollar and [~~twenty-five~~] thirty-eight
20 cents per \$100 for properties with a value of
21 \$10,000,000 or greater,



1 of such actual and full consideration; provided that in the case
2 of a lease or sublease, this chapter shall apply only to a lease
3 or sublease whose full unexpired term is for a period of five
4 years or more, and in those cases, including (where appropriate)
5 those cases where the lease has been extended or amended, the
6 tax in this chapter shall be based on the cash value of the
7 lease rentals discounted to present day value and capitalized at
8 the rate of six per cent, plus the actual and full consideration
9 paid or to be paid for any and all improvements, if any, that
10 shall include on-site as well as off-site improvements,
11 applicable to the leased premises; and provided further that the
12 tax imposed for each transaction shall be not less than \$1."

13 SECTION 4. Section 247-7, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§247-7 Disposition of taxes.** All taxes collected under
16 this chapter shall be paid into the state treasury to the credit
17 of the general fund of the State, to be used and expended for
18 the purposes for which the general fund was created and exists
19 by law; provided that ten per cent of all taxes collected under
20 section 247-2 (1) (C) to (H) and (2) (C) to (H) for properties
21 with a value of at least \$700,000 shall be deposited into the
22 parks for homeless special fund under section 184- ; and



1 provided further that of the remaining taxes collected each
2 fiscal year:

3 (1) Ten per cent shall be paid into the land conservation
4 fund established pursuant to section 173A-5;

5 (2) Twenty-five per cent from July 1, 2009, until June 30,
6 2012, and thirty per cent in each fiscal year
7 thereafter shall be paid into the rental housing trust
8 fund established by section 201H-202; [~~and~~]

9 (3) Twenty per cent from July 1, 2009, until June 30,
10 2012, and twenty-five per cent in each fiscal year
11 thereafter shall be paid into the natural area reserve
12 fund established by section 195-9; provided that the
13 funds paid into the natural area reserve fund shall be
14 annually disbursed by the department of land and
15 natural resources in the following priority:

16 (A) To natural area partnership and forest
17 stewardship programs after joint consultation
18 with the forest stewardship committee and the
19 natural area reserves system commission;

20 (B) Projects undertaken in accordance with watershed
21 management plans pursuant to section 171-58 or
22 watershed management plans negotiated with



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1 private landowners, and management of the natural
2 area reserves system pursuant to section 195-3;
3 and

4 (C) The youth conservation corps established under
5 chapter 193."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.

9

INTRODUCED BY: Will Eyo (BR)



Report Title:

Homelessness; Conveyance Tax; Parks; DLNR

Description:

Increases by 10% the conveyance tax on the sale of luxury homes over \$700,000 to finance the purchase and maintenance of state parks to serve the homeless.

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

