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SUBJECT: MISCELLANEOUS, Tax exemption for public housing

BILL NUMBER: SB 86; HB 514 (Identical); SB 1117, HB 886 (Identical)

INTRODUCED BY: SB 86 by Chun Oakland, Dela Cruz, Galuteria, Ruderman and 2 Democrats; HB 514 by Jordan, Ito, Oshiro, Say, Yamashita; SB 1117 by Kim by request
HB 886 by Souki by request

BRIEF SUMMARY: Moves the language delineating the state tax exemption on income and obligations from HRS section 201H-37 into HRS chapter 356D.

EFFECTIVE DATE: Upon approval

STAFF COMMENTS: SB 1117/HB 886 are administration measures submitted by the department of human services - HMS-21(13). These measures would move the state income tax and obligation exemption for public housing agencies from the jurisdiction of the Hawaii housing and finance development corporation (HHFDC) to the Hawaii public housing authority (HPHA). Act 196, SLH 2005, required the HHFDC to prepare an implementation plan to reorganize the state's housing functions and Act 180, SLH 2006, created two separate housing agencies - the HHFDC and the HPHA.

On the surface, this proposal would seem to align the income tax exemption and obligation exemption for "public housing agencies" and place it under the chapter establishing the state's public housing agency called the "Hawaii Public Housing Authority." However, it should be remembered that this exemption is established under federal law as part of Section 3(6) of the United States Housing Act of 1937. A review of that law and a discussion with local HUD officials revealed that a "public housing agency" does not necessarily have to be a state or local government agency, that, in fact, a "public housing agency" can be an organization that meets the HUD guidelines in providing safe, decent affordable housing to the low-income population of any community.

Should this proposal be adopted, then the exemption provided for any "public housing agency" would only apply to the state's Hawaii Public Housing Authority. That would restrict any future possibility of a private for-profit or nonprofit organization from producing affordable housing to the disadvantaged in the community. The income tax exemption and obligation exemption authority should remain under the oversight of the Hawaii Housing and Finance Development Corporation which already oversees the other financing tools available to provide subsidized housing in Hawaii including the low-income housing tax credit program and the issuance of the federal private activity bonds used for housing.

Digested 1/24/13

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

January 28, 2013 8:45 A.M.
Room 329, Hawaii State Capitol

In consideration of
House Bill No. 514
Relating to Public Housing

Honorable Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Bill (H.B.) No. 514, relating to public housing.

The Hawaii Public Housing Authority (HPHA) supports the enactment of this measure, which would move the State income tax and obligations exemption for public housing agencies from the laws governing the Hawaii Housing Finance and Development Corporation (HHFDC) to the laws governing the HPHA.

Section 11 of the Housing Act of 1937, as amended (42 U.S.C. § 1437i) provides for public housing agencies (PHAs) to issue obligations secured by a variety of U.S. Department of Housing and Urban Development (HUD) funds to finance the development of low-income housing projects. It further provides that any such obligations, including interest thereon, that are issued by a PHA, and any income derived by the PHA from such projects, are exempt from all taxation imposed by the United States. Section 201H-37, Hawaii Revised Statutes (HRS), provides that such obligations and income should also be exempt from all taxation imposed by the State.

However, the statute is misplaced and was left in chapter 201H when the HHFDC and HPHA bifurcated on July 5, 2005 with Act 196. As the sole PHA in the State of Hawaii, any such statutory provision relating to PHA financing obligations should be provided in the HPHA's chapter 356D, HRS. As such, this proposal is a housekeeping measure to move this statute to the correct chapter.

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The HPHA appreciates the opportunity to provide the House Committee on Housing with the agency's position regarding H.B. No. 514. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

January 28, 2013

TO: The Honorable Rida T.R. Cabanilla, Chair
House Committee on Housing

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 514 – RELATING TO PUBLIC HOUSING**

Hearing: Monday, January 28, 2013; 8:45 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 514 is to move the State income tax and obligations exemption for public housing agencies from the laws governing the Hawaii Housing Finance and Development Corporation, section 201H, Hawaii Revised Statutes (HRS), to the laws governing the Hawaii Public Housing Authority (HPHA), chapter 356D, HRS.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill. As the sole public housing agency in the State of Hawaii, statutory provisions relating to financing obligations should be provided in the HPHA's chapter 356D, HRS. As such, this proposal is a housekeeping measure to move this statute from chapter 201H, HRS, which is administered by the Hawaii Housing Finance and Development Corporation to chapter 356D, HRS.

The Administration bill H.B. 886, also proposes the change in statute as set forth in this bill.

Thank you for the opportunity to provide testimony on this measure.