
A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING CREDITS.

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

1 SECTION 1. The purpose of Act 141, Session Laws of Hawaii
2 2009, was to require counties to issue affordable housing
3 credits to the department of Hawaiian home lands for all
4 existing and future Hawaiian home lands projects upon request.
5 Act 98, Session Laws of Hawaii 2012, further defined what the
6 credits should be issued for and explicitly released the
7 department of Hawaiian home lands from any income or other
8 requirements attached to a respective county's affordable
9 housing credits.

10 The legislature finds that the relationship between the
11 department of Hawaiian home lands and the respective counties
12 established by Act 98 violates the principles of home-rule and
13 does not encourage the kind of working relationship between the
14 counties and the department of Hawaiian home lands necessary to
15 effectively address the affordable housing problem in each
16 county. The legislature also finds that Act 98 could create a
17 racially discriminatory effect by disproportionately allocating



1 more affordable housing resources to one racial group over
2 another.

3 To address each county's affordable housing needs based on
4 fairness and equality, this Act allows each county to address
5 its affordable housing needs, allows the department of Hawaiian
6 home lands to receive county affordable housing credits for
7 mutually beneficial projects on Hawaiian home lands, and fosters
8 a good working relationship between the department of Hawaiian
9 home lands and the respective counties.

10 SECTION 2. Section 46-15.1, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) ~~[Each county shall issue]~~ By mutual consent, each
13 respective county and the department of Hawaiian home lands
14 shall agree to the issuance of affordable housing credits to the
15 department of Hawaiian home lands with respect to ~~[existing and]~~
16 future Hawaiian home lands projects upon a request for such
17 credits by the department of Hawaiian home lands. The credits
18 shall be transferable and shall be issued on a one-unit for one-
19 unit basis. Credits shall be issued for each single-family
20 residence, multi-family unit, or other residential unit~~[, or if~~
21 ~~allowed under the county's affordable housing programs, vacant~~
22 ~~lot,]~~ developed by the department of Hawaiian home lands. The



1 credits may be applied county-wide within the same county in
2 which the credits were earned to satisfy affordable housing
3 obligations imposed by the county on market priced residential
4 and non-residential developments. [~~County-wide or project-~~
5 ~~specific requirements for the location of affordable housing~~
6 ~~units; housing class, use, or type; construction time; or other~~
7 ~~county requirements for affordable housing units shall not~~
8 ~~impair, restrict, or condition the county's obligation to apply~~
9 ~~the credits in full satisfaction of all county requirements~~
10 ~~whether by rule, ordinance, or particular zoning conditions of a~~
11 ~~project.]~~

12 For purposes of this section, "affordable housing
13 obligation" means the requirement imposed by a county to develop
14 [~~vacant lots,~~] single-family residences, multi-family
15 residences, or any other type of residence for sale or rent to
16 individuals within a specified income range."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2013, and
20 shall be repealed on June 30, 2015; provided that section 46-
21 15.1(b), Hawaii Revised Statutes, shall be reenacted in the form



1 in which it read on the day before the effective date of Act
2 141, Session Laws of Hawaii 2009.



Report Title:

Affordable Housing; DHHL; Counties; Kauai County Package

Description:

Repeals the requirement that the counties issue affordable housing credits to DHHL for the development of vacant lots. Authorizes issuance of credits upon mutual agreement of county and DHHL. Repeals provision that county requirements for affordable housing may not impair the county's obligation to apply the credits in full satisfaction of all county requirements. (HD1)

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