

JAN 22 2016

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that the majority of
2 people become homeless after a housing or personal crisis.
3 Under the housing first approach, prompt assistance is offered
4 to find stable, permanent housing without any conditions,
5 followed by human services that may be needed. A focus on
6 helping individuals and families obtain permanent housing is
7 consistent with what most people experiencing homelessness want
8 and need. Often times once individuals and families obtain
9 permanent housing, they only need minimal, low-cost support to
10 achieve independence.

11 The purpose of this Act is to require the department of
12 human services to establish and collect a new residential
13 development fee from developers of certain new residential
14 development projects and establish the homelessness and
15 affordable housing special fund for the purposes of building,
16 renting, and rehabilitating housing that shall be used as
17 housing for the homeless.



1 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§346-A New residential development fees; establishment;
5 collection. (a) The department shall establish and collect
6 from developers a new residential development fee. The fee
7 shall be _____ per cent of the development and actual capitol
8 cost of a multi-unit residential development project in the
9 State; provided that construction of the development begins on
10 or after _____, and the development and actual capital cost
11 exceeds \$20,000,000.

12 (b) Preassessment and prepayment of fees shall be made as
13 a condition precedent to the issuance of a grading or building
14 permit for any development described in subsection (a) and shall
15 be collected in full before or upon issuance of the permit.

16 (c) Upon collection, fees shall be deposited into the
17 homelessness and affordable housing special fund established
18 under section 346-B. After completion of the development a
19 postassessment and postpayment, or refund, as applicable, shall
20 be made once the final actual capital costs have been determined
21 and calculated for the development.



1 (d) The department shall adopt rules in accordance with
2 chapter 91 for the purposes of this section."

3 SECTION 3. Chapter 346, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§346-B Homelessness and affordable housing special fund;
7 established. (a) There is established in the state treasury
8 the homelessness and affordable housing special fund, into which
9 shall be deposited the following moneys:

10 (1) Appropriations made by the legislature to the fund;
11 and

12 (2) New residential development fees assessed and
13 collected pursuant to section 346-A.

14 (b) The department may expend moneys from the fund to
15 build, rent, or rehabilitate housing for the homeless.

16 (c) The department shall submit an expenditure report to
17 the legislature, no later than twenty days prior to the
18 convening of each regular session.

19 (d) The department shall adopt rules in accordance with
20 chapter 91 for the purposes of this section."



1 SECTION 4. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§346-C Cooperative agreements with other government
5 agencies. (a) The department may:

6 (1) Obtain the aid and cooperation of other government
7 agencies in the planning, construction,
8 rehabilitation, and operation of housing for homeless
9 and enter into agreements and arrangements as it deems
10 advisable to obtain aid and cooperation; and

11 (2) Arrange or enter into agreements with any government
12 agency for the acquisition by that agency of property,
13 options, or property rights; for the furnishing,
14 installing, opening, or closing of streets, roads,
15 alleys, sidewalks, or other places; for the furnishing
16 of property, services, parks, sewage, water, and other
17 facilities in connection with housing for homeless.

18 (b) For the purpose of aiding and cooperating in the
19 planning, construction, rehabilitation, and operation of housing
20 for homeless located within their respective territorial



1 boundaries, the state or a county government, upon those terms,
2 with or without consideration, as it determines, may:

3 (1) Dedicate, grant, sell, convey, or lease any of its
4 property, or grant easements, licenses, or any other
5 rights or privileges therein to the department;

6 (2) To the extent that it is within the scope of each of
7 their respective functions:

8 (A) Cause the services customarily provided by each
9 of them to be rendered for the benefit of housing
10 for the homeless and the occupants thereof;

11 (B) Provide and maintain parks; and sewage, water,
12 lights, and other facilities adjacent to or in
13 connection with housing for the homeless;

14 (C) Open, close, pave, install, or change the grade
15 of streets, roads, roadways, alleys, sidewalks,
16 or other related facilities; and

17 (D) Change the map of a political subdivision or
18 plan, replan, zone, or rezone any part of a
19 political subdivision;

20 (3) Enter into agreements with the department with respect
21 to the exercise of the State or county's powers



- 1 relating to the repair, closing, or demolition of
2 unsafe, unsanitary, or unfit dwellings;
- 3 (4) Employ, notwithstanding any other law as to what
4 constitutes legal investments, any available funds
5 belonging to them or within their control, including
6 funds derived from the sale or furnishing of property
7 or facilities to the department, in the purchase of
8 the bonds or other obligations of the department, and
9 exercise all the rights of any holder of the bonds or
10 other obligations;
- 11 (5) Do any and all things necessary or convenient to aid
12 and cooperate in the planning, construction,
13 rehabilitation, and operation of housing for homeless;
14 and
- 15 (6) Enter into contracts with the department for any
16 period agreeing to exercise any of the powers
17 conferred by this subsection or to take any other
18 action in aid of housing for homeless.

19 In connection with the exercise of the powers conferred by
20 this subsection, any political subdivision may incur the entire
21 expense of any public improvements located within its



1 territorial boundaries without assessment against abutting
2 property owners.

3 (c) For the purpose of aiding and cooperating in the
4 planning, construction, and operation of housing for homeless,
5 the department of land and natural resources, the Hawaiian homes
6 commission, and any other agency of the State having power to
7 manage or dispose of its public lands, with the approval of the
8 governor and with or without consideration, may grant, sell,
9 convey, or lease for any period, any parts of such public lands,
10 without limit as to area, to the department for the purpose of
11 building, renting, or rehabilitation of housing for homeless.

12 (d) Any law to the contrary notwithstanding, any gift,
13 grant, sale, conveyance, lease, or agreement provided for in
14 this section may be made by the state or county government
15 without appraisal, public notice, advertisement, or public
16 bidding."

17 SECTION 5. In codifying the new sections added by sections
18 2, 3, and 4 of this Act, the revisor of statutes shall
19 substitute appropriate section numbers for the letters used in
20 designating the new sections in this Act.

21 SECTION 6. New statutory material is underscored.



S.B. NO. 2464

1 SECTION 7. This Act shall take effect on July 1, 2016.

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S.B. NO. 2464

Report Title:

Housing; Homeless; New Residential Development Fee; Special Fund

Description:

Requires the department of human services to establish and collect a new residential development fee from developers for certain new residential development projects and establishes the homelessness and affordable housing special fund for the purposes of building, renting, and rehabilitating housing to be used as housing for the homeless.

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