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# A BILL FOR AN ACT

RELATING TO SCHOOLS.

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

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PART I

SECTION 1. The legislature finds that Act 245, Session Laws of Hawaii 2007, established the law regarding school impact fees. Act 245 implemented a new method for financing, in part, new or expanding existing department of education educational facilities in partnership with developers of new residential developments. The legislature further finds, however, that land use planning, development patterns, and preferences have changed since 2007. Kakaako, for example, has many existing and proposed high-density residential projects that will require at least one new school in that area. Further, a rail transit system may require attention if resultant population shifts require schools to be located near rail stations. The legislature further finds that while Act 188, Session Laws of Hawaii 2010, made helpful clarifying amendments to the school impact fees law, more substantive amendments to the law may be necessary.



1           The purpose of this part is to establish a school impact  
2 fee review task force to review the law regarding school impact  
3 fees, as codified in chapter 302A, part VI, subpart B of the  
4 Hawaii Revised Statutes.

5           SECTION 2. (a) There is established a school impact fee  
6 review task force within the department of education for  
7 administrative purposes.

8           (b) The school impact fee review task force shall consist  
9 of ten members as follows:

- 10           (1) The superintendent of education, or the  
11                 superintendent's designee;
- 12           (2) The comptroller, or the comptroller's designee;
- 13           (3) The chairperson of the board of land and natural  
14                 resources, or the chairperson's designee;
- 15           (4) The director of the office of planning, or the  
16                 director's designee;
- 17           (5) The executive director of the Hawaii community  
18                 development authority, or the executive director's  
19                 designee;
- 20           (6) Two members appointed by the board of education who  
21                 have experience in the development of real property



1 for residential purposes; provided that the members  
2 shall neither be developers of real property located  
3 within the State, nor individuals with direct  
4 financial interests in developers of real property  
5 located within the State;

6 (7) The mayor of the city and county of Honolulu, or the  
7 mayor's designee; provided that the designee is an  
8 officer of the city and county of Honolulu; and

9 (8) The mayor of the county of Maui, or the mayor's  
10 designee; provided that the designee is an officer of  
11 the county of Maui; and

12 (9) The mayor of the county of Hawaii, or the mayor's  
13 designee; provided that the designee is an officer of  
14 the county of Hawaii; and

15 (10) The mayor of the county of Kauai, or the mayor's  
16 designee; provided that the designee is an officer of  
17 the county of Kauai.

18 The task force shall select a chairperson from among its  
19 membership.

20 (c) The school impact fee review task force shall:



- 1       (1) Review the school impact fees law, as codified in
- 2             chapter 302A, part VI, subpart B of the Hawaii Revised
- 3             Statutes;
- 4       (2) Recommend any amendments deemed necessary to update
- 5             the law to address current and future needs for the
- 6             development of new schools to accommodate projected
- 7             population growth; and
- 8       (3) Review and recommend appropriate measures to enforce
- 9             compliance with the school impact fee requirement.
- 10       (d) The task force shall consider the following issues as
- 11 well as any other issues deemed necessary by the task force:
- 12       (1) The adequacy of the current school impact fees law to
- 13             generate funding for schools in high-density urban
- 14             areas and lower-density suburban areas;
- 15       (2) The projected costs of developing new schools in areas
- 16             of different permitted densities;
- 17       (3) Appropriate impact fees for the development of
- 18             vertical schools on smaller parcels of land in areas
- 19             that permit high-density residential structures;
- 20       (4) Standards for the minimum floor area for vertical
- 21             schools;



1 (5) The effects of county land use planning and zoning on  
2 development patterns and population shifts;

3 (6) Strategies to develop more schools where they are  
4 needed, as a result of projected development patterns  
5 and population shifts; and

6 (7) The effect of any rail transit system on the projected  
7 need for schools near rail stations.

8 (e) For the purposes of this section:

9 "Developer" has the same meaning as in section 302A-1602 of  
10 the Hawaii Revised Statutes.

11 "Vertical school" means a school in which all or most  
12 classrooms are located within a single multi-story structure.

13 SECTION 3. (a) Members of the task force shall serve  
14 without compensation but shall be reimbursed for expenses,  
15 including travel expenses, necessary for the performance of  
16 their duties.

17 (b) The department of education shall provide  
18 administrative support to the task force and assist the task  
19 force in the preparation of the reports and proposed legislation  
20 required pursuant to section 4.



1 SECTION 4. (a) The school impact fee review task force  
2 shall submit interim reports on its actions to the legislature  
3 no later than twenty days before the convening of each of the  
4 regular sessions of 2017 and 2018.

5 (b) The task force shall submit a final report of its  
6 findings and recommendations, including any proposed  
7 legislation, to the legislature and the governor no later than  
8 twenty days before the convening of the regular session of 2019.

9 SECTION 5. (a) The school impact fee review task force  
10 shall cease to exist on December 31, 2018.

11 (b) After December 31, 2018, members of the task force may  
12 represent themselves as such before the legislature when  
13 testifying about or discussing the task force's findings,  
14 recommendations, and proposed legislation.

15 SECTION 6. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$100,000 or so much  
17 thereof as may be necessary for fiscal year 2016-2017 for the  
18 administrative and operating expenses of the school impact fee  
19 review task force.

20 The sum appropriated shall be expended by the department of  
21 education for the purposes of this part.



1 PART II

2 SECTION 7. The legislature finds that new affordable  
3 housing generates additional students within a school district  
4 in the same way that all other new housing development drives up  
5 school enrollment. School impact fees are a direct link between  
6 new housing units and the new or expanded school facilities  
7 required to address the enrollment growth caused by the new  
8 units.

9 The purpose of this part is to clarify that if a new  
10 residential development within a designated school impact  
11 district requires a county subdivision approval, a county  
12 building permit, or a condominium property regime approval, then  
13 the developer is also required to fulfill certain impact fee  
14 requirements of the department of education, even if the  
15 projects are processed pursuant to section 201H-38 or section  
16 46-15 with the involvement of the Hawaii housing finance and  
17 development Corporation or a corresponding county agency.

18 SECTION 8. Section 302A-1603, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:







**Report Title:**

School Impact Fee Review; Task Force; Appropriation; Housing Exemptions

**Description:**

Establishes a task force to review the school impact fees law, the enforcement of the law, and recommend any necessary amendments. Appropriates funds for the administrative and operating expenses of the task force. Clarifies that developers of certain projects are subject to school impact fees, even when the Hawaii housing finance and development corporation or a corresponding county agency participates in the development of the projects. (SD1)

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

