

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; and
- 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.
- 8 (d) The task force shall consider the following issues as
9 well as any other issues deemed necessary by the task force:
- 10 (1) The adequacy of the current school impact fees law to
11 generate funding for schools in high-density urban
12 areas and lower-density suburban areas;
- 13 (2) The projected costs of developing new schools in areas
14 of different permitted densities;
- 15 (3) Appropriate impact fees for the development of
16 vertical schools on smaller parcels of land in areas
17 that permit high-density residential structures;
- 18 (4) Standards for the minimum floor area for vertical
19 schools;
- 20 (5) The effects of county land use planning and zoning on
21 development patterns and population shifts;



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

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

6 (e) For the purposes of this section:

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

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

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

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

19 SECTION 4. (a) The school impact fee review task force
20 shall submit interim reports on its actions to the legislature



1 no later than twenty days before the convening of each of the
2 regular sessions of 2017 and 2018.

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

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

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

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

18 The sum appropriated shall be expended by the department of
19 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 housing
10 projects that, pursuant to chapter 201H, Hawaii Revised
11 Statutes, are exempt from certain laws relating to planning,
12 zoning, construction standards for subdivisions, development and
13 improvement of land, and the construction of dwelling units
14 thereon, are not exempt from the school impact fee requirement.

15 SECTION 8. Section 201H-38, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) The corporation may develop on behalf of the State or
18 with an eligible developer, or may assist under a government
19 assistance program in the development of, housing projects that
20 shall be exempt from all statutes, ordinances, charter
21 provisions, and rules of any government agency relating to



1 planning, zoning, construction standards for subdivisions,
2 development and improvement of land, and the construction of
3 dwelling units thereon; provided that:

4 (1) The corporation finds the housing project is
5 consistent with the purpose and intent of this
6 chapter, and meets minimum requirements of health and
7 safety;

8 (2) The development of the proposed housing project does
9 not contravene any safety standards, tariffs, or rates
10 and fees approved by the public utilities commission
11 for public utilities or of the various boards of water
12 supply authorized under chapter 54;

13 (3) The legislative body of the county in which the
14 housing project is to be situated shall have approved
15 the project with or without modifications:

16 (A) The legislative body shall approve, approve with
17 modification, or disapprove the project by
18 resolution within forty-five days after the
19 corporation has submitted the preliminary plans
20 and specifications for the project to the
21 legislative body. If on the forty-sixth day a



1 project is not disapproved, it shall be deemed
2 approved by the legislative body;

3 (B) No action shall be prosecuted or maintained
4 against any county, its officials, or employees
5 on account of actions taken by them in reviewing,
6 approving, modifying, or disapproving the plans
7 and specifications; and

8 (C) The final plans and specifications for the
9 project shall be deemed approved by the
10 legislative body if the final plans and
11 specifications do not substantially deviate from
12 the preliminary plans and specifications. The
13 final plans and specifications for the project
14 shall constitute the zoning, building,
15 construction, and subdivision standards for that
16 project. For purposes of sections 501-85 and
17 502-17, the executive director of the corporation
18 or the responsible county official may certify
19 maps and plans of lands connected with the
20 project as having complied with applicable laws
21 and ordinances relating to consolidation and



1 subdivision of lands, and the maps and plans
2 shall be accepted for registration or recordation
3 by the land court and registrar; [~~and~~]

4 (4) The land use commission shall approve, approve with
5 modification, or disapprove a boundary change within
6 forty-five days after the corporation has submitted a
7 petition to the commission as provided in section 205-
8 4. If, on the forty-sixth day, the petition is not
9 disapproved, it shall be deemed approved by the
10 commission[-]; and

11 (5) The project shall not be exempt from the school impact
12 fee requirement under section 46-142.5."

13 PART III

14 SECTION 9. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect upon approval;
17 provided that Part I shall take effect on July 1, 2016.



Report Title:

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

Description:

Establishes a task force to review the school impact fees law and recommend any necessary amendments. Appropriates funds for the administrative and operating expenses of the task force. Clarifies that housing projects that, pursuant to chapter 201H, HRS, are exempt from certain laws, shall not be exempt from the school impact fee requirement. (SD1 Proposed)

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

