

JAN 20 2017

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Section 46-142, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§46-142 Authority to impose impact fees; enactment of**
4 **ordinances required.** (a) Impact fees may be assessed, imposed,
5 levied, and collected by:

6 (1) Any county for any development, or portion thereof,
7 not involving water supply or service; or

8 (2) Any board for any development, or portion thereof,
9 involving water supply or service;

10 provided that the county enacts appropriate impact fee
11 ordinances or the board adopts rules to effectuate the
12 imposition and collection of the fees within their respective
13 jurisdictions.

14 (b) Except for any ordinance governing impact fees enacted
15 before July 1, 1993, impact fees may be imposed only for those
16 types of public facility capital improvements specifically
17 identified in a county comprehensive plan or a facility needs



1 assessment study. The plan or study shall specify the service
2 standards for each type of facility subject to an impact fee;
3 provided that the standards shall apply equally to existing and
4 new public facilities.

5 (c) No county shall assess, impose, levy, or collect an
6 impact fee pursuant to this section on any form of housing
7 project where at least a portion of the units are set aside for
8 persons and families with incomes at or below one hundred forty
9 per cent of the area median family income."

10 SECTION 2. Section 264-123, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§264-123[+] **Authority to assess impact fees; needs**
13 **assessment study.** (a) A county may assess, impose, levy,
14 collect, and transfer to the department impact fees for any
15 development pursuant to ordinances adopted under section 46-142
16 and this part, and the department is authorized to receive those
17 funds for state highway improvements.

18 (b) Prior to the assessment, imposition, levy, collection,
19 or transfer to the department of impact fees pursuant to this
20 section, the director shall approve a needs assessment study
21 that shall identify the kinds of state highway improvements for



1 which the fees shall be imposed by the county pursuant to part
2 VIII of chapter 46.

3 (c) No county shall assess, impose, levy, or collect an
4 impact fee pursuant to this section on any form of housing
5 project where at least a portion of the units are set aside for
6 persons and families with incomes at or below one hundred forty
7 per cent of the area median family income."

8 SECTION 3. Section 302A-1603, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The following shall be exempt from this section:

- 11 (1) Any form of housing permanently excluding school-aged
12 children, with the necessary covenants or declarations
13 of restrictions recorded on the property;
- 14 (2) Any form of housing that is or will be paying the
15 transient accommodations tax under chapter 237D;
- 16 (3) All nonresidential development; [~~and~~]
- 17 (4) Any development with an executed education
18 contribution agreement or other like document with the
19 department for the contribution of school sites or
20 payment of fees for school land or school
21 construction[-]; and



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1 (5) Any form of housing project where at least a portion
 2 of the units are set aside for persons and families
 3 with incomes at or below one hundred forty per cent of
 4 the area median family income."

5 SECTION 4. This Act does not affect rights and duties that
 6 matured, penalties that were incurred, and proceedings that were
 7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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Report Title:

Affordable Housing; Impact Fees; Exemption

Description:

Exempts housing projects where at least a portion of the units are set aside for persons and families with incomes at or below one hundred forty per cent of the area median income from county, highway, and school impact fees.

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