
A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

- 1 SECTION 1. Section 302A-1603, Hawaii Revised Statutes, is
2 amended to read as follows:
- 3 "§302A-1603 **Applicability and exemptions.** (a) Except as
4 provided in subsection (b), any person who seeks to develop a
5 new residential development within a designated school impact
6 district requiring:
- 7 (1) A county subdivision approval;
8 (2) A county building permit; or
9 (3) A condominium property regime approval for the
10 project,
- 11 shall be required to fulfill the land component impact fee or
12 fee in lieu requirement and construction cost component impact
13 fee requirement of the department [~~, including all government~~
14 ~~housing projects and projects processed pursuant to sections 46-~~
15 ~~15.1 and 201H-38]~~.
- 16 (b) The following shall be exempt from this section:



- 1 (1) Any form of housing permanently excluding school-aged
2 children, with the necessary covenants or declarations
3 of restrictions recorded on the property;
- 4 (2) Any form of housing that is or will be paying the
5 transient accommodations tax under chapter 237D;
- 6 (3) All nonresidential development; [~~and~~]
- 7 (4) Any development with an executed education
8 contribution agreement or other like document with the
9 department for the contribution of school sites or
10 payment of fees for school land or school
11 construction[-];
- 12 (5) Government housing projects;
- 13 (6) Projects processed pursuant to sections 46-15.1 and
14 201H-38;
- 15 (7) Affordable housing projects that satisfy the county
16 affordable housing requirements and qualify for county
17 fee exemptions for the county in which the projects
18 are situated; and
- 19 (8) Affordable rental housing projects, including senior
20 and family rental housing, for which developers



1 receive low income housing tax credits under section
2 42 of the Internal Revenue Code."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Affordable Housing; School Impact Fees; Exemptions; HHFDC;
Counties

Description:

Exempts affordable housing projects developed or financed by HHFDC or a county, housing projects that satisfy county affordable housing requirements and qualify for county fee exemptions, and affordable rental housing for which the developer received Low-Income Housing Tax Credits from school impact fees. (HB1804 HD1)

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