

OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON HOUSING
Tuesday, January 30, 2018
9:30 AM
State Capitol, Conference Room 423

in consideration of
HB 2066
RELATING TO SCHOOLS.

Chair Brower, Vice Chair Nakamura, and Members of the House Committee on Housing.

The Office of Planning (OP) supports HB 2066, which proposes to repeal the School Impact Fee law, Hawaii Revised Statutes section 46-142.5 and chapter 302A, part VI, subpart B.

OP agrees that school impact fees can be detrimental to efforts that provide housing to low-income individuals and repealing the school impact fee requirements will encourage developers to provide more low-income housing, increasing the overall affordable housing supply for Hawaii residents, however we defer to the Department of Education on any fiscal impact this measure may have.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

LATE

STATE OF HAWAII

HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

Statement of

Hakim Ouansafi

Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

Tuesday, January 30, 2018

9:30 AM - Room 423, Hawaii State Capitol

In consideration of

HB 2066

RELATING TO SCHOOLS

Honorable Chair Brower and Members of the House Committee on Housing, thank you for the opportunity to provide testimony concerning House Bill (HB) 2066, relating to schools.

The Hawaii Public Housing Authority (HPHA) **supports the intent** of HB 2066 which repeals the school impact fees law, but is very concerned about the amount of funding that would be taken away from the State Department of Education.

The HPHA's mission is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination through its public housing and rental assistance programs. The HPHA serves the State's most vulnerable populations, including those earning less than thirty percent of the Area Median Income (AMI), the disabled, and the elderly.

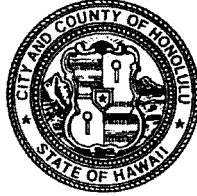
With the upcoming redevelopment of Mayor Wright Homes and the second phase of Kuhio Park Terrace underway, the school impact fees for both projects combined would be approximately \$26.3M. Funding for the redevelopment of HPHA projects will most likely be requested from the Legislature, and therefore, would be reallocating State funds between two state entities.

The HPHA appreciates the Committee's efforts to balance the effects of various fees on housing affordability, and for the opportunity to provide the House Committee on Housing with the HPHA's testimony regarding HB 2066. We thank you very much for your dedicated support.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



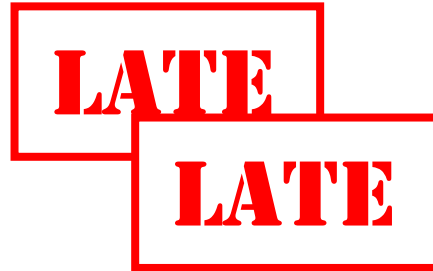
KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

January 30, 2018

The Honorable Tom Brower, Chair
and Members of the Committee
on Housing
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813



Dear Chair Brower and Committee Members:

Subject: House Bill No. 2066
Relating to School Impact Fees

The Department of Planning and Permitting (DPP) **supports** House Bill No. 2066, which would repeal the school impact fee program, as established under Section 46-142.5 and Part VI, subpart B of Chapter 302A, HRS.

We agree that public schools need attention and additional funding. But we have been concerned that using impact fees should not be a primary vehicle by which to gain revenues for this purpose. Given the high fee rates proposed, we have opposed imposing higher fees on the urban areas and transit-oriented development (TOD) zones, as they add to the cost of affordable housing production. Since existing impact fees are land-based and calculated for suburban-area development, those formulas are inappropriate for the urban TOD areas.

As an alternative to imposing new impact fees, we have supported the 21st Century Schools initiative to redevelop existing school system properties, and continue to do so as a source of new revenue for school improvements.

For this reason, we ask that House Bill No. 2066 be passed out of committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy Sokugawa".

Kathy Sokugawa
Acting Director

DAVID Y. IGE
GOVERNOR

LATE



DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

LATE

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/30/2018
Time: 09:30 AM
Location: 423
Committee: House Housing

Department: Education
Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education
Title of Bill: HB 2066 RELATING TO SCHOOLS.
Purpose of Bill: Repeals the School Impact Fees law.

Department's Position:

The Department of Education (DOE) understands the concerns that have generated the introduction of this bill, but takes no position on HB 2066. The DOE will continue to need to build new schools and appreciates the opportunity to use impact fees; however the DOE's focus is on public education, therefore, we defer to the legislature to determine how best to fund future school needs.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

TESTIMONY FOR HOUSE BILL 2066, RELATING TO SCHOOLS

House Committee on Housing
Hon. Tom Brower, Chair
Hon. Nadine K. Nakamura, Vice Chair

Tuesday, January 30, 2018, 9:30 AM
State Capitol, Conference Room 423

Honorable Chair Brower and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong opposition to House Bill 2066, relating to schools.

In comparison to school districts of similar size and demographic composition, Hawai'i ranks 227th in per-pupil funding *before* adjusting for cost of living, according to a Ballotpedia analysis of public school spending, at \$12,855 per child. Washington D.C., New York City, Boston, Pittsburgh, and Cincinnati school districts, for example, spend nearly twice as much as Hawai'i per pupil, at well over \$22,000 to over \$26,000 per student. Similarly, local private schools, discounting Catholic institutions, spend nearly \$19,173 dollars per student, with Punahou President Jim Scott revealing, in 2014, "The real cost of our education per student is \$26,000," owing to the school's then-total endowment of \$235 million and fundraising operations of \$12-\$15 million annually.

Our state must consider all possible ways to plug our education funding deficit, including the expansion of school impact fees, which could finance new or existing public school facilities as demand for such facilities increases, including through new residential properties spurred by transit oriented development (TOD). Pursuant to HRS §302A-1604, the Board of Education is empowered to establish districts that may range from one school to one or more high school complexes in which impact fees are to be applied, with new developers of residential properties in those districts then required to contribute to constructing school facilities that serve the ensuing influx of families and students. There are two types of fees established in state law: construction cost component impact fees and land component impact fees. Put simply, the former are fees paid for the construction of new school facilities, while the latter involve fees paid in lieu of or actual acreage given to the Department of Education to offset the cost of vacant land suitable for a school

site. Since new residential developments within designated impact fee districts create demand for public school facilities, developers are required to contribute toward the creation of new school space through both of the aforementioned means.

Both the land and construction requirements are based on a proportionate share of the need to provide additional public school facilities, consistent with fair-share principles. New residential developments are not charged for higher levels of service than existing developments demand, which is borne out by the DOE imposing fees based on averages taken from recently built and comparable developments. Notably, construction cost component impact fees, per state law, involve ten percent of the share of the construction cost for a required new school or expansion of existing school facilities—or both—that is attributable to a specific new residential development, with the cost per student meaning the average of actual school construction costs divided by the respective design enrollments (maximum number of students a school facility is designed to accommodate) for schools constructed within approximately the last ten years. Using data from 1997-2007, state law further codifies the construction cost component impact fee averages for different school types as follows:

- (1) Elementary schools: \$35,357 per student;
- (2) Middle and intermediate schools: \$36,097 per student; and
- (3) High schools: \$64,780 per student.

Ergo, the average contribution per student to a developer varies, depending on the type of school(s) being built to accommodate relocating families.

Kaka’ako, an area covered by the recently approved Kalihi-Ala Moana School Impact Fee District, is set to be filled with freshly designed high-rise projects, including 39,000 new multi-family units within an approximately half-mile radius of rail transit stations, per the Honolulu Community Development Authority. Similarly, the ‘Ewa Plain is expected to welcome 28,000 more buildings by the year 2021. DOE officials are considering all possible answers to school capacity questions posed by new developments, including mixed use schools that cater to grades K-12 and rededicating unused space at schools operating below their design enrollment—McKinley High School's maximum capacity is 2,100 students, for example, but enrollment is just over 1,600, leaving room for an additional 500 students. These strategies are not demographically sustainable, however, raising the urgency of creating alternative financial instruments to subsidize new schools. TOD, as previously stated, only exacerbates school capacity problems, as transit hubs incentivize residential and commercial development to accompany the high-traffic, convenient, and readily accessible rail line.

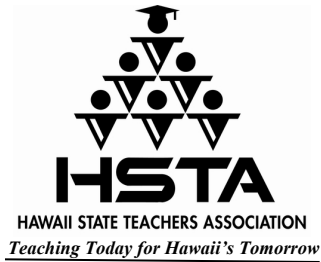
Affordable housing advocates maintain that impact fees impede forthcoming housing projects. Yet, with regard to affordable housing, it’s important to remember that poor people deserve quality schools, too, and are, perhaps, more in need of them than their affluent peers. Our

state should be willing to provide additional financial assistance through housing-related special and revolving funds, if necessary, to ease developers' concerns about project cost escalations and overruns, so that low socioeconomic status families may send their students to 21st century schools—especially since numerous studies show that socioeconomic status is the biggest determinant of student success. At previous hearings on impact fees, one affordable housing developer noted an estimated a need for \$800,000 in additional revolving funds to complete the project to which his firm was attached, **which pales in comparison to the hundreds of millions that will be raised for our schools once impact fees take full effect, especially in the urban core of Honolulu.**

Therefore, we urge your committee to continue allowing school impact fees to be part of our state's solution to school capacity concerns. It shouldn't take a falling roof at Farrington High School or the 1,300-student overload at Campbell High School to spur us to act. Additionally, we note that the list of permissible uses for impact fees collected in the urban core, defined as the Kalihi–Ala Moana School Impact Fee District, was expanded by lawmakers in 2016 under Act 130 and Act 237, with the DOE now being allowed to use revenue generated by the fees for completed construction, constructing new school facilities, leasing land or facilities, or improving or renovating existing structures for school use. We ask you to work with public school advocates, in the future, to extend these permissions to all school impact fee districts, thereby maximizing the department's ability to prevent capacity and facilities problems before they become an education emergency.

Imagine a society in which our schools are the sign and signal of Hawai'i's highest standards of excellence. To realize that vision, we must expedite the collection of impact fees to provide first-rate school facilities for our children. Mahalo for the opportunity to testify in opposition to this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



LATE

1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President

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Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
HOUSING

RE: HB 2066 - RELATING TO SCHOOLS

TUESDAY, JANUARY 30, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Brower and Members of the Committee:

The Hawaii State Teachers Association **strongly opposes HB 2066**, relating to schools.

Our state's public school buildings are approximately 65-years-old on average. Facilities are damaged, restrooms and water foundations are in disrepair, classroom windows are broken, and campuses are plagued by rat and insect infestations. Our students, especially those with special needs, are subjected to dilapidated infrastructure. Though our state's repair and maintenance backlog has declined, the total cost of lingering projects runs into the hundreds of millions of dollars. Maintenance and capacity problems are particularly painful for developing communities, like the 'Ewa Plain, which will welcome 28,000 more buildings by the year 2021, and Kaka'ako, in which 39,000 new multi-family units are projected to be built within an approximately half-mile radius of rail transit stations, per the Honolulu Community Development Authority.

During the 2016 legislative session, lawmakers passed Act 130 and Act 237, allowing fee-in-lieu funds collected in Honolulu's urban core—which the bills specifically defined as the Kalihi to Ala Moana school impact fee district—to be spent on purchasing completed construction, leasing land or facilities, and improving or renovating existing structures for school use. Following passage of these proposals, Department of Education officials performed an analysis of the district in question. In their original recommendation, they estimated revenue generated from the additional 39,000 units being built in the district to be \$22,736,872 in \$584-per-unit construction cost component impact fees and the equivalent of 63.5 acres of land,

with a fee-in-lieu impact fee amount of \$8,790 per unit if money is tendered by developers instead of land. Thus, the total all-cash fee would be \$9,374 per new unit or a total of \$365,586,000, once the district is established by the board.

Yet, the amount of the fee led to concerns about the impact of the \$9,374 fee amount on affordable housing. In turn, at the January hearing of Board of Education's Finance and Infrastructure Committee, the DOE proposed an urban exception to BOE Policy 301-2 that states:

POLICY 301-2-UE
URBAN EXCEPTION

In existing urban areas, where new housing development requires new school facilities to be built, the Department of Education (DOE) shall be allowed to amend useable acre minimums listed in Board of Education Policy 301-2 (as outlined below).

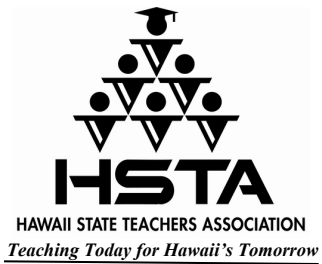
| | | | |
|------------|----------|---------------|------------------|
| Elementary | (preK-5) | 750 students | 3 useable acres |
| Middle | (6-8) | 1000 students | 6 useable acres |
| High | (9-12) | 1600 students | 10 useable acres |

(Usable is generally defined as land free of encumbrances determined to be unnecessary by the DOE, slope of five percent or less, with no ravines or stream beds. The DOE will make the final determination as to whether land is usable based on an evaluation of the specific property taken in the context of the development as a whole.)

(These exceptions to BOE Policy 301-2 only apply in urban areas where the availability of land is limited to infill sites.)

Every effort should be made to ensure that all educational needs are met when designing and siting new urban school facilities. Where possible, the DOE should seek design solutions that help to create environments which can support "communities of learners" initiatives.

The DOE's recommended exemption from BOE Policy 301-2 will be voted on by the full board on Thursday, February 1. If enacted, the policy would significantly reduce the land requirement of school impact fees in the urban core, which will effectively reduce the overall cost of the fee itself. If your committee has further concerns about the effect of impact fees on affordable housing, we encourage you to amend state law to exempt affordable housing from school impact fees, rather than repeal impact fees outright and deprive our schools of much needed facilities funding.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President

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Vice President

Amy Perruso
Secretary-Treasurer

Wilbert Holck
Executive Director

A quality education is priceless. To provide our children with quality school facilities, the Hawaii State Teachers Association asks your committee to **oppose** this bill.



January 29, 2018

Hawaii State House of Representatives
Committee on Housing
Rep. Tom Brower, Chair
Rep. Nadine K. Nakamura, Vice Chair
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

LATE

Hearing: January 30, 2018
Time: 9:30AM, Room: 423
Subject: HB2066 Repeal of School Impact Fees Law

TESTIMONY IN SUPPORT

Chair Brower, Vice Chair Nakamura and members of the Committee:

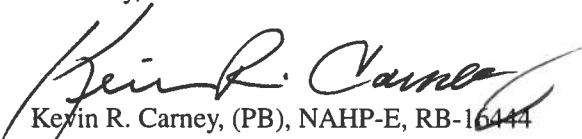
I am Kevin Carney, Vice President of EAH Housing. EAH is a 50 year old non-profit public benefit corporation whose mission is to develop, manage and promote affordable rental housing. We are one of the largest non-profit affordable rental housing developers in the western United States. We have developed over 100 affordable rental properties, manage over 100 rental properties and we serve over 20,000 residents in communities in California and Hawaii. The people we serve are primarily those with incomes at or below 60% of the area median income (AMI).

School Impact Fees are a cost burden that directly impacts the development of multi-family affordable rental housing as well as all other types of housing with the exception of senior housing which is exempt from the Fee. It is extremely refreshing to see that the House recognizes our State wide housing crisis and the need to expedite the production of housing across the board.

EAH strongly supports HB 2066 as the elimination of the fee means less dependence on government sources, whether it be City or State, to supply the funds to enable low income rental developers like EAH to pay the fee to the Department of Education. Without the fee we may be able to bring our projects on-line faster as applying to governmental sources takes time which could delay projects for months or years depending on the availability of funds.

We encourage the legislature's strong support of HB 2066 and the elimination of the School Impact Fees Law. Thank you for allowing us to share our thoughts on this issue.

Sincerely,


Kevin R. Carney, (PB), NAHP-E, RB-16444
Vice President, Hawaii
EAH Housing, RB-16985



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ADDRESS:
94-487 AKOKI STREET, SUITE 213
WAIPAHU, HAWAII 96797
P 808.847.4666

LATE

Testimony to the House Committee on Housing
Tuesday, January 30, 2018
9:30 am
State Capitol, Room 423

RE: HB 2066 – Relating to Schools

Chair Brower, Vice-Chair Nakamura, & members of the Committee:

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-HAWAII is in **strong support** of H.B. 2066 which proposes to repeal Act 245, SLH 2006, the school impact fee law.

The purpose of Act 245, SLH 2006, was to implement 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 law provided that the developer would provide the site for the school (12 Acres for Elementary, 18 Acres for Middle, and 50 Acres for High Schools) as well as 10% of the 10 year average construction cost for schools in Hawaii.

Hawaii’s housing market has dramatically changed since 2006 when Act 245 was originally approved. Our current housing crisis is making housing more and more unaffordable to many entry level families. The median price for a new home on Oahu has skyrocketed into the high \$700,000’s. Housing units priced for workforce families, %140 AMI and below are a stretch for most young families.

The impact fee essentially shifts some of the financial burden of building new schools onto prospective home buyers who can least afford it.

Given our current housing crisis, we believe it is in the public’s best interest to repeal the school impact fee law, and restore the “fair share contribution” formula that DOE used to assess “greenfield” developers their land contribution for new schools.

We are in **strong support** of H.B. 2066, and appreciate the opportunity to express our views on this matter.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Repeals School Impact Fees law.

BILL NUMBER: HB 2066

INTRODUCED BY: OHNO

LATE

EXECUTIVE SUMMARY: This bill proposes to repeal the Department of Education's authority to charge impact fees in order to keep housing costs in check.

SYNOPSIS: Repeals Part VI of chapter 302A, HRS, which permitted impact fees.

Repeals section 46-142.5, HRS, as a conforming amendment.

EFFECTIVE DATE: July 1, 2018.

STAFF COMMENTS: Under Act 245, SLH 2007, our Department of Education (DOE) has the authority to require developers to pay an "impact fee" in high growth areas of the state. The theory is that high growth will mean more children, and more schools are required to educate them.

The Board of Education (BOE) used this authority to establish impact fee districts in Central Maui and West Maui in 2010, and in Leeward Oahu in 2012. It approved another district in West Hawaii in 2009, but apparently the Big Island county government didn't want to cooperate and that district remains an open issue.

Once an impact fee district is established, the DOE is authorized to collect 10% of estimated school construction costs and 100% of estimated land acquisition costs from each residential development planned within the district.

On May 23, 2017, the BOE established a "Kalihi to Ala Moana Impact Fee District," which would cover the area around the last four miles of the anticipated Honolulu rail project. The report issued by the DOE projected that a large number of condominiums would be built around the rail line, and would result in about 39,000 new residential units and about 10,000 additional students to be served in the vicinity. For those additional students, up to six new elementary schools, one and a half middle schools, and one and a half high schools would be needed. The DOE recommended a per-unit school impact fee of \$584 for construction and 0.0016 acres for land, or a cash equivalent payment of \$9,374 per new housing unit. Low-income and affordable housing units would not be exempt from this fee. The BOE voted to establish the district, but did not establish the impact fee amount.

Many bemoan the high cost of housing, the lack of affordable housing, and the high numbers of homeless on the streets already. Even the teachers' union has been arguing that sky-high housing prices cause a shortage of housing for struggling families. Now we see that under

current law, an attempt to develop an area can lead directly to impact fees. Housing developers will pass them on to their customers, leading directly to higher housing costs.

Whether or not impact fees are charged, our government will still have to educate an increased number of keiki and the associated costs will still have to be paid. If the purchasers of the high rises don't pay for them, the rest of us will have to. In 2009, Hawaii Councilmember Margaret Wille aptly called the issue a question of balance, namely whether those who create the need for additional school facilities should be required to bear a portion of the cost of providing them, as opposed to the general taxpayer population.

DOE suggested that the law be reexamined to give it more flexibility in how it spends the money. If that's the case, we think the entire impact fee law should be reexamined too. The law essentially allows DOE to assess a new tax, and then spend the money with limited or no legislative oversight. Is that how we ensure accountability from our public officials? If we are going to allow this program to continue, we should be asking for more transparency, not less.

The subject bill addresses this issue by repealing the impact fee law. It does not mean that schools will be shuttered or kids will be tossed into the street. It does mean that funding for new schools will be paid by the general population as opposed to those developing communities. Again, the question is one of balance.

Digested 1/29/2018