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## 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) Any housing project that has been certified or  
13          approved for a general excise tax exemption under  
14          section 201H-36 and all government housing projects  
15          and projects processed pursuant to sections 46-15.1  
16          and 201H-38;
- 17          (6) Any alteration to or expansion of an existing dwelling  
18          unit where no additional dwelling unit is created and  
19          the use is not changed, even if the alteration or  
20          expansion may require a county building permit;



1       (7) Accessory dwelling units that are legally permitted by  
2       a county. As used in this paragraph, "accessory  
3       dwelling unit" means a second dwelling unit, including  
4       separate kitchen, bedroom, and bathroom facilities,  
5       attached or detached from the primary dwelling unit on  
6       the same lot; and

7       (8) Ohana dwelling units that are legally permitted by a  
8       county. As used in this paragraph, "ohana dwelling  
9       unit" means a second dwelling unit, including separate  
10       kitchen, bedroom, and bathroom facilities, attached or  
11       detached from the primary dwelling unit on the same  
12       lot, which is occupied by persons who are related by  
13       blood, marriage, or adoption to the persons residing  
14       in the first dwelling unit; provided that an ohana  
15       dwelling unit for which a building permit was obtained  
16       before September 10, 1992, may be occupied by persons  
17       other than family members."

18       SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 23 2019



# H.B. NO. 1088

**Report Title:**

School Impact Fees; Exemption

**Description:**

Exempts affordable housing units, additions to existing dwelling units, accessory dwelling units, and ohana dwelling units from school impact fee requirements.

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

