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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;
- 15 (6) All government housing projects and projects processed  
16 pursuant to sections 46-15.1 and 201H-38;
- 17 (7) 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       (8) 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       that is attached or detached from the primary dwelling  
 6       unit on the same lot;

7       (9) 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, that is  
 11       attached or detached from the primary dwelling unit on  
 12       the same lot and is occupied by persons who are  
 13       related by blood, marriage, or adoption to the persons  
 14       residing in the first dwelling unit; provided that an  
 15       ohana dwelling unit for which a building permit was  
 16       obtained before September 10, 1992, may be occupied by  
 17       persons other than family members;

18       (10) Any housing project or property developed by the  
 19       Hawaii public housing authority;

20       (11) Single- and multi-family homeownership units developed  
 21       by self-help housing nonprofit organizations for low-



1           income households earning at or below eighty per cent  
2           of the Department of Housing and Urban Development's  
3           area median income for the county in which the  
4           household resides."

5           SECTION 2. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

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



**Report Title:**

School Impact Fees; Exemption; HPHA; Self-Help Housing Nonprofit

**Description:**

Exempts affordable housing units, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, housing developed by the Hawaii Public Housing Authority, and certain housing units developed by self-help housing nonprofit organizations from school impact fee requirements. (HB1088 HD1)

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

