

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1           SECTION 1. Chapter 356D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§356D-     Housing incentive fund. (a) There is  
5 established a housing incentive fund, into which shall be  
6 deposited:

7           (1) Appropriations made by the legislature funded by  
8           general obligation bonds; and

9           (2) Contributions made by any individual, partnership,  
10           firm, association, or corporation.

11           (b) The housing incentive fund shall be administered by  
12 the authority and shall be used for the construction,  
13 rehabilitation, or preservation of multifamily housing targeted  
14 to essential workers and low to moderate income households,  
15 including seniors and people with special needs, and for the  
16 necessary expenses in administering this part.



1        (c) Eligible recipients of funding by the housing  
2 incentive fund include state and county governments, and  
3 nonprofit organizations, public-private partnerships, or for-  
4 profit developers of multifamily housing. Individuals may not  
5 receive direct assistance from the fund.

6        (d) Disbursements made from the housing incentive fund is  
7 subject to repayment or recapture under the guidelines adopted  
8 by the authority. Any disbursement that is repaid or recaptured  
9 must be deposited in the housing incentive fund and is available  
10 for reimbursement on a continuing basis for the purposes of this  
11 section.

12        (e) The authority shall submit a report to the legislature  
13 no later than twenty days prior to the convening of each regular  
14 session to provide an accounting of the receipts and  
15 expenditures of the fund."

16        SECTION 2. Chapter 235, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19        "§235-    Housing incentive fund; income tax credit. (a)  
20 Any individual or taxpaying entity that files a net income tax  
21 return for a taxable year may claim a tax credit under this



1 section against the Hawaii state individual or corporate net  
2 income tax for contributing to the housing incentive fund  
3 established in section 356D- . The amount of the credit is  
4 equal to the amount contributed to the fund during the taxable  
5 year. The taxpayer may not claim more than twenty per cent of  
6 the credit for each separate contribution made in any taxable  
7 year.

8 (b) The contribution amount used to calculate the credit  
9 under this section may not be used to calculate any other state  
10 income tax deduction or credit allowed by law.

11 (c) If the amount of the credit exceeds the taxpayer's tax  
12 liability for the taxable year, the excess may be carried  
13 forward to each of the ten succeeding taxable years.

14 (d) The aggregate amount of tax credits allowed to all  
15 eligible contributors is limited to four million dollars per  
16 biennium. This limitation applies to all contributions for  
17 which tax credits are claimed under this section.

18 (e) Within thirty days after the date on which a taxpayer  
19 makes a contribution to the housing incentive fund, the Hawaii  
20 public housing authority shall file with each contributing  
21 taxpayer, and a copy with the director of taxation, completed



1 forms that show as to each contribution to the fund by that  
2 taxpayer the following:

3 (1) The name, address, and social security number or  
4 federal employer identification number of the taxpayer  
5 that made the contribution;

6 (2) The dollar amount paid for the contribution by the  
7 taxpayer; and

8 (3) The date the payment was received by the fund.

9 (f) To receive the tax credit provided under this section,  
10 a taxpayer shall claim the credit on the taxpayer's state income  
11 in the manner prescribed by the director of taxation and file  
12 with the return a copy of the form issued by the Hawaii public  
13 housing authority under subsection (e).

14 (g) This section does not prohibit the director of  
15 taxation from conducting an examination of the credit claimed  
16 and assessing additional tax due under section 235-108.

17 (h) A partnership, subchapter S corporation, limited  
18 partnership, limited liability company, or any other passthrough  
19 entity making a contribution to the housing incentive fund under  
20 this section is considered to be the taxpayer for purposes of  
21 this section, and the amount of the credit allowed must be



1 determined at the passthrough entity level. The amount of the  
2 total credit determined at the entity level must be passed  
3 through to the partners, shareholders, or members in proportion  
4 to their respective interests in the passthrough entity."


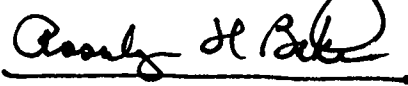
5 SECTION 3. The director of finance is authorized to issue  
6 general obligation bonds in the sum of \$50,000,000 or so much  
7 thereof as may be necessary and the same sum or so much thereof  
8 as may be necessary is appropriated for fiscal year 2020-2021  
9 for the purpose of funding the housing incentive fund.

10 SECTION 4. The appropriation made for the housing  
11 incentive fund authorized by this Act shall not lapse at the end  
12 of the fiscal biennium for which the appropriation is made;  
13 provided that all moneys from the appropriation unencumbered as  
14 of June 30, 2022, shall lapse as of that date.

15 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY:   


# S.B. NO. 2695

**Report Title:**

Hawaii Public Housing Authority; Housing Incentive Fund; Tax Credit; Affordable Housing; Housing; Appropriation

**Description:**

Creates the housing incentive fund to be administered by the Hawaii public housing authority. Allows the fund to be seeded with general obligation bonds. Creates a tax credit for individuals or corporations who contribute to the fund.

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

