

JAN 18 2019

A BILL FOR AN ACT

RELATING TO HOUSING ON HAWAIIAN HOME LANDS.

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

1 SECTION 1. Chapter 107, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§107- Micro housing units; exemptions. (a)

5 Notwithstanding any county zoning laws to the contrary, the
6 construction and use of micro housing units shall be allowed on
7 Hawaiian home lands approved by the department of Hawaiian home
8 lands and leased to individuals who meet the minimum Hawaiian
9 blood quantum requirement pursuant to section 209 of the
10 Hawaiian Homes Commission Act, 1920, as amended.

11 (b) For purposes of this section, "micro housing unit"
12 means a dwelling unit with a total floor area of less than eight
13 hundred square feet and that includes a bed, kitchen, kitchen
14 sink, cooking and refrigeration appliances, and a partitioned-
15 off bathroom containing a toilet and a bathtub or shower.
16 "Micro housing unit" includes an accessory dwelling unit."



1 SECTION 2. Section 214, Hawaiian Homes Commission Act,
2 1920, as amended, is amended by amending subsection (a) to read
3 as follows:

4 "(a) The department may make loans from revolving funds to
5 any lessee or native Hawaiian to whom, or any cooperative
6 association to which, a lease has been issued under section
7 207(a) of this Act or a license has been issued under section
8 207(c)(1)(B) of this Act. Such loans may be made for the
9 following purposes:

10 (1) The repair or maintenance or purchase or erection of
11 dwellings on any tract, and the undertaking of other
12 permanent improvements thereon;

13 (2) The purchase of livestock, swine, poultry, fowl,
14 aquaculture stock, and farm and aquaculture equipment;

15 (3) Otherwise assisting in the development of tracts and
16 of farm, ranch, and aquaculture operations, including:

17 (A) The initial and on-going development,
18 improvement, operation, and expansion of
19 homestead farms, ranches, and aquaculture
20 enterprises;



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- 1 (B) The liquidation of indebtedness incurred for any
- 2 of the foregoing purposes relating to farm loans
- 3 aged less than five years;
- 4 (C) The payment of normal and reasonable living
- 5 expenses of a full-time farmer;
- 6 (D) The planning, layout, and installation of soil
- 7 and water conservation practices; and
- 8 (E) Providing relief and rehabilitation to homestead
- 9 farmers and ranchers due to damage by rain and
- 10 windstorms, droughts, tidal wave, earthquake,
- 11 volcanic eruption, and other natural
- 12 catastrophes, and for livestock disease,
- 13 epidemics, crop blights, and serious effects of
- 14 prolonged shipping and dock strikes;
- 15 (4) The cost of breaking up, planting, and cultivating
- 16 land and harvesting crops, the cost of excavating or
- 17 constructing aquaculture ponds and tanks, the purchase
- 18 of seeds, fertilizers, feeds, insecticides, medicines,
- 19 and chemicals for disease and pest control for
- 20 animals, fish, shellfish, and crops, and the related
- 21 supplies required for farm, ranch, and aquaculture



1 operations, the erection of fences and other permanent
2 improvements for farm, ranch, and aquaculture purposes
3 and the expense of marketing; [~~and~~]

4 (5) To assist licensees in the operation or erection of
5 theaters, garages, service stations, markets, stores,
6 and other mercantile establishments, all of which
7 shall be owned by native Hawaiians or by organizations
8 formed and controlled by native Hawaiians[~~-~~]; and

9 (6) To provide loans to qualifying lessees for the
10 purchase or lease of micro housing units for use on
11 Hawaiian home lands; provided that:

12 (A) Each loan shall not exceed \$125,000; and

13 (B) The department of Hawaiian home lands shall
14 determine the criteria to be met by lessees in
15 order to qualify for loans pursuant to this
16 paragraph, which shall include meeting the
17 minimum Hawaiian blood quantum requirement
18 pursuant to section 209 of this Act.

19 For purposes of this paragraph, "micro housing
20 unit" means a dwelling unit with a total floor area of
21 less than eight hundred square feet and that includes



1 a bed, kitchen, kitchen sink, cooking and
2 refrigeration appliances, and a partitioned-off
3 bathroom containing a toilet and a bathtub or shower.
4 "Micro housing unit" includes an accessory dwelling
5 unit."

6 SECTION 3. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2019-2020 and
9 the same sum or so much thereof as may be necessary for fiscal
10 year 2020-2021 for the construction of micro housing units as
11 defined in section 107- , Hawaii Revised Statutes, to be
12 matched on a dollar-for-dollar basis by funds awarded through
13 the Native Community Development Financial Institutions Program;
14 provided that:

- 15 (1) The cost of construction of each micro housing unit
16 shall not exceed \$125,000;
- 17 (2) A micro housing unit may be constructed on an existing
18 homestead lot upon which a home already exists;
19 provided that the micro housing unit shall be occupied
20 by another individual or family related to the
21 existing lessee; and



1 (3) Native community development financial institutions
 2 participating pursuant to this section shall determine
 3 the criteria for lessees to qualify for applicable
 4 loans.

5 The sums appropriated shall be expended by the department
 6 of Hawaiian home lands for the purposes of this Act.

7 SECTION 4. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$ or so
 9 much thereof as may be necessary for fiscal year 2019-2020 and
 10 the same sum or so much thereof as may be necessary for fiscal
 11 year 2020-2021 to build the general organizational capacity of
 12 native Hawaiian-controlled nonprofit housing developers;
 13 provided that each nonprofit housing developer:

- 14 (1) Has a board of directors that consists of members who
- 15 are of at least fifty-one per cent native Hawaiian
- 16 ancestry; and
- 17 (2) Is able to demonstrate past experience developing
- 18 housing units on Hawaiian home lands.

19 The sums appropriated shall be expended by the department
 20 of Hawaiian home lands for the purposes of this Act.



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1 SECTION 5. The provisions of the amendments made by this
 2 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
 3 declared to be severable, and if any section, sentence, clause,
 4 or phrase, or the application thereof to any person or
 5 circumstances is held ineffective because there is a requirement
 6 of having the consent of the United States to take effect, then
 7 that portion only shall take effect upon the granting of consent
 8 by the United States and effectiveness of the remainder of these
 9 amendments or the application thereof shall not be affected.

10 SECTION 6. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 1, 2019;
 13 provided that section 2 shall take effect with the consent of
 14 the United States Congress.

15

INTRODUCED BY:



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Report Title:

DHHL; HHFDC; Micro Housing; Tiny Homes; Appropriation

Description:

Authorizes the construction and use of micro housing units on Hawaiian home lands approved by the Department of Hawaiian Home Lands, and leased to native Hawaiian beneficiaries who meet the minimum Hawaiian blood quantum requirement, notwithstanding county zoning laws. Authorizes the use of the Hawaiian Home Loan Fund and Hawaiian Home General Loan Fund for assistance in purchasing or renting micro housing units for use on approved Hawaiian home lands and leased to beneficiaries who meet the minimum Hawaiian blood quantum requirement. Makes appropriations to the Department of Hawaiian Home Lands for construction of micro housing units, subject to certain conditions, and to build general organizational capacity of native Hawaiian-controlled nonprofit housing developers.

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

