

JAN 15 2025

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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. The legislature finds that the existing  
2 governance structure of the school impact fee program is  
3 misaligned. The school facilities authority is responsible for  
4 administering the school impact fee program. Therefore, it is  
5 appropriate that the school facilities authority board be the  
6 governing entity overseeing the program rather than the board of  
7 education.

8           The purpose of this Act is to:

- 9           (1) Improve the alignment of the school impact fee  
10           program's governance structure by placing oversight of  
11           the program under the school facilities authority  
12           board; and
- 13           (2) Allow the school facilities authority board to  
14           dissolve a school impact district without a public  
15           hearing.



1 SECTION 2. Section 302A-1602, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 ""Board" means the school facilities authority board  
5 established by section 302A-1704."

6 SECTION 3. Section 302A-1604, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§302A-1604 Designation of school impact districts. (a)**

9 The board shall designate a school impact district for school  
10 impact fees only after holding at least one public hearing in  
11 the area proposed for the school impact district. The written  
12 analysis, prepared in accordance with subsection (b), shall be  
13 made available to the public at least thirty days prior to the  
14 public hearing. Notice of the public hearing shall be made as  
15 provided in section 1-28.5. The notice shall include a map of  
16 the proposed school impact district and the date, time, and  
17 place of the public hearing.

18 (b) Prior to the designation of a school impact district,  
19 the authority shall prepare a written analysis that contains the  
20 following:



- 1           (1) A map and legend describing the boundaries of the  
2           proposed school impact district area, which may range  
3           from one school to one or more high school complexes,  
4           as well as maps and legends describing surrounding  
5           districts and school enrollments at existing school  
6           facilities in and around the school impact district;
- 7           (2) The need to construct new or expand existing school  
8           facilities in the proposed school impact district area  
9           within the next twenty-five years to accommodate  
10          projected growth in the area based on various state  
11          and county land use, demographics, growth, density,  
12          and other applicable historical data projections and  
13          plans;
- 14          (3) An analysis to determine appropriate student  
15          generation rates by dwelling unit type for all new  
16          residential developments in the school impact district  
17          area to provide the basis for determining the steady  
18          state enrollment generated by new residential  
19          developments that will need to be accommodated. The  
20          analysis shall also consider enrollment at existing



1 school facilities, in and around the school impact  
2 district;

3 (4) Student generation rates, based on full build-out of  
4 the developments when student generation rates are  
5 anticipated to be in a steady state mode;

6 (5) An analysis to estimate the number of students  
7 generated by all new residential developments in the  
8 school impact district at the point in time when the  
9 total enrollment from these developments is  
10 anticipated to peak. This information is required for  
11 or related to the determination of the impact fee, and  
12 will provide the basis for determining the maximum  
13 enrollment generated by new residential developments  
14 that will need to be accommodated in both permanent  
15 facilities and portable buildings;

16 (6) Calculation of the current statewide level of service;

17 (7) An analysis of appropriate school land area, or other  
18 appropriate state lands, and enrollment capacity,  
19 which may include nontraditional (i.e., mid-rise or  
20 high-rise structures) facilities to accommodate the



1 need for public school facilities in high-growth areas  
2 within existing urban developments;

3 (8) A statewide classroom use report, which shall include  
4 the following:

5 (A) Current design enrollment per school (i.e.,  
6 maximum number of students per classroom per  
7 school);

8 (B) Current total student enrollment per school; and

9 (C) Current number of classrooms not being used for  
10 active teaching; and

11 (9) An analysis including the advantages and disadvantages  
12 of making more efficient use of existing or underused  
13 assets in the school impact district through school  
14 redistricting.

15 The analyses specified in paragraphs (3) and (6) shall be  
16 periodically updated pursuant to section 302A-1612(b).

17 (c) The board may dissolve a school impact district  
18 without a public hearing."

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.

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# S.B. NO. 168

**Report Title:**

School Facilities Authority Board; Governance Structure;  
Dissolution of School Impact District Without Public Hearing

**Description:**

Places oversight of the School Impact Fee Program under the School Facilities Authority Board. Allows the School Facilities Authority Board to dissolve a school impact district without a public hearing.

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

