
A BILL FOR AN ACT

RELATING TO THE RENTAL HOUSING REVOLVING FUND.

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

1 SECTION 1. Section 201H-202, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§201H-202 Rental housing revolving fund.** (a) There is
4 established the rental housing revolving fund to be administered
5 by the corporation.

6 (b) An amount from the fund, to be set by the corporation
7 and authorized by the legislature, may be used for
8 administrative expenses incurred by the corporation in
9 administering the corporation's housing finance programs;
10 provided that fund moneys shall not be used to finance
11 day-to-day administrative expenses of projects allotted fund
12 moneys.

13 (c) The following may be deposited into the fund:
14 appropriations made by the legislature, conveyance taxes
15 pursuant to section 247-7, private contributions, repayment of
16 loans, interest, other returns, and moneys from other sources.



1 (d) [~~The~~] Except as provided in subsection (f), the fund
2 shall be used to provide loans for the development,
3 pre-development, construction, acquisition, preservation, and
4 substantial rehabilitation of rental housing units. The
5 corporation shall not forgive any loan made from the fund unless
6 the corporation forecloses on the project. Permitted uses of
7 the fund may include but are not limited to planning, design,
8 land acquisition, costs of options, agreements of sale,
9 downpayments, equity financing, capacity building of nonprofit
10 housing developers, credit enhancement, gap financing, or other
11 housing development services or activities as provided in rules
12 adopted by the corporation pursuant to chapter 91. The rules
13 may provide for a means of recapturing loans or grants made from
14 the fund if a rental housing project financed under the fund is
15 refinanced or sold at a later date. The rules may also provide
16 that moneys from the fund shall be leveraged with other
17 financial resources to the extent possible.

18 (e) [~~Moneys~~] Except as provided in subsection (f), moneys
19 available in the fund shall be used for the purpose of
20 providing, in whole or in part, loans for rental housing
21 projects demonstrating project readiness, efficiency, and



1 feasibility acceptable to the corporation in the following order
2 of priority:

3 (1) For projects that were awarded low-income housing
4 credits pursuant to paragraph (2), priority shall be
5 given to projects with a perpetual affordability
6 commitment;

7 (2) Projects or units in projects that are allocated
8 low-income housing credits pursuant to the state
9 housing credit ceiling under section 42(h) of the
10 Internal Revenue Code of 1986, as amended, or projects
11 or units in projects that are funded by programs of
12 the United States Department of Housing and Urban
13 Development and United States Department of
14 Agriculture Rural Development wherein:

15 (A) At least fifty per cent of the available units
16 are for persons and families with incomes at or
17 below eighty per cent of the median family income
18 of which at least five per cent of the available
19 units are for persons and families with incomes
20 at or below thirty per cent of the median family
21 income; and



1 (B) The remaining units are for persons and families
2 with incomes at or below one hundred per cent of
3 the median family income;

4 provided that the corporation may establish rules to
5 ensure full occupancy of fund projects; and

6 (3) Mixed-income rental projects or units in a
7 mixed-income rental project wherein all of the
8 available units are for persons and families with
9 incomes at or below one hundred forty per cent of the
10 median family income.

11 (f) There is established within the fund a housing
12 efficiency and innovation subaccount that shall consist of
13 revenues from appropriations from the legislature. The
14 corporation may transfer moneys between the housing efficiency
15 and innovation subaccount and the rental housing revolving fund
16 without requiring legislative approval. Notwithstanding the
17 order of priority established in subsection (e), the subaccount
18 moneys shall be:

19 (1) Expended to make loans to housing projects; provided
20 that the units in the project shall be made available,
21 for sale or rent, exclusively to qualified residents



1 as defined in section 201H-32; provided further that
2 priority shall be given to:

3 (A) Projects on land owned or developed by the State
4 or a county, or projects owned by entities
5 required to use all financial surplus to develop
6 more housing in the State; and

7 (B) Projects that require the least state funding per
8 housing unit per year; and

9 (2) Used to provide credit enhancement to projects meeting
10 the conditions of paragraph (1).

11 The corporation shall establish an application process for
12 moneys allocated from the subaccount, separate from the fund
13 allocation process pursuant to section 201H-204(c), that gives
14 preference to projects meeting the criteria established in this
15 subsection. The corporation may include other criteria as it
16 deems necessary to effectuate the purposes of this subsection.

17 Moneys derived from the repayment of loans funded by the
18 subaccount, interest thereon, and related fees and returns,
19 shall be deposited into the subaccount.

20 ~~[-(f)-]~~ (g) There is established within the fund a bond
21 volume cap recycling program subaccount. The bond volume cap



1 recycling program subaccount shall be maintained as a reserve
2 for the bond volume cap recycling program established pursuant
3 to section 39B-2(f).

4 ~~[(g)]~~ (h) The corporation shall submit an annual report to
5 the legislature no later than twenty days prior to the convening
6 of each regular session describing the projects funded and, with
7 respect to rental housing projects targeted for persons and
8 families with incomes at or below thirty per cent of the median
9 family income, its efforts to develop those rental housing
10 projects, a description of proposals submitted for this target
11 group and action taken on the proposals, and any barriers to
12 developing housing units for this target group.

13 ~~[(h)]~~ (i) For the purposes of this subpart, the applicable
14 median family income shall be the median family income for the
15 county or standard metropolitan statistical area in which the
16 project is located as determined by the United States Department
17 of Housing and Urban Development, as adjusted from time to time.

18 ~~[(i)]~~ (j) The corporation may provide loans under this
19 section; provided that the corporation shall establish
20 loan-to-value ratios to protect the fund from inordinate risk
21 and that under no circumstances shall the rules permit the



1 loan-to-value ratio to exceed one hundred per cent; provided
2 further that the underwriting guidelines include a debt-coverage
3 ratio of [~~no~~] not less than 1.0 to 1.

4 [~~(j)~~] (k) For the period commencing July 1, 2005, through
5 June 30, 2009, the fund may be used to provide grants for rental
6 units set aside for persons and families with incomes at or
7 below thirty per cent of the median family income in any project
8 financed in whole or in part by the fund in proportion of those
9 units to the total number of units in the project. At the
10 conclusion of the period described in this subsection, the
11 corporation shall report to the legislature on the number and
12 use of grants provided and whether the grants were an effective
13 use of the funds for purposes of developing rental housing for
14 families at or below thirty per cent of the median family
15 income."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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



Report Title:

HHFDC; RHRF; Housing Efficiency and Innovation Subaccount;
Housing; Priorities

Description:

Establishes the Housing Efficiency and Innovation Subaccount within the Rental Housing Revolving Fund. Specifies permissible uses of funding and priorities. Authorizes the Hawaii Housing Finance and Development Corporation to transfer moneys between the Housing Efficiency and Innovation Subaccount and the RHRF without legislative approval. (SD1)

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

