



GOV. MSG. NO. 1202

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 9, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 9, 2015, the following bill was signed into law:

HB142 HD1 SD2 CD1

RELATING TO AFFORDABLE HOUSING ON
HAWAIIAN HOME LANDS
ACT 102 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 46-15.1, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Each county shall recognize housing units developed
4 by the department of Hawaiian home lands and issue affordable
5 housing credits to the department of Hawaiian home lands [with
6 respect to existing and future Hawaiian home lands projects upon
7 a request for such credits by the department of Hawaiian home
8 lands]. The credits shall be transferable and shall be issued
9 on a [one-unit] one-credit for one-unit basis [-], unless the
10 housing unit is eligible for additional credits as provided by
11 adopted county ordinances, rules, or any memoranda of agreement
12 between a county and the department of Hawaiian home lands. In
13 the event that credits are transferred by the department of
14 Hawaiian home lands, twenty-five per cent of any monetary
15 proceeds from the transfer shall be used by the department of
16 Hawaiian home lands to develop units for rental properties.
17 Credits shall be issued for each single-family residence, multi-
18 family unit, other residential unit, whether for purposes of



1 sale or rental, or if allowed under the county's affordable
2 housing programs, vacant lot, developed by the department of
3 Hawaiian home lands. The credits may be applied county-wide
4 within the same county in which the credits were earned to
5 satisfy affordable housing obligations imposed by the county on
6 ~~[market-priced]~~ market-priced residential and non-residential
7 developments. County-wide or project-specific requirements for
8 ~~[the location of affordable housing units,]~~ housing class, use,
9 or type; or construction time ~~[, or other county requirements]~~
10 for affordable housing units shall not impair, restrict, or
11 condition the county's obligation to apply the credits in full
12 satisfaction of all county requirements, whether by rule,
13 ordinance, or particular zoning conditions of a project.
14 Notwithstanding any provisions herein to the contrary, the
15 department may enter into a memorandum of agreement with the
16 county of Kauai to establish, modify, or clarify the conditions
17 for the issuance, transfer, and redemption of the affordable
18 housing credits in accordance with county affordable housing
19 ordinances or rules. Notwithstanding any provisions herein to
20 the contrary, the department may enter into a memorandum of
21 agreement with the city and county of Honolulu to establish,



1 modify, or clarify the conditions for the issuance, transfer,
2 and redemption of the affordable housing credits in accordance
3 with county affordable housing ordinances or rules. At least
4 half of the affordable housing credits issued by the city and
5 county of Honolulu shall be subject to a memorandum of agreement
6 pursuant to this subsection.

7 For purposes of this section, "affordable housing
8 obligation" means the requirement imposed by a county,
9 regardless of the date of its imposition, to develop vacant
10 lots, single-family residences, multi-family residences, or any
11 other type of residence for sale or rent to individuals within a
12 specified income range."

13 SECTION 2. Nothing in this Act shall amend the terms and
14 conditions agreed to by the department of Hawaiian home lands
15 and any county for any affordable housing credits already issued
16 to the department of Hawaiian home lands prior to the effective
17 date of this Act.

18 SECTION 3. Act 141, Session Laws of Hawaii 2009, is
19 amended by amending section 3 to read as follows:

20 "SECTION 3. This Act shall take effect on July 1, 2009;
21 provided that on [~~June 30, 2015,~~] July 1, 2019, this Act shall



1 be repealed and section 46-15.1, Hawaii Revised Statutes, shall
2 be reenacted in the form in which it read on the day before the
3 approval of this Act."

4 SECTION 4. Act 98, Session Laws of Hawaii 2012, is amended
5 by amending section 3 to read as follows:

6 "SECTION 3. This Act shall take effect upon its approval,
7 and shall be repealed on [~~June 30, 2015,~~] July 1, 2019; provided
8 that section [~~46-15.1(b),~~] 46-15.1, Hawaii Revised Statutes,
9 shall be reenacted pursuant to section 3 of Act 141, Session
10 Laws of Hawaii 2009[-] and section 11 of Act 96, Session Laws of
11 Hawaii 2014."

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on June 29, 2015.

APPROVED this 9 day of JUN , 2015



GOVERNOR OF THE STATE OF HAWAII

