

JAN 18 2019

A BILL FOR AN ACT

RELATING TO HOUSING DEVELOPMENT.

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

1 SECTION 1. Section 302A-1603, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§302A-1603 Applicability and exemptions.** (a) Except as
4 provided in subsection (b), any person who seeks to develop a
5 new residential development within a designated school impact
6 district requiring:

7 (1) A county subdivision approval;

8 (2) A county building permit; or

9 (3) A condominium property regime approval for the
10 project,

11 shall be required to fulfill the land component impact fee or
12 fee in lieu requirement and construction cost component impact

13 fee requirement of the department [~~including all government~~

14 ~~housing projects and projects processed pursuant to sections 46~~

15 ~~15.1 and 201H-38]~~.

16 (b) The following shall be exempt from this section:



- 1 (1) Any form of housing permanently excluding school-aged
2 children, with the necessary covenants or declarations
3 of restrictions recorded on the property;
- 4 (2) Any form of housing that is or will be paying the
5 transient accommodations tax under chapter 237D;
- 6 (3) All nonresidential development; [~~and~~]
- 7 (4) Any development with an executed education
8 contribution agreement or other like document with the
9 department for the contribution of school sites or
10 payment of fees for school land or school
11 construction[-];
- 12 (5) Any housing project that has been certified or
13 approved for a general excise tax exemption under
14 section 201H-36 and all government housing projects
15 and projects processed pursuant to sections 46-15.1
16 and 201H-38;
- 17 (6) Any alteration to or expansion of an existing dwelling
18 unit where no additional dwelling unit is created and
19 the use is not changed, even if the alteration or
20 expansion may require a county building permit;



- 1 (7) Accessory dwelling units that are legally permitted by
2 a county; provided that, as used in this paragraph,
3 "accessory dwelling unit" means a second dwelling
4 unit, including separate kitchen, bedroom, and
5 bathroom facilities, attached or detached from the
6 primary dwelling unit on the same lot;
- 7 (8) Ohana dwelling units that are legally permitted by a
8 county; provided that, as used in this paragraph,
9 "ohana dwelling unit" means a second dwelling unit,
10 including separate kitchen, bedroom, and bathroom
11 facilities, attached or detached from the primary
12 dwelling unit on the same lot, which is occupied by
13 persons who are related by blood, marriage, or
14 adoption to the persons residing in the first dwelling
15 unit; provided that an ohana dwelling unit for which a
16 building permit was obtained before September 10,
17 1992, may be occupied by persons who are not related
18 by blood, marriage, or adoption to the persons
19 residing in the first dwelling unit; and



1 (9) Any housing project or property developed by the
2 Hawaii public housing authority pursuant to chapter
3 356D."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect on July 1, 2019.

7

INTRODUCED BY:



S.B. NO. 891

Report Title:

Housing Development; School Impact Fees; Exemption

Description:

Exempts affordable housing units, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, and affordable housing projects developed by the Hawaii Public Housing Authority from school impact fee requirements.

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