

JAN 25 2023

A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. The legislature finds that climate change
2 caused by carbon emissions from burning fossil fuels poses a
3 serious threat to the economic well-being, public health,
4 natural resources, and environment of Hawaii. The legislature
5 also finds that meeting the State's decarbonization goals and
6 other emissions-reduction commitments necessitates the rapid
7 transition to zero-emission vehicles that utilize local,
8 renewable energy sources.

9 The legislature further finds that while there is growing
10 adoption of electric vehicles among Hawaii residents, the lack
11 of adequate vehicle charging infrastructure presents a barrier
12 to widespread adoption, particularly for residents who are
13 renters or who live in apartment buildings. This barrier
14 creates an equity issue for low-income families who are unable
15 to access the savings and other benefits associated with
16 electric vehicle ownership because they lack access to charging
17 infrastructure.



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1 The legislature also finds that the cost of constructing
2 parking stalls that will accommodate electric vehicle charging
3 systems up front, also referred to here as electric vehicle
4 ready parking stalls, is approximately one-tenth the cost of
5 retrofitting already-built parking stalls to accommodate
6 electric vehicle charging systems. For market-priced housing,
7 parking stalls are already being constructed to be electric
8 vehicle ready because of demand and, in some cases, county
9 requirements. However, parking stalls for affordable housing
10 units are not constructed to be electric vehicle ready because
11 of the added cost and because affordable housing is exempted
12 from electric vehicle ready county requirements.

13 The purpose of this Act is to provide incentives for
14 electric vehicle ready new construction for affordable housing
15 by:

- 16 (1) Beginning with calendar year 2024 requiring that
17 electric vehicle ready parking for new construction be
18 integrated as a criterion in the low-income housing
19 tax credit qualified allocation plan; and



1 (2) Providing rebates for eligible electric vehicle ready
2 parking stalls for new construction of affordable
3 housing.

4 SECTION 2. Section 235-110.8, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) As modified herein, section 42 (with respect to low-
7 income housing credit) of the Internal Revenue Code shall be
8 operative for the purposes of this chapter as provided in this
9 section. A taxpayer owning a qualified low-income building who
10 has been awarded a subaward under section 1602 of the American
11 Recovery and Reinvestment Act of 2009, Public Law 111-5, shall
12 also be eligible for the credit provided in this section.

13 In developing the qualified allocation plan effective for
14 reservations and awards of the low-income housing tax credit for
15 calendar year 2024 and later, the Hawaii housing finance and
16 development corporation shall include among its criteria to
17 evaluate and allocate tax credits the project's inclusion of
18 electric vehicle ready parking stalls if the project is for new
19 construction. For purposes of this subsection, "electric
20 vehicle ready" has the same meaning as in section 269-72."



1 SECTION 3. Section 269-72, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§269-72 Electric vehicle charging [~~system~~]**
4 **infrastructure; rebate program.** (a) The public utilities
5 commission, in consultation with electric vehicle stakeholders
6 and the Hawaii state energy office, shall administer a rebate
7 program that incentivizes the installation or upgrade of [~~an~~]
8 electric vehicle charging [~~system~~] infrastructure, as provided
9 in this section, and may contract with a third-party
10 administrator pursuant to section 269-73 to operate and manage
11 the rebate program.

12 (b) An applicant may be eligible for a rebate under the
13 rebate program if the applicant:

14 (1) Installs a new electric vehicle charging system where
15 none previously existed to either:

16 (A) An alternating current Level 2 station with one
17 or more ports that provide electricity to one or
18 more electric vehicles; or

19 (B) A direct current fast charging system; [~~or~~]

20 (2) Upgrades an existing electric vehicle charging system
21 to either:



1 (A) An alternating current Level 2 station with one
2 or more ports that provide electricity to one or
3 more electric vehicles; or

4 (B) A direct current fast charging system~~[]~~; or

5 (3) Installs an electric vehicle ready parking stall in
6 new construction of affordable housing.

7 (c) Subject to subsection (f), rebates shall be
8 distributed as follows:

9 (1) Each eligible installation of an electric vehicle
10 charging system shall receive:

11 (A) Up to \$2,000 for the installation of an
12 alternating current Level 2 station with one
13 port;

14 (B) Up to \$4,500 for the installation of an
15 alternating current Level 2 station with two or
16 more ports; and

17 (C) Up to \$35,000 for the installation of a direct
18 current fast charging system; ~~and~~

19 (2) Each eligible upgrade of an electric vehicle charging
20 system shall receive:



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1 (A) Up to \$1,300 for the upgrade to an alternating
2 current Level 2 station with one port;

3 (B) Up to \$3,000 for the upgrade to an alternating
4 current Level 2 station with two or more ports;
5 and

6 (C) Up to \$28,000 for the upgrade to a direct current
7 fast charging system[-]; and

8 (3) Each eligible installation of an electric vehicle
9 ready parking stall for new construction of affordable
10 housing shall receive up to \$1,750 for the
11 installation of an alternating current Level 2
12 circuit.

13 (e) This section shall apply to electric vehicle charging
14 systems that are installed or upgraded after December 31,
15 2019[-], and electric vehicle ready parking stalls that are
16 installed after July 1, 2023.

17 (f) Applicants shall submit applications to the public
18 utilities commission within twelve months of the date that the
19 newly installed or upgraded charging system is placed into
20 service or the electric vehicle ready parking stall is installed
21 to claim a rebate from the [~~electric vehicle charging system~~]

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1 rebate program. Failure to apply to the commission within
2 twelve months of the date that the newly installed or upgraded
3 charging system is placed into service or the electric vehicle
4 ready parking stall is installed shall constitute a waiver of
5 the right to claim the rebate. Rebates shall be subject to
6 available funds, and the program administrator shall not approve
7 additional rebates for the remainder of the fiscal year after
8 program funds have been fully exhausted.

9 (g) Nothing in this section shall alter taxes due on the
10 original purchase or upgrade price of an electric vehicle
11 charging system or the infrastructure for an electric vehicle
12 ready parking stall before the application of the rebate. Any
13 rebate received pursuant to the electric vehicle charging
14 [~~system~~] infrastructure rebate program shall not be considered
15 income for the purposes of state or county taxes.

16 (h) In administering the electric vehicle charging
17 [~~system~~] infrastructure rebate program, the public utilities
18 commission shall give consideration to the following guidelines:

19 (1) Priority should be given to electric vehicle charging
20 systems that are publicly available; serve multiple
21 tenants, employees, or customers; serve electric



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1 vehicle fleets; support the visitor industry in
2 transitioning to clean transportation; or serve low-
3 income, moderate-income, or environmental justice
4 communities; and to electric vehicle ready parking
5 stalls serving new construction of multiple affordable
6 housing units;

7 (2) Electric vehicle charging [~~system~~] infrastructure
8 rebates should enhance broader public clean energy and
9 grid resiliency goals by supporting deployment of
10 electric vehicle charging systems that can regulate
11 their time of use, be networked and co-optimized with
12 other electric vehicle charging systems, and otherwise
13 provide grid services or other benefits to the utility
14 and electric grid;

15 (3) Electric vehicle charging systems and electric vehicle
16 ready parking stalls that serve a single person, such
17 as a reserved parking stall or a single-family
18 residence, shall not be eligible for rebates;

19 (4) Electric vehicle charging [~~system~~] infrastructure
20 rebates should support accessibility of charging to as
21 many electric vehicle drivers as feasible; and



1 (5) The program administrator may propose new or modified
2 guidelines to be considered in addition to those
3 specified in this subsection and should have the
4 flexibility to make programmatic adjustments due to
5 market changes, technological advancements, and levels
6 of participation to ensure the prudent use of taxpayer
7 funds and to effectively manage the program budget.

8 (i) Nothing in this section shall prevent an entity from
9 simultaneously claiming a rebate under the electric vehicle
10 charging infrastructure rebate program for an electric vehicle
11 charging system and an electric vehicle ready parking stall for
12 new construction of affordable housing.

13 ~~(i)~~ (j) As used in this section:

14 "Affordable housing" means housing that is affordable to a
15 household with an income at or below one hundred forty per cent
16 of the area median income as determined by the United States
17 Department of Housing and Urban Development.

18 "Alternating current Level 2 charging station", commonly
19 referred to as "Level 2 charging station", means an electric
20 vehicle charging system that utilizes alternating current



1 electricity providing at least three kilowatts and means a
2 system that:

3 (1) Is capable of providing electricity from a non-vehicle
4 source to charge the batteries of one or more electric
5 vehicles;

6 (2) Meets recognized standards and protocols including,
7 but not limited to, Society of Automotive Engineers
8 (SAE) J1772™ of SAE International and Tesla protocol;
9 and

10 (3) Is designed and installed in compliance with article
11 625 of the National Electrical Code to appropriate
12 Nationally Recognized Testing Laboratories' standards.

13 "Applicant" means an individual; non-profit or for-profit
14 corporation; local, state, or federal government agency;
15 homeowner association; or any other eligible entity as defined
16 under rules adopted for the electric vehicle charging system
17 rebate program.

18 "Direct current fast charging system", commonly referred to
19 as "DC fast charging system", means an electric vehicle charging
20 system that utilizes direct current electricity providing forty
21 kilowatts or greater and:



1 (1) Is capable of providing electricity from a non-vehicle
2 source to charge the batteries of one or more electric
3 vehicles;

4 (2) Meets recognized standards and protocols, including,
5 but not limited to, Society of Automotive Engineers
6 (SAE) J1772™ of SAE International, Tesla protocol, and
7 CHAdeMO protocol; and

8 (3) Is designed and installed in compliance with article
9 625 of the National Electrical Code to appropriate
10 Nationally Recognized Testing Laboratories' standards.

11 "Electric vehicle charging system" has the same meaning as
12 Electric Vehicle Supply Equipment as defined in article 625.2 of
13 the National Electrical Code, as amended.

14 "Electric vehicle ready" means the full-circuit
15 installation includes two hundred eight volt three phase or two
16 hundred forty volt single phase power, forty-ampere panel
17 capacity, raceway, wiring, receptacle, and overprotection
18 devices similar to a dryer circuit."

19 SECTION 4. Sections 269-33(e) and 269-73, Hawaii Revised
20 Statutes, are amended by substituting the phrase "electric
21 vehicle charging infrastructure", or similar term, wherever the



1 phrase "electric vehicle charging system" appears, as the
2 context requires.

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

5 SECTION 6. This Act shall take effect on July 1, 2023, and
6 shall apply to taxable years beginning after December 31, 2022;
7 provided that the amendments made to section 235-110.8(a),
8 Hawaii Revised Statutes, by section 2 of this Act shall not be
9 repealed when that section is reenacted on December 31, 2027,
10 pursuant to section 4 of Act 129, Session Laws of Hawaii 2016,
11 and section 2 of Act 226, Session Laws of Hawaii 2021.

12

INTRODUCED BY: 



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Report Title:

Energy; Electric Vehicle Charging Infrastructure; Electric Vehicle Ready Parking Stalls; Affordable Housing; Incentives; Rebates; Low-income Housing Tax Credits; HHFDC

Description:

Provides rebates for eligible electric vehicle ready parking stalls for new construction of affordable housing. Beginning with calendar year 2024, requires that electric vehicle ready parking for new construction be integrated as a criterion in the low-income housing tax credit qualified allocation plan.

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