

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. Section 302A-1602, Hawaii Revised Statutes, is  
2 amended by amending the definition of "new residential  
3 development" to read as follows:

4 "New residential development" means new residential  
5 projects involving rezoned properties or parcels, current zoned  
6 parcels with or without buildings, and redevelopment projects.  
7 These projects include [~~subdivisions~~]:

- 8 (1) Subdivisions and other forms of "lot only"  
9 developments (when the dwelling units will not be  
10 built by the developer) [~~and developments~~]; and  
11 (2) Developments that include single-family and multi-  
12 family units [~~and~~] and condominiums, [~~and~~] but does not  
13 include additional or accessory dwelling units as  
14 defined by each county."

15 SECTION 2. Section 302A-1603, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

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



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- 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;
- 7           (4) Any development with an executed education  
8           contribution agreement or other like document with the  
9           authority or the department for the contribution of  
10          school sites or payment of fees for school land or  
11          school construction;
- 12          (5) Any form of housing developed by the department of  
13          Hawaiian home lands for use by beneficiaries of the  
14          Hawaiian Homes Commission Act, 1920, as amended; [~~and~~]
- 15          (6) Any form of development by the Hawaii community  
16          development authority pursuant to part        of chapter  
17          206E[~~-~~];
- 18          (7) Legally permitted additional or accessory dwelling  
19          units, as defined by the applicable county;
- 20          (8) Legally permitted ohana dwelling units, as defined by  
21          the applicable county; and



- 1        (9) Affordable rental housing projects developed pursuant  
2        to a county ordinance; provided that, at a minimum,  
3        the ordinance requires:
- 4        (A) At least eighty per cent of the total units to be  
5        rented to households earning one hundred per cent  
6        and below the area median income, as determined  
7        by the United States Department of Housing and  
8        Urban Development, and rented at or below the  
9        rental rate limits established by the United  
10       States Department of Housing and Urban  
11       Development for households earning one hundred  
12       per cent of the area median income for the  
13       applicable household size;
- 14       (B) Households occupying affordable rental housing  
15       units to have a lease for the unit with a minimum  
16       six month term and a prohibition against  
17       subleasing; and
- 18       (C) A complete application for a building permit to  
19       construct an affordable rental housing project to  
20       be approved or disapproved within ninety calendar



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1                   days of receipt or the permit is deemed  
2                   automatically approved."

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

5           SECTION 4. This Act shall take effect on June 30, 2024;  
6 provided that:

7           (1) The amendments made to section 302A-1603(b), Hawaii  
8 Revised Statutes, by section 2 of this Act shall not  
9 be repealed when that section is reenacted on July 1,  
10 2024, pursuant to Act 197, Session Laws of Hawaii  
11 2021; and

12           (2) This Act shall be repealed on July 1, 2026, and:  
13           (A) Section 302A-1602, Hawaii Revised Statutes, shall  
14 be reenacted in the form it read on the day  
15 before the effective date of this Act; and  
16           (B) Section 302A-1603(b), Hawaii Revised Statutes,  
17 shall be reenacted in the form it read on the day  
18 before the effective date of Act 197, Session  
19 Laws of Hawaii 2021; provided that the amendments  
20 made to section 302A-1603(b), Hawaii Revised  
21 Statutes, by Act 97, Session Laws of Hawaii 2023,

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1 shall be retained when that section is reenacted  
2 pursuant to this Act.

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INTRODUCED BY:

  
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**Report Title:**

Affordable Rental Housing; Counties; Accessory Dwelling Units; Ohana Dwelling Units; School Impact Fee; Exemption

**Description:**

Exempts accessory dwelling units, ohana dwelling units, and certain affordable rental housing projects developed pursuant to a county ordinance from school impact fees. Effective 6/30/2024. Sunsets 7/1/2026.

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

