

JAN 23 2025

A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

1 SECTION 1. Section 302A-1603, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

4 (1) Any form of housing permanently excluding school-aged
5 children, with necessary covenants or declarations of
6 restrictions recorded on the property;

7 (2) Any form of housing that is or will be paying the
8 transient accommodations tax under chapter 237D;

9 (3) All nonresidential development;

10 (4) Any development with an executed education
11 contribution agreement or other like document with the
12 authority or the department for the contribution of
13 school sites or payment of fees for school land or
14 school construction; ~~and~~

15 (5) Any form of development by the Hawaii community
16 development authority pursuant to part XII of chapter
17 206E[-]; and

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1 (6) Any form of housing developed by the department of
2 Hawaiian home lands for use by beneficiaries of the
3 Hawaiian Homes Commission Act, 1920, as amended."


4 SECTION 2. This Act does not affect rights and duties that
5 matured penalties that were incurred, and proceedings that were
6 begun before its effective date.

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 Statutory material to be repealed is bracketed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

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 1407

Report Title:

DHHL; School Impact Fees; Education; Housing

Description:

Exempts housing developed by the Department of Hawaiian Home Lands from school impact fees.

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO SCHOOL IMPACT FEES.

PURPOSE: To exempt housing developed by the Department of Hawaiian Home Lands from school impact fees.

MEANS: Amend section 302A-1603(b), Hawaii Revised Statutes.

JUSTIFICATION: The Department leases some of its lands for educational facilities, including public schools, public charter schools, early learning facilities, and other similar facilities at minimal to no cost. Additionally, the Department often accounts for the educational facilities that may be needed to support the community when it develops its affordable housing. Exempting housing developed by the Department from school impact fees allows more homes to be developed for beneficiaries. To better manage the State's trust responsibilities under the Hawaiian Homes Commission Act, 1920, as amended, any housing developed by the Department should be exempt from school impact fees.

Impact on the public: This bill will protect the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, and the public, by exempting any housing developed by the Department from school impact fees.

Impact on the department and other agencies: Better balancing of the Department's contribution to schools.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Department of Education - School Facilities
Authority.

EFFECTIVE DATE: Upon approval.