



GOV. MSG. NO. **993**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 28, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 28, 2007, the following bill was signed into law:

SB1917 SD3 HD2 CD1

A BILL FOR AN ACT RELATING TO HOUSING.  
(ACT 222)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor  
on JUN 28 2007

THE SENATE  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 222**  
**S.B. NO.** 1917  
S.D. 3  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1                                   **PART I. FINDINGS AND PURPOSE**

2           SECTION 1. The legislature finds that the homeless and  
3 affordable housing crises continue to be two of the State's most  
4 significant and challenging social problems.

5           The most recent estimate of the total number of homeless  
6 persons in the State is six thousand twenty-nine on any given  
7 day. In addition, the Hawaii Homeless Point-in-Time Study of  
8 2003 found that over four thousand of these homeless persons are  
9 unsheltered. This is indicative of the limited shelter space  
10 available in the State.

11           Also troubling is the fact that a staggering thirty-seven  
12 per cent of the unsheltered homeless are individuals of Hawaiian  
13 or part-Hawaiian ancestry. Equally troubling is the fact that  
14 on any given day, there are eight hundred thirty-eight homeless  
15 children in the State. None of these numbers reflect the number  
16 of people who are considered hidden homeless or those who are  
17 at-risk of homelessness.



1           The housing crisis requires government to explore  
2 alternative means of providing shelter to Hawaii's residents.  
3 Large numbers of native Hawaiians are currently without shelter.  
4 Indigenous forms of shelter may be an option for many native  
5 Hawaiians as provided under section 46-1.55, Hawaii Revised  
6 Statutes. However, only Maui county has amended its building  
7 code to allow for the construction of indigenous Hawaiian  
8 structures, and no counties have amended their codes to allow  
9 for the construction of indigenous Hawaiian dwellings for  
10 residential purposes.

11           Housing, in general, is a critical issue for many residents  
12 in Hawaii, where the costs of homeownership and rental are  
13 increasing. The prospect of making high mortgage payments and  
14 saving enough money for the downpayment and closing costs needed  
15 to buy a home at current market prices is a formidable  
16 challenge. Even higher income families must often seek help  
17 from relatives to overcome this obstacle. More needs to be done  
18 to increase the inventory of and ensure that residents have  
19 access to affordable housing as well.

20           The legislature recognizes that meaningful solutions to  
21 Hawaii's housing and homeless problems must be found.

22           The purpose of this Act is to:



- 1 (1) Provide funding for various homeless shelters and
- 2 transitional housing programs and services;
- 3 (2) Provide funding for a census, interviews, and homeless
- 4 best-practice solutions for the Waianae Coast homeless
- 5 population;
- 6 (3) Require the Hawaii housing finance and development
- 7 corporation to create an affordable housing inventory
- 8 registry;
- 9 (4) Extend the sunset date for the allocation of the
- 10 conveyance tax to the rental housing trust fund to
- 11 June 30, 2008;
- 12 (5) Provide funding for various affordable and public
- 13 housing programs; and
- 14 (6) Require counties to adopt rules to allow for the
- 15 construction of indigenous Hawaiian structures by
- 16 March 31, 2008.

17 PART II. THE HOMELESS; AFFORDABLE AND PUBLIC HOUSING

18 SECTION 2. Section 201H-6, Hawaii Revised Statutes, is

19 amended to read as follows:

20 "[+]§201H-6[+] Housing advocacy and information system.

21 (a) The corporation, with the assistance of other agencies of

22 the State and counties with related responsibilities, shall



1 develop and maintain a housing advocacy and information system  
2 to aid the corporation in meeting the needs and demands of  
3 housing consumers.

4 (b) In establishing and maintaining the housing advocacy  
5 and information system, the corporation shall conduct market  
6 studies, engage in community outreach, and solicit  
7 recommendations from, and statistics and research developed by,  
8 agencies of the United States, the State, the counties, private  
9 research organizations, nonprofit community groups, trade  
10 associations, including those of the construction and real  
11 estate industries, departments, individuals at the University of  
12 Hawaii, and housing consumers.

13 (c) The corporation shall analyze the information received  
14 and make recommendations to the appropriate agencies and  
15 developers.

16 (d) The corporation, through the housing advocacy and  
17 information system, shall act as a clearinghouse for information  
18 relating to housing conditions, needs, supply, demand,  
19 characteristics, developments, trends in federal housing  
20 programs, and housing laws, ordinances, rules, and regulations.

21 (e) The housing advocacy and information system may be  
22 used by housing researchers, planners, administrators, and



1 developers and shall be coordinated with other housing research  
2 efforts. The corporation shall maintain a current supply of  
3 information, including means to gather new information through  
4 surveys, contracted research, and investigations.

5 (f) The corporation, through the housing advocacy and  
6 information system, shall develop and maintain an affordable  
7 housing inventory registry to identify:

- 8 (1) Affordable housing projects developed by the  
9 corporation utilizing moneys in the rental housing  
10 trust fund or the dwelling unit revolving fund;  
11 (2) State and federal public housing projects identified  
12 by the Hawaii public housing authority;  
13 (3) United States Department of Housing and Urban  
14 Development Region 9 federally supported and privately  
15 managed housing projects; and  
16 (4) State and county lands that may be developed for  
17 affordable housing, as defined in section 201H-57(b)."

18 SECTION 3. Section 247-7, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§247-7 Disposition of taxes. All taxes collected each  
21 fiscal year under this chapter shall be ~~[paid into the state~~  
22 ~~treasury to the credit of the general fund of the State, to be~~



1 ~~used and expended for the purposes for which the general fund~~  
2 ~~was created and exists by law; provided that of the taxes~~  
3 ~~collected each fiscal year.]~~ deposited as follows:

4 (1) Ten per cent shall be paid into the land conservation  
5 fund established pursuant to section 173A-5;

6 (2) Fifty per cent shall be paid into the rental housing  
7 trust fund established by section [201G-432;]  
8 201H-202; and

9 (3) Twenty-five per cent shall be paid into the natural  
10 area reserve fund established by section 195-9;  
11 provided that the funds paid into the natural area  
12 reserve fund shall be annually disbursed by the  
13 department of land and natural resources in the  
14 following priority:

15 (A) To natural area partnership and forest  
16 stewardship programs after joint consultation  
17 with the forest stewardship committee and the  
18 natural area reserves system commission;

19 (B) Projects undertaken in accordance with watershed  
20 management plans pursuant to section 171-58 or  
21 watershed management plans negotiated with  
22 private landowners, and management of the natural



1 area reserves system pursuant to section 195-3;  
 2 and  
 3 (C) The youth conservation corps established under  
 4 chapter 193."

5 SECTION 4. Act 100, Session Laws of Hawaii 2006, is  
 6 amended by amending section 30 to read as follows:

7 "SECTION 30. This Act shall take effect on July 1, 2006;  
 8 provided that on June 30, [~~2007,~~] 2008, section 21 shall be  
 9 repealed and section 247-7, Hawaii Revised Statutes, shall be  
 10 reenacted in the form in which it read on the day before the  
 11 approval of this Act."

12 SECTION 5. There is appropriated out of the rental housing  
 13 trust fund the sum of \$14,000,000 or so much thereof as may be  
 14 necessary for fiscal year 2007-2008 for the planning,  
 15 development, and construction of affordable housing in  
 16 cooperation with private and nonprofit developers.

17 The sum appropriated shall be expended by the Hawaii  
 18 housing finance and development corporation for the purposes of  
 19 this section.

20 SECTION 6. There is appropriated out of the general  
 21 revenues of the State of Hawaii the sum of \$6,000,000 or so much



1 thereof as may be necessary for fiscal year 2007-2008 to Hawaii  
2 public housing authority for:

3 (1) Homeless facilities, emergency shelters, and  
4 transitional shelters, as defined by section 356D-121,  
5 Hawaii Revised Statutes;

6 (2) Outreach or support services, or both, to unsheltered  
7 homeless, at-risk homeless, and those residing in  
8 homeless facilities, including emergency shelters and  
9 transitional shelters, pursuant to the purchase of  
10 service agreements under chapter 42F, Hawaii Revised  
11 Statutes; and

12 (3) The provision of continual operational funds to  
13 provide matching funds for shelter plus care grants  
14 and supportive housing programs and operational funds  
15 for nonprofit agencies to develop affordable housing.

16 The sum appropriated shall be expended by the Hawaii public  
17 housing authority for the purposes of this Act.

18 **PART III. INDIGENOUS HAWAIIAN ARCHITECTURE**

19 SECTION 7. Section 46-1.55, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "[+]§46-1.55[+] Indigenous Hawaiian architecture. (a)

22 Each county shall adopt ordinances allowing the exercise of



1 indigenous native Hawaiian architectural practices, styles,  
2 customs, techniques, and materials historically employed by  
3 native Hawaiians, in the county's building code, including but  
4 not limited to residential and other structures comprised of  
5 either rock wall or wood frame walls covered by thatches of  
6 different native grasses or other natural material for roofs.

7 (b) The application of indigenous Hawaiian architecture  
8 shall be permitted in all zoning districts; provided it is  
9 consistent with the intent and purpose of the uniquely  
10 designated, special, or historic district.

11 (c) Each county shall adopt or amend its ordinances to  
implement this section no later than March 31, 2008. The  
13 ordinance adopted by Maui county shall serve as a model."

14 PART IV.

15 SECTION 8. The appropriations made in sections 5 and 6 of  
16 this Act shall not lapse at the end of the fiscal year for which  
17 the appropriation is made; provided that all appropriations that  
18 are unencumbered as of June 30, 2010, shall lapse as of that  
19 date into the appropriate fund.

20 SECTION 9. If any provision of this Act, or the  
21 application thereof to any person or circumstance is held  
22 invalid, the invalidity does not affect other provisions or



1 applications of the Act, which can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 10. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect on July 1, 2007;  
7 provided that section 4 of this Act shall take effect on  
8 June 29, 2007.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 28 2007

