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# A BILL FOR AN ACT

RELATING TO SCHOOLS.

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

1       SECTION 1. The legislature finds that, pursuant to Act 246,  
2 Session Laws of Hawaii 2005, the school impact fee working group  
3 was tasked with analyzing salient issues, including fair share  
4 practices and enrollment projections by the department of  
5 education, alternative funding mechanisms and best practices  
6 utilized by other jurisdictions nationwide, and different  
7 infrastructure needs imposed by different types of development,  
8 including infill. The working group was also asked to submit  
9 proposed legislation or procedures for implementing its  
10 recommendations on determining school impact fees within  
11 identified school impact districts.

12       In its report to the legislature entitled "Hawaii School  
13 Impact Fee Study" (December 2006), the working group recommended  
14 that the department of education determine each school impact  
15 district appropriate student generation rate.

16       The purpose of Act 245, Session Laws of Hawaii 2007, was to  
17 implement the working group's recommendation for implementing a



1 new method for financing, in part, new or expanding existing  
2 department of education educational facilities in partnership  
3 with developers of new residential developments. Act 245  
4 reflects a general methodology and approach for identifying need  
5 areas and calculating appropriate school impact fees for new  
6 residential developments. It also recognizes the need for more  
7 detailed planning for implementation of the Act by the  
8 department of education and tasked the department with  
9 developing an appropriate methodology to be applied in new  
10 residential projects involving rezoned properties or parcels,  
11 current zoned parcels with or without buildings, and  
12 redevelopment projects.

13 The legislature now finds that the current statewide  
14 housing crisis is having a negative impact on the quality of  
15 life for Hawaii residents. The overall lack of supply of  
16 housing at all price points is causing residents to move out of  
17 State to more affordable markets and is contributing to the  
18 increased number of homeless individuals and families across the  
19 State.

20 Faced with a pressing need to increase the supply of  
21 housing, especially at the workforce and affordable price points



1 of one hundred forty per cent and below area median income,  
2 there is a need to reconsider some of the non-public health and  
3 safety exactions and fees assessed on housing projects.

4 Since the adoption of Act 245, the department of education  
5 has been implementing school impact fees by designating high  
6 growth areas that typically require new or expanded school  
7 facilities. However, the legislature believes that the need for  
8 new schools must also be balanced with the effect on housing  
9 affordability in the State. From a public policy standpoint,  
10 shifting the cost of new public infrastructure to new home  
11 buyers ultimately results in fewer people being able to afford  
12 to purchase a new home. The legislature finds that given the  
13 current housing crisis in Hawaii, there is a compelling public  
14 interest to repeal the school impact fees law.

15 The purpose of this Act is to repeal the school impact fees  
16 law to keep housing affordable for residents in the State.

17 SECTION 2. Section 46-142.5, Hawaii Revised Statutes, is  
18 repealed.

19 ~~["§46-142.5 School impact districts; new building permit~~  
20 ~~requirements.]" No new residential development in a designated~~  
21 ~~school impact district under chapter 302A shall be issued a~~



~~residential building permit or condominium property regime  
building permit until the department of education provides  
written confirmation that the permit applicant has fulfilled its  
school impact fee requirements. This section shall only apply  
to new dwelling units."]~~

SECTION 3. Part VI, subpart B of chapter 302A, Hawaii  
Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed  
and stricken.

SECTION 5. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

*Takashi Brn*

JAN 19 2018



# H.B. NO. 2066

**Report Title:**

Education; Schools; School Impact Fees

**Description:**

Repeals the School Impact Fees law.

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

