

# S.B. NO. 1120

JAN 27 2021

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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. Lands utilized by the department of Hawaiian  
2 home lands to provide housing for native Hawaiians are offered  
3 at affordable rates when compared to similar housing available  
4 in Hawaii. Since the enactment of the Hawaiian Homes Commission  
5 Act, 1920, as amended, lands set aside for use as Hawaiian home  
6 lands have been withdrawn for other purposes, including public  
7 schools. Moreover, development on Hawaiian home lands often  
8 account for the educational facilities that may be needed to  
9 support the community with the siting of public schools, public  
10 charter schools, early learning facilities, and other similar  
11 facilities on or near Hawaiian home lands. The purpose of this  
12 Act is to exempt any housing development for the department of  
13 Hawaiian home lands from school impact fee requirements.

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

16           "(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; [~~and~~]
- 7 (4) Any development with an executed education
- 8 contribution agreement or other like document with the
- 9 department for the contribution of school sites or
- 10 payment of fees for school land or school
- 11 construction[~~-~~]; and
- 12 (5) Any housing development for the department of Hawaiian
- 13 home lands."

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 Statutory material to be repealed is bracketed  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

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

17  
18 INTRODUCED BY: 

19 BY REQUEST

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**Report Title:**

School Impact Fees; Exemption

**Description:**

Exempts any housing development for the Department of Hawaiian Home Lands from school impact fee requirements.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: Exempts any housing development for the Department of Hawaiian Home Lands from school impact fees.

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

JUSTIFICATION: Lands set aside for use as Hawaiian Home Lands were withdrawn for other purposes, including public schools, since the enactment of the Hawaiian Homes Commission Act, 1920, as amended. Additionally, the Department of Hawaiian Home Lands provides affordable housing that often account for the educational facilities that may be needed to support the community by designating land for community use, which include facilities such as schools. Across the State in different communities, lands have been set aside for different learning facilities. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, any housing development for the Department of Hawaiian Home Lands should be exempt from school impact fees.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by exempting any housing development for the Department of Hawaiian Home Lands from school impact fees.

Impact on the department and other agencies: More funding could be allocated toward the development of housing instead of fees since the Department already identifies land for community use, which includes facilities such as schools.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: Department of Education.

EFFECTIVE DATE: Upon approval.