
A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that the need for more
2 affordable housing in Hawaii affects all segments of society.
3 Nonetheless, the counties have delayed action on public
4 infrastructure improvements that have been developed as part of
5 affordable housing projects developed by the State, including
6 the Villages of Kapolei master planned community.

7 The legislature also finds that in the late 1980s, the
8 Hawaii housing finance and development corporation's
9 predecessor, the housing finance and development corporation,
10 began as the master developer the development of the eight
11 hundred eighty-eight-acre Villages of Kapolei in the Ewa Plain
12 for a planned four thousand four hundred-unit residential
13 community. The housing finance and development corporation also
14 developed major infrastructure for the Villages of Kapolei under
15 Act 15, Session Laws of Hawaii 1988, which exempted various
16 zoning and subdivision laws to expedite affordable housing.



1 The legislature further finds that while the city and
2 county of Honolulu has collected real property tax revenues from
3 the Villages of Kapolei for the past thirty years, the city has
4 still not accepted dedication of the infrastructure
5 improvements. As a result, the State, through the Hawaii
6 housing finance and development corporation, has had to pay for
7 related maintenance and improvements, averaging more than
8 \$1,000,000 per year. These expenses are paid for with moneys
9 from the dwelling unit revolving fund instead of real property
10 tax revenues collected by the city and county of Honolulu, which
11 comes at an opportunity cost of funding infrastructure for new
12 affordable housing development throughout the State.

13 The purpose of this Act is to condition a county's ability
14 to exercise state housing powers with a finding that the county
15 has fulfilled their duty to accept dedication of public
16 infrastructure constructed in accordance with all relevant codes
17 and ordinances at the time of commencement of construction.

18 SECTION 2. Section 46-15.1, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Notwithstanding any law to the contrary, any county
21 shall have and may exercise the same powers, subject to



H.B. NO. 2444

1 applicable limitations, as those granted the Hawaii housing
2 finance and development corporation pursuant to chapter 201H
3 insofar as those powers may be reasonably construed to be
4 exercisable by a county for the purpose of developing,
5 constructing, and providing low- and moderate-income housing;
6 provided that no county shall be empowered to cause the State to
7 issue general obligation bonds to finance a project pursuant to
8 this section; provided further that county projects shall be
9 granted an exemption from general excise or receipts taxes in
10 the same manner as projects of the Hawaii housing finance and
11 development corporation pursuant to section 201H-36; and
12 provided further that section 201H-16 shall not apply to this
13 section unless federal guidelines specifically provide local
14 governments with that authorization and the authorization does
15 not conflict with any state laws[-]; and provided further that a
16 county's ability to exercise these powers shall be contingent
17 upon the county's continued compliance with sections 46-15.25
18 and 264-1(c)(1), with respect to accepting the dedication of
19 infrastructure and public highways in affordable housing
20 developments, as determined by the Hawaii housing finance and



1 development corporation. The powers shall include the power,
2 subject to applicable limitations, to:

3 (1) Develop and construct dwelling units, alone or in
4 partnership with developers;

5 (2) Acquire necessary land by lease, purchase, exchange,
6 or eminent domain;

7 (3) Provide assistance and aid to a public agency or other
8 person in developing and constructing new housing and
9 rehabilitating existing housing for elders of low- and
10 moderate-income, other persons of low- and moderate-
11 income, and persons displaced by any governmental
12 action, by making long-term mortgage or interim
13 construction loans available;

14 (4) Contract with any eligible bidders to provide for
15 construction of urgently needed housing for persons of
16 low- and moderate-income;

17 (5) Guarantee the top twenty-five per cent of the
18 principal balance of real property mortgage loans,
19 plus interest thereon, made to qualified borrowers by
20 qualified lenders;



H.B. NO. 2444

- 1 (6) Enter into mortgage guarantee agreements with
2 appropriate officials of any agency or instrumentality
3 of the United States to induce those officials to
4 commit to insure or to insure mortgages under the
5 National Housing Act, as amended;
- 6 (7) Make a direct loan to any qualified buyer for the
7 downpayment required by a private lender to be made by
8 the borrower as a condition of obtaining a loan from
9 the private lender in the purchase of residential
10 property;
- 11 (8) Provide funds for a share, not to exceed fifty per
12 cent, of the principal amount of a loan made to a
13 qualified borrower by a private lender who is unable
14 otherwise to lend the borrower sufficient funds at
15 reasonable rates in the purchase of residential
16 property; and
- 17 (9) Sell or lease completed dwelling units.

18 For purposes of this section, a limitation is applicable to
19 the extent that it may reasonably be construed to apply to a
20 county."



1 SECTION 3. Section 46-15.25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§46-15.25 Infrastructure dedication; affordable housing.**

4 (a) Infrastructure for a development that primarily consists of
5 affordable housing at the time that construction commences shall
6 be deemed dedicated to the county if the county does not accept
7 or reject the request for dedication of infrastructure within
8 sixty days of the receipt by the appropriate county council of a
9 completed application for dedication request[+]. Requests for
10 dedication of infrastructure shall be accepted; provided that:

11 (1) Applicable meter and connection fees and utility costs
12 relating to the dedicated infrastructure have been
13 paid;

14 (2) The dedicated infrastructure [~~conforms to applicable~~
15 ~~county standards in effect at the time of~~
16 ~~construction;~~] does not contravene health or safety
17 standards, as determined by the Hawaii housing finance
18 and development corporation; and

19 (3) The completion of the improvements comprising a
20 dedicated infrastructure is granted approval by the
21 county[-] or a third-party reviewer.



1 (b) For the purposes of this section:

2 "Affordable housing" means housing that is affordable to
3 households with incomes at or below one hundred forty per cent
4 of the median family income as determined by the United States
5 Department of Housing and Urban Development.

6 "Infrastructure" includes water, drainage, sewer, waste
7 disposal and waste treatment systems, road, road landscaping,
8 and street lighting that connect to the infrastructure of the
9 county.

10 "Third party reviewer" means an entity with the appropriate
11 licenses, specialized knowledge, and experience that has been
12 examined and registered by the county to perform plan reviews in
13 a particular discipline or disciplines."

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

16 SECTION 5. This Act shall take effect upon its approval;
17 provided that the amendments made to section 46-15.1, Hawaii
18 Revised Statutes, by section 2 of this Act shall not be repealed
19 when section 46-15.1, Hawaii Revised Statutes is reenacted on



H.B. NO. 2444

1 July 1, 2024, pursuant to sections 1 and 2 of Act 80, Session
2 Laws of Hawaii 2019.

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INTRODUCED BY:

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JAN 26 2022



H.B. NO. 2444

Report Title:

Infrastructure Dedication; Affordable Housing; Counties

Description:

Conditions a county's authority to exercise state housing powers upon a county's continued compliance with provisions regarding the acceptance of the dedication of infrastructure and public highways in affordable housing developments. Amends various provisions relating to the dedication of infrastructure to a county.

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

