
A BILL FOR AN ACT

RELATING TO COUNTY HOUSING POWERS.

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

1 SECTION 1. Section 46-15.1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Notwithstanding any law to the contrary, any county
5 shall have and may exercise the same powers, subject to
6 applicable limitations, as those granted the Hawaii housing
7 finance and development corporation pursuant to chapter 201H
8 insofar as those powers may be reasonably construed to be
9 exercisable by a county for the purpose of developing,
10 constructing, [~~and~~] financing, refinancing, or otherwise
11 providing low- and moderate-income housing[+] projects, mixed-
12 income projects, and mixed-use developments; provided that no
13 county shall be empowered to cause the State to issue general
14 obligation bonds to finance a project pursuant to this section;
15 provided further that county projects shall be granted an
16 exemption from general excise or receipts taxes in the same
17 manner as projects of the Hawaii housing finance and development



1 corporation pursuant to section 201H-36; and provided further
2 that section 201H-16 shall not apply to this section unless
3 federal guidelines specifically provide local governments with
4 that authorization and the authorization does not conflict with
5 any state laws. The powers shall include the power, subject to
6 applicable limitations, to:

- 7 (1) Develop and construct dwelling units, alone or in
8 partnership with developers;
- 9 (2) Acquire necessary land by lease, purchase, exchange,
10 or eminent domain;
- 11 (3) Provide assistance and aid to a public agency or other
12 person in developing and constructing new housing and
13 rehabilitating existing housing for elders of low- and
14 moderate-income, other persons of low- and moderate-
15 income, and persons displaced by any governmental
16 action, by making long-term mortgage or interim
17 construction loans available;
- 18 (4) Contract with [any] eligible bidders to provide for
19 construction of urgently needed housing for persons of
20 low- and moderate-income;



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



1 If there is an insufficient number of persons or families
 2 who meet the income qualifying criteria for a particular low-
 3 and moderate-income housing project, then the income-restricted
 4 housing units may be made available to households with higher
 5 incomes to ensure full occupancy of the housing project.

6 For purposes of this section, a limitation is applicable to
 7 the extent that it may reasonably be construed to apply to a
 8 county."

9 2. By amending subsections (f) and (g) to read:

10 "(f) The provisions of this section shall be construed
 11 liberally so as to effectuate the purpose of this section in
 12 facilitating the development, construction, [~~and provision of~~]
 13 financing, refinancing, or other provisions of low- and
 14 moderate-income housing projects, mixed-income projects, and
 15 mixed-use developments by the various counties.

16 (g) For purposes of this section[, "~~low and moderate~~
 17 ~~income housing~~"]:

18 "Low- and moderate-income housing project" means any
 19 housing project that meets the definition of "low- and moderate-
 20 income housing project" in section 39A-281.



1 "Mixed-income project" means any housing project that, in
2 addition to low- and moderate-income housing units, includes
3 housing units for households with incomes higher than provided
4 under section 39A-281.

5 "Mixed-use development" has the same meaning as in
6 subsection 201H-12(a)."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 3000;
10 provided that this Act shall apply to bond proceeds expended by
11 a county after December 31, 2023; provided further that the
12 amendments made to section 46-15.1, Hawaii Revised Statutes, by
13 section 1 of this Act shall not be repealed when that section is
14 reenacted on July 1, 2030, pursuant to sections 2 and 3 of Act
15 90, Session Laws of Hawaii 2023.



Report Title:

Counties; County Housing Powers; HHFDC; Mixed-Use Development;
Mixed-Income Projects

Description:

Expands the counties' authorization to exercise the same powers as the Hawaii housing finance and development corporation for purposes of developing, constructing, financing, refinancing, or providing mixed-income projects and mixed-use developments. Authorizes units in low- and moderate-income housing projects to be made available to households with higher incomes if there is an insufficient number of persons or families who meet income qualifying requirements. Applies to bond proceeds expended by a county after 12/31/23. Effective 7/1/3000. (HD1)

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

