
A BILL FOR AN ACT

RELATING TO THE RENTAL HOUSING REVOLVING FUND.

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

1 SECTION 1. Section 201H-202, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§201H-202 Rental housing revolving fund.** (a) There is
4 established the rental housing revolving fund to be administered
5 by the corporation.

6 (b) An amount from the fund, to be set by the corporation
7 and authorized by the legislature, may be used for
8 administrative expenses incurred by the corporation in
9 administering the corporation's housing finance programs;
10 provided that fund moneys shall not be used to finance day-to-
11 day administrative expenses of projects allotted fund moneys.

12 (c) The following may be deposited into the fund:
13 appropriations made by the legislature, conveyance taxes
14 pursuant to section 247-7, private contributions, repayment of
15 loans, interest, other returns, and moneys from other sources.

16 (d) ~~[The]~~ Except as provided in subsection (f), the fund
17 shall be used to provide loans for the development, pre-



1 development, construction, acquisition, preservation, and
2 substantial rehabilitation of rental housing units. The
3 corporation shall not forgive any loan made from the fund unless
4 the corporation forecloses on the project. Permitted uses of
5 the fund may include but are not limited to planning, design,
6 land acquisition, costs of options, agreements of sale,
7 downpayments, equity financing, capacity building of nonprofit
8 housing developers, credit enhancement, gap financing, or other
9 housing development services or activities as provided in rules
10 adopted by the corporation pursuant to chapter 91. The rules
11 may provide for a means of recapturing loans or grants made from
12 the fund if a rental housing project financed under the fund is
13 refinanced or sold at a later date. The rules may also provide
14 that moneys from the fund shall be leveraged with other
15 financial resources to the extent possible.

16 (e) [~~Moneys~~] Except as provided in subsection (f), moneys
17 available in the fund shall be used for the purpose of
18 providing, in whole or in part, loans for rental housing
19 projects demonstrating project readiness, efficiency, and
20 feasibility acceptable to the corporation in the following order
21 of priority:



1 (1) For projects that were awarded low-income housing
2 credits pursuant to paragraph (2), priority shall be
3 given to projects with a perpetual affordability
4 commitment;

5 (2) Projects or units in projects that are allocated low-
6 income housing credits pursuant to the state housing
7 credit ceiling under section 42(h) of the Internal
8 Revenue Code of 1986, as amended, or projects or units
9 in projects that are funded by programs of the United
10 States Department of Housing and Urban Development and
11 United States Department of Agriculture Rural
12 Development wherein:

13 (A) At least fifty per cent of the available units
14 are for persons and families with incomes at or
15 below eighty per cent of the median family income
16 of which at least five per cent of the available
17 units are for persons and families with incomes
18 at or below thirty per cent of the median family
19 income; and



1 (B) The remaining units are for persons and families
2 with incomes at or below one hundred per cent of
3 the median family income;

4 provided that the corporation may establish rules to
5 ensure full occupancy of fund projects; and

6 (3) Mixed-income rental projects or units in a mixed-
7 income rental project wherein all of the available
8 units are for persons and families with incomes at or
9 below one hundred forty per cent of the median family
10 income.

11 (f) There is established within the fund a housing
12 efficiency and innovation subaccount that shall consist of
13 appropriations from the legislature. The corporation may
14 transfer funds between the housing efficiency and innovation
15 subaccount and the rental housing revolving fund without
16 legislative approval. Notwithstanding the order of priority
17 established in subsection (e), funds in the subaccount shall be:

18 (1) Expended to make loans to housing projects; provided
19 that the units in the project shall be made available
20 for rent exclusively to qualified residents as defined



1 in section 201H-32; provided further that priority
2 shall be given to:

3 (A) Projects on land owned or developed by the State
4 or a county; and

5 (B) Projects that require the least amount of state
6 funding per housing unit per year; and

7 (2) Used to provide credit enhancement to projects meeting
8 the conditions of paragraph (1).

9 The corporation shall establish an application process for
10 subaccount fund allocation, separate from the fund allocation
11 process pursuant to section 201H-204(c), that gives preference
12 to projects meeting the criteria established in this subsection.

13 The corporation may include other criteria as it deems necessary
14 to effectuate the purposes of this subsection. Moneys derived
15 from the repayment of loans funded by the subaccount, interest
16 thereon, and related fees and returns, shall be deposited into
17 the subaccount.

18 [~~f~~] (g) There is established within the fund a bond
19 volume cap recycling program subaccount. The bond volume cap
20 recycling program subaccount shall be maintained as a reserve



1 for the bond volume cap recycling program established pursuant
2 to section 39B-2(f).

3 ~~[(g)]~~ (h) The corporation shall submit an annual report to
4 the legislature no later than twenty days prior to the convening
5 of each regular session describing the projects funded and, with
6 respect to rental housing projects targeted for persons and
7 families with incomes at or below thirty per cent of the median
8 family income, its efforts to develop those rental housing
9 projects, a description of proposals submitted for this target
10 group and action taken on the proposals, and any barriers to
11 developing housing units for this target group.

12 ~~[(h)]~~ (i) For the purposes of this subpart, the applicable
13 median family income shall be the median family income for the
14 county or standard metropolitan statistical area in which the
15 project is located as determined by the United States Department
16 of Housing and Urban Development, as adjusted from time to time.

17 ~~[(i)]~~ (j) The corporation may provide loans under this
18 section; provided that the corporation shall establish loan-to-
19 value ratios to protect the fund from inordinate risk and that
20 under no circumstances shall the rules permit the loan-to-value
21 ratio to exceed one hundred per cent; provided further that the



1 underwriting guidelines include a debt-coverage ratio of no less
2 than 1.0 to 1.

3 [~~(j)~~] (k) For the period commencing July 1, 2005, through
4 June 30, 2009, the fund may be used to provide grants for rental
5 units set aside for persons and families with incomes at or
6 below thirty per cent of the median family income in any project
7 financed in whole or in part by the fund in proportion of those
8 units to the total number of units in the project. At the
9 conclusion of the period described in this subsection, the
10 corporation shall report to the legislature on the number and
11 use of grants provided and whether the grants were an effective
12 use of the funds for purposes of developing rental housing for
13 families at or below thirty per cent of the median family
14 income."

15 SECTION 2. Section 201H-204, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) [~~The~~] Except as provided in section 201H-202(f), the
18 corporation shall establish an application process for fund
19 allocation that gives preference to projects meeting the
20 following criteria that are listed in descending order of
21 priority:



- 1 (1) Serve the original target group;
- 2 (2) Provide at least five per cent of the total number of
- 3 units for persons and families with incomes at or
- 4 below thirty per cent of the median family income;
- 5 (3) Provide the maximum number of units for persons or
- 6 families with incomes at or below eighty per cent of
- 7 the median family income;
- 8 (4) Are committed to serving the target group over a
- 9 longer period of time;
- 10 (5) Increase the integration of income levels of the
- 11 immediate community area;
- 12 (6) Meet the geographic needs of the target group of the
- 13 proposed rental housing project, such as proximity to
- 14 employment centers and services; and
- 15 (7) Have favorable past performance in developing, owning,
- 16 managing, or maintaining affordable rental housing.

17 The corporation may include other criteria as it deems
18 necessary to carry out the purposes of this subpart.

19 If the corporation, after applying the process described in
20 this subsection, finds a nonprofit project equally ranked with a



1 for-profit or government project, the corporation shall give
2 preference to the nonprofit project in allotting fund moneys."

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

5 SECTION 4. This Act shall take effect on July 1, 3000.



H.B. NO. 417 H.D. 1

Report Title:

HHFDC; RHRF; Housing Efficiency and Innovation Subaccount;
Housing; Priorities

Description:

Establishes the Housing Efficiency and Innovation Subaccount within the Rental Housing Revolving Fund. Specifies permissible uses of funding and priorities. Authorizes the Hawaii Housing Finance and Development Corporation to transfer funds between the Housing Efficiency and Innovation Subaccount and the Rental Housing Revolving Fund without legislative approval. Effective 7/1/3000. (HD1)

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