
A BILL FOR AN ACT

RELATING TO TRANSIT-ORIENTED DEVELOPMENT.

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

1 SECTION 1. The legislature finds that Hawaii faces a
2 persistent housing crisis. Demand for housing significantly
3 outpaces supply, particularly in urban areas. Transit-oriented
4 development districts present a critical opportunity for
5 efficient land use by promoting higher-density development near
6 public transit infrastructure, thereby maximizing the value of
7 public investments. Higher residential density in transit-
8 oriented development districts increases public transit
9 ridership, thus reducing dependency on private automobiles and
10 lowering greenhouse gas emissions, which supports the State's
11 climate resilience and sustainability objectives.

12 The legislature established transit-oriented development
13 infrastructure improvement districts to foster community
14 development by strategically investing in infrastructure
15 improvements through Act 184, Session Laws of Hawaii 2022. The
16 legislature found that transit-oriented development promotes
17 development patterns that enhance residents' quality of life;



1 preserve the natural environment; provide a range of housing
2 choices for residents; and encourage walking, biking, and the
3 use of mass transit. Furthermore, the legislature concluded
4 that the State plays an important role in overcoming barriers to
5 transit-oriented development by encouraging needed investments
6 in improving regional infrastructure such as roads, sewers,
7 power, communication, and storm water management systems.

8 The legislature further recognizes that the ready
9 availability of affordable workforce housing near transit hubs
10 reduces transportation costs and improves access to employment,
11 education, and other essential services, especially for low- and
12 moderate-income households, thereby advancing social and
13 economic equity for the people of Hawaii.

14 The underutilization of land in transit-oriented
15 development districts, due partially to restrictive development
16 standards, undermines the economic and environmental benefits of
17 state investments in county-designated transit-oriented
18 development infrastructure improvement districts, contributes to
19 urban sprawl, and increases infrastructure costs and
20 environmental degradation.



1 The legislature finds that numerous jurisdictions,
2 including California, Oregon, and Washington, have adopted
3 minimum density standards for transit-oriented developments,
4 demonstrating the effectiveness of these measures in increasing
5 housing supply while bolstering transit systems. Transit-
6 oriented development infrastructure improvement districts can
7 increase residential density near transit hubs in order to
8 foster vibrant, walkable communities; support local businesses;
9 and generate higher property tax revenues, contributing to
10 Hawaii's fiscal and economic vitality.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Temporarily establish the mixed-income subaccount
13 within the rental housing revolving fund for five
14 years to finance certain projects, including those
15 located in transit-oriented developments;
- 16 (2) Require the transit-oriented development
17 infrastructure improvement district board to consider
18 the infrastructure needs of transit-supportive density
19 requirements; and
- 20 (3) Require the strategic plan developed by the Hawaii
21 interagency council for transit-oriented development



1 to delineate transit-oriented development areas for
2 each county.

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

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

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

14 (c) The following may be deposited into the fund:

15 [~~appropriations~~]

- 16 (1) Appropriations made by the legislature[~~, conveyance~~];
17 (2) Conveyance taxes pursuant to section 247-7[~~, private~~];
18 (3) Private contributions[~~, repayment~~];
19 (4) Repayment of loans[~~, interest, other~~];
20 (5) Interest;
21 (6) Other returns[~~,~~]; and [~~moneys~~]



1 (7) Moneys from other sources.

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

19 (e) ~~[Moneys]~~ Except as provided in subsection (f), moneys
20 available in the fund shall be used for the purpose of
21 providing, in whole or in part, loans for rental housing



1 projects demonstrating project readiness, efficiency, and
2 feasibility acceptable to the corporation in the following order
3 of priority:

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

8 ~~(2)]~~ (1) Projects or units in projects that are allocated
9 low-income housing credits pursuant to the state
10 housing credit ceiling under section 42(h) of the
11 Internal Revenue Code of 1986, as amended, or projects
12 or units in projects that are funded by programs of
13 the United States Department of Housing and Urban
14 Development and United States Department of
15 Agriculture Rural Development wherein:

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



1 at or below thirty per cent of the median family
2 income; and

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

6 provided that the corporation may establish rules to
7 ensure full occupancy of fund projects; provided
8 further that for projects that were awarded low-income
9 housing credits pursuant to this paragraph, priority
10 shall be given to projects with a perpetual
11 affordability commitment. For purposes of this
12 paragraph, "perpetual" means the useful life of the
13 project; and

14 ~~[(3)]~~ (2) Mixed-income rental projects or units in a mixed-
15 income rental project ~~[wherein all of the available~~
16 ~~units are]~~ for persons and families with incomes at or
17 below one hundred forty per cent of the median family
18 income.

19 (f) There is established within the fund a mixed-income
20 subaccount. Moneys in the mixed-income subaccount shall be used
21 for financing, including but not limited to loans, equity



1 investments, and credit enhancement, for mixed-income rentals
2 for qualified residents as defined in section 201H-32. The
3 corporation shall establish an application process for the
4 allocation of funds in the mixed-income subaccount, separate
5 from the fund allocation process pursuant to section 201H-
6 204(c), that gives preference to projects meeting the following
7 criteria:

- 8 (1) A diverse range of affordability, prioritizing persons
9 and families with incomes up to one hundred forty per
10 cent of the median family income;
- 11 (2) Projects located on state or county owned land or
12 developed in partnership with the State or a county;
- 13 (3) Projects that efficiently use state funding;
- 14 (4) Mixed-income rental projects or units in a mixed-
15 income rental project in an area that satisfy transit-
16 supportive density requirements, as defined in section
17 206E-246; and
- 18 (5) Any other criteria as the corporation deems necessary
19 to carry out the purposes of this subsection.

20 If the corporation, after applying the process described in
21 this subsection, finds a nonprofit or government project equally



1 ranked with a for-profit project, the corporation shall give
2 preference to the nonprofit or government project in allotting
3 funds from the mixed-income subaccount.

4 Moneys derived from the repayment of loans funded by the
5 mixed-income subaccount, interest thereon, and related fees and
6 returns shall be deposited into the fund.

7 ~~[(f)]~~ (g) There is established within the fund a bond
8 volume cap recycling program subaccount. The bond volume cap
9 recycling program subaccount shall be maintained as a reserve
10 for the bond volume cap recycling program established pursuant
11 to section 39B-2(f).

12 ~~[(g)]~~ (h) The corporation shall submit an annual report to
13 the legislature no later than twenty days prior to the convening
14 of each regular session describing the projects funded and, with
15 respect to rental housing projects targeted for persons and
16 families with incomes at or below thirty per cent of the median
17 family income, its efforts to develop those rental housing
18 projects, a description of proposals submitted for this target
19 group and action taken on the proposals, and any barriers to
20 developing housing units for this target group.



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

6 ~~[(i)]~~ (j) The corporation may provide loans under this
7 section; provided that the corporation shall establish loan-to-
8 value ratios to protect the fund from inordinate risk and that
9 under no circumstances shall the rules permit the loan-to-value
10 ratio to exceed one hundred per cent; provided further that the
11 underwriting guidelines include a debt-coverage ratio of no less
12 than 1.0 to 1.

13 ~~[(j)]~~ (k) For the period commencing July 1, 2005, through
14 June 30, 2009, the fund may be used to provide grants for rental
15 units set aside for persons and families with incomes at or
16 below thirty per cent of the median family income in any project
17 financed in whole or in part by the fund in proportion of those
18 units to the total number of units in the project. At the
19 conclusion of the period described in this subsection, the
20 corporation shall report to the legislature on the number and
21 use of grants provided and whether the grants were an effective



1 use of the funds for purposes of developing rental housing for
2 families at or below thirty per cent of the median family
3 income."

4 SECTION 3. Section 201H-204, Hawaii Revised Statutes, is
5 amended as follows:

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

7 "(a) Activities eligible for assistance from the fund
8 shall include but not be limited to:

9 (1) New construction, rehabilitation, or preservation of
10 low-income rental housing units that meet the criteria
11 for eligibility described in subsection (c) [~~+~~] or
12 section 201H-202(f);

13 (2) The leveraging of moneys with the use of fund assets;

14 (3) Pre-development activity grants or loans to nonprofit
15 organizations; and

16 (4) Acquisition of housing units for the purpose of
17 preservation as low-income or very low-income
18 housing."

19 2. By amending subsection (c) to read:

20 "(c) [~~The~~] Except as provided in section 201H-202(f), the
21 corporation shall establish an application process for fund



1 allocation that gives preference to projects meeting the
2 following criteria that are listed in descending order of
3 priority:

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

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



1 If the corporation, after applying the process described in
2 this subsection, finds a nonprofit project equally ranked with a
3 for-profit or government project, the corporation shall give
4 preference to the nonprofit project in allotting fund moneys."

5 SECTION 4 Section 206E-246, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§206E-246[+] Transit-oriented development
8 infrastructure improvement district program; assessment; rules.

9 (a) The board shall develop a transit-oriented development
10 infrastructure improvement district program to identify
11 infrastructure improvements within each district. In
12 determining the required infrastructure improvements to be
13 undertaken, the board shall consider the infrastructure needs of
14 transit-supportive density requirements, the strategic plan
15 prepared by the Hawaii interagency council for transit-oriented
16 development pursuant to section 226-63(c), and subsequent plans
17 and studies prepared to further implement the strategic plan and
18 the transit-oriented development projects therein.

19 (b) Whenever the board determines to undertake, or causes
20 to be undertaken, any infrastructure improvement as part of the
21 program, the cost of providing the infrastructure improvement



1 may be assessed against the real property in each district
2 specially benefiting from the infrastructure improvement. The
3 board shall determine the areas of each district that will
4 benefit from the infrastructure improvement to be undertaken,
5 and if less than the entire district benefits, the board may
6 establish assessment areas within the district. The board may
7 issue and sell bonds in amounts as may be authorized by the
8 legislature to provide funds to finance the infrastructure
9 improvements. The board may fix the assessments against real
10 property specially benefited. All assessments made pursuant to
11 this section shall be a statutory lien against each lot or
12 parcel of land assessed from the date of the notice declaring
13 the assessment until the assessment is paid, and the lien shall
14 have priority over all other liens except the lien of property
15 taxes. As between liens of assessments, the earlier lien shall
16 be superior to the later lien.

17 (c) Bonds issued to provide funds to finance transit-
18 oriented development infrastructure improvements shall be
19 secured solely by the real properties benefited or improved, the
20 assessments thereon, or the revenues derived from the program
21 for which the bonds are issued, including reserve accounts and



1 earnings thereon, insurance proceeds, and other revenues, or any
2 combination thereof. The bonds may be additionally secured by
3 the pledge or assignment of loans and other agreements or any
4 note or other undertaking, obligation, or property held by the
5 board. Bonds issued pursuant to this section and the income
6 therefrom shall be exempt from all state and county taxation,
7 except transfer and estate taxes. The bonds shall be issued
8 subject to rules adopted by the board pursuant to this section.

9 (d) Notwithstanding any other law to the contrary, in
10 assessing real property for transit-oriented development
11 infrastructure improvement, the board shall assess the real
12 property within an assessment area according to the special
13 benefits conferred upon the real property by the infrastructure
14 improvement. These methods may include assessment on a frontage
15 basis or according to the area of real property within an
16 assessment area or any other assessment method that assesses the
17 real property according to the special benefit conferred, or any
18 combination thereof. No assessment levied against real property
19 specially benefited as provided by this part shall constitute a
20 tax on real property within the meanings of any constitutional
21 or statutory provisions. No assessment shall be levied against



1 real property owned by the federal government, the State, or a
2 county, or an agency thereof, without the prior written consent
3 of the owner.

4 (e) The board shall adopt rules pursuant to chapter 91 to
5 provide for the method of undertaking and financing transit-
6 oriented development infrastructure improvement in an assessment
7 area or an entire district. The rules adopted pursuant to this
8 section shall include but not be limited to:

9 (1) The methods by which the board shall establish
10 assessment areas;

11 (2) The method of assessment of real properties specially
12 benefited;

13 (3) The costs to be borne by the board, the county in
14 which districts are situated, and the property owners;

15 (4) The procedures before the board relating to the
16 creation of the assessment areas by the owners of real
17 property therein, including provisions for petitions,
18 bids, contracts, bonds, and notices;

19 (5) Provisions relating to assessments;

20 (6) Provisions relating to financing, including bonds,
21 revolving funds, advances from available funds,



1 special funds for payment of bonds, payment of
2 principal and interest, and sale and use of the bonds;
3 (7) Provisions relating to funds and refunding of
4 outstanding debts;
5 (8) Provisions relating to limitations on time to sue; and
6 (9) Other related provisions.
7 (f) Notwithstanding any other provisions to the contrary,
8 the board may, in its discretion, enter into any agreement with
9 the county in which the districts are located to implement all
10 or part of the purposes of this section.
11 (g) All sums collected under this section shall be
12 deposited into the transit-oriented development infrastructure
13 improvement district special fund established under section
14 206E-247 and shall be applied solely to:
15 (1) The payment of the principal and interest on the bonds
16 and the cost of administering, operating, and
17 maintaining the program;
18 (2) The establishment of reserves; and
19 (3) Other purposes as may be authorized in the proceedings
20 providing for the issuance of the bonds.



1 If any surplus remains in the fund after the payment of the
2 bonds chargeable against the fund, it shall be credited to and
3 become a part of the fund.

4 (h) The transit-oriented development infrastructure
5 improvements to be financed through bonds issued by the board
6 may be dedicated to the county in which the infrastructure
7 improvements are to be located. The board shall ensure that the
8 infrastructure improvements are designed and constructed to meet
9 county requirements and shall enter into an agreement with the
10 county for dedication of the public facilities.

11 (i) Notwithstanding any law to the contrary, whenever it
12 becomes necessary to remove, relocate, replace, or reconstruct
13 public utility facilities that are part of a program, the board
14 shall establish by rule the allocation of cost between the
15 board, the affected public utilities, and the properties that
16 may specially benefit from the improvement, if any. In
17 determining the allocation of cost, the board shall consider the
18 cost allocation policies for districts established by the county
19 in which the removal, relocation, replacement, or reconstruction
20 is to take place.

21 (j) For the purposes of this section:



1 "County-designated transit-oriented development area" has
2 the same meaning as defined in section 226-63(d).

3 "Floor area ratio" means the quotient, expressed as a
4 decimal number, that results from dividing a structure's total
5 floor area by the total area of the lot or parcel on which the
6 structure is located.

7 "Ministerial" means a permit process based upon standards
8 established through county ordinance or rule and issued by the
9 director of the county agency responsible for land use or a
10 single county officer designated by ordinance.

11 "Transit-supportive density" means a county-designated
12 transit-oriented development area:

13 (1) With development standards that allow a floor area
14 ratio of at least:

15 (A) 4.0 for all uses that are permitted in a county-
16 designated transit-oriented development area or
17 by the underlying county zoning;

18 (B) 6.0 for all uses that are permitted in a county-
19 designated transit-oriented development area
20 within one-half mile of a station of a locally



- 1 preferred alternative for a mass transit project;
2 and
3 (C) For all uses that are permitted within one-
4 quarter mile of a station of a locally preferred
5 alternative for a mass transit project, whichever
6 is greater:
7 (i) 7.0;
8 (ii) The maximum floor area ratio allowed by the
9 adopted transit-oriented development special
10 district; or
11 (iii) The maximum floor area ratio allowed by the
12 applicable transit-oriented development
13 plan;
14 (2) For which permits for development are processed as a
15 ministerial permit subject to applicable objective
16 design standards;
17 (3) Where there is no imposition of a development standard
18 that renders it impracticable to build a usable
19 structure for the permitted uses at the applicable
20 transit-supportive density; and



1 (4) Where funds collected pursuant to section 46-16.8 have
2 been expended in the county-designated transit-
3 oriented development area in which the development is
4 located."

5 SECTION 5. Section 226-63, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§226-63[+] **Hawaii interagency council for transit-**
8 **oriented development[-]; transit-oriented development planning**
9 **and implementation.** (a) There is established the Hawaii
10 interagency council for transit-oriented development, which
11 shall be an advisory body exempt from section 26-34, to
12 coordinate and facilitate state agency transit-oriented
13 development planning, and facilitate consultation and
14 collaboration between the State and the counties on transit-
15 oriented development initiatives. The Hawaii interagency
16 council for transit-oriented development shall be established
17 within the department of business, economic development, and
18 tourism for administrative purposes.

19 (b) The Hawaii interagency council for transit-oriented
20 development shall:



- 1 (1) Serve as the State's transit-oriented development
2 planning and policy development entity with
3 representation from state and county government and
4 the community;
- 5 (2) Formulate and advise the governor on the
6 implementation of a strategic plan to ~~[address]~~ plan
7 for and implement transit-oriented development
8 projects, including ~~[mixed-use]~~ mixed-use and
9 affordable for-sale and rental housing projects, on
10 ~~[state]~~ lands in county-designated transit-oriented
11 development areas in each county;
- 12 (3) Facilitate the acquisition of funding and resources
13 for state and county transit-oriented development
14 programs, including affordable for-sale and rental
15 housing projects, on state and county lands;
- 16 (4) Monitor the preparation and conduct of plans and
17 studies to facilitate implementation of state transit-
18 oriented development plans prepared pursuant to this
19 section, including but not limited to the preparation
20 of site or master plans and implementation plans and
21 studies;



- 1 (5) Review all capital improvement project requests to the
2 legislature for transit-oriented development projects,
3 including [~~mixed-use~~] mixed-use and affordable for-
4 sale and rental housing projects, on [~~state~~] lands
5 within county-designated transit-oriented development
6 [~~zones~~] areas or within a one-half-mile radius of
7 public transit stations, if a county has not
8 designated transit-oriented development zones;
- 9 (6) Recommend policy, regulatory, and statutory changes,
10 and identify resource strategies for the successful
11 execution of the strategic plan;
- 12 (7) Assemble accurate fiscal and demographic information
13 to support policy development and track outcomes;
- 14 (8) Consider collaborative transit-oriented development
15 initiatives of other states that have demonstrated
16 positive outcomes; and
- 17 (9) Report annually to the governor, the legislature, and
18 the mayor of each county on the progress of its
19 activities, including formulation and progress on the
20 strategic plan no later than twenty days prior to the
21 convening of each regular session.



1 (c) The strategic plan developed by the Hawaii interagency
2 council for transit-oriented development shall:

3 (1) Coordinate with the counties on transit-oriented
4 development;

5 (2) For each county, compile an inventory of state,
6 county, and [~~private sector~~] private-sector transit-
7 oriented development projects lacking infrastructure,
8 identifying the type of infrastructure each project
9 lacks, and the approximate time frame when additional
10 capacity is needed;

11 (3) Prioritize the development of transit-oriented
12 development projects, including [~~mixed-use~~] mixed-use
13 and affordable for-sale and rental housing projects,
14 on state and county lands;

15 (4) Identify financing and prioritize state financing for
16 the public infrastructure, facility, and service
17 investments required to support transit-oriented
18 development, [~~mixed-use,~~] mixed-use, and affordable
19 for-sale and rental housing [~~project plans; and~~] in
20 county-designated transit-oriented development areas;



1 (5) Encourage and promote partnerships between public and
2 private entities to identify, renovate, and secure
3 affordable housing options on state and county lands
4 within county-designated transit-oriented development
5 areas or within a one-half-mile radius of public
6 transit stations, if a county has not designated
7 transit-oriented development [~~zones.~~] areas; and

8 (6) Delineate for each county, transit-oriented
9 development areas within which transit-rich,
10 pedestrian-oriented development is desired and
11 investment in transit-oriented development and
12 supporting infrastructure is to be directed.

13 (d) For the purposes of this section and implementation of
14 the strategic plan statewide:

15 "County-designated transit-oriented development area" means
16 a geographic area designated by a county for transit-oriented
17 development by an adopted ordinance, plan, or resolution, and
18 delineated in the strategic plan pursuant to this section, that
19 generally consists of lands within a one-half-mile radius of a
20 transit hub or transit station; provided that the actual
21 boundaries may differ under specific circumstances.



1 "Transit-oriented development" means the development of
2 compact, dense, walkable, pedestrian-oriented, mixed-use
3 neighborhoods centered around transit stations or transit hubs
4 of public transit systems. "Transit-oriented development"
5 features a mix of uses, such as housing, office, retail, civic
6 and institutional, and other services and amenities at densities
7 that support transit ridership and walkability.

8 "Transit-oriented development project" means a development
9 project located within a geographic area designated as a
10 transit-oriented development area by the county with a medium-
11 to high-density mix of uses, such as housing, office, retail,
12 and other amenities, that is designed to promote walkability and
13 safe and convenient access to transit services."

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval;
20 provided that sections 2 and 3 of this Act shall be repealed on
21 June 30, 2030, and sections 201H-202 and 201H-204, Hawaii



- 1 Revised Statutes, shall be reenacted in the form in which they
- 2 read on the day prior to the effective date of this Act.



Report Title:

Transit-Oriented Development; Counties; RHRF; Mixed-Income Subaccount; Infrastructure; Transit-Supportive Density

Description:

Establishes the Mixed-Income Subaccount within the Rental Housing Revolving Fund, and sunsets the Subaccount on 6/30/2030. Requires the Transit-Oriented Development Infrastructure Improvement District Board to consider the infrastructure needs of transit-supportive density requirements. Requires the strategic plan developed by the Hawaii Interagency Council for Transit-Oriented Development to delineate transit-oriented development areas for each county. (CD1)

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