
HOUSE CONCURRENT RESOLUTION

DECLARING THE INTENT THAT AFFORDABLE HOUSING CREDITS ARE PERPETUAL AND REMAIN VALID UNTIL REDEEMED, AND REQUESTING THE COUNTIES TO RECOGNIZE THESE CREDITS WITHOUT EXPIRATION DATES.

1 WHEREAS, the 2024 Hawaii Housing Planning Study,
2 commissioned by the Hawaii Housing Finance and Development
3 Corporation, identified a critical and deepening housing
4 shortage, projecting that the State will require an additional
5 64,490 housing units by 2027 to meet demand, which significantly
6 exceeds previous estimates and underscores the urgency of the
7 State's housing crisis; and

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9 WHEREAS, to address this crisis, the Legislature enacted
10 Act 31, Session Laws of Hawaii 2024 (Act 31), to require the
11 counties to issue affordable housing credits for housing units
12 constructed under certain programs of the Hawaii Housing Finance
13 and Development Corporation; and

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15 WHEREAS, this body recognizes that the development of
16 affordable housing is a complex and capital-intensive process
17 that often spans many years and requires long-term financial
18 planning and stability; and

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20 WHEREAS, affordable housing credits function as a critical
21 incentive for developers who invest private capital to build
22 affordable units that serve the public interest; and

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24 WHEREAS, these credits are transferable assets that allow
25 developers to satisfy future affordable housing obligations,
26 thereby facilitating a continuous pipeline of housing
27 development; and
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1 WHEREAS, existing law mandates the issuance of affordable
2 housing credits on a "one-credit for one-unit" basis and
3 explicitly provides for their transferability to satisfy county
4 requirements, but does not authorize the imposition of
5 expiration dates or other time limits on the validity of these
6 credits; and

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8 WHEREAS, memoranda of agreement and other administrative
9 mechanisms utilized by the counties to manage affordable housing
10 credits are intended to facilitate their issuance and tracking
11 in alignment with state law, and are not intended to impose
12 restrictions such as expiration dates that are not authorized or
13 required under existing law; and

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15 WHEREAS, by ensuring that administrative agreements and
16 policies do not limit the life, value, transferability, or
17 utility of affordable housing credits it protects the incentive
18 established by the Legislature, reduces financial risk, and
19 encourages continued participation by developers in affordable
20 housing programs, consistent with the purpose and intent of Act
21 31; and

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23 WHEREAS, this body intends that an affordable housing
24 credit, once earned and issued in compliance with state law,
25 constitutes a vested right and a perpetual asset that remains
26 valid until it is redeemed to satisfy an affordable housing
27 obligation; now, therefore,

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29 BE IT RESOLVED by the House of Representatives of the
30 Thirty-third Legislature of the State of Hawaii, Regular Session
31 of 2026, the Senate concurring, that it is the intent of this
32 body that affordable housing credits issued pursuant to section
33 46-15.1, Hawaii Revised Statutes, including those governed by
34 Act 31, are perpetual in nature and remain valid and
35 transferable until such time as they are redeemed by a holder to
36 satisfy an affordable housing obligation; and

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38 BE IT FURTHER RESOLVED that it is the intent of this body
39 that the memoranda of agreement authorized under section 46-
40 15.1, Hawaii Revised Statutes, between any county and the Hawaii
41 Housing Finance and Development Corporation or Department of
42 Hawaiian Home Lands, are administrative instruments intended to



1 facilitate the efficient issuance, tracking, transfer, and
2 redemption of affordable housing credits, and are not intended
3 to diminish, restrict, or condition the life, value,
4 transferability, or utility of such credits beyond the terms
5 established by statute; and

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7 BE IT FURTHER RESOLVED that the counties are requested to
8 align their administrative rules, policies, and practices with
9 the statutory framework of section 46-15.1, Hawaii Revised
10 Statutes, to ensure that the value and utility of affordable
11 housing credits are not diminished by administrative time
12 limitations or other restrictions not specified in the statute;
13 and

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15 BE IT FURTHER RESOLVED that any memoranda of agreement
16 entered into between a county and the Hawaii Housing Finance and
17 Development Corporation or Department of Hawaiian Home Lands
18 regarding affordable housing credits is requested to be crafted
19 to facilitate the efficient administration of the credits while
20 avoiding provisions that would restrict the life, value,
21 transferability, or utility of the credits; and

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23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the Chairperson of the
25 Hawaiian Homes Commission; Executive Director of the Hawaii
26 Housing Finance and Development Corporation; Mayors of the
27 Counties of Hawaii, Kauai, and Maui; Mayor of the City and
28 County of Honolulu; Chairpersons of the County Councils of
29 Hawaii, Kauai, and Maui; and Chairperson of the Honolulu City
30 Council.

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33 OFFERED BY:



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