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# A BILL FOR AN ACT

RELATING TO PROPERTY CONVEYANCE.

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

1           SECTION 1. Section 171-19, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) There is created in the department a special fund to  
4 be designated as the "special land and development fund".  
5 Subject to the Hawaiian Homes Commission Act of 1920, as  
6 amended, and section 5(f) of the Admission Act of 1959, all  
7 proceeds of sale of public lands, including interest on deferred  
8 payments; all moneys collected under section 171-58 for mineral  
9 and water rights; all rents from leases, licenses, and permits  
10 derived from public lands; all moneys collected from lessees of  
11 public lands within industrial parks; all fees, fines, and other  
12 administrative charges collected under this chapter and  
13 chapter 183C; a portion of the highway fuel tax collected under  
14 chapter 243; a portion of the transient accommodations tax under  
15 chapter 237D; a portion of the conveyance tax collected under  
16 chapter 247; all moneys collected by the department for the  
17 commercial use of public trails and trail accesses under the



1 jurisdiction of the department; and private contributions for  
2 the management, maintenance, and development of trails and  
3 accesses shall be set apart in the fund and shall be used only  
4 as authorized by the legislature for the following purposes:

- 5 (1) To reimburse the general fund of the State for  
6 advances made that are required to be reimbursed from  
7 the proceeds derived from sales, leases, licenses, or  
8 permits of public lands;
- 9 (2) For the planning, development, management, operations,  
10 or maintenance of all lands and improvements under the  
11 control and management of the board pursuant to  
12 title 12, including but not limited to permanent or  
13 temporary staff positions who may be appointed without  
14 regard to chapter 76;
- 15 (3) To repurchase any land, including improvements, in the  
16 exercise by the board of any right of repurchase  
17 specifically reserved in any patent, deed, lease, or  
18 other documents or as provided by law;
- 19 (4) For the payment of all appraisal fees; provided that  
20 all fees reimbursed to the board shall be deposited in  
21 the fund;



- 1           (5) For the payment of publication notices as required  
2                   under this chapter; provided that all or a portion of  
3                   the expenditures may be charged to the purchaser or  
4                   lessee of public lands or any interest therein under  
5                   rules adopted by the board;
- 6           (6) For the management, maintenance, land acquisition, and  
7                   development of trails and trail accesses under the  
8                   jurisdiction of the department;
- 9           (7) For the payment to private land developers who have  
10                   contracted with the board for development of public  
11                   lands under section 171-60;
- 12           (8) For the payment of debt service on revenue bonds  
13                   issued by the department, including revenue bonds  
14                   issued for the purposes of section 237D-6.5(b)(4), and  
15                   the establishment of debt service and other reserves  
16                   deemed necessary by the board;
- 17           (9) To reimburse the general fund for debt service on  
18                   general obligation bonds issued to finance  
19                   departmental projects, including projects under  
20                   section 237D-6.5(b)(4), where the bonds are designated



1 to be reimbursed from the special land and development  
2 fund;

3 (10) For the protection, planning, management, and  
4 regulation of water resources under chapter 174C;

5 (11) For the purposes of section 237D-6.5(b)(4); and

6 (12) For other purposes of this chapter."

7 SECTION 2. Section 198D-2, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By amending subsection (b) to read:

10 "(b) The trail and access program shall use funding for  
11 the management, maintenance, land acquisition, and development  
12 of trails and trail accesses under the jurisdiction of the  
13 department from the following sources:

14 (1) A portion of the highway fuel taxes collected under  
15 chapter 243;

16 (2) Federal government grants;

17 (3) Private contributions; [~~and~~]

18 (4) Fees, established pursuant to administrative rules and  
19 charged by the department for the commercial and other  
20 use of trails and trail accesses under the  
21 jurisdiction of the department[]; and



1           (5) A portion of the conveyance tax collected under  
2           chapter 247."

3           2. By amending subsection (d) to read:

4           "(d) The moneys specified in subsection (b)(1), (3), [~~and~~]  
5 (4), and (5) shall be deposited in the special land and  
6 development fund under section 171-19 for the management,  
7 maintenance, land acquisition, and development of trails and  
8 trail accesses under the jurisdiction of the department."

9           SECTION 3. Section 201H-191, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "**§201H-191 Dwelling unit revolving fund.** (a) There is  
12 created a dwelling unit revolving fund. The funds appropriated  
13 for the purpose of the dwelling unit revolving fund [~~and~~],  
14 conveyance taxes received pursuant to section 247-7(3), and all  
15 moneys received or collected by the corporation for the purpose  
16 of the revolving fund shall be deposited in the revolving fund.  
17 The proceeds in the revolving fund shall be used:

18           (1) To reimburse the general fund to pay the interest on  
19           general obligation bonds issued for the purposes of  
20           the revolving fund;



- 1 (2) For necessary expenses in administering housing  
2 development programs, regional state infrastructure  
3 programs, and the government employee housing program  
4 pursuant to part V; ~~and~~
- 5 (3) To carry out the purposes of housing development  
6 programs, regional state infrastructure programs, and  
7 the government employee housing program pursuant to  
8 part V, including but not limited to the expansion of  
9 community facilities and regional state infrastructure  
10 constructed in conjunction with housing and mixed-use  
11 transit-oriented development projects, permanent  
12 primary or secondary financing, and supplementing  
13 building costs, federal guarantees required for  
14 operational losses~~[, and all]~~;
- 15 (4) To fund infrastructure programs in areas that meet  
16 transit-supportive density requirements; provided that  
17 proceeds from the conveyance tax deposited pursuant to  
18 section 247-7(3) shall only be used for the purposes  
19 of this paragraph; and



1        (5) All things required by any federal agency in the  
2                    construction and receipt of federal funds or  
3                    low-income housing tax credits for housing projects.

4        (b) Subject to the requirements of subsection (a),  
5 proceeds in the revolving fund may be used to:

6            (1) Establish and operate regional state infrastructure  
7                    subaccounts pursuant to section 201H-191.5; and

8            (2) Administer, implement, and finance the government  
9                    employee housing program pursuant [+]to[+] part V.

10        (c) For the purposes of this section:

11        "County-designated transit-oriented development area" means  
12 a geographic area designated by a county for transit-oriented  
13 development by an adopted ordinance, plan, or resolution. These  
14 areas shall generally consist of lands within a one-half-mile  
15 radius of a transit hub or transit station but may extend  
16 further when there is state and county agreement about the  
17 extent of the transit-oriented development area.

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



1       "Ministerial permit" means a permit processed based upon  
2 standards established through county ordinance or rule and  
3 issued by the director of the county agency responsible for land  
4 use or a single county officer designated by ordinance.

5       "Transit-supportive density requirements" means a  
6 county-designated transit-oriented development area:

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

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

12       (B) 6.0 for all uses that are permitted in a  
13 county-designated transit-oriented development  
14 area within one-half mile of a station of a  
15 locally preferred alternative for a mass transit  
16 project; and

17       (C) For all uses that are permitted within  
18 one-quarter mile of a station of a locally  
19 preferred alternative for a mass transit project,  
20 whichever is greater:

21       (i) 7.0;



1                   (ii) The maximum floor area ratio allowed by the  
2                                   adopted transit-oriented development special  
3                                   district; or

4                   (iii) The maximum floor area ratio allowed by the  
5                                   applicable transit-oriented development  
6                                   plan;

7           (2) For which permits for development are processed as a  
8                                   ministerial permit subject to applicable objective  
9                                   design standards;

10           (3) Where there is no imposition of a development standard  
11                                   that renders it impracticable to build a usable  
12                                   structure for the permitted uses at the applicable  
13                                   transit-supportive density; and

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

18           SECTION 4. Section 247-2, Hawaii Revised Statutes, is  
19 amended to read as follows:

20           "**§247-2 Basis and rate of tax.** (a) The tax imposed by  
21 section 247-1 shall be based on the actual and full



1 consideration (whether cash or otherwise, including any promise,  
2 act, forbearance, property interest, value, gain, advantage,  
3 benefit, or profit), paid or to be paid for all transfers or  
4 conveyance of realty or any interest therein, that shall include  
5 any liens or encumbrances thereon at the time of sale, lease,  
6 sublease, assignment, transfer, or conveyance, and shall be at  
7 the following rates:

8 (1) Except as provided in paragraph (2):

9 (A) [~~Ten cents per \$100 for~~] For properties with a  
10 value of less than \$600,000[+]: \_\_\_\_\_ cents per  
11 \$100;

12 (B) [~~Twenty cents per \$100 for~~] For properties with a  
13 value of at least \$600,000, but less than  
14 \$1,000,000[+]: \$ \_\_\_\_\_ plus \_\_\_\_\_ cents per  
15 \$100 of excess over \$600,000;

16 (C) [~~Thirty cents per \$100 for~~] For properties with a  
17 value of at least \$1,000,000, but less than  
18 \$2,000,000[+]: \$ \_\_\_\_\_ plus \_\_\_\_\_ cents per  
19 \$100 of excess over \$1,000,000;

20 (D) [~~Fifty cents per \$100 for~~] For properties with a  
21 value of at least \$2,000,000, but less than



1 \$4,000,000[+]: \$ \_\_\_\_\_ plus \_\_\_\_\_ cents per  
2 \$100 of excess over \$2,000,000;

3 (E) [~~Seventy cents per \$100 for~~] For properties with  
4 a value of at least \$4,000,000, but less than  
5 \$6,000,000[+]: \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per  
6 \$100 of excess over \$4,000,000;

7 (F) [~~Ninety cents per \$100 for~~] For properties with a  
8 value of at least \$6,000,000, but less than  
9 \$10,000,000[+ and]: \$ \_\_\_\_\_ plus  
10 \$ \_\_\_\_\_ per \$100 of excess over \$6,000,000;

11 and

12 (G) [~~One dollar per \$100 for~~] For properties with a  
13 value of at least \$10,000,000 [~~or greater; and~~]:  
14 \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per \$100 of excess  
15 over \$10,000,000; and

16 (2) For the sale of a condominium [~~or~~], single family  
17 residence, or land zoned agricultural with a  
18 residential dwelling unit, for which the purchaser is  
19 ineligible for a county homeowner's exemption on  
20 property tax:



- 1 (A) [~~Fifteen cents per \$100 for~~] For properties with  
2 a value of less than \$600,000[+]: \_\_\_\_\_ cents  
3 per \$100;
- 4 (B) [~~Twenty five cents per \$100 for~~] For properties  
5 with a value of at least \$600,000, but less than  
6 \$1,000,000[+]: \$ \_\_\_\_\_ plus \_\_\_\_\_ cents per  
7 \$100 of excess over \$600,000;
- 8 (C) [~~Forty cents per \$100 for~~] For properties with a  
9 value of at least \$1,000,000, but less than  
10 \$2,000,000[+]: \$ \_\_\_\_\_ plus \_\_\_\_\_ cents per  
11 \$100 of excess over \$1,000,000;
- 12 (D) [~~Sixty cents per \$100 for~~] For properties with a  
13 value of at least \$2,000,000, but less than  
14 \$4,000,000[+]: \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per  
15 \$100 of excess over \$2,000,000;
- 16 (E) [~~Eighty five cents per \$100 for~~] For properties  
17 with a value of at least \$4,000,000, but less  
18 than \$6,000,000[+]: \$ \_\_\_\_\_ plus  
19 \$ \_\_\_\_\_ per \$100 of excess over \$4,000,000;
- 20 (F) [~~One dollar and ten cents per \$100 for~~] For  
21 properties with a value of at least \$6,000,000,



1 but less than \$10,000,000[ ~~and~~]:  
2 \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per \$100 of excess  
3 over \$6,000,000; and  
4 (G) [~~One dollar and twenty five cents per \$100 for~~]  
5 For properties with a value of \$10,000,000 or  
6 greater[ ~~and~~]: \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per  
7 \$100 of excess over \$10,000,000,  
8 of [~~such~~] the actual and full consideration; provided that in  
9 the case of a lease or sublease, this chapter shall apply only  
10 to a lease or sublease whose full unexpired term is for a period  
11 of five years or more[ ~~and in those cases, including (where~~  
12 ~~appropriate) those cases where the~~]; provided further that if a  
13 lease has been extended or amended, the tax in this chapter  
14 shall be based on the cash value of the lease rentals discounted  
15 to present day value and capitalized at the rate of six per  
16 cent, plus the actual and full consideration paid or to be paid  
17 for any and all improvements, if any, that shall include on-site  
18 as well as off-site improvements, applicable to the leased  
19 premises; [~~and~~] provided further that the tax imposed for each  
20 transaction shall be not less than \$1.



1       The rates in this section shall apply to the transfer or  
2 conveyance of a multifamily residential property; provided that  
3 "value", for purposes of determining the applicable rate, means  
4 an amount calculated by dividing the actual and full  
5 consideration for the transfer or conveyance of realty or any  
6 interest therein by the number of residential dwelling units in  
7 the property. For the purposes of this subsection, "multifamily  
8 residential property" means a structure that is located within  
9 the state urban land use district and divided into five or more  
10 dwelling units.

11       (b) For each taxable year beginning after December 31,  
12 2027, the director of taxation, no later than December 15 of the  
13 preceding calendar year, shall recompute the value in  
14 subsections 247-2(a)(1) and (2) by multiplying the dollar  
15 amounts for the preceding taxable year by the cost-of-living  
16 adjustment factor, if the cost-of-living adjustment factor is  
17 greater than 1.0, and rounding off the resulting product to the  
18 nearest \$1; provided that if the cost-of-living adjustment  
19 factor is less than or equal to 1.0 in a given year, then no  
20 adjustment shall occur in the following year.



1       As used in this subsection, "cost-of-living adjustment  
2 factor" means a factor calculated by adding 1.0 to the quotient  
3 of the percentage change in the Urban Hawaii Consumer Price  
4 Index for all items divided by one hundred, as published by the  
5 United States Department of Labor, from July of the preceding  
6 calendar year to July of the current calendar year; provided  
7 that if the Urban Hawaii Consumer Price Index is discontinued,  
8 the Chained Consumer Price Index for All Urban Consumers, as  
9 published by the United States Department of Labor, shall be  
10 used to calculate the cost-of-living adjustment factor."

11       SECTION 5. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14       SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16       SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Conveyance Tax; Land Conservation Fund; Special Land and Development Fund; Dwelling Unit Revolving Fund; Infrastructure Funding; County-Designated Transit-Oriented Development

**Description:**

Restructures the conveyance tax to a marginal rate system and adjusts the tax for multifamily properties to reflect value on a per-unit basis. Adds the Special Land and Development Fund (to fund land acquisition for the Hawaii Statewide Trail and Access Program) and the Dwelling Unit Revolving Fund (to fund infrastructure programs in county-designated transit-oriented development areas). Effective 7/1/2050. (SD2)

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

