

ACT 102

H.B. NO. 142

A Bill for an Act Relating to Affordable Housing on Hawaiian Home Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 46-15.1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each county shall recognize housing units developed by the department of Hawaiian home lands and issue affordable housing credits to the department of Hawaiian home lands [with respect to existing and future Hawaiian home lands projects upon a request for such credits by the department of Hawaiian home lands]. The credits shall be transferable and shall be issued on a [one-unit] one-credit for one-unit basis[-], unless the housing unit is eligible for additional credits as provided by adopted county ordinances, rules, or any memoranda of agreement between a county and the department of Hawaiian home lands. In the event that credits are transferred by the department of Hawaiian home lands, twenty-five per cent of any monetary proceeds from the transfer shall be used by the department of Hawaiian home lands to develop units for rental properties. Credits shall be issued for each single-family residence, multi-family unit, other residential unit, whether for purposes of sale or rental, or if allowed under the county’s affordable housing programs, vacant lot, developed by the department of Hawaiian home lands. The credits may be applied county-wide within the same county in which the credits were earned to satisfy affordable housing obligations imposed by the county on [market-priced] market-priced residential and non-residential developments. County-wide or project-specific requirements for [the location of affordable housing units;] housing class, use, or type; or construction time[-; or other county requirements] for affordable housing units shall not impair, restrict, or condition the county’s obligation to apply the credits in full satisfaction of all county requirements, whether by rule, ordinance, or particular zoning conditions of a project. Notwithstanding any provisions herein to the contrary, the department may enter into a memorandum of agreement with the county of Kauai to establish, modify, or clarify the conditions for the issuance, transfer, and redemption of the affordable housing credits in accordance with county affordable housing ordinances or rules. Notwithstanding any provisions herein to the contrary, the department may enter into a memorandum of agreement with the city and county of Honolulu to establish, modify, or clarify the conditions for the issuance, transfer, and redemption of the affordable housing credits in accordance with county affordable housing ordinances or rules. At least half of the affordable housing credits issued by the city and county of Honolulu shall be subject to a memorandum of agreement pursuant to this subsection.

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For purposes of this section, “affordable housing obligation” means the requirement imposed by a county, regardless of the date of its imposition, to develop vacant lots, single-family residences, multi-family residences, or any other type of residence for sale or rent to individuals within a specified income range.”

SECTION 2. Nothing in this Act shall amend the terms and conditions agreed to by the department of Hawaiian home lands and any county for any affordable housing credits already issued to the department of Hawaiian home lands prior to the effective date of this Act.

SECTION 3. Act 141, Session Laws of Hawaii 2009, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect on July 1, 2009; provided that on ~~[June 30, 2015,]~~ July 1, 2019, this Act shall be repealed and section 46-15.1, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the approval of this Act.”

SECTION 4. Act 98, Session Laws of Hawaii 2012, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect upon its approval, and shall be repealed on ~~[June 30, 2015,]~~ July 1, 2019; provided that section ~~[46-15.1(b); 46-15.1, Hawaii Revised Statutes, shall be reenacted pursuant to section 3 of Act 141, Session Laws of Hawaii 2009[;]~~ and section 11¹ of Act 96, Session Laws of Hawaii 2014.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on June 29, 2015.

(Approved June 9, 2015.)

Note

1. So in original.