

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2539
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land, to which was referred H.B. No. 2539, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PLANNED COMMUNITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to require the counties to designate an agency to inform the public and hold a hearing when lands included in a community master plan are proposed for sale and intended to be used for a purpose other than as proposed in the master plan.

Your Committees received testimony in support of this measure from Ho'omana Pono, LLC; and one individual. Your Committees received testimony in opposition to this measure from the Department of Planning and Permitting for the City and County of Honolulu and Land Use Research Foundation of Hawaii.

Your Committees find that it is important to allow for meaningful public input during the approval process for master plans of planned communities. Your Committees also find that in planned communities, sometimes developers fail to develop plots of land as originally planned and those plots of land are then sold and subsequently used for something other than the intended purpose. Your Committees find that when this occurs, many



residents are left confused and frustrated, particularly when there is no notification of the land being sold or the development plan being changed. Therefore, your Committees find that there should be notification requirements that require the owner of the subject property to provide written notification to the other property owners in the planned community and all neighborhood boards and legislators representing the area in which the subject property is located. Your Committees find that these notification requirements would be a more direct and effective way of communicating with those affected by potential changes in the planned community master plan than involving county planning departments.

Accordingly, your Committees have amended this measure by:

- (1) Deleting the requirement that the owner of any parcel of land included within a planned community master plan that is proposed for sale and intended to be used for a purpose other than as proposed in the planned community master plan, inform the planning department of the county of the proposed sale and of the intended use of the parcel;
- (2) Inserting a requirement that the owner of any parcel of land included within a planned community master plan that is proposed for sale and intended to be used for a purpose other than as proposed in the planned community master plan, inform each owner of a unit in the planned community and all neighborhood boards and legislators representing the area in which the parcel of land is located in writing of the intended use of the parcel no later than ninety days before the sale of the parcel; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2539, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2539,

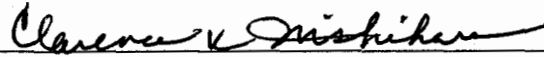


H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Water and Land,



KARL RHOADS, Chair

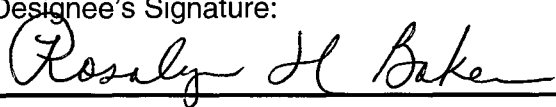


CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* HB 2539, HD1	Committee Referral: PSM/WTZ, WAM	Date: 3-20-2018		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)				✓
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
TOTAL	4	-	-	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**

The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* HB 2539, HD 1	Committee Referral: PSM/WTL, WAM	Date: 3/20/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)				/
INOUE, Lorraine R.				/
RIVIERE, Gil	/			
THIELEN, Laura H.	/			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

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