

JAN 21 2021

---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§205-3.1 Amendments to district boundaries. (a)  
4 District boundary amendments involving the following lands [~~in~~  
5 ~~the conservation district, land areas greater than fifteen~~  
6 ~~acres, or lands delineated as important agricultural lands]~~  
7 shall be processed by the land use commission pursuant to  
8 section 205-4 [~~+~~]:

- 9 (1) Lands in the conservation district;  
10 (2) Lands delineated as important agricultural lands; or  
11 (3) Land areas greater than fifteen acres, except  
12 non-important agricultural land or rural land areas  
13 greater than fifteen acres but not more than  
14 twenty-five acres if the land areas are proposed for  
15 reclassification to the urban district and at least  
16 sixty per cent of the land areas will be dedicated for  
17 the development of affordable housing.



1 (b) Any department or agency of the State, and department  
2 or agency of the county in which the land is situated, or any  
3 person with a property interest in the land sought to be  
4 reclassified may petition the appropriate county land use  
5 decision-making authority of the county in which the land is  
6 situated for a change in the boundary of a district involving  
7 ~~[lands]~~:

8 (1) Lands less than fifteen acres presently in the rural  
9 and urban districts ~~[and lands]~~;

10 (2) Land areas greater than fifteen acres but not more  
11 than twenty-five acres if the land areas are proposed  
12 for reclassification to the urban district, are  
13 contiguous to the urban district, and at least sixty  
14 per cent of the square footage of the development will  
15 be dedicated for the development of affordable  
16 housing; and

17 (3) Lands less than fifteen acres in the agricultural  
18 district that are not designated as important  
19 agricultural lands.

20 (c) District boundary amendments involving ~~[land areas of~~  
21 ~~fifteen acres or less, except as provided in]~~ lands described in



1 subsection (b) [7] shall be determined by the appropriate county  
2 land use decision-making authority for the district and shall  
3 not require consideration by the land use commission pursuant to  
4 section 205-4; provided that such boundary amendments and  
5 approved uses are consistent with this chapter. The appropriate  
6 county land use decision-making authority may consolidate  
7 proceedings to amend state land use district boundaries pursuant  
8 to this subsection, with county proceedings to amend the general  
9 plan, development plan, zoning of the affected land, or such  
10 other proceedings. Appropriate ordinances and rules to allow  
11 consolidation of such proceedings may be developed by the county  
12 land use decision-making authority.

13 (d) The county land use decision-making authority shall  
14 serve a copy of the application for a district boundary  
15 amendment to the land use commission and the department of  
16 business, economic development, and tourism and shall notify the  
17 commission and the department of the time and place of the  
18 hearing and the proposed amendments scheduled to be heard at the  
19 hearing. A change in the state land use district boundaries  
20 pursuant to this subsection shall become effective on the day  
21 designated by the county land use decision-making authority in



1 its decision. Within sixty days of the effective date of any  
2 decision to amend state land use district boundaries by the  
3 county land use decision-making authority, the decision and the  
4 description and map of the affected property shall be  
5 transmitted to the land use commission and the department of  
6 business, economic development, and tourism by the county  
7 planning director.

8 (e) Parceling of lands for development shall be prohibited  
9 for the purposes of subsection (d). If lands that have been  
10 parceled are proposed for reclassification, the petition for  
11 reclassification shall be processed as lands greater than  
12 fifteen or twenty-five acres.

13 (f) For the purposes of this section:

14 "Affordable housing" means housing that requires the  
15 purchaser to be, in perpetuity, a Hawaii resident, an owner  
16 occupant, and owner of no other real property.

17 "Parceling" means the subdivision of lands greater than  
18 twenty-five acres into two or more parcels, more than one of  
19 which is then proposed for reclassification within a ten-year  
20 period of time from the date of the subdivision."



1 SECTION 2. Section 205-4, Hawaii Revised Statutes, is  
2 amended as follows:

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

4 "(a) Any department or agency of the State, any department  
5 or agency of the county in which the land is situated, or any  
6 person with a property interest in the land sought to be  
7 reclassified, may petition the land use commission for a change  
8 in the boundary of a district. This section applies to all  
9 petitions for changes in district boundaries of lands within  
10 conservation districts, lands designated or sought to be  
11 designated as important agricultural lands, and lands greater  
12 than fifteen acres in the agricultural, rural, and urban  
13 districts, except as provided in [~~section 201H-38.~~] sections  
14 201H-38 and 205-3.1(a). The land use commission shall adopt  
15 rules pursuant to chapter 91 to implement section 201H-38."

16 2. By amending subsection (g) to read:

17 "(g) Within a period of not more than three hundred  
18 sixty-five days after the proper filing of a completed petition,  
19 unless otherwise ordered by a court, or unless a time extension,  
20 which shall not exceed ninety days, is established by a two-  
21 thirds vote of the members of the commission, the commission, by



# S.B. NO. 137

1 filing findings of fact and conclusions of law, shall act to  
2 approve the petition, deny the petition, or to modify the  
3 petition by imposing conditions necessary to uphold the intent  
4 and spirit of this chapter or the policies and criteria  
5 established pursuant to section 205-17 or to assure substantial  
6 compliance with representations made by the petitioner in  
7 seeking a boundary change. The commission may provide by  
8 condition that absent substantial commencement of use of the  
9 land in accordance with such representations, the commission  
10 shall issue and serve upon the party bound by the condition an  
11 order to show cause why the property should not revert to its  
12 former land use classification or be changed to a more  
13 appropriate classification. Such conditions, if any, shall run  
14 with the land and be recorded in the bureau of conveyances."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY:



# S.B. NO. 137

**Report Title:**

District Boundaries; Amendments; Counties; Affordable Housing

**Description:**

Authorizes county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen acres, except non important agricultural land or rural land areas greater than fifteen acres but not more than twenty-five acres if the land areas are proposed for reclassification to the urban district and at least sixty per cent of the land areas will be dedicated for the development of affordable housing.

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

