

JAN 21 2022

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 devoted to
17 the development of housing that meets the United



1 States Housing and Urban Development definition of
2 affordable housing.

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

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

12 (2) Land areas greater than fifteen acres but not more
13 than twenty-five acres if the land areas are proposed
14 for reclassification to the urban district, are
15 contiguous to the urban district, and at least sixty
16 per cent of the units of the development will be
17 dedicated for the development of affordable housing;
18 provided that the soil is classified by the land study
19 bureau's detailed land classification as overall
20 (master) productivity rating class C or lesser;



1 (3) Lands less than fifteen acres in the agricultural
2 district that are not designated as important
3 agricultural lands[-] or with soil classified by the
4 land study bureau's detailed land classification as
5 overall (master) productivity rating class A or B; and
6 (4) Land areas greater than thirty-five acres, but no more
7 than fifty acres, located in counties with a total
8 land area greater than four thousand square miles.
9 (c) District boundary amendments involving [~~land areas of~~
10 ~~fifteen acres or less, except as provided in~~] lands described in
11 subsection (b) [7] shall be determined by the appropriate county
12 land use decision-making authority for the district and shall
13 not require consideration by the land use commission pursuant to
14 section 205-4; provided that such boundary amendments and
15 approved uses are consistent with this chapter. The appropriate
16 county land use decision-making authority may consolidate
17 proceedings to amend state land use district boundaries pursuant
18 to this subsection, with county proceedings to amend the general
19 plan, development plan, zoning of the affected land, or such
20 other proceedings. Appropriate ordinances and rules to allow
21 consolidation of such proceedings may be developed by the county



1 land use decision-making authority[-]; provided that any
2 district boundary amendment that is not approved or denied by
3 the appropriate county land use decision-making authority within
4 ninety days of the petition filing date shall be deemed
5 approved.

6 (d) The county land use decision-making authority shall
7 serve a copy of the application for a district boundary
8 amendment to the land use commission and the department of
9 business, economic development, and tourism and shall notify the
10 commission and the department of the time and place of the
11 hearing and the proposed amendments scheduled to be heard at the
12 hearing. A change in the state land use district boundaries
13 pursuant to this subsection shall become effective on the day
14 designated by the county land use decision-making authority in
15 its decision. Within sixty days of the effective date of any
16 decision to amend state land use district boundaries by the
17 county land use decision-making authority, the decision and the
18 description and map of the affected property shall be
19 transmitted to the land use commission and the department of
20 business, economic development, and tourism by the county
21 planning director.



1 (e) Parceling of lands for development shall be prohibited
2 for the purposes of subsection (d). If lands that have been
3 parceled are proposed for reclassification, the petition for
4 reclassification shall be processed as lands greater than
5 fifteen but not more than twenty-five acres.

6 (f) For the purposes of this section:

7 "Affordable housing" means housing that requires the
8 purchaser to be, in perpetuity, a Hawaii resident, employed
9 within the county in which the unit exists, an owner occupant,
10 and owner of no other real property.

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

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

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

18 "(a) Any department or agency of the State, any department
19 or agency of the county in which the land is situated, or any
20 person with a property interest in the land sought to be
21 reclassified, may petition the land use commission for a change



1 in the boundary of a district. This section applies to all
2 petitions for changes in district boundaries of lands within
3 conservation districts, lands designated or sought to be
4 designated as important agricultural lands, and lands greater
5 than fifteen acres in the agricultural, rural, and urban
6 districts, except as provided in [~~section~~] sections 201H-38 [~~-~~]
7 and 205-3.1(a). The land use commission shall adopt rules
8 pursuant to chapter 91 to implement [~~section~~] sections
9 201H-38 [~~-~~] and 205-3.1(a)."

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

11 "(g) Within a period of not more than three hundred sixty-
12 five days after the proper filing of a completed petition,
13 unless otherwise ordered by a court, or unless a time extension,
14 which shall not exceed ninety days, is established by a two-
15 thirds vote of the members of the commission, the commission, by
16 filing findings of fact and conclusions of law, shall act to
17 approve the petition, deny the petition, or to modify the
18 petition by imposing conditions necessary to uphold the intent
19 and spirit of this chapter or the policies and criteria
20 established pursuant to section 205-17 or to assure substantial
21 compliance with representations made by the petitioner in



1 seeking a boundary change. The commission may provide by
2 condition that absent substantial commencement of use of the
3 land in accordance with such representations, the commission
4 shall issue and serve upon the party bound by the condition an
5 order to show cause why the property should not revert to its
6 former land use classification or be changed to a more
7 appropriate classification. Such conditions, if any, shall run
8 with the land and be recorded in the bureau of conveyances."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY: _____



S.B. NO. 2899

Report Title:

District Boundaries; Amendments; Counties; Affordable Housing

Description:

Authorizes county land use decision-making authorities to amend district boundaries involving certain land areas: (1) greater than fifteen acres, but not more than twenty-five acres, if the land areas are proposed for reclassification to the urban district, contiguous to an urban district, and at least sixty per cent of the land areas will be dedicated for the development of affordable housing; and (2) greater than thirty-five acres, but not more than fifty acres, if located in a county with a total land acre greater than four thousand square miles. Requires the counties to approve or deny applications for district boundary amendments within ninety days.

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

