

STAND. COM. REP. NO. 521

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 937  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 937 entitled:

"A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify that a simple majority of affirmative votes by members of the Land Use Commission is required for any boundary amendment; and
- (2) Reduce the number of days by which the Land Use Commission must act for certain actions related to amendments to district boundaries.

Your Committee received testimony in support of this measure from the Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Department of the Attorney General, Land Use Commission, and Grassroot Institute of Hawaii.

Your Committee finds that delays in land use permitting and approvals substantially increase the time and cost required to build new housing. A study on the burden of housing regulation from the University of Hawaii Economic Research Organization indicates that the average length of approval delay in Hawaii is



three times the national mean, leading to uncertainty and expense that disincentivizes development.

Your Committee finds that under existing law, six out of the nine members of the Land Use Commission must affirmatively vote to approve any boundary amendment. In addition, the Land Use Commission is required to hold a hearing within not less than sixty and not more than one hundred eighty days. Your Committee finds that adjusting the laws governing the Land Use Commission approval process will expedite the development process and help address the State's excessive permit and approval times. Therefore, this measure specifies that a simple majority of affirmative votes by members of the Land Use Commission is required for any boundary amendment and reduces the number of days by which the Land Use Commission must act for certain actions related to amendments to district boundaries.

Your Committee has heard the testimony of the Department of the Attorney General, expressing concern that the term "simple majority" is vague with respect to how the simple majority should be calculated and that additional clarity would be useful.

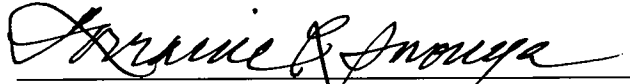
Therefore, your Committee has amended this measure by:

- (1) Clarifying that a simple majority of affirmative votes of members present at a meeting and qualified to vote shall be necessary for any boundary amendment; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 937, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 937, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



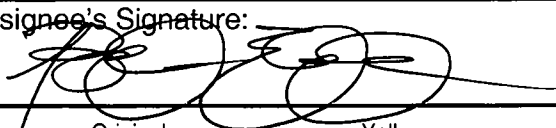
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LORRAINE R. INOUE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 937	WTL, JDC/WAM	02/15/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod				
File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes