
A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Amendments to district boundaries. An
5 appropriate county land use decision-making authority may
6 determine district boundary amendments as authorized by chapter
7 205."

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

10 "§205-3.1 Amendments to district boundaries. (a)
11 District boundary amendments involving lands in the conservation
12 district, land areas greater than fifteen acres, or lands
13 delineated as important agricultural lands shall be processed by
14 the land use commission pursuant to section 205-4[~~7~~], except as
15 otherwise provided in this section.

16 (b) Any department or agency of the State, and department
17 or agency of the county in which the land is situated, or any



1 person with a property interest in the land sought to be
2 reclassified may petition the appropriate county land use
3 decision-making authority of the county in which the land is
4 situated for a change in the boundary of a district involving
5 lands less than fifteen acres presently in the rural and urban
6 districts and lands less than fifteen acres in the agricultural
7 district that are not designated as important agricultural
8 lands.

9 (c) District boundary amendments involving land areas of
10 fifteen acres or less, except as provided in subsection (b),
11 shall be determined by the appropriate county land use decision-
12 making authority for the district and shall not require
13 consideration by the land use commission pursuant to section
14 205-4; provided that ~~such~~ the boundary amendments and approved
15 uses are consistent with this chapter. The appropriate county
16 land use decision-making authority may consolidate proceedings
17 to amend state land use district boundaries pursuant to this
18 subsection, with county proceedings to amend the general plan,
19 development plan, zoning of the affected land, or ~~such~~ other
20 proceedings. Appropriate ordinances and rules to allow



1 consolidation of [~~such~~] proceedings may be developed by the
2 county land use decision-making authority.

3 (d) An application for a district boundary amendment
4 involving a land area greater than fifteen acres but not greater
5 than one hundred acres, except for lands that are designated as
6 important agricultural lands or lands where the soil is
7 classified by the land study bureau's detailed land
8 classification as overall (master) productivity class A or B,
9 shall be determined by the appropriate county land use decision-
10 making authority for the district and shall not require
11 consideration by the land use commission if, by the date of the
12 application, the county has adopted an ordinance that:

- 13 (1) Establishes a procedure for determining the district
14 boundary amendments;
15 (2) Requires the county to own and retain ownership of the
16 land area for at least ninety-nine years;
17 (3) Requires that one hundred per cent of the land area be
18 used for affordable housing as defined by county
19 ordinance;
20 (4) Requires that at least seventy-five per cent of the
21 housing units on the land be set aside for persons and



1 families with incomes at or below one hundred per cent
2 of the area median income;
3 (5) Requires the district boundary amendment and approved
4 uses to be consistent with the applicable county
5 general plan or community development plan;
6 (6) Requires the county to complete and incorporate
7 mitigation of the impact on county and state
8 resources, including schools and highways; provided
9 that mitigation efforts under this paragraph shall be
10 approved by the appropriate state department; and
11 (7) Incorporates due process into the procedure for
12 determining district boundary amendments pursuant to
13 paragraph (1) in accordance with all state laws and
14 the public trust doctrine.
15 (e) Notwithstanding subsection (d), application for a
16 district boundary amendment wholly contained within a
17 county-owned land area that is not greater than one hundred
18 acres may be determined by the appropriate county land use
19 decision-making authority without seeking approval by the land
20 use commission; provided that the appropriate county land use
21 decision-making authority issues a finding that it has



1 considered all impacts of the proposed amendment that the land
2 use commission would have considered under a petition submitted
3 to the land use commission pursuant to this chapter for a
4 district boundary amendment involving the same or similar land
5 use classifications and land area.

6 ~~(d)~~ (f) The county land use decision-making authority
7 shall 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 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

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

18 SECTION 4. Each county land use decision-making authority
19 whose county has adopted an ordinance pursuant to section
20 205-3.1(d), Hawaii Revised Statutes, as amended by section 2 of
21 this Act, shall submit a report on the effects of this Act,



1 including how many affordable housing units were built and any
2 proposed legislation, to the legislature no later than twenty
3 days prior to the convening of the regular session of 2028.

4 SECTION 5. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2023.



Report Title:

Counties; District Boundary Amendments; County Ordinances;
Affordable Housing; Report

Description:

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving county-owned land areas not greater than one hundred acres, subject to conditions. Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres but not over one hundred acres, except lands that are designated as important agricultural land or lands where the soil is classified by the Land Study Bureau's detailed land classification as overall (master) productivity class A or B if the county has adopted an ordinance that meets certain requirements. Requires each county land use decision-making authority whose county adopted an ordinance to submit a report to the Legislature. (CD1)

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

