

JAN 17 2024

A BILL FOR AN ACT

RELATING TO HOUSING.

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- Zoning; less intensive use; prohibition;
5 exception. (a) Notwithstanding any law to the contrary, with
6 respect to land where housing is an allowable use, an affected
7 county shall not enact a development ordinance, policy,
8 standard, agreement, or condition that would:

9 (1) Change the general plan use designation, specific plan
10 land use designation, or zoning of a parcel or parcels
11 of property to a less intensive use; or

12 (2) Reduce the intensity of land use within an existing
13 general plan land use designation, specific plan land
14 use designation, or zoning district,

15 below what was allowed under the land use designation and zoning
16 ordinances of the affected county as in effect on January 1,
17 2024.



1 (b) Nothing in this section shall prohibit an affected
2 county from changing a land use designation or zoning ordinance
3 to a less intensive use if the county concurrently changes the
4 development standards, policies, or conditions applicable to
5 other parcels within the jurisdiction to ensure that there is no
6 net loss in residential capacity.

7 (c) For purposes of this section, "less intensive use"
8 includes but is not limited to:

- 9 (1) Reductions to height, density, or floor area ratio;
10 (2) New or increased open space or lot size requirements;
11 (3) New or increased setback requirements, minimum
12 frontage requirements, or maximum lot coverage
13 limitations; or
14 (4) Anything that would lessen the intensity of housing."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon approval.

17

INTRODUCED BY: 



S.B. NO. 2018

Report Title:

Counties; Housing; Zoning; Less Intensive Use; Downzone
Prohibition; Exception

Description:

Prohibits a county from changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific land use designation and zoning ordinances in effect on January 1, 2024. Allows a county to change a land use designation or zoning ordinance to a less intensive use if the county concurrently enacts measures to ensure that there is no net loss in residential capacity.

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

