

JAN 18 2024

A BILL FOR AN ACT

RELATING TO REVOCABLE PERMITS.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources' revocable permit program grants
3 business entities permission to occupy and utilize department
4 lands on a short-term basis. Presently, permits are issued and
5 effective on a month-to-month basis that automatically terminate
6 one year from the commencement date or unless any or all terms
7 have not been met per the permit agreement. To extend leases
8 under revocable permits, the board of land and natural resources
9 may approve the entity's request. While the revocable permit
10 program provides business entities with opportunities to utilize
11 state lands, the renewal process has been unclear to prospective
12 and current entities. Greater transparency and prior notice of
13 the board of land and natural resources' process to put parcels
14 up for auction is reasonable and necessary for businesses to
15 plan for the future.

16 The legislature further finds that the department of land
17 and natural resources' revocable permit program has a



1 controversial history. Presently, there is a lack of specific
2 guidance in existing law, creating additional uncertainty for
3 lessees. Establishing clear procedures for the issuance of
4 revocable permits, including requisite notice for actions taken
5 regarding revocable permits, will provide lessees with accurate
6 information while also ensuring continuity of existing
7 activities.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Require the department of land and natural resources
10 to obtain approval from the board of land and natural
11 resources before taking action on a revocable permit;
12 and
13 (2) Prohibit any action that would result in tenant
14 eviction from being taken on a renewed revocable
15 permit before the year of renewal or during the
16 renewed year.

17 SECTION 2. Section 171-55, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Notwithstanding any other law to the contrary, the
20 board of land and natural resources may issue permits for the
21 temporary occupancy of state lands or an interest therein on a



1 month-to-month basis by direct negotiation without public
2 auction, under conditions and rent [~~which~~] that will serve the
3 best interests of the State, subject, however, to those
4 restrictions as may from time to time be expressly imposed by
5 the board. A permit on a month-to-month basis may continue for
6 a period not to exceed one year from the date of its issuance;
7 provided that the board may allow the permit to continue on a
8 month-to-month basis for additional one year periods[~~-~~];
9 provided further that any action taken by the board regarding a
10 permit that is allowed to continue, and is taken prior to or
11 during the year of continuation, shall not terminate the permit.
12 Any action taken by the department that impacts the continuation
13 of a permit on a month-to-month basis shall require prior
14 approval by the board."

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

17



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

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INTRODUCED BY *Spencer R. Hays*



S.B. NO. 2151

Report Title:

BLNR; DLNR; Revocable Permit; Permit Renewal; Permissible Actions

Description:

Requires the Department of Land and Natural Resources to obtain approval from the Board of Land and Natural Resources before taking any action on a revocable permit. Requires a six-month notice for any actions taken that result in current tenant eviction. Prohibits tenant eviction in the year of renewal or during the renewed year.

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

