

JAN 19 2023

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. (a)
5 Notwithstanding any law to the contrary, with respect to land
6 where housing is an allowable use, an affected county shall not
7 enact a development ordinance, policy, standard, agreement, or
8 condition that would change the general plan use designation,
9 specific plan land use designation, or zoning of a parcel or
10 parcels of property to a less intensive use, or reduce the
11 intensity of land use within an existing general plan land use
12 designation, specific plan land use designation, or zoning
13 district below what was allowed under the land use designation
14 and zoning ordinances of the affected county as in effect on
15 January 1, 2023.

16 (b) Nothing in this section shall prohibit an affected
17 county from changing a land use designation or zoning ordinance



1 to a less intensive use if the county concurrently changes the
2 development standards, policies, or conditions applicable to
3 other parcels within the jurisdiction to ensure that there is no
4 net loss in residential capacity.

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

7 (1) Reductions to height, density, or floor area ratio;

8 (2) New or increased open space or lot size requirements;

9 (3) New or increased setback requirements, minimum

10 frontage requirements, or maximum lot coverage

11 limitations; or

12 (4) Anything that would lessen the intensity of housing.

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "A. K. S.", written over a horizontal line.

S.B. NO. 331

Report Title:

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

Description:

Prohibits a county from enacting a development policy, standard, or condition that would have the effect of 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 of the county in effect on January 1, 2023.

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

