

JAN 20 2023

A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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

1 SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§205-3.1 Amendments to district boundaries.** (a)
4 District boundary amendments involving lands in the conservation
5 district, land areas greater than fifteen acres, or lands
6 delineated as important agricultural lands shall be processed by
7 the land use commission pursuant to section 205-4[~~+~~], except as
8 otherwise provided in this section.

9 (b) Any department or agency of the State, and department
10 or agency of the county in which the land is situated, or any
11 person with a property interest in the land sought to be
12 reclassified may petition the appropriate county land use
13 decision-making authority of the county in which the land is
14 situated for a change in the boundary of a district involving
15 lands less than fifteen acres presently in the rural and urban
16 districts and lands less than fifteen acres in the agricultural



1 district that are not designated as important agricultural
2 lands.

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

18 (d) An application for a district boundary amendment
19 involving a land area over fifteen acres shall be determined by
20 the appropriate county land use decision-making authority for
21 the district and shall not require consideration by the land use



1 commission if, by the date of the application, the county has
2 adopted an ordinance that:

3 (1) Establishes a procedure for determining such district
4 boundary amendments;

5 (2) Requires the county or State to own and retain
6 ownership of the land area for at least ninety-nine
7 years;

8 (3) Requires that one hundred per cent of the land area be
9 used for affordable housing as defined by the county
10 pursuant to paragraph (1);

11 (4) Requires the district boundary amendment and approved
12 uses to be consistent with the applicable county
13 general plan or community development plan;

14 (5) Requires the county to complete and incorporate
15 mitigation of the impact on county and state
16 resources, including but not limited to schools and
17 highways; and

18 (6) Incorporates public due process into the procedure for
19 determining district boundary amendments pursuant to
20 paragraph (1).



1 ~~(d)~~ (e) The county land use decision-making authority
2 shall serve a copy of the application for a district boundary
3 amendment to the land use commission and the department of
4 business, economic development, and tourism and shall notify the
5 commission and the department of the time and place of the
6 hearing and the proposed amendments scheduled to be heard at the
7 hearing. A change in the state land use district boundaries
8 pursuant to this subsection shall become effective on the day
9 designated by the county land use decision-making authority in
10 its decision. Within sixty days of the effective date of any
11 decision to amend state land use district boundaries by the
12 county land use decision-making authority, the decision and the
13 description and map of the affected property shall be
14 transmitted to the land use commission and the department of
15 business, economic development, and tourism by the county
16 planning director."

17 SECTION 2. Section 205-4, Hawaii Revised Statutes, is
18 amended by amending its title and subsection (a) to read as
19 follows:

20 "**§205-4 Amendments to district boundaries [~~involving land~~**
21 **~~areas greater than fifteen acres.~~]; proceedings before the land**



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

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19



S.B. NO. **769**

1

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "D. K. U.", is written over a horizontal line.



S.B. NO. 769

Report Title:

Counties; District Boundary Amendments; Affordable Housing

Description:

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres if the county has adopted an ordinance that meets certain requirements.

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

