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# A BILL FOR AN ACT

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RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that small lot  
2 subdivisions exist in agricultural districts within each county  
3 that may be more appropriately placed within the rural district.  
4 Many of these lots were created for speculative purposes before  
5 the enactment of the state land use law in 1961.

6       The legislature further finds that the counties have an  
7 interest in redistricting these lands as they may contain lots  
8 and uses that are non-conforming or of insufficient size to  
9 support commercial agricultural use.

10       Therefore, the purpose of this Act is to allow each of the  
11 counties a temporary opportunity to petition the land use  
12 commission for a district boundary amendment to reclassify  
13 certain lands within the agricultural district to the rural  
14 district through the declaratory ruling process.

15       SECTION 2. Section 165-1, Hawaii Revised Statutes, is  
16 amended to read as follows:



1       **"§165-1 Findings and purpose.** The legislature finds that  
2   ~~[when nonagricultural land uses extend into agricultural areas,~~  
3   ~~farming operations often become the subject of nuisance~~  
4   ~~lawsuits]~~ existing or proposed agricultural land uses occurring  
5   on former sugar cane lands are subject to permitting  
6   requirements that may be appropriate for activities in pristine  
7   ecosystems but are unnecessary for former cane lands. The  
8   requirements are often so burdensome and costly that they may  
9   result in the premature removal of lands from agricultural use  
10   and may discourage future investments in agriculture. The  
11   legislature also finds that under the Hawaii State Planning Act,  
12   it is a declared policy of this State to "foster attitudes and  
13   activities conducive to maintaining agriculture as a major  
14   sector of Hawaii's economy." Accordingly, it is the purpose of  
15   this chapter to reduce the loss to the State of its agricultural  
16   resources by limiting the circumstances under which farming  
17   operations may be deemed to be a nuisance."

18       SECTION 3. (a) Between July 1, 2026, and December 31,  
19   2028, the planning commission of any county may petition the  
20   land use commission for a district boundary amendment to



1 reclassify land within the agricultural district to the rural  
2 district; provided that the following requirements are met:

3 (1) The land has been:

4 (A) Developed, permitted or intended for single-  
5 family residences that are currently in the  
6 agricultural district; and

7 (B) Subdivided into lots that are no larger than two  
8 acres in size;

9 (2) The land is part of an existing agricultural  
10 subdivision consisting of more than twenty subdivided  
11 lots;

12 (3) A single-family residence is constructed on each lot,  
13 or the lot is part of an agricultural subdivision  
14 intended for single-family residential construction;

15 (4) The requirements of chapter 343, Hawaii Revised  
16 Statutes, if applicable, are met at the time the  
17 petition is made;

18 (5) The district boundary amendment would not adversely  
19 affect the ability of neighboring lands to be used for  
20 agricultural purposes;



(6) The area for which a district boundary amendment is petitioned is supported by the applicable county plan;

(7) The applicable county planning commission provides:

(A) All affected landowners reasonable notice of the proposed district boundary amendment petition;

(B) The public an opportunity to comment on the proposed district boundary amendment petition; and

(C) Required due process for district boundary amendments under constitutional and statutory law; and

(8) The office of planning and sustainable development shall in every case appear as a party, at both the state and county levels, and make recommendations to address state interests and public trust issues.

(b) The land use commission shall process each petition under subsection (a) as a petition for a declaratory order, pursuant to section 91-8, Hawaii Revised Statutes, for a district boundary amendment of the subject land, within three hundred sixty-five days from the date the petition is deemed complete by the land use commission. If the land use commission



1 finds that there is insufficient evidence presented by the  
2 applicable county planning commission or that significant public  
3 trust issues are presented by the petition, the land use  
4 commission may:

5 (1) Deny the petition in whole or in part; or

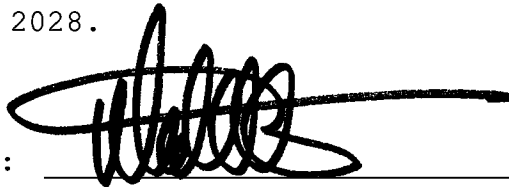
6 (2) Schedule a contested case hearing on the matter  
7 consistent with its administrative rules.

8 (c) The land use commission shall adopt rules pursuant to  
9 chapter 91, Hawaii Revised Statutes, to implement this Act.

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2026, and  
13 shall be repealed on December 31, 2028.

14  
INTRODUCED BY: \_\_\_\_\_



JAN 27 2026



# H.B. NO. 2424

**Report Title:**

Land Use Commission; County Planning Commissions; District  
Boundary Amendment Petition; Agricultural District; Rural  
District

**Description:**

Between 7/1/2026 and 12/31/2028, authorizes each county planning commission to petition the Land Use Commission for a district boundary amendment to reclassify certain lands within the agricultural district to the rural district through the declaratory ruling process.

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

