

Honolulu, Hawaii

**MAR 06**, 2026

RE: H.B. No. 1738  
H.D. 2

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1738, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAND USE DECISION-MAKING,"

begs leave to report as follows:

The purpose of this measure is to authorize the county land use decision-making authorities, instead of the Land Use Commission, to amend district boundaries involving land areas of greater than fifteen but no more than twenty-five acres for purposes of residential housing, agricultural workforce housing, long-term rental, or workforce fee simple ownership.

Your Committee received testimony in support of this measure from the Office of Planning and Sustainable Development; Hawai'i Association of REALTORS; Grassroot Institute of Hawaii; Housing Hawai'i's Future; Maui Chamber of Commerce; Hawai'i Farmers Union United; Hawai'i Food+ Policy; and numerous individuals. Your Committee received testimony in opposition to this measure from the Shimanchu Wai Protectors; Kūpuna for the Mo'opuna; Kauai Climate Action Coalition; Hawaii's Thousand Friends; Sierra Club of Hawai'i; and numerous individuals. Your Committee received comments on this measure from the Department of Agriculture and Biosecurity; Land Use Commission; Hawai'i Farm Bureau; and Land Use Research Foundation of Hawaii.



Your Committee finds that the Land Use Commission's review process for district boundary amendments can be lengthy and complicated, which can significantly delay even modest housing developments, and often duplicates work done by county councils, zoning boards, and planning departments. When a proposed project already complies with county plans and ordinances, redundant state-level review can undermine local authority without significantly advancing the public interest. This measure expands the counties' authority to approve small-scale residential boundary amendments, which will help streamline the approval process for new housing developments, while reducing the burden on the Land Use Commission.

Your Committee has amended this measure by:

- (1) Clarifying that the district boundary amendment process under this measure applies to affordable residential housing projects, rather than just residential housing projects;
- (2) Deleting class C from the list of eligible soil classifications, thereby limiting eligibility to project areas with Land Study Bureau overall (master) productivity ratings of class D, E, or U;
- (3) Deleting the reference to the county general plan in the provision authorizing the appropriate county land use decision-making authority to consolidate proceedings to amend state land use district boundaries with related county proceedings; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1738, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1738, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

A handwritten signature in black ink that reads "David Tarnas". The signature is written in a cursive, flowing style.

---

DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-third Legislature

HSCR 1197-26

**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

<b>Bill/Resolution No.:</b> HB1738 HD1	<b>Committee Referral:</b> HUG/WAL, JHA	<b>Date:</b> 2/26/2026		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)			✓	
3. BELATTI, Della Au				✓
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. SAYAMA, Jackson D.	✓			
8. TAKAYAMA, Gregg	✓			
9. GARCIA, Diamond		✓		
10. SHIMIZU, Garner M.	✓			
<b>TOTAL (10)</b>	6	1	1	2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> _____ 				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				