



**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

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**LATE**

Statement of  
**MARY ALICE EVANS, Director**

before the  
**SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS**

Friday, February 6, 2026

1:00 PM

State Capitol, Conference Room 224

**LATE**

in consideration of  
**SB 2986**  
**RELATING TO THE LAND USE COMMISSION.**

Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Water, Land, Culture and the Arts.

The Office of Planning and Sustainable Development (OPSD) offers **comments with concerns** on SB 2986, which amends HRS §205-4 to allow the Land Use Commission (LUC), when it finds a petitioner has failed to comply with representations or conditions and regardless of whether there has been substantial commencement of use of the land, to: 1) modify or impose new conditions if the LUC finds the petitioner's failure to comply does not warrant reversion to the land's former land use classification; 2) issue an order to show cause for the petitioner's failure to comply with certain types of conditions; 3) assess a fine not to exceed \$50,000 per day until the petitioner cures the violation; and 4) defines "substantial commencement" as "completion of all public improvements and infrastructure, both within and outside the project area" as required by the imposed conditions and "completed construction of twenty per cent of the physical private improvements so that they are usable or habitable."

Petitioners who have or are in danger of noncompliance with conditions already can present alternative remedies under HAR §15-15-93 and the LUC has the authority to modify or delete conditions upon the petitioner's request under HAR §15-15-94. OPSD is **concerned** that developers may be discouraged from even initiating new residential, commercial, or industrial projects if they know that the LUC can unilaterally compel petitioners to add or modify conditions, face the threat of an order to show cause, or the risk of daily fines after a significant investment has already been made in public improvements and infrastructure. And instead of encouraging existing petitioners who are noncompliant and have not yet achieved substantial commencement to fulfill their obligations and complete the project, the threat of daily fines may cause them to abandon the project entirely.

Thank you for the opportunity to testify on this measure.

**SB-2986**

Submitted on: 2/5/2026 7:30:34 AM

Testimony for WLA on 2/6/2026 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry Support

2986 SB RELATING TO THE LAND USE COMMISSION.