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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1           SECTION 1. The legislature finds that the zoning  
2 designation of certain lands has raised questions pertaining to  
3 interim zoning established during the period just after Hawaii's  
4 land use law was enacted and its relationship to the various  
5 state land use classifications. This has resulted in  
6 invalidation of zoning ordinances when lands are reclassified by  
7 the land use commission, although the uses allowed under the  
8 zoning ordinances are permissible uses under the state land use  
9 reclassification.

10           The purpose of this Act is to provide that a zoning  
11 ordinance adopted by the county prior to January 1, 1980, shall  
12 not be invalidated by a reclassification of land if the uses  
13 allowed under the zoning ordinance are permissible uses under  
14 the new classification.

15           SECTION 2. Section 205-5, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17           "(a) Except as herein provided, the powers granted to  
18 counties under section 46-4 shall govern the zoning within the



1 districts, other than in conservation districts[-]; provided  
2 that any zoning ordinance adopted by a county prior to January  
3 1, 1980, shall not be invalidated where the land has been  
4 reclassified pursuant to section 205-3.1 or 205-4; provided  
5 further that the uses allowed under the zoning ordinance are  
6 permissible uses under the reclassification. Conservation  
7 districts shall be governed by the department of land and  
8 natural resources pursuant to chapter 183C."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Land Use; Reclassification; County Ordinance

**Description:**

Provides that a zoning ordinance adopted by a county prior to January 1, 1980, shall not be invalidated by a reclassification of land; provided that the uses allowed under the zoning ordinance are permissible uses under the new classification.  
(HB2243 HD1)

