
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 there are cases
2 where lands reclassified by the land use commission to the urban
3 district are undeveloped for many years after the
4 reclassification. The legislature is concerned that in some
5 cases, conditions have changed so significantly that the
6 development proposal as originally conceived may warrant review
7 and reconsideration. The legislature also finds that premature
8 urban or rural classification encourages speculative land
9 banking and creates uncertainty in the buildout of planned urban
10 or rural capacity and associated infrastructure. The purpose of
11 this Act is to provide for the development of a use-it-or-lose-
12 it mechanism to ensure more effective timing of development of
13 planned or approved urban or rural capacity.

14 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§205- Reversion of district classification. (a) The
18 land use commission shall establish a process, including



1 conducting public hearings under chapter 91, to develop
2 deadlines for substantial progress in the development for any
3 petition approved for reclassification to the urban or rural
4 district. In developing guidelines for reclassification
5 deadlines, the commission may consult with petitioners in prior
6 land use classifications proceedings, prior land use
7 classifications parties on the record, land use experts,
8 environmental experts, people knowledgeable in transportation
9 and related infrastructure impacts, elected officials, and
10 community representatives.

11 (b) Before December 31, 2009, the commission shall adopt
12 rules pursuant to chapter 91 to guide the commission's process
13 to develop deadlines for substantial progress in the development
14 for any petition approved for reclassification to the urban or
15 rural district.

16 (c) The recommendations of the commission and subsequent
17 implementation of a use-it-or-lose-it policy shall not apply to:

18 (1) Land that is the subject of a state- or county-
19 initiated petition for a regional boundary amendment
20 based upon a regional boundary review; or



1 (2) Any petition approved by the commission or accepted
2 for filing by the commission prior to the effective
3 date of the adoption of a use-it-or-lose-it policy."

4 SECTION 3. The land use commission shall hold a series of
5 hearings in each county to gather input on the development and
6 implementation of a use-it-or-lose-it policy and mechanism
7 consistent with the intent of this Act. The commission shall
8 prepare a report on the recommendations brought forth at the
9 hearings and submit the report to the legislature and governor
10 no later than twenty days prior to the convening of the 2009
11 regular session.

12 SECTION 4. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2008-2009 for
15 the purpose of this Act.

16 The sum appropriated shall be expended by the department of
17 business, economic development, and tourism for the purpose of
18 this Act.

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval;
21 provided that section 4 shall take effect on July 1, 2008.



Report Title:

Land Use Classifications; Use It or Lose It Mechanism

Description:

Establishes a process for determining when land use classifications should be rescinded because they have not been exercised. (SB1368 SD2)

