
A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1 SECTION 1. Chapter 205, Hawaii Revised Statutes, is
2 amended by adding a new section to part I, to be appropriately
3 designated and to read as follows:

4 "§205- Counties; violation of or failure to enforce
5 land use commission conditions or restrictions for district
6 boundary amendments or special permits. (a) Upon a petition by
7 any party, the land use commission, pursuant to procedures
8 established by the commission, shall investigate and conduct a
9 hearing on any complaint that a county has violated or failed to
10 enforce, pursuant to section 205-12, any condition or
11 restriction imposed by the commission under:

- 12 (1) Section 205-4(g) for a land use district boundary
13 amendment; or
14 (2) Section 205-6(d) for a special permit authorizing
15 unusual and reasonable uses within agricultural and
16 rural districts.



1 (b) Following an investigation and hearing conducted
2 pursuant to subsection (a), if the commission determines that
3 the county has violated or failed to enforce any condition or
4 restriction, the commission shall:

5 (1) Process the reversion of the subject property to its
6 former land use district classification or the
7 conversion of the subject property to a more
8 appropriate classification; or

9 (2) Revoke the commission's approval of the special
10 permit,
11 as the case may be, unless the county, or other responsible
12 party in the case of the county's failure to enforce,
13 establishes to the commission's satisfaction that the underlying
14 violation has been or will be timely cured.

15 (c) All costs arising out of or resulting from any
16 disposition under subsection (b) (1) or (2) shall be borne
17 entirely by the respective county if the commission makes a
18 determination under this section that the underlying violation
19 was caused primarily by any official act of the county,
20 including another person's reasonable reliance thereon or
21 compliance therewith."



1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 22 2016



H.B. NO. 2043

Report Title:

Land Use Commission Conditions or Restrictions for District Boundary Amendments and Special Use Permits; County Violation or Failure to Enforce

Description:

Requires the land use commission to process the reversion of land use district boundary reclassifications and revoke approvals for special use permits in cases where the pertinent county has violated or failed to enforce land use conditions or restrictions imposed by the commission for the subject property.

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