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# A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITIES.

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

1       SECTION 1. The legislature finds that in master planned  
2 communities, sometimes developers fail to develop plots of land  
3 as originally planned. In central Oahu, a section of land in a  
4 master planned community was originally designated to be a golf  
5 course, however the developer could not complete the project due  
6 to financial constraints and the land was sold and is currently  
7 used as farm land. Many residents were confused and frustrated  
8 as there was no notification of the land being sold or the  
9 development plan being changed.

10       The legislature further finds that a mandatory public  
11 hearing when changes in the master plan occur would give the  
12 neighboring public an opportunity to be better informed of what  
13 is happening in their community.

14       The purpose of this Act is to require the counties to  
15 designate an agency to inform the public and hold a hearing when  
16 lands are proposed for sale and intended to be used for a



1 purpose other than as proposed as part of a master plan for a  
2 community.

3 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
4 by adding a new section to be appropriately designated and to  
5 read as follows:

6 "§46- Proposed land sale; community master plan's  
7 intended use; public hearing. (a) If any parcel of land  
8 included within a community master plan is proposed for sale and  
9 intended to be used for a purpose other than as proposed in the  
10 community master plan, the owner of the parcel shall inform the  
11 planning department of the county in which the parcel of land is  
12 located of the proposed sale and of the intended use of the  
13 parcel no later than days before the sale of the land.

14 (b) Upon notice from the owner pursuant to subsection (a),  
15 the county shall provide public notice of the proposed sale of  
16 the parcel, the intended use of the parcel, and a public hearing  
17 that shall include the information required by the community and  
18 public notice procedures adopted pursuant to subsection (c).

19 (c) Each county shall adopt community and public notice  
20 procedures pursuant to chapter 91 that shall include, at a  
21 minimum:



- 1        (1) A means to effectively engage the surrounding  
2        community of the parcel of land to ensure that  
3        community concerns are received and considered by any  
4        agency required to take action to allow or condition  
5        the modification in intended use of the parcel;
- 6        (2) The posting of the proposed plans for intended use of  
7        the parcel, public hearing notices, and minutes of the  
8        public hearing on the county's website, including but  
9        not limited to:
- 10       (A) Project specifications; and  
11       (B) Requests for variance, exemption, or modification  
12       of the community development plan; and
- 13       (3) Any other information that the public may find useful  
14       so that it may meaningfully participate in the  
15       decision-making process."

16       SECTION 3. This Act does not affect rights and duties that  
17       matured, penalties that were incurred, and proceedings that were  
18       begun before its effective date.

19       SECTION 4. New statutory material is underscored.

20       SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Master Plan; Public Hearing; Land Use; Counties

**Description:**

Requires the counties to designate an agency to inform the public and hold a hearing when lands included in a community master plan are proposed for sale and intended to be used for a purpose other than as proposed in the master plan. Takes effect on 07/01/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

