

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO THE SUBDIVISION OF URBAN LAND.

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

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

"§205- Permit; dual occupancy development; subdivision; single-family residential property. (a) Notwithstanding any other law to the contrary, each county may establish a permit process for an owner of residential property in an urban district to subdivide the property into two lots of equal size and construct a duplex or two single-family buildings on each subdivided lot; provided that:

(1) The property to be subdivided:

(A) Does not contain any single-family detached dwelling units;

(B) Does not lie within a historic district nor within the county, state, or federal floodplain;

(C) Will not be subdivided into lots of less than 1,200 square feet; provided that the county in



1           which the property lies does not develop a  
2           smaller minimum lot size; and

3           (D) Was not created through subdivision pursuant to  
4           this section; and

5           (2) The owner of the property to be subdivided has not  
6           subdivided adjacent property pursuant to this section.

7           (b) Each county may adopt objective zoning, subdivision,  
8           and design standards to allow for the provisions of this  
9           section; provided that the appropriate agency for each county:

10          (1) Shall set standards that do not preclude the  
11          construction of two units on either lot of the  
12          subdivided property; provided further that a setback  
13          of up to four feet from the side and rear lot lines  
14          may be required; and

15          (2) Shall not require:

16          (A) Construction of offsite and onsite improvements;

17          (B) Dedications of rights-of-way;

18          (C) Off-street parking if the constructed duplex or  
19          single-family building is near a major transit  
20          stop, stop on a high frequency bus line, or car  
21          share vehicle location; and



1            (D) Setbacks for an existing structure.

2            (c) The residences constructed on the property subdivided  
3 pursuant to this section:

4            (1) Shall not be used for rentals of less than thirty  
5            days; and

6            (2) May be sold or conveyed separately from the other  
7            residence on the same subdivided lot.

8            (d) Each county shall submit an annual report to the  
9 legislature on the permits issued under this section no later  
10 than twenty days prior to the convening of each regular session  
11 beginning with the regular session of 2024."

12            SECTION 2. New statutory material is underscored.

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

14  
INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'B. C.', is written over a horizontal line.

# S.B. NO. 2230

**Report Title:**

Dual Occupancy Development; Subdivision; Single-Family  
Residential Property

**Description:**

Allows counties to establish a permit process for the  
construction and sale of a duplex or two housing units on a  
subdivided single-family residential lot.

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

