

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO HOUSING.

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

1       SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2     by adding a new section to be appropriately designated and to  
3     read as follows:

4       "§46-     Residential rezoning up to ten units. (a) A  
5     county may adopt an ordinance to zone a parcel for up to ten  
6     units of residential density per parcel, at a height specified  
7     by the county in the ordinance. An ordinance adopted in  
8     accordance with this section, shall be exempt from the  
9     requirements of chapter 343.

10       (b) A county shall comply with all of the following when  
11     adopting a zoning ordinance pursuant to subsection (a):

12       (1) The zoning ordinance shall include a declaration that  
13       the zoning ordinance is adopted pursuant to this  
14       section;

15       (2) The zoning ordinance shall clearly delineate the areas  
16       that are zoned pursuant to this section;



1       (3) The county shall make a finding that the increased  
2       density authorized by the ordinance is consistent with  
3       the State's obligation to affirmatively further fair  
4       housing; and

5       (4) If the ordinance supersedes any established zoning  
6       restriction, the ordinance shall require a two-thirds  
7       vote of the members of the county council for  
8       adoption.

9       (c) Notwithstanding any other law that allows ministerial  
10      or by right approval of a development project or that grants an  
11      exemption from chapter 343, a residential or mixed-use  
12      residential project consisting of more than ten new residential  
13      units on one or more parcels that are zoned pursuant to an  
14      ordinance adopted under this section shall not be approved  
15      ministerially or by right and shall not be exempt from chapter  
16      343.

17      (d) A project may not be divided into smaller projects in  
18      order to make the project eligible for the provisions of this  
19      subsection.



1        (e) A county that adopts a zoning ordinance pursuant to  
2        this section shall not subsequently reduce the density of any  
3        parcel subject to the ordinance."

4        SECTION 2. New statutory material is underscored.

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

6  
INTRODUCED BY:

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# S.B. NO. 2231

**Report Title:**

Housing; Zoning; Permitting; Environmental Impact Statements

**Description:**

Authorizes counties to adopt an ordinance to zone any parcel for up to ten units of residential density per parcel. Provides that any ordinance adopted under these provisions would not require an environmental impact statement.

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

