

JAN 21 2022

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is amended to read as follows:

"§205-3.1 Amendments to district boundaries. (a)  
District boundary amendments involving the following lands [~~in the conservation district, land areas greater than fifteen acres, or lands delineated as important agricultural lands~~]  
shall be processed by the land use commission pursuant to section 205-4 ~~[ ]~~ :

(1) Lands in the conservation district;

(2) Lands delineated as important agricultural lands; or

(3) Land areas greater than fifteen acres, except

non-important agricultural land or rural land areas

greater than fifteen acres but not more than

twenty-five acres if the land areas are proposed for

reclassification to the urban district and at least

sixty per cent of the land areas will be devoted to

the development of housing that meets the United



1           States Housing and Urban Development definition of  
2           affordable housing.

3           (b) Any department or agency of the State, and department  
4 or agency of the county in which the land is situated, or any  
5 person with a property interest in the land sought to be  
6 reclassified may petition the appropriate county land use  
7 decision-making authority of the county in which the land is  
8 situated for a change in the boundary of a district involving  
9 [lands]:

10          (1) Lands less than fifteen acres presently in the rural  
11           and urban districts [~~and lands~~];

12          (2) Land areas greater than fifteen acres but not more  
13           than twenty-five acres if the land areas are proposed  
14           for reclassification to the urban district, are  
15           contiguous to the urban district, and at least sixty  
16           per cent of the units of the development will be  
17           dedicated for the development of affordable housing;  
18           provided that the soil is classified by the land study  
19           bureau's detailed land classification as overall  
20           (master) productivity rating class C or lesser;



- 1        (3) Lands less than fifteen acres in the agricultural  
2        district that are not designated as important  
3        agricultural lands[-] or with soil classified by the  
4        land study bureau's detailed land classification as  
5        overall (master) productivity rating class A or B; and  
6        (4) Land areas greater than thirty-five acres, but no more  
7        than fifty acres, located in counties with a total  
8        land area greater than four thousand square miles.

9        (c) District boundary amendments involving [~~land areas of~~  
10     ~~fifteen acres or less, except as provided in~~] lands described in  
11     subsection (b) [7] shall be determined by the appropriate county  
12     land use decision-making authority for the district and shall  
13     not require consideration by the land use commission pursuant to  
14     section 205-4; provided that such boundary amendments and  
15     approved uses are consistent with this chapter. The appropriate  
16     county land use decision-making authority may consolidate  
17     proceedings to amend state land use district boundaries pursuant  
18     to this subsection, with county proceedings to amend the general  
19     plan, development plan, zoning of the affected land, or such  
20     other proceedings. Appropriate ordinances and rules to allow  
21     consolidation of such proceedings may be developed by the county



1 land use decision-making authority[-]; provided that any  
2 district boundary amendment that is not approved or denied by  
3 the appropriate county land use decision-making authority within  
4 ninety days of the petition filing date shall be deemed  
5 approved.

6 (d) The county land use decision-making authority shall  
7 serve a copy of the application for a district boundary  
8 amendment to the land use commission and the department of  
9 business, economic development, and tourism and shall notify the  
10 commission and the department of the time and place of the  
11 hearing and the proposed amendments scheduled to be heard at the  
12 hearing. A change in the state land use district boundaries  
13 pursuant to this subsection shall become effective on the day  
14 designated by the county land use decision-making authority in  
15 its decision. Within sixty days of the effective date of any  
16 decision to amend state land use district boundaries by the  
17 county land use decision-making authority, the decision and the  
18 description and map of the affected property shall be  
19 transmitted to the land use commission and the department of  
20 business, economic development, and tourism by the county  
21 planning director.



1        (e) Parceling of lands for development shall be prohibited  
2        for the purposes of subsection (d). If lands that have been  
3        parceled are proposed for reclassification, the petition for  
4        reclassification shall be processed as lands greater than  
5        fifteen but not more than twenty-five acres.

6        (f) For the purposes of this section:  
7        "Affordable housing" means housing that requires the  
8        purchaser to be, in perpetuity, a Hawaii resident, employed  
9        within the county in which the unit exists, an owner occupant,  
10       and owner of no other real property.

11       "Parceling" means the subdivision of lands greater than  
12       twenty-five acres into two or more parcels, more than one of  
13       which is then proposed for reclassification within a ten-year  
14       period of time from the date of the subdivision."

15       SECTION 2. Section 205-4, Hawaii Revised Statutes, is  
16       amended as follows:

17       1. By amending subsection (a) to read:

18       "(a) Any department or agency of the State, any department  
19       or agency of the county in which the land is situated, or any  
20       person with a property interest in the land sought to be  
21       reclassified, may petition the land use commission for a change



1 in the boundary of a district. This section applies to all  
2 petitions for changes in district boundaries of lands within  
3 conservation districts, lands designated or sought to be  
4 designated as important agricultural lands, and lands greater  
5 than fifteen acres in the agricultural, rural, and urban  
6 districts, except as provided in ~~[section]~~ sections 201H-38[-]  
7 and 205-3.1(a). The land use commission shall adopt rules  
8 pursuant to chapter 91 to implement ~~[section]~~ sections  
9 201H-38[-] and 205-3.1(a)."

10 2. By amending subsection (g) to read:

11 "(g) Within a period of not more than three hundred sixty-  
12 five days after the proper filing of a completed petition,  
13 unless otherwise ordered by a court, or unless a time extension,  
14 which shall not exceed ninety days, is established by a two-  
15 thirds vote of the members of the commission, the commission, by  
16 filing findings of fact and conclusions of law, shall act to  
17 approve the petition, deny the petition, or to modify the  
18 petition by imposing conditions necessary to uphold the intent  
19 and spirit of this chapter or the policies and criteria  
20 established pursuant to section 205-17 or to assure substantial  
21 compliance with representations made by the petitioner in



1 seeking a boundary change. The commission may provide by  
2 condition that absent substantial commencement of use of the  
3 land in accordance with such representations, the commission  
4 shall issue and serve upon the party bound by the condition an  
5 order to show cause why the property should not revert to its  
6 former land use classification or be changed to a more  
7 appropriate classification. Such conditions, if any, shall run  
8 with the land and be recorded in the bureau of conveyances."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12 INTRODUCED BY: 



# S.B. NO. 2899

**Report Title:**

District Boundaries; Amendments; Counties; Affordable Housing

**Description:**

Authorizes county land use decision-making authorities to amend district boundaries involving certain land areas: (1) greater than fifteen acres, but not more than twenty-five acres, if the land areas are proposed for reclassification to the urban district, contiguous to an urban district, and at least sixty per cent of the land areas will be dedicated for the development of affordable housing; and (2) greater than thirty-five acres, but not more than fifty acres, if located in a county with a total land acre greater than four thousand square miles. Requires the counties to approve or deny applications for district boundary amendments within ninety days.

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

