

Honolulu, Hawaii
FEB 04, 2022RE: H.B. No. 1840
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 1840 entitled:

"A BILL FOR AN ACT RELATING TO DISTRICT BOUNDARY AMENDMENTS,"

begs leave to report as follows:

The purpose of this measure is to authorize an appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres but less than or equal to fifty acres if the county has adopted an ordinance that meets certain requirements.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed H.D. 1, which adds the requirement that the district boundary amendment is necessary to produce housing, sixty percent of which must be reserved for occupants whose incomes do not exceed one hundred forty percent of the area median income.

Your Committee received testimony in support of the proposed H.D. 1 from the Office of Planning and Sustainable Development, Planning Department of Hawaii County, and Hawai'i Association of REALTORS. Your Committee received testimony in opposition to the proposed H.D. 1 from the Land Use Commission, Sierra Club of Hawai'i, Hawai'i Farm Bureau, and Hawai'i Alliance for Progressive



Action. Your Committee received comments on the proposed H.D. 1 from the Department of Agriculture.

Your Committee finds that the proposed H.D. 1 seeks to address the State's critical need for affordable housing, while also providing greater flexibility to address differences between state land use district classifications and county general plans and community development plans. Your Committee further finds that this flexibility is appropriate in view of the comprehensiveness of the county planning process and extensiveness of community involvement when county plans are updated.

Your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

- (1) Changing the income cap for the affordable housing requirement to eighty percent of the area median income;
- (2) Prohibiting parceling, defined as the subdivision of lands greater than twenty-five acres into two or more parcels, more than one of which is then proposed for reclassification within a ten-year period from the date of the subdivision;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4) Making a technical, nonsubstantive amendment for the purpose of clarity, consistency, and style.

Your Committee respectfully urges your Committees on Consumer Protection & Commerce and Finance, should they choose to hear this measure, to seek an explanation from the counties on how they can meet the requirements of due process and contested case hearings, as noted in the testimony of the Land Use Commission.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1840, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1840, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Water & Land,

David Tarnas

DAVID A. TARNAS, Chair



HSCR 5-22

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HB1840	Committee Referral: WAL, CPC, FIN	Date: 2/1/22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. BRANCO, Patrick Pihana (VC)	/			
3. GANADEN, Sonny		✓		
4. KOBAYASHI, Bertrand		/		
5. KONG, Sam Satoru				✓
6. MORIKAWA, Dee	/			
7. OHNO, Takashi	/			
8. McDERMOTT, Bob				✓
TOTAL (8)	4	2		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				