

JAN 17 2024

A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1 SECTION 1. The legislature finds that delays in permitting
2 and approvals substantially increase the time and cost required
3 to build new housing. A study on the burden of housing
4 regulation from the University of Hawaii Economic Research
5 Organization indicates that the average length of approval delay
6 in Hawaii is three times the national mean, leading to
7 uncertainty and expense that disincentivizes development.

8 According to research from the Grassroot Institute of
9 Hawaii, the time required to navigate the approval process for
10 new housing developments can take as long as ten years. This
11 can considerably increase the cost associated with building new
12 homes. In September 2012, the median home price on Oahu was
13 \$637,000. Ten years later, in September 2022, the median home
14 price skyrocketed to \$1,100,000.

15 Under existing law, six out of the nine members of the land
16 use commission must affirmatively vote to approve any boundary
17 amendment. In addition, the land use commission is required to



1 hold a hearing within not less than sixty and not more than one
2 hundred eighty days.

3 The legislature further finds that adjusting the laws
4 governing the land use commission approval process will expedite
5 the development process and help address the State's excessive
6 permit and approval times.

7 Therefore, the purpose of this Act is to reform the
8 decision-making process of the land use commission.

9 SECTION 2. Section 205-1, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) There shall be a state land use commission,
12 hereinafter called the commission. The commission shall consist
13 of nine members who shall hold no other public office and shall
14 be appointed in the manner and serve for the term set forth in
15 section 26-34. One member shall be appointed from each of the
16 counties and the remainder shall be appointed at large; provided
17 that one member shall have substantial experience or expertise
18 in traditional Hawaiian land usage and knowledge of cultural
19 land practices. The commission shall elect its chairperson from
20 one of its members. The members shall receive no compensation
21 for their services on the commission, but shall be reimbursed



1 for actual expenses incurred in the performance of their duties.
2 [~~Six~~] A simple majority of affirmative votes of the members
3 present and qualified to vote shall be necessary for any
4 boundary amendment."

5 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (b) to read:

8 "(b) Upon proper filing of a petition pursuant to
9 subsection (a) the commission shall, within [~~not less than sixty~~
10 ~~and not more than one hundred and eighty~~] one hundred twenty
11 days, conduct a hearing on the appropriate island in accordance
12 with the provisions of sections 91-9, 91-10, 91-11, 91-12, and
13 91-13, as applicable."

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

15 "(g) Within [~~a period of not more than three hundred~~
16 ~~sixty five~~] one hundred eighty days after the proper filing of a
17 petition, unless otherwise ordered by a court, or unless a time
18 extension, which shall not exceed ninety days, is established by
19 a two-thirds vote of the members of the commission, the
20 commission, by filing findings of fact and conclusions of law,
21 shall act to approve the petition, deny the petition, or to



1 modify the petition by imposing conditions necessary to uphold
2 the intent and spirit of this chapter or the policies and
3 criteria established pursuant to section 205-17 or to assure
4 substantial compliance with representations made by the
5 petitioner in seeking a boundary change. The commission may
6 provide by condition that absent substantial commencement of use
7 of the land in accordance with [~~such~~] the representations, the
8 commission shall issue and serve upon the party bound by the
9 condition an order to show cause why the property should not
10 revert to its former land use classification or be changed to a
11 more appropriate classification. [~~Such~~] The conditions, if any,
12 shall run with the land and be recorded in the bureau of
13 conveyances."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 2035

Report Title:

Land Use Commission; Decision-Making Process

Description:

Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment. Reduces the number of days by when the Land Use Commission must act for certain actions related to amendments to district boundaries.

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