

Honolulu, Hawaii

APR 26 2024

RE: S.B. No. 3202  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3202, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO URBAN DEVELOPMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit private covenants for residentially zoned lots within an urban district from including certain limitations or restrictions;
- (2) Require the director of the county agency responsible for land use to review and act on any application for subdivision, consolidation, or resubdivision of certain parcels within the state urban land use district; and



- (3) Amend the calculation of impact fees for certain developments.

Your Committee on Conference finds that the shrinking population in the State is a result of the inequitable access to housing. Promoting higher density development in urban areas can aid in addressing the State's shortfall of housing units and reduce the pressure to convert agricultural and conservation lands into urban uses. Therefore, this measure promotes higher density, compact development, and the efficient use of the State's limited lands that are suitable for residential development.

Your Committee on Conference has amended this measure by:

- (1) Inserting as a new part I language establishing a new section in chapter 46, Hawaii Revised Statutes, to require the counties, no later than December 31, 2026, to either implement a countywide ordinance allowing for two accessory dwelling units per residentially zoned lot or using their zoning maps to allow two accessory dwelling units on certain lots, subject to certain restrictions;
- (2) Clarifying that no private covenant for a residentially zoned lot within an urban district recorded after the effective date of this measure shall limit the:
  - (A) Number of accessory dwelling units on that residentially zoned lot below the amount allowed pursuant to part I of this measure; or
  - (B) Long-term rental of residential units on that residentially zoned lot;
- (3) Amending the definition of "residentially zoned lot";
- (4) Clarifying that the administrative authority to accept, reject, and approve, or deny any application for subdivision, consolidation, or resubdivision of a parcel of land that has been fully zoned for residential use within the state urban district shall be vested with the director of the county agency responsible for land use or a single county officer designated by ordinance, provided that the parcel is not on important agricultural lands, on certain wetlands, within a floodplain district, on a habitat for protected or endangered species, within a



state historic district, or within a lava zone, and other certain conditions;

- (5) Making it effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3202, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3202, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

*2AC*

LUKE A. EVSLIN  
Co-Chair

*Stanley Chang*

STANLEY CHANG  
Chair

*Linda Ichiyama*

LINDA ICHIYAMA  
Co-Chair

*Chris Lee*

CHRIS LEE  
Co-Chair

*David Tarnas*

DAVID A. TARNAS  
Co-Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 3202, SD 2, HD 1</b>	Date/Time: <b>4/26/24, 4:17pm</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHANG, Stanley, Chr.	✓				EVSLIN, Luke A., Co-Chr.	✓			
LEE, Chris, Co-Chr.	✓				ICHIYAMA, Linda, Co-Chr.				✓
HASHIMOTO, Troy N.	✓				TARNAS, David A., Co-Chr.	✓			
					KILA, Darius K.	✓			
					MORIKAWA, Dee	✓			
					TODD, Chris	✓			
					MATSUMOTO, Lauren	✓			
<b>TOTAL</b>	<b>3</b>				<b>TOTAL</b>	<b>6</b>			<b>1</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
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