
A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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- Amendments to district boundaries.** An
5 appropriate county land use decision-making authority may
6 determine district boundary amendments as authorized by
7 chapter 205."

8 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§205-3.1 Amendments to district boundaries.** (a)
11 District boundary amendments involving lands in the conservation
12 district, land areas greater than fifteen acres, or lands
13 delineated as important agricultural lands shall be processed by
14 the land use commission pursuant to section 205-4[-], except as
15 otherwise provided in this section.

16 (b) Any department or agency of the State, and department
17 or agency of the county in which the land is situated, or any
18 person with a property interest in the land sought to be



1 reclassified may petition the appropriate county land use
2 decision-making authority of the county in which the land is
3 situated for a change in the boundary of a district involving
4 lands less than fifteen acres presently in the rural and urban
5 districts and lands less than fifteen acres in the agricultural
6 district that are not designated as important agricultural
7 lands.

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



1 (d) An application for a district boundary amendment
2 involving a land area greater than fifteen acres but not greater
3 than one hundred acres, except for lands that are designated as
4 important agricultural lands or lands where the soil is
5 classified by the land study bureau's detailed land
6 classification as overall (master) productivity class A or B,
7 shall be determined by the appropriate county land use
8 decision-making authority for the district and shall not require
9 consideration by the land use commission if, by the date of the
10 application, the county has adopted an ordinance that:

- 11 (1) Establishes a procedure for determining the district
12 boundary amendments;
- 13 (2) Requires the county to own and retain ownership of the
14 land area for at least ninety-nine years;
- 15 (3) Requires that one hundred per cent of the land area be
16 used for affordable housing as defined by county
17 ordinance;
- 18 (4) Requires that at least seventy-five per cent of the
19 housing units on the land be set aside for persons and
20 families with incomes at or below one hundred per cent
21 of the area median income;



- 1 (5) Requires the district boundary amendment and approved
2 uses to be consistent with the applicable county
3 general plan or community development plan;
- 4 (6) Requires the county to complete and incorporate
5 mitigation of the impact on county and state
6 resources, including schools and highways; provided
7 that mitigation efforts under this paragraph shall be
8 approved by the appropriate state department;
- 9 (7) Incorporates due process into the procedure for
10 determining district boundary amendments pursuant to
11 paragraph (1) in accordance with all state laws and
12 the public trust doctrine; and
- 13 (8) Requires the appropriate county land use
14 decision-making authority to issue a finding that it
15 has considered all impacts of the proposed amendment
16 that the land use commission would have considered
17 under a petition submitted to the land use commission
18 pursuant to this chapter for a district boundary
19 amendment involving the same or similar land use
20 classifications and land area.



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

17 SECTION 3. Section 205-4, Hawaii Revised Statutes, is
18 amended by amending its title and subsection (a) to read as
19 follows:

20 "**§205-4 Amendments to district boundaries [involving land**
21 **areas greater than fifteen acres.]** proceedings before the land



1 use commission. (a) Any department or agency of the State, any
2 department or agency of the county in which the land is
3 situated, or any person with a property interest in the land
4 sought to be reclassified, may petition the land use commission
5 for a change in the boundary of a district. This section
6 applies to all petitions for changes in district boundaries of
7 lands within conservation districts, lands designated or sought
8 to be designated as important agricultural lands, and lands
9 greater than fifteen acres in the agricultural, rural, and urban
10 districts, except as provided in [~~section~~] sections 201H-38[-]
11 and 205-3.1(d). The land use commission shall adopt rules
12 pursuant to chapter 91 to implement section 201H-38."

13 SECTION 4. Each county land use decision-making authority
14 whose county has adopted an ordinance pursuant to section
15 205-3.1(d), Hawaii Revised Statutes, as amended by section 2 of
16 this Act, shall submit a report on the effects of this Act,
17 including how many affordable housing units were built and any
18 proposed legislation, to the legislature no later than twenty
19 days prior to the convening of the regular session of 2028.



1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on July 1, 2023.



Report Title:

Counties; District Boundary Amendments; County Ordinances;
Affordable Housing; Report

Description:

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres but not over one hundred acres, except lands that are designated as important agricultural land or lands where the soil is classified by the Land Study Bureau's detailed land classification as overall (master) productivity class A or B if the county has adopted an ordinance that meets certain requirements. Requires each county land use decision-making authority whose county adopted an ordinance to submit a report to the Legislature. (CD2)

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

