
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The purpose of this Act is to provide the land
2 use commission with the power to amend, revise, or modify a
3 decision and order granting a district boundary amendment when
4 there has been a finding by the land use commission that a
5 petitioner or its successors or assigns has not adhered to the
6 conditions imposed by the commission.

7 SECTION 2. Section 205-4, Hawaii Revised Statutes, is
8 amended by amending subsection (g) to read as follows:

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



1 to section 205-17 or to assure substantial compliance with
2 representations made by the petitioner in seeking a boundary
3 change. The commission may provide by condition that absent
4 substantial commencement of use of the land in accordance with
5 ~~[such representations,]~~ representations made to the commission,
6 or absent substantial compliance with the conditions imposed
7 under this chapter, the commission, on its own motion or upon
8 motion by any party or interested person, shall issue and serve
9 upon the party bound by the condition an order to show cause why
10 the property should not revert to its former land use
11 classification or be changed to a more appropriate
12 classification. ~~[Such conditions]~~ If the commission finds that
13 the petitioner's failure to adhere to or comply with the
14 representations or conditions does not warrant reversion to the
15 land's former land use classification, including by reason of
16 ineligibility, the commission may:

17 (1) Record a notice of noncompliance on the land with the
18 bureau of conveyances; or

19 (2) Modify the existing conditions or impose new
20 conditions to ensure compliance with the decision and
21 order.



H.B. NO. 1169

1 All conditions imposed under this subsection, if any, shall run
2 with the land and be recorded in the bureau of conveyances."

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

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

6

INTRODUCED BY:



JAN 28 2015



H.B. NO. 1169

Report Title:

Land Use Commission; Imposed Conditions on Land; Land Classification

Description:

Provides the land use commission with greater enforcement flexibility in situations where conditions, necessary to be met for a property's land reclassification, are unmet by the petitioner.

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