
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. Chapter 205, Hawaii Revised Statutes, is
2 amended by adding a new section to part I, to be appropriately
3 designated and to read as follows:
4 "§205- Counties; violation of or failure to enforce land
5 use commission conditions or restrictions for district boundary
6 amendments or special permits. (a) Upon a petition by any
7 party, the land use commission, pursuant to procedures
8 established by the commission, shall investigate and conduct a
9 hearing on any complaint that a county has violated or failed to
10 enforce, pursuant to section 205-12, any condition or
11 restriction imposed by the commission under:
12 (1) Section 205-4(g) for a land use district boundary
13 amendment; or
14 (2) Section 205-6(d) for a special permit authorizing
15 unusual and reasonable uses within agricultural and
16 rural districts.



1 (b) Notwithstanding chapter 46, following an investigation
2 and hearing conducted pursuant to subsection (a), if the
3 commission determines that the county has violated or failed to
4 enforce any condition or restriction, the county shall no longer
5 be authorized to process or act upon permits required for the
6 further development of the project, including but not limited to
7 zoning, subdivision, or grubbing and grading.

8 The commission shall thereafter be the approving authority
9 for all permits and applications related to the development of
10 the project or approvals related thereto unless the county, or
11 other responsible party in the case of the county's failure to
12 enforce, establishes to the commission's satisfaction that the
13 underlying violation has been or will be timely cured.

14 (c) In judicial challenges to the land use commission's
15 determination, the complaint shall be filed in the office of the
16 clerk of the supreme court not later than 4:30 p.m. on the
17 twentieth day following the determination by the land use
18 commission and shall be accompanied by a deposit for costs of
19 court as established by rules of the supreme court. The clerk
20 shall issue to the defendants named in the complaint a summons



1 to appear before the supreme court not later than 4:30 p.m. on
2 the tenth day after service thereof.

3 In judicial challenges to the land use commission's
4 determination the complaint shall be heard by the supreme court
5 in which the complaint was filed as soon as it reasonably may be
6 heard. On the return day, the court, upon its motion or
7 otherwise, may direct summons to be issued to any person who may
8 be interested in the result of the proceedings.

9 At the hearing, the court shall cause the evidence to be
10 reduced to writing and shall give judgment, stating all findings
11 of fact and of law."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Land Use Commission Conditions or Restrictions for District Boundary Amendments and Special Use Permits; County Violation or Failure to Enforce

Description:

Upon petition by any party, requires the land use commission to investigate and hold a hearing on county violation or failure to enforce land use conditions or restrictions. Rescinds county permit authority as penalty for violation or failure to enforce. Provides for expedited judicial review. (HB2043 HD1)

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

