
A BILL FOR AN ACT

RELATING TO DISTRICT BOUNDARY AMENDMENTS.

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

1 SECTION 1. The legislature finds that the counties are
2 responsible for determining district boundary amendments
3 involving land areas of fifteen acres or less and not within the
4 conservation district, whereas district boundary amendments
5 involving lands in the conservation district, land areas greater
6 than fifteen acres, and lands delineated as important
7 agricultural lands are processed by the land use commission
8 through a quasi-judicial process. The legislature further finds
9 that a change to this system of district boundary amendment
10 approvals for certain larger parcels of land, over fifteen acres
11 and up to fifty acres, may provide the counties with greater
12 flexibility to meet the needs of their communities while also
13 requiring the counties to consider broader, secondary impacts,
14 such as impacts on state and county infrastructure, and
15 opportunities to provide housing.

16 Therefore, the purpose of this Act is to authorize the
17 appropriate county land use decision-making authority to



1 determine district boundary amendments involving land areas over
2 fifteen acres but equal to or less than fifty acres according to
3 a process to be determined by each county and subject to certain
4 conditions, including the condition that the district boundary
5 amendment is necessary to produce housing, sixty per cent of
6 which shall be reserved for occupants whose incomes do not
7 exceed eighty per cent of the area median income.

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.

15 (b) Any department or agency of the State, and department
16 or agency of the county in which the land is situated, or any
17 person with a property interest in the land sought to be
18 reclassified may petition the appropriate county land use
19 decision-making authority of the county in which the land is
20 situated for a change in the boundary of a district involving
21 lands less than fifteen acres presently in the rural and urban



1 districts and lands less than fifteen acres in the agricultural
2 district that are not designated as important agricultural
3 lands.

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

19 (d) An application for a district boundary amendment
20 involving a land area over fifteen acres but equal to or less
21 than fifty acres shall be determined by the appropriate county



1 land use decision-making authority for the district and shall
2 not require consideration by the land use commission; provided
3 that:

4 (1) The district boundary amendment is necessary to
5 produce housing, sixty per cent of which shall be
6 affordable housing reserved for occupants whose
7 incomes do not exceed eighty per cent of the area
8 median income; and

9 (2) If, by the date of the application, the county has
10 adopted an ordinance that:

11 (A) Establishes a procedure for determining such
12 district boundary amendments;

13 (B) Requires the county, in considering an
14 application for a district boundary amendment, to
15 consider the impact of the proposed
16 reclassification on areas of state and county
17 concern, including but not limited to impacts on
18 state and county infrastructure and provision for
19 housing opportunities for certain income groups;

20 (C) Requires the district boundary amendment and
21 approved uses to be consistent with the



1 applicable county general plan or community
2 development plan;
3 (D) Requires final action on an application for a
4 district boundary amendment to be taken by the
5 county legislative body and not be subject to a
6 contested case hearing pursuant to chapter 91;
7 and

8 (E) Requires the county to take enforcement actions
9 to assure substantial compliance with
10 representations made by the applicant in seeking
11 a boundary amendment, including conditioning
12 approvals upon substantial commencement of use of
13 the land in accordance with those
14 representations.

15 As used in this subsection, "county legislative body" means
16 the city council or county council of a county.

17 [~~(d)~~] (e) The county land use decision-making authority
18 shall serve a copy of the application for a district boundary
19 amendment to the land use commission and the department of
20 business, economic development, and tourism and shall notify the
21 commission and the department of the time and place of the



1 hearing and the proposed amendments scheduled to be heard at the
2 hearing. A change in the state land use district boundaries
3 pursuant to this subsection shall become effective on the day
4 designated by the county land use decision-making authority in
5 its decision. Within sixty days of the effective date of any
6 decision to amend state land use district boundaries by the
7 county land use decision-making authority, the decision and the
8 description and map of the affected property shall be
9 transmitted to the land use commission and the department of
10 business, economic development, and tourism by the county
11 planning director.

12 (f) Parceling of lands for development shall be prohibited
13 for the purposes of subsection (d). If lands that have been
14 parceled are proposed for reclassification, the petition for
15 reclassification shall be processed as lands greater than
16 fifteen or twenty-five acres, pursuant to section 205-4.

17 (g) Before a county land use decision-making authority
18 grants a petition for reclassification pursuant to subsection
19 (d), the county land use decision-making authority shall make a
20 clear finding, based on the evidence submitted, that the land



1 subject to a petition for reclassification has not been parceled
2 or proposed to be parceled.

3 (h) As used in this section:

4 "Affordable housing" means homes that are affordable to
5 occupants whose incomes do not exceed eighty per cent of the
6 area median income for the county in which the reclassification
7 is to occur.

8 "Parceling" means the subdivision of lands greater than
9 twenty-five acres into two or more parcels, more than one of
10 which is then proposed for reclassification within a ten-year
11 period from the date of the subdivision."

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

15 **"§205-4 Amendments to district boundaries [~~involving land~~**
16 **~~areas greater than fifteen acres.]; proceedings before the land~~**
17 **use commission.** (a) Any department or agency of the State, any
18 department or agency of the county in which the land is
19 situated, or any person with a property interest in the land
20 sought to be reclassified, may petition the land use commission
21 for a change in the boundary of a district. This section



1 applies to all petitions for changes in district boundaries of
2 lands within conservation districts, lands designated or sought
3 to be designated as important agricultural lands, and lands
4 greater than fifteen acres in the agricultural, rural, and urban
5 districts, except as provided in [~~section~~] sections 201H-38[-]
6 and 205-3.1(d). The land use commission shall adopt rules
7 pursuant to chapter 91 to implement section 201H-38."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Counties; District Boundary Amendments; Fifteen to Fifty Acres;
Affordable Housing

Description:

Authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres but less than or equal to fifty acres if the county has adopted an ordinance that meets certain requirements, including the requirement that the district boundary amendment is necessary to produce housing, sixty per cent of which shall be reserved for occupants whose incomes do not exceed eighty per cent of the area median income. Prohibits parceling of such lands. 7/1/2050. (HD1)

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