Revision to LUC's Proposed Amendments to Chapter 15-15, HAR

The proposed amendments to section 15-15-93(e), HAR, are intended to conform to the Hawaiʻi State Supreme Court decision in Bridge ʻĀina Leʻa v. LUC. Specifically, to address the term "substantial commencement" of the use of the land.

Public comment and subsequent staff review agrees that the proposed language was not the same as used in the Supreme Court's decision. Therefore, the following proposed revision is intended to conform to the court's language. This affects the language currently shown in the 2018 Proposed Amendments to Chapter 15-15, HAR Ramseyer Version and the Index of Proposed Changes.

The language proposed to be added is underlined; while the language to revise the original proposed amendment is shown in red and that to be deleted from the original proposed amendment is shown with a ~~strikethrough~~.

§15-15-93 Enforcement of conditions, representations, or commitments

(e) Absent substantial commencement of use of the land ~~construction~~, the commission may revert the property to its former land use classification or a more appropriate classification. For the purposes of this subsection (e) substantial commencement shall be determined based on the circumstances or facts presented in the order to show cause regardless of dollar amount expended or percentage of work completed.