

Honolulu, Hawaii

MAR 01 , 2024

RE: H.B. No. 1838
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1838, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ZONING,"

begs leave to report as follows:

The purpose of this measure is to allow the counties to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.

Your Committee received testimony in support of this measure from one member of the Kaua'i County Council; one member of the Honolulu City Council; two member of the Maui County Council; Department of Planning and Permitting of the City and County of Honolulu; Hawai'i Hotel Alliance; Lāhainā Strong; Housing Hawai'i's Future; UNITE HERE Local 5; Keep It Kailua; Sen3Metry Group LLC; International Longshore & Warehouse Union Local 142; Hawai'i YIMBY; Sierra Club of Hawai'i; Hawai'i Lodging & Tourism Association; The American Hotel and Lodging Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS; Maui Vacation Rental Association; Hawaii Legal Short Term Rental Alliance; Rental By Owners Awareness Association; Pacific View; Loving Goodness; REALTORS Association of Maui, Inc.; O'ahu Short-Term Rental Alliance; West Hawaii Association of REALTORS; Hawai'i Mid and

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Short-Term Rental Alliance; Kama'āina Occupied Short Term Rentals Oahu; Honolulu Board of REALTORS; Maui Paradise Properties; Kina's Maui Condo Rentals LLC dba Aloha Vacation Rentals; Tropical Bound Condo Rentals Inc.; Destination Maui Vacations; Diamond Shine Cleaning LLC; Valley Isle Property Management Team; Papakea; Alaka'i Real Estate LLC; Po'Okela Real Estate LLC; Sunshine Infectious Disease Medical Group; Hana Kai Maui; BGH LLC; 2 Papayas, LLC; Honomu Tropical Farm, LLC; Island Condo Cleaners LLC; Maui Luxury Realty LLC; RLK Kalaheo LLC; EIG River Road Investment Inc; Oceans Cleaning; Two Redheads Cleaning; Kuilima Estate at Turtle Bay, LLC; Gates Laundry Service Inc; Hawai'i Island REALTORS; Seattle Police Relief Association; Kaua'i Board of REALTORS; Oceans Real Estate; Kona Kai LLC; The Edge of Paradise, LLC; Ali'i Resorts; Khana Reef Maui Rental; Myrtle Beach Shores Resort LLC; Maui Vista Condos; Maui Chamber of Commerce; Ala Wai House LLC; Kaleialoha LLC; Kaylyn's Custom Cleaning LLC; C & D Management Group, LLC.; House of Organic Life; Hale Alana Vacation Rental; Tropica USA Corp.; C & O Ohana; and numerous individuals. Your Committee received comments on this measure from Airbnb; Grassroot Institute of Hawaii; and numerous individuals.

Your Committee finds that existing law only allows the counties to amortize or phase out nonconforming uses of buildings or premises in commercial, industrial, resort, and apartment zoned areas, and expressly prohibits the amortization or phasing out of nonconforming uses of buildings or premises used for residential (single-family or duplex) or agricultural uses. Your Committee further finds that transient accommodation uses, or short-term rentals, may be interpreted as "residential uses" for which amortization or phasing out is not allowed. This measure would clarify that the counties have the authority to amortize or phase out nonconforming transient vacation accommodations which may allow the counties to better control short-term rentals in certain areas if necessary.

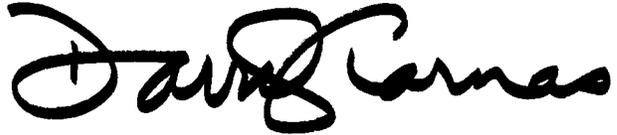
Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1838, H.D. 1, as amended herein, and recommends that it



pass Third Reading in the form attached hereto as H.B. No. 1838,
H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



