

MAR 0 6 2018

## SENATE CONCURRENT RESOLUTION

URGING THE COUNTIES TO ADOPT SUPPLEMENTAL RULES PURSUANT TO  
SECTION 514B-6, HAWAII REVISED STATUTES, TO ENSURE THE  
CONFORMANCE OF CONDOMINIUM PROPERTY REGIMES TO THE PURPOSES  
AND PROVISIONS OF COUNTY ZONING AND DEVELOPMENT ORDINANCES.

1 WHEREAS, there is a need to revise laws relating to  
2 agricultural property regimes; and  
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4 WHEREAS, recently, there has been an increased interested  
5 in developing agricultural lands through the condominium  
6 property regime process; and  
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8 WHEREAS, while this provides land developers with a process  
9 to reduce front-end costs of selling agricultural lands, it  
10 often thwarts the long-term viability of these "units", as  
11 master planning is absent, particularly with respect to  
12 supporting county infrastructure; and  
13

14 WHEREAS, current condominium property regime laws only  
15 require that the proposed condominium property regime comply  
16 with county zoning, but do not require compliance with county  
17 subdivision requirements, where counties can review and ensure  
18 that necessary supportive infrastructure is available, including  
19 roads, water, and sewer lines, prior to the sale of the  
20 property; and  
21

22 WHEREAS, condominium property regime laws do not require  
23 county approval of the condominium property regime, which  
24 inhibits a county's ability to plan, regulate, and enforce its  
25 agricultural plans, goals, and infrastructure services; and  
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27 WHEREAS, section 205-4.5(f), Hawaii Revised Statutes,  
28 specifically allows agricultural land developers to bypass  
29 county subdivision requirements, which promotes the condominium  
30 property regime process over the county subdivision process; and  
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1 WHEREAS, the condominium property regime process is a  
 2 complex set of regulations and restrictions that are often not  
 3 easily understood at the time of purchase; now, therefore,  
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5 BE IT RESOLVED by the Senate of the Twenty-ninth  
 6 Legislature of the State of Hawaii, Regular Session of 2018, the  
 7 House of Representatives concurring, that each of the county  
 8 councils are urged to adopt supplemental rules pursuant to  
 9 section 514B-6, Hawaii Revised Statutes, to ensure the  
 10 conformance of condominium property regimes to the purposes and  
 11 provisions of county zoning and development ordinances and  
 12 chapter 205, Hawaii Revised Statutes, including section 205-4.6,  
 13 Hawaii Revised Statutes, where applicable; and  
 14

15 BE IT FURTHER RESOLVED that certified copies of this  
 16 Concurrent Resolution be transmitted to the Mayor of Hawaii  
 17 County, Mayor of the City and County of Honolulu, Mayor of  
 18 Kauai, Mayor of Maui, Planning Director of the Planning  
 19 Department of the County of Hawaii, Director of the Department  
 20 of Planning and Permitting of the City and County of Honolulu,  
 21 Planning Director of the Planning Department of the County of  
 22 Kauai, and Planning Director of the Planning Department of the  
 23 County of Maui.  
 24  
 25  
 26

OFFERED BY:

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