

MAR 06 2018

SENATE 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
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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
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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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32 WHEREAS, the condominium property regime process is a
33 complex set of regulations and restrictions that are often not
34 easily understood at the time of purchase; now, therefore,



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2 BE IT RESOLVED by the Senate of the Twenty-ninth
3 Legislature of the State of Hawaii, Regular Session of 2018,
4 that each of the county councils are urged to adopt supplemental
5 rules pursuant to section 514B-6, Hawaii Revised Statutes, to
6 ensure the conformance of condominium property regimes to the
7 purposes and provisions of county zoning and development
8 ordinances and chapter 205, Hawaii Revised Statutes, including
9 section 205-4.6, Hawaii Revised Statutes, where applicable; and
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11 BE IT FURTHER RESOLVED that certified copies of this
12 Resolution be transmitted to the Mayor of Hawaii County, Mayor
13 of the City and County of Honolulu, Mayor of Kauai, Mayor of
14 Maui, Planning Director of the Planning Department of the County
15 of Hawaii, Director of the Department of Planning and Permitting
16 of the City and County of Honolulu, Planning Director of the
17 Planning Department of the County of Kauai, and Planning
18 Director of the Planning Department of the County of Maui.
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OFFERED BY:

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