

---

---

# 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

3  
4           WHEREAS, recently, there has been an increased interest in  
5 developing agricultural lands through the condominium property  
6 regime process; and

7  
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

26  
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  
31



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,  
4

5           BE IT RESOLVED by the Senate of the Twenty-ninth  
6 Legislature of the State of Hawaii, Regular Session of 2018,  
7 that each of the county councils are urged to adopt supplemental  
8 rules pursuant to section 514B-6, Hawaii Revised Statutes, to  
9 ensure the conformance of condominium property regimes to the  
10 purposes and provisions of county zoning and development  
11 ordinances and chapter 205, Hawaii Revised Statutes, including  
12 section 205-4.6, Hawaii Revised Statutes, where applicable; and  
13

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

