
A BILL FOR AN ACT

RELATING TO THE ALA WAI BOAT HARBOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 200, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§200- Ala Wai boat harbor; leasehold condominium boat
5 slips. (a) Notwithstanding any law to the contrary, the board
6 shall:

7 (1) Convert the Ala Wai boat harbor to a condominium
8 property regime pursuant to chapter 514B, which shall
9 be known as the Ala Wai boat harbor condominium
10 property regime; and

11 (2) Offer to sell leasehold condominium boat slips at the
12 Ala Wai boat harbor pursuant to section 200-2.5;
13 provided that the board shall only approve the
14 applicants who, as of June 30, 2020:

15 (A) Lease one or more boat slips at the Ala Wai boat
16 harbor; and



1 (B) Are not in arrears in the payments of rents,
2 fees, or other obligations owing the department.

3 (b) The owner of a leasehold condominium boat slip
4 purchased pursuant to this section shall be exempt from any
5 moorage fees required by section 200-10.

6 (c) The term of the lease shall be for sixty-five years;
7 provided that upon completion of the term, the lease may be
8 renewed for an additional sixty-five-year term.

9 (d) Any tenant of the Ala Wai boat harbor on June 30,
10 2020, who does not purchase a leasehold condominium boat slip
11 pursuant to this section may continue to lease a boat slip at
12 the Ala Wai boat harbor, subject to applicable laws and rules.

13 (e) The association of condominium owners established
14 under this section shall serve as the landlord of the Ala Wai
15 boat harbor condominium property regime.

16 (f) Pursuant to section 200-2.5, all revenues collected
17 from the sale of leasehold condominium boat slips pursuant to
18 this section shall be deposited into the boating special fund;
19 provided that the board shall allocate these funds for
20 maintenance of the Ala Wai boat harbor."



1 SECTION 2. Section 200-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "(c) ~~[The]~~ Except for any permittee who has purchased a
4 leasehold condominium boat slip at the Ala Wai boat harbor
5 pursuant to section 200- , the permittee shall pay moorage
6 fees to the department for the use permit that shall be based on
7 but not limited to the use of the vessel, its effect on the
8 harbor, use of facilities, and the cost of administering this
9 mooring program; and, furthermore:

10 (1) Except for commercial maritime activities where there
11 is a tariff established by the department of
12 transportation, moorage fees shall be established by
13 appraisal by a state-licensed appraiser approved by
14 the department and shall be higher for nonresidents
15 than for residents. The moorage fees shall be set by
16 appraisal categories schedule A and schedule B, to be
17 determined by the department, and may be increased
18 annually by the department, to reflect a cost-of-
19 living index increase; provided that:

20 (A) Schedule A shall include existing mooring
21 permittees; and



1 (B) Schedule B shall apply to all new mooring
2 applicants and transient slips on or after
3 July 1, 2011;

4 provided further that schedule A rates shall be
5 increased by the same amount each year so that
6 schedule A rates equal schedule B rates by July 1,
7 2014;

8 (2) For commercial maritime activities where there is a
9 tariff established by the harbors division of the
10 department of transportation, the department may adopt
11 the published tariff of the harbors division of the
12 department of transportation or establish the fee by
13 appraisal by a state-licensed appraiser approved by
14 the department;

15 (3) An application fee shall be collected when applying
16 for moorage in state small boat harbors and shall
17 thereafter be collected annually when the application
18 is renewed. The application fee shall be:

19 (A) Set by the department; and

20 (B) Not less than \$100 for nonresidents;



1 (4) If a recreational vessel is used as a place of
2 principal habitation, the permittee shall pay, in
3 addition to the moorage fee, a liveaboard fee that
4 shall be calculated at a rate of:

5 (A) \$5.20 a foot of vessel length a month if the
6 permittee is a state resident; and

7 (B) \$7.80 a foot of vessel length a month if the
8 permittee is a nonresident;

9 provided that the liveaboard fees established by this
10 paragraph may be increased by the department at the
11 rate of the annual cost-of-living index, but not more
12 than five per cent in any one year, beginning July 1
13 of each year;

14 (5) If a vessel is used for commercial purposes from its
15 permitted mooring, the permittee shall pay, in lieu of
16 the moorage and liveaboard fee, a fee based on three
17 per cent of the gross revenues derived from the use of
18 the vessel or two times the moorage fee assessed for a
19 recreational vessel of the same size, whichever is
20 greater; and



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1 (6) The department is authorized to assess and collect
 2 utility fees, including electrical and water charges,
 3 and common-area maintenance fees in small boat
 4 harbors."

5 SECTION 3. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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H.B. NO. 1688

Report Title:

BLNR; Department of Land and Natural Resources; Ala Wai Boat Harbor; Moorage Fees; Leasehold Condominium Boat Slips; Boating Special Fund

Description:

Requires the Board of Land and Natural Resources to offer to sell leasehold condominium boat slips at the Ala Wai boat harbor to certain tenants of the harbor and allocate the proceeds of these sales for deferred maintenance of the harbor. Allows for the establishment of a condominium association at Ala Wai boat harbor to serve as the landlord of all boat slips at the harbor. Exempts owners of leasehold condominium boat slips at the Ala Wai boat harbor from moorage fees.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

