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# A BILL FOR AN ACT

RELATING TO THE COUNTIES.

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

1       SECTION 1. The legislature finds that the proliferation of  
2 "short-term rentals", which are generally transient  
3 accommodations other than hotels and motels, has adversely  
4 impacted the State. Short-term rentals pose health and safety  
5 risks to local residents and guests, reduce the availability of  
6 permanent housing, drive up rents, and adversely alter the  
7 character and quality of residential neighborhoods.

8       The proliferation of illegal short-term rentals has been  
9 particularly difficult to control and regulate because owners  
10 and operators are able to attract and transact business through  
11 online hosting platforms.

12       The purpose of this Act is to provide better regulation and  
13 accountability of short-term rentals by:

- 14       (1) Clarifying the authority of counties to regulate  
15       hosting platforms;



1 (2) Authorizing the counties to establish a registry of  
2 lawfully authorized or permitted short-term rentals  
3 for public inspection and accountability;

4 (3) Authorizing the counties to require short-term rental  
5 operators or owners to list the complete physical  
6 address, including unit number if applicable, short-  
7 term rental registration or certificate or permit  
8 number, and tax map key of the short-term rental  
9 property in any posting or advertisement on a hosting  
10 platform;

11 (4) Authorizing the counties to prohibit hosting platforms  
12 from completing any booking transaction for a short-  
13 term rental unless it is listed on a county's registry  
14 at the time the hosting platform receives a fee for  
15 the booking transaction;

16 (5) Authorizing the counties to prohibit hosting platforms  
17 from collecting or receiving a fee, directly or  
18 indirectly through an agent or intermediary, for  
19 facilitating or providing services ancillary to a  
20 short-term rental;



1 (6) Authorizing the counties to subpoena records from  
2 hosting platforms to seek out illegally operating  
3 short-term rentals; and

4 (7) Requiring all persons arriving into a county to submit  
5 and confirm the complete physical address of their  
6 place of stay, including unit number if applicable,  
7 which shall be provided to the counties for the  
8 purposes of validating legally and illegally operating  
9 short-term rentals and enforcing the provisions of  
10 this Act and any ordinance regulating short-term  
11 rentals.

12 This Act is not intended to preempt or otherwise limit the  
13 authority of counties to adopt, monitor, and enforce local land  
14 use regulations. Further, this Act is not intended to transfer  
15 the authority to monitor and enforce those regulations away from  
16 the counties.

17 SECTION 2. The Hawaii Revised Statutes is amended by  
18 adding a new chapter to be appropriately designated and to read  
19 as follows:



1 "CHAPTER

2 SHORT-TERM RENTALS

3 § -1 Definitions. For purposes of this chapter, the  
4 following definitions shall apply:

5 "Aircraft" shall have the same meaning as defined in  
6 section 261-1.

7 "Booking service" means any reservation or payment service  
8 provided by a person or entity that facilitates a short-term  
9 rental transaction between an operator and a prospective renter  
10 or occupant, for which the person or entity collects or  
11 receives, directly or indirectly through an agent, entity, or  
12 intermediary, a fee, compensation, or consideration in  
13 connection with the reservation or payment services provided for  
14 the short-term rental transaction.

15 "Hosting platform" means a person or entity that provides,  
16 and collects or receives a fee or other compensation or  
17 consideration for, booking services through which an operator  
18 may offer a short-term rental. Hosting platforms may, but do  
19 not necessarily, provide booking services through an online  
20 platform that allows an owner or operator to advertise the  
21 short-term rental through a website provided by the hosting



1 platform and the hosting platform conducts a transaction by  
2 which potential renters arrange use and payment, whether the  
3 renter pays rent directly to the operator or to the hosting  
4 platform.

5 "Place of stay" means a place in which someone lives or  
6 stays for at least one overnight period.

7 "Short-term rental" means "transient accommodations unit",  
8 "transient vacation rental", "transient vacation use", or any  
9 similar term that may be defined by county ordinance to mean a  
10 single family dwelling, dwelling unit, unit, room, apartment,  
11 house, condominium, beach house, suite, living quarters, or  
12 similar living accommodation rented to or occupied by a  
13 transient person for fewer than thirty consecutive days, or a  
14 period as established by county ordinance, for compensation.

15 "Transient person" means a person who occupies a short-term  
16 rental for fewer than thirty consecutive days, or a period as  
17 established by county ordinance, for compensation,  
18 consideration, or a fee. "Transient person" does not include  
19 short-term workers under contract whose accommodations are  
20 provided as part of their compensation.



1 "Vessel" shall have the same meaning as defined in  
2 section 200-23.

3 **§ -2 Authority to regulate hosting platforms.** Each  
4 county shall have the authority to regulate hosting platforms  
5 and other operations providing booking services for short-term  
6 rentals in their respective county.

7 **§ -3 Authority to require property information listing.**  
8 Each county shall have the authority to require short-term  
9 rental operators or owners to list the complete physical  
10 address, including unit number if applicable; short-term rental  
11 permit, registration, or certificate number; and tax map key of  
12 the short-term rental property in any posting or advertisement  
13 on a hosting platform.

14 **§ -4 Short-term rental registries.** Each county may  
15 create a registry of short-term rentals that the county has  
16 authorized, certified, or permitted to operate. Each registry  
17 shall include, but not be limited to, the following information:

- 18 (1) The county permit, registration, or certificate  
19 number;  
20 (2) The physical address and unit number, if applicable,  
21 of the short-term rental;



1 (3) The tax map key of the short-term rental; and

2 (4) Any county restrictions or conditions placed upon the  
3 short-term rental, such as restrictions or conditions  
4 regarding occupancy and parking, and permit,  
5 registration, or certification expiration date.

6 Each county may post online and regularly update the registry.

7 **§ -5 Hosting platform prohibitions.** (a) Each county  
8 may prohibit hosting platforms from completing any booking  
9 service or accepting any reservation for a short-term rental if  
10 it is not listed on a county's registry created under  
11 section -4 at the time the hosting platform receives a fee  
12 for the booking transaction or accepts the reservation.

13 (b) Each county may prohibit hosting platforms from  
14 collecting or receiving a fee or other compensation or  
15 consideration, directly or indirectly through an agent or  
16 intermediary, for facilitating or providing services ancillary  
17 to a short-term rental, including but not limited to insurance,  
18 concierge services, catering, restaurant bookings, tours, guide  
19 services, entertainment, cleaning, property management, or  
20 maintenance of the short-term rental property or unit.



(c) Each county may provide that a hosting platform shall be presumed to be in compliance with the provisions of this section if it operates in compliance with subsections (a) and (b) and section -4; provided that the hosting platform shall remain responsible for compliance with the subpoena provisions of section -6.

**§ -6 Subpoenas.** Each county may issue and serve subpoenas as necessary to obtain specific information regarding short-term rental listings for properties located in the county, including, but not limited to, the names of the persons responsible for each listing, the complete physical address, including unit number if applicable, of each listing, the length of stay for each listing, and the price paid for each stay to determine whether the short-term rental listings comply with this chapter or any other county short-term rental ordinance. Any subpoena issued pursuant to this section shall not require the production of information sooner than thirty days from the date of service. A person or entity that has been served with a subpoena may seek judicial review only during that thirty-day period.





1       **§ -7 Noncompliance.** Each county may prohibit any person  
2 from undertaking, maintaining, authorizing, aiding,  
3 facilitating, or advertising any short-term rental that does not  
4 comply with the requirements of this chapter or any county  
5 short-term rental ordinance. For the purposes of this section  
6 only, "person" does not include a hosting platform.

7       **§ -8 Place of stay declaration upon arrival.** (a) Each  
8 passenger, officer, and crew member of any aircraft or vessel  
9 providing travel to persons into a county, whether residents of  
10 the State or not, shall complete a "place of stay declaration"  
11 and shall submit the declaration upon debarkation; provided that  
12 one adult member of a family or household may complete the  
13 declaration for other household members staying in the same  
14 location and unit. Any person who defaces the declaration form  
15 required under this section, gives false information, or fails  
16 to declare the person's place of stay shall be in violation of  
17 this section and section 710-1063. The "place of stay  
18 declaration" form shall be adopted or prescribed by each county  
19 in an appropriate electronic or hard copy format and shall  
20 include, but not be limited to, the request for submission of  
21 the stay of place street address and the term of the stay.



1 (b) Upon arrival, the person operating the aircraft or  
2 vessel shall deliver the completed place of stay declaration  
3 forms immediately to the county of arrival at the first airport  
4 or seaport of arrival. Alternatively, if requested by a county,  
5 the completed forms may be sent to the county electronically  
6 under a mutually agreed upon format. Failure to collect  
7 declaration forms or to immediately deliver completed forms is a  
8 violation of this section.

9 (c) Each county shall have the authority to require the  
10 host, owner, or operator of the identified place of stay to  
11 verify the occupancy of the declarant.

12 (d) Each county may use the place of stay information and  
13 the host, owner, or operator verification to determine  
14 compliance with this chapter and any ordinances regulating  
15 short-term rentals.

16 **§ -9 County authority.** Each county may implement and  
17 enforce this chapter and may further adopt ordinances, rules,  
18 fines, and penalties to implement and enforce the provisions of  
19 this chapter.

20 Nothing in this chapter shall be construed to preempt or  
21 prohibit the authority of any county or political subdivision of



1 the State to further adopt, monitor, and enforce local land use  
2 ordinances, rules, and regulations, nor to transfer the  
3 authority to monitor and enforce these ordinances, rules, or  
4 regulations away from the counties."

5 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Counties; Short-Term Rentals; Hosting Platforms; Arrival  
Information

**Description:**

Provides the counties with authority to: regulate hosting platforms; require owners or operators to list certain property information on any hosting advertisement or post on a hosting platform; establish short-term rental registries to prohibit hosting platforms from completing booking transactions unless the rental is listed in the registry; prohibit hosting platforms from collecting fees through an agent or intermediary for short-term rental ancillary services; subpoena records from hosting platforms. Requires persons arriving in any county to declare their place of stay for short-term rental enforcement purposes. (SD1)

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

