

A BILL FOR AN ACT

RELATING TO TRANSIENT VACATION UNITS.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 26 to be appropriately designated and to read as follows:

"CHAPTER

TRANSIENT VACATION UNITS

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

"Compensation" includes monetary payment, services, or labor of transient occupants.

"County" means the county in which a dwelling unit is located.

"Dwelling unit" means a structure, or part of a structure, which is used as a home, residence, sleeping place, or lodging by one person or by two or more persons maintaining a common household or group, to the exclusion of all others.

"Transient vacation unit" means a dwelling unit that is advertised, solicited, offered, or provided, or a combination of

1 any of the foregoing, for compensation to transient occupants
2 for fewer than thirty days.

3 **§ -2 Citizen suits.** (a) After June 30, 2022, any
4 person may commence a civil action on that person's own behalf
5 against any owner of a dwelling unit if the owner:

6 (1) Is not authorized by the county to provide the
7 dwelling unit as a transient vacation unit; and

8 (2) Advertises, solicits, offers, or provides to any
9 person the dwelling unit as a transient vacation unit.

10 (b) The district court that is located in the county shall
11 have jurisdiction to:

12 (1) Enjoin the owner of the dwelling unit from providing
13 the dwelling unit as a transient vacation unit;

14 (2) Order the owner to pay to the plaintiff damages not to
15 exceed \$10,000, plus reasonable attorney fees; and

16 (3) Order the plaintiff to pay to the owner reasonable
17 attorney fees in any action under this chapter where
18 the court determines that the claim was fraudulent or
19 frivolous.



1 (c) No action may be commenced before sixty days after the
2 potential plaintiff has given notice of the alleged violation to
3 the owner.

4 (d) Parties may submit admissible evidence relating to the
5 alleged unauthorized activity, including photographic and
6 videographic evidence.

7 (e) Nothing in this section shall restrict any right that
8 any person may have under any constitutional provision, statute,
9 or common law to seek enforcement of any other applicable law or
10 to seek any other relief."

11 SECTION 2. Chapter 604, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§604- Jurisdiction of district courts; transient
15 vacation units; citizen suits. Jurisdiction is conferred upon
16 the district courts to try all cases specified in section -2
17 relating to unauthorized transient vacation units."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect on July 30, 2075.



Report Title:

Transient Vacation Units; Rentals; Counties; Private Civil Suits

Description:

Authorizes any person to commence a civil action in district court on that person's own behalf against any owner of a dwelling unit if the owner advertises, solicits, offers, or provides the dwelling unit as a transient vacation unit and the owner is not authorized by the applicable county to provide the unit as a transient vacation unit. Authorizes the court to order a plaintiff to pay reasonable attorney fees when it determines that a claim is fraudulent or frivolous. Takes effect 7/30/2075. (SD2)

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

