

Honolulu, Hawaii

APR 26 2024

RE: S.B. No. 2919
S.D. 2
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2919, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROPERTY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify the counties' authority to regulate the time, place, manner, and duration in which uses of land and structures may take place;
- (2) Allow counties to enact zoning ordinances to amortize or phase out transient vacation rental units in an area of any zoning classification; and



- (3) Beginning January 1, 2025, expand the scope of the transient accommodations tax law to include certain shelters and vehicles with sleeping accommodations.

Your Committee on Conference finds that despite attempts made by certain counties to regulate short-term transient accommodations and enact ordinances pursuant to their home rule authority relating to zoning, transient accommodations in residential-zoned neighborhoods have been permitted to continue due to judicial opinions that have interpreted their status as a legal, nonconforming use that has been grandfathered in by statute. Therefore, this measure reinstates and supports the home rule authority that was intended for the counties relating to zoning by authorizing the counties to phase out or amortize transient accommodation uses by zoning ordinance.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have prohibited time, place, manner, or durational zoning regulations from being deemed to create different types of land uses or structures;
- (2) Deleting language that would have authorized transient vacation rental units to be amortized or phased out in an area of any zoning classification and inserting language clarifying that uses that include the furnishing or offering of transient accommodations shall not be considered residential uses or agricultural uses and may be phased out or amortized in any zoning district by county zoning regulations;
- (3) Inserting language authorizing a county zoning ordinance to provide that transient accommodations may be furnished to a transient for a period of less than one hundred eighty consecutive days;
- (4) Deleting language that would have defined the term "transient vacation rental unit" and inserting a definition of "transient accommodations" to have the same meaning as defined under section 237D-1, Hawaii Revised Statutes;
- (5) Amending section 1 to reflect its amended purpose;
- (6) Making it effective upon its approval; and



- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2919, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2919, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

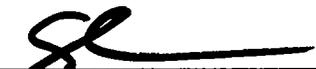
ON THE PART OF THE SENATE



LUKE A. EVSLIN
Co-Chair



BARRETT KEOHOKALOLE
Chair



SEAN QUINLAN
Co-Chair



LYNN DECOITE
Co-Chair



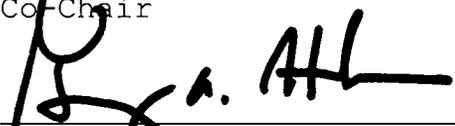
MICAH AIU
Co-Chair



GLENN WAKAI
Co-Chair



KARL RHOADS
Co-Chair



TROY N. HASHIMOTO
Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 2919, SD 2, HD 2	Date/Time: 4/24/24 1:34pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEOHOKALOLE, Jarrett, Chr.	/				EVSLIN, Luke A., Co-Chr.	/			
DECOITE, Lynn, Co-Chr.	/				QUINLAN, Sean, Co-Chr.	/			
WAKAI, Glenn, Co-Chr.				/	AIU, Micah P.K., Co-Chr.	/			
RHOADS, Karl, Co-Chr.	/				KILA, Darius K.	/			
HASHIMOTO, Troy N., Co-Chr.	/				MATSUMOTO, Lauren	/			
AWA, Brenton	/								
TOTAL	5			1	TOTAL	5			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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