

Honolulu, Hawaii

, 2024

FEB 06

RE: H.B. No. 1838
H.D. 1

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

Sir:

Your Committee on Housing, to which was referred H.B. No. 1838 entitled:

"A BILL FOR AN ACT RELATING TO ZONING,"

begs leave to report as follows:

The purpose of this measure is to allow counties to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.

Your Committee received testimony in support of this measure from one member of the Kaua'i County Council; one member of the Maui County Council; Keep It Kailua; Lāhainā Strong; Housing Hawai'i's Future; Hawaii Financial Services; Hawai'i YIMBY; and numerous individuals. Your Committee received testimony in opposition to this measure from the Rental By Owner Awareness Association; Hawai'i Association of REALTORS; Kihei Oasis Vacation Rental; and numerous individuals. Your Committee received comments on this measure from the Grassroot Institute of Hawaii and Airbnb.

Your Committee finds that certain transient vacation rental units are permitted to operate in the State through zoning laws adopted in each county. Your Committee further finds that other transient vacation rental units continue operating only by virtue



of their status as legal, nonconforming uses that have been grandfathered in. This measure will address this legal loophole by allowing the counties to amortize or phase out permitted, nonconforming, or otherwise allowed short-term rentals in any zoning classification.

Your Committee notes the potential constitutional concerns brought up in testimony regarding this measure and respectfully asks your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to examine the merits of this claim.

Your Committee has amended this measure by:

- (1) Defining "transient vacation rental unit";
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1838, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1838, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Housing,

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LUKE A. EVSLIN, Chair



Record of Votes of the Committee on Housing

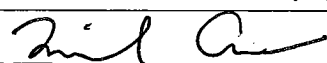
Bill/Resolution No.: HB1838	Committee Referral: HSG, JHA	Date: 1/31/2024
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

HSG Members	Ayes	Ayes (WR)	Nays	Excused
1. EVSLIN, Luke A. (C)	✓			
2. AIU, Micah P.K. (VC)	✓			
3. KILA, Darius K.	✓			
4. KITAGAWA, Lisa				✓
5. MIYAKE, Tyson K.	✓			
6. ONISHI, Richard H.K.		✓		
7. TODD, Chris	✓			
8. MATSUMOTO, Lauren	✓			
TOTAL (8)	6	1	1	1

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 committee acronym(s)

Vice Chair's or designee's signature: 

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