

JAN 19 2006

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# A BILL FOR AN ACT

RELATING TO TIME SHARE ZONING.

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

1           SECTION 1. Section 514E-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§514E-5 Geographic limitations.** Except as provided in  
4 this section, time share units, time share plans, and transient  
5 vacation rentals are prohibited.

6           (1) Existing time share units, time share plans, and  
7 transient vacation rentals are not impaired by the  
8 provisions of this section.

9           (2) Time share units, time share plans, and transient  
10 vacation rentals are allowed:

11           (A) In areas designated for hotel use, resort use, or  
12 transient vacation rentals, pursuant to county  
13 authority under section 46-4, or where the  
14 county, by its legislative process, designates  
15 hotel, transient vacation rental, or resort use;  
16 provided that, if a county establishes a time  
17 share zoning district that allows time share  
18 units and time share plans, the county may then



1                   restrict time share units and time share plans in  
 2                   other zoning districts, including areas  
 3                   designated for hotel use, resort use, or  
 4                   transient vacation rentals;

5                   (B) In a hotel where the county explicitly approves  
 6                   such use, in advance, as a nonconforming use; or

7                   (C) In a county with a population in excess of five  
 8                   hundred thousand, in an existing hotel which is a  
 9                   valid nonconforming use under county ordinance;  
 10                  provided that the property shall have at least  
 11                  sixty units and at least forty per cent of the  
 12                  units, upon completion of sales of the time share  
 13                  intervals in the project, shall be made available  
 14                  for sale as residential apartments or rented as  
 15                  residential apartments."

16                  SECTION 2. Statutory material to be repealed is bracketed  
 17                  and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Ronald Bunn

By Request



SB 2057

**Report Title:**

Time Share; Zoning

**Description:**

Authorizes the counties to restrict time share units and time share plans in zoning districts, if they establish a time share zoning district.

