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## HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO REVIEW AND SUBMIT A LEGAL  
OPINION REGARDING WHETHER VACATION RENTAL USES IN SINGLE-  
FAMILY DWELLINGS AND FARM DWELLINGS IN STATE AGRICULTURAL  
DISTRICTS ARE PROHIBITED UNDER CHAPTER 205, HAWAII REVISED  
STATUTES.

1           WHEREAS, when the Legislature established prohibited uses  
2 in state agricultural districts under Act 199, Session Laws of  
3 Hawaii 1976, alternative forms of visitor accommodations were  
4 uncommon throughout Hawaii; and

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6           WHEREAS, Act 186, Session Laws of Hawaii 1980, authorized  
7 the counties to restrict the location of transient vacation  
8 rentals to those existing in multifamily buildings; and

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10           WHEREAS, alternative visitor accommodations, including  
11 those in single-family dwellings and farm dwelling units, are an  
12 important part of Hawaii's tourism industry; and

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14           WHEREAS, the tourism industry is a significant part of  
15 Hawaii's economy; and

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17           WHEREAS, the counties have taken the position that chapter  
18 205, Hawaii Revised Statutes, per se prohibits single-family and  
19 farm dwelling transient vacation rental uses within state  
20 agricultural districts without a special use permit; and

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22           WHEREAS, single-family and farm dwelling transient vacation  
23 rentals and income therefrom may support agricultural activities  
24 and thus can be compatible with agricultural uses; and  
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1       WHEREAS, chapter 205, Hawaii Revised Statutes, does not  
2 appear to prohibit these alternative forms of visitor  
3 accommodations in agricultural districts; now, therefore,  
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5       BE IT RESOLVED by the House of Representatives of the  
6 Twenty-fourth Legislature of the State of Hawaii, Regular  
7 Session of 2008, the Senate concurring, that the Attorney  
8 General is requested to review and submit a legal opinion to the  
9 Legislature regarding whether vacation rental uses in single-  
10 family dwellings and farm dwellings in state agricultural  
11 districts are prohibited under chapter 205, Hawaii Revised  
12 Statutes; and  
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14       BE IT FURTHER RESOLVED that certified copies of this  
15 Concurrent Resolution be transmitted to the Governor and the  
16 Attorney General.

