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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE LAND USE COMMISSION AND THE COUNTY COUNCILS AND THE PLANNING COMMISSIONS OF MAUI AND KAUAI COUNTIES TO RECOGNIZE THAT VACATION RENTAL USES IN SINGLE-FAMILY DWELLINGS AND FARM DWELLINGS IN STATE AGRICULTURAL DISTRICTS ARE NOT 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 prohibit these alternative forms of visitor accommodations in  
3 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 Land Use  
8 Commission and the county councils and the planning commissions  
9 of Maui and Kauai counties are requested to recognize that  
10 transient vacation rental uses are not prohibited in single-  
11 family and farm dwelling units that are otherwise in compliance  
12 with chapter 205, Hawaii Revised Statutes; and  
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14 BE IT FURTHER RESOLVED that the Land Use Commission and the  
15 county councils and the planning commissions of Maui and Kauai  
16 counties are urged not to adopt rules and procedures that  
17 interpret chapter 205, Hawaii Revised Statutes, as prohibiting  
18 single-family and farm dwelling transient vacation rental uses  
19 in state agricultural districts, without providing for the  
20 grandfathering of lawfully existing single-family and farm  
21 dwelling transient vacation rentals, pursuant to section 46-4,  
22 Hawaii Revised Statutes; and  
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24 BE IT FURTHER RESOLVED that certified copies of this  
25 Concurrent Resolution be transmitted to the Chairperson of the  
26 Land Use Commission and the Mayor, the Council Chairperson, and  
27 the Chairperson of the Planning Commission of the counties of  
28 Maui and Kauai.

