
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 uses in state
2 agricultural districts under Act 199, Session Laws of Hawaii
3 1976, alternative forms of visitor accommodations were uncommon
4 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 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
23 vacation rentals and income therefrom may support agricultural
24 activities and thus can be compatible with agricultural uses;
25 and

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27 WHEREAS, chapter 205, Hawaii Revised Statutes, does not
28 appear to prohibit these alternative forms of visitor
29 accommodations in agricultural districts; now, therefore,



H.C.R. NO. 79

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BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2009, the Senate concurring, that the Attorney General is requested to review and submit a legal opinion to the Legislature regarding whether vacation rental uses in single-family dwellings and farm dwellings in state agricultural districts are prohibited under chapter 205, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor and the Attorney General.

OFFERED BY:

ANDREW VII

Rep. Andrew VII
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