

STAND. COM. REP. NO.

771

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1443

H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Housing and Water, Land, & Ocean Resources, to which was referred H.B. No. 1443, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HOME OCCUPATIONS,"

beg leave to report as follows:

The purpose of this bill is to allow owner-occupants of a home to operate a small business out of their home as long as it does not have serious negative impacts on the surrounding residential area.

A concerned individual testified in support of this bill. The Maui Chamber of Commerce supported the intent of this measure. Several concerned individuals opposed this bill. The Department of Planning and Permitting of the City and County of Honolulu provided comments.

Your Committees find that bed and breakfasts and other vacation rentals are a controversial presence in residential areas. However, this bill is not intended to address the issue of bed and breakfasts. Accordingly, your Committees have amended this bill by placing outside the scope of the coverage of this bill, bed and breakfasts, transient vacation rentals, and other tourism accommodation businesses.

HB1443 HD2 HSCR HSG-WLO HMS 2009-2856



In addition, your Committees have amended this bill by:

- (1) Inserting a provision clarifying that owners of home occupations remain subject to the noise permit requirements of the Department of Health;
- (2) Placing outside the scope of the coverage of this bill trade activities, including carpentry, and halfway houses;
- (3) Providing that the counties may regulate activities that violate county ordinances relating to the parking of commercial vehicles;
- (4) Providing that if this Act conflicts with county ordinances for halfway houses, the county ordinance shall prevail;
- (5) Changing the effective date to July 1, 2025, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1443, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1443, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Housing and
Water, Land, & Ocean Resources,



KEN ITO, Chair



RIDA CABANILLA, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 771

Record of Votes of the Committee on Housing

Bill/Resolution No.: HB 1443, HD1	Committee Referral: EBM, HSG/WLO	Date: 3-4-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSG Members	Ayes	Ayes (WR)	Nays	Excused
1. CABANILLA, Rida (C)	X			
2. CHONG, Pono (VC)	X			
3. CHANG, Jerry L.	X			
4. COFFMAN, Denny	X			
5. HAR, Sharon E.				X
6. HERKES, Robert N.				X
7. ITO, Ken	X			
8. LEE, Chris				X
9. LUKE, Sylvia				X
10. MORITA, Hermina M.				X
11. SAGUM, Roland D., III				X
12. CHING, Corinne W.L.		X		
13. THIELEN, Cynthia		X		
TOTAL (13)	5	2		6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 771

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB 1443 HD1	Committee Referral: EBM, HSG/WLO	Date: 3-4-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	X			
2. HAR, Sharon E. (VC)	X			X
3. CABANILLA, Rida	X			
4. CHANG, Jerry L.	X			
5. CHONG, Pono	X			
6. COFFMAN, Denny	X			
7. HERKES, Robert N.				X
8. LEE, Chris				X
9. LUKE, Sylvia				X
10. MORITA, Hermina M.				X
11. SAGUM, Roland D., III				X
12. CHING, Corinne W.L.		X		
13. THIELEN, Cynthia		X		
TOTAL (13)	5	2		6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ <div style="text-align: center; margin-top: 10px;"> </div>				
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