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# A BILL FOR AN ACT

RELATING TO THE COUNTIES.

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

1           SECTION 1. The legislature finds that the proliferation of  
2 "short-term rentals", which are generally transient  
3 accommodations other than hotels and motels, has adversely  
4 impacted the State. Short-term rentals pose health and safety  
5 risks to local residents and guests, reduce the availability of  
6 permanent housing, drive up rents, and adversely alter the  
7 character and quality of residential neighborhoods.

8           The proliferation of illegal short-term rentals has been  
9 particularly difficult to control and regulate because owners  
10 and operators are able to attract and transact business through  
11 online hosting platforms.

12           The purpose of this Act is to provide better regulation and  
13 accountability of short-term rentals by:

14           (1) Clarifying the authority of counties to regulate  
15           hosting platforms;



- 1           (2) Authorizing the counties to establish a registry of  
2                   lawfully authorized or permitted short-term rentals  
3                   for public inspection and accountability;
- 4           (3) Authorizing the counties to require short-term rental  
5                   operators or owners to list the complete physical  
6                   address, including unit number if applicable, short-  
7                   term rental registration or certificate or permit  
8                   number, and tax map key of the short-term rental  
9                   property in any posting or advertisement on a hosting  
10                  platform;
- 11          (4) Authorizing the counties to prohibit hosting platforms  
12                   from completing any booking transaction for a short-  
13                   term rental unless it is listed on a county's registry  
14                   at the time the hosting platform receives a fee for  
15                   the booking transaction;
- 16          (5) Authorizing the counties to prohibit hosting platforms  
17                   from collecting or receiving a fee, directly or  
18                   indirectly through an agent or intermediary, for  
19                   facilitating or providing services ancillary to a  
20                   short-term rental;



- 1           (6) Authorizing the counties to subpoena records from  
2           hosting platforms to seek out illegally operating  
3           short-term rentals; and
- 4           (7) Requiring all persons arriving into a county to submit  
5           and confirm the complete physical address of their  
6           place of stay, including unit number if applicable,  
7           which shall be provided to the counties for the  
8           purposes of validating legally and illegally operating  
9           short-term rentals and enforcing the provisions of  
10          this Act and any ordinance regulating short-term  
11          rentals.

12          This Act is not intended to preempt or otherwise limit the  
13          authority of counties to adopt, monitor, and enforce local land  
14          use regulations. Further, this Act is not intended to transfer  
15          the authority to monitor and enforce those regulations away from  
16          the counties.

17          SECTION 2. The Hawaii Revised Statutes is amended by  
18          adding a new chapter to be appropriately designated and to read  
19          as follows:



1 "CHAPTER

2 SHORT-TERM RENTALS

3 § -1 Definitions. For purposes of this chapter, the  
4 following definitions shall apply:

5 "Aircraft" shall have the same meaning as defined in  
6 section 261-1.

7 "Booking service" means any reservation or payment service  
8 provided by a person or entity that facilitates a short-term  
9 rental transaction between an operator and a prospective renter  
10 or occupant, for which the person or entity collects or  
11 receives, directly or indirectly through an agent, entity, or  
12 intermediary, a fee, compensation, or consideration in  
13 connection with the reservation or payment services provided for  
14 the short-term rental transaction.

15 "Hosting platform" means a person or entity that provides,  
16 and collects or receives a fee or other compensation or  
17 consideration for, booking services through which an operator  
18 may offer a short-term rental. Hosting platforms may, but do  
19 not necessarily, provide booking services through an online  
20 platform that allows an owner or operator to advertise the  
21 short-term rental through a website provided by the hosting



1 platform and the hosting platform conducts a transaction by  
2 which potential renters arrange use and payment, whether the  
3 renter pays rent directly to the operator or to the hosting  
4 platform.

5 "Place of stay" means a place in which someone lives or  
6 stays for at least one overnight period.

7 "Short-term rental" means "transient accommodations unit",  
8 "transient vacation rental", "transient vacation use", or any  
9 similar term that may be defined by county ordinance to mean a  
10 single family dwelling, dwelling unit, unit, room, apartment,  
11 house, condominium, beach house, suite, living quarters, or  
12 similar living accommodation rented to or occupied by a  
13 transient person for fewer than thirty consecutive days, or a  
14 period as established by county ordinance, for compensation.

15 "Transient person" means a person who occupies a short-term  
16 rental for fewer than thirty consecutive days, or a period as  
17 established by county ordinance, for compensation,  
18 consideration, or a fee. "Transient person" does not include  
19 short-term workers under contract whose accommodations are  
20 provided as part of their compensation.



1 "Vessel" shall have the same meaning as defined in  
2 section 200-23.

3 **§ -2 Authority to regulate hosting platforms.** Each  
4 county shall have the authority to regulate hosting platforms  
5 and other operations providing booking services for short-term  
6 rentals in their respective county.

7 **§ -3 Authority to require property information listing.**  
8 Each county shall have the authority to require short-term  
9 rental operators or owners to list the complete physical  
10 address, including unit number if applicable; short-term rental  
11 permit, registration, or certificate number; and tax map key of  
12 the short-term rental property in any posting or advertisement  
13 on a hosting platform.

14 **§ -4 Short-term rental registries.** Each county may  
15 create a registry of short-term rentals that the county has  
16 authorized, certified, or permitted to operate. Each registry  
17 shall include, but not be limited to, the following information:

- 18 (1) The county permit, registration, or certificate  
19 number;
- 20 (2) The physical address and unit number, if applicable,  
21 of the short-term rental;



- 1 (3) The tax map key of the short-term rental; and
- 2 (4) Any county restrictions or conditions placed upon the
- 3 short-term rental, such as restrictions or conditions
- 4 regarding occupancy and parking, and permit,
- 5 registration, or certification expiration date.

6 Each county may post online and regularly update the registry.

7 **§ -5 Hosting platform prohibitions.** (a) Each county

8 may prohibit hosting platforms from completing any booking

9 service or accepting any reservation for a short-term rental if

10 it is not listed on a county's registry created under

11 section -4 at the time the hosting platform receives a fee

12 for the booking transaction or accepts the reservation.

13 (b) Each county may prohibit hosting platforms from

14 collecting or receiving a fee or other compensation or

15 consideration, directly or indirectly through an agent or

16 intermediary, for facilitating or providing services ancillary

17 to a short-term rental, including but not limited to insurance,

18 concierge services, catering, restaurant bookings, tours, guide

19 services, entertainment, cleaning, property management, or

20 maintenance of the short-term rental property or unit.



1 (c) Each county may provide that a hosting platform shall  
2 be presumed to be in compliance with the provisions of this  
3 section if it operates in compliance with subsections (a) and  
4 (b) and section -4; provided that the hosting platform shall  
5 remain responsible for compliance with the subpoena provisions  
6 of section -6.

7 **§ -6 Subpoenas.** Each county may issue and serve  
8 subpoenas as necessary to obtain specific information regarding  
9 short-term rental listings for properties located in the county,  
10 including, but not limited to, the names of the persons  
11 responsible for each listing, the complete physical address,  
12 including unit number if applicable, of each listing, the length  
13 of stay for each listing, and the price paid for each stay to  
14 determine whether the short-term rental listings comply with  
15 this chapter or any other county short-term rental ordinance.  
16 Any subpoena issued pursuant to this section shall not require  
17 the production of information sooner than thirty days from the  
18 date of service. A person or entity that has been served with a  
19 subpoena may seek judicial review only during that thirty-day  
20 period.





1           **§ -7 Noncompliance.** Each county may prohibit any person  
2 from undertaking, maintaining, authorizing, aiding,  
3 facilitating, or advertising any short-term rental that does not  
4 comply with the requirements of this chapter or any county  
5 short-term rental ordinance. For the purposes of this section  
6 only, "person" does not include a hosting platform.

7           **§ -8 Place of stay declaration upon arrival.** (a) It  
8 shall be the responsibility of all persons that operate any  
9 aircraft or vessel providing travel to persons into a county to  
10 distribute, require completion of, and collect, prior to the  
11 debarkation of passengers and baggage, the county place of stay  
12 declaration form to each passenger, officer, and crew member of  
13 any aircraft or vessel in order that the passenger, officer, and  
14 crew member may comply with the directions and requirements  
15 appearing thereon.

16           The place of stay declaration form shall include, but not  
17 be limited to, the request for submission of the place of stay  
18 address and the term of the stay. The place of stay declaration  
19 form may be adopted or prescribed by each county.

20           All passengers, officers, and crew members, whether  
21 residents of the State or not, shall complete the declaration;



1 provided that one adult member of a family or household may  
2 complete the declaration for other household members staying in  
3 the same location and unit. Any person who defaces the  
4 declaration form required under this section, gives false  
5 information, or fails to declare the person's place of stay is  
6 in violation of this section.

7 (b) Completed forms shall be collected by the person  
8 operating the aircraft or vessel and be delivered, immediately  
9 upon arrival, to the county of arrival at the first airport or  
10 seaport of arrival. Failure to distribute, require completion  
11 of, or collect declaration forms or to immediately deliver  
12 completed forms is a violation of this section.

13 (c) Each county shall have the authority to require the  
14 host, owner, or operator of the identified place of stay to  
15 verify the occupancy of the declarant.

16 (d) Each county may use the place of stay information and  
17 the host, owner, or operator verification to determine  
18 compliance with this chapter and any ordinances regulating  
19 short-term rentals.

20 **§ -9 County authority.** Each county may implement and  
21 enforce this chapter and may further adopt ordinances, rules,



1 fines, and penalties to implement and enforce the provisions of  
2 this chapter.

3       Nothing in this chapter shall be construed to preempt or  
4 prohibit the authority of any county or political subdivision of  
5 the State to further adopt, monitor, and enforce local land use  
6 ordinances, rules, and regulations, nor to transfer the  
7 authority to monitor and enforce these ordinances, rules, or  
8 regulations away from the counties."

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



**Report Title:**

Counties; Short-Term Rentals; Hosting Platforms; Arrival Information

**Description:**

Provides the counties with authority to: regulate hosting platforms; require owners or operators to list certain property information on any hosting advertisement or post on a hosting platform; establish short-term rental registries to prohibit hosting platforms from completing booking transactions unless the rental is listed in the registry; prohibit hosting platforms from collecting fees through an agent or intermediary for short-term rental ancillary services; subpoena records from hosting platforms. Requires persons arriving in any county to declare their place of stay for short-term rental enforcement purposes. (SD1 PROPOSED)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

