

JAN 18 2019

A BILL FOR AN ACT

RELATED TO TRANSIENT ACCOMMODATIONS.

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

PART I

1
2 SECTION 1. The purpose of this Act is to encourage
3 transparency in the use of units as transient accommodations in
4 community and condominium associations by requiring: (1) members
5 or unit owners who lease their properties as transient
6 accommodations to report such actions to their associations; (2)
7 associations to transmit information about properties being
8 leased as transient accommodations to the county planning
9 departments and the department of business, economic development
10 and tourism; (3) associations to make its reports available to
11 all members and unit owners; and (4) the department of business,
12 economic development and tourism to submit reports about the
13 apartments and condominium units being leased as transient
14 accommodations to the legislature.



PART II

SECTION 2. Chapter 421J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§421J- Transient accommodations; reports. (a)

Member's initial registration with the association. Whenever an association document does not prohibit the lease of a member's unit as a transient accommodation, the member shall inform the association in writing no later than thirty days after the unit is advertised for lease for the first time as a transient accommodation or the time set forth in the association documents, whichever occurs later.

(b) Annual report and registration with the association.

Whenever an association document does not prohibit the lease of a member's unit as a transient accommodation and the member has registered with the association pursuant to subsection (a), the member shall submit a written report to the association no later than December 31 of each year containing the following information:

- (1) Name of the member or the local contact for the unit leased as a transient accommodation;



- 1 (2) The registration identification number issued for the
2 unit by the department of taxation pursuant to section
3 237D-4;
- 4 (3) Physical address and tax map key number of the unit
5 being leased as a transient accommodation;
- 6 (4) Months during the calendar year ending on December 31,
7 that the unit was available for lease as a transient
8 accommodation;
- 9 (5) Specific dates during the calendar year ending
10 December 31 that the unit was leased as a transient
11 accommodation; and
- 12 (6) The months during the next twelve calendar months
13 starting January 1 that the member anticipates
14 offering the unit for lease as a transient
15 accommodation.
- 16 (c) Association report to the department. The association
17 shall submit a report to the department and the county planning
18 department for the county within which the association is
19 located containing the information submitted by the member under
20 subsection (b) no later than of each year. The
21 association's report to the department shall be available for



1 examination by all members at no cost within thirty days after
2 the report is submitted to the county and the department.

3 (d) Report to the legislature. The department shall
4 compile the information submitted by associations pursuant to
5 subsection (c) and submit a report to the legislature no later
6 than _____ of each year.

7 (e) For the purposes of this section, "department" means
8 the department of business, economic development, and tourism."

9 SECTION 3. Section 421J-2, Hawaii Revised Statutes, is
10 amended by adding two new definitions to be appropriately
11 inserted and to read as follows:

12 "Local contact" has the same meaning as in section 237D-1.

13 "Transient accommodation" has the same meaning as
14 "transient accommodations" in section 237D-1."

15 PART III

16 SECTION 4. Chapter 514B, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§514B- Transient accommodations; reports. (a) Unit
20 owner's initial registration with the association. Whenever an
21 association's declaration or bylaws do not prohibit the lease of



1 a unit as a transient accommodation, the unit owner shall inform
2 the association in writing no later than thirty days after the
3 unit is advertised for lease for the first time as a transient
4 accommodation or the time set forth in the association's
5 declaration or bylaws, whichever occurs later.

6 (b) Annual report and registration with the association.
7 Whenever an association's declaration or bylaws do not prohibit
8 the lease of a unit as a transient accommodation and the unit
9 owner has registered with the association pursuant to subsection
10 (a), the unit owner shall submit a written report to the
11 association no later than December 31 of each year containing
12 the following information:

- 13 (1) Name of the unit owner or the local contact for the
14 unit leased as a transient accommodation;
15 (2) The registration identification number issued for the
16 unit by the department of taxation pursuant to section
17 237D-4;
18 (3) Physical address and tax map key number of the unit
19 being leased as a transient accommodation;



1 (4) Months during the calendar year ending December 31
2 that the unit was available for lease as a transient
3 accommodation;

4 (5) Specific dates during the calendar ending on December
5 31 that the unit was leased as a transient
6 accommodation; and

7 (6) The months during the next twelve calendar months
8 starting January 1 that the member anticipates
9 offering the unit for lease as a transient
10 accommodation.

11 (c) Association report to the department. The association
12 shall submit a report to the department and the county planning
13 department for the county within which the association is
14 located containing the information submitted by the unit owner
15 under subsection (b) no later than _____ of each year. The
16 association's report to the department shall be available for
17 examination by all unit owners at no cost within thirty days
18 after the report is submitted to the county and the department.

19 (d) Report to the legislature. The department shall
20 compile the information submitted by associations pursuant to



S.B. NO. 717

1 subsection (c) and submit a report to the legislature no later
2 than _____ of each year.

3 (e) For the purposes of this section, "department" means
4 the department of business, economic development, and tourism."

5 SECTION 5. Section 514B-3, Hawaii Revised Statutes, is
6 amended by adding two new definitions to be appropriately
7 inserted and to read as follows:

8 "Local contact" has the same meaning as in section 237D-1.

9 "Transient accommodation" has the same meaning as
10 "transient accommodations" in section 237D-1."

11 PART IV

12 SECTION 6. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

[Signature]
[Signature]
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S.B. NO. 717

Report Title:

Transient Accommodations; Association; Condominium; Planned Community Association; Registration; Report; Department of Business, Economic Development, and Tourism

Description:

Requires members in planned community associations subject to HRS 421J and unit owners in condominiums subject to HRS 514B to register units leased as transient accommodations. Requires associations to submit annual reports to county planning departments and Department of Business, Economic Development, and Tourism (DBEDT). Requires DBEDT to submit annual reports to the Legislature.

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

