

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 798
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 798 entitled:

"A BILL FOR AN ACT RELATING TO TIME SHARING,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that a developer is responsible for ensuring that the use of out-of-state time share units for time sharing purposes complies with zoning and land use laws and rules of the jurisdiction where the time share units are located but is not required to submit evidence of such compliance to register in Hawaii.

Your Committee received testimony in support of this measure from American Resort Development Association Hawai'i, Marriott Vacations Worldwide, Hilton Grand Vacations, and Maui Hotel and Lodging Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that to enforce the zoning requirements established for time sharing and transient vacation rentals in the State, the Department of Commerce and Consumer Affairs requires that developers submit a written confirmation of county zoning form. This form must be signed by the county where the time share units are located and is intended to confirm that the time share plan meets the zoning limitations outlined in section 514E-5, Hawaii Revised Statutes (HRS). However, your Committee finds that



because sections 514E-4 and 514E-5, HRS, were intended to address only the zoning of Hawaii property, section 514E-30, HRS, provides that those sections do not apply to non-Hawaii property. Your Committee further finds that the 1980 Hawaii Time Share Act does not attempt to impose or enforce the zoning requirements applicable to out-of-state time share units, nor does that Act require that developers submit evidence that out-of-state time share units comply with the zoning laws where the time share units are located.

Therefore, this measure clarifies that a developer is responsible for ensuring that the use of out-of-state time share units for time sharing purposes complies with zoning and land use laws and rules of the jurisdiction where the time share units are located but is not required to submit evidence of such compliance to register in Hawaii.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 798, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 798, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

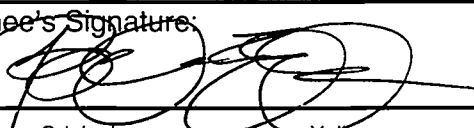
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 798	WTL, CPN/JDC	02/15/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes