



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING, PLANNING AND HOUSING

Voting Members:

Ron Menor, Chair
Tommy Waters, Vice Chair
Brandon Elefante
Ann Kobayashi
Joey Manahan

AGENDA

SPECIAL MEETING
COMMITTEE MEETING ROOM
FRIDAY, JUNE 7, 2019
10:00 A.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak by 10:00 a.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out the registration form in person; or
- d. By calling 768-3825.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker will be limited to a **one-minute** presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, will be available to the public on the City Council's pilot website: www.honolulucitycouncil.com as well as the City's legacy DocuShare Website.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

Accommodations are available upon request to persons with disabilities, please call 768-3825 or send an email to potto1@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through www.honolulucitycouncil.com and http://olelo.granicus.com/MediaPlayer.php?publish_id=92; (2) televised live broadcast on Olelo TV Channel 55; or (3) after the meeting, viewable at <http://www.honolulucitycouncil.tv>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR ACTION

1. **BILL 85 (2018), CD1 – RELATING TO VACATION RENTALS.** Amending the Land Use Ordinance (“LUO”) to further regulate vacation rentals. (Bill recommitted back to Committee on Planning 5/8/19)

CD2 TO BILL 85 (2018), CD1 (Approved by the Committee on Planning at its 4/29/19 meeting) – The CD2 (OCS2019-0457/5/1/2019 9:21 AM) makes the following amendments:

- A. Deletes SECTION 2 of the Bill, which made amendments to Section 21-2.150-2 relating to a writ of mandamus. Renumbers subsequent SECTIONS accordingly.
- B. In renumbered SECTION 3 of the Bill, adds a title to the proposed new ROH section.
- C. In renumbered SECTION 10 of the Bill, relating to the regulation of hosting platforms, deletes and replaces all sections except for proposed new Section 41-___.1 (“Definitions”).
- D. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 85 (2018), CD1 (Submitted by Councilmembers Menor and Manahan) – The CD2 (OCS2019-0575/5/31/2019 3:17 PM) makes the following amendments:

- A. Deletes SECTION 2 of the bill, which made amendments to Section 21-2.150-2 relating to a writ of mandamus. Instead, adds a new SECTION 2, to amend Section 21-2.150-2 ("Administrative enforcement") to:
 1. Add a new Section 21-2.150-2(c)(2) to provide for civil fine amounts for violations relating to bed and breakfast homes or transient vacation units (\$1,000 / \$5,000 per day for the initial violation, and \$10,000 / \$10,000 per day for a recurring violation), and to delete the provision prohibiting the DPP Director from exercising discretion in imposing civil fines; and
 2. Add a new Section 21-2.150-2(f), which provides that the DPP Director may impose a fine in an amount equal to the total sum received by the owner, operator, or proprietor of a bed and breakfast home or transient vacation unit from any impermissible rental activity

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during the period in which the owner, operator, or proprietor was subject to daily fines.

- B. In SECTION 3 of the bill, amends new proposed Section 21-2.150-3 ("Advertisements for transient vacation units or bed and breakfast homes") to:
 - 1. Revise the definition of "advertisement" in new proposed new ROH Section 21-2.150-3(a)(1); and
 - 2. Move the penalty provisions formerly in proposed new ROH Section 21-2.150-3(a)(4) to proposed new ROH Section 21-2.150-3(a)(2)(B), and provide that violation of the advertising provisions will subject the owner or operator responsible for the advertisement to a civil fine of not less than \$1,000 and not more than \$10,000 for each day that the advertisement is on public display beyond seven days from the date a notice of violation is received.
- C. Deletes SECTION 4 of the bill relating to private right of action. Instead, adds a new SECTION 4, to add a new proposed Section 21-2.150-4 titled "Bed and breakfast homes and transient vacation units – Complaints" to provide for a process recommended by COR by which any person may submit to the DPP Director a written complaint to report a violation regarding bed and breakfast homes and transient vacation units.
- D. Adds a new SECTION 6 to the bill, which adds a new proposed Section 21-2.150-6 titled "Unpermitted bed and breakfast homes or unpermitted transient vacation units" to provide for specific circumstances under which it is unlawful to rent, offer to rent, enter into a rental agreement to rent, set aside or exclusively reserve, advertise or solicit, or knowingly provide rental of an unpermitted bed and breakfast home or unpermitted transient vacation unit.
- E. Moves the hosting platform regulations (formerly in SECTION 10 of the bill) to a new SECTION 7 of the bill, which creates a new Article 2A in the LUO. Deletes and replaces all hosting platform provisions. Renumbers subsequent SECTIONS accordingly.
- F. In renumbered SECTION 13, amends Chapter 21, Article 10 ("Definitions"), to revise the definitions of "bed and breakfast home" and "transient vacation unit," and to add new definitions of "booking service" and "hosting platform."

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- G. In renumbered SECTION 18, provides that the ordinance takes effect on August 1, 2019 (instead of upon approval); provided that SECTIONS 7 and 15 of the ordinance take effect on October 1, 2020.
- H. Makes miscellaneous technical and nonsubstantive amendments

PROPOSED CD2 TO BILL 85 (2018), CD1 (Submitted by Councilmember Elefante) – The CD2 (OCS2019-0550/5/21/2019 9:45 AM) makes the following amendments:

- A. Deletes SECTION 2 of the Bill, which made amendments to Section 21-2.150-2 relating to a writ of mandamus. Instead, adds a new SECTION 2, to amend Section 21-2.150-2 (“Administrative enforcement”) to:
 - 1. Add a new Section 21-2.150-2(c)(2) relating to recurring bed and breakfast home or transient vacation unit violations by providing for maximum (instead of minimum) civil fine amounts, and to delete the provision prohibiting the DPP Director from exercising discretion in imposing civil fines; and
 - 2. Add a new Section 21-2.150-2(f), which provides that the DPP Director may impose a fine in an amount equal to the total sum received by the owner, operator, or proprietor of a bed and breakfast home or transient vacation unit from any impermissible rental activity during the period in which the owner, operator, or proprietor was subject to daily fines.
- B. In SECTION 3 of the Bill, amends new proposed Section 21-2.150-3 (“Advertisements for transient vacation units or bed and breakfast homes”) to:
 - 1. Revise the definition of “advertisement” in new proposed new ROH Section 21-2.150-3(a)(1); and
 - 2. Amend proposed new ROH Section 21-2.150-3(a)(4) relating to penalties to provide that violation of the advertising provisions will subject the violator to the civil fines specified in Section 21-2.150-2(c).
- C. Deletes SECTION 4 of the Bill relating to private right of action. Instead, adds a new SECTION 4, to add a new proposed Section 21-2.150-4 titled “Bed and breakfast homes and transient vacation units – Complaints” to

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provide for a process recommended by COR by which any person may submit to the DPP Director a written complaint to report a violation regarding bed and breakfast homes and transient vacation units.

- D. Moves the hosting platform regulations (formerly in SECTION 10 of the Bill) to a new SECTION 6 of the Bill, which creates a new Article 2A in the LUO. Deletes and replaces all hosting platform provisions. Renumbers subsequent SECTIONS accordingly.
- E. In renumbered SECTION 12, amends Chapter 21, Article 10 (“Definitions”), to revise the definitions of “bed and breakfast home” and “transient vacation unit”, and to add new definitions of “booking service” and “hosting platform.”
- F. In renumbered SECTION 14, amends provisions requiring the DPP to provide the Council with certain monthly reports to require the DPP to specify:
 - 1. The number of bed and breakfast home and transient vacation unit listings reported for each registered hosting platform;
 - 2. The number of bed and breakfast homes operating under valid nonconforming use certificates in each Council district; and
 - 3. The number of transient vacation units operating under valid nonconforming use certificates in each Council district.
- G. In renumbered SECTION 17, provides that the ordinance takes effect on October 1, 2019 (instead of upon approval).
- H. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

CC-201 Councilmember Brandon Elefante, submitting proposed CD2 to Bill 85 (2018) relating to short-term rentals.

- 2. **BILL 89 (2018), CD1 – RELATING TO SHORT-TERM RENTALS.** Amending the Land Use Ordinance (“LUO”) to better regulate short-term rentals. (Bill recommitted back to Committee on Planning 5/8/19) (Current deadline for Council action 9/4/19)

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CD2 TO BILL 89 (2018), CD1 (Approved by the Committee on Planning at its 4/29/19 meeting) – The CD2 (OCS2019-0443/4/26/2019 5:01 PM) makes the following amendments:

- A. Amends the language in the “Findings and Purpose” clause in SECTION 1 of the Bill to reflect the non-expansion of TVU operations and to delete references to real property tax classifications.
- B. Adds a new SECTION 4 to the Bill, to add a proposed new Section 21-2.150-4 providing that a neighbor may institute a civil action in any court of competent jurisdiction against any person for violation of the provisions of the LUO pertaining to bed and breakfast homes and transient vacation units.
- C. Adds a new SECTION 5 to the Bill, to add a proposed new Section 21-2.150-5 relating to the use of fines recovered for violations of ordinances dealing with TVUs and B&Bs. Renumbers subsequent SECTIONS accordingly.
- D. In renumbered SECTION 9 of the Bill, amends proposed new ROH Section 21-5.__(b) to exclude from the standards and requirements, bed and breakfast homes in the apartment precinct of the Waikiki special district. Also adds the apartment precinct to the areas excluded in calculating the development plan area density limit and subject to the multifamily dwelling density limit.
- E. In renumbered SECTION 9 of the Bill, adds a new ROH Section 21-5.__(b)(1)(K) to require evidence that a dwelling unit proposed for use as a bed and breakfast home: (1) is not an affordable unit subject to income restrictions; (2) did not receive housing or rental assistance subsidies; and (3) was not subject to an eviction within the last 12 months.
- F. In renumbered SECTION 9 of the Bill, amends proposed new ROH Section 21-5.__(b)(1), 21-5.__(b)(2), and 21-5.__(b)(3) to delete references to a bed and breakfast home that will be occupied by transient residents for more than 30 days per calendar year (the subsection will apply to all bed and breakfast homes, regardless of the number of days per calendar year they are occupied by transient residents).
- G. In renumbered SECTION 9 of the Bill, amends proposed new ROH Section 21-5.__(b)(3)(A) to clarify that detached dwellings used as bed and breakfast homes must be occupied by a family, and renters of any room in

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the detached dwelling other than the bed and breakfast home guests are not permitted.

- H. In renumbered SECTION 9 of the Bill, amends proposed new ROH Section 21-5.__(b)(3)(I) to reduce the development plan area density limit to one half of one percent of the total number of dwelling units in that development plan area (instead of one percent).
- I. In renumbered SECTION 9 of the Bill, adds a new ROH Section 21-5.__(b)(3)(L) to provide that a bed and breakfast home must not be located within 1,000 feet of another bed and breakfast home or a transient vacation unit, subject to exclusions from the spacing requirement (1) as between bed and breakfast homes located in the zoning districts subject to the new comprehensive standards and requirements and short-term rentals located in zoning districts and precincts not subject to the such standards and requirements, and (2) for bed and breakfast homes operating under valid nonconforming use certificates.
- J. In renumbered SECTION 9 of the Bill, deletes new ROH Section 21-5.__(b)(4), which provided for the registration of limited short-term rentals (dwelling units to be used as bed and breakfast homes for less than 30 calendar days per year). Renumbers subsequent subdivisions accordingly.
- K. In renumbered SECTION 9 of the Bill, amends proposed new ROH Section 21-5.__(c)(2)(A)(ii) to provide that bed and breakfast homes or transient vacation units located in the apartment precinct of the Waikiki special district must list the street address for that bed and breakfast home or transient vacation unit in all advertisements.
- L. In renumbered SECTION 12 of the Bill, amends footnote 7 so that the exclusion also applies to bed and breakfast homes in the apartment precinct of the Waikiki special district.
- M. In renumbered SECTION 14 of the Bill, relating to the regulation of hosting platforms, deletes and replaces all sections except for proposed new Section 41-__.1 (“Definitions”).
- N. Makes miscellaneous technical and nonsubstantive amendments.

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PROPOSED CD2 TO BILL 89 (2018), CD1 (Submitted by Councilmembers Menor and Manahan) – The CD2 (OCS2019-0613/5/31/2019 2:35 PM) makes the following amendments:

- A. Amends the language in the "Findings and Purpose" clause in SECTION 1 of the bill to:
 - 1. Reflect the nonexpansion of TVU operations and to delete references to real property tax classifications;
 - 2. Provide that the ordinance also includes significant penalties for recurring violations related to short-term rentals, due to the profitability of short-term rental use, and the ineffectiveness of lesser fines; and
 - 3. Provide that the ordinance regulates hosting platforms to increase transparency and accountability for hosting platforms providing booking services for bed and breakfast homes and transient vacation units located within the City.
- B. In SECTION 3 of the bill, amends Section 21-2.150-2(c)(2) relating to bed and breakfast home or transient vacation unit violations by providing for civil fine amounts based on whether the violation is an initial violation (\$1,000 / \$5,000 per day) or a recurring violation (\$10,000 / \$10,000 per day), and by deleting the provision prohibiting the DPP Director from exercising discretion in imposing civil fines.
- C. Adds a new SECTION 4 to the bill, to add a proposed new Section 21-2.150-3 relating to the use of fines recovered for violations of ordinances dealing with TVUs and B&Bs.
- D. Moves the hosting platform regulations (formerly in SECTION 12 of the bill) to a new SECTION 5 of the bill, which creates a new Article 2A in the LUO. Deletes and replaces all hosting platform provisions. Renumbers subsequent SECTIONS accordingly.
- E. In renumbered SECTION 6 of the bill, amends Table 21-3 ("Master Use Table") to:
 - 1. Add a footnote 3 to the bed and breakfast home and transient vacation unit entries; and

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2. Amend the footnotes by adding a footnote 3, which provides that notwithstanding any contrary provisions in ROH Chapter 21, bed and breakfast homes and transient vacation units are prohibited and may not operate without a valid nonconforming use certificate in areas where the applicable development plan or sustainable communities plan prohibits or does not permit new bed and breakfast homes or transient vacation units.
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- F. In renumbered SECTION 9 of the bill, amends proposed new ROH Section 21-5.____(b)(1), 21-5.____(b)(2), and 21-5.____(b)(3) to delete references to a bed and breakfast home that will be occupied by transient residents for more than 30 days per calendar year (the subsection will apply to all bed and breakfast homes, regardless of the number of days per calendar year they are occupied by transient residents).
 - G. In renumbered SECTION 9 of the bill, amends proposed new ROH Section 21-5.____(b)(1)(E), to increase the initial registration fee for a bed and breakfast home to \$1,000 (instead of \$100).
 - H. In renumbered SECTION 9 of the bill, amends proposed new ROH Section 21-5.____(b)(1)(J), Section 21-5.____(b)(2)(I), and Section 21-5.____(b)(3)(K) to refer to a farm dwelling pursuant to Section 21-5.250 (instead of a residential homesite, as defined in Section 8-7.3(a)).
 - I. In renumbered SECTION 9 of the bill, adds a new ROH Section 21-5.____(b)(1)(K) to require evidence that a dwelling unit proposed for use as a bed and breakfast home: (1) is not an affordable unit subject to income restrictions; (2) did not receive housing or rental assistance subsidies; and (3) was not subject to an eviction within the last 12 months.
 - J. In renumbered SECTION 9 of the bill, amends proposed new ROH Section 21-5.____(b)(3)(A) to clarify that dwelling units in detached dwellings used as bed and breakfast homes must be occupied by a family, and renters of any room in the detached dwelling other than the bed and breakfast home guests are not permitted.
 - K. In renumbered SECTION 9 of the bill, amends proposed new ROH Section 21-5.____(b)(3)(I) to:
 1. Reduce the development plan area density limit to one half of one percent of the total number of dwelling units in that development plan area (instead of one percent); and

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2. Include transient vacation units in the calculation of the development plan area density limit.
- L. In renumbered SECTION 9 of the bill, adds a new ROH Section 21-5.____(b)(3)(L) to provide that a bed and breakfast home must not be located within a 1,000-foot radius of another bed and breakfast home or a transient vacation unit, subject to exclusions from the spacing requirement (1) as between bed and breakfast homes located in the zoning districts subject to the new comprehensive standards and requirements and short-term rentals located in zoning districts and precincts not subject to the such standards and requirements, and (2) for bed and breakfast homes operating under valid nonconforming use certificates.
- M. In renumbered SECTION 9 of the bill, adds a new ROH Section 21-5.____(b)(3)(M) to require the owner or operator of a bed and breakfast home to provide occupants of dwelling units within 250 feet of the dwelling unit used as a bed and breakfast home with a phone number that must be answered 24 hours a day, to call in complaints regarding the bed and breakfast home. Requires the owner or operator to maintain a log of all complaints received during the applicable registration period, and to submit the log with each registration renewal application, and upon request of the DPP Director.
- N. In renumbered SECTION 9 of the bill, deletes new ROH Section 21-5.____(b)(4), which provided for the registration of limited short-term rentals (dwelling units to be used as bed and breakfast homes for less than 30 calendar days per year). Renumbers subsequent subdivisions accordingly.
- O. In renumbered SECTION 9 of the bill, adds a new ROH Section 21-5.____(b)(7) to provide for circumstances under which the DPP director may revoke a bed and breakfast home registration.
- P. In renumbered SECTION 9, revises the definition of "advertisement" in proposed new ROH Section 21-5.____(c)(1)
- Q. In renumbered SECTION 9 of the bill, amends proposed new ROH Section 21-5.____(c)(2)(A)(ii) to provide that bed and breakfast homes or transient vacation units located in the apartment precinct (in addition to the resort mixed use precinct) of the Waikiki special district must list the street address for that bed and breakfast home or transient vacation unit in all advertisements.

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- R. In renumbered SECTION 9 of the bill, moves the penalty provisions formerly in proposed new ROH Section 21-5.__(c)(4) to proposed new ROH Section 21-5.__(c)(2)(B), and provides that violation of the advertising provisions will subject the owner or operator responsible for the advertisement to a civil fine of not less than \$1,000 and not more than \$10,000 for each day that the advertisement is on public display beyond seven days from the date a notice of violation is received.
- S. In renumbered SECTION 9, adds a new proposed ROH Section 21-5.__(d), to provide for specific circumstances under which it is unlawful to rent, offer to rent, enter into a rental agreement to rent, set aside or exclusively reserve, advertise or solicit, or knowingly provide rental of an unpermitted bed and breakfast home or unpermitted transient vacation unit.
- T. In renumbered SECTION 9, adds a new proposed ROH Section 21-5.__(e), to provide for a process recommended by COR by which any person may submit to the DPP Director a written complaint to report a violation regarding bed and breakfast homes and transient vacation units.
- U. In renumbered SECTION 14, amends Chapter 21, Article 10 ("Definitions") to amend the definitions of "bed and breakfast home" and "transient vacation unit," and to add new definitions of "booking service" and "hosting platform."
- V. Adds a new uncodified SECTION 16, which requires the DPP, no later than six months after the effective date of the ordinance, to establish public complaint procedures, establish procedures to investigate public complaints, and conduct educational community outreach.
- W. Adds a new uncodified SECTION 17, which requires the DPP to provide the Council with certain monthly reports. Renumbers subsequent SECTIONS accordingly.
- X. In renumbered SECTION 20, provides that the ordinance takes effect on August 1, 2019 (instead of November 1, 2019); provided that SECTIONS 5, 6, 10, 11, 12, and 17, and the following amendments in SECTIONS 9 and 13 of the ordinance, take effect on October 1, 2020:

SECTION 9 – Section 21-5.__(a) and Section 21-5.__(b); and

SECTION 13 – Table 21-9.6(A) – addition of a "bed and breakfast homes" entry.

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Y. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 89 (2018), CD1 (Submitted by Councilmember Elefante) – The CD2 (OCS2019-0546/5/24/2019 11:52 AM) makes the following amendments:

- A. Amends the language in the “Findings and Purpose” clause in SECTION 1 of the Bill to:
 - 1. Reflect the non-expansion of TVU operations and to delete references to real property tax classifications;
 - 2. Provide that the ordinance also includes significant penalties for recurring violations related to short-term rentals, due to the profitability of short-term rental use, and the ineffectiveness of lesser fines; and
 - 3. Provide that the ordinance regulates hosting platforms to increase transparency and accountability for hosting platforms providing booking services for bed and breakfast homes and transient vacation units located within the City.
- B. Amends the Bill to replace the requirement for bed and breakfast homes to register with the DPP with a requirement that they obtain a conditional use permit (minor) from the DPP. These amendments are found throughout the Bill and are discussed in greater detail below.
- C. Adds a new SECTION 2 to the Bill, amending ROH Section 21-2.40-1(c) so that it applies to minor permits other than a conditional use permit (minor) for a bed and breakfast home, which will be subject to the new ROH Section 21-2.40-1(d) discussed in D. below.
- D. Adds a new SECTION 3 to the Bill, enacting a new ROH Section 21-2.40-1(d) establishing procedures for obtaining, renewing, revoking, or suspending a conditional use permit (minor) for a bed and breakfast home. Moves applicable application requirements from former SECTION 9 to SECTION 3, with the following revision: deletes the provision for a grace period for failure to renew the permit by its expiration date. Renumbers subsequent SECTIONS accordingly. Also adds a new ROH Section 21-2.40-1(d)(2)(xi) to require evidence that a dwelling unit proposed for use as a bed and breakfast home: (1) is not an affordable unit subject to income restrictions; (2) did not receive housing or rental

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assistance subsidies; and (3) was not subject to an eviction within the last 12 months.

- E. In SECTION 5 of the Bill, amends Section 21-2.150-2(c)(2) relating to recurring bed and breakfast home or transient vacation unit violations by providing for maximum (instead of minimum) civil fine amounts, and to delete the provision prohibiting the DPP Director from exercising discretion in imposing civil fines. Also clarifies that the fines apply violations of to any provision of ROH Chapter 21, any rule adopted thereunder, or any permit issued pursuant thereto, relating to the requirements for transient vacation units or bed and breakfast homes.
- F. Adds a new SECTION 6 to the Bill, to add a proposed new Section 21 2.150-3 relating to the use of fines recovered for violations of ordinances dealing with TVUs and B&Bs.
- G. Moves the hosting platform regulations (formerly in SECTION 12 of the Bill) to a new SECTION 7 of the Bill, which creates a new Article 2A in the LUO. Deletes and replaces all hosting platform provisions. Renumbers subsequent SECTIONS accordingly.
- H. In renumbered SECTION 8 of the Bill, amends Table 21-3 ("Master Use Table") to:
 - 1. Under the bed and breakfast home entry, replace "P/c" (permitted subject to Article 5 standards) with "Cm" (conditional use permit (minor)) in the AG-2, Country, Residential, A-1, A-3, Apartment Mixed Use, and Business Mixed Use zoning districts.
 - 2. Add a footnote 3 to the bed and breakfast home and transient vacation unit entries; and
 - 3. Amend the footnotes by adding a footnote 3, which provides that notwithstanding any contrary provisions in this Chapter, bed and breakfast homes and transient vacation units are prohibited and may not operate without a valid nonconforming use certificate in areas where the applicable development plan or sustainable communities plan prohibits or does not permit new bed and breakfast homes or transient vacation units.
- I. In renumbered SECTION 11 of the Bill, amends proposed new ROH Section 21-5.____(b)(1)(J), Section 21-5.____(b)(2)(I), and Section 21-5.____(b)(3)(K) to refer to a farm dwelling pursuant to

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Section 21-5.250 (instead of a residential homesite, as defined in Section 8-7.3(a)).

- J. In renumbered SECTION 11 of the Bill, amends proposed new ROH Section 21-5.____(b)(1), 21-5.____(b)(2), and 21-5.____(b)(3) to delete references to a bed and breakfast home that will be occupied by transient residents for more than 30 days per calendar year (the subsection will apply to all bed and breakfast homes, regardless of the number of days per calendar year they are occupied by transient residents).
- K. In renumbered SECTION 11 of the Bill, amends proposed new ROH Section 21-5.____(b)(1)(A) to clarify that dwelling units in detached dwellings used as bed and breakfast homes must be occupied by a family, and renters of any room in the detached dwelling other than the bed and breakfast home guests are not permitted.
- L. In renumbered SECTION 11 of the Bill, amends proposed new ROH Section 21-5.____(b)(1)(I) to reduce the development plan area density limit to one half of one percent of the total number of dwelling units in that development plan area (instead of one percent).
- M. In renumbered SECTION 11 of the Bill, adds a new ROH Section 21-5.____(b)(1)(L) to provide that a bed and breakfast home must not be located within 1,000 feet of another bed and breakfast home or a transient vacation unit, subject to exclusions from the spacing requirement (1) as between bed and breakfast homes located in the zoning districts subject to the new comprehensive standards and requirements and short-term rentals located in zoning districts and precincts not subject to the such standards and requirements, and (2) for bed and breakfast homes operating under valid nonconforming use certificates.
- N. In renumbered SECTION 11, amends proposed new ROH Section 21-5.____(b)(1) to add a new paragraph (M) to require the owner or operator of a bed and breakfast home to provide occupants of dwelling units adjacent to or adjoining the dwelling unit used as a bed and breakfast home with a phone number that must be answered 24 hours a day, to call in complaints regarding the bed and breakfast home.
- O. In renumbered SECTION 11 of the Bill, deletes new ROH Section 21-5.____(b)(4), which provided for the registration of limited short-term rentals (dwelling units to be used as bed and breakfast homes for less than 30 calendar days per year). Renumbers subsequent subdivisions accordingly.

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- P. In renumbered SECTION 11, revises the definition of “advertisement” in proposed new ROH Section 21-5.____(c)(1).
- Q. In renumbered SECTION 11 of the Bill, amends proposed new ROH Section 21-5.____(c)(2)(A)(ii) to provide that bed and breakfast homes or transient vacation units located in the apartment precinct of the Waikiki special district (in addition to the districts and precincts previously enumerated) must list the street address for that bed and breakfast home or transient vacation unit in all advertisements.
- R. In renumbered SECTION 11 of the Bill, amends proposed new ROH Section 21-5.____(c)(4) relating to penalties to provide that violation of the advertising provisions will subject the violator to the civil fines specified in Section 21-2.150-2(c).
- S. In renumbered SECTION 11, adds a new proposed ROH Section 21-5.____(d), to provide for a process recommended by COR by which any person may submit to the DPP Director a written complaint to report a violation regarding bed and breakfast homes and transient vacation units.
- T. In renumbered SECTION 16, amends Chapter 21, Article 10 (“Definitions”) to amend the definitions of “bed and breakfast home” and “transient vacation unit,” and to add new definitions of “booking service” and “hosting platform.”
- U. Adds a new uncodified SECTION 17, which requires the DPP, no later than six months after the effective date of the ordinance, to establish public complaint procedures, establish procedures to investigate public complaints, and conduct educational community outreach.
- V. Adds a new uncodified SECTION 18, which requires the DPP to provide the Council with certain monthly reports. Renumbers subsequent SECTIONS accordingly.
- W. In renumbered SECTION 21, provides that the ordinance takes effect on July 1, 2020 (instead of November 1, 2019).
- X. Makes miscellaneous technical and nonsubstantive amendments

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Related communication:

CC-200 Councilmember Brandon Elefante, submitting proposed CD2 to Bill 89 (2018) relating to short-term rentals.

RON MENOR, Chair
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