

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-27

RESOLUTION

URGING THE LEGISLATURE TO PASS LEGISLATION CLARIFYING THAT THE COUNTIES HAVE THE POWER TO AMORTIZE OR PHASE OUT NONCONFORMING SHORT-TERM RENTALS.

WHEREAS, Section 46-4(a), Hawaii Revised Statutes ("HRS"), directs the counties to adopt long-range general plans and zoning ordinances to guide their overall future development and carry out land use plans in an orderly manner; and

WHEREAS, the City and County of Honolulu's ("City") General Plan sets forth objectives and policies to, among other things, maintain characteristics in communities that make them desirable places to live; promote and enhance the social and physical character of O'ahu's towns and neighborhoods; ensure that developments are timely, well-designed, and appropriate; minimize speculation in land and housing; and provide housing for all residents at prices they can afford; and

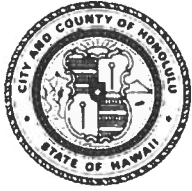
WHEREAS, in conjunction with the foregoing General Plan objectives and policies, the City Council ("Council") has enacted zoning ordinances regulating short-term rentals in the City; and

WHEREAS, the Council finds that short-term rentals are incompatible with the land uses that are intended for residential and agricultural zoning districts and increase the price of housing for O'ahu's resident population by removing housing stock from the for-sale and long-term rental markets; and

WHEREAS, the Council further finds that short-term rentals are non-residential uses — the Council has heard copious testimony from community residents that short-term rental guests do not use homes in the same manner as long-term residents and disrupt the cohesiveness and quietude of residential neighborhoods; and

WHEREAS, although the City's short-term rental ordinances intend to phase out short-term rentals from residential and other inappropriate zoning districts, certain provisions of HRS Section 46-4 have been interpreted as prohibiting the counties from enacting zoning ordinances that eliminate, amortize, or phase out land uses and structures in residential or agricultural zoning districts; and

WHEREAS, clarifying the provisions of HRS Section 46-4 to expressly authorize the counties to amortize or phase out nonconforming short-term rentals in inappropriate zoning districts would enable the counties to better protect their residential



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neighborhoods and housing stock from the negative impacts of short-term rentals and assist the counties in implementing their long-term plans and zoning ordinances; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawai'i State Legislature is urged to pass legislation clarifying that the counties have the power to amortize or phase out nonconforming short-term rentals; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Governor of the State of Hawai'i, the President of the Hawai'i State Senate, and the Speaker of the Hawai'i State House of Representatives.

INTRODUCED BY:

Cyther Viviana

DATE OF INTRODUCTION:

FEB 2 2024

Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 24-27

Introduced: 02/02/24 By: ESTHER KIA'ĀINA

Committee: COUNCIL (CCL)

Title: URGING THE LEGISLATURE TO PASS LEGISLATION CLARIFYING THAT THE COUNTIES HAVE THE POWER TO AMORTIZE OR PHASE OUT NONCONFORMING SHORT-TERM RENTALS.

Voting Legend: * = Aye w/Reservations

02/02/24	INTRO	Introduced.
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02/28/24	CCL	Adopted.
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7 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO*, SAY, WATERS, WEYER*

2 NOES: TULBA, TUPOLA

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TANIHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER