

STAND. COM. REP. NO.

2644

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2524
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health, Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment, to which was referred S.B. No. 2524 entitled:

"A BILL FOR AN ACT RELATING TO COUNTY LAND USE REQUIREMENTS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require condominium property regimes to comply with county subdivision requirements;
- (2) Permit the Real Estate Commission to adopt rules that require a developer to seek county council approval for significant projects; and
- (3) Require agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Planning and Permitting. Your Committees received testimony in opposition to this measure from the Hawaii Cattlemen's Council, Inc.; and eight individuals. Your Committees received comments on this measure



from the Department of Agriculture, Real Estate Commission, Office of Planning, and Hawai'i Association of REALTORS.

Your Committees find that expanded development of agricultural lands through the existing condominium property regime process may impact the long-term viability of these newly developed condominiums, as master planning is absent, particularly with respect to supporting county infrastructure. Since existing laws require that condominium property regimes comply with county zoning but not county subdivision requirements, the counties lack an opportunity to review proposed developments, which may inhibit a county's ability to plan, regulate, and enforce its agricultural plans, goals, and infrastructure services.

Your Committees further find that this measure therefore allows county participation in the condominium property regime process, which will ensure availability of necessary supportive infrastructure and the identification of potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

Your Committees have amended this measure by:

- (1) Clarifying that all condominium property regimes are required to comply with county subdivision or equivalent requirements and all county permitting requirements, to ensure conformance with county zoning, subdivision, and development ordinances and rules;
- (2) Clarifying that the counties may adopt supplemental ordinances governing condominium property regimes;
- (3) Deleting language that would have allowed the Real Estate Commission to adopt rules to require a developer to seek county council approval for significant condominium projects;
- (4) Requiring an application for registration of a condominium project in a county agricultural zoning district or preservation zoning district to include a verified statement, signed by an appropriate county official, that the project is in compliance with any



supplemental county ordinances, county subdivision standards, and other rules;

- (5) Specifying that the Real Estate Commission shall not process any incomplete application and shall return an incomplete application to the developer; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health, Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2524, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2524, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Commerce, Consumer Protection, and Health, Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment,



CLARENCE K. NISHIHARA, Chair



ROSALYN H. BAKER, Chair



MIKE GABBARD, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2524	CPH / PSM / AEN	2/28/18
<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	
BAKER, Rosalyn H. (C)	X	
TOKUDA, Jill N. (VC)		X
CHANG, Stanley	X	
ESPERO, Will	X	
IHARA, Jr., Les		X
NISHIHARA, Clarence K.	X	
RUDERMAN, Russell E.		X
TOTAL	4	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <div style="text-align: center;"><i>Will Espero</i></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

The Senate
Twenty-Ninth Legislature
State of Hawai'i

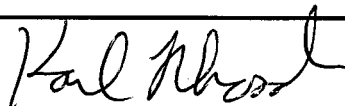
Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 2524	Committee Referral: CPH/PSM/AEN	Date: 2/27/18		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2524	CPH/PSM/AEN	2/27/18		
<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
GABBARD, Mike (C)	✓			
RIVIERE, Gil (VC)				✓
NISHIHARA, Clarence K.	✓			
RHOADS, Karl	✓			
RUDERMAN, Russell E.				✓
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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