
A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. Section 514B-6, Hawaii Revised Statutes, is
2 amended to read as follows:
3 " ~~[+] §514B-6 [+] Supplemental county ordinances and rules~~
4 ~~governing a condominium property regime. [Whenever any county~~
5 ~~deems it proper, the county may]~~ Each county shall adopt
6 supplemental ordinances and rules governing condominium property
7 regimes, including agricultural lands that are held in
8 condominium property regimes, established under this chapter [in
9 order to implement this program;] that the county determines are
10 necessary to ensure conformance of the use and development of
11 land held in a condominium property regime with the underlying
12 county zoning and state land use district and the applicable
13 development permit approvals required for the proposed use of
14 the land; provided that any of the supplemental ordinances and
15 rules adopted shall not conflict with this chapter or with any
16 of the rules adopted by the commission to implement this
17 chapter."



1 SECTION 2. Section 514B-32, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A declaration shall describe or include the
4 following:

- 5 (1) The land submitted to the condominium property regime;
- 6 (2) The number of the condominium map filed concurrently
7 with the declaration;
- 8 (3) The number of units in the condominium property
9 regime;
- 10 (4) The unit number of each unit and common interest
11 appurtenant to each unit;
- 12 (5) The number of buildings and projects in the
13 condominium property regime, and the number of stories
14 and units in each building;
- 15 (6) The permitted and prohibited uses of each unit;
- 16 (7) To the extent not shown on the condominium map, a
17 description of the location and dimensions of the
18 horizontal and vertical boundaries of any unit. Unit
19 boundaries may be defined by physical structures or,
20 if a unit boundary is not defined by a physical
21 structure, by spatial coordinates;



- 1 (8) The condominium property regime's common elements;
- 2 (9) The condominium property regime's limited common
3 elements, if any, and the unit or units to which each
4 limited common element is appurtenant;
- 5 (10) The total percentage of the common interest that is
6 required to approve rebuilding, repairing, or
7 restoring the condominium property regime if it is
8 damaged or destroyed;
- 9 (11) The total percentage of the common interest, and any
10 other approvals or consents, that are required to
11 amend the declaration. Except as otherwise
12 specifically provided in this chapter, and except for
13 any amendments made pursuant to reservations set forth
14 in paragraph (12), the approval of the owners of at
15 least sixty-seven per cent of the common interest
16 shall be required for all amendments to the
17 declaration;
- 18 (12) Any rights that the developer or others reserve
19 regarding the condominium property regime, including,
20 without limitation, any development rights, and any
21 reservations to modify the declaration or condominium



1 map. An amendment to the declaration made pursuant to
2 the exercise of those reserved rights shall require
3 only the consent or approval, if any, specified in the
4 reservation; and

5 (13) A declaration, subject to the penalties set forth in
6 section 514B-69(b), that the condominium property
7 regime is in compliance with all zoning and building
8 ordinances and codes, and all other permitting
9 requirements pursuant to section 514B-5 and chapter
10 205, including section 205-4.6 where applicable [~~-~~
11 ~~in~~]; provided that:

12 (A) In the case of a project in the agricultural
13 district classified pursuant to chapter 205, the
14 declaration, subject to the penalties set forth
15 in section 514B-69(b), shall include [~~an~~] two
16 additional [~~statement~~] statements that [~~there~~]:

17 (i) There are no private restrictions limiting
18 or prohibiting agricultural uses or
19 activities in compliance with section 205-
20 4.6 [~~-~~]; and



1 (ii) The condominium property regime complies
2 with applicable county subdivision
3 ordinances and rules; and

4 (B) In the case of a property that includes one or
5 more existing structures being converted to
6 condominium property regime status, the
7 declaration required by this section shall
8 specify:

9 ~~(A)~~ (i) Any variances that have been granted to
10 achieve the compliance; and

11 ~~(B)~~ (ii) Whether, as the result of the adoption or
12 amendment of any ordinances or codes, the
13 project presently contains any legal
14 nonconforming conditions, uses, or
15 structures.

16 A property that is registered pursuant to section
17 514B-51 shall instead provide the required declaration
18 pursuant to section 514B-54. If a developer is
19 converting a structure to condominium property regime
20 status and the structure is not in compliance with all
21 zoning and building ordinances and codes, and all



1 other permitting requirements pursuant to section
2 514B-5, and the developer intends to use purchaser's
3 funds pursuant to the requirements of section 514B-92
4 or 514B-93 to cure the violation or violations, then
5 the declaration required by this paragraph may be
6 qualified to identify with specificity each violation
7 and the requirement to cure the violation by a date
8 certain."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Condominium Property Regimes; Agricultural Land; County Supplemental Ordinances and Rules; Condominium Property Regimes Declaration

Description:

Requires the counties to adopt supplemental ordinances and rules on condominium property regimes, including agricultural lands held in condominium property regimes. Requires the declaration that must be executed and recorded when creating a condominium property regime in the agricultural district to include an additional statement declaring that the condominium property regime complies with applicable county subdivision ordinances and rules. (SD2)

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