THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

S.B. NO. 717

A BILL FOR AN ACT

RELATED TO TRANSIENT ACCOMMODATIONS.

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

PART I

SECTION 1. The purpose of this Act is to encourage transparency in the use of units as transient accommodations in community and condominium associations by requiring: (1) members or unit owners who lease their properties as transient accommodations to report such actions to their associations; (2) associations to transmit information about properties being leased as transient accommodations to the county planning departments and the department of business, economic development and tourism; (3) associations to make its reports available to all members and unit owners; and (4) the department of business, economic development and tourism to submit reports about the apartments and condominium units being leased as transient accommodations to the legislature.
PART II

SECTION 2. Chapter 421J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§421J- Transient accommodations; reports. (a) Member's initial registration with the association. Whenever an association document does not prohibit the lease of a member's unit as a transient accommodation, the member shall inform the association in writing no later than thirty days after the unit is advertised for lease for the first time as a transient accommodation or the time set forth in the association documents, whichever occurs later.

(b) Annual report and registration with the association. Whenever an association document does not prohibit the lease of a member's unit as a transient accommodation and the member has registered with the association pursuant to subsection (a), the member shall submit a written report to the association no later than December 31 of each year containing the following information:

(1) Name of the member or the local contact for the unit leased as a transient accommodation;
(2) The registration identification number issued for the unit by the department of taxation pursuant to section 237D-4;

(3) Physical address and tax map key number of the unit being leased as a transient accommodation;

(4) Months during the calendar year ending on December 31, that the unit was available for lease as a transient accommodation;

(5) Specific dates during the calendar year ending December 31 that the unit was leased as a transient accommodation; and

(6) The months during the next twelve calendar months starting January 1 that the member anticipates offering the unit for lease as a transient accommodation.

(c) Association report to the department. The association shall submit a report to the department and the county planning department for the county within which the association is located containing the information submitted by the member under subsection (b) no later than ______ of each year. The association's report to the department shall be available for

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examination by all members at no cost within thirty days after
the report is submitted to the county and the department.

(d) Report to the legislature. The department shall
compile the information submitted by associations pursuant to
subsection (c) and submit a report to the legislature no later
than of each year.

(e) For the purposes of this section, "department" means
the department of business, economic development, and tourism.

SECTION 3. Section 421J-2, Hawaii Revised Statutes, is
amended by adding two new definitions to be appropriately
inserted and to read as follows:

"Local contact" has the same meaning as in section 237D-1.

"Transient accommodation" has the same meaning as
"transient accommodations" in section 237D-1."

PART III

SECTION 4. Chapter 514B, Hawaii Revised Statutes, is
amended by adding a new section to be appropriately designated
and to read as follows:

"§514B- Transient accommodations; reports. (a) Unit
owner's initial registration with the association. Whenever an
association's declaration or bylaws do not prohibit the lease of
a unit as a transient accommodation, the unit owner shall inform
the association in writing no later than thirty days after the
unit is advertised for lease for the first time as a transient
accommodation or the time set forth in the association's
declaration or bylaws, whichever occurs later.

(b) Annual report and registration with the association.
Whenever an association's declaration or bylaws do not prohibit
the lease of a unit as a transient accommodation and the unit
owner has registered with the association pursuant to subsection
(a), the unit owner shall submit a written report to the
association no later than December 31 of each year containing
the following information:

(1) Name of the unit owner or the local contact for the
unit leased as a transient accommodation;

(2) The registration identification number issued for the
unit by the department of taxation pursuant to section
237D-4;

(3) Physical address and tax map key number of the unit
being leased as a transient accommodation;
(4) Months during the calendar year ending December 31 that the unit was available for lease as a transient accommodation;

(5) Specific dates during the calendar ending on December 31 that the unit was leased as a transient accommodation; and

(6) The months during the next twelve calendar months starting January 1 that the member anticipates offering the unit for lease as a transient accommodation.

(c) Association report to the department. The association shall submit a report to the department and the county planning department for the county within which the association is located containing the information submitted by the unit owner under subsection (b) no later than of each year. The association's report to the department shall be available for examination by all unit owners at no cost within thirty days after the report is submitted to the county and the department.

(d) Report to the legislature. The department shall compile the information submitted by associations pursuant to
subsection (c) and submit a report to the legislature no later than ______ of each year.

(e) For the purposes of this section, "department" means the department of business, economic development, and tourism."

SECTION 5. Section 514B-3, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Local contact" has the same meaning as in section 237D-1.

"Transient accommodation" has the same meaning as "transient accommodations" in section 237D-1."

PART IV

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2019.

INTRODUCED BY: [Signatures]
[Signatures]
Report Title:
Transient Accommodations; Association; Condominium; Planned Community Association; Registration; Report; Department of Business, Economic Development, and Tourism

Description:
Requires members in planned community associations subject to HRS 421J and unit owners in condominiums subject to HRS 514B to register units leased as transient accommodations. Requires associations to submit annual reports to county planning departments and Department of Business, Economic Development, and Tourism (DBEDT). Requires DBEDT to submit annual reports to the Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.