

MAR 08 2024

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# SENATE CONCURRENT RESOLUTION

URGING EACH OF THE COUNTY COUNCILS TO ADOPT SUPPLEMENTAL RULES PURSUANT TO SECTION 514B-6, HAWAII REVISED STATUTES, TO ENSURE CONFORMANCE OF CONDOMINIUM PROPERTY REGIMES TO THE PURPOSES AND PROVISIONS OF COUNTY ZONING AND DEVELOPMENT ORDINANCES AND CHAPTER 205, HAWAII REVISED STATUTES, INCLUDING SECTION 205-4.6, HAWAII REVISED STATUTES, WHERE APPLICABLE.

1 WHEREAS, there has been growing interest in developing  
2 agricultural lands in the Kunia area; and

3  
4 WHEREAS, while this provides land developers with a process  
5 to reduce front-end costs of selling agricultural lands, it  
6 often thwarts the long-term viability of these "units", as  
7 master planning is absent, particularly with respect to  
8 supporting county infrastructure; and

9  
10 WHEREAS, condominium property regime laws do not require  
11 county approval of the condominium property regime, which  
12 inhibits a county's ability to plan, regulate, and enforce its  
13 agricultural plans, goals, and infrastructure services; and

14  
15 WHEREAS, section 205-4.5(f), Hawaii Revised Statutes,  
16 specifically allows agricultural land developers to bypass  
17 county subdivision requirements, which promotes the condominium  
18 property regime process over the county subdivision process; and

19  
20 WHEREAS, certain farms are building residential structures  
21 without county permitting when they are only allowed to build  
22 structures without permitting or to code if they are  
23 agricultural buildings and structures that are exempted by  
24 section 46-88, Hawaii Revised Statutes; now, therefore,

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26 BE IT RESOLVED by the Senate of the Thirty-second  
27 Legislature of the State of Hawaii, Regular Session of 2024, the  
28 House of Representatives concurring, that each county council is



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1 urged to adopt supplemental rules pursuant to section 514B-6,  
 2 Hawaii Revised Statutes, to ensure the conformance of  
 3 condominium property regimes to the purposes and provisions of  
 4 county zoning and development ordinances and chapter 205, Hawaii  
 5 Revised Statutes, including section 205-4.6, Hawaii Revised  
 6 Statutes, where applicable; and

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 8 BE IT FURTHER RESOLVED that the City and County of Honolulu  
 9 is requested to regulate and enforce land use ordinances in the  
 10 Kunia area; and

11  
 12 BE IT FURTHER RESOLVED that the City and County of Honolulu  
 13 is requested to create a process to demolish buildings and  
 14 structures in the Kunia area if they are deemed to be illegal;  
 15 and

16  
 17 BE IT FURTHER RESOLVED that certified copies of this  
 18 Concurrent Resolution be transmitted to the Mayor of the City  
 19 and County of Honolulu, Director of the Department of Planning  
 20 and Permitting of the City and County of Honolulu, and Chair of  
 21 each county council.

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OFFERED BY: 

