

MAR 08 2024

SENATE 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
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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
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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
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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
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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,
28 that each county council is urged to adopt supplemental rules
29 pursuant to section 514B-6, Hawaii Revised Statutes, to ensure
30 the conformance of condominium property regimes to the purposes
31 and provisions of county zoning and development ordinances and



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1 chapter 205, Hawaii Revised Statutes, including section 205-4.6,
2 Hawaii Revised Statutes, where applicable; and

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4 BE IT FURTHER RESOLVED that the City and County of Honolulu
5 is requested to regulate and enforce land use ordinances in the
6 Kunia area; and

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

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13 BE IT FURTHER RESOLVED that certified copies of this
14 Resolution be transmitted to the Mayor of the City and County of
15 Honolulu, Director of the Department of Planning and Permitting
16 of the City and County of Honolulu, and Chair of each county
17 council.

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OFFERED BY:

