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JULY 2019 UPDATE**

Short Term Rental Ordinance



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HONOLULU CITY COUNCIL MEETING SCHEDULE

Wednesday, July 3

Full Council	9 am
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Tuesday, July 23

Parks	9 am
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Business	10 ³⁰ am
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Executive Matters	1pm
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Wednesday, July 24

Budget	9am
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Public Infrastructure	1pm
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Thursday, July 25

Zoning and Housing	9 am
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Public Safety	1 pm
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Upon considerable deliberation after hearing hours of public testimony, the City Council unanimously passed Bill 85 and Bill 89, two measures which will regulate the growth and operation of vacation rentals on O'ahu and stem their proliferation in residential communities. Mayor Kirk Caldwell signed Bill 89 into law and vetoed Bill 85, noting that the latter's regulatory provisions were already mostly included in Bill 89, rendering Bill 85 likely redundant.

It's been estimated that there are about 10,000 vacation rentals in the City and County of Honolulu, the majority of which are unlicensed. While the popularity of vacation rentals has fueled considerable growth in Hawaii's tourism industry, the explosive and exponential increase of their numbers has not come without

negative consequences for Oahu's already-tight housing market, particularly in areas like Kailua and the North Shore. The impact of vacation rentals on the availability of rental housing in Kailua was such that three public elementary schools in the Enchanted Lake area – Enchanted Lake, Keolu and Ka'elepulu – suffered significant declines in student enrollment over the past few years that were attributed to the reduction of housing inventory.

The City Dept. of Planning and Permitting will commence enforcement of Bill 89 effective August 1, 2019, which will reduce the number of illegal rentals from 8,000 to 2,500 and further eliminate whole home rentals. The new law differentiates between owner-occupied

(cont.)

Short Term Rental Ordinance

bed and breakfast homes, aka B&Bs, and vacation rental units where the owner does not reside on the premises. It will limit rentals of under 30 days outside of specifically designated areas. The law also permits another 1,715 owners to rent individual rooms within their residences, but they are prohibited from renting the entire dwelling. Whole property rentals will only be allowed in one of the City and County's three designated tourist districts of Waikiki, Ko 'Olina and Turtle Bay.

- Beginning on October 1, 2020, the department will issue another 1,699 permits on a first-come / first-serve basis. No permits will be issued to homes on the North Shore.
- Any short-term rental advertising without a permit, or not in one of those three designated tourist districts will be considered an illegal operation and will be subject to fines. City officials are authorized to direct vacation rental companies such as Airbnb to remove those listings which do not display a valid vacation rental number.

We have confidence that Bill 89 will withstand any legal challenges which might be mounted to overturn the law. In a recent challenge mounted by Airbnb and HomeAway / VRBO March to a recently enacted similar law by the

City of Santa Monica, CA, the U.S. 9th Circuit Court of Appeals in March affirmed Santa Monica's right to regulate the vacation rental business as a means to ensure that there would continue to be an adequate supply of long-term rental housing for city residents.

Most of us realize that the tourism industry is not going to go away, and that it's an integral and important component of Hawai'i's economy. It is incumbent upon industry and public officials to manage this industry responsibly and rein in unbridled growth in certain of its sectors such as vacation rentals, so that undue burdens are not imposed upon our residential communities.

If you desire more information on vacation rental permitting, or have questions about what is and is not prohibited under the new law, please consult the City Dept. of Planning and Permitting FAQ page at:

<http://www.honolulu.gov/rep/site/dpp/str/faqs.pdf>.

If you want to report a potential violation of our short-term rental laws, please call the department's hotline at (808) 768-8127.

Bulky Item Trash Pick Up

The City and County's bulky item pickup project has gotten off to a rocky start as Honolulu residents from Foster Village to Hawai'i Kai get used to the new rules, which dispenses with regularly scheduled monthly pickup and requires them to schedule an appointment to remove large items. Since the pilot program began on May 15, many residents have complained about illegal dumping and trash piling up, while officials at the city's Dept. of Environmental Services are claiming that the program is a success.

While the pilot project does not apply to residents of Council District 3 (Waimanalo to Kaha-

lu'u), we are nevertheless monitoring the situation closely, as the stated intent of officials is to eventually implement the program on an island-wide basis. Obviously, we will need to do a better job at educating the general public about the new program rules before rolling it out to the rest of Oahu's communities – but then, that's why we have pilot projects, so that we can learn what works and what doesn't.

In the meantime, we urge all District 3 residents to keep an open mind, and please adhere to the monthly bulky item pickup schedule that's currently in place for their respective communities.

For more information please go to:

http://www.opala.org/solid_waste/Honolulu_Bulky_Pilot.html

Ha'ikū Stairs EIS

The Honolulu Board of Water Supply is currently accepting public comments about a recently completed environmental study regarding the future of Ha'ikū Stairs, a challenging but popular hiking trail that is in disrepair. This study provides several options, which include closing the trail altogether and dismantling the stairs, or handing it over to the City and County to manage, rehabilitate and maintain on behalf of the general public.

Those who've hiked the Ha'ikū Stairs to the crest of the Ko'olau are rewarded with one of the most stunning views on the island of O'ahu, and the trail's popularity has increased with the advent of social media. Correspondingly, Kane'ohē residents who live nearby the trailhead at the base of the mountains have increasingly expressed concerns complained about safety, traffic, trespassing and neighborhood security.

The local organization Friends of the Ha'ikū Stairs say they have developed a managed access plan that would steer hikers away from that neighborhood while still providing for public access to the hike. Further, Mayor Kirk Caldwell has stated his desire to see the De-

partment of Parks and Recreation to take control of the stairs and manage access on behalf of City and County residents and visitors. The public comment period for the Ha'ikū Stairs Study Draft Environmental Impact Statement (DEIS) is open until August 7, 2019.

The DEIS is available online for review in *The Environmental Notice* on the State Office of Environmental Quality Control website. Those who wish to comment on the study can do so online at <http://haikustairseis.commentinput.com/?id=h1s2>.

HA'IKŪ STAIRS STUDY DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I HE'EIA, KO'OLAUPOKO, ISLAND OF O'AHU



Real Property Tax Credit

The City and County of Honolulu is offering a real property tax credit to certain homeowners. Applicants who qualify can receive a tax credit equal to the amount of taxes owed for the current tax year that exceeds three percent (3 percent) of the titleholders' combined gross income. This tax credit will be applied to next year's taxes. However, an annual filing is required for this credit.

Eligibility requirements include the following:

- Homeowner must have a home exemption in effect at the time of application and for the subsequent tax year.
- Any of the titleholders do not own any other property in any other location.

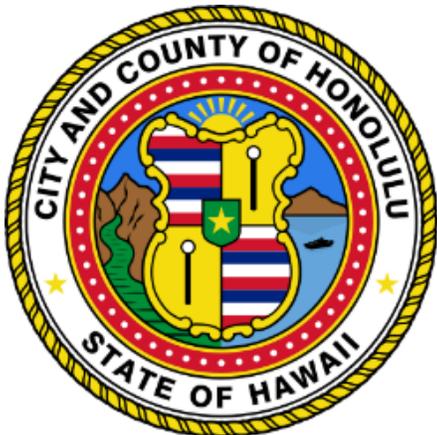
- The combined income of all titleholders cannot exceed \$60,000.

Applications are available at the following locations:

- All Satellite City Halls on O'ahu.
- Treasury Division at Honolulu Hale, 530 South King Street, Room 115, Honolulu, Hawai'i 96813
- Tax Relief Section at 715 South King Street, Room 505, Honolulu, Hawai'i 96813
- Online at: http://www.honolulu.gov/rep/site/bfs/treasury_docs/2020_Tax_credit_application_Fillable.pdf

The application deadline is September 30. For more information or assistance, contact the Real Property Tax Relief Office at 768-3205.

HONOLULU CITY COUNCIL



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* * *

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Community Corner:

Honoring Mr. Blade Shepard-Jones

Local science teacher Blade Shepherd-Jones of Waimanalo Elementary & Intermediate School recently returned from an expedition to the Svalbard Islands in the Norwegian Arctic, where the Kailua native saw snow for the very first time and studied Arctic wildlife, geology and culture with 44 fellow teachers from across the United States and Canada. He made the trip as a participant of the National Geographic Society's Lindblad Expeditions and Grosvenor Teacher Fellows program, which provides elementary and secondary school teachers with a "life-changing, field-based experience" to bring back to their classrooms.



Having recently worked with his students to examine the impacts of Great Pacific Garbage Patch and marine debris on Hawaii, Mr. Shepard-Jones said he was surprised by the amount of human-generated debris and waste he saw in the Svalbard Islands, which he expected would be relatively more pristine. He hopes to incorporate his experience into his lesson plans for the upcoming school year, and convey to his students his sense of adventure and curiosity about the world around us, "just to make the classroom more real and exciting, making it more than just words on a page."

With Alan Kekoa Texeira