

HEATHER L. KIMBALL
Council District 1 (North Hilo,
Hāmākua, and portion of Waimea)

Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402
Hilo, Hawai'i 96720

DATE: June 29, 2026

TO: Leeward Planning Commission, Chair Dean Au
Windward Planning Commission, Chair Louis Daniele, III
and Members of the Leeward and Windward Planning Commissions

FROM: Heather L. Kimball, Council Member *HLK*
Council District 1

SUBJECT: Unhosted Transient Vacation Rental in RM Zoning

Aloha Chair Au, Chair Daniele, and members of the Leeward and Windward Planning Commissions,

Testimony regarding Bill 147 relating to Transient Accommodations from the Kona CDP Action Committee seemed to indicate that this bill was changing existing County Code to allow for unhosted transient vacation rentals or Short-Term Vacation Rentals (STVRs) in the Residential Multi-Family Zoning District (RM). On the contrary, Bill 147 does not change the permitted use of STVRs in RM.

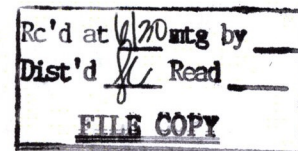
Under the current County Code, STVRs are permitted in RM in Resort or Resort Nodes, and in other areas when under a Condominium Property Regime (CPR) pursuant to Hawai'i Revised Statutes, Chapter 514B.

However, since this issue was raised by the Kona CDP Action Committee, the Council may benefit from the discussion for this issue by the Planning Commissions before the bill is returned to Council for consideration. For the purposes of discussion only, the amendment to the bill would be as follows:

Section 25-4- . Short-term vacation rentals; where permitted; nonconforming use certificate.

- (a) An STVR is permitted in the following zoning districts:
(1) [~~RM~~] V, CG, CN, CV, and CDH;

Hawai'i County is an Equal Opportunity Provider and Employer.



- (2) Any residential district~~[, other than RM,]~~ that is wholly situated within any of the following:
 - (A) A Resort or Resort Node area, as designated in the General Plan; or
 - (B) An area designated as Open in the General Plan that is adjacent to an area identified in subparagraph (A) and that is located along the shoreline; and
- (3) A project district, where consistent with the uses allowed in the underlying zoning district.
- (b) An STVR is not permitted in a multiple-family dwelling, unless the dwelling is defined and governed as a condominium property regime under the Hawai'i Revised Statutes, chapter 514B.
- (c) In any district or area not identified in subsection (a), an STVR may operate with a nonconforming use certificate issued pursuant to Ordinance No. 18-114 [-] or, in the RM district, provided the STVR was in operation prior to the effective date of this ordinance.
- (d) In the event that the director, pursuant to section 6- of this Code, cancels the TVR registration of a TVR operating under a nonconforming use certificate, such cancellation shall also cause and constitute revocation of the nonconforming use certificate.
- (e) An STVR operating under a nonconforming use certificate may increase the number of bedrooms available to rent; provided that the number of rooms available to rent does not exceed five and that the owner registers the change with the director.

This amendment would only allow new STVRs in RM districts that are in Resorts or Resort Nodes, and grandfather in existing STVRs in RM districts. In addition to the language changes above, Section 19 of Bill 147 would also need to be removed.

In conclusion, I am presenting this to the commissions exclusively for the purposes of discussion based on the testimony received. Since the Council seriously considers the recommendations of the Planning Commissions as part of our deliberations, I respectfully ask that you provide us with your guidance on this issue with respect to Bill 147.

Mahalo.

HLK:dbk

cc: Director Jeffrey Darrow, Planning Department