SHORT-TERM VACATION RENTAL (STVR) REGISTRATION
AND/OR NONCONFORMING USE (NUC) APPLICATION
First Steps: Does Ordinance 18-114 apply to me? What do I apply for?

STEP 1: Does Bill 108 apply to me?

The recently-adopted Ordinance 18 114, also known as "Bill 108," regulates vacation rentals in Hawai'i County and defines a "Short-Term Vacation Rental" as:

> "[A] dwelling unit of which the owner or operator does not reside on the building site, that has no more than five bedrooms for rent on the building site, and is rented for a period of thirty consecutive days or less. This definition does not include the short-term use of an owner's primary residence as defined under section 121 of the Internal Revenue Code."

If this describes your vacation rental, please proceed to the next section, "**What do I apply for?**" to determine which STVR approvals you will need to apply for. If this does not describe your rental, please contact us at the Planning Department to discuss how the new law may affect your rental.

STEP 2: What do I apply for? Answer these questions:

(1) Is your STVR in one of these Permitted Zoning Districts? If YES go to Item (3).

- V (Resort);
- CG (General Commercial);
- CV (Village Commercial);
- Residential and Commercial Districts situated in the General Plan's Resort and Resort Node areas; or
- RM (Multi-family Residential) for multiple family dwellings within a condominium property regime as defined and governed by chapters 514A and 514B, Hawaii Revised Statutes,

(2) If you answered NO to Item (1), your STVR is in an Unpermitted Zoning District. STVR's in Unpermitted Zoning Districts, may apply for a STVR Registration and a NUC as long as:

- The parcel existed before June 4, 1976, if it is in the State Land Use Agricultural District (Parcels created on/after June 4, 1976 in the State Land Use Agricultural District are not permitted to operate a STVR); and
- The STVR was operating in compliance with all applicable government laws, ordinances and/or regulations before April 1, 2019.

(3) If you are eligible to register for a STVR and, if applicable, apply for a NUC based on Items (1) or (2), determine whether your STVR is "New" or "Pre-Existing":

- "New STVR" means a STVR in existence within a permitted dwelling after April 1, 2019. (No new STVR's will be permitted in Unpermitted Districts after April 1, 2019.)
- "Pre-existing STVR" means a STVR in existence within a permitted dwelling on or before April 1, 2019.

Now that you've determined that your STVR is in a Permitted and/or Unpermitted Zoning District and its New/Pre-existing status, please consult the table below to determine which applications and deadline apply to your situation.

	Permitted Zoning Districts	Unpermitted Zoning Districts	Unpermitted Zoning Districts (Lots created on/after June 4, 1976 in the State Land Use Agricultural District)
Pre-existing STVR	• **STVR Registration only** • No registration deadline. • Limited to renting out no more than 5 bedrooms at any given time.	• **STVR Registration and NUC Application** • Registration and Application deadline: September 28, 2019 • Must have been in existence prior to April 1, 2019. • Limited to renting out no more than 5 bedrooms at any given time.	• **Not permitted to operate a STVR.**
New STVR	• **STVR Registration only** • No registration deadline but may not start operating until STVR Registration is issued. • Limited to renting out no more than 5 bedrooms at any given time.	• **No new STVR's will be allowed in unpermitted districts after April 1, 2019.**	• **Not permitted to operate a STVR.**

County of Hawai‘i Planning Department

www.hiplanningdept.com · planning@hawaiicounty.gov

East Hawai‘i Office · 101 Pauahi Street, Suite 3 · Hilo, Hawai‘i 96720
Phone (808) 961-8288 · Fax (808) 961-8742

West Hawai‘i Office · 74-5044 Ane Keohokalole Hwy · Kailua-Kona, Hawai‘i 96740
Phone (808) 323-4770 · Fax (808) 327-3563

FOR OFFICE USE ONLY
Receipt Number: _____
Reviewed By: _____
STVR #: _____
NUC # (If Applicable) _____

SHORT-TERM VACATION RENTAL (STVR) REGISTRATION AND/OR NONCONFORMING USE (NUC) APPLICATION

This is a form for a:
- ☐ STVR Registration only - $500 fee
- ☐ STVR Registration + Nonconforming Use Certificate - $500 fee

APPLICANT (Please Print): _____

APPLICANT'S INTEREST, IF NOT THE OWNER: _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

Please provide information for <u>all</u> owners of the STVR property. A Landowner Addendum is attached, if needed.

LANDOWNER (Please Print): _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

REACHABLE PERSON (Please Print): _____

MAILING ADDRESS: _____

CITY: _____/HI ZIP CODE: _____

PHONE NO.: Business (____)_____ Home/Mobile (____)_____

EMAIL: _____

STVR STREET ADDRESS: _____

CITY: _____/HI ZIP CODE: _____

FOR OFFICE USE ONLY:

TAX MAP KEY: (3)_____ ZONING: _____

SLU: _____ If Ag, Date of Subdivision: _____ LUPAG: _____

The submittal of an incomplete application will delay official acceptance by the Department. Furthermore, additional information may be requested by the Department during the course of the review process and be deemed valid. Lack of required information will render the application incomplete, and it will not be processed.

To whom should we send original correspondence? (Select one): ☐Owner ☐Applicant ☐Reachable Person

Instructions:

- STVR Registration only: Please submit Items 1-10
- STVR Registration + Nonconforming Use Certificate: Please submit Items 1-13.
- Pursuant to Planning Department Rules of Practice and Procedure Rule 23, the Director may request additional information to facilitate processing your application request.

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1. **Completed STVR Registration Form.**

2. **Landowner Authorization, if applicable.** Any entity applying for an STVR Registration shall submit written authorization from the owner(s) to act on their behalf.

3. **$500 Non-refundable filing and processing fee.** Payments by check may be made payable to: Director of Finance.

4. **Final Approvals from Building Division.** Please provide documentation establishing that all permits from the County of Hawai'i Department of Public Works-Building Division for all necessary building, electrical, and plumbing permits were granted final approval. Please visit the Hawai'i County Real Property Tax website (www.hawaiipropertytax.com) and "Search Records" to retrieve and print out a copy of the real property tax records for your property, showing all applicable building, electrical, and plumbing permits. Include a copy of this print-out with your application. Incomplete permits will require page 5 of the Registration form to be completed with the County of Hawai'i Department of Public Works-Building Division.

5. **Current tax licenses.** Please submit copies of your current State of Hawai'i General Excise Tax / Transient Accommodations Tax licenses for your STVR.

6. **County of Hawai'i Real Property Tax Clearance Certificate** obtained from the Real Property Tax Division.

7. **Site Plan.** Drawn to scale, on 11" x 17" white copy paper, identifying:
   a) All property boundaries, dimensions, setbacks, and easements;
   b) Location of existing and proposed structures, driveway access, swimming pools, ancillary structures, eaves, and overhangs shall be clearly identified and labeled;
   c) Designated parking spaces for the STVR in compliance with Hawai'i County Code (HCC), Sections 25-4-50 through 25-4-54; and
   d) Reference points such as roadways, shoreline, etc; and
   e) Table indicating total square footages of each of the structures on the property.

8. **Floor Plan.** Drawn to scale, on 11 "x 17" white copy paper, identifying the location and use of all rooms in the STVR with dimensions of all spaces.

9. **Notarized Affidavit of Compliance.** All landowners must sign a copy of the attached Short-Term Vacation Rental Affidavit of Compliance. Submit notarized affidavit(s) with this application.

10. **Pre-existing STVRs:** Please provide proof of your prior use of the property as an STVR. Proof may include tax documents for the relevant time period or other reliable evidence.

11. **List of affected property owners/lessees.** A list of the names, mailing addresses, and tax map key numbers of all owners and lessees of record of all lots of which any portion is within three hundred (300) feet of any point along the perimeter boundary of the STVR property. Please visit the Hawai'i County Real Property Tax website (www.hawaiipropertytax.com) and use the "New Web Access Portal" to retrieve and print out the surrounding property owners list.

12. **Copy of First Notification Letter to Affected Property Owners/Lessees**. Please review the attached Notification Requirements for Nonconforming Use Certificate Applicants, and follow the instructions provided.

13. **Proof of service.** Applicants shall provide proof of service or of good faith efforts to serve notice of the application to affected property owners and lessees of record. Proof may consist of certified mail receipts, affidavits, declarations, or the like.

SHORT-TERM VACATION RENTAL (STVR) REGISTRATION
LANDOWNER ADDENDUM

LANDOWNER: _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

LANDOWNER: _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

LANDOWNER: _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

LANDOWNER: _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

LANDOWNER: _____

SIGNATURE: _____ DATE: _____

SIGNER (Please Print): _____ TITLE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NO.: (____)_____ EMAIL: _____

---- THIS PAGE FOR OFFICE USE ONLY ---

SHORT-TERM VACATION RENTAL (STVR) REGISTRATION
BUILDING DIVISION APPROVAL

LANDOWNER(S): _____

STVR ADDRESS: _____

CITY: _____/HI ZIP CODE: _____

STVR TAX MAP KEY: (3)_____

TO BE COMPLETED BY BUILDING DIVISION STAFF				
Building Permit Number(s) and Final Approval Date(s)	General Description of Permit	Permit Status	Completed By:	Date:
Electrical Permit Number(s) and Final Approval Date(s):	General Description of Permit	Permit Status	Completed By:	Date:
Plumbing Permit Number(s) and Final Approval Date(s):	General Description of Permit	Permit Status	Completed By:	Date:

COUNTY OF HAWAI‘I
PLANNING DEPARTMENT

SHORT-TERM VACATION RENTAL (STVR) AFFIDAVIT OF COMPLIANCE

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This is to acknowledge that I, _____,

landowner / authorized applicant of the existing/proposed STVR property located at:

_____,

Tax Map Key (3) _____, CERTIFY, SWEAR, AND AFFIRM THAT:

- The final approvals for building, electrical, and plumbing permits from the County of Hawai‘i Department of Public Works-Building Division accurately reflect the structure as it currently exists without unpermitted modifications or changes of use.
- To the best of my knowledge, there are no public, private, or financial covenants and or conditions prohibiting the use of this property as a vacation rental.
- I acknowledge that once my application is accepted, the Director may request a site inspection to verify that the STVR is located within a legal dwelling and complies with the HCC, Chapter 25, any rule adopted thereunder, or any permit or variance issued pursuant thereto.
- I will comply with all applicable County, State, and Federal laws, rules, regulations, and requirements, and will continue to operate within those laws, which shall also include, but is not limited to, the STVR Standards outlined in this Affidavit.
- I acknowledge that any misrepresentation made by me or by my agent in applying for this STVR Registration may render the Registration invalid.
- I acknowledge that any discussion that I have had or may have with Planning Department staff about conditions of approval are preliminary only, and are not final, nor are they the specific conditions required to gain approval of the application, unless the conditions are part of the Director’s final written determination.
- (**Nonconforming Use Certificate Applicants**) The list of names, mailing addresses, and tax map keys of all owners and lessees of record of all lots of which any portion is within three hundred (300) feet of any point along the perimeter boundary of the STVR property, is, to the best of my knowledge, a complete and accurate “record of all said owners and lessees.”

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SHORT-TERM VACATION RENTAL STANDARDS

Maximum Number of Guests. The maximum number of guests temporarily residing within an STVR at any one time shall be consistent with the definition of “Family” under Hawai‘i County Code (HCC) Chapter 25.

Owner/Reachable Person Responsibilities. The Owner or Reachable Person shall:

(1) Reside in the County of Hawai‘i;

(2) Be reachable by guests, neighbors, and County agencies on a twenty-four (24) hour, seven (7) days-per-week basis;

(3) Be able to respond via telephone to a request from a guest, neighbor or County agency within one (1) hour of receiving that request and by physically present at the STVR within three (3) hours of receiving a call from a guest, neighbor or County agency, when that guest, neighbor, or County agency requests the presence of the reachable person;

(4) Ensure that activities taking place within the STVR conform to the character of the existing neighborhood in which the rental is located;

(5) Notify the Department within five (5) days of a change in the owner or reachable person's contact information; and

(6) Notify the Department within thirty (30) days, should the STVR permanently cease operations for any reason.

Advertising. All print and internet advertising of STVRs, including listings with a rental service or real estate firm, shall include the STVR Registration Number. The Nonconforming Use Certificate Number shall also be included, if one has been issued.

Guest Parking. All guest parking for STVRs shall be off-street and shall meet the requirements set forth in HCC Sections 25-4-50 through 25-4-54 and applicable parking standards in HCC Chapter 25. If there is any doubt as to the requirements for off-street parking for an STVR, the Director shall determine the required number of parking spaces.

Signage. Any commercial signage that advertises an STVR shall comply with the requirements of HCC Section 22-2.6 and HCC Chapter 3.

Display Requirements. All STVRs shall display the following documents in compliance with the provisions below:

(1) The STVR Registration Certificate, and the Reachable Person's name and phone number, shall be displayed <u>on the back of the front door of all sleeping quarters</u>.

(2) Good Neighbor Policy. At a minimum, the following shall be <u>prominently displayed within the dwelling unit and recited in the rental agreement signed by the tenant</u>:

(a) Quiet hours shall be from 9:00 p.m. to 8:00 a.m., during which time the noise from the STVR shall not unreasonably disturb adjacent neighbors.

(b) Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area.

(c) Guest vehicles shall be parked in the designated parking area.

(d) The STVR shall not be used for commercial purposes.

(3) Current Nonconforming Use Certificates shall be displayed in a conspicuous place on the STVR's premises <u>that is readily visible to an inspector</u>. In the event that a single address is associated with numerous Nonconforming Use Certificates, a listing of all units at that address holding current certificates may be displayed in a conspicuous, readily visible common area instead.

STVR TMK: (3)_____

_____
Landowner Signature / Authorized Applicant

_____
Printed Name of Landowner/Authorized Applicant

_____
Date

_____
Landowner Signature / Authorized Applicant

_____
Printed Name of Landowner/Authorized Applicant

_____
Date

STATE OF HAWAI‘I)
) SS.
COUNTY OF HAWAI‘I)

On this ____ day of _____, 20___, before me personally appeared _____ to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

_____

Notary Public, State of Hawai‘i
___ Judicial Circuit

My Commission Expires: _____

NOTARY CERTIFICATION

Doc. Date: _____ No. of Pages: _____

Notary Name: _____ _____

Doc. Description: _____ Circuit: _____

_____

_____

_____
Notary Signature Date

SURROUNDING PROPERTY OWNER NOTIFICATION REQUIREMENTS FOR NONCONFORMING USE CERTIFICATE APPLICATIONS

Applicants who wish to apply for a Nonconforming Use Certificate must send FIRST and SECOND Notification Letters to all owners and lessees of record of all lots of which any portion is within three hundred (300) feet of any point along the perimeter boundary of the Short-Term Vacation Rental property ("**affected property owners/lessees**").

**Instructions on how to use the County's Real Property Tax website to create a surrounding property owner list are available on the Planning Department website.

For your convenience, we have provided FIRST and SECOND Notification Letter templates for you to fill out, copy, and distribute accordingly. Please follow the guidelines below to ensure that you fulfill all of the Surrounding Property Owner notification requirements in a timely manner. Should you have any questions, please contact us at the Planning Department or email us at: planning@hawaiicounty.gov.

EAST HAWAIʻI (HILO):
County of Hawaiʻi Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaiʻi, 96720

WEST HAWAIʻI (KONA):
County of Hawaiʻi Planning Department
74-5044 Ane Keohokālole Highway, Building E
Kailua-Kona, Hawaiʻi 96740

FIRST NOTICE

The **FIRST** Notification Letter to affected property owners/lessees must be sent out BEFORE you submit your Short-Term Vacation Rental (STVR) Application to the Department.

In compliance with these Notification Requirements, remember to include with your STVR Application:

(1) A list of the names, mailing addresses, and tax map key numbers of all the affected owners/lessees;

(2) A copy of the first notification letter that was sent to affected property owners/lessees; and

(3) Proof of service or of good faith efforts to serve notice of the application on affected property owners/lessees. Such proof may consist of certified mail receipts, USPS Certificate of Mailing (PS Form 3665, affidavits, declarations, or the like).

SECOND NOTICE

Within ten (10) days of receiving an official acknowledgment from the Director confirming the receipt of your STVR Application, you must:

(1) Serve a **SECOND** Notification Letter of the application to all affected property owners/lessees;

(2) Provide a copy of the second notification letter that was sent to affected property owners/lessees; and

(3) Provide proof of service or of good faith efforts to serve notice of the application on affected property owners/lessees. Such proof may consist of certified mail receipts, USPS Certificate of Mailing (PS Form 3665, affidavits, declarations, or the like.

NONCONFORMING USE CERTIFICATE (NUC) APPLICATION:
FIRST NOTIFICATION TO SURROUNDING PROPERTY OWNERS/LESSEES

Today's Date: _____, 20 _____

Dear Surrounding Property Owner,

In accordance with Hawai'i County regulations, we are sending this notification letter to you because your property is within three hundred (300) feet of a proposed Short-Term Vacation Rental (STVR). Under Planning Department regulations, an applicant who wishes to apply for a Nonconforming Use Certificate (NUC) to operate a STVR must notify property owners and lessees within three hundred (300) feet of any point along the perimeter boundary of the property upon which a NUC is sought.

This is only a notification to you as a surrounding property owner and does not require a response.

Under Planning Department guidelines, applicants must distribute this FIRST Notification Letter to surrounding property owners and lessees BEFORE a NUC Application is submitted to the Department. We will submit a NUC Application for the subject property to the Planning Department on _____, 20____ at the Department's _____ location.

(specify Hilo or Kona)

STVR INFORMATION

Applicant(s) Name: _____

Proposed STVR Street Address: _____

_____

TMK: (3) _____

Number of bedrooms being rented: _____ Maximum number of guests permitted: _____

Number and location of off-street parking spaces: _____

_____

Should you wish to offer comments on this application, you may submit your written comments to the Planning Department's Hilo or Kona office, or by email. **Please include the applicant's name in the subject line of your correspondence.** Thank you!

All applications are public information once submitted and may be viewed at the Planning Department during regular business hours from 7:45am – 4:30pm.

EAST HAWAI'I (HILO):
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i, 96720
Email: planning@hawaiicounty.gov

WEST HAWAI'I (KONA):
County of Hawai'i Planning Department
74-5044 Ane Keohokālole Highway, Building E
Kailua-Kona, Hawai'i 96740

FIRST NOTIFICATION LETTER

NONCONFORMING USE CERTIFICATE (NUC) APPLICATION:
SECOND NOTIFICATION TO SURROUNDING PROPERTY OWNERS/LESSEES

Today's Date: _____, 20 _____

Dear Surrounding Property Owner,

In accordance with Hawai'i County regulations, we are sending this notification letter to you because your property is within three hundred (300) feet of a proposed Short-Term Vacation Rental (STVR). Under Planning Department regulations, an applicant who wishes to apply for a Nonconforming Use Certificate (NUC) to operate a STVR must notify property owners and lessees within three hundred (300) feet of any point along the perimeter boundary of the property upon which a NUC is sought.

This is only a notification to you as a surrounding property owner and does not require a response.

Under Departmental guidelines, applicants must distribute this SECOND notification to surrounding property owners and lessees within ten (10) days of the Department's acceptance of their STVR Application.

STVR INFORMATION

Applicant(s) Name: _____

Proposed STVR Property Address: _____

_____

TMK: (3) _____

Number of bedrooms being rented: _____ Maximum number of guests permitted: _____

Number and location of off-street parking spaces: _____

_____

STVR Application was filed with the Planning Director on: _____, 20 _____

Planning Director will make a decision on the STVR Application by: _____, 20 _____

Should you wish to offer comments on this application, you may submit your written comments to the Planning Department's Hilo or Kona office, or by email. The Planning Director must receive all comments on this application within thirty (30) days of the date of this letter. **Please include the applicant's name in the subject line of your correspondence.** Thank you!

All applications are public information once submitted and may be viewed at the Planning Department during regular business hours from 7:45am – 4:30pm.

EAST HAWAI'I (HILO):
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i, 96720
Email: planning@hawaiicounty.gov

WEST HAWAI'I (KONA):
County of Hawai'i Planning Department
74-5044 Ane Keohokālole Highway, Building E
Kailua-Kona, Hawai'i 96740

SECOND NOTIFICATION LETTER

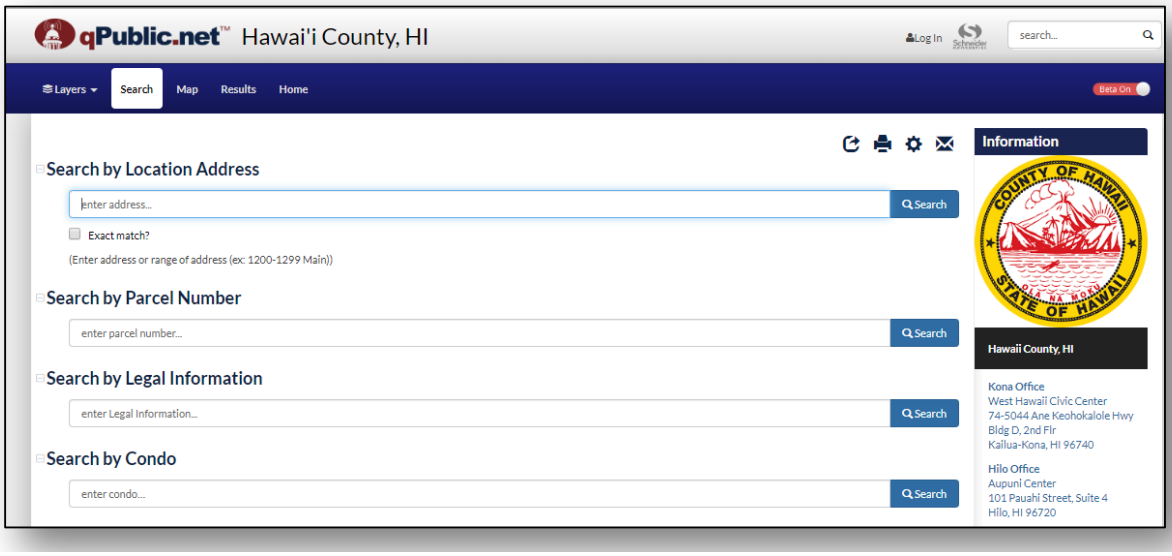
How to Create a Surrounding Property Owner List Using Real Property Tax Website

The following instruction sheet will allow you to generate a surrounding property owner list for mailing 1st and 2nd notices to property owners as part of Planning Department applications, utilizing tools available in the County's Real Property Tax (RPT) website: http://www.hawaiipropertytax.com. (Created 4.12.19)

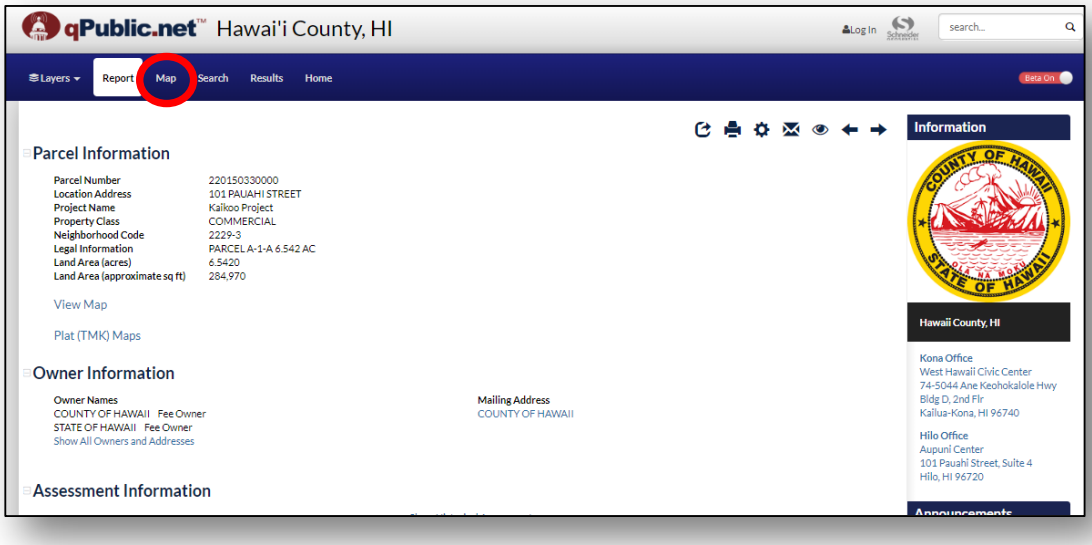
1. From the RPT website homepage, select "**Search Records**." On the next page, click, "**Yes, I accept the above statement**."

2. On the "Web Access to Property Records" page, select, "**Click here to access Property Records on our New Web Access Portal.**"

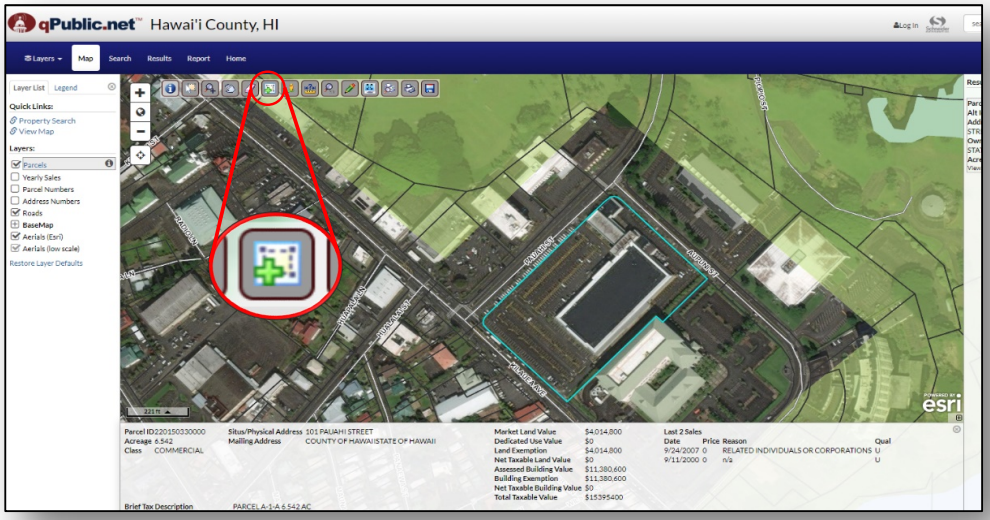
3. Search for your property by Location Address, Parcel Number, Legal Information or Condo and hit the "**Search**" icon to the right of the field.



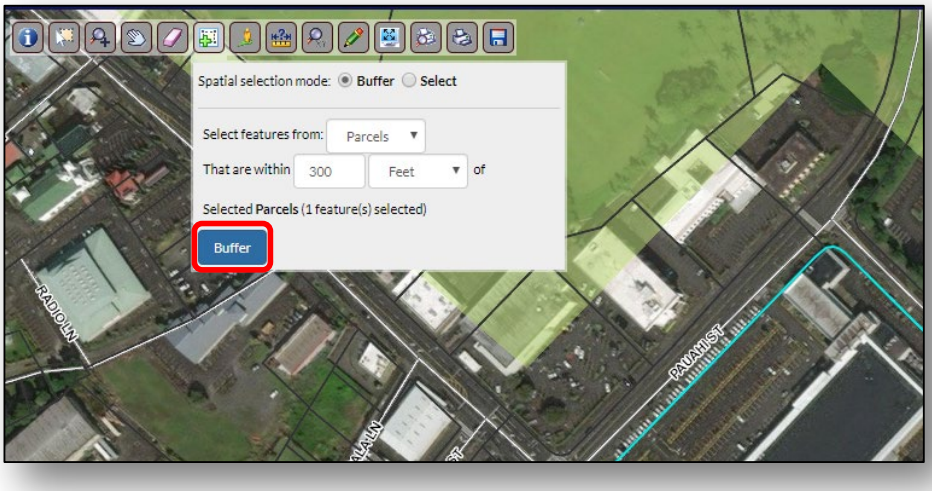
4. Once the property is found, you will be taken to a “Parcel Information” page. Select the map option at the top of the page.



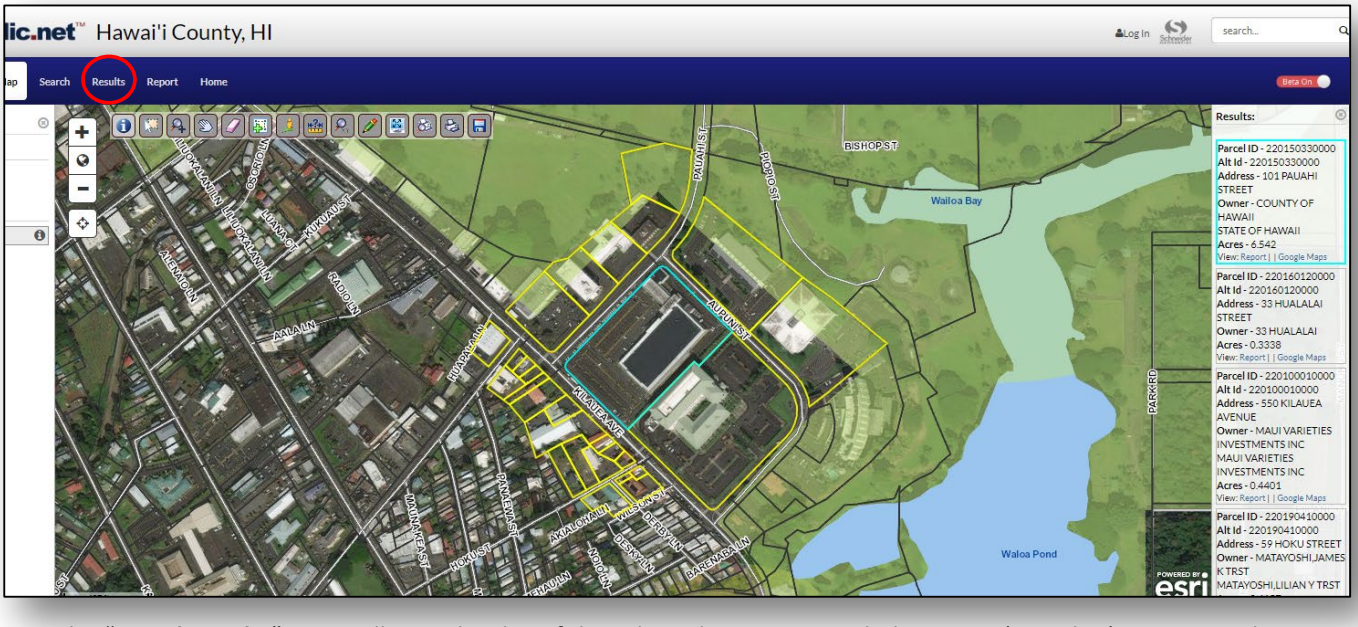
5. On the map page, you will see your parcel highlighted in blue. In the toolbar at the top left of the map, select the “**Spatial Selection Tool**” icon. (Outlined in red & expanded below).



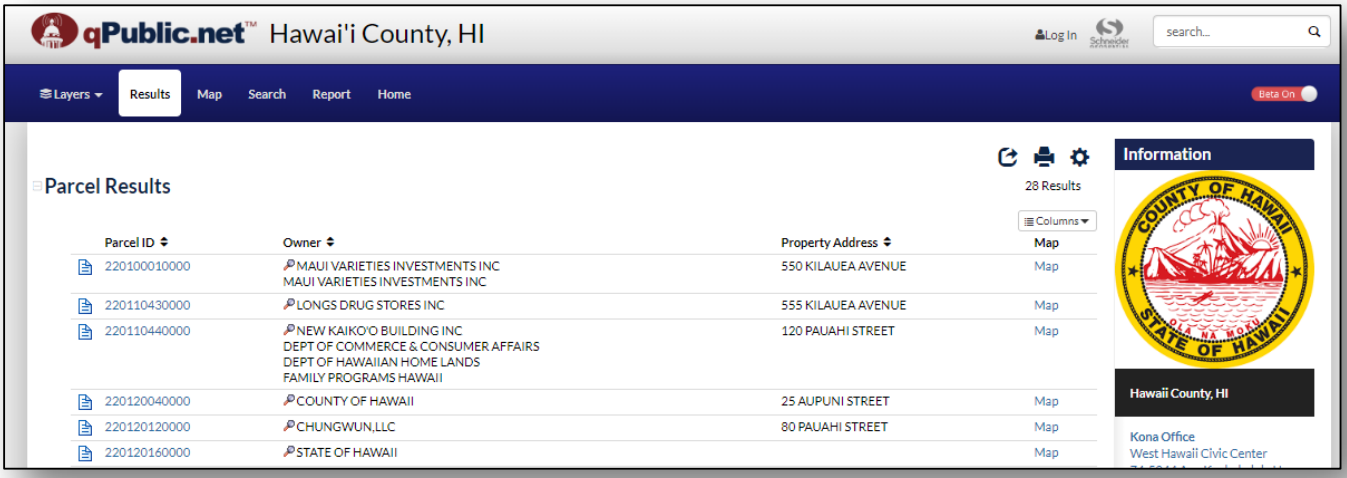
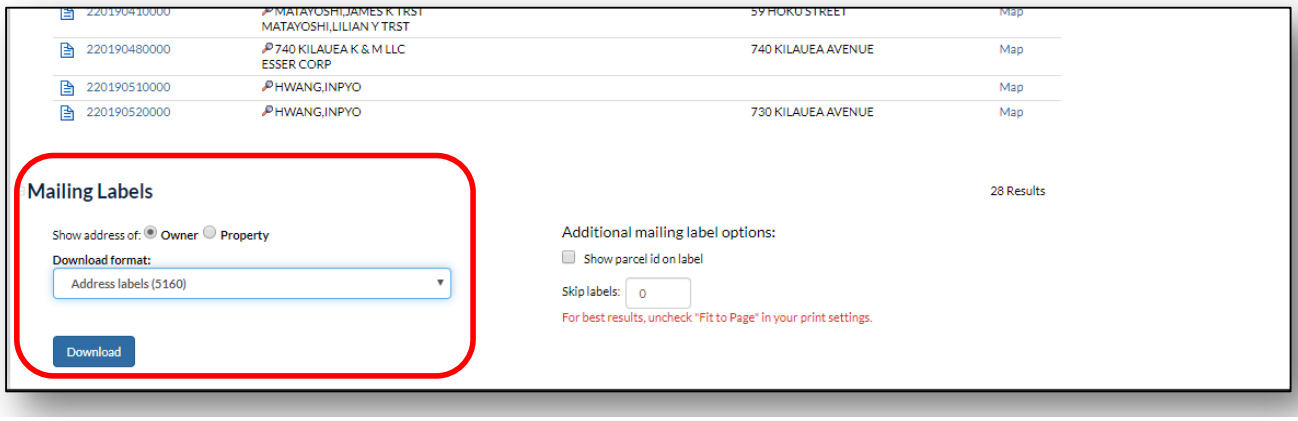
6. Once selected, the Spatial Selection Mode box will pop-up. Make sure that the “**Buffer**” circle is checked. The “**Select features from:**” box should be on “**Parcels**.” Type in the distance (in feet) of the buffer you want in the “**That are within**” box. Finally, hit the “**Buffer**” button at the bottom left of the box.(See example below)



7. A new map will appear showing all of the properties within 300 feet of the selected property outlined in yellow and a set of parcel information boxes on the right-hand side of the maps. Select the "**Results**" tab at the top left of the page.



8. The "**Parcel Results**" page will provide a list of the selected properties including: TMK (Parcel ID), Owner, and Property Address.



9. Scroll to the bottom of the page and you will see a "**Mailing Labels**" section. Select the "**Owner**" circle after "**Show addresses of**:" and then select the desired "**Download format**" from the dropdown menu. Selecting "**Excel (.xlsx)**" will allow the list to be downloaded to Excel to print and provide to the Planning Department. Selecting "**Address labels (5160)**" will allow you to download mailing labels to affix to an envelope for mailing.