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City must refocus on enforcing rental law

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The failure of the bill to permit and regulate a limited number of bed-and-breakfast establishments should not signal "game over" for those who believe in enforcement of the current ban on vacation rentals.

The city's spotty record of enforcement of existing law is surely one of the reasons a reasonable allowance for supervised B&Bs went down in the final vote last week before the City Council.

Many opponents of the measure, Bill 7, said as much: They feared even a limited expansion of regulated B&Bs would merely pile on more troubles for neighborhoods upset about the proliferation of illegal rentals.

Unfortunately, with the failure of the bill, the city also lost permitting fees and fines — a means of financing a ramped-up enforcement detail at the planning department.

But some measure to strengthen enforcement, aimed at rentals operating illegally, could and should be enacted. Ideally, the city could refine this system over the coming years well enough to demonstrate its capacity to rein in offenders. And that could help proponents of responsible permitting of supervised B&Bs to make a stronger case for legalization.

Bill 8, introduced by the late Councilwoman Barbara Marshall in 2008, might be a vehicle for this renewed attempt at regulation. Essentially, the measure makes it illegal for a proprietor to advertise vacation rentals without posting its nonconforming use permit, issued to existing rentals before a moratorium on permits went into effect in 1989.

This would make it somewhat easier to document an offense; otherwise, officials have to prove that a homeowner

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triggered a fine by allowing rentals for periods less than 30 days. That's tough to prove.

Bill 8 doesn't present a perfect solution. It doesn't produce nearly as much enforcement funding. And there's no time to waste: Bills remain alive for two years after introduction. That time clock runs down in mid-February. If it expires, it will take much more time to reintroduce the measure and review it.

However long it ultimately takes, the council should arm the city with a weapon to deter violators. Then elected leaders could consider a measured expansion in rentals, and give residents the evidence that the city can, in fact, enforce its laws.

Keep It Kailua is a community group of residents whose purpose is to help assure the retention of Kailua's desirable "residential" character and life-style as we move forward into the future, assisting other community-minded groups to achieve this goal. Many principles which coincide with the goals of Keep It Kailua are found in the general policies, principles and pursuits of the Ko'olaupoko Sustainable Communities Plan (KSCP). This Plan was adopted by the City & County in August of 2000 as official public policy. Keep It Kailua will use this plan as the foundation for its efforts, particularly those policies and principles applicable to Kailua which proposes to:

Preserve trees and promote open green space.

Preserve and enhance scenic, civic, recreational and cultural features that define Kailua's sense of place.

Protect residential neighborhoods.

Maintain and physically improve existing commercial areas, and

Preserve the low-rise, low-density, single-family character of Kailua.