

HISTORY UP UNTIL NOW

Pre-1990 – A few thousand quasi-legal B&Bs and TVUs were running in the coastal areas, primarily Waikiki and Waimanalo through the North Shore. In 1989, the Council took up the issue, held public hearings, and changed the LUO to specifically allow those B&Bs and TVUs already operating to continue with strict conditions under an NUC. In 1990, approximately 2,000 NUCs were issued.

1990 – 1999 – The early 1990s saw some growth in the illegal TVR industry. In the late 1990s, internet advertising led to a spurt in growth. The following was related at an early 2005 meeting of the Kailua Neighborhood Board: “In response to complaints, the DPP wrote 50+ known illegal operators and advised them to cease or face citation. Those operators complained to then Mayor Harris, who in turn advised the DPP to lay off.” The DPP, being limited in resources, turned away from illegal TVR enforcement to concentrate on other areas. As a result, enforcement was severely limited.

When people saw how much money could be made and with no threat of enforcement, the illegal industry really took off.

2000 – 2004 -

As of the September, 2004 renewal period, there were approximately 1,000 NUCs still in effect.

During this period, neighborhood problems with TVRs became unbearable in some areas. Parking, noise, constant flow of strangers, and the volatile mix of party-minded vacationers in residential neighborhoods caused neighbors to complain to the City and Neighborhood Boards. The DPP had adopted a more or less “catch them in the act” standard for issuing citations, making enforcement difficult. Later during this period, lobbyists for the illegals asked the State Legislature to force legalization in the counties. The Legislature considered this, but public sentiment made itself apparent and the Legislature held hearings and did nothing.

In a 2004 campaign interview, Mr. Hannemann publicly stated that he would hire more inspectors to investigate illegal TVRs if needed.

2005 – present – With an increase in public awareness and the escalating problem of illegals, cries went out from affected neighborhoods for help. A committee was formed on the Kailua Neighborhood Board to gather information. This exposed the level of commitment and the tenacity of the illegals. Senator Hemmings formed a larger investigative body to look at the matter and make recommendations. In response to the outcry and confusion, the Council passed (9-0) Resolution 05-187 in July, 2005. 05-187 sought to legalize B&Bs across Oahu but not allow any more TVUs. Those against further destruction of the neighborhoods formed Save O’ahu’s (SONHawaii) neighborhoods in August 2005. At the same time, Keep it Kailua and other informal

groups in Waianae, Kailua and the North Shore started gathering information for enforcement.

One result of the council hearings on 05-187 was that the Honolulu Corporation Counsel publicly informed the DPP that they did not need to ‘catch them in the act’, but only show a ‘preponderance of the evidence’ – a much less stringent legal standard. The DPP began changing its approach to enforcement, working with neighborhood groups, and issuing citations.

SONHAWAII sent representatives to Neighborhood Board meetings all over coastline Oahu to educate the public and elected officials of the problems associated with this illegal industry. The response was overwhelming. Six Neighborhood Boards including North Shore, Wai‘anae, Kailua, Waimānalo, Wai‘alae-Kāhala, plus the Lanikai Association and Waimanalo Beach Lots Association have adopted strong resolutions calling for no more legalization and strong enforcement.

In November, 2005, in a speech to the Kailua Chamber of Commerce, Mayor Hannemann came out in opposition to 05-187. It languished in the DPP until 2007 – where the DPP drafted its own version of 05-187. So then the two versions, the council version and the DPP version, were transmitted to the Honolulu Planning Commission.

In late 2005, SONHawaii visited state legislators to relate public opinion and county enforcement progress – asking that the State stay out of county zoning. Unlike previous years, not a single bill on the subject made it to hearing in the 2006 session.

The Planning Commission held public hearings in November 2007 with hundreds in attendance and again in February 2008. The Honolulu Planning Commission voted unanimously against BOTH the Council and DPP versions. Even though unanimously defeated in the Planning Commission, the two versions were introduced into the Council as Bills 08-6 (DPP version) and 08-7 (Council version).

Both bills passed first reading unanimously and were sent to Zoning Committee, chaired by Rod Tam. Despite compelling testimony against both bills, they passed out of the zoning committee unanimously.

Bill 06 was amended with CD1.

In October, 2008 the council held a public hearing at the 2nd Reading. Again, overwhelming testimony against B&B permitting went unheard and it passed 2nd Reading. Only Council member Dela Cruz voted Nay and members Kobayashi and Marshall left the meeting before the vote.

As of now, the DPP has issued dozens of NOVs and fines – some running at \$1,000 per day. However, there seems to be an unexplained relaxing on enforcement by the DPP – perhaps due to the current Council activity.

Only approximately 1,000 were still under an NUC heading into the September, 2006 renewal time. The new list will be available soon.