MEMORANDUM  
No. 2021-18  

August 16, 2021  

TO:  Staff  

FROM:  Zendo Kern  
Planning Director  

SUBJECT:  Hosted Rentals  

This memorandum is to provide direction to staff when the Department receives inquiries regarding hosted rentals, otherwise referred to as “hosted vacation rentals.” The term “hosted vacation rental” directly resulted from the creation of a use called “Short-Term Vacation Rental” or “STVR” in the Zoning Code and Planning Department Rules.  

In Planning Department Rule 23, a “short-term vacation rental” is defined 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.” Based on this definition, staff and STVR applicants have commonly referred to STVRs as “un-hosted vacation rentals.” “Unhosted vacation rentals,” however, is not a term that is specifically defined or found in the Zoning Code or in the Planning Department Rules.  

Prompted by the regulations placed on STVRs, or “unhosted vacation rentals,” the public began inquiring about the county’s regulation of vacation rentals in which the owner or operator does reside on the building site. These types of vacation rentals, by default, have been referred to as “hosted vacation rentals.” The message provided by staff up to this point has been that the Planning Department does not regulate hosted vacation rentals. Like the term “un-hosted vacation rental,” the term “hosted vacation rental” is not defined or found in the Zoning Code or the Planning Department Rules.  

From this point on, staff is directed to use the term “hosted rental” instead of “hosted vacation rental” until such time that this use or a similar use is codified. For purposes of this Memo, the term “hosted rental” can be applied to “any single-family dwelling unit, and/or guest house in which the owner or operator does reside on the building site.” The dwelling(s) and/or guest house on the property may be rented on a short-term or a long-term basis as long as the owner or operator resides on the building site; however, the owner and/or operator of the property must comply with the below definitions of a “dwelling unit” and “family” for these rentals:
“Dwelling unit” means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping and living area of a single-family only and occupied by no more than one family and containing a single kitchen.

“Family” means an individual or two or more persons related by blood, state-sanctioned adoption, foster parentage, guardianship or marriage, or a group of not more than five unrelated persons (excluding servants), occupying a dwelling unit.”

The interpretation of “family” that was provided to staff in a previous memorandum will be applied to hosted rentals. The interpretation stated that a single-family dwelling permits a group of up to five unrelated persons. In this interpretation, a family or group of related persons occupying a dwelling unit will count as one person, which may allow up to four additional unrelated persons in the home.

As mentioned above, the Planning Department currently does not regulate “hosted rentals.” If a complaint is received, a Planning Inspector will investigate to see if the owner or operator resides on the property and to confirm that they are complying with the above referenced definitions.

If a property has an Ohana dwelling and/or a guest house, as long as the owner or the operator resides on the property, these may be rented out in compliance with the above definitions. A hosted rental is not allowed within additional farm dwellings, which have strict requirements for farming in connection with the use of the dwelling and do not allow overnight accommodations rental.