

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND RECREATION

Amendments to Title 13, Subtitle 11
OCEAN RECREATION AND COASTAL AREAS, Section 13-231-26
Hawaii Administrative Rules

May 13, 2010

SUMMARY

1. Section 13-231-26, Hawaii Administrative Rules, is amended.

**This is to certify that this is a true
and correct copy of the document
on file in the office of the State
Department of Land and Natural
Resources, Honolulu, Hawaii**

William A. Per WA

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§13-231-26 Use of a vessel as a place of principal habitation. (a) A vessel owner who holds a valid regular mooring permit issued by the department authorizing the owner to moor the owner's vessel in Ala Wai or Keehi boat harbor may use that vessel as a place of principal habitation if the owner has applied for and secured:

- (1) A principal habitation permit; and
- (2) A harbor resident permit issued by the department in accordance with these rules, provided that the owner and the vessel meet the requirements set forth in these rules.

(b) A permit authorizing the use of a vessel as a place of principal habitation shall not be issued if the vessel is owned by a corporation.

(c) No person shall be issued a permit authorizing the use of any vessel as a place of principal habitation while the vessel is moored at the following locations in Ala Wai boat harbor:

- (1) Berths 23 through 79;
- (2) The area leased to the Waikiki Yacht Club;
- (3) The area leased as a marine fueling facility;
- (4) The area leased to Ala Wai Marine, Ltd; and
- (5) The moorings adjacent to the breakwater.

(d) A vessel owner may utilize the owner's vessel as a place of principal habitation while moored in the area leased to the Hawaii Yacht Club if the owner has applied for and holds a valid principal habitation permit and harbor resident permit issued by the department in accordance with these rules.

(e) Only the vessel owner, co-owner, the spouse or, in the alternative, one personal partner of each, and their legal dependents may be issued a harbor resident permit. A "personal partner" is an individual considered to be a "significant other" of the principal habitation permittee who is not a relative by biology or adoption to the principal habitation permittee. While living together on the vessel, the principal habitation permittee and

§13-231-26

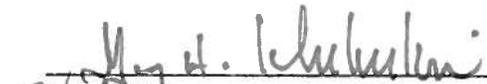
personal partner shall not have a landlord-tenant relationship.

The department shall retain the right to limit the total number of people allowed to live on a particular vessel based on reasonable health, safety, security, or environmental concerns for persons on the vessel, other permittees at the harbor, public use of the harbor, or the harbor itself, and may deny the issuance of a harbor resident permit if such issuance would exceed the limit determined by the department to be appropriate.

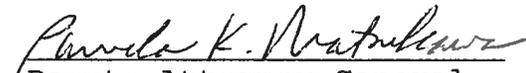
(f) The owners of no more than one hundred twenty-nine vessels moored at Ala Wai boat harbor shall be issued permits to use their vessels as a place of principal habitation. The owners of no more than thirty-five vessels moored at Keehi boat harbor shall be issued such permits. Any vessel used as a place of principal habitation that is temporarily absent from its moorings shall continue to be considered as one of the vessels being used as a place of principal habitation if the owner retains a principal habitation permit as provided in section 13-231-11. [Eff 2/24/94; am AUG 20 2012] (Auth: HRS §§200-2, 200-4, 200-10) (Imp: HRS §§200-2, 200-4, 200-9, 200-10)

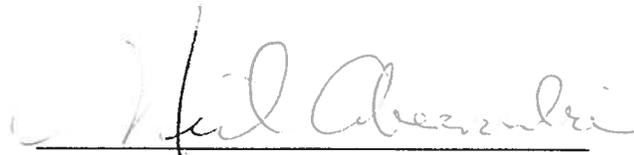
Amendments to Section 13-231-26, Hawaii Administrative Rules, on the Summary Page dated May 13, 2010, were adopted on May 13, 2010, following a public hearing held on Oahu on January 19, 2010, after public notice was given in the Honolulu Star-Bulletin on December 12, 2009.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.


WILLIAM J. AILA, JR.
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:


Deputy Attorney General


NEIL ABERCROMBIE
Governor
State of Hawaii

Date:

8/9/10

Filed

7/21/10 10:59 AM

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