

# REQUEST FOR LEGAL SERVICES

**Date:** October 25, 2022  
**From:** Tamara Paltin, Chair  
Planning and Sustainable Land Use Committee

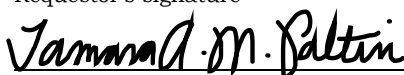
**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Michael Hopper, Esq.

**Subject:** BILL 131 (2022), RELATING TO DEFINITIONS OF "TIME SHARE PLAN" AND "TRANSIENT" (PSLU-59)

**Background Data:** Please provide your written response to the following: 1) Whether Counties have the power to regulate LLC formation for fractional real estate ownerships, when corporations and partnerships are regulated by State law under Title 23, Hawaii Revised Statutes? 2) Whether Counties have the power to ban fractional real estate ownerships or time share plans, given State regulation of the same under Hawaii Revised Statutes, Chapter 514E? 3) Whether Counties can ban the expansion of fractional real estate ownership in the County through its zoning power? Please reference PS LU-59 in your response.

**Work Requested:** ☐ FOR APPROVAL AS TO FORM AND LEGALITY  
☒ OTHER: RESEARCH AND DRAFT

Requestor's signature  Tamara Paltin	Contact Person <u>Wilton Leauanae</u> (Telephone Extension: <u>7761</u> )
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): November 2, 2022  
REASON: For the November 3, 2022 PS LU committee meeting.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_