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CC: "Tamara A. Paltin" <Tamara.Paltin@mauicounty.us>
Date: 2/7/2020 4:15 PM
Subject: TESTIMONY for Meeting of 2/18/2020
Attachments: 2020-02-05_DRAFT_Minatoya Phase Out Bill.pdf

Aloha Chair Nishiki and CPAC Members,

On behalf of Councilmember Paltin, the West Maui District Councilmember and Planning and Sustainable Land Use Committee Chair, please accept this as public comment regarding a **preliminary draft** of an ordinance to phase out the Minatoya List. In previous meetings led by the Long Range Planners and Director McLean, CPAC was introduced to and then discussed the Minatoya List, an aggregate of condominiums in the Apartment District that can operate as short term rentals without a permit. Councilmember Paltin was present at those meetings and heard your concerns. With these comments and concerns in mind, this proposed legislation takes a "now rather than later" approach that will hopefully begin the process toward conforming uses.

Please find, attached, the preliminary draft of the resolution and ordinance. No action will be taken at this time and this public comment is for informational purposes only.

Mahalo,
Jen Mather

MAUI COUNTY COUNCIL
Office of Councilmember Paltin
Executive Assistant
West Maui District
200 S. High Street,
Wailuku, HI 96793

Resolution

No. _____

WHEREAS, the number of visitors to Maui County in recent years has exceeded the limit set by the Maui Island Plan of 1 visitor to 3 residents, and

WHEREAS, there is a housing crisis in Maui County in that there are not enough dwelling units to satisfy the need of residents for decent housing, and

WHEREAS, HRS §46-4 County zoning, Section (a), provides in relevant part: “A zoning ordinance may provide for... phasing out of nonconforming uses... over a reasonable period of time in... apartment zoned areas...”, and

WHEREAS, there are approximately 8,500 dwelling units in apartment zoned areas of Maui County which have been allowed to operate as transient vacation rentals without a permit, a non-conforming use under Maui County Code Chapter 19.12.010 C.: “Buildings and structures within the apartment district shall be occupied on a long term residential basis.”

BE IT RESOLVED, the Maui County Council intends to phase out this nonconforming use by amending Maui County Code section **19.12.020** - Permitted uses G to add a sunset deadline for this non-conforming use by means of the following Bill.

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.020,
MAUI COUNTY CODE, RELATING TO UNPERMITTED SHORT-TERM
RENTALS IN APARTMENT DISTRICTS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Maui County Code Section 19.12.020 G is amended by adding a new subsection 3 as follows:

- G. “Transient vacation rentals in buildings and structures having building permits, special management area use permits, or planned development approval that were lawfully issued by and valid on April 20, 1989. Buildings and structures with such permits and approvals may be reconstructed, and transient vacation rental use shall be permitted, provided that:
1. The reconstruction conforms to the original building permit plans, special management area use permits, or planned development approval; and
 2. The reconstruction complies with the building code and all other applicable laws in effect at the time of the reconstruction.
 3. This sub-section G is repealed effective January 15, 2024, and transient vacation rental use shall no longer be permitted thereafter in such buildings and structures unless the owner has complied with Maui County Code section 19.65.030.”