


Recessed HLU Committee meeting of June 9, 2025

HOUSING AND LAND USE COMMITTEE  
Amendment Summary Form

Legislation: Bill 9 (2025), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.32, 19.37, AND 19.500, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS."

Proposer: Tom Cook, Councilmember. 

Description: This amendment would exclude from the TVR phaseout units that are located in defined resort areas or in defined shoreline areas or that have received County approvals for TVR use.

Motion: Move to amend HLU Committee Chair Kama's proposed CD1 version of Bill 9 (2025) by:

1. Amending SECTION 4 to exclude the following from the TVR phaseout the following types of units:
  - a. those located in defined resort areas;
  - b. those located in defined shoreline areas; and
  - c. those that have received County approvals for TVR use; and
2. Replacing SECTION 1 with new content to add findings that explain and support these exclusions.

Effect: If my amendment is approved, the new SECTION 1 would read as shown below in highlighted text, and SECTION 4 would be amended as shown in highlighted text.

SECTION 1:

The Council finds that certain properties within established resort areas serve a fundamentally different purpose than typical Apartment District properties. Properties located within the Wailea, Kaanapali, and Kapalua resort areas, for instance, were originally designed, developed, and marketed as resort properties intended to serve visitors. These properties are frequently integrated within larger resort complexes that include hotels, resort amenities, golf courses, and other visitor-oriented facilities. The character and function of these properties are consistent with visitor-accommodation use and differ substantially from Apartment District properties in residential neighborhoods that were intended primarily for long-term housing.

The Council further finds that the Hana Community Plan Area has limited visitor-accommodation options and unique geographic and economic circumstances. Hana has historically relied on Transient Vacation Rentals to provide necessary visitor accommodations because traditional hotel development is not available.

The Council further finds that certain Transient Vacation Rental properties located partially or wholly makai of the erosion-hazard line or the County shoreline-setback line face unique challenges and limitations. These properties are often subject to increased maintenance costs from shoreline erosion, are constrained in their ability to redevelop or expand

because of environmental regulations, and may ultimately require managed retreat in accordance with County climate-adaptation policies. Continuing visitor-accommodation use in these locations does not contribute to long-term housing goals and may create additional burdens on public infrastructure and coastal resources.

The purpose of this Ordinance is to revert most of the Apartment District properties to their intended long-term residential use; remove the exception provided to those properties built or approved before 1989; and discontinue Transient Vacation Rental use in Apartment Districts except for those properties that:

(1) are located within established resort areas where Transient Vacation Rental use is consistent with the generally surrounding resort character;

(2) are located within the Hana Community Plan Area, where visitor accommodation options are limited;

(3) located within the erosion-hazard line or shoreline-setback line;  
or

(4) meet other specific criteria that demonstrate the property's suitability for continued transient vacation rental use.

#### SECTION 4:

**19.12.020 Permitted uses.** Within the A-1 and A-2 districts, the following uses are permitted:

- A. Any use permitted in the residential and duplex districts.
- B. Apartment houses.
- C. Boarding houses, rooming houses, and lodging houses.
- D. Bungalow courts.
- E. Apartment courts.
- F. Townhouses.
- G. Transient vacation rentals in buildings and structures meeting all of the following criteria:

[1. The building or structure received a building permit, special management area use permit, or planned development approval that was lawfully issued by and was valid, or is otherwise confirmed to have been lawfully existing, on April 20, 1989.

2. Transient vacation rental use was legally conducted in any lawfully existing dwelling unit within the building or structure prior to September 24, 2020 as determined by real property tax class or payment of general excise tax and transient accommodations tax.

3. The number of rooms or units allowed for transient vacation rental use may not increase beyond those allowed for such use as of January 7, 2022. Existing transient vacation rentals may be reconstructed, renovated, or expanded if no new rooms or transient vacation rental units are added.]

1. [4.] The property owner or operator holds general excise tax and transient accommodations tax licenses and is current in payment of State and County taxes, fines, or penalties assessed in relation to the transient vacation rental.

2. The property was listed on the list of apartment district properties allowed to be used for short-term occupancy, dated June 27, 2024, and attached to this ordinance, and meets one or more of the following criteria:

a. Resort area properties: The property is situated within one of the established resort areas:

i. Wailea resort area: Properties located makai of Piilani Highway, south of

Kilohana Drive, and north of Kaukahi Street;

ii. Kaanapali resort area: Properties located makai of Honoapiilani Highway and Lower Honoapiilani Road, south of Honokowai Beach Park, and north of Hanakoo Beach Park ;

iii. Kapalua resort area: Properties located makai of Honoapiilani Highway, north of Napili Park, Maiha Street, Hui Road F, and Honokeana Bay, and west of D.T. Fleming Beach Park.

b. Properties located within the Hana community plan area.

c. The property has received a variance or special or other type of use permit or has executed an agreement with the County that expressly allows for transient vacation rental use.

d. Properties for which any portion of the lot is makai of either:

i. the erosion hazard line, as mapped by the shoreline rules adopted by the applicable planning commission; or

ii. if no erosion hazard line has been mapped, the shoreline setback line established under the applicable planning commission's shoreline rules.

**[5.] 3.** The planning director and director of finance must maintain a publicly available list of all transient vacation rental units allowed under this section to the best of the departments' knowledge at the time the list is posted. The list is informational only and is not a confirmation of zoning or allowable uses. Inclusion of a property on the list does not establish any right to operate a transient vacation rental unit, and no person may rely upon the list to establish the right to operate as a transient vacation rental unit. Any interested person must consult the department with respect to any specific property's ability to operate as a transient vacation rental unit.

**[6.] 4.** Advertisements for transient vacation rental use must include the subject property's

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registration number, which is the subject property's tax map key number, without punctuation marks.

Reasons: This amendment provides policy context and clear rules for when Transient Vacation Rentals may continue in Apartment Districts. It recognizes that some properties were built for visitor use or face unique circumstances. The amendment supports the County's long-term housing goals while managing exceptions fairly and clearly.

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