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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 31, 2025

Ms. Anne E. Lopez, Attorney General
State of Hawai'i
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

Via Email: hawaiiag@hawaii.gov

Dear Ms. Lopez:

SUBJECT: **BILL 103 (2024), AMENDING CHAPTER 19.08, MAUI COUNTY CODE, RELATING TO DENSITY WITHIN RESIDENTIAL DISTRICTS; BILL 104 (2024), AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI COUNTY CODE, RELATING TO KITCHENS, KITCHENETTES, AND WET BARS; AND SECTION 19.36B.020, MAUI COUNTY CODE, TO ADD PARKING REQUIREMENTS FOR DWELLING UNITS WITH KITCHENETTES** (DRIP-2; DRIP-3)

The Maui County Council's Disaster Recovery, International Affairs, and Planning Committee is considering a bill to increase density and allow for additional dwelling types in the County's R-1, R-2, and R-3 Residential Districts and a bill to allow a kitchenette in dwelling units in the County's Residential and Rural Districts.

Act 39, Session Laws of Hawai'i 2024, Relating to Urban Development, went into effect on May 28, 2024. Section 1 of the Act provides, in pertinent part, that by December 31, 2026, "each county shall adopt or amend ordinances defining reasonable standards that allow for the construction of at least two accessory dwelling units, **or the reasonable equivalent**, for residential use on all residentially zoned lots." (Emphasis in boldface.) "Accessory dwelling unit" is not defined under the Act.

In Maui County, “accessory dwelling” is defined in the Comprehensive Zoning Ordinance to mean “an attached or detached dwelling unit which is incidental or subordinate to the main or principal dwelling on a lot.” (Section 19.04.040, Maui County Code)

May I please request your written opinion as to whether the enactment of an ordinance to amend Chapter 19.08, Maui County Code, on Residential Districts, to permit any of the following will satisfy the requirement of one of two accessory dwelling units, or the reasonable equivalent, under Act 39:

1. An additional dwelling unit¹ on a residentially-zoned lot, where the existing Code permits one single-family dwelling unit only.
2. A duplex, or two-family, dwelling unit or a multifamily dwelling unit² on a residentially-zoned lot, where the existing Code permits single-family dwelling units only.
3. A kitchenette in a dwelling unit on a residentially-zoned lot, where a dwelling unit allows for a single kitchen only. For purposes of your analysis, under the bill, a kitchenette is intended to provide lower-cost opportunities for more autonomous living areas in a dwelling unit. The proposed definition of “kitchenette” is being debated. At present, it reads:

“Kitchenette” means an area that is internally accessible via an enclosed living area within a dwelling unit, in addition to the kitchen, used for the small-scale preparation and serving of food and beverages that may contain a sink; a refrigerator, seven-and-one-half cubic feet or smaller; and small appliances for the preparation of hot food or beverages, such as countertop appliances and a two-burner range. A kitchenette may not contain a 220-volt electrical outlet or gas appliances.

¹ “Dwelling unit” is defined in Code § 19.04.040 to mean “a room or group of rooms connected together constituting an independent housekeeping unit for family and containing a single kitchen.”

² “Multifamily dwelling unit” is defined in Code § 19.04.040 to mean “a building or portion thereof which consists of three or more dwelling units and which is designed for occupancy by three or more families living independently of each other.”

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If each dwelling unit in a multifamily dwelling unit is a reasonable equivalent of an ADU under Act 39, would a multifamily dwelling unit satisfy the requirement of at least two ADUs?

In addition, may I please request you advise whether the County Council, the County's Planning Director, or some other entity is authorized to determine what constitutes the "reasonable equivalent" of an ADU under Act 39? It appears that Act 39 is silent on this point.

May I further request you transmit your response to drip.committee@mauicounty.us by **April 28, 2025**. To ensure efficient processing, please include DRIP-2 in the subject line.

Thank you for your attention on this important matter. Should you have any questions, please contact me or the Committee staff (Jarret Pascual at 808-270-7141, or Carla Nakata at 808-270-5519).

Sincerely,

A handwritten signature in black ink that reads "Tamara A.M. Paltin". The signature is written in a cursive, flowing style.

TAMARA PALTIN, Chair
Disaster Recovery, International Affairs,
and Planning Committee

drip:ltr:002aatg01and003aatg01:jpp

DRIP Committee

From: DRIP Committee
Sent: Monday, March 31, 2025 4:23 PM
To: hawaiiag@hawaii.gov
Cc: DRIP Committee
Subject: PLEASE READ attached letter re: (DRIP 2) (DRIP 3); reply by 4/28/25
Attachments: 002aatg01and003aatg01 signed.pdf

Ms. Lopez: Please refer to the attached letter from the Disaster Recovery, International Affairs, and Planning Committee Chair, dated March 31, 2025. Please respond by **April 28, 2025**.

Thank you,
DRIP Committee