

LU Committee

From: David Dantes/Maui Tradewinds <ddantes4320@gmail.com>
Sent: Sunday, March 04, 2018 12:56 PM
To: LU Committee
Subject: Written testimony for Mar. 14, 2018 Committee meeting
Attachments: Written Testimony for 3-14-18.pdf

Aloha:

Please accept the attached document as my written testimony for the Mar. 14, 2018 Land Use Committee meeting. I would appreciate your reply, to acknowledge receipt of this.

Mahalo,
David Dantes, M.D.



DAVID DANTES, M.D.

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Mar. 4, 2018

The Honorable Robert Carroll
Land Use Committee Chair
County of Maui
Wailuku, HI 96793

Re: Written testimony for LU-40, scheduled for Committee meeting on Mar. 14, 2018

Aloha Chair Carroll:

Thank you for addressing this legislation. I'm writing to urge your Committee's support for the language in 19.64.075.D and 19.65.080.D, pertaining to enforcement against Bed and Breakfast Homes and Short Term Rental Homes which fail to publish a valid permit number in their advertisements. It is my understanding that this language has been approved by most, if not all, of the Planning Commissions and the Hana Advisory Committee, after public hearings.

Estimating the magnitude of illegal B&Bs and STRs has been challenging, but the general range appears to be between 1000 and 2000. This number represents single family dwellings in illegal use, and excludes condominiums and apartments, which are sometimes erroneously included in the figures. Even those who challenge this figure cannot truthfully deny that illegal operations significantly outnumber the permitted operations.

Your committee is well-acquainted with the undesirable impacts of the illegal visitor industry, including disturbances of neighborhoods, removal of potentially-affordable long term housing from the rental market, tax evasion, housing of visitors in un-inspected dwellings which may create health or safety issues; and unfair competition with permitted B&B and STRH operations.

The purpose of the enforcement language in the sections specified above is to require the Planning Department to take reasonably-timely action on citizen complaints (Requests for Service, or RFS), when the complainant has provided information sufficient to document the existence and location of an illegal visitor rental.

Opponents of effective enforcement have argued that additional language is unnecessary, because MCC 19.530.030 already sets forth the logistics of enforcement. The flaw in that argument is that the Department is under no obligation to initiate enforcement, even when they have investigated a complaint and found that it is legitimate. The additional language, for which I seek your support, simply specifies that

enforcement **shall** commence, within a reasonable time limit, pursuant to terms in 19.530.030, if such a legitimate complaint is received by the Department.

In drafting the proposed enforcement language, your Council Chair White took care to specify exceptions, and escape clauses, such that suspected violators will have an opportunity to demonstrate that their advertisements are permitted, or are not within their control, or else to remove the advertisements in a timely manner and avoid further consequences.

As a permitted B&B owner, my business has suffered due to the proliferation of illegal competition. I am happy to hear that the Department is working with a third party service, which has offered to assist the County in identifying violators and collecting documentation essential for citing them. It would be fortunate to have a framework, already in place, so that citation will proceed efficiently when the third party service delivers documentation to the Department.

Thank you for your kind consideration of my comments.

Sincerely,

A handwritten signature in black ink that reads "David Dantes, M.D." The signature is written in a cursive, slightly slanted style.

David Dantes, M.D.