



Bill 78 (2026) Proposed Bill Regarding the Number of Accessory Dwellings

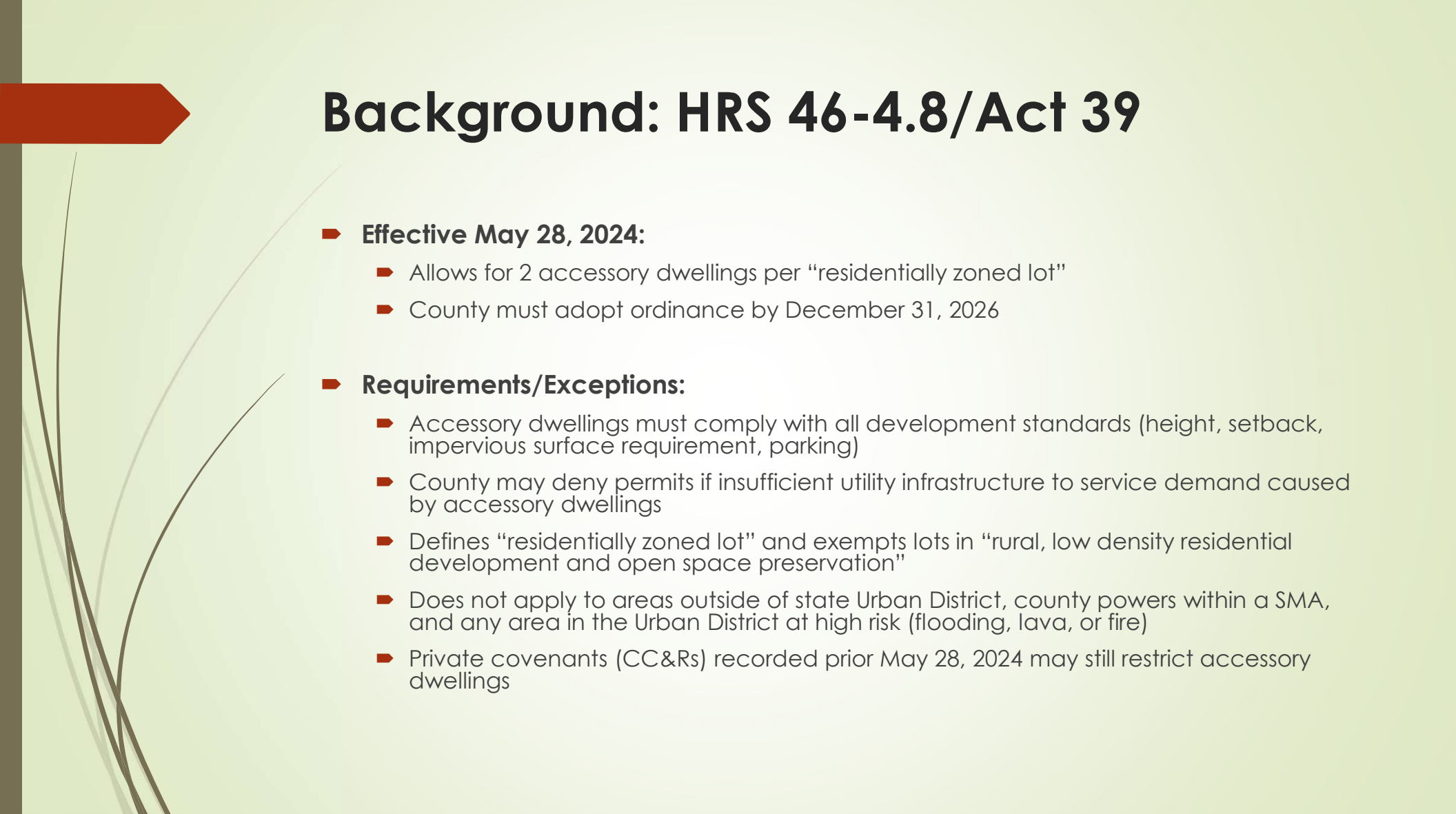
Housing and Land Use Committee

May 20, 2026



Background:

- ▶ November 7, 2025 – County Council adopted Resolution No. 25-203 referring the proposed bill to the Planning Commissions
- ▶ Maui PC – February 24
- ▶ Molokaʻi PC – February 25
- ▶ Lānaʻi PC – February 18 and March 18
- ▶ Purpose of Bill
 - ▶ Comply with HRS 46-4.8/Act 39



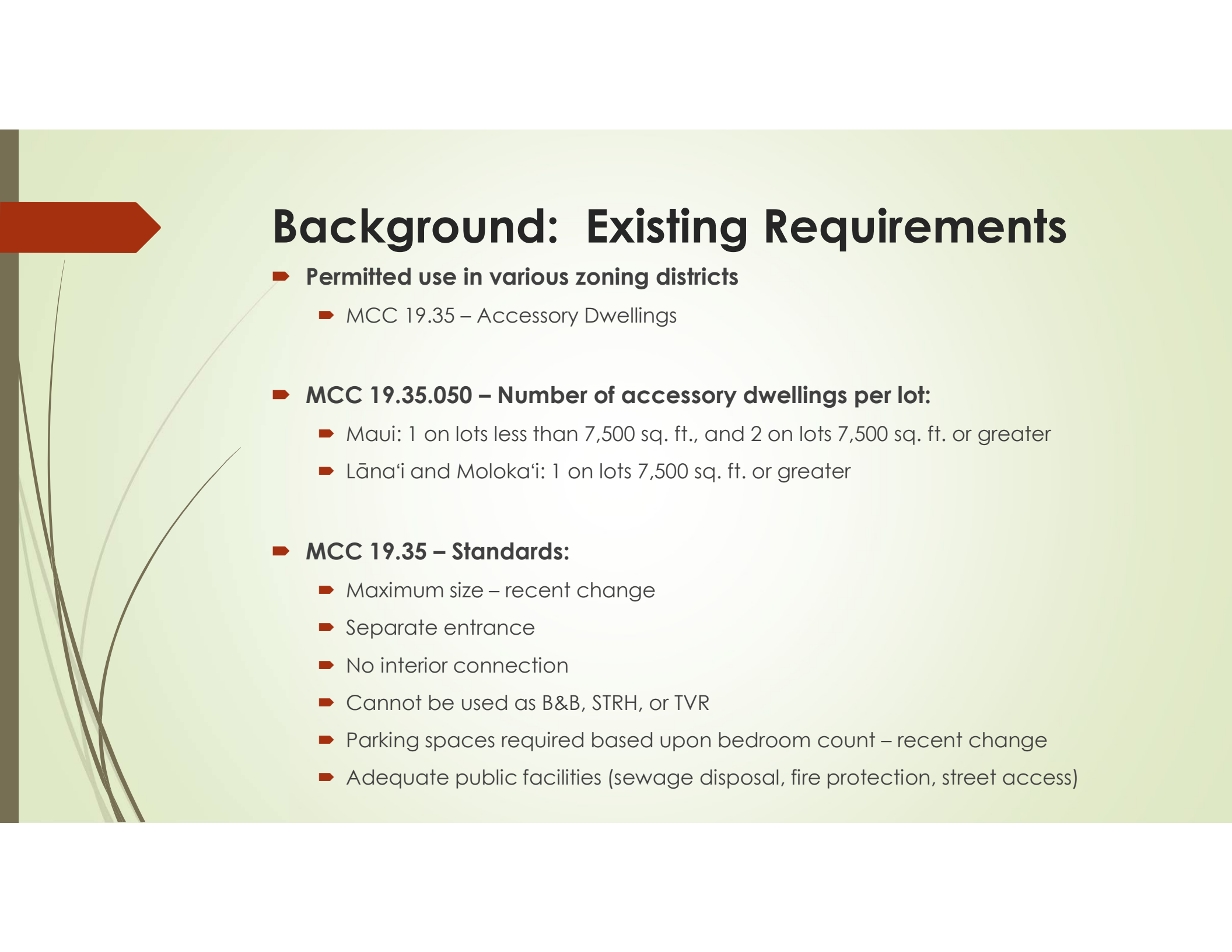
Background: HRS 46-4.8/Act 39

➤ **Effective May 28, 2024:**

- Allows for 2 accessory dwellings per “residentially zoned lot”
- County must adopt ordinance by December 31, 2026

➤ **Requirements/Exceptions:**

- Accessory dwellings must comply with all development standards (height, setback, impervious surface requirement, parking)
- County may deny permits if insufficient utility infrastructure to service demand caused by accessory dwellings
- Defines “residentially zoned lot” and exempts lots in “rural, low density residential development and open space preservation”
- Does not apply to areas outside of state Urban District, county powers within a SMA, and any area in the Urban District at high risk (flooding, lava, or fire)
- Private covenants (CC&Rs) recorded prior May 28, 2024 may still restrict accessory dwellings



Background: Existing Requirements

- **Permitted use in various zoning districts**
 - MCC 19.35 – Accessory Dwellings

- **MCC 19.35.050 – Number of accessory dwellings per lot:**
 - Maui: 1 on lots less than 7,500 sq. ft., and 2 on lots 7,500 sq. ft. or greater
 - Lānaʻi and Molokaʻi: 1 on lots 7,500 sq. ft. or greater

- **MCC 19.35 – Standards:**
 - Maximum size – recent change
 - Separate entrance
 - No interior connection
 - Cannot be used as B&B, STRH, or TVR
 - Parking spaces required based upon bedroom count – recent change
 - Adequate public facilities (sewage disposal, fire protection, street access)



Proposed Code Amendment

► Proposed Revisions:

- MCC 19.35: Maui, Lānaʻi and Molokaʻi = 2 accessory dwellings per lot regardless of lot size or island location
- MCC various Project Districts: “residentially zoned lot” now requires accessory dwelling where currently not permitted



Department Recommendation

- **Department supports the proposed Bill**

- Consistent with State Law mandate and Maui County General Plan – LRD list of Policies
- Encourages more housing through accessory dwellings

- **Department recommended 13 modifications:**

- #1, 2, 3, 5, 6, and 7 - Non-substantial amendments for clarity
- #4 - Lānaʻi Project Districts 1 and 2 – “low-density” - propose to remove from Bill
- #8, 11 – Allow for accessory dwellings in MCC Sections 19.09 and 19.84 Zero Lot Line Districts
- #9 and 10 – Allow for total number of accessory dwellings not to be restricted in Waikapu Country Town District and Maui Research & Technology Park District
- #12 – Amend MCC 19.29 – Rural District - Continue to allow accessory dwellings per existing MCC requirements based upon size of lot and island location.
- #13 – Amend MCC 19.35.090 – Add “D. Adequacy of water supply. The lot must have adequate water supply.”



Comments from Department of Fire and Public Safety

■ Comment Letter - December 22, 2025:

- Not in conflict with current fire code
- Increase in units will increase fuel load to properties and surrounding community
- Increase in units should consider infrastructure improvements, water supply and roadways
- Maintaining building separation, setbacks from property and provisions for clear apparatus access both in street and private driveway to structures will help mitigate the increased risk
- Should be applicable only to those neighborhoods that already meet or are specifically designed to meet this density level



Planning Commission Recommendations

- **Maui PC Recommendation (February 24, 2026):**

- Recommend Approval with Department's 13 Modifications
- Comment to Council - Departments to provide an opportunity for property owners to seek early consultation regarding the availability of public facilities that are required to service the lot for prior to permit submittal.

- **Moloka'i PC Recommendation (February 25, 2026):**

- Recommend Approval with Department's 13 Modifications
- Comments to Council – Concerned about impacts to existing septic systems and wastewater impact due to additional units; increased runoff due to development; more short-term rentals and not enough enforcement; incompatibility with community plan.

- **Lāna'i PC Recommendation (February 18 and March 18, 2026):**

- Recommend Approval with Department's 13 Modifications
- Comment to Council - Consider the comments provided by the Maui and Moloka'i Planning Commissions.

HLU Committee

From: Gregory J. Pfof <Gregory.J.Pfof@co.maui.hi.us>
Sent: Friday, May 15, 2026 2:21 PM
To: HLU Committee
Subject: Bill 78 (2026) PPT presentation from Planning Department
Attachments: CC Presentation 2 Accessory Dwellings.pptx

Aloha-

Please find a PPT presentation from the Planning Department that if time allows I plan to give at the May 20, 2026 HLU meeting regarding the agenda item pertaining to Bill 78 (2026) Accessory Dwellings.

Mahalo,

-Greg.

Gregory Pfof, AICP

Administrative Planning Officer

Planning Department, ZAED

County of Maui

(808) 270-7965

gregory.j.pfof@mauicounty.gov