

LU Committee

From: byron knight <knight_byron@yahoo.com>
Sent: Tuesday, March 14, 2017 3:21 PM
To: LU Committee
Subject: LU-7 Testimony
Attachments: Byron Knight Testimony for LU-7.docx

Please consider this attached testimony regarding the proposed change to property ownership duration with regard to STRHs.

Thank you,
Byron Knight

March 14, 2017

To: Land Use Committee

RE: ESTABLISHING OWNERSHIP DURATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL HOME PERMIT APPLICATIONS (LU-7)

Please consider this testimony on behalf of myself, an individual property owner.

I was just made aware of the recent hearings regarding an amendment to the STRH ordinance in LU-7 and would like to provide testimony. I have viewed the video of Council Land Use Committee meeting and testimonies from 3/8/17, which I was unfortunately unaware of at the time and did not attend.

I purchased my home in Paia this past December and prior to doing so I thoroughly studied the STRH code to make sure that I would be able to qualify. While the requirements were stringent, I was confident that my property qualified under the current rules and proceeded with the purchase. The fact that Maui County already had a well-thought out set of rules made me feel more comfortable in making an informed decision than I might have if no vacation rental ordinances had been established yet. I am presently in the process of performing some updates to the property and had planned to submit my STRH application once complete. The proposed amendment would not allow me to proceed. I understand the purpose of the amendment is to limit speculation, and I won't get into the merits of that argument as I think others' testimonies have provided facts and data to support the argument against, but I only ask to please not punish those abiding by the existing set of rules.

In the Land Use Committee meeting from 3/8/17, it was stated repeatedly that one of the goals in drafting this amendment was to "do no harm". There are several exemption options in the amendment that were discussed, but none of them would help someone in my situation. The most applicable one would be the six month grace period, but unfortunately, even that will not be enough time to get the appropriate SMA permits, complete construction, get final sign-offs, etc. in order to be able to submit the STRH application.

It seems very unfair that someone like myself who is following the established code and trying to do everything legally should have the rules changed in the middle of the process. I admit that if the five year ownership rule was in effect prior to my purchase, I probably would have reconsidered my purchase.

Among the several sensible exceptions to the five year rule proposed in Tom Croly's testimony was one that seemed extremely fair. It was to have the amendment **apply to homes purchased after the date of enactment**. This way, anyone who had recently purchased or is currently in escrow wouldn't be unfairly subjected to a change in rules.

I implore the Council to please seriously consider this exception. It may not seem like a big deal, but this amendment as-is would have a huge detrimental impact on me and those the in my situation.

Thank you,

Byron Knight
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