

May 4, 2026

RECEIVED OCS
'26 MAY 4 PM 1:34

MEMO TO: HLU-13 File

F R O M: Nohelani U'u-Hodgins, Chair *Nohelani U'u-Hodgins*
Housing and Land Use Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
BILL 84 (2026), AMENDING SECTION 19.64.030, MAUI COUNTY
CODE, ON BED AND BREAKFAST HOMES ON MOLOKAI** (HLU-13)

The attached informational document pertains to Item 13 on the
Committee's agenda.

hlu:ltr:013afile01:jgk

Attachment

RICHARD T. BISSEN, JR.
Mayor

JACKY TAKAKURA
Acting Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

March 11, 2026



RECEIVED
2026 MAR 18 PM 1:16
OFFICE OF THE
COUNTY CLERK

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen, Jr.
Mayor Date 3-17-26

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Council Members:

**SUBJECT: A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.64,
MAUI COUNTY CODE, PERTAINING TO BED AND
BREAKFAST HOMES ON MOLOKA'I**

Background Information

On October 24, 2025, the County Council adopted Resolution 25-190 (attached) referring a proposed Bill to the Moloka'i Planning Commission for transmittal of their findings and recommendations to the Council.

The proposed Bill included two amendments. The first would limit the number of Bed and Breakfast Home Permits that may be issued on Moloka'i to a maximum of five. The second would restrict bed and breakfast homes on Moloka'i from being located within a 1,000-foot radius of another bed and breakfast home.

The proposed Bill was reviewed by the Moloka'i Planning Commission on January 28, 2026.

Planning Department Recommendation

The attached January 28, 2026 report to the Moloka'i Planning Commission was provided by the Department with its analysis and recommendation. As noted in the report, the Department provided background information on existing Maui County Code (MCC) requirements regarding bed and

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
March 11, 2026
Page 2

breakfast homes, including the number of Bed and Breakfast Homes Permits that the County may approve in each Community Plan area; noting specifically that Moloka'i currently has "no cap" on the number of Bed and Breakfast Home Permits that may be issued. It was also noted that Moloka'i currently has only one Bed and Breakfast Home Permit, which was issued in 2018.

While the Department found that the proposed Bill was consistent with the General Plan, it did not make a specific recommendation to the Moloka'i Planning Commission as it believed the proposed Bill is a policy matter for the Moloka'i community to determine how it desires to control bed and breakfast homes.

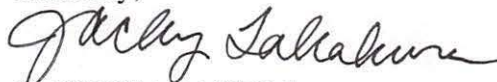
Moloka'i Planning Commission Recommendation

As noted, the proposed Bill was reviewed by the Moloka'i Planning Commission on January 28, 2026. A link to the minutes from the meeting has been provided under the list of attachments at the end of this report. The following is a summary of action taken during the meeting:

- **Moloka'i Planning Commission Meeting (January 28, 2026):** The Commission recommended that the Council approve the bill, subject to the following:
 - A maximum cap of five (5) Bed and Breakfast permits island-wide, allocated to the following locations:
 - One (1) on the east side of Moloka'i - east of Kawela Stream;
 - Two (2) in Kaunakakai;
 - Two (2) on the west end of Moloka'i, in areas west of the Kaunakakai Stream, including Kaluakoi and Kalae; and
 - Zero (0) on the north shore of Moloka'i.
 - Within the areas described above, bed and breakfast homes must be at least a minimum of 3,000 feet apart as measured from the property line.

Thank you for your attention and consideration. Should further clarification be necessary, please feel free to contact me.

Sincerely,



JACKY TAKAKURA
Acting Director

Attachments:

- Department Report to the Maui PC – January 28, 2026, including, as attached:
 - Resolution 25-190
 - Council Meeting Transcript Minutes from October 24, 2025 Meeting
 - General Plan Policies
- Moloka'i PC Minutes, January 28, 2026 – Link: <https://tinyurl.com/mpfbyrm>

Honorable Richard T. Bissen, Jr.
For Transmittal to:
Honorable Alice Lee and Members of the Maui County Council
March 11, 2026
Page 3

cc: Ana Lillis, Deputy Planning Director
Danny Dias, PPA, Current Division
Scott Forsythe, PPM, PID
Gregory Pfof, Administrative Planning Officer

JT:GJP:
S:\ALL\APO\19.64 B&B\2025 B&B Molokai Distance\CC Transmittal Report.pdf

RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

January 28, 2026

MEMORANDUM

TO: MOLOKA'I PLANNING COMMISSION

FROM: *For:* KATE L. K. BLYSTONE, Director *al*

SUBJECT: A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.64, MAUI COUNTY CODE, PERTAINING TO BED AND BREAKFAST HOMES ON MOLOKA'I

The attached bill proposes to amend specific sections within Chapter 19.64 of the Maui County Code (MCC) addressing the maximum number and location of bed and breakfast homes permitted on Moloka'i. As discussed in this report, the Planning Department (Department) does not believe that the proposed bill results in any significant impacts and is a policy matter for the community to determine how it desires to control bed and breakfast homes on Moloka'i. As such, the Department does not have a position on the proposed bill.

Background Information

County Council Direction:

On October 24, 2025, the County Council adopted Resolution 25-190 (attached) referring a proposed bill to the Moloka'i Planning Commission for appropriate action and transmittal of their findings and recommendations to the Council. For context on the Council's decision to adopt Resolution No. 25-190, attached is a highlighted portion of the transcript minutes from the Council's October 24, 2025 meeting. As discussed in the attached transcript minutes, it was noted that the proposed legislation was requested by members of the Moloka'i Planning Commission, that establishing a density requirement would preserve the character of Moloka'i neighborhoods, and the Commission/community's input would help craft the exact number and density of bed and breakfast homes.

Existing Maui County Code Requirements Regarding Bed and Breakfast Homes:

Maui County Code (MCC) defines a “Bed and breakfast home” as follows:

“Bed and breakfast home means a use in which overnight accommodations are provided to guests for compensation, for periods of less than one hundred eighty days, in no more than two detached single-family dwelling units, one of which is occupied by the owner-proprietor. Each bed and breakfast home shall include bedrooms, one kitchen, and living areas and shall include no more than six bedrooms for bed and breakfast home use, as specified within the zoning district provisions of this title.” (Note: MCC Section 19.64.030.F specifies that on Moloka'i a bed and breakfast home must not contain more than three bedrooms.)

Countywide, bed and breakfast homes are a permitted use in the Residential, Rural and Agricultural zoning districts, as well as some Commercial zoning districts. They are permitted only through the issuance of a Bed and Breakfast Home Permit per the requirements and permit processing procedures of MCC Chapter 19.64 – Bed and Breakfast Homes.

Amongst a variety of restrictions and standards that affect both the application submittal process and operations of bed and breakfast homes, MCC Section 19.64.030.R prescribes the number of Bed and Breakfast Home Permits that the County may approve depending upon Community Plan area. Unlike other Community Plan areas, for Moloka'i, MCC Section 19.64.030.R.7 indicates that Moloka'i has “*no cap*” on the number of Bed and Breakfast Home Permits that may be issued. Currently, there is one Bed and Breakfast Home Permit issued on Moloka'i.

For reference, the MCC currently limits the location of Bed and Breakfast Home Permits and Short-Term Rental Permits only on Lāna'i, wherein no more than one short-term rental home or bed and breakfast home is permitted within a 300' radius of another, and no more than one is permitted on the same block.

Discussion

Proposed Amendment:

The proposed bill includes two amendments as follows (material to be repealed is bracketed and new material is bold underscored):

- *19.64.030.R: “The County is restricted in approving permits for bed and breakfast homes as distributed per the following community plan areas and as further restricted by the applicable community plan:*
 1. *Hāna: 48.*
 2. *Kīhei-Mākena: 100.*
 3. *Makawao-Pukalani-Kula: 40.*

4. *Pāi 'a-Ha'ikū: 88.*
5. *Wailuku-Kahului: 36.*
6. *West Maui: 88.*
7. *[Molokai: no cap.] Moloka'i: 5.*
8. *Lāna'i: 15.*

This proposed revision would limit the number of Bed and Breakfast Home Permits that may be issued on Moloka'i to a maximum of five, whereas currently there is no limitation on the number of Bed and Breakfast Home Permits that may be issued. As noted previously, there is currently one Bed and Breakfast Home Permit approved for Moloka'i, which was issued in 2018.

- **19.64.030.U: "On the island of Moloka'i, no more than one bed and breakfast home is permitted within a 1,000-foot radius of another bed and breakfast home."**

This proposed new revision would restrict bed and breakfast homes on Moloka'i from being located within a 1,000-foot radius of each other. As noted in the attached transcript minutes, and within Section 1 of the attached ordinance, the intent of this new requirement is to avoid the potential for bed and breakfast homes to cluster and therefore preserve neighborhood character.

The Department interprets the intent of the proposal to mean a 1,000-foot radius of the property lines of permitted bed and breakfast home parcel, not a 1,000-foot radius of the structure permitted as a bed and breakfast home. Should the Commission wish to change or clarify the 1,000-foot radius intent, a recommendation to Council can be made by motion.

Department Recommendation and Options

Based upon the information in the attached Long-range Planning Document Analysis, the Department finds that the proposed bill is consistent with the General Plan. The Department believes that the proposed bill is a policy matter for the community to determine how it desires to control bed and breakfast homes on Moloka'i and as such does not have a position on the proposed bill. The Commission has the following options:

1. Recommend approval of the proposed bill to the Maui County Council.
2. Recommend approval of the proposed bill with amendments/comments to the Maui County Council.
3. Recommend denial of the proposed bill to the Maui County Council.
4. Vote to defer action on the proposed bill to gather specific additional information.

Moloka'i Planning Commission Memorandum – Bill re: Bed and Breakfast Homes

January 28, 2026

Page 4

Attachments:

- Resolution 25-190
- October 24, 2025 Council Meeting Transcript Minutes (portion thereof)
- Long-range Planning Documents Analysis

xc: Ana Lillis, Deputy Director
Jacky Takakura, Planning Program Manager, LRD
Carolyn Cortez, Planning Program Administrator, ZAED
Danny Dias, Planning Program Administrator, Current Planning
Scott Forsythe, Planning Program Administrator, PID
Gregory Pfost, Administrative Planning Officer

AL:GJP:

S:\ALL\APO\19.64 B&B\2025 B&B Molokai Distance\PC Staff Report.pdf

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

RECEIVED

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

'25 OCT 27 AIO 53

OFF

FOR

October 27, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For transmittal to:

Ms. Kate Blystone
Planning Director
County of Maui
Wailuku, Hawaii 96793

Dear Ms. Blystone:

Transmitted herewith is a certified copy of Resolution No. 25-190,
which was adopted by the Council of the County of Maui, State of Hawaii,
on October 24, 2025.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Thomson".

RICHELLE M. THOMSON
Deputy County Clerk

/lks

Enclosure

Resolution

No. 25-190

REFERRING TO THE MOLOKAI PLANNING
COMMISSION A PROPOSED BILL TO AMEND
SECTION 19.64.030, MAUI COUNTY CODE, ON
BED AND BREAKFAST HOMES ON MOLOKAI

WHEREAS, the Council is considering a proposed bill to amend the cap for and density of Bed and Breakfast Homes on Molokai; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed zoning and other land use ordinances, and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.64.030, MAUI COUNTY CODE, ON BED AND BREAKFAST HOMES ON MOLOKAI," attached as Exhibit "1," to the Molokai Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, and Molokai Planning Commission.

APPROVED AS TO FORM AND LEGALITY:

/s/ Thomas Kolbe

Department of the Corporation Counsel
County of Maui

paf:cmn:25-274b

INTRODUCED BY:

Keani Rawlins-Fernandez
KEANI N.W RAWLINS-FERNANDEZ

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (2025)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.64.030, MAUI COUNTY CODE, ON BED AND BREAKFAST HOMES ON MOLOKAI

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This Ordinance's purpose is to:

1. Set a cap of five for the number of Bed and Breakfast Homes on Molokai.
2. Restrict the proximity of one Bed and Breakfast Home to another on Molokai to avoid the potential for Bed and Breakfast Homes to cluster and change a neighborhood's character.

SECTION 2. Section 19.64.030, Maui County Code, is amended to read as follows:

"19.64.030 Restrictions and standards. Bed and breakfast homes are subject to the following restrictions and standards:

A. The bed and breakfast home use is permitted in no more than two single-family dwelling units per lot, except that it is not permitted in any accessory dwelling in accordance with chapter 19.35.

B. The owner-proprietor must have a current transient accommodations tax license and general excise tax license for the bed and breakfast home.

C. The owner-proprietor must be a resident of the County. The owner-proprietor must also reside, on a full-time basis, on the same lot being used as the bed and breakfast home; except that if an owner-proprietor applies for a bed and breakfast home permit while their single-family dwelling is being reconstructed or repaired following a disaster described in subsection N:

1. The owner-proprietor does not have to reside, on a full-time basis, on the same lot being used as the bed and

breakfast home until the dwelling has been reconstructed or repaired.

2. The dwelling must be reconstructed or repaired within five years of the disaster.

D. The owner-proprietor must have legal title to the property on which the bed and breakfast home is located.

E. The bed and breakfast home permit must be in the name of the owner-proprietor, who must be a natural person and the owner of the real property where the bed and breakfast home use is permitted, except that a permit may be issued for a lot owned by a family trust if the following criteria are met:

1. The applicant is a natural person or persons who is a trustee or who are trustees of the family trust.

2. All of the trustees are natural persons.

"Family trust" is defined as a self-settled revocable or irrevocable trust where the trustee(s) is also the trustor(s) or grantor(s) or is related by blood, adoption, marriage, or civil union to the beneficiary(ies). The bed and breakfast home permit must not be held by a corporation, partnership, limited liability company, or similar entity. No more than one permit may be approved for any lot.

3. The permit is not transferable; except that a permit may be transferred:

a. To an immediate family member, including a person's parents, spouse, children and their spouses, siblings, stepparents, stepchildren, adopted children and their spouses, and hānai children.

b. To a successor trustee or beneficiary of the trust, if the permit is held by a family trust in accordance with subsection 19.64.030(E).

F. The number of bedrooms used for short-term rental in the bed and breakfast home must be no greater than six on Lānaʻi, six on Maui, and no greater than three on [Molokaʻi,] Molokai, subject to the provisions of section 19.64.050. The total number of guests is limited to up to two adult guests and up to two minor guests per bedroom.

G. A bed and breakfast home may make breakfast available to onsite guests, but must not operate as a food service establishment (for example, restaurant), unless a food service establishment is a permitted use in the zoning district.

H. A bed and breakfast home must be in compliance with all other applicable federal, state, and local laws.

I. In permitting bed and breakfast homes, the planning director, the planning commissions, and the council must not consider, nor be bound by, any private conditions, covenants, or restrictions on the subject parcel. Any such limitations may be

enforced against the property owner through appropriate civil action.

J. All advertising for any bed and breakfast home in a residential district must include the number of the permit granted to the owner-proprietor.

K. Single-station smoke detectors must be provided in all guest bedrooms.

L. Single-family dwellings used as bed and breakfast homes do not qualify for real property tax exemptions in accordance with chapter 3.48.

M. A bed and breakfast home must not create any impact greater than those previously existing in that district[,] and must conform to the character of the neighborhood.

N. Bed and breakfast homes must be limited to a single-family dwelling constructed at least five years before the date of the application for the bed and breakfast home permit, and the dwelling unit must be owned by the applicant for at least five years before the date of the application; except that if a single-family dwelling was constructed and owned at least five years before being destroyed or damaged by a disaster as defined in section 127A-2, Hawai'i Revised Statutes, resulting in a proclamation of a state of emergency or local state of emergency under section 127A-14, Hawai'i Revised Statutes, the applicant does not have to wait to apply and be qualified for a bed and breakfast home permit following reconstruction or repair.

O. Within the Hāna community plan area, on Lāna'i, and on [Moloka'i,] Molokai, a one-square foot sign identifying the bed and breakfast home permit number must be placed at the front of the property along the main access road. On Lāna'i and [Moloka'i,] Molokai, the sign must be attached to an existing structure, such as a fence, and must state the owner-proprietor's telephone number. On Lāna'i, a sign must also be placed on each street frontage.

P. All guest parking must be off-street. Grasscrete and tandem parking are allowed for any required parking stalls.

Q. The proprietor must post "house policies" within each guest room and is responsible for enforcing the policies. The house policies must include the following provisions:

1. Quiet hours must be maintained from 9:00 p.m. to 8:00 a.m., during which noise in the bed and breakfast home must not disturb anyone on a neighboring property.

2. Amplified sound that is audible beyond the property boundaries of the bed and breakfast is prohibited.

3. Vehicles must be parked in the designated onsite parking area and must not be parked on the street overnight. On Lāna'i, on-street parking by bed and breakfast home

guests, operators, service providers, or delivery vehicles is not permitted at any time.

R. The County is restricted in approving permits for bed and breakfast homes as distributed per the following community plan areas and as further restricted by the applicable community plan:

1. Hāna: 48.
2. Kīhei-Mākena: 100.
3. Makawao-Pukalani-Kula: 40.
4. Pāi'a-Ha'ikū: 88.
5. Wailuku-Kahului: 36.
6. West Maui: 88.
7. [Moloka'i: no cap.] Molokai: 5.
8. Lāna'i: 15.

S. No bed and breakfast use permit may be issued to any person who holds a valid short-term rental use permit or who has been prohibited from applying for a short-term rental use permit.

T. On the island of Lāna'i, no more than one short-term rental home or bed and breakfast home is permitted within a [three-hundred-foot] 300-foot radius of another short-term rental home or bed and breakfast home, and no more than one short-term rental home or bed and breakfast home is permitted on the same block.

U. On the island of Molokai, no more than one bed and breakfast home is permitted within a 1,000-foot radius of another bed and breakfast home.

[U.] V. The planning director or planning commission may impose conditions on the granting of a request for a bed and breakfast home if the conditions are reasonably conceived to mitigate the impacts emanating from the proposed land use."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:25-274a

INTRODUCED BY:

Keani Rawlins-Fernandez
KEANI N.W RAWLINS-FERNANDEZ

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 25-190 was adopted by the Council of the County of Maui, State of Hawaii, on the 24th day of October, 2025, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS-FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Excused Ho'oku'u 'ia	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae



DEPUTY COUNTY CLERK

**Long-Range Planning Documents Analysis re:
Proposed Bill to Amend MCC 19.64.030 (Resolution No. 25-190)**

As of 10/08/2025, there is one permitted B&B in the Moloka`i community plan region. There is currently no cap on B&B permits for the Moloka`i community plan region; the proposed bill introduces a limit of five B&Bs. The county's general plan documents support limited growth of lodging units.

The 2010 Countywide Policy Plan, amended in 2021, provides broad goals, objectives, policies and implementing actions that portray the desired direction of the county's future. It includes the following relevant objectives that encourage limited owner-occupied visitor accommodations while cautioning against shoreline development to reduce the impacts of sea level rise.:

- Objective F.3.f (page 62): Encourage resident ownership of visitor-related businesses and facilities.
- Objective J.1.c (page 73): Limit the number of visitor-accommodation units and facilities in Community Plan Areas.
- Objective J.1.d (page 73): Maintain a sustainable balance between the resident, part-time resident, and visitor populations.
- Objective L.2.h (page 81): Discourage new entitlements for residential, resort, or commercial development along the shoreline.

The 2018 Moloka`i Island Plan identifies current and anticipated future conditions and needs on Moloka`i. It also identifies strategic planning goals, policies, and actions that will guide decision-making and implementation through 2035. Like the CWPP, it supports limited vacation accommodations to diversify the economy while taking into consideration Moloka`i's unique rural character.

- Goal C: A stable, balanced, diversified, and sustainable economy, respecting cultural and natural resources, that is compatible with Moloka`i's rural island lifestyle.
- Policy 1. (p. 65) Support diversification of Moloka`i's economy
- Policy 5. (p. 65) Support the expansion of complementary tourism markets, including kama'aina, cultural, religious pilgrimage, ecotourism, agricultural, and sports in a manner that supports the conservation of Moloka`i's natural and cultural resources, the protection of Moloka`i's rural lifestyle and cultural traditions, and the sustainability of the island.
- Policy 7. (p. 65) Support the limited growth of permitted alternative lodging units that do not create an adverse impact on the neighborhood