

RICHARD T. BISSEN, JR.
Mayor

RICHARD E. MITCHELL, ESQ.
Director

SAUMALU MATA'AFU
Deputy Director



DEPARTMENT OF HOUSING
COUNTY OF MAUI
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May 28, 2026

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

APPROVED FOR TRANSMITTAL

Richard Bissen 5.29.26
Mayor Date

For transmittal to:

Honorable Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee
Maui County Council
Wailuku, Hawaii 96793

Dear Chair U'u-Hodgins:

**SUBJECT: BILL 78 (2026), AMENDING TITLE 19, MAUI COUNTY
CODE, ON ACCESSORY DWELLINGS ON
RESIDENTIALLY ZONED LOTS (HLU-12)**

The Department of Housing (Department) is in receipt of the Housing and Land Use Committee's (HLU) letter sent on May 22, 2026, which requested the "Department's comments on Bill 78 (2026), including any anticipated impacts", and a response by June 1, 2026.

The Department has reviewed the following:

- Memorandum from the Department of Planning to the Planning Commissions, dated February 11, 2026
- Letter from the Department of Planning to the HLU Committee Chair U'u-Hodgins, dated May 11, 2026

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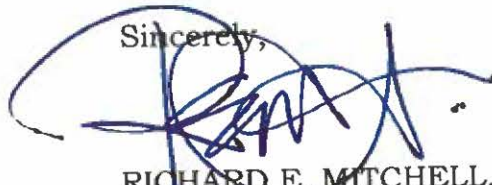
- Bill 78 (2026)
- Bill 78, CD1 (2026)

As State Act 39 (2024), which resulted in Section 46-4.8, Hawai'i Revised Statutes, requires counties to amend their accessory dwelling ordinances to allow up to two accessory dwelling units for residential use on residentially zoned lots, the Department appreciates the Department of Planning's attempt to comply with the State mandate, and defers to the Department of Planning's technical efforts to comply with State law.

The Department has the following substantive observation. Section 19.35.070, Maui County Code, states: "An accessory dwelling shall have a carport, garage, or other off-street parking space to be used by residents of the accessory dwelling. The carport or garage shall not exceed a total floor area of five hundred square feet." Given this requirement, and notwithstanding the reference to "off-street parking", the Department questions whether Bill 78 contemplated how Section 19.35.070, MCC, may frustrate the State legislative policy objective of increasing housing opportunities, and the need for increasing housing density, if both accessory dwellings must have a carport, garage, or other off-street parking space.

Should the HLU Committee have any further questions, please feel free to contact me at either director.housing@co.maui.hi.us or (808) 270-7110.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Mitchell', is written over the word 'Sincerely,'.

RICHARD E. MITCHELL, ESQ.
Director of Housing

Cc: Saumalu Mata'afa, Deputy Director

HLU Committee

From: Estrelita B. Dahilig <Estrelita.B.Dahilig@co.maui.hi.us>
Sent: Friday, May 29, 2026 1:01 PM
To: HLU Committee; Nohe M. Uu-Hodgins; Richard E. Mitchell; Saumalu Mataafa; Amanda M. Martin
Cc: Josiah K. Nishita; Erin A. Wade; Cynthia E. Sasada; Didi A. Hamai; Kelii P. Nahooikaika
Subject: TRANSMITTAL: BILL 78 (2026), AMENDING TITLE 19, MAUI COUNTY CODE, ON ACCESSORY DWELLINGS ON RESIDENTIALLY ZONED LOTS (HLU-12)
Attachments: MT#11507.HLU.Chair Hodgins.Nohelani.pdf

Aloha,

Please see attached transmittal dated May 28, 2026, from Director of Housing Department Richard E. Mitchell, ESQ regarding the above subject matter.
Thank you and have a great weekend!

Mahalo,
Lita



Lita B. Dahilig

Secretary

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