

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**BRADFORD K. VENTURA**  
Fire Chief

**GAVIN L.M. FUJIOKA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**  
COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
[www.maui-county.gov](http://www.maui-county.gov)

October 1, 2024

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

**APPROVED FOR TRANSMITTAL**

*Richard T. Bissen, Jr.* 10-6-24  
Mayor Date

For Transmittal to:

The Honorable Tasha Kama, Chair  
Housing and Land Use Committee, Maui County Council  
200 South High Street  
Wailuku, HI 96793

Dear Chair Kama,

**SUBJECT: BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES (HLU-34)**

The Department is in receipt of your letter dated September 17, 2024 requesting comment on Bill 105 (2024) as described above. Please see the comments provided by our Fire Prevention Bureau below which is based on non-conforming structures as to their size, separation, or setbacks from property lines.

It is our interpretation that this Bill proposes allowing nonconforming structures that were more than 50% destroyed as a result of a disaster to be rebuilt as nonconforming again. Previously, structures who had more than 50% damage have been required to be in conformity if reconstructed.

The Lahaina disaster was in part a result of unchecked or unmanaged density increase coupled with a lack of infrastructure maintenance and improvement. Illegal or nonconforming development was a huge contributor to the problem. If we make that the norm we invite the same scenario to repeat itself.

Building separation by current building or fire code does not adequately address the fire hazard associated with structure density. Therefore, new ordinances would need to be adopted to mitigate the potential for conflagration. Even current setbacks to property lines are not restrictive enough to reduce the fire spread.

Roadway improvements are needed to provide clear access for emergency response while allowing for emergency egress of the residents. Roadways may need to be widened to serve as fuel breaks where density dictates.

The Honorable Tasha Kama, Committee Chair

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This proposal brings a greater level of fire threat to the community. Permitting rebuilding in these critical areas is not conducive to improving community safety. It would be very dangerous and irresponsible to approve the increase density without the associated fire protection measures.

Maui County Fire Code amendments are currently being drafted and will be submitted shortly for approvals. Should this Bill be considered, the Fire Prevention Bureau will need to work on mitigation ordinances immediately to be able to enforce these requirements prior to implementation of HLU 34.

If you have any further questions or concerns, please feel free to contact Fire Captain Oliver Vaas of the Fire Prevention Bureau at (808) 876-4690.

Sincerely,

A handwritten signature in black ink, appearing to read "BK Ventura", written in a cursive style.

BRADFORD K. VENTURA  
Fire Chief

## HLU Committee

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**From:** Michelle Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Monday, October 7, 2024 7:58 AM  
**To:** HLU Committee  
**Cc:** Bradford Ventura; Chasserae Kaawa; Cynthia Sasada; Gavin Fujioka; Josiah Nishita; Kelii Nahooikaika; Ryan Otsubo  
**Subject:** MT#10787 Bill 105  
**Attachments:** MT#10787-HLU Committee.pdf

**NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.**

*Michelle L. Santos*

Office Operations Assistant

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County of Maui

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