

LU Committee

From: Thomas Welch <twelch@mrwlaw.com>
Sent: Monday, February 19, 2018 10:09 AM
To: LU Committee
Subject: LU-7: Written Testimony
Attachments: scan.pdf

Chair Carroll and Committee Members: Enclosed is a letter addressing LU-7. Please include this in the written testimony for tomorrow's LU Committee meeting. I will also testify in person.

Thank you.

Tom Welch

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Via email: lu.committee@mauicounty.us

Chair Robert Carroll
Maui County Council
Land Use Committee

Re: Proposed Amendment to Short Term Rental
Home Permit Rules, MCC Section 19.65.030.0

Dear Chair Carroll and Members of the Committee:

I am writing this to oppose LU-7 that would establish length-of-ownership requirements for applicants for short term rental home (STRH) permit applications.

I am writing this in two capacities, for a client who is under contract to purchase an existing STRH-permitted business¹, and on my own behalf as a Maui resident, for the following reasons:

1. People I have talked to see the 5-year ownership requirement as arbitrary, favoring one class of people over another. The length-of-ownership standard is seen as bearing no relationship whatsoever to the quality, compliance or integrity of the rental operation itself. They have told me that because it is arbitrary, the Council appears to have an "anti-business" bias.

2. If the purpose of the amendment is to limit the number of STRH operations in one or more particular areas of the County, the existing rules that already limit the number of permits in each defined Maui district is a much fairer approach because it keeps all applicants on a level playing field. If the stated maximum for a particular district is too high, then the taxpayers of that district should be allowed to testify on an amendment that addresses what is right for that particular neighborhood.

¹ The client accepts, and will comply with the permit application process, but would not have been willing to bind herself to the purchase contract if the permit opportunity were denied her. Now it is too late to cancel the purchase contract.

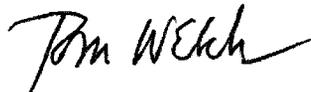
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This Council created this opportunity for small business several years ago. As written, it is even-handed and has been well and fairly administered by the Planning Director, the Deputy Director and their Department. In most neighborhoods it is accepted and even supported by the non-renting residents. The sentiment in other neighborhoods may not be the same.

Please reconsider this proposed "one size fits all" approach to what may be an issue that may not be shared with Maui residents across the board.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink that reads "Tom Welch". The signature is written in a cursive, slightly slanted style.

THOMAS D. WELCH, JR.

TDW:jt