

# REQUEST FOR LEGAL SERVICES

**D a t e:** June 26, 2025  
**F r o m:** Tasha Kama, Chair  
Housing and Land Use Committee

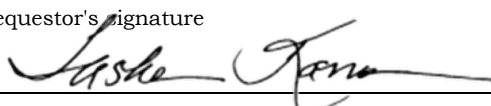
**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Nāhulu Nunokawa, Esq.

**Subject:** BILL 9 (2025), AMENDING CHAPTERS 19.12, 19.32, AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS (HLU-4)

**Background Data:** Please respond to the attached questions.

**Work Requested:** ☐ FOR APPROVAL AS TO FORM AND LEGALITY  
☒ OTHER: Response to questions.

Requestor's signature  Tasha Kama	Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</u> )
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 2, 2025  
REASON: For the HLU Committee's reconvened meeting of June 9, 2025, on July 2, 2025.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_  
(Rev. 7/03)

hlu:ltr:004acc02:jgk

Attachment

May I please request your response to the following:

1. Please provide a copy of former Deputy Corporation Counsel Richard Minatoya's legal opinion relating to the application of Ordinance 1797 (1989).
2. Subsection 19.12.010(C), Maui County Code, states, "Residential buildings and structures within the apartment district must be occupied on a long term residential basis, except as otherwise allowed by code." Code Section 19.04.040 defines "long-term residential basis" as "occupancy of a dwelling unit or lodging unit by an owner, family, lessee, or tenant for one hundred eighty days or more per year."
  - a. May the County fine Apartment District property owners who refrain from using their property on a "long term residential basis," contrary to the requirement under Code Subsection 19.12.010(C)? If so, please describe the process by which fines could be imposed.
  - b. If yes, may the fines be directed into a special fund to be used for rental assistance for County residents?
3. The Fifth Amendment to the Constitution of the United States and Article I, Section 20, of the Constitution of the State of Hawai'i prevent the taking of private property for public use without just compensation. Please explain whether Bill 9 (2025) conflicts with these laws.

May I further request you be prepared to explain the Minatoya legal opinion and provide verbal responses to questions 2 and 3 at the Committee's reconvened meeting of **July 2, 2025**. If your Department believes the response to question 3 should be handled in an executive meeting, please indicate so and be prepared to discuss on July 2nd, should an executive meeting be convened.

## HLU Committee

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**From:** HLU Committee  
**Sent:** Thursday, June 26, 2025 12:38 PM  
**To:** CorpCounselRFLS@co.maui.hi.us  
**Cc:** HLU Committee; Tasha A. Kama; Carla M. Nakata; James G. Krueger  
**Subject:** OCS - HLU - BILL 9 (2025), re: Transient Vacation Rentals in Apartment Districts (HLU-4)  
**Attachments:** 004acc02-s-TK.pdf

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair Kama, dated 06/26/2025, regarding the above-referenced matter.

Mahalo,  
HLU Committee Staff