

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 15, 2021

Director of Council Services
Traci N. T. Fujita, Esq.

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

2021 JUL 15 AM 11:04

OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: AMENDING CHAPTER 19.29, MAUI COUNTY CODE,
TO PROHIBIT INSTRUMENTS OF CONVEYANCE
FROM RESTRICTING THE GROWING AND
HARVESTING OF ANY AGRICULTURAL CROP OR
PRODUCT (PAF 21-175)**

May I request the attached proposed resolution, entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Tamara A. M. Paltin".

TAMARA PALTIN
Councilmember

paf:wai:21-175b

Enclosure

COUNTY COMMUNICATION NO. 21-371

Resolution

No. _____

REFERRING TO THE LĀNA'I, MAUI, AND
MOLOKA'I PLANNING COMMISSIONS A
PROPOSED BILL AMENDING CHAPTER 19.29,
MAUI COUNTY CODE, TO PROHIBIT
INSTRUMENTS OF CONVEYANCE FROM
RESTRICTING THE GROWING AND
HARVESTING OF ANY AGRICULTURAL CROP
OR PRODUCT

WHEREAS, the Council is considering a proposed bill amending Chapter 19.29, Maui County Code, to prohibit instruments of conveyance from restricting the growing and harvesting of any agricultural crop or product; 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 must review proposed land use ordinances and amendments 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 CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT," a copy of which is attached as Exhibit "1," to the Lāna'i Planning Commission, the Maui Planning Commission, and the Moloka'i 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;
2. That it respectfully requests that the Lāna'i, Maui, and Moloka'i Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and

Resolution No. _____

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lāna‘i Planning Commission, the Maui Planning Commission, and the Moloka‘i Planning Commission.

paf:wai:21-175c

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY
CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING
THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR
PRODUCT

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

SECTION 1. Chapter 19.29, Maui County Code, is amended by adding a
new section to read as follows:

“19.29.045 Instruments of conveyance. No deed, lease,
agreement of sale, mortgage, or other instrument of conveyance may
be interpreted to contain any covenant or clause that restricts,
directly or indirectly, the growing and harvesting of any agricultural
crop or product on lands within the RU-0.5, RU-1, RU-2, RU-5,
RU-10, and County rural districts. This section does not apply to
any covenant or clause existing prior to the effective date of the
ordinance establishing this section.”

SECTION 2. New material is underscored. In printing this bill, the County
Clerk need not include the underscoring.

SECTION 3. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:wal:21-175a