

REQUEST FOR LEGAL SERVICES

D a t e: January 12, 2022

F r o m: Tamara Paltin, Chair

Planning and Sustainable Land Use Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.


Subject: **A BILL PROHIBITING INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT**

(PSLU-31)

Background Data: Please see the attached bill. Please submit the response to
pslu.committee@mauicounty.us with reference to PSLU-31.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Tamara Paltin	Contact Person Wilton Leauanae (Telephone Extension: <u>7661</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): January 12, 2022

REASON: For posting for the next Council meeting agenda on January 21, 2022.

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)

pslu:ltr:031acc01:wal

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2022)

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 on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

pslu:misc:031abill01:wal

INTRODUCED BY:

Jamara D. M. Balatin
