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May 27, 2022

2022 MAY 27 PM 2:45

OFFICE OF THE
COUNTY COUNCIL

MEMO TO: PSLU-34 File

F R O M: Tamara Paltin, Chair *Tamara A. M. Paltin*
Planning and Sustainable Land Use Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
VOLUNTARY PHASING OUT TRANSIENT ACCOMMODATIONS IN
THE APARTMENT DISTRICTS** (PSLU-34)

The attached legislative proposal pertains to Item 34 on the Committee's agenda.

pslu:ltr:034afile01:wal

Attachment

Resolution

No. _____

REFERRING TO THE PLANNING COMMISSIONS
A PROPOSED BILL RELATING TO CONVERTING
APARTMENT BUILDINGS FROM TRANSIENT
VACATION RENTAL USE TO LONG-TERM
RESIDENTIAL USE

WHEREAS the Council is considering a proposed bill to allow property owners of buildings in the Apartment District to permanently convert property from transient vacation rental use to long-term residential use; 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 commission review proposed land use ordinances 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 19.12, MAUI COUNTY CODE, RELATING TO CONVERTING APARTMENT BUILDINGS FROM TRANSIENT VACATION RENTAL USE TO LONG-TERM RESIDENTIAL USE," a copy of which is attached as Exhibit "1," to the Lanai Planning Commission, Maui Planning Commission, and Molokai Planning Commission for appropriate action, in accordance with 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 Lanai Planning Commission, Maui Planning Commission, and Molokai Planning Commission transmit their findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, Maui Planning Commission, and Molokai Planning Commission.

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO CONVERTING APARTMENT BUILDINGS FROM TRANSIENT VACATION RENTAL USE TO LONG-TERM RESIDENTIAL USE

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

SECTION 1. The purpose of this Ordinance is to allow property owners of buildings located in the Apartment District to permanently convert property from transient vacation rental use to long-term residential use by filing a declaration with the State of Hawai'i Bureau of Conveyances and providing notice to the County.

SECTION 2. Chapter 19.12, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"19.12.025 Conversion of real property from transient vacation rental use to residential use. The owners of property, in which transient vacation rental use is allowed under section 19.12.020(G), may opt to permanently discontinue such use upon filing a declaration with the state of Hawai'i bureau of conveyances in a form prescribed by the department in accordance with this section.

A. The declaration must be executed by 100 percent of the property owners and must apply to the entire parcel.

B. The declaration must state the owners will use the property for long-term residential use only.

C. The property owners must cause the declaration to be filed with the state of Hawai'i bureau of conveyances.

D. Recordation of the declaration constitutes a forfeiture on the part of the owners, and all successors and assigns, of any right to transient vacation rental use of the property, unless such use is then allowed in accordance with a valid permit.

E. A recorded copy of the declaration must be filed with the director by September 1 of any calendar year. Upon receipt, the director must review the declaration and determine whether it is complete within forty-five days.

F. The director must notify the department of finance, real property assessment division of the recordation of a declaration permanently converting property from transient vacation rental use to long-term residential use that is determined to be complete.”

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
County of Maui

pslu:misc:034abill01:wal

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN