

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Corporation Counsel at 1:25 pm, May 25, 2022

**Date:** May 24, 2022

**From:** Tamara Paltin, Chair

Planning and Sustainable Land Use Committee

TRANSMITTAL


**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Stephanie Chen, Esq.

**Subject:** VOLUNTARY PHASING OUT TRANSIENT ACCOMMODATIONS IN THE APARTMENT DISTRICTS (PSLU-34)

**Background Data:** Please review the attached bill.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  _____ Tamara Paltin	Contact Person  <u>Wilton Leauanae</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): May 27, 2022 at 10 a.m.

REASON: To be posted for the PS LU Committee Meeting on June 2, 2022.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <b>SMC</b>	ASSIGNMENT NO. <b>2021-0016</b>	BY: <b>GMR</b>
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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): \_\_\_\_\_

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DEPARTMENT OF THE CORPORATION COUNSEL

Date 5/31/2022

By /s/ Stephanie M. Chen

(Rev. 7/03)

pslu:ltr:034acc01:wal

Attachment

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 subsection 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.

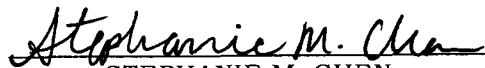
F. The director must notify the department of finance, real property assessment division of the recordation of a declaration permanently converting property from transient vacation rental use to long-term residential use that is determined to be complete.

G. The director may enforce the failure to abide by the declaration as a violation of this title.”

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Stephanie M. Chen", is written over the printed name.

STEPHANIE M. CHEN  
Deputy Corporation Counsel  
County of Maui

LF2021-0016  
PSLU-34 2022-05-31 Ord Amd Ch 19.12  
pslu:misc:034abill01:wal

INTRODUCED BY:

*Tamara A. M. Paltin*

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TAMARA PALTIN

## PSLU Committee

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**From:** Graham Resell <Graham.M.Resell@co.maui.hi.us>  
**Sent:** Tuesday, May 31, 2022 3:53 PM  
**To:** PSLU Committee  
**Subject:** PSLU-34 Ord Amd Ch 19.12 Converting Apartment Buildings to Long TermUs  
**Attachments:** PSLU-34 2022-05-31 Ord Amd Ch 19.12.docx; PSLU-34 2022-05-31 RFLS Leauanae Ord Amd Ch 19.12 RAFL Closing.pdf

Please find attached the above referenced bill approved (with minor revisions) and signed by our department. Also attached for your records is the Word version with markup. Please let me know if there are any questions or if you need anything else.

Thank you,  
Graham

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Graham M. Resell  
Law Technician  
Department of the Corporation Counsel  
Telephone: (808)270-1778