

MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JACKY TAKAKURA  
Deputy Director



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

November 1, 2022

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

*Michael P. Victorino*  
\_\_\_\_\_  
Mayor                      11/13/22  
Date

For Transmittal to:

Honorable Tamara Paltin, Chair  
Planning and Sustainable Land Use Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Committee Chair Paltin:

**SUBJECT: BILL 131 (2022) RELATING TO DEFINITIONS OF TIME  
SHARE PLAN AND TRANSIENT (PSLU-59)**

Thank you for your inquiry dated October 25, 2022 regarding the proposed bill for an ordinance to update the definitions of "time share" and "transient" in Section 19.04.040, Maui County Code (MCC). Responses to your questions are below.

1. How will the Planning Department enforce the requirements of Bill 131 as currently drafted?

Response: The Department of Planning (Department) will follow its current practice of responding to complaints submitted by the public, and working with vacation rental platforms Airbnb and Expedia through our memorandums of understanding. The Department is also in the process of reviewing requests for proposals for a new contractor to research vacation rental website advertising.

For MCC Chapter 19.37 relating to Time Sharing Plans, the County Council may want to consider including advertising and marketing as evidence of operation, similar to the language in Chapters 19.64 – Bed and Breakfast Homes and 19.65 – Short Term Rental Homes. This could be added to the proposed bill as:

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"19.37.D. Advertising or marketing that offers a property as a time share unit constitutes prima facie evidence of the operation of a time share unit on the property, and the owner, operator, or lessee of record bears the burden of proof to establish that the subject property is being used as a legal time share unit or is not in operation as a time share unit."

2. Would the inclusion of a registration requirement in Bill 131 better facilitate enforcement within the Planning Department?

Response: At this time, we do not think registration is necessary to effectively enforce the proposed bill.

Please feel free to contact me if you have further questions.

Sincerely,



MICHELE CHOUTEAU MCLEAN, AICP  
Planning Director

C: Michele C. McLean, AICP, Director of Planning  
Jordan E. Hart, ZAED Planning Program Administrator  
MCM:JMCT:atw  
S:\ALL\APO\TVR\LLC Ownership\221031 PSLU\_TimeshareRegistrationResponse.docx

## PSLU Committee

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**From:** Michelle Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Thursday, November 3, 2022 3:48 PM  
**To:** PSLU Committee  
**Cc:** Avis Teshima-Wong; Jacky Takakura; Josiah Nishita; Kayla Ueshiro; Michele McLean; Michele Yoshimura; Sandy Baz; Stacy Takahashi; Tyson Miyake; Zeke Kalua  
**Subject:** MT#9982 Bill 131 (2022) Relating to Definitions of Time Share Plan and Transient  
**Attachments:** MT#9982-PSLU Committee.pdf

**NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.**

*Michelle L. Santos*

## Office Operations Assistant

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