

**PSLU Committee**

---

**From:** David Dantes/Maui Tradewinds <ddantes4320@gmail.com>  
**Sent:** Thursday, August 29, 2019 3:45 PM  
**To:** PSLU Committee  
**Cc:** Tamara A. Paltin; Jacky.Takakura@co.maui.hi.us  
**Subject:** Written testimony  
**Attachments:** Written Testimony for 9-4-19.pdf

Aloha:

Please find attached written testimony from Bev and myself for the PSLU Committee meeting on Sept. 4.

Mahalo, and enjoy the holiday weekend!  
David

**DAVID DANTES, M.D.**

4320 Une Place  
Haiku, HI 96708  
Telephone (808) 573-0066 FAX (808) 573-2217

Aug. 29, 2019

Honorable Tamara Paltin, Chair  
Planning and Sustainable Land Use Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Aloha Chair Paltin:

Please accept this letter as written testimony in support of item PSLU-38, on the agenda for your Sept. 4, 2019 committee meeting. This legislation would increase the maximum permissible fines for advertising/operating an illegal B&B Home, Short Term Rental Home or Transient Vacation Rental.

This Planning Director-initiated proposed bill is intended to implement the amendment to the Revised Charter of the County of Maui (1983), as amended, that was proposed by Resolution 18-125 and approved by the electorate at the 2018 General Election.

In November and December of last year, the proposed bill was reviewed by all three Planning Commissions, which received public input, and recommended approval of the measure.

My wife and I own and operate a permitted Bed and Breakfast Home in Haiku, and have noted a substantial decline in internet traffic and reservations which originate from our website. This is at least partly the result of the proliferation of illegal, home-based visitor accommodations, which continue to outnumber permitted operations, despite the enforcement efforts of the Planning Department and ZAED. These businesses evade regulatory overhead, and advertise discounted rates which permitted operators cannot match.

However, illegal visitor rentals cause problems of greater importance to our community than unfair business competition:

- Unpermitted operations diminish Maui's potentially-affordable housing inventory.
- Owners are not required to maintain dwellings in accordance with health, fire and safety standards.
- Owners do not carry liability insurance, to protect the County and its taxpayers from lawsuits which may results from visitor injury.
- Owners evade GET and TAT, and they claim real property tax homeowner exemptions to which they are not entitled.

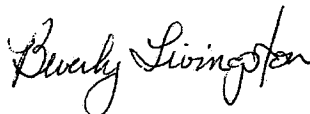
This bill does not mandate that maximum fines be applied to every violation, but gives the Planning Department discretion on a case-by-case basis. Please pass this much-needed legislation on to the full Council for adoption.

Mahalo for considering our input.

Sincerely,



David Dantes, M.D.



Beverly Livingston, R.N.