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August 20, 2020

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OFFICE OF THE
COUNTY COUNCIL
MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.24, 19.26, AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICTS AND INDUSTRIAL DISTRICTS AND DWELLING UNITS IN THE INDUSTRIAL DISTRICTS," transmitted by correspondence dated June 26, 2020, from the Planning Director.

Proposer: Tamara Paltin, Chair *Tamara A. M. Paltin*
Planning and Sustainable Land Use Committee

Description: The amendment would add a registration number requirement for Transient Vacation Rentals in the Apartment Districts. If the amendment is approved, all advertising must include a valid registration number.

Motion: Move to amend the bill by adding the following to proposed Maui County Code Subsection 19.12.020(G):

4. The director must maintain a list of qualified buildings that may operate transient vacation rentals.

5. The director must assign a transient vacation rental registration number if a building qualifies for transient vacation rental use and the real property tax classification is short-term rental.

6. Advertising for a transient vacation rental without the building's valid transient vacation rental registration number is prohibited, is a violation of this title, and must result in an enforcement action in accordance with section 19.530.030, subject to the following:

a. The alleged violator and the property owner must be notified that all advertising without a valid permit number must be terminated within seven days after issuance of the notice of warning. The notice of warning must specify that failure to cease the advertising by the deadline must result in issuance of a notice of violation and an order to pay a civil fine in the amount set forth in section 19.530.030 for each day the advertising continues after the deadline.

b. For a complaint of advertising without a valid permit number that is initiated by the public and confirmed by the department, the department must send a notice of warning to the alleged violator and the property owner following receipt of a request for service, if the person who initiated the request for service supplies a valid physical address for the property.

c. A notice of violation, including an order to pay daily fines, must be sent to the alleged violator and the property owner in accordance with section 19.530.030 if advertising without a valid permit number continues after the deadline, unless the alleged violator or property owner has submitted evidence satisfactory to the director that the advertising is not in their control.

d. All repeat violations for advertising without a valid permit number must result in a notice of violation without prior issuance of a notice of warning. A notice of violation, including an order to pay daily fines, must be sent to the alleged repeat violator and the property owner pursuant to section 19.530.030, unless the alleged violator or property owner has submitted evidence satisfactory to the director that the advertising is not in their control. For purposes of this section, a repeat violation is one where the alleged violator has previously been issued a notice of warning for advertising without a valid permit number.

7. The director must terminate or suspend a transient vacation rental registration number upon the request of the operator or owner of the unit or if the real property tax classification is not short-term rental.

Reasons: Under existing law, Bed and Breakfast Home Permits, Conditional Permits, and Short-Term Rental Home Permits are given permit numbers for tracking by the Council, the Department of Planning, and the public. This amendment would allow for similar tracking of Transient Vacation Rentals in the Apartment Districts.