

REQUEST FOR LEGAL SERVICES

Date: August 24, 2020
From: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

TRANSMITTAL


Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael Hopper, Esq.

Subject: TRANSIENT VACATION RENTALS IN THE APARTMENT, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL DISTRICTS (PSLU-59)

Background Data: Please see attached Amendment Summary Form.

Work Requested: ☐ FOR APPROVAL AS TO FORM AND LEGALITY

☒ OTHER: This is an amendment to require the Planning Director to maintain a list of qualified buildings that may operate TVRs and require registration numbers by unit for Transient Vacation Rentals in the Apartment Districts. Please opine whether this amendment would require Planning Commission review or if there are any other potential legal barriers to the Council's consideration of the amendment.

Requestor's signature  Tamara Paltin	Contact Person <u>Ana Lillis</u> (Telephone: <u>270-7660</u>)
--	--

☐ 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): August 26, 2020
REASON: For consideration at the August 26, 2020 PS LU Committee Meeting

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

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
Planning and Sustainable Land Use Committee

Description: The amendment would add a registration number requirement for Transient Vacation Rentals in the Apartment Districts by unit. If the amendment is approved, all advertising must include the unit's 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 for each unit located in a building that 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 unit'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 transient vacation rental registration 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 transient vacation rental registration 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 transient vacation rental registration 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 transient vacation rental registration 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 transient vacation rental registration 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.