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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

April 8, 2021

Director of Council Services  
Traci N. T. Fujita, Esq.

2021 APR -9 AM 8:03

OFFICE OF THE  
COUNTY CLERK

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **MORATORIUM ON VISITOR ACCOMMODATIONS  
DEVELOPMENT IN WEST MAUI AND SOUTH MAUI**  
(PAF 21-088)

May I request the attached proposed bill, entitled "AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A MORATORIUM ON BUILDING PERMITS FOR HOTELS," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Kelly T. King".

KELLY TAKAYA KING  
Councilmember

paf:jbf:21-088c

Enclosure

COUNTY COMMUNICATION NO. 21-191

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

AMENDING THE BUILDING CODE TO ADD CHAPTER 40 RELATING TO A  
MORATORIUM ON BUILDING PERMITS FOR HOTELS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. **Findings and purpose.** The Council finds that the Maui Island Plan includes a policy calling for a daily visitor population not to exceed one-third of the resident population. With a daily visitor census of nearly 70,000 and resident population of well under 150,000 in 2019, Maui dramatically exceeded the desired visitor-resident ratio. The Council further finds that a large percentage of the island's transient accommodations are in West Maui and South Maui, and the community plans for both areas are at various stages of comprehensive updates for the first time in more than 20 years. Under Chapter 2.80B, Maui County Code, each community plan sets out "the desired sequence, patterns, and characteristics of future development." In addition, the Council construction moratoria are well-established tools to temporarily and appropriately preserve the status quo, as seen, for example, in Maui County Ordinances 1997 (1991) and 5125 (2020); City and County of Honolulu Ordinance 18-6 (2018), and City of Asheville, North Carolina, Ordinance 4766 (2019).

This Ordinance's purpose is to temporarily maintain the status quo by establishing a moratorium on building permits for hotel development in West Maui and South Maui until both community plans are updated.

SECTION 2. Title 16, Maui County Code, is amended by adding a new chapter, to be designated and to read as follows:

**"16.26B.4000 Chapter 40 added. The International Building Code is amended by adding a new chapter to read as follows:**

**CHAPTER 40**  
**MORATORIUM ON BUILDING PERMITS FOR HOTELS**

Sections:

- 4000.1 Purpose.
- 4000.2 Applicability.
- 4000.3 Definitions.
- 4000.4 Prohibition on building permits for hotel development in West Maui and South Maui.
- 4000.5 Exceptions.
- 4000.6 Automatic repeal.

**4000.1 Purpose.** This chapter's purpose is to temporarily maintain the status quo by establishing a moratorium on building permits for hotel development in West Maui and South Maui.

**4000.2 Applicability.** This chapter applies to applications for building permits for hotel development in the West Maui and Kihei-Makena community plan areas.

**4000.3 Definitions.** Whenever used in this chapter, unless the context otherwise requires:

"Development" means any new units used for transient accommodations.

"Hotels" means transient accommodations.

"South Maui" means the Kihei-Makena community plan area, with geographic boundaries established by ordinance 2641 (1998).

“West Maui” means the West Maui community plan area, with geographic boundaries established by ordinance 2476 (1996).

**4000.4 Prohibition on building permits for hotel development in West Maui and South Maui.** No building permit applications for hotel development in West Maui or South Maui may be accepted.

**4000.5 Exceptions.** The council may authorize exceptions from this chapter by resolution upon request by the director of public works.

**4000.6 Automatic repeal.** The chapter will be automatically repealed on the earlier of the following dates:

- a. two years from this chapter’s effective date; or
- b. when the ordinance approving the South Maui community plan update takes effect, if that date is later than the effective date of the ordinance approving the West Maui community plan update.”

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

SECTION 4. This ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:jbf:21-088a