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

August 4, 2021

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

Dear Chair Lee:

**SUBJECT: PHASING OUT TRANSIENT ACCOMMODATIONS IN  
APARTMENT DISTRICTS (PAF 21-188)**

May I request the attached proposed resolution, entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PHASING OUT TRANSIENT ACCOMMODATIONS IN THE APARTMENT DISTRICTS," be placed on the next Council meeting agenda.

Sincerely,

TAMARA PALTIN  
Councilmember

paf:rem:21-188c

Enclosure

COUNTY COMMUNICATION NO. 21-422

# Resolution

No. \_\_\_\_\_

REFERRING TO THE PLANNING COMMISSIONS  
A PROPOSED BILL RELATING TO PHASING  
OUT TRANSIENT ACCOMMODATIONS IN THE  
APARTMENT DISTRICTS

WHEREAS the Council is considering a proposed bill to phase out transient accommodations in the Apartment Districts; and

WHEREAS Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and provide findings and recommendations to the Council; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, PHASING OUT TRANSIENT ACCOMMODATIONS IN THE APARTMENT DISTRICTS," a copy of which is attached as Exhibit "1," to the Lanai Planning Commission, Maui Planning Commission, and Molokai Planning Commission for appropriate action, in accordance with Sections 8.8.4 and 8.8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it respectfully requests that the Lanai, Maui, and Molokai Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Lanai, Maui, and Molokai Planning Commissions.

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

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

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, PHASING OUT TRANSIENT ACCOMMODATIONS IN THE APARTMENT DISTRICTS

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

SECTION 1. The purpose of this Ordinance is to amend the Comprehensive Zoning Ordinance by phasing out transient accommodations in the Apartment Districts to create long-term affordable housing opportunities for residents, as recommended in the 2021 Maui County Comprehensive Affordable Housing Plan. Buildings within the Apartment Districts are intended to provide “higher density housing . . . on a long term residential basis,” according to Chapter 19.12, Maui County Code. This Ordinance furthers that objective by making more units available for residential use.

SECTION 2. Section 19.12.020, Maui County Code, is amended to read as follows:

**“19.12.020 Permitted uses.** Within the A-1 and A-2 districts, the following uses are permitted:

- A. Any use permitted in the residential and duplex districts.
- B. Apartment houses.
- C. Boarding houses, rooming houses, and lodging houses.
- D. Bungalow courts.
- E. Apartment courts.
- F. Townhouses.
- G. Transient vacation rentals in building and structures meeting all of the following criteria, until the date

after December 31, 2021, on which the property is first sold or transferred:

1. The building or structure received a building permit, special management area use permit, or planned development approval that was lawfully issued by and was valid, or is otherwise confirmed to have been lawfully existing, on April 20, 1989.

2. Transient vacation rental use was conducted in any lawfully existing dwelling unit within the building or structure prior to September 24, 2020, as determined by real property tax class or payment of general excise tax and transient accommodations tax.

3. If any such building or structure is reconstructed, renovated or expanded, then transient vacation rental use is limited to the building envelope as it can be confirmed to have been approved or lawfully existing on April 20, 1989. The number of bedrooms used for transient vacation rental must not be increased.

H. Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title, until the date after December 31, 2021, on which the property is first sold or transferred.

I. Short-term rental homes, subject to the provisions of chapter 19.65 of this title, until the date after December 31, 2021, on which the property is first sold or transferred.”

SECTION 3. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This Ordinance takes effect upon its approval.

paf:rem:21-188a