

**MICHAEL P. VICTORINO**  
Mayor

**SCOTT K. TERUYA**  
Director

**MAY-ANNE A. ALIBIN**  
Deputy Director



**DEPARTMENT OF FINANCE**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)



September 9, 2021

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

*Michael P. Victorino* *9/10/21*  
\_\_\_\_\_  
Mayor Date

For Transmittal to:

Honorable Keani N.W. Rawlins-Fernandez, Chair  
Budget, Finance, and Economic Development Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Rawlins-Fernandez:

**SUBJECT: COUNTY TRANSIENT ACCOMMODATIONS TAX (BFED-52)**

Pursuant to your request dated September 3, 2021, relating to the County Transient Accommodations Tax, below are the recommended amendments, comments, and/or questions to the proposed bill as provided by the State of Hawaii's Department of Taxation:

1. 3.47.030(B) - Delete bracketed portion as follows:

B. Every transient accommodations broker, travel agency, and tour packager who arranges transient accommodations at noncommissioned negotiated contract rates, every operator, and [occupant of a resort time share vacation unit], must pay to the County the tax imposed.

The imposition on timeshares is already included under paragraph (C).

2. Include an authority to deem periodic/annual returns filed with County of Maui when filed with the State of Hawaii.
3. 3.47.030 - Update to match HRS 237D-2(b), as amended by Act 90, SLH 2021.
4. 3.47.060(A) - Update to match HRS 237D-6(a), as amended by Act 90, SLH 2021.
5. 3.47.110(A) - Update to match HRS 237D-9(a), as amended by Act 90, SLH 2021.
6. 3.47.120 – County may not have authority to require the tax be paid pending appeal as the State does not have that authority.
7. 3.47.150 – Incorporate all the HRS sec. 231-39 penalties. Failure to file is not currently included.
8. 3.47.170 – Provide authority for county to enter into agreement with another county or counties.
9. Should the grandfathering provision in HB 862 be inserted into the bill?

Should you have any questions or require further assistance, please feel free to contact me at extension 7474.

Sincerely,



SCOTT K. TERUYA  
Director of Finance

SKT:maa

cc: Moana Lutey, Corporation Counsel

Attachment

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



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

September 3, 2021

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

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

Mr. Scott Teruya, Director  
Department of Finance  
County of Maui  
Wailuku, Hawaii 96793

Aloha e Director Teruya:

SUBJECT: **COUNTY TRANSIENT ACCOMMODATIONS TAX** (BFED-52)

Please see the attached proposed bill entitled, "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.47, MAUI COUNTY CODE, IMPLEMENTING A COUNTY TRANSIENT ACCOMMODATIONS TAX." The purpose of the proposed bill is to establish a 3 percent transient accommodations tax in the County of Maui on all gross rental, gross rental proceeds, and fair market rental value considered taxable under the definitions of Section 237D-1, Hawaii Revised Statutes.

May I please request that you serve as the main point of contact with the State Department of Taxation regarding recommended amendments to the proposed bill.

May I further request you transmit the recommended amendments to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us) by **September 15, 2021**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Lesley Milner at ext. 7886, or Yvette Bouthillier at ext. 7758).

Sincerely,

A handwritten signature in black ink, reading "Keani Rawlins-Fernandez".

KEANI N.W. RAWLINS-FERNANDEZ, Chair  
Budget, Finance, and Economic Development  
Committee

bfed:ltr:052afn02:ljcm

Attachment  
cc: Mayor Michael P. Victorino

## BFED Committee

---

**From:** Michelle Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Friday, September 10, 2021 11:19 AM  
**To:** BFED Committee  
**Cc:** Didi Hamai; Josiah Nishita; Kayla Ueshiro; May-Anne Alibin; Sandy Baz; Scott Teruya; Stacy Takahashi; Tyson Miyake; Zeke Kalua  
**Subject:** MT#9202-County Transient Accommodations Tax  
**Attachments:** MT#9202-BFED Committee.pdf

**NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.**

*Michelle L. Santos*

### Office Operations Assistant

Office of the Mayor

County of Maui

200 S. High Street 9th Floor

Wailuku, HI 96793

phone: (808) 270-7855

fax: (808) 270-7870