

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

BILL NO. 136 (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT

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

SECTION 1. The purpose of this Ordinance is to provide clarification on terms and requirements for Transient Vacation Rental use in the Apartment District, and to add a registration number requirement for advertisements.

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Building envelope” means the area enclosed by the three-dimensional exterior surfaces of a building or structure, including any open air areas between the posts, or the posts and walls, that hold up a roof, such as carports and covered decks.

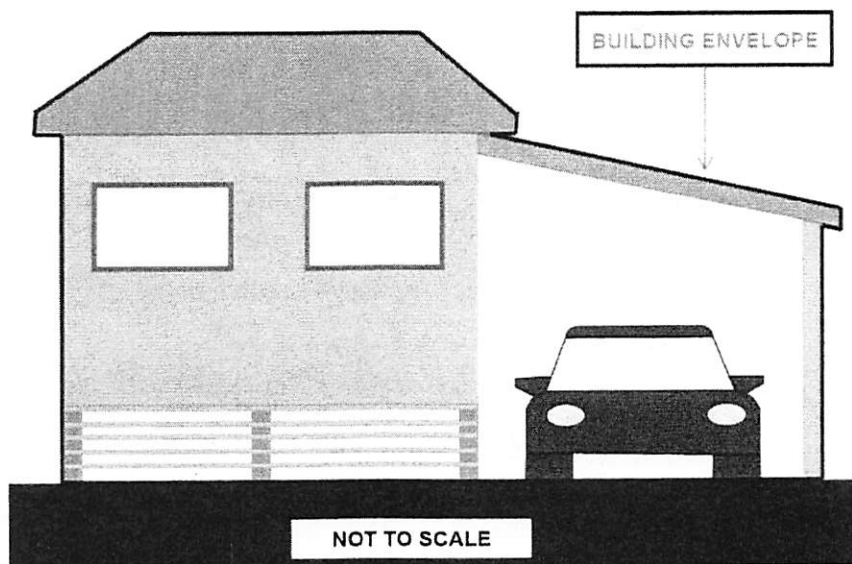


Figure 1 “Building envelope”

SECTION 3. 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:

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. The property owner or operator holds general excise tax and transient accommodations tax licenses and is current in payment of State and County taxes, fines, or penalties assessed in relation to the transient vacation rental.

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

5. Advertisements for transient vacation rental use must include the subject property's registration number, which is the subject property's tax map key number, without punctuation marks.


H. Bed and breakfast homes, subject to the provisions of chapter 19.64 [of this title].

I. Short-term rental homes, subject to the provisions of chapter 19.65 [of this title].”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

  
STEPHANIE M. CHEN  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui

PSLU-37 2021-10-26 Ord Amd Sec 19.04 & 19.12

DIGEST

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COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE  
APARTMENT DISTRICT

This bill proposes to amend Chapters 19.04 and 19.12, Maui County Code, to provide clarification on terms and requirements for Transient Vacation Rental use in the Apartment District, and to add a registration number requirement for advertisements.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 136 (2021) was passed on First Reading  
by the Council of the County of Maui, State of Hawaii, on the 5th day of November, 2021,  
by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Michael J.  
Molina, Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura,  
Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmember Kelly T. King.

DATED at Wailuku, Maui, Hawaii, this 8th of November, 2021.



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KATHY L. KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,  
County of Maui, for use and examination by the public.