

**1. Maui County Department of Planning
Amendment Establishing Minimum Ownership Criteria and
Clarifying LLC and LLP Qualifications**

19.65.030 D. The permit holder shall:

1. Hold a minimum of a twenty percent interest in the legal title to the lot on which the short-term rental home is located, except as provided in subsection G of this section; and

19.65.030 G. The short-term rental home permit shall be issued in the name of the applicant, who shall be a natural person or persons ~~and hold~~ holding a minimum of a twenty percent interest legal title to the in the lot; except that, a permit may be issued for a lot owned by a family trust, a corporation, a limited liability partnership, or an LLC if the following criteria are met:

1. The applicant shall be a natural person who is the trustee of the family trust, a manager and twenty-five percent partner of an limited liability partnership, twenty-five percent corporate shareholder, or a manager and a twenty-five percent member of an LLC;
2. The corporation, a limited liability partnership or LLC shall not be publicly traded; and
3. All of the trustees, partners, corporation's shareholders or all of the LLC's members shall be natural persons, and if there is more than one trustee, partner, shareholder or member, they shall be related by blood, adoption, marriage, or civil union.

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Deputy Planning Director

2. Maui County Department of Planning Amendment Relating to Permit Amendments

19.65.060 J. Substantive amendments to a permit, including but not limited to an increase in the number of bedrooms or dwellings used for short-term rental or the addition of a new dwelling to the permit, shall be processed in the same manner as the initial application.

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**3. Maui County Planning Department
Amendments Related to Permit Non-renewals and Revocations**

19.65.070 Renewals and Compliance [and revocation].

F. ~~[Revocation]~~ Non-renewal procedures

1. ~~The short-term rental home permit may not be renewed [shall be revoked, pursuant to section 19.530.030 of this title, the rules of the appropriate planning commission if the permit was issued by the planning commission, and the rules of the department], if the director finds:~~

a. ~~The permit holder provided false or misleading information during the application process;~~

b. ~~The permit holder is in violation of state department of health regulations, this chapter, the permit conditions, or any other applicable laws or regulations;~~

c. ~~The permit holder is delinquent in payment of State or County taxes, fines, or penalties assessed in relation to the short-term rental home;~~

~~[2 If that the department receives at least three complaints about a short time rental home within a twelve month period, and the director's investigation of the complaints is inconclusive, the director shall refer the complaints to the applicable planning commission for a determination of whether the permit shall be revoked.] Complaints must be from property owners or lessees of record located on two or more different lots within a five hundred foot radius of the proposed short term rental home. The planning commission may consider any of the following during its investigation of the complaints:]~~

~~[a.]~~ d. Evidence of non-responsive management;

~~[b.]~~ e. Police reports of noise or other disturbances on the property;

~~[c.]~~ f. Warnings or violations resulting from requests for service; ~~[and]~~

~~[d.]~~ g. Neighbor complaints of noise and other disturbances relating to the short-term rental operations; provided that that the department has received at least three complaints about a short-time rental home within a twelve-month period. Complaints must be from property owners or lessees of record located on two or more different lots within a five hundred foot radius of the proposed short-term rental home.

~~[f.]~~ h. Noncompliance with the permit conditions;
or

~~[g.]~~ i. Noncompliance with other government requirements.

2. If the director denies a request for a permit renewal, the department shall not accept a new application for a short-term rental home permit from the permit holder for two years after the date of the previous permit's expiration date.

3. ~~[If the permit is revoked, the department shall not accept a new application for a short-term rental home permit from the permit holder for two years after the date of revocation.]~~

19.65.080 Revocation and enforcement. ~~Enforcement.~~ A. Revocation procedures.

1. The short-term rental home permit may be revoked if the director finds:

a. The permit holder provided false or misleading information during the application process;

b. The permit holder is in violation of state department of health regulations;

c. The permit holder is delinquent in payment of State or County taxes, fines, or penalties assessed in relation to the short-term rental home;

d. Evidence of non-responsive management;

e. Police reports of noise or other disturbances on the property;

f. Warnings or violations resulting from requests for service;

g. Neighbor complaints of noise and other disturbances relating to the short-term rental operations; provided that that the department has received ~~receives~~ at least three complaints about a short-time rental home within a twelve-month period. Complaints must be from property owners or lessees of record located on two or more different lots within a five hundred foot radius of the proposed short-term rental home;

h. Noncompliance with permit conditions, or

i. Noncompliance with other government regulations

2. If the permit is revoked, the department shall not accept a new application for a short-term rental home permit from the permit holder for two years after the date of revocation.

4. Maui County Department of Planning Amendment Relating to 5 Year Wait Period

19.65.080 D. "Operating without a valid permit is prohibited. Evidence of operation may include: advertising, guest testimony or online reviews, rental agreements, receipts, or any other information deemed relevant by the department. Except on the island of Lanai until December 31, 2016, operating without a permit shall result in any property owner(s), or member(s) of an LLC or LLP, or a trustees of a trust, or a corporate shareholders of entities that own the property, being ineligible to apply for a permit for five years, and shall result in the property being ineligible to be used for short-term rental home purposes for five years.