

KATHY L. KAOHU  
County Clerk



JAMES G.M. KRUEGER  
Deputy County Clerk

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OFFICE OF THE COUNTY CLERK  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
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OFFICE OF THE MAYOR

July 26, 2021

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

APPROVED FOR TRANSMITTAL

Michael P Victorino 7/27/21  
Mayor Date

For transmittal to:

Ms. Michele McLean  
Planning Director  
County of Maui  
Wailuku, Hawaii 96793

Dear Ms. McLean:

Transmitted herewith is a certified copy of Resolution No. 21-113,  
which was adopted by the Council of the County of Maui, State of Hawaii,  
on July 23, 2021.

Respectfully,

Handwritten signature of Kathy L. KaoHu in cursive.

KATHY L. KAOHU  
County Clerk

/lks

Enclosure

# Resolution

No. 21-113

REFERRING TO THE LĀNA‘I, MAUI, AND  
MOLOKA‘I PLANNING COMMISSIONS A  
PROPOSED BILL AMENDING CHAPTER 19.29,  
MAUI COUNTY CODE, TO PROHIBIT  
INSTRUMENTS OF CONVEYANCE FROM  
RESTRICTING THE GROWING AND  
HARVESTING OF ANY AGRICULTURAL CROP  
OR PRODUCT

WHEREAS, the Council is considering a proposed bill amending Chapter 19.29, Maui County Code, to prohibit instruments of conveyance from restricting the growing and harvesting of any agricultural crop or product; 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 commissions must review proposed land use ordinances and amendments 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 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT," a copy of which is attached as Exhibit "1," to the Lāna‘i Planning Commission, the Maui Planning Commission, and the Moloka‘i Planning Commission for appropriate action under 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 Lāna‘i, Maui, and Moloka‘i Planning Commissions transmit their findings and recommendations to the Council as expeditiously as possible; and

**Resolution No. 21-113**

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lāna‘i Planning Commission, the Maui Planning Commission, and the Moloka‘i Planning Commission.

paf:wal:21-175c

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

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

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY  
CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING  
THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR  
PRODUCT

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

SECTION 1. Chapter 19.29, Maui County Code, is amended by adding a  
new section to read as follows:

**“19.29.045 Instruments of conveyance.** No deed, lease, agreement of sale, mortgage, or other instrument of conveyance may be interpreted to contain any covenant or clause that restricts, directly or indirectly, the growing and harvesting of any agricultural crop or product on lands within the RU-0.5, RU-1, RU-2, RU-5, RU-10, and County rural districts. This section does not apply to any covenant or clause existing prior to the effective date of the ordinance establishing this section.”

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. 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:wal:21-175a

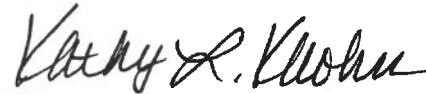
**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 21-113**, was adopted by the Council of the County of Maui, State of Hawaii, on the 23rd day of July, 2021, by the following vote:

<b>MEMBERS</b>	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
<b>ROLL CALL</b>	Aye	Aye	Excused	Excused	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK