

ORDINANCE NO. 5301

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.

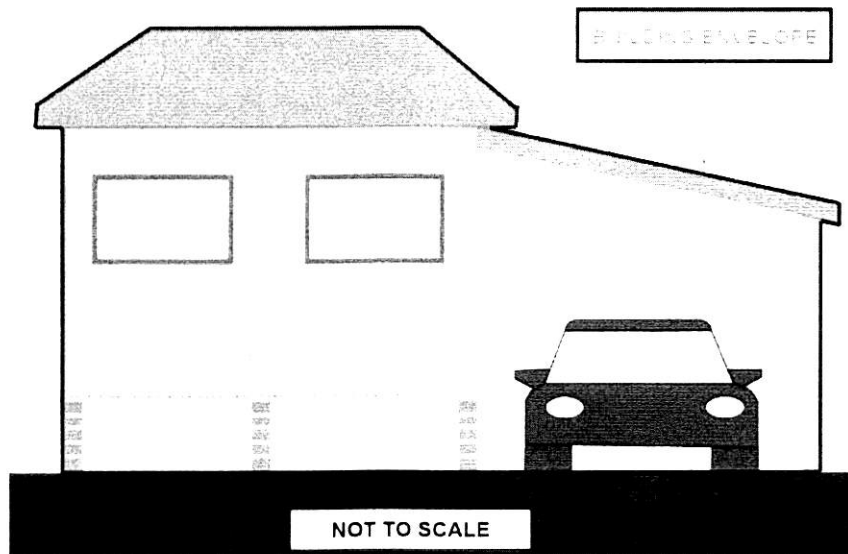


Figure 1 "Building envelope"

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.

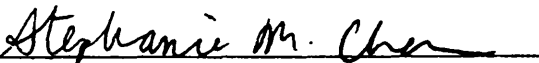
H. Bed and breakfast homes, subject to the provisions of chapter 19.64 [of this title].

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

WE HEREBY CERTIFY that the foregoing BILL NO. 136 (2021)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of November, 2021, by the following vote:

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
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 22nd day of November, 2021.

DATED AT WAILUKU, MAUI, HAWAII, this 22nd day of November, 2021.

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ALICE L. LEE, CHAIR
Council of the County of Maui

KATHY L. KAOHU, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 26th DAY OF November, 2021.

MICHAEL P. VICTORINO, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5301 of the County of Maui, State of Hawaii.

KATHY L. KAOHU, COUNTY CLERK
County of Maui

Passed First Reading on November 5, 2021
Effective date of Ordinance November 26, 2021

RECEIVED
2021 NOV 26 PM 3:00
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5301, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui