

Transient vacation rental history detailed; ban reverses county policy

Jeff Hunt, the county planning director, was absolutely correct when he said the current transient vacation rental situation was started by the County Council. The council's actions were justified and made a lot of sense at the time, and they still do.

In the early 1970s the council started work on creating zoning categories.

Many decades later, laws dealing with TVRs and other home occupations are still incomplete. The council was very clear that this would be an ongoing job, requiring constant analysis and readjustment, but generally the County Council was supportive of the industry. It has reiterated that position many times.

Vacation rentals are a segment of the home occupation issue. Many Maui-County residents are running their business from their home. Under current law, all home occupations must go through a lengthy, difficult permitting process to bring their businesses in compliance with existing law. Most have not done so.

When the council starting dealing with this issue in the early 1990s, the discussion centered on growing the home-based vacation rental segment of tourism, which was following an expanding worldwide trend. The public enthusiastically supported incorporating this industry into our community as a growth industry.

When the vacation rental issue was first dis-

cussed by the council, the industry was very active and cooperative in helping to create the rules. The TVR owners were very willing to come in to get their special-use permit.

At that time, the County Council was inundated by requests for special-use permits. Council members had many discussions on what should be allowed. The council members decided to take a step back and create a uniform law for this industry, with reasonable parameters, rather than dealing with each individual permit separately, which was too time-consuming.

Máyor Charmaine Tavares was a part of that council. I chaired the County Council Land Use Committee at that time.

In 2001, at the request of the council members, I met with then Mayor James "Kimo" Apana, the Planning Department and representatives of the Maui Vacation Rental Association. An agreement was forged to suspend enforcement of the outdated regulations until the County Council could complete its vacation rental ordinance. The county gave written assurances to the Maui Vacation Rental Association and agreed to not process any more applications until a new ordinance was complete.

The vacation rental owners were told that if they applied for the necessary permits under the current system, they would be given a fair hearing. About 70 did apply. But later, in anticipation of a new ordinance, the county Planning Department told additional applicants they should wait until the law was rewritten. Because the county was not shutting down vacation rentals for simply being in business, there was no harm done.

The industry continued to work with the County Council and the administration to create a workable law. Former County Council Member Robert Carroll, as chairman of the council's Land Use Committee, worked for many years with the industry to create an ordinance.

Former Mayor Apana and I abided by the agreement that was reached in his office. However, that agreement was not a blanket amnesty. If a complaint was formally filed by someone against a vacation rental, then an investigation would be done and appropriate action would be taken.

Carroll produced a draft ordinance in 2006, but it was rejected by the current County Council earlier this year. Soon after, the administration, with the urging of certain council members, decided to move/against vacation rentals. They started to close down these small home-based businesses, including those which the Planning Department had discouraged from applying, without regard to the consequences. They also gave notice to permit applicants who had been promised a suspension of enforcement that they must close their businesses by Jan. 1, without the council ever having reviewed their applications. Given the legal history of this matter, I do not see how the county can justify this enforcement action.

Political positioning at the expense of the public trust is unacceptable. I hope that if this situation continues and if lawsuits are filed and settled, the taxpayers are not left with a multi-million dollar bill.

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VIEWPOINT

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