

BED & BREAKFAST ORDINANCE (2009)
BASIC FAQ FROM PLANNING DEPARTMENT WEBSITE

1. **What is a Bed and Breakfast?**

The new legislation adopted by the County Council on December 19, 2008 and signed into law by Mayor Tavares defines a “bed and breakfast home” as a use in which overnight accommodations are provided to guests for compensation for periods of less than 180 days, in no more than two detached single-family dwelling units, one of which is occupied by the owner-proprietor. [Ordinance 3611](#)

2. **What are the major elements of the new law regarding B&Bs?**

B&Bs are now a permitted use in residential, business, hotel, rural and agricultural zones. There is a cap on the number of permits that may be approved. Two dwellings per parcel may be rented short-term. The property owner has to live full-time in one of the two dwellings. The Planning Department is authorized to process most B&B applications.

3. **Are there additional requirements for a B&B to operate on agricultural land?**

Yes. The additional requirements are intended to preserve agricultural lands. State laws require a Special Use Permit be approved prior to operating a B&B on land that has a State agricultural land-use designation. Additionally, for County agricultural zoned lands, the new County ordinance requires an annual farm income of \$35,000 for the previous two years; or, if the parcel is five acres or less, that a farm plan has been fully implemented; or, that the parcel is on the National or State Register of Historic Places.

4. **What should I do if I have a conditional permit application to operate a transient vacation rental business submitted prior to the passing of the new law?**

If your application meets the new definition of a B&B, you may choose to change your application to a B&B application. The decision to change application type is entirely up to the applicant. Planning Department staff are available to help explain the new ordinance so that individuals may make an informed decision.

5. **How many B&B permits may be issued in each area?**

With the new law, permits are limited by specified caps in each of the following community plan areas:

Hana: 48

Kihei-Makena: 100

Makawao-Pukulani-Kula: 40

Paia-Haiku: 88

Wailuku-Kahului: 36

West Maui: 88

Note: Molokai and Lanai have no caps established. Each application must be reviewed by that respective island’s planning commission.

6. **How can I obtain an application for a B&B permit?**

The application form may be downloaded from the County website: www.mauicounty.gov (click on “Departments” and select “Planning Department”). You may also obtain an application from the Planning Department at 250 S. High Street in Wailuku, phone 270-7735; or at the Planning Department’s Current Planning Division at One Main Plaza (2200 Main Street), Suite 619 in Wailuku, phone 270-8205. [B&B Application Packet](#)

7. **Do I have to post a project sign before I submit my application?**

Yes. The new law requires that a project sign be posted at the front of the property along the main access road five days prior to the submittal of an application for a permit to operate a B&B. The sign provides public notice that an application is being submitted for the intent of operating a B&B on that property. The application packet contains information regarding the notification sign. [B&B Sign Notification Information](#)

8. **How long will it take to process my application?**

It may take several months before an application is completely processed. Applicants are advised to make sure the application is completely filled out and that all requested information and fees are included. A checklist is provided as part of the application packet to help an applicant prepare information and documents that will be required. [B&B Application Checklist](#)

9. **Will B&B applications be prioritized?**

Applications submitted to the Planning Department are processed in the order they are submitted. Conditional permit applications that have been submitted prior to the new law becoming effective, meet the new definition of a B&B, and are already being processed, may be prioritized.

10. **Will the processing of applications be streamlined?**

Yes. Generally B&B permit applications for the island of Maui will be reviewed by the Planning Department. In instances where the B&B is on agricultural land, if 30 percent of the neighbors objected, or if another B&B is located within 500 feet, the Maui Planning Commission will review the application. Permit applications for B&Bs on the islands of Molokai and Lanai will go to that respective island's Planning Commission for review. It is no longer necessary to receive approval by the County Council.

11. **Will neighbors and others be allowed to comment on applications?**

Yes. Neighbors and agencies will be provided an opportunity to comment on a submitted application. The applicant will be afforded time to address these comments. This is an important step that could affect how long it takes for an application to undergo processing.

12. **By submitting a permit application, am I guaranteed a slot within the limited amount allowed in my area?**

No. Only after an application is officially approved, will a permit be issued and assigned a number under the established cap amounts that limit the total number of permits in districts. The link to the list of permits can be found on the left side of the Current Planning Division's webpage, under the Planning Department.

13. **What happens if the cap amount in my district is reached before my application is approved?**

If the cap amount in a district is reached, the Planning Department will utilize a wait list. Many visitor industry experts do not expect the cap amounts to be reached very quickly, if at all in the near future – however, this is not guaranteed.

14. **Can I operate my B&B immediately after submitting an application?**

No. A permit is necessary prior to operating a B&B. The B&B law requires the Planning Department to review each application for compliance with all criteria, including community plans.

15. **What happens if a B&B business is found to be operating without a permit?**

The County of Maui is required to enforce our community's existing laws. Any B&B that is operating without a permit is subject to enforcement by the Planning Department.