

Basics of new Maui County B&B Ordinance
As stated on Planning Department's Website
January 8, 2009

DEFINITION: The Maui County Code, Section 19.04.040, defines a bed and breakfast home as "a use in which overnight accommodations are provided to guests for compensation, for periods of less than one hundred eighty days, in no more than two detached single-family dwelling units, one of which is occupied by the owner-proprietor. Each bed and breakfast home shall include bedrooms, one kitchen, and living areas and shall include no more than six bedrooms for short-term rental, as specified within the zoning district provisions of this Title."

SOURCE OF LEGAL AUTHORITY: Title 19, Maui County Code, 1980, As Amended, and Title 19.64, Maui County Code, effective January 7, 2009, and Hawaii Revised Statutes. This document is meant as a guide and is an abbreviation of Title 19. For complete rules and regulations refer to the Maui County Code.

IMPORTANT – Please complete this application in its entirety. Submittal of an incomplete application will result in delayed processing and the possible return of the application and all its contents.

ABBREVIATED STANDARDS FOR BED AND BREAKFAST USES

- A. No more than two (2) single-family dwelling units per lot may have a short-term rental use.
- B. The owner-proprietor shall have a current transient accommodations tax (TAT) license and general excise tax (GET) license for the bed and breakfast home.
- C. The owner-proprietor shall be a resident of the County of Maui and shall reside, on a full-time basis, in one of the homes being used as the bed and breakfast home.
- D. The owner-proprietor shall have legal title to the property on which the bed and breakfast home is located.
- E. The bed and breakfast home permit shall be in the name of the owner-proprietor, who shall be a natural person. No bed and breakfast home permit shall be held by a corporation, partnership, limited liability company, or similar entity. The permit shall not be transferable. No more than one permit shall be approved for any lot.
- F. The number of bedrooms used for short term rental in the bed and breakfast home shall be no more than six (6) on Lanai and Maui, (limited to three (3) on Molokai). The number of guests shall be limited to two (2) adult guests and two (2) minor guests per bedroom.

ABBREVIATED STANDARDS FOR BED AND BREAKFAST USES, continued

G. A bed and breakfast home shall make breakfast available to on-site guests, but shall not operate as a food service establishment, unless a food service establishment is a permitted use in the zoning district.

H. The bed and breakfast home must be in compliance with all other applicable federal, state and local laws.

I. Single-family dwellings used as bed and breakfast homes shall not qualify for real property tax exemptions.

J. The bed and breakfast use should not create any impact greater than those already existing in the district and shall conform to the character of the neighborhood.

K. Bed and breakfast homes shall be limited to single-family structures existing and constructed prior to the date of the application for a bed and breakfast permit

L. One off-street parking space is required for each GUEST bedroom in a bed and breakfast home, in addition to those required for the dwelling use.

M. A project notice sign containing wording prescribed by the Department of Planning, shall be posted in a clearly visible location at the front of the property along the main access road notifying the public about the bed and breakfast application. The sign shall be posted five days prior to remitting an application and shall remain posted throughout the application process. On Maui and Lanai the sign is to be sixteen (16) square feet and on Molokai the sign shall be four (4) square feet.

N. At least one site inspection will be conducted. On inspections, every room in every building on the lot must be available and shown.

O. For bed and breakfast homes on State agricultural district lands, a Land Use Commission Special Use Permit is required. For County-zoned agricultural lots, at least one of the following three (3) standards shall also be met.

1.

The bed and breakfast is operated in conjunction with a bona fide agricultural operation that produced \$35,000 of gross sales of agricultural products for each of the preceding two years, as shown by State general excise tax forms and federal form 1040 schedule F filings; or

2.

The bed and breakfast is not subject to a condominium property regime. The lot must have been created prior to November 1, 2008, comprised of five acres or less, and have an approved farm plan that has been fully implemented and is consistent with chapter 205, HRS; or

3.

The bed and breakfast is located in sites listed on the State of Hawaii Historic Register or the National Register of Historic Places.

P. The following abbreviated conditions will involve additional fees and require the approval of the Planning Commission, and/or Maui County Council.

1.

If written protests comprise thirty (30) percent or more of the owners and lessees of record within a five-hundred-foot radius from the lot on which the bed and breakfast home is proposed. Written protests will be accepted (postmarked or in person) up to forty-five (45) days after the mailing of the notice of the application.

2.

If a variance was obtained to meet the requirements for a bed and breakfast home.

3.

If an existing bed and breakfast home is operating on a lot within a five-hundred-foot distance from the lot on which the bed and breakfast home is proposed.

4.

Within the Hana Community Plan area, if the number of proposed bedrooms to be used in the bed and breakfast home is more than three (3) bedrooms.

5.

All initial bed and breakfast permits on Lanai and Molokai

RENEWAL OF PERMITS - If no changes are proposed in the bed and breakfast use, the applicant must provide the Planning Department with a letter requesting renewal of the permit and written verification of applicable tax payments at least 90 days prior to the expiration of the permit. Permit renewal may be granted by the Planning Director subject to the same conditions initially attached to the permit, unless conditions of the bed and breakfast use or of the criteria for permits has changed. A fee shall be provided per the County of Maui Fee Schedule.