

# It's time to pause in TVR enforcement

## THE CHAMBER VIEW

by Pamela Tumpap



While generally we applaud swift action by government, the Maui Chamber of Commerce thinks the transient-vacation-

rental (TVR) situation is moving entirely too fast, and it's time to pause and put a practical process in place before enforcement.

All along the chamber has been concerned with how this matter has been addressed given the history: confusing messages from the County of Maui; filed permit applications going unreviewed; TVRs told to wait and not file permit applications because legislation was imminent; and more.

We took a stand on this issue back in July 2006, when a position statement in support of TVRs was adopted at our Policy Convention. The position statement read: "The Maui Chamber of Commerce recognizes a need for transient-vacation rentals in appropriate locations, subject to reasonable conditions and standards. The chamber encourages county and state agencies to establish a permit process through which TVR applications can be reviewed."

At that time, the statement was crafted this way because we recognized that not all TVRs in all locations are appropriate. Fur-

ther, we do think reasonable regulation is needed to ensure that neighborhoods are protected and residents can enjoy their properties peacefully. However, when we said "appropriate locations," we did mean to include residential areas, not just resort- and hotel-zoned areas, and we continue to support appropriate TVRs being able to operate legally throughout Maui, Molokai and Lanai.

After holding a forum on the TVR situation in September 2007 and seeing efforts toward enforcement continue, the Maui Chamber of Commerce Government Action Committee drafted a revised position statement to continue its support of TVRs and to ask that the county hold off on enforcement until we give current operators a just permit-application process, time to submit their applications, and a fair review.

Ratified by the board, our new position statement reads: "The Maui Chamber of Commerce recognizes the economic value and need for transient-vacation rentals and other home-based visitor accommodations, subject to reasonable conditions and regulations. The Maui Chamber of Commerce encourages the county government to adopt a reasonable permit process for current operators to submit permit applications and have those applications reviewed and decided upon prior to any enforcement."

With this statement we strengthened the language to make three key points.

First, we wanted to not only express the need for, but also indicate the importance of, TVRs to our economy. Not only do TVR businesses themselves help to support the economy, but they bring in visitors that Maui might not otherwise receive and who support rural areas.

We already have heard from a number of retail and restaurant businesses in Haiku, Haliimaile, Paia and Makawao that have been affected by enforcement efforts to date. They've seen a reduction in customers and are extremely worried about what will happen when enforcement goes into full swing.

Second, in addition to supporting TVRs, we added our support of "home-based visitor accommodations" to encompass various definitions, and we clarified that we meant in residential areas outside of hotel and resort zoning.

Third, and most importantly, we added language dealing with the issue of enforcement because we don't think the process has been fair. We believe efforts to shut down TVRs should be halted until a sensible process is created, all current operators have been given a chance to apply, and their applications are reviewed and ruled on in a timely manner. Once these steps have been taken — including review of and decisions on applications from existing operators — then inappropriate operator applications could be rejected and enforcement for those deemed to be noncompliant would be understandable.

This past Monday and this coming Monday, a federal court is hearing Maui Vacation Rental Association's request for an injunction to stop the selective enforcement against vacation rentals. Many families that did not apply for permits because they were told to hold off have already lost their source of income, and the economic impact is growing from there. We hope the injunction is granted. In the meantime, time is ticking. The Jan. 1, 2008, deadline is just around the corner for those who did apply for permits.

The situation also is causing fear and animosity in neighborhoods — with people living in terror and suspicion, wondering if they are being turned in and who might have done so. The state of affairs is breeding ill will as rumors fly and gossip builds. We need to get back to doing things the right way, and with respect and aloha for one another.

While many are balking at regulation, we do understand that appropriate regulation is needed to protect neighborhoods. We encourage the public to contact the county administration to ask that enforcement be postponed until a process is established and even-handed rules and regulation are in place. We believe that with reasonable regulation, there can be peaceful co-existence between residents and TVRs and home-based visitor accommodations.

■ Pamela Tumpap is president of the Maui Chamber of Commerce.