

# Businesses needn't trouble neighborhoods

## THE CHAMBER VIEW

by Pamela Tumpap



There is a burning question that our community must address — and quickly — if there is to be relief for operators of trans-

ient-vacation rentals — the issue of whether small, home-based businesses can coexist in neighborhoods without negatively impacting our neighborhoods and quality of life.

We first heard pleas for help as TVR operators (small businesses) were being shut down. After a

bill worked on by former Maui County Council Member Bob Carroll to cover TVRs outside of resort areas was shelved by the council and deemed inadequate, movement toward enforcement of the existing law followed. Enforcement came even though former administrations had told many TVR operators to “hold off” on submitting permit applications, and had given assurances that an improved process was coming and existing laws would go unenforced until a new, better process were in place.

For years unpermitted TVR operators continued to do business as long as an application was submitted or no complaint was lodged. During this time, the industry grew without regulation, and today Maui has an estimated 800-plus vacation rentals, mostly unpermitted. In his Aug. 5, 2007, Viewpoint regarding this situation, the planning director described factors that he said created a “perfect storm.”

The situation also exists on the islands of Molokai and Lanai, and may present an even bigger challenge as these islands don't have the diversity of lodging options that Maui offers.

Now, as the current administration and council seek to enforce the existing law, D-Day for TVR operators looms. Operators who submitted applications under the previous nonenforcement approach have only until Jan. 1 before efforts to shut them down are made.

Clearly, this situation has raised the issue of due and fair process, and many home-based businesses realized they are in the same boat, with legislation that only narrowly allows home-based businesses, even though proliferation of home-based businesses also has occurred over the

years.

While we agree with the administration and council that enforcement of county law is important and should be done consistently, we also believe that the council is responsible for “reasonable regulation” — that is, adopting appropriate, fair and reasonable laws in a timely fashion — and that this has not been done yet for TVRs and home-based businesses. Therefore, we think process and new legislation should precede enforcement that would put small businesses out of business.

Whether the issue is TVRs or home-based businesses, many residents agree that the issue comes down to preserving and protecting neighborhoods from adverse effects, and that not all TVRs and home-based businesses are created equally. Because of these considerations, reasonable regulation is important.

Reasonable regulation would mean officials could determine the factors that are acceptable, permit them, and put in place a process for ongoing monitoring, enforcement and closure of those entities that don't abide by the laws/rules. Reasonable regulation would allow us to reap the benefits from those who operate legally and contribute to our community, while eliminating the nuisances and community detractors — and all without penalizing many for the sins of a few.

So, what are our hot points: the things that make home-based businesses unacceptable? The Maui Chamber of Commerce is surveying its members now to find out. Early indications from the survey note that top concerns include: noise (90 percent), traffic (80 percent), caustic materials (77 percent), unsightly appearance (73 percent), and storage of

materials/products (70 percent). While these concerns, along with others, are being raised, 81 percent of those surveyed to date say that their concerns can be addressed with reasonable regulation (without qualification), and others noted that they think regulation can address their concerns but added a qualifier to their response.

The initial findings also show wide acceptance for certain types of home-based business, such as: accounting/bookkeeping, Internet-based companies, graphic design, technical consulting, professional consulting, family counselors/therapists, wedding planning/coordination, real estate and publishing. Additional options written in that generally are accepted include: artists, writers, photographers and farmers.

Through this survey and the work of the Maui Chamber of Commerce's Government Action Committee, the chamber's goal is to provide recommendations to the council for regulation to allow appropriate home-based businesses. In drafting such legislation, the impacts to neighborhoods must be addressed, and we seek acceptance of those businesses that do not negatively affect neighborhoods. We also want to ensure that regulation is put in place quickly, prior to enforcement of existing laws, so as not to exacerbate the crisis we already are experiencing with the TVR situation.

Now is the time for solutions. Let's work together to address our concerns, support small businesses, and allow appropriate home-based businesses that do not impose on neighborhoods.

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