

# A call to action for fair process for TVRs

## THE CHAMBER VIEW

by Pamela Tumpap



As The Maui News letters to the editor mount, seeking relief for transient-vacation-rental operators until a fair

process is in place, time marches on with no outward signs from the Maui County administration for a brief reprieve to allow for the creation of an ordinance under which TVRs can receive a review.

While one might argue that the law is the law and the letter of the law is to be followed, the truth is that the law dealing with the matter has not been followed for many years. In the meantime, the vacation-rental industry flourished. However, the industry didn't flourish just because it was unregulated. It flourished because it was a growing trend and Maui was an ideal location.

During this time, government messages were confusing as operators tried to comply. Submitted permit applications were not reviewed for a number of years, and many still haven't been reviewed today. Furthermore, TVR operators were told to hold off on submitting their applications by past administrations that explained a more practical process was coming — which didn't happen.

Therefore, some people have

said that we can't let this vacation-rental matter go on unregulated and that we must stringently enforce the law now or the industry will continue to flourish without regulation. But that statement just doesn't make sense.

At this point, we don't believe that the TVR matter will sit for months or years without legislation being enacted as it has the past several years. With the tremendous attention this issue has garnered, all parties are motivated to take some action. The issue has reached such a level of urgency and awareness that the administration and Maui County Council must deal with it promptly, because our community will not allow this situation to continue indefinitely.

People want appropriate legislation dealing with this situation. From what we hear, legislation would solve many concerns over vacation rentals as long as there is a process to deal with those rentals that disrupt communities. To date, our recent, ongoing survey on home-based businesses shows that 72 percent of the respondents support vacation rentals.

The Maui Chamber of Commerce does not support the swift-enforcement approach. We feel it's excessive and urge the mayor to reconsider her position and allow vacation-rental businesses to operate until suitable legislation is in place.

These small businesses are hurting. Not only are TVR operators hurting, but nearby businesses and ancillary/supporting busi-

nesses are hurting as well. Northshore and Upcountry businesses have experienced significantly less traffic and realize that the slowdown will continue as reservations completely drop off. Vacation-rental operators and other businesses in small, remote communities — like Hana, Lanai, Molokai — are particularly at risk. All they want and are asking for is a fair process. Given this extraordinary situation, it seems the right thing to do.

Our position statement is clear. The Maui Chamber of Commerce recognizes the economic value and need for TVRs 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 special use and conditional use permit applications, and have those applications reviewed and decided upon prior to any enforcement.

The issue may have begun with concerns over the permitting process, but now it comes down to fairness. While the Maui Vacation Rental Association's lawsuit against Maui County for injunctive relief from enforcement against bed-and-breakfasts and vacation homes until their backlogged permit applications have been processed was denied on technical grounds, Judge J. Michael Seabright of the U.S. District Court commented that the present administration's treatment of MVRA members "just

doesn't seem fair" and is wrongful "on purely ethical grounds."

Many agree. They feel the current treatment of this industry is unjust and more and more we hear businesspeople say that the administration's action does not pass the Four-Way Test of Rotary, a business service organization.

The Four-Way Test is much more than a guide to personal behavior. It is a compelling business model that's actually a powerful management tool. Perhaps the most useful aspect of the test is its ability to bring together ethically minded people. The test is used for, and known to be particularly helpful when applied to, ethical dilemmas. It includes four basic questions:

- Is it the truth?
- Is it fair to all concerned?
- Will it build good will and better friendships?
- Will it be beneficial to all concerned?

We request that Rotary's Four-Way Test be applied in addressing Maui County's vacation-rental situation. On our current path, small businesses, our economy and our community will be hurt further. The time to act is now, since Jan. 1 is right around the corner. Please join us in asking the mayor to reconsider her position and suspend enforcement to allow for a logical process and equitable resolution to this important small business issue.

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