

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

June 25, 2025

Online Only via Teams

RECONVENE: 1:06 p.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Nohelani U‘u-Hodgins, Vice-Chair (Out 3:31 p.m.)
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 3:51 p.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember Tom Cook, Member

STAFF: James Krueger, Senior Legislative Analyst
Ellen McKinley, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Clyde “Buddy” Almeida, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Chris Nāhulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Testifiers
Kaliko Okalani Teruya
Haumea Lucas
Jimmy Fernandez
Stephanie Smythe
Poppy Hudson
Tracey Beaudry
Huy Nguyen
Mary Margaret Kerstulovich
Bonnie Pauli
Hunter Betts

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Tom
Lana Albright
Mikey Burke
Autumn Ness
Maile Tabura
Ui
Arthur Castonguay
Unknown user
Cece Marks
Lauryn Rego
Jordan Ruidas
Tiare Lawrence
Lori Ann Hudcovic
Pua
Wailuku resident #3877
Kevin Carter #3130
Deb #8695
Others (200)

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR KAMA: . . .*(gave)*. . . Will the recessed Housing and Land Use Committee meeting of June 9th, 2025, come to order. It is now 1:06 p.m. on June 25, 2025. I am Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. Members, when your name is called, if you are not with me in the Council Chamber, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified. Members, do we have any questions before we begin? Thank you. So, I want to say, this is afternoon time, it would be ‘auinalā, Member...thank you. So, I want to say aloha ‘auinalā and konnichiwa...konnichiwa--thank you, Chair Lee--to our Committee Vice-Chair Nohe U‘u-Hodgins.

VICE-CHAIR U‘U-HODGINS: Konnichiwa, Chair. Aloha ‘auinalā, everyone.

CHAIR KAMA: I want to say konnichiwa and aloha ‘auinalā to you too, Council Chair.

COUNCILMEMBER LEE: Aloha mai and konnichiwa, Sensei.

CHAIR KAMA: Ah, thank you. And thank you for the lei. And I want to say konnichiwa to Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Konnichiwa, Chair, and looking forward to a productive meeting. Thank you.

CHAIR KAMA: Thank you. I want to say konnichiwa to Councilmember Gabe Johnson. And are you...I saw you earlier. Are you still with us, or did you have to leave? Okay. So, we’re going to hear some exciting things from you, I hope.

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COUNCILMEMBER JOHNSON: . . .*(laughing)*. . . Gomenasai and konnichiwa. [*Spoke in Japanese*]. I'm alone in my workspace, and there's no testifiers at the Lānaʻi District, and gomenasai, my doggy's snoring.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER SUGIMURA: We love it.

CHAIR KAMA: I want to say konnichiwa to Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Minasan konnichiwa, ikaga desu ka, and aloha 'auinalā kākou.

CHAIR KAMA: I want to say aloha 'auinalā and konnichiwa, and everything else under the sun, to Councilmember Rawlins-Fernandez. . . .*(laughing)*. . .

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair. Aloha 'auinalā kākou. There are currently no testifiers at the Molokaʻi District Office. I'm happy to be here in person, and mahalo again for keeping oral testimony open for today, Chair.

CHAIR KAMA: You're very welcome. That's an easy ask. And Councilmember Tom Cook is excused, he's on the Big Island today. But I want to say aloha 'auinalā and konnichiwa to Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Konnichiwa, Chair, genki desu ka. Aloha 'auinalā, mai Maui Hikina. I'm here at my home office, and no testifiers in Hāna, Chair.

CHAIR KAMA: Thank you. And we have with us, from the Department of Corporation Counsel, the Deputy, Nāhulu Nunokawa. Konnichiwa.

MR. NUNOKAWA: Konnichiwa, Chair and Members.

CHAIR KAMA: So, Members, since we expect to take testimony for the...most of the time set aside for this meeting, we're not permitted to ask questions of the Administration until we have concluded testimony, so that we can avoid the possibility of discussion that is beyond the simple question that might veer into deliberations. So, it is my understanding that most of the Administration who we would ask questions of are not available this afternoon. So, I want to say konnichiwa and aloha 'auinalā to Senior Legislative Analyst James Krueger.

MR. KRUEGER: Good afternoon, Chair and Members.

CHAIR KAMA: I want to say aloha 'auinalā and konnichiwa to our Legislative Analyst Ellen McKinley.

MS. MCKINLEY: Greetings, Chair and Members.

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CHAIR KAMA: Okay. And I want to say aloha ‘auinalā and konnichiwa to our Committee Secretary Jennifer Yamashita.

MS. YAMASHITA: Good afternoon, Chair and Members.

CHAIR KAMA: And we want to say konnichiwa and aloha ‘auinalā to our Legislative Attorney Carla Nakata.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And we have out there in the lobby our Assistant Clerk Jean Pokipala, who registers all of our testifiers. And aloha to you out there, Jean.

ITEM 4: BILL 9 (2025), AMENDING CHAPTERS 19.12, 19.32, AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS

CHAIR KAMA: So, thank you, Members, for attending today’s HLU meeting. We have one single agenda item today, and it is Bill 9, Amending Chapters 19.2, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts. We are scheduled to meet today until 4:30 this evening. It is my hope that we can close oral testimony before the scheduled end of the meeting. I will recess this meeting for one mid-afternoon break around 3:00 for ten minutes, and I hope that by providing this information now, that the members of the public are better informed how...as to how we are managing our meeting time. So, I would ask for your full cooperation and participation. In accordance with the Sunshine Law, as Chair, I will be calling for testimony for our single item agenda from the list prepared for this recessed meeting. If you were called previously to...to testify, and did not have an opportunity to provide your orally [sic] testimony, please sign up with Staff in the lobby, or on Teams by raising your hand. If you joined this meeting by telephone, star-5 will raise your virtual hand, and Staff will put your name on the testifier list. Please keep your audio and video muted until you’re called to testify. Since this is a recessed meeting, if you have already provided oral testimony, you will not be able to testify again, and you’re always welcome to submit written testimony via eComment. So, let’s proceed with our oral testimony. Our oral testimony is limited to three minutes per item, and when you reach the two-minute mark, you will hear an audible notice. James, could you please play the audible notice?

. . .(timer sounds). . .

CHAIR KAMA: If you are still testifying when the notice sounds, please complete your testimony within the remaining minute. Given the volume of expected testimony, I will be holding you firmly to these time limits. For testifiers who can see the meeting video on Teams, there is a three-minute clock in the Chamber that has its own camera. That clock will count down from three minutes. At the final bell, when your testimony time is up, the clock will start counting up, so please do not continue to testify when the

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clock is counting up. When testifying, we ask that you state your full name for the record. Anonymous testimony is also accepted. And for those on Microsoft Teams, please ensure your name appears in Teams as the name you prefer to be referred to, or as anonymous if you wish to testify anonymously. If you're in person, please notify Staff if you would like to testify anonymously. Otherwise, please state your name for the record at the beginning of your testimony. Decorum will be maintained throughout this meeting, and the violation of decorum may result in being removed from the Chamber or the online meeting. This is a public space, and must be a safe space for all voices to be spoken and heard. I am believing that we will conduct ourselves in a professional manner, but I will still have to enforce the rules of decorum only when a testifier breaks decorum. A testifier will be reminded the first time I see that rules have been violated, and any additional reminders, I will then direct Staff to silence the microphone, and your testimony time will be considered complete. Thank you all for your cooperation. And at this time, I'd like to ask Staff to call our next testifier wishing to testify on Bill 9, according to today's list.

COUNCILMEMBER JOHNSON: Chair, if I may?

CHAIR KAMA: Yes --

COUNCILMEMBER JOHNSON: This is Gabe.

CHAIR KAMA: -- Member Johnson?

COUNCILMEMBER JOHNSON: Thank you. I'm sorry to interrupt the flow, but I just want to inform everybody, I have to go to a Public Works meeting at 1:30, so I'm just going to leave the meeting. I just wanted to inform you. Thank you so much. Thank you, Chair.

CHAIR KAMA: Yes. I'm thankful that you are here for the beginning of the meeting. And we did note that you'd have to leave. But thank you for being here for the moment you are here, it's still important. Thank you. Continue, Staff?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. MCKINLEY: Chair, the first testifier is Kalikookalani Teruya, to be followed by Kanoe Alapai, and then Haumea Lucas.

MS. TERUYA: 'Auhea 'oukou e nā kama o Lele, mai Pu'u Pa'upa'u a i ka home kapu o Kihawahine ma Moku'ula mai ka hikina a i ke komohana, aloha mai kākou. Aloha, 'o Kalikookalani Teruya ko'u inoa, he 'umikūmāhā o'u makahiki a hele au i Ke Kula Kaiapuni 'o Lahainaluna. No Maui Komohana mai au. Aloha, my name is Kalikookalani Teruya. I'm 14 years old, and I'm in Hawaiian immersion at Lahainaluna High School. My 'ohana has been in Lāhainā for 19 generations, and I'm here today in strong support of Bill 9 to phase out the Minatoya STRs. In 2018, my home was destroyed in Hurricane Olivia, which left me and my 'ohana stranded. I watched me...I watched my mom and my stepdad struggle to find housing so me and my siblings could have a roof over our head. They applied for a rental apartment at Kahana...Kahana Reef, which is a

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Minatoya property. The owner took \$100 from them for the application fee. But later, we come to find out that the whole board never intended on allowing a local family with kids to live there. 2023, my dad lost his house in the Lāhainā fire and had to stay with my mom, even though they've been broken up for 14 years...because that's how communities take care of each other. It seems weird that people who aren't a part of our community and don't live here full-time can have a say in this. Their opinions and wanting to protect their investments shouldn't matter because they're not the ones fighting to stay in their generational home. All these Minatoya properties were supposed to be for the workforce...were supposed to be for workforce housing, but from the fire to this day, I still see family members struggling to find affordable housing, squishing 13 people into one small house, trying to make the best of it because that's what us Hawaiians do. We stay humble and try to make like everything's okay, even when it's not. The era of visitors being prioritized before locals is over. You guys have the opportunity to . . . *(timer sounds)* . . . release over 6,000 rental homes on the market. That would bring down the cost for...that would bring...that would bring down the cost of living so we can keep Hawaiians in Hawai'i. The future for lineal descendants of Lāhainā is in your hands. Please pass Bill 9 and 'auamo yo kuleana to us. Mahalo.

CHAIR KAMA: Thank you. Members, questions for testifier? Seeing none. Thank you so much.

MS. TERUYA: . . . *(inaudible)* . . .

CHAIR KAMA: . . . *(laughing)* . . . Okay. That was...that was a nice add. Thank you.

UNIDENTIFIED SPEAKERS: . . . *(laughing)* . . .

MS. MCKINLEY: Chair, the next testifier is Kanoe Alapai, to be followed by Haumea Lucas, and then Jimmy Fernandez. *(pause)*

CHAIR KAMA: Kanoe Alapai?

MS. MCKINLEY: Chair, we don't see Kanoe Alapai. We could go on to Haumea Lucas, please?

CHAIR KAMA: Thank you.

MS. MCKINLEY: To be followed by Jimmy Fernandez, and then Stephanie Smythe. *(pause)*

CHAIR KAMA: Okay. Go ahead.

MS. LUCAS: Aloha mai kākou. My name is Haumea Lucas, and I'm here to give my testimony in support of Bill 9. I wrote this testimony this morning, so if I start crying, e kala mai. It's scary being up here today, but what's scarier than that is the fact that there are over 30,000...30,000 short-term vacation rentals in all of Hawai'i, and yet we're in a housing crisis. People are moving away, or being waitlisted in hopes of getting awarded a home that they may or may not get in their lifetime. I was one of the many of...who was displaced by the fires. Me and my family stayed at a few places until we ended up in Nāpili. I remember this one day, where I told myself, I need to get out and do something

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to clear my head instead of sitting in my grief. I remember taking a walk around Nāpili and seeing nothing but empty vacation home...vacation rentals. I remember feeling so angry, this deep-rooted 'eha that had taken over in my heart. I was angry that we were out here suffering, while what mattered most was there being rooms available for someone's vacation, an owner...an owner losing money, or someone asking our vulnerable...our vulnerable, excuse me, when they're going to sell them their homes, all while the ground was still hot from the fires. Angry that this is our reality, I would cry myself to sleep, thinking this can't be real, that this is what matters most at the end of the day, over our own people. With this, please hear us in strong support of this bill. And to all those fighting to stay, and fighting to come back home, please don't give up. This is our home, and you belong here. Mahalo nui.

CHAIR KAMA: Thank you, Haumea.

MS. LUCAS: Thank you.

CHAIR KAMA: Members, questions for our testifier? Seeing none. Thank you, Haumea.

MS. LUCAS: Mahalo.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Jimmy Fernandez, to be followed by Stephanie Smythe, and then Poppy Hudson.

MR. WEST: Jimmy's having a hard time getting on, so he's on FaceTime. Why don't you go? Go ahead, Jimmy.

MR. FERNANDEZ: Hi. Aloha, Councilmembers. My name is Jimmy Fernandez. I'm from the Island of Lānaʻi. I represent the ILWU back here in Lānaʻi and our members. I'm testifying that I'm not for Bill 9.

MR. WEST: You are.

MR. FERNANDEZ: I want to be able to stop the short-term --

MR. WEST: I think you said you are, or not? You are --

MR. FERNANDEZ: Not.

MR. WEST: You are in support, right?

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

MR. FERNANDEZ: Yes, I am in support. And I'm here to be able to support and do whatever we need to do to keep these things moving for our people here in Hawai'i and in Maui...Maui County. That's all I got.

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MR. WEST: Anything else, Jimmy? That's it? Any questions?

MR. FERNANDEZ: That's it. No, I don't got no more questions.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR KAMA: Members...Members, do you have questions for Mr. Fernandez?

MR. FERNANDEZ: Do you folks have a question?

CHAIR KAMA: Just...just be sure that you are in support, Jimmy?

MR. FERNANDEZ: Yes.

CHAIR KAMA: . . .*(laughing)*. . . Thank you.

MR. WEST: You are in support?

MR. FERNANDEZ: Yes, I am.

MR. WEST: Okay.

MR. FERNANDEZ: Correct.

CHAIR KAMA: Thank you. Okay. We got it. Thank you. Thanks, Steve. Go ahead.

MS. MCKINLEY: Chair, the next testifier is Stephanie Smythe, to be followed by Poppy Hudson, and then Tracey Beaudry.

MS. SMYTHE: Aloha. My name is Stephanie Smythe, I'm here representing the people of Lāhainā, myself, also the ILWU. I stand in support of Bill 9. I really just want to talk to the Councilmembers here because I remember each and every one of your names and faces. You paraded yourselves when you came into the Union Hall requesting for support, endorsements, holding signs, setting up tables at your functions. Well, I'm here to call in on that. So, I believe you got what you wanted, and you're sitting here. Now it's time to do for us, what we have already done for you. There's a major housing crisis in Lāhainā, everybody knows. I live in a little fishbowl, less than 300 square feet. I'm eternally grateful to have a roof over my head, but it'd be nice to live in a decent, full-size condo that just happens to be in a Apartment-zoned, so I could have a stove...well, oven, you know, just the dignity of being able to live comfortably. Because I came from a home that I worked very hard for, and I lost it, and I just want to return to that dignified way of living. I want to have Christmases again, Thanksgivings in my home. I want to see my grandkids playing in the yard like we used to. We don't do that much anymore, but it sure would help if we were in one of these condos that are in a Apartment zone, you know? Then we could swim in the pool like all the other tourists that come. . . .*(timer sounds)*. . . But anyway, that's about it. I just want to thank the Council, and remind you, vote our way. Thank you.

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CHAIR KAMA: Member...Stephanie?

MS. SMYTHE: Oh, yes?

CHAIR KAMA: Member Paltin has a question for you.

MS. SMYTHE: Sorry. Who that?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Smythe. I was wondering how...how long have you lived in Lāhainā?

MS. SMYTHE: All my life. I was born in Honokōwai. I testified to that, how growing up in Honokōwai, it was actually a neighborhood. It wasn't meant to be, you know, touristy. Not even close.

COUNCILMEMBER PALTIN: So, you remember the time when residents actually lived in these condos on the Apartment zone list?

MS. SMYTHE: Yes.

COUNCILMEMBER PALTIN: And that was kind of before the online platforms, and things like that, of being able to rent it out online?

MS. SMYTHE: Put it this way, I was born in 1963. That's even before Internet, I think. Pretty sure.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: And...and so like from then until Internet, it was mostly residential?

MS. SMYTHE: It was all residences. I could name all of the families up and down Honokōwai. The Mahunas, the Sadangs, the Fukudas, the Ichikis. I can name all of them. Uncle Harry, he lived in a house down there, too. I can name all of them.

COUNCILMEMBER PALTIN: Thank you.

MS. SMYTHE: You're welcome.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you, Stephanie.

MS. SMYTHE: Thank you.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Poppy Hudson, to be followed by Tracey Beaudry, and then Bonnie Pauli.

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CHAIR KAMA: You may begin.

MS. HUDSON: Okay. Aloha, Chair and...that way? Oh, I am short. . . .*(laughing)*. . . Aloha, Chair and Councilmembers. First off, mahalo...deep mahalo for listening to all of our testimony. My name is Poppy Hudson, and I'm here in strong support of Bill 9. It has been said that the housing crisis will not be solved by this bill. That is absolutely true. There is no one fix. But Bill 9, to me, represents a powerful piece of the puzzle that can actually help turn the tide. I urge you, Councilmembers, if you're on the fence because you see imperfections or obstacles with this bill, to pass the bill, and then look to supplemental ways to resolve those challenges. I'd like to offer an example as a possibility. Lowering HOA fees. I live at Nāpili Villas. I've been there 23 years, and since the fire, our HOA fees have doubled due to insurance costs. But we don't have STRs, and we don't have swimming pools, jacuzzis, et cetera. If you look at Honokōwai, Minatoya list, lots of those units, as much as our fees have increased, those HOA fees are two to three times as much. So, I asked myself, how much does that have to do with the fact that we don't have swimming pools, jacuzzis, and unnecessary landscaping? So, I say that's one way to supplement the bill...lower HOA fees, remove those swimming pools. That would benefit landlords, tenants, prospective buyers, but most importantly, our water crisis on West Maui. We cannot ignore that any longer. So, this is . . .*(timer sounds)*. . . just as a suggestion. And so far, I'm speaking to numbers and logic, but I want to close by addressing spirit because there is no price on hope and justice. And please pass this bill because the energy you will infuse into our community to address challenges, work together, and move forward, will be huge. Thank you.

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you so very much. Staff?

MS. MCKINLEY: Chair, the next testifier is Tracey Beaudry, to be followed by Bonnie Pauli, and then Mary Margaret Kerstulovich.

MS. BEAUDRY: Aloha, Council and everyone present. My name is Tracey Beaudry. Thank you for listening to all of our testimonies. I'm here today to respectfully oppose and share my deep concerns regarding Bill 9. While I truly understand the desire to address our housing needs, I believe this bill, unfortunately, will not solve our affordable housing crisis, and instead, risks causing severe and widespread economic hardship for many families just like mine. But today, I want to talk about my father and his legacy. My father met and married my mother in O'ahu, then he moved to California to seek job opportunities and raise his family. He eventually found his passion, and became a developer of affordable housing apartments. When his health forced him to retire, he returned to Maui. For years, he tried to recruit developers and work with the Council...sorry, I'm nervous . . .*(laughing)*. . . in an attempt to obtain permits in hopes of building more affordable housing on Maui. There were challenges and opposition every step of the way, but my father loved Maui, and he was passionate about the need for affordable housing, and worried about the increasing shortage. In 2020, my father passed away, while his dream, the Kenolio Apartments in Kihei, was being built. I'm proud that he worked so hard to bring all the right people together to make that happen, and I'm sad that he didn't live to see it completed, and see the positive impact that it

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has made in our community. Short-term rentals are not the problem, they're a scapegoat. This bill misleads people into thinking it will somehow fix a broken system. We should all be asking for transparency and accountability. Where is the money that was supposed to be spent on affordable housing? Why hasn't it been spent on creating it? Our infrastructure is crumbling, building permits take way too long. We need to bury power lines . . . *(timer sounds)* . . . and establish more water infrastructure, consider converting more empty commercial buildings into housing, and ban corporations from buying residential properties. This bill solves nothing, and is causing division in the community, and I hope that was never its intention. We are consistently asked to accept that this bill will solve our housing issues, yet we continue to see new condo and hotel construction without a clear, parallel commitment to building genuinely affordable housing. It feels unfair to place the burden on individual property owners, many of whom have been dutifully paying taxes and following all regulations, to solve a housing crisis that is ultimately the responsibility of the government to permit and build. Finally, I must push back against the narratives that solely blame condo owners for the lack of affordable housing, or for not adequately supporting fire victims. The numbers presented often miss the full picture. For instance, I'm not on any official list for providing fire victim housing . . . *(timer sounds)* . . . but that's because I chose to directly help a family, housing them at my own expense for two months.

CHAIR KAMA: Tracey, your time is up. Thank you.

MS. BEAUDRY: Mahalo for your time.

CHAIR KAMA: Members. Questions for the testifier. Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. What is the name of the apartment building that your father constructed?

MS. BEAUDRY: He was not the developer. However, he was instrumental in bringing the right people together. It was the Kenolio apartments located in Kihei.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Members, any other questions? Seeing none. Thank you so very much.

MS. BEAUDRY: Thank you for your time.

MS. MCKINLEY: Chair, the next testifier is Bonnie Pauli, to be followed by Mary Margaret Kerstulovich, and then, Hunter Betts. *(pause)* Bonnie, you have been unmuted on our end, you need to unmute yourself. If you have difficulty doing that, please call in on the phone number that we placed in the chat with the meeting code, and then raise your hand when you get to the meeting. Chair, I guess we could go on to Mary Margaret --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- Kerstulovich --

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CHAIR KAMA: Yes.

MS. MCKINLEY: -- on Teams. Please unmute yourself. We do see that you're joined to the meeting twice, and both have been enabled. *(pause)* Mary may also need to leave the meeting and call in. Chair, the next testifier is Hunter Betts, to be followed by Huy Nguyen, and then Tom.

CHAIR KAMA: Hunter Betts. *(pause)* Hunter, he's on Teams. On Teams.

MS. MCKINLEY: Hunter, you have been unmuted on our end. If you have difficulty unmuting, you may need to call in as well. *(pause)* Chair, we do see that some phone numbers are joining. If they could raise their hand on Teams by...I mean, on the phone by doing star-5, then we can unmute those folks. *(pause)*

MR. NGUYEN: Hi, this is Huy Nguyen. Can you hear me? Can I speak?

UNIDENTIFIED SPEAKER: Yes, I can hear you.

CHAIR KAMA: Huy Nguyen.

MS. MCKINLEY: Yes. Go ahead, please.

MR. NGUYEN: Hi, so...my name is Huy Nguyen, and I strongly oppose this bill. I'm not here to make any economic arguments because the facts are real. It will destroy the economy. I'm here as a human being because it's too easy to portray people as all these wealthy mainlanders without a face. The fact is, many of us are not billionaires, like people would like to portray. In fact, I would love to be a billionaire. We look at the extreme and bucket people in this group, these faceless people, right? My parents fled communist Vietnam, and have always told me this is the greatest country in the world because of our democracy. They told me in a communist country, that the government can simply change their mind and say it's for the greater good of society, and we can trample over people's personal rights. I never understood that until seeing what's happening now. It's hard to imagine that we're seeing this here in this country. I grew up in a working-class family. My parents came here making \$2 an hour, right? I understand the feelings of losing your country. I went to college and experienced homelessness myself. I sympathize with the people of Maui that do not have stable housing, I understand. But this is not...these are problems that cannot be solved under the backs of a single group of people. I was only able to buy my place in Kapalua because of my wife's life insurance money when she had cancer. You think...you...I worked all my life, I bought life insurance policy, and I...and I used it to buy this place. This was my wife's dream to give to our children. I'm not a billionaire by any means. In fact, I would love to give my place right now. It's just been a headache. I pay over \$9,000 a month in my mortgage. My HOA is over 1,450 a month. I don't see how this can ever be affordable housing when I'm walking distance to the Ritz-Carlton in Kapalua, right? And this is discriminatory...discriminatory and unequal...and unequal treatment. Bill 9 targets STRs in Apartment-zoned areas, while leaving the transient vacation use in Hotel and Resort zones untouched. This raises the question of unequal treatment under equal protection clause of the law, especially when both of us are...both

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use are legally identical in form, but treated . . .(timer sounds). . . differently without a rational basis or compelling justification. I strongly oppose this bill.

CHAIR KAMA: Members, question [sic] for the testifier? Mr. Nguyen, did you submit your testimony in writing?

MR. NGUYEN: I did.

CHAIR KAMA: Thank you, sir. Thank you very much for your testimony. Staff?

MR. NGUYEN: Thank you for your time. I understand this is a challenging time-period, but this is not the way to do things.

CHAIR KAMA: Thank you.

MS. MCKINLEY: Chair, we'd like to go to the phone number with the last four digits 4688. Please unmute yourself now by doing star-6 on your phone, and please identify yourself.

MS. KERSTULOVICH: Am I...am I unmuted?

MS. MCKINLEY: Yes, you are. Please give your name?

MS. KERSTULOVICH: Mary...Mary Kerstulovich.

MS. MCKINLEY: Go ahead. Thank you.

MS. KERSTULOVICH: Thank you. I have been listening to much of this testimony for days, and I'm opposed to Bill 9. I'm going to give you a brief background about myself and my family, not because I need to be recognized for it, but because I don't want to be seen as an extractor from the 'āina and our South Maui community. I'm a PTA member, a Little League board member. I became a South Maui hub for West Maui support for many, many months. Every month, I feed the homeless. We support our community with food. I have a degree in human resource and business management. I started off cleaning houses, worked my way through college, and at 33, became a realtor. Not just because of a better-paying job, but it allowed me to be with my kids, but also because of a bad experience I had with very little guidance and understanding during a time of predatory lending when I bought my first home. I was not properly educated, and I eventually lost my home. I became a realtor to help people achieve their homeownership goals with honest, trusted, and educated advice. I believe the Council . . .(inaudible). . . you owe it to the community to reach out to local vendors and small businesses who are directly or indirectly involved with tourism. So many people are afraid to testify. For instance, my niece, she works in Pā'ia. Her last shift, she sold \$50 in merchandise. How will they stay afloat? I know not every problem...I know every problem has a solution, but these costs are not the way with the current carrying costs. Rising costs are nationwide. Inflation and unaffordability has impacted us all. I'm not an economist, but I can tell you that some of these numbers that these people are saying are very real. Ideas. We have to find solutions. When somebody is an owner-occupant, as soon as they buy that house, you guys should immediately change the homeowner's exemption

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so property taxes are affordable. Reform social programs, which are almost impossible to qualify for. Reform the home permitting process. Also, I believe that 70 percent of our vacation rental money and GET tax doesn't even stay on Maui. . . .*(timer sounds)*. . . The land issues. In 1960, this is when most of the land was allocated for being built, and I think right now we're at about 6 percent of the 10 percent total. This, and the water, is a huge problem for many affordable home projects. I don't know that many people know this, but all of our water systems are privately-owned. So why? Why do we not have water for all of the homes that need to be built? There's many restaurants, fast food places, and other things that are quickly put into the permit process and approved. Meanwhile, we have Kilohana Makai, a 28-home subdivision sold five years ago to local families at affordable rates that still does not have a building permit. That's 28 families that could have had housing years ago. One success story, and why...and on the West Side was Ka La'i Ola, a tiny home community, which was built in ten months . . .*(timer sounds)*. . . but that builder and that engineer had to go to --

CHAIR KAMA: Mary?

MS. KERSTULOVICH: -- Governor Green to go around Maui County.

CHAIR KAMA: Your time is up. Thank you very much.

MS. KERSTULOVICH: Okay.

CHAIR KAMA: Members, do you have any questions for our testifier? Seeing none. Thank you so much, Mary. Staff?

MS. MCKINLEY: Chair, returning to Bonnie Pauli. If you're on the call, please unmute yourself. If you are also calling in, you can do star-6 to speak through the phone. Chair, once again, we suggest that she call in if she hasn't already. Moving on to Hunter Betts.

MS. PAULI: Can you hear me?

MS. MCKINLEY: Yes, we hear you.

MS. PAULI: Hello?

CHAIR KAMA: Yes.

MS. PAULI: This is Bonnie Pauli, can you hear me?

CHAIR KAMA: Yes.

MS. PAULI: Great. Sorry. Aloha. Thank you, Chair and Members. My name is Bonnie Pauli, and I oppose Bill 9, as I do not believe it will result in more affordable housing for students...for residents. Instead, it is dividing the community. I have been coming to Maui since 1999. For the last 20 years, it has also been my second home for four months every year. I've been very fortunate. I do not make a profit on my rental, which hasn't happened at all in the last six years. It goes back into the property--updates,

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appliances, replacements, et cetera--if I do make a profit. I have dealt with many different housekeepers in my 25 years of operating an STR in Wailea resort. They are all small business owners who provide cleaning services, as well as act as an on-island contact for many of us in a similar situation. No, we don't provide insurance for them. They are a business, paid three to four times the hourly rate of a hotel cleaner. With this type of income, they easily buy insurance for themselves if they are not covered by other family members. They decide how they want to spend their income. Many are responsible for training others, who have gone on to move from battered women's shelters to business owner status themselves. Why should they lose their jobs and homes so another resident can have one? They have planned and worked hard to get where they are. They have small children. Others have children who they're helping through college. Some have been on-island for generations. A few are native, and others transplants. It is argued that new construction will take too long, and residents don't want to live among tourists, but rather nearby in a community setting of like families. Pick one or two resorts, use some of the millions and billions Lāhainā Strong and Maui County have collected and offer options to those owners. Subsidize them to rent long-term, or even sell to a trust which has been set up to . . . *(timer sounds)*. . . ensure affordable housing will be a long-term option. Offer enough so owners there can purchase another location if they so desire. Don't put the County through a financial disaster by trying to remove vested property rights that have actually been codified. Is that not what people really want? A chance to create community, not live among tourists? Salaries island-wide, even those...for those employed by hotels, will go down if this bill passes. Housekeepers, handymen, even plumbers, landscape workers, and electricians will be forced to pay cuts when a bill...when the availability of workers far outnumbers the jobs available. Only the hotels benefit. Don't be responsible for inadvertent consequences. For those who don't believe the large, off-island hotel chains are not the primary driver here, take a look at how the STR tax rate is now 2 percent or more higher than the hotel rate. For those who believe hotels will pick up the slack . . . *(timer sounds)*. . . and traveler demand will not fall, think much again. Tourism has changed. Thank you. I urge your vote to oppose.

CHAIR KAMA: Thank you for your testimony. Members, questions for our testifier?
Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Did you submit your...your testimony in writing, or could you?

MS. PAULI: Yes, I did.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Anyone else? Seeing none. Thank you very much. Staff?

MS. PAULI: Thank you.

MS. MCKINLEY: Chair, returning to Hunter Betts. If you're able to unmute? If you are on the phone, you can do star-6.

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MR. BETTS: I'm here. Can you hear me?

CHAIR KAMA: Yes.

MS. MCKINLEY: Oh, yes. Thanks.

MR. BETTS: All right. Thanks. Hi, Councilmembers. My name is Hunter Betts. Thank you for your time. I'm in opposition to this bill. I'm giving my background not for accolades, but more for validation. I was born in East Texas, joined the Coast Guard when I was 17 years old. After a year in the Arctic Circle, I was stationed on Kaua'i for two years. and then transferred to Maui in 2004. During my service, I had the honor of being a part of so many great rescues. After my exit, I got my captain's license and worked in Lāhainā Harbor for over ten years as a charter boat captain running fishing boats. In 2013, my wife and I started a food truck selling exclusively local-caught fish. We have been blessed to be in business now for over ten years. We love our home, our community, and have coached soccer, baseball, organized several youth fishing tournaments. My point is, we are very deeply connected, and have poured our hearts and souls into the community, and deserve to be heard. I feel there's an important distinction that is being missed. Just because someone is in opposition of this bill doesn't mean that we don't agree that there's a problem, and it needs to be fixed. I commend everyone who has spoke on both sides. The reason why we speak is because we care. Both sides have the same goal. My wife and I have been watching and listening to these hearings for...and it seems...there seems to be a common theme, that if you were not born here, and...or if you're haole, your voice shouldn't be heard or taken seriously. Aside from being ignorant, hateful, and incorrect, it has prevented a lot of people from speaking in opposition for fear of the lashings. Let me say this. This is my home. I would fight and die to protect it. I love this land, I love these people, and I have a deep respect for the culture, which is what should be required of anyone lucky enough to call this place home. The fact that someone has a...is Hawaiian does not automatically make them correct or the authority. We have...we all have to come from somewhere. We can all agree that on the problem, it's the solution that varies. To me, this feels like a typical government pitting the masses against each other to keep us distracted. Our economy has already been suffering tremendously...tremendously from this. The numbers don't lie, and there's no point in arguing it. I won't disagree that if this bill passes, it will definitely help some people out. You can't argue that, but I feel the point that's being missed is, at what cost? As you know, the vast majority of tourists who . . .(timer sounds). . . stay in hotels don't leave the hotel. All the money goes off-island...all the money goes off-islands. Whereas with the condo guests, all the...all the money stays here, and is the lifeblood of our local businesses. By shutting down these short-terms...by shutting down the short-terms, you guys will obliterate the already-suffering economy. Then what? We all get to suckle from the government's tit? No, thanks. There's many glaring hypocrisies that we can't ignore. We don't have enough water for the affordable housing, but yet we do for all the multi-million complexes and the fast-food joints, the golf courses. In my humble opinion, the solution lies within the water rights, the infrastructure, and our local government. Currently, there are over 1,000 Hawaiian Home Lands that are in the works, and more to come. The solution is for the government to get out of its own way and work for the people, and not for their own self-interest. We all need to come together, and hold them

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accountable, and demand real solutions. I hear a lot of people talking about way back when, and how it has changed, and how it's more expensive, but that's the same story heard around the world, that's not Maui-specific. One more question is, how the hell is everybody going to afford to buy a home if this bill obliterates the economy? . . .*(timer sounds)*. . . Thank you, Councilmembers, for your time. I don't envy your position, and I hope you guys leave a positive, lasting legacy.

CHAIR KAMA: Thank you very much, Hunter. Members, any questions for testifier? Seeing none. Thank you. Staff?

MS. MCKINLEY: Chair, the next testifier is Tom, to be followed by Lana, and then Mikey Burke. *(pause)* Tom, you are unmuted on our end. You need to unmute yourself. If you have trouble unmuting yourself, please call in on the phone number in the chat. Chair, the next testifier is Lana, to be followed by Mikey Burke, and then Autumn Ness.

MR. TOM: This is Tom. This is Tom. I'm here. Can you hear me?

MS. MCKINLEY: Yes. Go ahead. Thank you.

MR. TOM: Oh, sorry about that. Technical difficulties. Aloha, Councilmembers, my name is Tom. I live in Kihei with my wife and daughter. We are residents of Maui. Our daughter goes to school in Kihei. We are also small business owners in Kihei. I've been listening to a lot of the testimonies. I think we all agree there is a housing crisis that needs to be addressed. It's a complex and emotional issues [*sic*], but when trying to solve a problem in life, you have to look at facts, and not emotions. I strongly oppose Bill 9. I want to make a few points that I think apply to anything in life. First, a solution that doesn't address a problem isn't really a solution. The short-term rentals are not viable for the vast majority of local residents. We've heard it over and over. There's huge HOAs. HOAs aren't coming down. Special assessments that are just getting more and more costly. There's almost no parking. There's almost no storage. There's no pets. Second, a solution that tries to solve a problem by creating another problem is not a solution. This will create another crisis. I'm hearing over and over a lot of opposition to Bill 9 from the point of view of short-term rental owners. What about all of the family-owned small business owners that are Maui residents and community members? The vast majority of small businesses on South Kihei Road and adjacent to South Kihei Road will be devastated. Every restaurant, every food truck, every retail shop, every boat, surf, snorkel, kayak business...all devastated. That's just to name a few. That's hundreds of businesses, and thousands of employees. That's just on the South Shore, by the way. That is another crisis. Then, what about all the businesses that you don't think that are tied to tourism? Electricians, air conditioning companies, plumbing, cleaning...the list goes on and on. This will crush the local economy. And whether or not you think it will have an impact on you and your family . . .*(timer sounds)*. . . it will. There needs to be a common-sense solution to this complex issue. Thank you for your time.

CHAIR KAMA: Thank you so much. Members, questions for testifier? Seeing none. Thank you so very much. Staff?

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MS. MCKINLEY: Chair, the next testifier is Lana, to be followed by Mikey Burke, and then Autumn Ness. Lana, you are unmuted on our end. You'll need to unmute yourself. *(pause)* Chair, not seeing that person on the call right now. The next testifier is Mikey Burke, to be followed by Autumn Ness --

MS. ALBRIGHT: Oh, I'm here.

MS. MCKINLEY: Oh. Go ahead. Thank you.

MS. ALBRIGHT: Can you hear me? Oh, thank you.

CHAIR KAMA: Yes.

MS. ALBRIGHT: Oh, I've had quite the time with Teams, so mahalo for taking testimony today. Aloha, Chair and Council. My name is Lana Albright. I'm a transplant here on Maui. I've been working and living on Maui going on 14 years. During COVID and after the fires, we saw many buildings and parking lots sit empty. No one can deny the large inventory of housing that goes into the tourism market. Tourists have choke options when visiting Maui. Tourists can stay West, South, East, Central, and Upcountry Maui. Unfortunately, the community does not have these options to stay and live in their own home in which they were born and raised. Tourists have been given a red-carpet experience to Maui for decades. The very community that has hosted the world for decades is in a housing crisis, and has been. The community is here in hopes to reunite their 'ohanas, and dream of a better future for their keiki on Maui. I'm in support of Bill 9, using these housing...housing and properties that once housed the community to house the community again. I spoke to an off-island owner, in which she said she will not feel bad for owning five vacation rentals. As she said, five is not a lot, as her friends own way, way more. She said they are able to do this because there is no restrictions or laws on how many a person can own. I'm here today because this needs to change. I was living up Lahainaluna Road, and lost my rental in...in the, you know...sorry...up Lahainaluna Road, and where nothing was, you know, salvageable. And that goes for my neighbors, neighborhood, and town. I want to mahalo Lāhainā Strong for . . .*(timer sounds)*. . . being incredible members of the community, and supporting, uplifting, and connecting community members. I've seen so many long faces of older kūpuna, and they have given the sparkle back in their eyes, and bigger smiles coming back, as this can be a huge opportunity for their keiki and their...and their keiki to have a life here on Maui. So mahalo for your time.

CHAIR KAMA: Question? Thank you. Chair Lee has a question for you, Lana.

COUNCILMEMBER LEE: Hi. Thank you for your testimony. Can you tell me, what was your...how much did you pay in rent? Were you renting a house on Lahainaluna Road?

MS. ALBRIGHT: It was an attached 'ohana for 1,500.

COUNCILMEMBER LEE: 1,500? Okay. Thank you.

MS. ALBRIGHT: Yes.

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CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you so much, Lana. Staff?

MS. MCKINLEY: Chair --

MS. ALBRIGHT: Thank you.

MS. MCKINLEY: -- the next testifier is Mikey Burke, to be followed by Autumn Ness, and then U'ilani H.

MS. BURKE: Aloha mai kākou. My name is Mikey Burke. I come from Lāhainā, where our roots run deeper than deeds, where the 'āina remembers our name, even when the system forgets us. I speak in support of Bill 9 for every Kānaka, every keiki, every kūpuna being priced off this island like we are the strangers on it. My 'ohana owns 'āina between...beneath two Minatoya properties in Kahana. In the '90s, condo owners tried to forcibly take this 'āina from us, one of the last Hawaiian families on that shoreline, using Honolulu leasehold conversion laws as their weapon. We fought, and they failed. So, when STR owners say they care about locals, I hear and live the gap between their words and their actions. This issue goes deeper than zoning. This is about whether there's still room on Maui for the people who call it home...not for a week, but for generations. Opponents say fewer tourists is a crisis, but maybe it's a chance for residents to finally breathe. Maybe we don't have to stay hidden in the margins while visitors take center stage. Maybe we get to enjoy the places that we protect, the waters that we fish, the trails we clear, and the beaches we clean. Maybe this is our moment to reclaim the rhythm of life our kūpuna knew, where the island wasn't just a backdrop for someone's vacation, but a living part of who we are. They talk about job loss, but what about the jobs we can't fill because the workers can't afford to live here? They talk about square footage and storage space, but we see families living in small, unpermitted ADUs in shoebox FEMA trailers that still hold it down with aloha. They talk about crumbling buildings not fit for long-term living, but in the same breath, talk about retiring in them. They want us to believe these buildings can house visitors for decades, one week at a time, but not locals one year at a time. They talk about property rights, but they didn't give a damn about my 'ohana's property rights when they tried to take it. I'm asking you to recognize something deeper--our birthrights to live and raise our keiki in our homeland. When an eight-year-old sits in . . .(timer sounds). . . this Chamber and is compelled to write testimony of her own, we have a duty to act so that when she's 28, she isn't packing up and saying goodbye to the only place she's ever known, thinking back to this exact moment when she warned us to fix it for her generation. If we don't act now, the real cost of losing is our people, our culture and our Maui. Every time someone is priced out, it's not just a statistic, it's a story, it's a piece of our village, it's a broken lineage. We must stop expecting housing to deliver killer investments. We need to unravel decades of policy that sacrifice our working class in the name of profit. Maui does not exist to serve someone's investment portfolio. Maui is not a playground. This is our home, and it's time we take it back. Please pass Bill 9 now, and use the phase-out to iron out the details. Mahalo.

CHAIR KAMA: Members --

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UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: -- questions? Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Burke. Do you know the square footage on...on...of those condos on the Nalei'eha 'āina?

MS. BURKE: Yeah. So, it's two parcels, and one property has 42 units. They're two- and three-bedroom homes, and they're up to about 1,700 square feet. The next-door property is 16 three-bedroom units, and they're about 1,500 square feet. Yeah, it's enough for a family, right?

COUNCILMEMBER PALTIN: Yeah.

MS. BURKE: It's bigger than houses that we own. And the issue...so, yes, those are for families. But right now, we have like over 400 single...single households. We have over 200 multi-person households, no minors, in FEMA housing. So that's perfect for studios and one-bedrooms. The Minatoya list has a breadth of apartments that are able to house the makeup that we have.

COUNCILMEMBER PALTIN: Do you know how long the FEMA housing will go on for? Because it's temporary, right?

MS. BURKE: If I knew that answer, I'd be the most popular person on this island.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Thank you. Members, any other questions for our testifier? Seeing none. Thank you so much. Staff?

MS. MCKINLEY: Chair, the next testifier is Autumn Ness, to be followed by U'ilani H, and then Maile Tabura.

MS. NESS: Minasan, konnichiwa. My name is Autumn Ness. I'm a settler here, accountable to the generational families and future generations of Maui. Executive Director of the Lāhainā Community Land Trust, whose strongs [sic] and...stands in strong support of Bill 9. As you prepare to go into deliberations, I bring some things to the forefront in order to counter some of the industry rhetoric from the last few hearings that are, frankly, not grounded in truth. I provided you with a few things in writing for easy reference. Page 1 is Maui County Code Title 19 as a reminder that if an STR buyer fully understood the shaky exemption zone they were getting into when they bought their unit is not this body's problem. The law is the law. Page 2, the hatchet versus the scalpel. That's a stall tactic, and it puts the burden of change on the already-struggling residents, when it should be on the industry profiting off of these units. The thing in front of you is a roadmap that allows us to use a scalpel after we pass Bill 9. This plan

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clearly is not the only way forward, just to illustrate that there are solutions to the hatchet versus the scalpel concern. But however we choose to proceed, the first step has to be passing Bill 9. Page 3, the 2014 owner-occupancy rates of West Maui Minatoya buildings. This is public data from Planning and WeAreMaui.org. Similar data is available for South Maui, with properties actually leaning way heavier on the owner-occupants. We also...we already know which units are suitable for housing because folks are already living there, which makes the scalpel, as referenced above, easy to use. Number four, the sales history of just a few Minatoya units. These are units owned by testifiers who stood right here and told you folks, quote, "These units are too expensive for housing." It's only a few, but you get the idea. These are from RPT records. Reviewing these property files, it's easy to see that these folks got in at the right time. And in many cases, their determination of what's too expensive is based on some phantom return they were expecting through an inflated resale price driven by STR potential. But if we're looking at what they actually bought the unit for, it tells a very different story. Folks who own . . . *(timer sounds)*. . . units in the resident-suitable buildings are hiding behind that "too expensive" argument from the higher-end buildings. We can separate those two classes from each other, but we have to do it in the right order. Please see the hatchet and the scalpel document. Number five, can you still buy a Maui condo and make a killing? This is real clickbait from a realtor blog written this year, in this current landscape, still targeting out-of-state buyers. You can't watch the sunset from an index fund. Pay for your part-time island life by buying a short-term rental. They reduced our previous housing...housing stock to a game to make a killing. The game is over. Just because people moved here to build a business, to profit off Maui's tourist economy, does not mean that this community is obliged to maintain that economy. While folks are taking...talking quarterly sales targets and yearly increases, the rest of our community is thinking in generations. We are not the same. And as leaders, what legacy do you have to leave? A quarterly . . . *(timer sounds)*. . . sales target on a spreadsheet for an investor, or generational stability for our people? Thank you.

CHAIR KAMA: Thank you. Members --

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: -- questions for our testifier? Member U'u-Hodgins has a question.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. Thank you so much for all of this, 5, 6, 7 things? There's a lot of --

MS. NESS: I know your email boxes are crazy, so I thought printouts are good.

VICE-CHAIR U'U-HODGINS: No, this is great because I...I have a hard time reading on the light...on --

MS. NESS: Me, too.

VICE-CHAIR U'U-HODGINS: -- the screen, so I need stuff. Anyways, so I'm looking at this, and so I did...like I was trying to figure out which is two-bed, two-bath. Anyways --

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MS. NESS: Yeah.

VICE-CHAIR U'U-HODGINS: -- my point is, you have information here that doesn't have an address.

MS. NESS: Oh, thank you for asking. So, these are...I didn't put the name of the testifier. I didn't want to --

VICE-CHAIR U'U-HODGINS: Yeah, yeah.

MS. NESS: -- be like that. But these are the people that stood here, and their addresses, so...

VICE-CHAIR U'U-HODGINS: Okay.

MS. NESS: This one right here, this is the history of this unit. So, like you can see that this unit...in 2024, they paid \$800,000 for this unit --

VICE-CHAIR U'U-HODGINS: Yeah. Yeah.

MS. NESS: -- when this conversation was already happening, by the way. But this unit before that, three years prior, was sold for 549.

VICE-CHAIR U'U-HODGINS: Oh, okay. Okay. Okay. That's --

MS. NESS: And not very long ago, that same unit, 2011, 13 years prior, was 285,000. These units are not inherently too expensive. They're too expensive because of the short-term rental potential. And then, these ones down here, if you'll notice, these ones only have one...the recent sale.

VICE-CHAIR U'U-HODGINS: Yeah.

MS. NESS: This one was bought in 2015 for 262 grand.

VICE-CHAIR U'U-HODGINS: Yeah.

MS. NESS: This is affordable.

VICE-CHAIR U'U-HODGINS: Okay. I got it.

MS. NESS: You know what I mean? Okay, yeah.

VICE-CHAIR U'U-HODGINS: No, thank you. I was just like, oh, where is that from? But now I get it.

MS. NESS: Okay.

VICE-CHAIR U'U-HODGINS: Thank you so much.

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MS. NESS: Thanks. Yep.

VICE-CHAIR U‘U-HODGINS: Thank you, Chair.

CHAIR KAMA: You’re welcome. Members, any other questions for our testifier? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to dovetail off of Member U‘u-Hodgins’ question. Aloha, Ms. Ness. Mahalo for your testimony.

MS. NESS: Hi, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, you said that the information provided in this chart came from individuals who testified, and the purchase price data was from the County’s website.

MS. NESS: Yep. RPT.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And the current...oh, okay, okay. So, it only has the last time it was purchased, and it doesn’t include the current appraisal, so that...that would probably be another...

MS. NESS: Yeah. I mean, honestly, this is only a smidge, and I only put this together from the first day of testimony, and I printed it out right away. So, this doesn’t even have the last three or four days. But this is just...like an example of people will stand here and tell you their units are too expensive, and they bought it 25 years ago for \$165,000. You know what I mean? So, we could do a more in-depth study about which units are actually too expensive during the phase-out period...because some are. Some are like...you know, one...over a million bucks, heavy carrying fees. Some are Kihei Gardens, right next to my house in Kihei, where I know that bussers and servers that I used to work with live, you know what I mean? So, we can...we can carve those out, but we got to do it afterwards, I think.

CHAIR KAMA: Thank you. Members, any other questions?

COUNCILMEMBER RAWLINS-FERNANDEZ: I had one last question on page 3. So, it says the West Maui Vacation Rental in Apartment District as of 2014. And you got this document from where?

MS. NESS: This is from the WeAreMaui.org, the website that the Planning Department put together for the West Maui CPAC. So, it’s...you know, again, just to illustrate that the data about the owner-occupancy rates per building, we already have it. You know.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, okay. So, it’s CPAC, the Community Plan Advisory Committee --

MS. NESS: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- updating the West Maui Community Plan.

MS. NESS: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Got it. Mahalo for...for that information. And just real quick, just because it was said, carve-outs will likely not be allowed, and we'll have that discussion on why that's so. Mahalo, Ms. Ness.

MS. NESS: Okay. Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. My question is on document number five, entitled "Can you still buy a Maui condo and make a killing?" It's a lot of reading to go through to ask the question on, but are they...I...I just don't understand it. If you could clarify?

MS. NESS: Totally. I just did a quick search about like short-term rentals on Maui, and this is one of the first articles that came up. And the point of me including it...I tried to highlight some things to save you the reading. The point is that they're still marketing these as investments. Nowhere in here are they talking about helping the Maui economy. They're talking about why this is still a good investment, even in this current landscape, to buy units that are short-term rentals...some Minatoya, some not. But it's really targeting folks that...their new angle is, if it's not going to pay for your retirement, at least you can be able to live on Maui part-time for free. Like, you're not going to make a killing, but you can buy this unit, stay in it four months...four months a year, call yourself a resident, and let the tourists pay your mortgage the rest of the time. You know what I mean?

COUNCILMEMBER RAWLINS-FERNANDEZ: And...and...but just to clarify, is it...are they saying that it's a predetermined outcome of Bill 9 that they still will? Or you still will for three years, or...

MS. NESS: They're walking a line. If you read this more carefully, they're...they're not saying don't buy it. Their market is specifically to out-of-state buyers, and they're saying like some Minatoya, yes, and...you know what I mean? To me, it's just really clear that the industry can stand here and talk to you folks one way about jobs for their cleaners and all that, but the industry talks to their market with very different language about making a killing off of our housing stock, even...even...this is 2025, this article, you know?

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Thank you. Any other questions, Members?

MS. NESS: Mahalo.

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CHAIR KAMA: Seeing none. Thank you. Staff?

MS. MCKINLEY: Chair, the next testifier is U'ilani H, to be followed by Maile Tabura, and then Maile M. U'ilani, you are unmuted on our end. you will need to unmute yourself as well. *(pause)* If you're having difficulty unmuting, you may need to call in to the phone number in the chat. Chair, should we move on? Chair, the next testifier is Maile Tabura, to be followed by Maile M, and then Arthur C. I do see --

MS. TABURA: Aloha. Aloha, my name is Maile Magalliannis Tabura.

MS. MCKINLEY: Go ahead.

MS. TABURA: My name is Maile Magalliannis Tabura, I am from Ha'ikū, Maui, but raised in Lāhainā. I support Bill 9 because my cousins and friends have worked tirelessly to push this through. Our kūpuna are dying on the continent while these malihini are enjoying condo front...beachfront condos when they retire here in Hawai'i, and that is not pono. Let them sue. That's what haoles do, they sue. I think that your fiduciary right is to our constituents that yes, we're born and raised here. If you moved here and you contribute to our community, define community. Because their community is gated, locked us out. Please pass Bill 9. There's so much more to say, but you've heard it all. If we had locals living in these condos, we would have kūpuna teaching our keiki how to kilo mauka to makai. We would have uncles teaching our keiki how to gather ocean delicacies to share with 'ohana. You would have aunties playing 'ukulele, playing mele, and having hula on the lawn. It would be a lā'au every night. You know, they say that they're a part of the community, but aia i hea, you know? When you're a part of the community, huli ka lima i lalo. But their hands, huli ka lima i luna. They're taking. Their actions, they're taking, taking, taking. Pau already. Enough, we say. Your time is up. Take your loss and go. You're not welcome here anymore. We don't care about tourism. Tourism is consuming too much of our water resources. When you put Kānaka and locals in that housing on the Minatoya list, you give them the kuleana to mālama the 'āina and the kai. . . .*(timer sounds)*. . . These condos, their locations might be in where there are estuaries that are important to our lawai'a. There may be native plants on the coast that habitat that...you know, whose habitat are the native Hawaiian yellow-faced bees that are responsible for pollinating these plants that help with erosion. In the public trust doctrine that was adopted in 1978, codified Article 11, Section 1, the fake State of Hawai'i must...for the benefit of present and future generations, the fake State, on its political subdivisions, shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation, and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people...more importantly . . .*(timer sounds)*. . . for our keiki and for the makua raising them. Mahalo.

CHAIR KAMA: Thank you so much. Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Magalliannis Tabura. The description of what you said, if...if locals lived in those Minatoya condo, is that how it was before the Airbnb when locals did live in those Minatoya condo in West Maui?

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MS. TABURA: I have no knowledge of that, but I just say that because Kānaka have kuleana to ‘āina, and like someone stated in their testimony yesterday, if Kānaka lived there, there would be fruit trees, we would utilize that space in a manner that benefited everyone, and not just esthetically.

COUNCILMEMBER PALTIN: Kind of like Leiali‘i Hawaiian Homes?

MS. TABURA: Yeah. Yes. Yes. That is where my parents live, and there’s so much native...and you know, I volunteer my husband’s time to any organization...or to any condo.

UNIDENTIFIED SPEAKERS: *(Extraneous speaking)*

MS. TABURA: If you need help with planting native plants, I volunteer my husband’s time.

CHAIR KAMA: . . .*(gavel)*. . .

COUNCILMEMBER PALTIN: Thank you. I’ll take you up on that.

MS. TABURA: Mahalo.

CHAIR KAMA: Thank you so very much. Staff?

MS. MCKINLEY: Chair, going back to U‘ilani H, if you are on the phone, could you please unmute yourself by pressing star-6 to unmute?

MS. U‘ILANI: Aloha kākou.

CHAIR KAMA: Aloha.

MS. U‘ILANI: Aloha, my name is U‘i. I’m from O‘ahu, but blessed to call Moloka‘i home, and I stand in support of Bill 9. First, I’d like to mahalo everyone that has given testimony and have been a voice for our ‘āina, our water, our people, and our future generations. I’d also like to mahalo our Council for opening up a space for us to speak, hopefully be heard, and for taking the time to be here and listen. As we get closer to deliberations, I’d like to reiterate a few points that have been said by the majority. This bill is hope. This bill is opportunity. Opportunity to remain home, and establish generational roots. Opportunity to live, rather than survive. This bill is an opportunity for change. Passing this would be the start of putting people before profit, and land before liquidity. You have the ability to make right wrongs that have affected our kūpuna and our generation for far too long. You have the ability to protect the home, the rights, the dreams, and inheritance of our keiki, and the generations to come. And that is just the bare minimum. How much longer do we have to fight for that bare minimum before a change is made? You have been entrusted and put in a place of power that can secure the future of generations of Kānaka. I trust and hope you will do the right thing. Mahalo nui for this time to speak, and for your time you’ve given us. Aloha.

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CHAIR KAMA: Mahalo, U'i. Members, any questions for our testifier? Seeing none. Thank you so very much. Staff?

MS. MCKINLEY: Chair, the next testifier is Arthur C, to be followed by Cece Marks, and then Unknown User. *(pause)*

MR. CASTONGUAY: Hello?

CHAIR KAMA: Yes?

MR. CASTONGUAY: Hello?

CHAIR KAMA: Yes.

MR. CASTONGUAY: Oh. Can you hear me?

CHAIR KAMA: Yes, we can.

MR. CASTONGUAY: Okay, great. I recorded my testimony. Here we go. Hello. My name is Arthur Castonguay, and I oppose this bill. It's clear from testimonies that people want change. But also, many people will be hurt by this bill, and there will be a significant economic damage. I personally manage six short-term rentals. We use one cleaner who cleans only our units, and pay her around 10,000 a month. This bill will devastate both of us. She has children, and says she'll leave Maui if this bill passes. Please consider that if one cleaner manages six units, then 6,000 active STRs would equate to about losing 1,000 high-paying jobs with just cleaners alone. That being said, if this bill is really about affordable housing, there are many alternatives or potential compromises to this bill that would not hurt so many people, but still achieve a similar goal. For example, we know that this bill doesn't guarantee any new affordable housing. Only 8 percent of rents...if only 8 percent rent their units long-term from surveys taken, that's 480 potential new long-term rentals. But will any be affordable by affordable housing standards? Very few, if any, will be. With so many potential negatives to this bill, please consider this alternative that several testifiers have already suggested. It would achieve the Mayor's goal, but without hurting people. It won't generate lawsuits, and it's easier and much faster to do. Why doesn't the County just purchase the Minatoya units that are currently for sale, and rent them as affordable housing now? The County could easily purchase the 480 long-term rental units that it would get from this bill. Use the tax dollars that they would spend on lawsuits defending this bill to actually purchase condos that people could live in right now, this year. The announced 1.6 billion from HUD could be used to purchase literally thousands of units. Thousands. Doing this would guarantee that the units purchased could be kept for affordable housing indefinitely, and at prices the County could regulate. Each year, the County could purchase more condos using the tax collected from existing STRs and hotels, and increase the number of long-term rentals to more than they would ever get from this ban. The County could achieve a better result without all the negatives. Plus, you would still have more people, so you could have . . .*(timer sounds)*. . . more people living in these units long-term than you would ever get with this bill, and much faster. Think months, not years, and it would still be a short-term rental phaseout. And yet another

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scenario, consider this. Each condo we manage pays the County approximately \$3,000 in taxes each month. \$3,000. That's a mortgage payment. Since you'll be losing this tax by phasing out STRs, if you instead kept the STRs, but funneled all the tax dollars into affordable housing, the 6,000 active STRs could pay the mortgage of 6,000 properties. The County could literally buy 6,000 existing properties, rent them at an affordable price, and not have to make any payments. Existing STRs would pay the mortgages. The subsidized rent that locals would pay could then be used to make payments on additional...an additional 3,000 properties the County could purchase. By keeping STRs, the County could get 9,000 properties with regulated rents, and pay little to nothing. This would allow STRs to be part of the solution. Why choose a bill that hurts so many people when there are much better options available? I . . .(timer sounds). . . beg the Council to please consider an alternative to this bill.

CHAIR KAMA: Thank you, Arthur.

MR. CASTONGUAY: Thank you.

CHAIR KAMA: Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Arthur. Just for clarification, have you read the CDBG-DR action plan that authorizes the use of the \$1.6 billion, and how it can and cannot be spent?

MR. CASTONGUAY: No, I just read the article in *The Maui News*.

COUNCILMEMBER PALTIN: Okay, thank you. And then, my next question is, for clarification, are you not aware that we already are buying condo units for our kūpuna, and we've bought, I think, like six of them?

CHAIR KAMA: Seven.

COUNCILMEMBER PALTIN: Are you not aware that we did that?

MR. CASTONGUAY: Yeah, no, I am. I...I...I just...

COUNCILMEMBER PALTIN: Okay, thank you.

MR. CASTONGUAY: I'm totally aware, I just --

COUNCILMEMBER PALTIN: That's the end of my questions.

MR. CASTONGUAY: -- think you should buy more. I don't think you're buying enough.

CHAIR KAMA: Members? Members, any other questions for our testifier? Seeing none. Thank you so much, Mr. Arthur. And Staff?

MS. MCKINLEY: Chair, the next testifier is Cece Marks, to be followed by Unknown User.

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UNKNOWN USER: Hi. I wanted to start out by saying I'm very sorry that my son has put the Council in this position for...of a very difficult decision, and I wanted to apologize for all the mishaps in the room. I neither own, know, or count on owning, but I am against this bill. I think it's going to hurt more people than it's going to help. And there's a lot of development on the island for homes, and I think building more homes would be the answer, versus hurting a whole 'nother population. And I am against the bill. Thank you.

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you so very much. Staff?

MS. MCKINLEY: Chair, I believe that was Unknown User. Returning to Cece Marks, and that would currently be the last person signed up to testify at the moment. *(pause)* Cece, you have been unmuted on our end.

MS. MARKS: Perfect. Hello?

CHAIR KAMA: Yes.

MS. MARKS: Can you hear me?

CHAIR KAMA: Yes.

MS. MARKS: Okay, perfect. Okay. Thank you for taking the time to listen to my testimony today. I am very passionate about affordable housing. I just find it confusing that there's well over 100 units, rental units, sitting vacant on the market today. None of these are on the Minatoya list. And then I did a quick search, and that shows hundreds of units for sale that also fall into the category of affordable housing. And these are all available to buy from locals or anyone, you know, who wants to buy them. Another interesting search shows that resort-style hotels, like those in California, Wyoming, Florida, and Colorado actually build affordable housing for their employees. That sounds like a good business model to me. Another interesting search found that half of Vienna's two million residents live in subsidized housing, and the rent they paid of over 626 million goes towards building or refurbishing more than 12,000 units yearly. So, I think there's many ways you can increase affordable housing without taking away the vested rights of all the businesses that depend on these legal STR rentals. Give incentives if you want owners to convert them to long-term rentals. Buy these condos, and transition them to affordable housing. This bill has created so much divide, distrust, hate, and discrimination when the island needs to heal. I strongly oppose this bill. Thank you.

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you so very much. Staff?

MS. MCKINLEY: Chair, no one else has signed up to testify. If anyone in the audience or on Teams would like to testify, please come up to the mic and begin your testimony, or use the Raise-Hand function on Teams and Staff will unmute you.

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CHAIR KAMA: We have someone at the podium. You may continue.

MS. REGO: Aloha, Council.

CHAIR KAMA: Aloha.

MS. REGO: My name is Lauren Rego, and I'm the Maui organizing manager for Our Hawai'i. I work closely with Lāhainā Strong, and I'm here today to share findings from a report I worked on together with Jordan and the team. I brought copies for you, and I'm going to go fast because there's a lot to cover. So, we wanted to understand what the Minatoya list actually is beyond a list of names. Over the past year, we looked closely at every Maui property on the list. The testimony today does not speak about Hāna or Moloka'i, believing those communities have the right to self-determination, and we would support upzoning if that's their choice after Bill 9 passes. We did three things. First, we pulled every document we could find--DCCA records, County records, anything publicly available. DCCA filings give a ten-year snapshot of owner-occupancy, comparing 2015 to the most recent filings. Some properties saw a 40 to 60 percent drop in owner-occupance. That's just the tip of the iceberg. We've been bleeding housing from these properties since the 90s and with the rise of Airbnb. Next, we looked at historical intent. We reviewed the original documents for over 100 properties, mostly papers from the '60s and the '80s, and asked, were these really intended to be vacation rentals? Only two properties were ever built primarily as visitor accommodations--Maui Kā'anapali Villas and Maui Schooner. There were a hotel or timeshare from day one, and they're still operating that way. The rest were built primarily as residential dwellings. Some included vague or optional transient use, but always as the secondary use. Language like transients from time-to-time or temporary dwellings doesn't make it a hotel. That's boilerplate language, not a guarantee to run commercial activity in a Residential zone. Lastly, we conducted in-person site visits to all 104 Minatoya properties on Maui. I'll let Jordan speak more about what we saw on the ground, but I want to say this...only nine looked anything like hotel operations--front desks, staffs, lobbies, amenities, et cetera--the vast majority, basically dead. Locked offices, no staff presence, no guest services, just scattered units managed by different companies, or guests let themselves in with a code . . .*(timer sounds)*. . . and self-register their vehicles. That's not a hotel. So, I want to say it plainly. The Minatoya list is not a list of complexes that were built primarily as visitor accommodations. They were mixed-use at best, but the balance has been lost. What used to be residential dwellings have been swallowed up by investor takeovers, realtors with no guardrails, and a lack of political will to fix it. Pacific Shores, for example, was an affordable housing project in 1993. Today, there's a unit listed for 850,000. That story is playing out all over the island. Let's not let a handful of hotel-like STRs distract from the bigger picture. Over 90 percent of these units aren't operating like hotels. They certainly don't put our best foot forward as visitor accommodations either. Bill 9 is, at its core, a zoning issue, and it should be treated as such. With so few properties functioning like hotels and resorts, the Planning Commission is well equipped to evaluate any legitimate rezoning requests on a case-by-case basis during the multi-year phase-out. We are urging you to pass . . .*(timer sounds)*. . . out a clean version of Bill 9. No carve-outs, no exemptions. Any attempt to weaken this bill is a poisoned pill, and the community will see it as a vote of sabotage.

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CHAIR KAMA: Thank you, Ms. Rego. Members, any questions for our testifier? Member Paltin and Member U‘u-Hodgins have questions for you.

COUNCILMEMBER PALTIN: Thank you. I didn’t get a chance to read all the 7, 9, 14 pages, or so. But do you know how many of these 109 or so Minatoya properties have the mailboxes for like daily mail delivery?

MS. REGO: I do have that data. I didn’t include it in here, but most of the...it was really interesting when we went and saw them, is because everyone’s telling us these were always supposed to be vacation rentals. They’re built with like this whole wall of mailboxes as an architectural feature when you walk in, which like really speaks to that people on vacation don’t get mail. I don’t think they were getting mail in the ‘60s, they’re not getting it now, and I think that that shows the intent.

COUNCILMEMBER PALTIN: Yeah, it would have been, like, airmail in the ‘60s. I remember my mom had, like, that thin paper, so it wouldn’t be so heavy and...like it was like a big thing to get mail over here because it was like you had to get special paper and everything. So, I don’t know how you would get that on vacation in the ‘60s, but...okay. Thank you.

CHAIR KAMA: Okay. Member U‘u-Hodgins, and then Member Rawlins-Fernandez.

VICE-CHAIR U‘U-HODGINS: Thank you, Chair. Thank you very much for this. I just wanted to clarify. When you say closed, that doesn’t mean like closed for business. That just means like you couldn’t enter the property? The doors were locked? What do you mean by...when you say closed?

MS. REGO: From...yeah. So, like from Maui Sands to Kahana, there...there would be offices, but some of them look like...like Pikake looks like nobody ever opens the door, ever. You know, they’re not...and this is Monday through Friday, regular business hours, where even sometimes there’s posted hours that they’re open, but like the blinds are drawn...like there’s nobody on the property. They’re not expecting anybody.

VICE-CHAIR U‘U-HODGINS: Okay. Thank you. Thank you for --

MS. REGO: All of Mā‘alaea, same thing. And then, you know, we kept notes on it, property-by-property, but...

VICE-CHAIR U‘U-HODGINS: Would you...do you mind sharing that part with us? You can probably take out your personal notes, but just...like that inventory of like what each of these look like? Because that must have taken you guys a really long time.

MS. REGO: Yeah, it took a really long time. And yeah, we...there’s, you know, intentionally didn’t want to necessarily put all of that --

VICE-CHAIR U‘U-HODGINS: Oh, okay.

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MS. REGO: -- out there.

VICE-CHAIR U'U-HODGINS: That's fine.

MS. REGO: But happy to like sit down and show you, and --

VICE-CHAIR U'U-HODGINS: Sure.

MS. REGO: -- you know...

VICE-CHAIR U'U-HODGINS: That would be great.

MS. REGO: For sure. Happy to.

VICE-CHAIR U'U-HODGINS: Thank you. Thank you, Chair.

CHAIR KAMA: Sure. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Ms. Rego. This is an incredible amount of work. So, I don't...I don't think anyone else has actually walked to every property. So, thank you so much for actually doing that physical labor of collecting this data that we can now speak more intelligently to, instead of just hearing conjecture of repeated talking points. This...this is actual...actually pulled from...yeah.

MS. REGO: It was a team effort, and...and it was conducted over a year.

COUNCILMEMBER RAWLINS-FERNANDEZ: Wow. Well, mahalo to the team. It's a lot of work. My question, so there are tiny...tiny font pieces --

MS. REGO: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- in...in black and white. Would you mind speaking to what those are?

MS. REGO: Yeah. So, those are screenshots of the historical documents. And just to show...you know, just give examples of what that boilerplate language looks like. Some of it's like really vintage. It talks about servants, and, you know, things like that. So, I wanted to just kind of show that that place in time, and what did transient mean in 1970? What did a dwelling mean? Like I don't...I don't know that that we can...we can say clearly that that meant what we have going on today, you know, commercial businesses with guests.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, these are screenshots from the actual documents?

MS. REGO: From the original documents.

COUNCILMEMBER RAWLINS-FERNANDEZ: The original.

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MS. REGO: We looked at them on...on every single property.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay. And then, so...so it says, like, used for private dwelling purposes only, and no commercial or transient rentals shall be permitted, or no unit shall be used for hotel transient purpose. No advertising of transient rentals shall be permitted. That --

MS. REGO: That's just a sampling, too. There's...we have, you know, that language for every complex.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I think that that will...I'm sure I'll have more questions.

CHAIR KAMA: For sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Maybe we can have her as a resource or something because like --

CHAIR KAMA: Member --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I don't know if anyone else did this work, yeah, Chair?

CHAIR KAMA: What is that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Did anyone else do this work? Perhaps we can have her --

CHAIR KAMA: I don't know.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- as a resource later.

CHAIR KAMA: I'm not sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Thank you. Just like how Member Rawlins-Fernandez said, more questions come up as...the more you read it. But I just was wondering if you have also reviewed the SMA permit applications for those Minatoya properties that lie within the SMA? That was how Maui Lani Terraces got removed from that list. And so, I was wondering if you went that deep, which is like 50 meters deep, if you ask me. . . .(laughing). . .

MS. REGO: Sometimes we look at those documents, but we weren't looking at it through an SMA lens. But in the places where all those historic documents are kept, you find those

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things. You know, you also find, like building permits from the '50s, or like hand-scribbled, you know, plumber bills. You know, there's a lot of really great historical documents on every TMK in the County.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Staff?

MS. MCKINLEY: Chair, that (*clears throat*) excuse me. The next testifier is Jordan Ruidas, to be followed by Wailuku Resident, and then Tiare.

MS. RUIDAS: Aloha.

CHAIR KAMA: Aloha.

MS. RUIDAS: My name is Jordan Ruidas. I'm a mother, a Lāhainā community member, and I'm testifying on my own behalf today in strong support of Bill 9 to phase-out short-term rentals on the Minatoya list. It's difficult to put nearly two years of pain, determination, and organizing into a three-minute testimony. I've helped to occupy Kā'anapali Beach with a newborn and a toddler, while flying over to the State Capitol multiple times to see many bills passed through session to help Lāhainā and Hawai'i. I've sat through long Planning Commission meetings while nursing a baby. I've written testimony in my car while my toddler napped. I've helped build movements while trying to help my community rebuild, however that looked--all of this, while watching short-term rentals in Apartment-zoned districts continue to take up homes our people desperately need. I've lived in Honokōwai my whole life, where I've watched the decline of our people. I'm surrounded by Minatoya properties on three sides, where I don't have neighbors, just revolving doors of strangers and unfamiliar faces, where my community members could be living, but instead are being used for profit, where they look down into my yard and watch my keiki play like they're animals in a zoo instead of respecting our privacy. It shouldn't be this way, and it shouldn't be this hard to stay where you're from. The Minatoya list was never meant to be permanent, but for decades it's been a green light, an exemption to the ongoing removal of our housing from our community. And as you can see, the consequences have been devastating. Our team has walked more than a hundred of these properties, boots on the ground, documenting through notes and pictures. High majority of these buildings are apartments, most of them with no workers, closed offices, a paper that says write your license plate number here to register. These were our homes, and should be our homes once again. We're not asking for anything unreasonable. We're asking for you to right the wrongs by past Councils. This has been an issue since 1989. Bill 9 is not just legislation, it's . . . (*timer sounds*). . . a huluhia led by the people of Maui. For too long, our housing, our land, our futures, have been held hostage by short-term rentals and an economy that prioritizes tourists over kama'āina. Bill 9 is the people reclaiming power. It's us saying no more. Not passing this bill will be far more detrimental than you think. You've seen the beautiful community members come out and stand for something that's important to them and their community. The people of Hawai'i are watching. They are ignited, and they are ready to answer the kāhea. Are you? This is a moment of truth. Will you stand with the Hawaiian and local families who continue to fight tooth and nail to stay? Make the

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decision that will make your kūpuna, keiki, and mo'opuna proud. I urge you to pass Bill 9 as a clean bill. Stand with the people you were elected to represent, and be on the right side of history. Mahalo.

CHAIR KAMA: Thank you.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Members, questions for our testifier? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, mahalo, Chair. And I also see Member Johnson's hand up later, but I think I beat him.

CHAIR KAMA: Oh, is he back?

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Yeah, I guess so.

CHAIR KAMA: Oh, good.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Member Johnson. Okay. Aloha, Ms. Ruidas.

MS. RUIDAS: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony today, and mahalo for the...the hard work you and the team did to put together this report. In your testimony, you spoke about taking baby to the legislature and...and doing that work while juggling all the things. Mahalo. Eternally grateful for your advocacy for the community. During that time, and the testimonies on SB 2919 and HB 1838, do you recall whether the legislators knew that they were strengthening our zoning laws for the County in order to support our effort in doing what Bill 9 seeks to do?

MS. RUIDAS: Yes. Many of them--Keohokalole, even the Kaua'i representative--they knew what this meant to Lāhainā, and also, what it could mean to their communities. And they knew that this would help give you guys a stronger place to stand, if and when you guys were ready to answer this kāhea. And I think they would be very proud of you guys to push bill through, and use what they've kind of set you guys up to use.

COUNCILMEMBER RAWLINS-FERNANDEZ: Rep. Evslin?

MS. RUIDAS: Yes, Rep. Evslin, you're right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Ruidas.

MS. RUIDAS: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

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CHAIR KAMA: Thank you. At this time, I want to acknowledge the return of Member Johnson. Thank you for coming back. Did you have any questions --

COUNCILMEMBER JOHNSON: Oh, thank --

CHAIR KAMA: -- for our testifier, Mr. Johnson?

COUNCILMEMBER JOHNSON: Sure do. Thank you, Chair. Yeah, I've been here for about 40 minutes, listening to the --

CHAIR KAMA: Oh, I'm so sorry.

COUNCILMEMBER JOHNSON: That's fine. I had to step away quietly. We had a good flow going. I was listening, so thank you.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER JOHNSON: Let me ask our testifier a question. Thank you so much, Jordan, for being here. I mean, the list that you mentioned is...sounds like so much work. And I really appreciate all of what you did for the community. I watched you go for so many years. You've got such an energy and engine. When you went...when you went to the Minatoya properties, were you guys looking for specifics? Because I, too, went and visited all the South Maui and West Maui Minatoya properties. But I'm curious of what...if you guys had like a checklist, or were you guys looking for something specific?

MS. RUIDAS: We did have a checklist. That was a little difficult for me because I'm usually one-handed with Aulia, so a lot of it came to just quick notes and pictures, but we did have a checklist. We just wanted to see what buildings were actually operating like hotels. And like Lauren had touched on, very few. You know, we rolled up to Maui Kā'anapali Villas, which was with different name on the Minatoya list, and we got just a little close, and we were like, oh, this is a hotel. Like we're not touching this. So, we...we do recognize that there are properties on this list that could very well upzone to Hotel after the...the phase-out. But we did have a checklist, and then we had stuff like also not on a checklist, like using stolen shopping carts as bell hoppers that we came across. But yeah, we were kind of working off of a basic checklist.

COUNCILMEMBER JOHNSON: I...I saw that on social media about the...the stolen shopping carts, and that was amazing. I mean, just that it's so funny, like just to visit that, and it's obviously going to stick out. So, thank you for doing that kind of work and spreading the message. Thank you, Chair.

MS. RUIDAS: Thank you.

CHAIR KAMA: Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you, Chair, and --

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CHAIR KAMA: Followed by Member Paltin.

VICE-CHAIR U'U-HODGINS: -- thank you so much for your testimony. So, is Kā'anapali Villas on like their sign, but not in here? Can you tell me which one it is?

MS. RUIDAS: Yeah, I think on the...your guys' list, it's called Hale Kā'anapali.

VICE-CHAIR U'U-HODGINS: Okay.

MS. RUIDAS: And I've always known it as Maui Kā'anapali Villas, but that is, like, a full-blown hotel, operating like one. Then, we went to Papakea next, and same thing. They had a full-blown front desk, they had landscapers. And honestly, in my opinion, there was a clear line from Papakea and Maui Sands --

VICE-CHAIR U'U-HODGINS: Okay.

MS. RUIDAS: -- was like, okay, this is definitely...definitely different.

VICE-CHAIR U'U-HODGINS: Okay. Thank you.

MS. RUIDAS: Thank you.

VICE-CHAIR U'U-HODGINS: And can I ask you...I know you helped Lauren as well. The black and white area, I know that you guys compiled that information from DCCA for, you know, all the different places, but would you mind telling us like which ones these CC&Rs, or whatever this is?

MS. RUIDAS: Yeah. I don't...I don't know which ones those were, but a lot of them came from that list. I know, like Polynesian Shores said, that these apartments are to --

VICE-CHAIR U'U-HODGINS: Okay.

MS. RUIDAS: -- be used as long-term . . .*(inaudible)*. . .

VICE-CHAIR U'U-HODGINS: From here to there?

MS. RUIDAS: Yeah. Yeah.

VICE-CHAIR U'U-HODGINS: Okay.

MS. RUIDAS: I can't really point you exactly which, but a lot of them were from those, yeah.

VICE-CHAIR U'U-HODGINS: Okay. Thank you. Thank you, Chair.

CHAIR KAMA: Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ruidas. I...I do have a few questions. First, when you say as a clean bill, I just wanted to clarify if you meant like,

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you know, keep it to the three years, amendments, or what...what kind of thing...what...what did you mean by a clean bill?

MS. RUIDAS: If you're asking me time-wise, I would like to see roughly three years. But I think clean bill is no attached amendments. I think we need to make sure that this bill passes through court first, and I think if we're trying to attach amendments, that could just make it a little bit more rocky. I think we should pass it through, and then come back later and see if there could be anything on the back end, but...

COUNCILMEMBER PALTIN: So even, like, taking out the brackets for planned development, you're not supportive of?

MS. RUIDAS: I'm not too sure on that one, Councilmember.

COUNCILMEMBER PALTIN: Okay.

MS. RUIDAS: Sorry.

COUNCILMEMBER PALTIN: No. No worries. The other question I had was you said you're a lifelong resident of Honokōwai, and you remember having neighbors that you knew?

MS. RUIDAS: Yes, I...I speak more specifically to like the streets. We had more local people walking the streets, the lower road, and now it's just an influx of tourists that I honestly think us locals don't even feel comfortable. When I walk Aulia in the stroller, they make like I'm the inconvenient one because I have the baby. But I also just realized, like, Honokōwai Beach Park, that used to be a very heavily-used beach park by locals. Still is, but a lot of times we're pushed out by the visitors. And I just noticed our...our...our bus areas, not as much keiki as when I was riding the bus out there. So, it just kind of makes me feel like the locals were pushed out of that area.

COUNCILMEMBER PALTIN: Kind of, even, like, Wahikuli and one-way nowadays.

MS. RUIDAS: Oh, man.

COUNCILMEMBER PALTIN: Because the STRs, some of them don't have oceanfront.

MS. RUIDAS: I wish we could just put a line right by the Hyatt. You guys stay that side.
..(laughing)..

COUNCILMEMBER PALTIN: So, the clarifying question is, do you recall around what year that happened? Or was it just like a...like --

MS. RUIDAS: Honestly, just --

COUNCILMEMBER PALTIN: -- all of a sudden, you're like, oh --

MS. RUIDAS: -- just --

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COUNCILMEMBER PALTIN: -- what happened?

MS. RUIDAS: I think it was like a...you know, a build-up effect. But I do believe that direct correlation with Airbnb and Vrbo, making it easy for everybody's mom and dad to rent their property. I think that had a big play in it.

COUNCILMEMBER PALTIN: And I guess lastly, just thank you for the recovery from the 2018 fire and until today, all of the things. Thank you.

MS. RUIDAS: Mahalo nui. Thank you.

CHAIR KAMA: Thank you, Members. Thank you, Jordan. Oh, Member Sugimura has a question for you.

COUNCILMEMBER SUGIMURA: Yeah. Thank you very much for your hard work.

MS. RUIDAS: Yes. Thank you.

COUNCILMEMBER SUGIMURA: So, the properties that you are saying that looked like...properties you're saying that look like hotels, or acted like hotels, were which ones?

MS. RUIDAS: The ones that I encountered was going to be Maui Kā'anapali Villas, which is near the Westin KOR. Also, Maui El Dorado. We did walk that one, and they are ILWU. And then Papakea. And everything, in my opinion, from Papakea north, were definitely apartments. You could tell there's still plenty of long-term people living there. There's fruit trees on their properties. It was...it was just very clear-cut, the difference.

COUNCILMEMBER SUGIMURA: Thank you very much.

MS. RUIDAS: Mahalo.

COUNCILMEMBER SUGIMURA: Is that your baby?

MS. RUIDAS: Oh --

CHAIR KAMA: Thank you. Oh, cute. Staff?

MS. MCKINLEY: Chair, the next testifier is Wailuku Resident, to be followed by Tiare. And that is currently all we have signed up.

WAILUKU RESIDENT: Hello, this is Wailuku Resident.

CHAIR KAMA: Yes.

WAILUKU RESIDENT: Can you hear me?

CHAIR KAMA: Yes, please proceed.

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WAILUKU RESIDENT: If...if...I just wanted to clear up a couple of inaccuracies that I heard in the last half hour about the *(audio interference)* testifier said that she looked up the Minatoya list condo docs, and she thought that one allowable uses were her primary-secondary. They're not like that. They're all listed, they're not ranked.

COUNCILMEMBER SUGIMURA: Point of order.

CHAIR KAMA: Wailuku resident, it's very difficult to --

WAILUKU RESIDENT: Yes?

CHAIR KAMA: -- understand. Could you start again, please?

COUNCILMEMBER SUGIMURA: Or maybe call in?

WAILUKU RESIDENT: The Minatoya list condo docs do not rate usage...use of *(audio interference)* --

CHAIR KAMA: Wailuku Resident, you're coming in choppy. So, could you call in?

WAILUKU RESIDENT: Okay, I guess I could try. I am not sure how to do that, but I guess I will try. Okay.

CHAIR KAMA: Tell her what the number is.

MS. MCKINLEY: We --

WAILUKU RESIDENT: I leave and call in --

CHAIR KAMA: Staff, could you please --

MS. MCKINLEY: The call-in information is in the chat with the meeting code. *(pause)* Chair, the next testifier is Tiare.

MS. LAWRENCE: Aloha, Councilmembers.

CHAIR KAMA: Aloha.

MS. LAWRENCE: I just want to say that I have so much respect for you guys. This is such a contentious issue. It's been so many hours. So big ups to you guys for sitting through all of this. Anyhow, I'm going to dive into my testimony. I'm testifying today in strong, unwavering support of banning vacation rentals, or STRs on Maui. These short-term rentals have played a major role in this dismantling of our communities. The condos and homes that once housed local families in the '80s and '90s have been taken over by outside investors, fueled by platforms like Airbnb and Vrbo, whose only goal is profit, not people. Our housing crisis didn't happen overnight. It happened because we allowed housing to become a commodity instead of a human right. We allowed those with money, most from out of state, to buy up multiple units and turn them into STR

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empires. Some own 5, 10, even 20 units. It's beyond exploitation, it's theft from our working families. And yet, this isn't just happening on Maui. Communities across the country and around the world have taken bold action to push back. New York City, San Francisco, Barcelona, Amsterdam, and many others have passed strong regulations, some even limiting the number of STRs a person can own, capping the number citywide, or outright banning them in residential zones. I was in Spain last year with my son, and I got to go to Barcelona city. We had to push back our date to go to Barcelona because there was these huge, major protests, and it wasn't safe for tourists to go and visit Barcelona. So, this is a big issue, just not...not only in Maui, but all around the world. And I'd hate for us to have to take bold measures like they do in Barcelona to regulate this industry. In addition to the housing damage, many of these vacation rentals are located in sea level rise exposures...exposure zones. These buildings have contributed directly to the loss of our beaches and our public trust resources by installing seawalls and hardening the shoreline. They are blocking natural coastal retreat, destroying ecosystems, and erasing public access. Not only should STRs be banned, but we must begin removing these structures from our beaches and coastal zones. . . .*(timer sounds)*. . . Our shoreline belongs to all of us, not to absentee landlords trying to protect their oceanfront profits. It's sickening to listen to testimony from entitled individuals who show no empathy, no connection to this place, and no understanding of kuleana. They treat Maui as an investment portfolio, not as a living, breathing home to real people. Let's be clear, Maui is not for sale. Our beaches are not for sale. Our communities are not for sale. I trust you guys to make bold, decisive action. Ban vacation rentals. And I will state this as a born-and-raised Lāhainā resident growing up in West Maui. A lot of those buildings in Honokōwai and Kahana were occupied by working-class families. I know, I used to sleep at my friends' houses and go visit family members that lived in these buildings. They were homes for local peoples. Not everybody wants to live in a regular lot, you know. Some people like the convenience of living in an apartment-style building, especially kūpuna who cannot take care of a yard. So, when I hear these entitled people make their arguments, it's moot to me because we thrived, and we lived there . . .*(timer sounds)*. . . at one point, and we should live there again. Mahalo.

CHAIR KAMA: Thank you, Tiare. Members, any questions for our testifier? I'm going to assume, Tiare, that you submitted your testimony in writing to us?

MS. LAWRENCE: No, but I will do that right now, Chair.

CHAIR KAMA: Thank you.

MS. LAWRENCE: Mahalo.

CHAIR KAMA: Thank you.

MS. LAWRENCE: Okay. A hui hou.

CHAIR KAMA: Staff?

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MS. MCKINLEY: Chair, we don't see a new caller that would be Wailuku Resident. So, at this time, we don't have anyone else signed up to testify. Would you like to do a last call?

CHAIR KAMA: Yes, please.

MS. MCKINLEY: Okay, Chair --

COUNCILMEMBER PALTIN: I saw a new telephone number waiting to be admitted.

MS. MCKINLEY: Thank you.

COUNCILMEMBER PALTIN: And then --

MS. MCKINLEY: Yes, I see that now, thank you.

COUNCILMEMBER PALTIN: -- the Royal House raised their hand, as well.

CHAIR KAMA: Yeah.

MS. MCKINLEY: Wailuku Resident, it is your turn to testify. Star-6 to unmute yourself. *(pause)* Chair, we do have two previous testifiers that are raising their hands, but they've already had an opportunity.

CHAIR KAMA: Go ahead.

MS. MCKINLEY: Wailuku Resident, this is your last opportunity. Star-6 to unmute. *(pause)* Chair, should I go ahead with the last call?

CHAIR KAMA: Oh, absolutely. I mean, what did you say about two people?

MS. MCKINLEY: There were two hands raised by former testifiers, people that had already indicated --

CHAIR KAMA: Oh, okay, I see.

MS. MCKINLEY: -- had already had an opportunity.

CHAIR KAMA: So please do last call.

MS. MCKINLEY: Chair, no one else has signed up to testify --

CHAIR KAMA: Oh, I see someone coming to the podium. Please.

MS. HUDCOVIC: Hello.

CHAIR KAMA: Hi.

MS. HUDCOVIC: Hi. My name is Lori Ann Hudcovic, and I oppose this bill. I'm a local resident

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with ties to our community. I've lived here all my life. My parents are born and raised here. My mother is from Lāhainā, and both of my parents graduated from Lahainaluna High School. So, our family is connected to this island. I am Hawaiian, my children and my grandchildren are Hawaiian too. So, I just wanted their voice to be heard. You know, I wanted to be a voice for perhaps a very small minority of born-and-raised short-term vacation rental owners. You know, this place is our home, and it's our gem. My father-in-law purchased this parcel and made it a home for his wife and his six children, who were all born and raised here on Maui. We love and we adore his paradise. We love this place. I know my father-in-law worked his butt off to own this property. My in-laws, along with my brother-in-law, and some of our most beloved family pets, have their ashes scattered right in front of our home, our short-term vacation rental. My husband currently lives on this property, and is constantly taking care of this property that my father-in-law has blessed us with, and we know that we are blessed. Every day, we thank God for this place. We are not off-island investment owners, nor do we make a fortune with our property. My husband and myself, we work two jobs, on top of taking care of our vacation rental, just to provide for our family. This is a family investment, and we take pride in it. You know, we supported fire victims right after the disaster. We...we charged them nothing. We have hosted many family...we host many local families on our property. We open up to our church members, we open up to all my son's soccer team, and we . . .(timer sounds). . . don't charge them anything. So, we do give back to our community in this way, and we don't only take, take, take, you know, as it was portrayed in some of the previous testimonies that I've heard. We don't do that. We are blessed, and if we lose this opportunity to provide for our family, it will affect my family, my children, and my children's children. You know, we kind of looked at, you know, would it be feasible for us to rent long-term? And I don't think that is a viable option for us, for where we're at. You know, so this is our home, and we're like the last two or three families left on this street. Everyone else is an investor, but we're not. And we work very hard to...for our short-term vacation rental. So, this would negatively impact . . .(timer sounds). . . me and my family. And that's all I have to say. Thank you.

CHAIR KAMA: Thank you. Members, questions for our testifier? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Miss...I...I didn't catch your last name, but would upzoning be a possibility for you to change the zoning to Hotel?

MS. HUDCOVIC: I don't know, I would have to ask my sister-in-law and my husband. They take care of all that...all of those things, so I can ask. I'm not sure. Hopefully, they're listening right now.

COUNCILMEMBER PALTIN: Is it like a single-family home?

MS. HUDCOVIC: No, I think it's apartment.

COUNCILMEMBER PALTIN: It's a...the zoning is Apartment?

MS. HUDCOVIC: No, I...the zoning, I'm not sure. I don't know that...that --

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COUNCILMEMBER PALTIN: The building is an apartment?

MS. HUDCOVIC: Yeah, I just take care of the...I just do the cleaning, and the gardening, and things like that.

COUNCILMEMBER PALTIN: It's...and you own the...you folks own the whole --

MS. HUDCOVIC: Yes.

COUNCILMEMBER PALTIN: -- lot?

MS. HUDCOVIC: Yes.

COUNCILMEMBER PALTIN: And so, the TMK, 100 percent, you guys own it?

MS. HUDCOVIC: Yes, we do.

COUNCILMEMBER PALTIN: Okay. So, let's talk story after. Because I did do a change in zoning for Grace Baptist Church, and it...it was...yeah, let's...let's try talk story.

MS. HUDCOVIC: Okay. Thank you.

COUNCILMEMBER PALTIN: Oh, shucks, I don't have an aide here. But maybe Jordan or Autumn can get your contact info, or give you my contact info? Sorry.

MS. HUDCOVIC: Okay. Thank you. Thank you so much.

CHAIR KAMA: Any other...Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry, I didn't catch your name. You don't have to share your name if you don't want --

MS. HUDCOVIC: Lori Ann Hudcovic.

COUNCILMEMBER RAWLINS-FERNANDEZ: Hudcovic. Okay.

MS. HUDCOVIC: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Hudcovic, for your testimony. And listening to Member Paltin's...your responses to Member Paltin's questions. So, it's...the property is owner-occupied then?

MS. HUDCOVIC: Um-hum. It is.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Did you explore doing a bed and breakfast permit, since you folks --

MS. HUDCOVIC: I don't think we explored that yet. We're just trying to --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MS. HUDCOVIC: -- figure out, you know, what's going to happen with...with all of this first, I think.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Got it. Mahalo for your testimony.

MS. HUDCOVIC: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. HUDCOVIC: Thank you.

CHAIR KAMA: You're welcome. Members, any other questions for our...Member...come back, Lori. Chair Lee has a question for you.

COUNCILMEMBER LEE: Hi, I'm sorry, I didn't catch all of your testimony, just the tail end. But do you know that there's...there's a...a period of time where people can make adjustments? That this is not going to happen overnight?

MS. HUDCOVIC: Correct, yes.

COUNCILMEMBER LEE: You were well aware of that?

MS. HUDCOVIC: Yes. Yes, we are.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And then I don't know where your property is, or like how much the property taxes is, but we also just started classification for long term-rental classification and exemption. And the exemption, as you know, would...would take like \$400,000 off your property valuation since you live there. And then, the property taxes would be more affordable. I...I don't know what the total cost and all of that would be, but there are other options since you live on the property.

MS. HUDCOVIC: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. Mahalo, Chair.

MS. HUDCOVIC: Thank you.

CHAIR KAMA: Okay. Members, any other questions for our testifier? Seeing none...oh, I'm sorry. Can you submit your testimony in writing?

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MS. HUDCOVIC: Yes.

CHAIR KAMA: Thank you.

MS. HUDCOVIC: I can.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, I just needed --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: If the other unit is used as a long-term rental, and not a short-term rental. Sorry, I...I missed that portion.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: In order to qualify for the long-term rental exemption and classification. Mahalo. Mahalo, Chair.

MS. HUDCOVIC: Thank you.

CHAIR KAMA: Okay. I'm glad you got that clarified. . . .(laughing). . . Thank you so much. Staff?

MS. MCKINLEY: Chair, we have two more testifiers signed up. Pua, to be followed by Deb. And Pua, you are unmuted.

MS. PUA: Aloha, everyone. My name is Pua. I am not one who like to speak in front of anybody, but listening just a couple of days now on this STR, I'm in support of STR. The bill is so irraz, all these people who speak about oh, how much money they gonna lose, and how much this, and how much that. Ey, how much our kūpuna lost, and our 'ohana? You know, you guys wasn't here before. You guys here now, yeah, thank you. You guys made money off of us. Enough is enough. Give back what is right to us, the people of Hawai'i, the people of Maui. We...this is our land. Let us thrive. You guys made enough money off of us, no need make any more. If you know what is right, you would give back to the people of Hawai'i. So, I am in support of that bill, and I thank you, Councilmembers, for what you do you guys do. And please side with the people of Hawai'i, the ones that will continue being here. Mahalo.

CHAIR KAMA: Thank you, Pua. Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Sorry, Chair. It's not a question for --

CHAIR KAMA: Oh, I'm sorry.

COUNCILMEMBER PALTIN: -- Ms. Pua. I just was wondering if we were going to get a pause for the cause?

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CHAIR KAMA: We have one more testifier after Ms. Pua, so I'm hoping that we can take that one, and then close our testimony, and then pause for the cause, if that's okay.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Unless you need to go, you don't need permission.

COUNCILMEMBER PALTIN: Okay. I'll be seeing how long I can hold it.

CHAIR KAMA: Okay. Members, did you hear that? Okay.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER LEE: Actually, if you take one or two more --

CHAIR KAMA: We only have one left.

COUNCILMEMBER LEE: Oh, one left. And then, we have to get into some kind of discussion, and then she can go.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR KAMA: Okay. She...yeah, but she can go, and we can do a discussion, and okay, because I think when she comes back, we'll still be in discussion...but should. Okay, let's not all look at Member Paltin. Shall we continue?

MS. MCKINLEY: Chair, the next testifier, and currently the last person signed up, is Deb.

WAILUKU RESIDENT: Is it possible for Wailuku Resident to speak?

CHAIR KAMA: Okay.

WAILUKU RESIDENT: I'm really sorry. I know you guys are ready to...I just wanted to correct two inaccuracies that have been repeated more than once. I am an STR owner, I'm also the AOA president of my association. We are a Minatoya list condo. And when I bought, I bought as a long-term residence to live there, and that was ten years ago. And when I bought, there were...over half of the units were long-term residents, just like I wanted to be. And then the prices went up, and up, and up, and the carrying costs became too much, and I moved out. Luckily enough, I just went to a cheaper part of the island. But the people...the long-term owners and people that rented long-term sold because they were tired of the special assessments and the high HOA. So, I don't like this characterization of STR owners pushing long-term owners out. That's not what happened. It just was the natural consequence of the raising...rising costs. And now it takes tourists who are paying so much more than long-term rent to pay for the repairs. And I know those repairs firsthand because I have to get those approved by my board, and it has nothing to do with swimming pools and landscape. It has everything to do

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with piping, and roofing, and painting, and things that don't go away. So, I just wanted to...the other little mistake that I hear people say is they want to reclaim it for long-term use. All the condo docs give equal weight to three uses--short-term . . .*(timer sounds)*. . . long-term, owner-occupied, and they're not ranked. Thank you so much for listening.

CHAIR KAMA: Thank you very much. Members, questions for our testifier? Seeing none. Thank you very much. Staff?

MS. MCKINLEY: Chair, the next testifier is Deb, to be followed by Susanna. *(pause)* Deb, it's your turn to testify. Chair, should we go on to Susanna?

CHAIR KAMA: Yes. Yes, please.

MS. MCKINLEY: Susannah, go ahead. You need to unmute yourself. You are unmuted on our end. *(pause)* If you're having trouble unmuting yourself, you can try calling in on the phone number listed in the chat with the meeting code. *(pause)* Chair, it seems that they're unable to unmute themselves.

CHAIR KAMA: Did Deb --

UNIDENTIFIED SPEAKER: Hello? Can you hear me?

CHAIR KAMA: Yes. Are you Deb or Susannah?

MS. MCKINLEY: Go ahead, please. Say...state your name?

MR. CARTER: My name is Kevin Carter. Can you hear me?

CHAIR KAMA: Yes.

MR. CARTER: I've been an owner since 1969 at Honokōwai Palms. It was operated...I bought it as a condo hotel. It had been run for about three years as a hotel operation. The owner got cancer and was dying, and he sold them off as the condo laws came into effect in the late '60s. And it's been run...initially, for about five, six, seven years, it was run solely as a hotel. But then people who work here, and other people that bought property wanted to move in. So, they moved in gradually, and then people started to rent them out. And so, the zoning apparently was changed without my knowledge from a hotel to--not rental property, but to resort property and all. And then eventually, it was changed to condo and--not condo, but to apartment use. And it's been a mixed-use ever since. We've had units run as a hotel operation all the time. The people who talk about well, they don't have a front office. Well, we had a front office. We had a manager managing the property. We had a hotel manager, and we had staff that basically did all the cleaning. But because of the ability to change away from that into a long-term rental and into owner-occupied, it kind of lessened. So, the people saying that units have taken away from the...the local people, our case is just the opposite *(audio interference)*. And so, it...it is...but I...I feel...I feel that, number one, what you're trying to do is against the Constitution. . . *(timer sounds)*. . . You're violating people's property rights. And I've been involved in this before with Bishop Estate in 1977. I was the keynote speaker on

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the petition against Bishop Estate, basically the revolt, as to what they were doing by raising the rent a hundredfold on the owners of property in O'ahu, and that they were in violation of the Constitution, and we lost every court case in Hawai'i, but we won every court case in the Federal Government to the Supreme Court. And if...things eventually got resolved, and everything. But a lot of cases, as far as I know, practically all the condos built on the water from Maui Sands, or Papakea...up north...were all built as hotels. And all the ones that I know of had full-time staff and all. But over the . . . *(timer sounds)*. . . years...because of people buying them, and converting them, is why --

CHAIR KAMA: Thank you, Mr. Carter.

MR. CARTER: -- we're in this situation now.

CHAIR KAMA: Members, any questions --

MR. CARTER: I do believe --

CHAIR KAMA: -- for the testifier?

MR. CARTER: -- we can --

CHAIR KAMA: Your time is up, sir. Member Paltin, you have a question?

MR. CARTER: Okay, thank you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Carter. I just wanted to clarify. Did you say that the zoning was changed without your knowledge?

MR. CARTER: Yes, ma'am, three times. At least three times, or two times it's changed.

COUNCILMEMBER PALTIN: That might be where you want to try --

MR. CARTER: It was changed --

COUNCILMEMBER PALTIN: -- sue somebody.

MR. CARTER: -- it...it...it --

COUNCILMEMBER PALTIN: Because I mean --

MR. CARTER: Well, when I owned it --

COUNCILMEMBER PALTIN: -- I don't...that's not what I --

MR. CARTER: -- it was zoned --

COUNCILMEMBER PALTIN: So, you...you said --

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MR. CARTER: -- as hotel.

COUNCILMEMBER PALTIN: -- the zoning was changed without your knowledge?

MR. CARTER: Right.

COUNCILMEMBER PALTIN: From --

MR. CARTER: I...I did not know --

COUNCILMEMBER PALTIN: -- what was it changed from, to...to what...what --

MR. CARTER: It was changed from Hotel. When I bought, and when the first, I don't know, four or five years, it was zoned as Hotel. When people started to buy...the owners that owned the units decided...first, people wanted to live in them. So, then we did that. And then the people that were living in them, you know, moved away, and then they turned it into a long-term...long-term rentals and all.

COUNCILMEMBER PALTIN: Do you mind to disclose --

MR. CARTER: And so --

COUNCILMEMBER PALTIN: -- the name of that apartment, or the name of the building, or the address? And the year that --

MR. CARTER: I believe I said it earlier. It was...it was Honokōwai Palms. It...it was known as Honokōwai Palms Resort, and it was built back in 1964, and it was used...it was built by Sheraton and used by Sheraton, and then it was sold to a private individual, who converted it about 1966 to hotel operation. And then in 1969, the person got real sick, and he tried to sell off the units, and he got it converted to condo, and it became a condo hotel, and it was run that way, 100 percent, for about six, seven years. And then some of the property management people that worked the hotel and worked the property, wanted to live permanently on the property --

COUNCILMEMBER PALTIN: Okay, thank you. You did answer --

MR. CARTER: -- and then that started the change --

COUNCILMEMBER PALTIN: -- my question. I'll...I'll look into it more, but maybe your problem is that it got changed zoning without you, the owner, knowing about it. But I'll...I'll try look into what you said to verify the accuracy. Thank you.

MR. CARTER: Yeah, just a couple of years ago --

CHAIR KAMA: Thank you.

MR. CARTER: -- some of the people have asked me --

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CHAIR KAMA: Thank you, Mr. Carter --

MR. CARTER: -- I said we're not a...it's zoned just Hotel.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you so much, sir. Staff?

MR. CARTER: Okay.

MS. MCKINLEY: Chair, returning to Deb or Susannah, we did see that a new caller joined. If you are on the phone, Deb or Susana, and you would like to testify, please press star-6 to unmute.

MS. DEB: *(Audio interference)*.

MS. MCKINLEY: Go ahead.

MS. DEB: Hello, can you hear me? *(echoing)*

CHAIR KAMA: Yes.

MS. DEB: We all know these condos were built for multi-purposes back in the '70s. *(echoing)* Senator . . .*(inaudible)*. . . built them. Come on. You're making it sound like these people that are wanting our condos are going to get them free. It's not going to happen.

CHAIR KAMA: Can you...can you identify yourself please?

MS. DEB: If you qualify...Deb. I'm Deb.

CHAIR KAMA: Okay, you're Deb.

MS. DEB: I own a condo. *(echoing)* And I've owned it for 20 years. I paid more for my condo 20 years ago than my house here on Maui. When I bought my house here on Maui, anybody in the world could have bought it. I bought it because I couldn't live in my condo, they wouldn't accept pets. I had two cats. I don't...I have two cars. I work. I couldn't park there, I didn't have storage, and...I mean you all saying, hey, you can live in a 300-square feet. Can you qualify for rent? The person that testified yesterday that said she could live in 300 square feet, can she qualify for rent? She probably doesn't even need to pay rent. Come on. These are not affordable condos, no matter what you say. So don't be leading people that think they're going to live in these condos free, they're not. You have to pay rent here. If I don't make my condo payment, the bank takes the condo back. End of story. Hello? Do you guys not have condo payments? Do you not have house payments? Are you going to rent your personal residence for less than you owe on your bank and your condo dues a month?

COUNCILMEMBER SINENCI: Chair, sorry. I...I hear --

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MS. DEB: My condo dues are \$1,900 --

COUNCILMEMBER SINENCI: -- like a reverb, and I can't hear --

MS. DEB: -- a month.

COUNCILMEMBER SINENCI: -- this. I cannot hear her testimony. There's a reverb. Can she turn down her...thank you.

CHAIR KAMA: Is anybody else hearing a reverb? Okay, I didn't hear one.

MS. DEB: My condo dues are \$1,900 a month.

CHAIR KAMA: Is that better? Okay.

MS. DEB: I hear all day long . . . *(timer sounds)*. . . on NextDoor how greedy you are for other people. They're charging \$1,500 a month in rent. I'm not going to --

COUNCILMEMBER PALTIN: Can you mute your --

MS. DEB: -- your rent.

COUNCILMEMBER PALTIN: Can you mute --

CHAIR KAMA: Deb.

COUNCILMEMBER PALTIN: -- something?

MS. DEB: If I can't pay it, the house --

CHAIR KAMA: . . . *(inaudible)*. . .

MS. DEB: -- payment, the bank takes it back.

CHAIR KAMA: Deb. Deb.

MS. DEB: That's...end of story.

CHAIR KAMA: There's a reverb, and so we're trying to get you to turn off the other device if you have one.

MS. DEB: So, if you...if none of these people make their house payments, are you prepared to crash banks? What? Yes? Crashing banks is good? It didn't help the economy many years ago. Is it going to help the economy now? My housekeeper is going to lose her job. And you don't care? What?

UNIDENTIFIED SPEAKER: Don't turn Maui into Cuba.

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MS. DEB: Don't turn Maui into --

UNIDENTIFIED SPEAKER: Cuba.

MS. DEB: -- a --

UNIDENTIFIED SPEAKER: Cuba.

MS. DEB: Cuba. Is that the goal? Put people out of business? Do you think these people who have bought these . . . *(timer sounds)* . . . condos are going to rent it out long-term? They're not.

CHAIR KAMA: Deb, your time has expired. Members, any questions for the testifier?

MS. DEB: Okay.

CHAIR KAMA: Thank you.

MS. DEB: My time is expired. But you need to tell people they're not going to get free housing --

CHAIR KAMA: Staff?

MS. DEB: -- on the backs of people that pay for --

CHAIR KAMA: Thank you very much, Deb.

MS. MCKINLEY: Chair, if we can't return to Susana, we don't have any more testifiers...any...any other individuals signed up. Susana, if you're on the call, if you could press star-6 to unmute if you're on the phone, or you could try to unmute yourself on Teams or call in, but we're at the end of the list. Chair, would you like to do a last call again?

CHAIR KAMA: Yes, please do a last call.

MS. MCKINLEY: Chair, no one else has signed up to testify. If anyone in the audience or on Teams would like to testify, please come up to the mic and begin your testimony. Or use the raise-your-hand function on Teams, and Staff will unmute you. We'll provide a brief countdown...three, two, one. Seeing none, Chair.

CHAIR KAMA: Thank you. So, Members, we have reached the end of our testifier list, and without objection --

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Okay. I'll let you guys clap because I want to clap too. Without objection, I will close oral testimony --

COUNCILMEMBERS: No objections.

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CHAIR KAMA: -- and continue to allow --

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR KAMA: -- written testimony to be accepted into the record.

COUNCILMEMBER RAWLINS-FERNANDEZ: No objections.

. . . CLOSE PUBLIC TESTIMONY . . .

CHAIR KAMA: Thank you very much. Okay. So, Members, according to the Sunshine Law, now that we've closed oral testimony, we must conduct some discussion of the matter before us, which is Bill 9, prior to recessing, even if it's just a recess for bio. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I wasn't sure if the Administration was available for --

CHAIR KAMA: No, they're not.

COUNCILMEMBER SINENCI: -- questions today?

CHAIR KAMA: No, they're not.

COUNCILMEMBER SINENCI: All right.

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: Yes. I was wondering, maybe we should all give you our...our list of people we would like to see at the next meeting as resource people, and...in addition to the Administration. Okay?

CHAIR KAMA: Okay. So --

COUNCILMEMBER LEE: That's discussion.

CHAIR KAMA: That's your discussion. So, can we go take a bio break, and then we'll be back at --

COUNCILMEMBER RAWLINS-FERNANDEZ: Why do we have to be back?

CHAIR KAMA: I'm just...that's what I was going to say.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you want to come back?

COUNCILMEMBER LEE: No, not really.

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CHAIR KAMA: No, from the bio break.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no, no, I want -- I want to not come back until next Wednesday.

COUNCILMEMBER SUGIMURA: Oh, are we supposed to . . .*(inaudible)*. . . submit names?

COUNCILMEMBER LEE: No. To her, in writing.

COUNCILMEMBER RAWLINS-FERNANDEZ: Later?

COUNCILMEMBER LEE: Yeah, later.

COUNCILMEMBER RAWLINS-FERNANDEZ: Can we just recess and be pau today?

CHAIR KAMA: Okay. You want --

COUNCILMEMBER RAWLINS-FERNANDEZ: Was that sufficient --

CHAIR KAMA: -- do recess right now --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- James?

CHAIR KAMA: -- be pau today right now?

COUNCILMEMBER LEE: I did do discussion.

CHAIR KAMA: Do you all want to send, or...yeah, Chair Lee wanted to have some discussion about her --

COUNCILMEMBER LEE: I do...no, I did. So, the discussion was, can we send you our list of people to have at the next meeting? Resource people...besides the Administration.

CHAIR KAMA: Can we do that, James?

COUNCILMEMBER RAWLINS-FERNANDEZ: And send it to Staff.

CHAIR KAMA: I don't have a problem with that, do I?

COUNCILMEMBER RAWLINS-FERNANDEZ: To avoid Sunshine Law violations.

MR. KRUEGER: Yes. Apologies, Chair. Staff does have a preference that that would be...like if the Members just want to say that orally now, that that'd be preferable, than sending it after the meeting.

CHAIR KAMA: I guess your answer is probably no. Because --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. Chair Lee? Can...can we send it to Staff?

CHAIR KAMA: Yeah, I guess you could. Could we do that?

MS. NAKATA: Excuse me, Chair, would...would with the Members like to indicate now who they'd like to request while we're in the open meeting?

CHAIR KAMA: Well, that's why Member Rawlins was asking, can we just --

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't have any requests. I...I made one request during public testimony because of the report that we received. That's my request.

COUNCILMEMBER LEE: Okay, my request has to do with the result of all the testimony, and people talking about the availability of rental units. We...we should figure out...I mean find out from an expert, you know, who is in the business, how many units are available in West Maui, rental units, and how many are available in South Maui, and how much are they going for, and what's the square footage, and things like that?

CHAIR KAMA: Do you have a name?

COUNCILMEMBER LEE: You can ask the real estate association, Maui...Realtors Association of Maui.

CHAIR KAMA: Oh, you want me to do that?

COUNCILMEMBER LEE: Well, you can do that, too.

CHAIR KAMA: No, I'm asking you to give me the name, but okay. Staff, can we do that? I'm just going to pass it on. Okay --

COUNCILMEMBER LEE: That's one. But if I think --

CHAIR KAMA: Okay, I'm --

COUNCILMEMBER LEE: -- of others, can we just send it in to you?

CHAIR KAMA: I don't see what's wrong with that. Would it be okay, Carla, or does it have to be declared in open discussion?

MR. KRUEGER: Apologies, Chair. Yes. Just...just to avoid...you know, we'd prefer if it be held in the open meeting. That...just...again, Chair Lee provided parameters for that one resource person. Perhaps you could just do the same thing, and that we can work off of that.

CHAIR KAMA: Okay. So, Chair Lee --

COUNCILMEMBER LEE: Tamara?

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CHAIR KAMA: -- gave param [sic]. Member Sugimura?

COUNCILMEMBER SUGIMURA: I guess you're going down?

CHAIR KAMA: I'm going down the row.

COUNCILMEMBER SUGIMURA: Yeah, thank you...thank you, Chair. So, I would like to have the Administration, when they do come, to...can I ask you about that?

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: So, we have them scheduled --

COUNCILMEMBER SUGIMURA: So, when the Administration --

CHAIR KAMA: -- for next week, Wednesday.

COUNCILMEMBER SUGIMURA: -- next week Wednesday, when they come, to provide their housing report.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: I was told that the Department of Housing has completed their housing report, and this definitely impacts overall housing for Maui Island, but Maui County, I don't know how big their report is, but particularly for the Island of Maui and what...what their plans are.

CHAIR KAMA: Okay. You got that, Staff? Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I would like to, for my parameters, I guess, someone...or a representative from the Lāhainā Strong team that did the walk, whoever it may be that they choose.

CHAIR KAMA: Oh, you let them decide?

COUNCILMEMBER PALTIN: Yeah, they can decide.

CHAIR KAMA: So, that's either Jordan or...or was that Lauren?

COUNCILMEMBER PALTIN: They can decide.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: I mean, because I...I imagine it might have been more than the two of them, but I don't know.

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CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: And whoever is available. But I guess when we're done with this exercise, I was wondering also...I mean not to prolong it, but just so everybody has kind of an idea, do you have a framework for the discussion? Like, I believe I heard last time Member U'u-Hodgins had said that we...we may need to go into executive session.

CHAIR KAMA: Yes, I heard that, too.

COUNCILMEMBER PALTIN: And like, sometimes it's easier to be in person if it's possible for executive session. Not necessary, but --

CHAIR KAMA: Easier.

COUNCILMEMBER PALTIN: -- I kind of work better in person. So, I was wondering if you had a framework, or a calendar of how you imagine the discussion to go, once everyone finishes telling who their resource would be? If we can do that before recessing --

CHAIR KAMA: The recess --

COUNCILMEMBER PALTIN: -- for further discussion. Just, you know, to get an idea of, like, if we're going to do the executive session first, if we're going to do questions in open session, probably. I mean, I don't know, you tell us.

CHAIR KAMA: Yeah, okay. Thank you. Mr. Nunokawa, so last time when Member U'u-Hodgins asked a question, you said that you had to have either Kristin with you, or one of the other ladies with you. That still stands? Are you folks prepared to come on next week Wednesday?

MR. NUNOKAWA: Hi, Chair. Yes, I believe that the intent is for everyone to be there on Wednesday, and to be able to answer questions.

CHAIR KAMA: Okay.

MR. NUNOKAWA: Sort of to that, if anyone has any legal questions that they know that they'd like to ask, and wants to email it to us in case it requires further review to give you the best legal advice possible, feel free to email those to us, and we can be ready for those questions.

COUNCILMEMBER PALTIN: So, just a process on what he said. Do you want the communication to get routed through the HLU Committee to them, or --

CHAIR KAMA: It should --

COUNCILMEMBER PALTIN: -- do we just put Nāhulu Nunokawa, here's all my questions?

CHAIR KAMA: It should come through HLU Committee.

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COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Yeah. Yes, Member --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I'm just --

CHAIR KAMA: -- are you --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- just Staff's...I'm sure Staff is concerned about Sunshine Law, and not transmitting those questions in an open meeting. So, I think it might be safer, and Staff can correct me if I'm wrong, to transmit directly to Corporation Counsel?

CHAIR KAMA: Staff?

COUNCILMEMBER RAWLINS-FERNANDEZ: Since it's...it's not going to be in an open meeting? Because I don't have my questions ready right now.

CHAIR KAMA: Well, they can also siphon it out, right, what actually can be asked and what cannot, right? Because we ask all kinds --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, the question was, should it be routed through --

CHAIR KAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- HLU Committee, and I think the answer is no, because it's not going to be in an open meeting.

MR. KRUEGER: Chair, it could be routed through the Committee if the questions are provided to us orally in the open meeting now. But if not ready, then maybe it would be best to...right, maybe it would be better --

CHAIR KAMA: Okay, Mr. Nunokawa?

MR. KRUEGER: -- if we just communicate with Corp. Counsel . . .*(inaudible)* . . .

CHAIR KAMA: Tell us your email address, if we don't already have it.

MR. NUNOKAWA: Well, depending on the...on the question, I'm not sure if it will be me or Kristin answering it. So, if you just send it to the Corporation Counsel general email, and then they can distribute it according to who will answer the question...if that works for you, Chair?

CHAIR KAMA: Well, as long as it gets to where it's supposed to be and gets back to us, I'm good with that.

MR. NUNOKAWA: Yeah. . . .*(laughing)*. . . We'll...we'll be keeping track.

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CHAIR KAMA: Okay, thank you.

MS. NAKATA: Chair? And Staff would just note that if Members currently have questions for quest...for Corporation Counsel that they'd like to get on the record, then we can formally transmit them in writing later.

CHAIR KAMA: Yep.

COUNCILMEMBER PALTIN: I have one if you're ready for it, but I don't want to hold up the thing.

CHAIR KAMA: Let's...let's go around, right, and then we can come back. . . .*(inaudible)*. . . Okay. We have to take a break. Sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: I thought we were going to leave.

CHAIR KAMA: Well, so much for being fast. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: We didn't knock on wood, shucks.

CHAIR KAMA: You didn't knock on wood, I got my wood right here. Okay.

COUNCILMEMBER LEE: Two minutes.

CHAIR KAMA: It is now 3:30, and this meeting is adjourned...recessed until 3:40. 3:40, Members? You guys are the worst timekeepers.

COUNCILMEMBER RAWLINS-FERNANDEZ: 3:35?

CHAIR KAMA: Recess until 3:40. . . .*(gavel)*. . .

RECESS: 3:31 p.m.

RECONVENE: 3:45 p.m.

CHAIR KAMA: . . .*(gavel)*. . . May the recessed HLU Committee meeting of June 9th, 2025, come back to order. It is now 3:45 p.m. And now, we're going to continue in our discussion where we left off. I think was with you, Member Rawlins-Fernandez; is that correct?

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't remember if it was me or not, but I did give all my questions to our Deputy Corporation Counsel.

CHAIR KAMA: Okay, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: And he is ready. Mahalo, Chair.

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CHAIR KAMA: Okay. And I think Member U'u-Hodgins said that she didn't have any resources, and she didn't have anything. She'll ask for --

COUNCILMEMBER RAWLINS-FERNANDEZ: I think she just wanted to make sure that the Planning Department --

CHAIR KAMA: Was here to answer --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- was all going to be here --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- regarding...and...and answer the questions regarding the Planning --

CHAIR KAMA: The Planning Commission's --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Commission's report.

CHAIR KAMA: -- recommendations.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yep.

CHAIR KAMA: Right. So, Planning will be here. And then, let's go on to Member Sinenci. Do you have any questions you'd like to ask the Administration, or...in advance, or if not, wait until that day?

COUNCILMEMBER SINENCI: Yep. Thank you, Chair. Yeah, definitely, the Planning or Department or Corporation Counsel? I still need to research more on the Minatoya ruling, so if somebody can answer...or explain...help explain the Minatoya ruling. I...I know some testifiers addressed some of the...I guess it was some of the challenges, or if there was any parameters to the...to the Minatoya ruling. So, those are my general questions, Chair. Thank you.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes, Member Rawlins?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, can we just clarify real quick and not let that stay on the record that it's...it's a ruling? It was just...it was an opinion from Mister...Deputy Corporation Counsel Richard Minatoya.

COUNCILMEMBER SINENCI: Oh.

CHAIR KAMA: Oh, okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And it was just like how when we write...a question...when we send questions to Corporation Counsel, and then they give us their legal advice, that's all it was. It wasn't a court ruling. Mahalo, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER SINENCI: Oh, thank you for that. Yeah. Mahalo, Member Rawlins-Fernandez. Yes, the opinion. Thank you.

CHAIR KAMA: Okay, thank you. Chair Lee, did you have any questions that you want to send the Administration?

COUNCILMEMBER LEE: . . .*(inaudible)*. . .

CHAIR KAMA: Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. And I think this is related to probably what Member U'u-Hodgins was talking about, needing to have executive session --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- in terms of the legal perspective, or opinion on this bill. So, the Fifth Amendment of the United States Constitution prohibits private property from being taken from public, without use...public use without just compensation. U.S. Constitution Amendment 5, the Hawai'i Constitution too, states that...anyway, that...that whole concept. Yeah. I just wanted to say that in public.

CHAIR KAMA: Okay, thank you. Member Paltin, any questions you want to send?

COUNCILMEMBER PALTIN: Thank you. My question, I did ask it to Nāhulu, but if we could get it in writing, it would be that clause, and I think it was 19.12.010(C) about Apartment-zoned district should be occupied on a long-term residential basis. And he said 1991. We don't know the exact date going forward, but I guess the question is, if those apartments that are subject to it are not in compliance with the long-term residential basis of living there at least 180 days a year, can we issue daily fines and put that into a rental assistance fund? Because that was a reoccurring theme of some of the testifiers. Like, this isn't going to be free housing, you know. And so, if...if we fine the people that are not follow...or, I mean, what...what is the recourse, if they're not in compliance with the law? Do we force them to sell it, or could it be daily fines, or what is the legal recourse there? And if it is...if it could be daily fines, could that go into a fund that would help provide rental assistance or home...like, bring down the homeowner association dues, or things along those lines? Because if it's already a law, and it's just not being enforced, then maybe that's a piece of the puzzle to the solution to this problem.

CHAIR KAMA: Um-hum. Okay. So, I had a few questions for the Planning Department, in terms of I wanted to know how much funding did they spend on enforcement of our existing code regarding illegal STRs. And I wanted to know how many illegal STRs are

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there, if they found any, and how they're doing with that. And how much fines they collected, if at all...and I think that's about it for now. So, those are just my questions. Chair Lee and then Member --

COUNCILMEMBER LEE: Chair, I did a PAF on that exact question.

CHAIR KAMA: Oh, okay, you did?

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: It's going to come up?

COUNCILMEMBER LEE: Well, I'm waiting for an answer from Planning.

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Good. Well, we'll ask again. Maybe they got buried under paperwork. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. In light of you guys' questions, I guess, also, I'd like to know the parameters, like what it takes to enforce. Because that's another theme that we had heard from the testifiers.

CHAIR KAMA: . . .*(inaudible)*. . . Sorry.

COUNCILMEMBER PALTIN: Oh, no worries. That, you know, they're not enforced, that's what they want us to focus on. But like how...how can they, and what prevents them from enforcing? Like what are the parameters needed?

CHAIR KAMA: Yeah. Yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Today it was mentioned through that report that was presented, but some of the properties that are like Hotel, and what...and it wasn't one of the responses from the Planning Department, that there are...there are hotels and it's in the Community Plan. So, I wonder if we could just get more information on that. And if it is, what does that mean to this discussion? Do they get exempted or whatever?

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: And then, what would we need to do if...I think the Mayor talked about it in his presentation on June 9th, but properties that are...that can be, what is the word?...converted to...or rezoned. Rezoned. So, what would that entail? In the...in the Hotel [*sic*] district, and what properties are they?

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CHAIR KAMA: Okay. Member Johnson, do you have any questions you'd like to submit in writing to the Department to give them a heads up as to where your head is at?

COUNCILMEMBER JOHNSON: Chair, I think I'm...I don't have any at this time.

CHAIR KAMA: Okay, that's fine. We just wanted to preempt them so that, you know, they don't tell us they don't have the answers right now, they'll get back to us later in writing. Yes, Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I guess the other question is, you know, this free labor volunteer work that we got from Lāhainā Strong is extensive. And has the Administration looked into all the SMA applications as to the purpose and intent? Because I believe under the previous administration, Maui Lani Terraces was on the Minatoya list. And when Ms. Takakura discovered in the SMA application that it had stated it was for residential workforce housing, they then took it off the Minatoya list, and it was a property like, at that time, I think had maybe two transient vacation rentals, and thought that the Minatoya opinion or codification applied to them. But if there's other...if they've looked through all the SMA applications for verbiage that stated clearly that this is for residential workforce housing, like how it was with the Maui Lani Terraces case. And I mean, I guess, you know, if...if they...if they've done as deep a dive on each property as Lāhainā Strong has.

CHAIR KAMA: Okay. Good questions. Any other Members have questions for the Administration next week? Seeing none. Therefore, Members, if there are no objections, I would like to recess the reconvened HLU Committee meeting of June 9th to --

MR. KRUEGER: Chair?

CHAIR KAMA: Yes? Yes, yes?

MR. KRUEGER: Apologies. Just...so, it sounds like the Committee is intending to recess at this time, so I just wanted to state for the record the information, if that's okay, Chair?

CHAIR KAMA: Yeah.

MR. KRUEGER: So that would be...the Committee would be recessing to next week. That would be July 2nd at 9:00 a.m.

CHAIR KAMA: Yes.

MR. KRUEGER: The same in-person location here in the Chamber --

CHAIR KAMA: Yeah.

MR. KRUEGER: -- and the same online connections with Microsoft Teams that we're using today.

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CHAIR KAMA: Yes, all of that. Okay. So, Members without objections, I would like to be able to recess today's HLU meeting.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: TC, KRF, NUH).

CHAIR KAMA: It is now 3:55 p.m., and we will reconvene July 2nd. . . .(gavel). . .

RECESS: 3:55 p.m.

hlu:min:250625min-r:kr

Transcribed by: Kaliko Reed

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CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 65 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 21st day of July 2025, in Wailuku, Hawai'i



Kaliko Reed