

Disaster Recovery, International Affairs, and Planning Committee (2025-2027) on 2025-02-05 1:30 PM

Meeting Time: 02-05-25 13:30

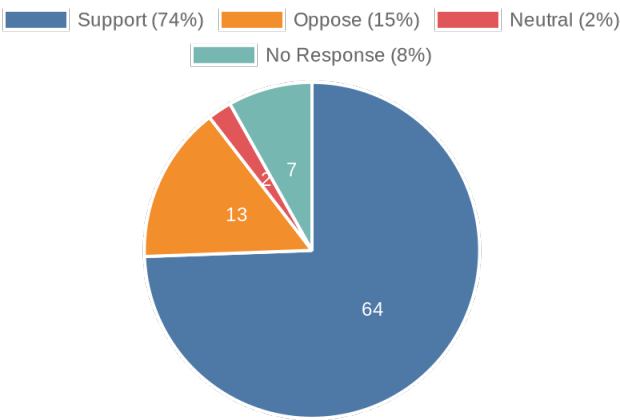
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Disaster Recovery, International Affairs, and Planning Committee (2025-2027) on 2025-02-05 1:30 PM	02-05-25 13:30	2	86	64	13	2

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



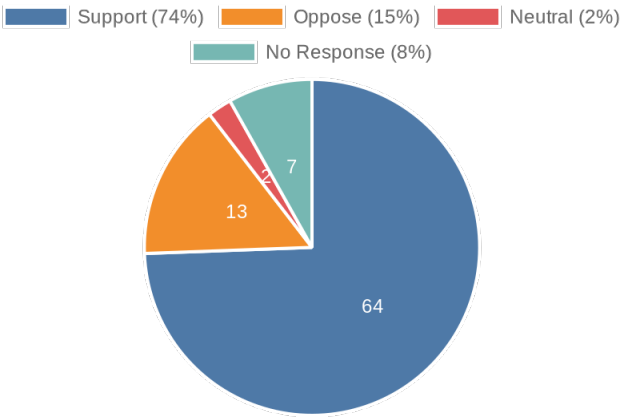
Disaster Recovery, International Affairs, and Planning Committee (2025-2027) on 2025-02-05 1:30 PM
02-05-25 13:30

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	43	32	7	2
Bill 105 (2024) DRIP-4 BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES	43	32	6	0

Sentiments for All Agenda Items

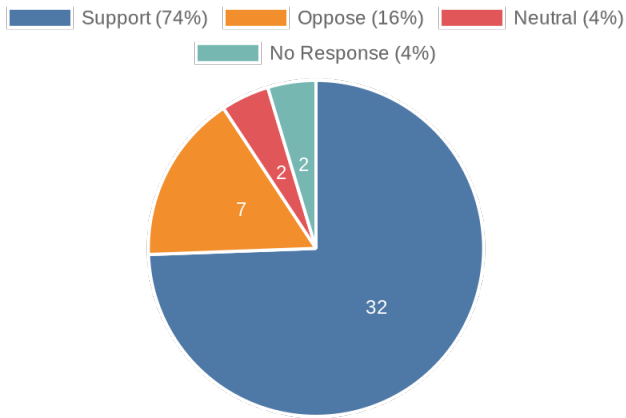
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for A G E N D A

Overall Sentiment



Guest User

Location:

Submitted At: 2:38pm 02-05-25

February 5, 2025

Councilmember Tamara Paltin
Maui County Council
Kalana O Maui, 8th Floor
200 South High Street
Wailuku, Hawai_i 96793

Re: Councilmember Paltin's Amendment to Bill 105 (2024)

Dear Chair Paltin, Vice Chair U_u Hodgins, and members of the Disaster Recovery, International Affairs, and Planning Committee,

On behalf of Expedia Group, a family of brands that includes Expedia.com, Hotels.com, and short-term rental leader Vrbo, I am writing to share comments on Bill 105 (2024) and Councilmember Tamara Paltin's amendment that would disallow nonconforming transient vacation rental uses from resuming if the use was halted for twelve or more months because the unit was in a structure damaged or destroyed by fire.

This amendment would further penalize transient vacation rental owners and operators who are already struggling to recover from the devastating wildfires in 2023. This amendment would slow down recovery for not just short-term rental operators but all the auxiliary small businesses and economic activity that those rentals support.

Disallowing these short-term rentals is a significant, impactful proposal that requires thoughtful deliberation—carefully examining community and economic impacts. There is already legislation before County Council to contemplate disallowing or phasing out short-term rentals, so there is no need to interject an

amendment into this bill.

Finally, Councilmember Paltin's amendment could slow down this important legislation drafted to help Lahaina to rebuild. We urge you to reject Councilmember Paltin's amendment and other attempts to disallow existing transient vacation rental uses.

Mahalo,

Mackenzie Chase
Regional Manager, Hawai'i
Expedia Group

Guest User

Location:

Submitted At: 1:21pm 02-05-25

Dear Council Members,

I support Bill 105 because Lahaina needs a fair path to rebuild, and this bill helps make that happen. However, I'm opposed to the Paltin Amendment, which would prevent short-term rental (STR) owners from the same rebuilding rights as others.

Many STR owners are local residents who depend on this income to stay in Maui. Excluding them could make it even harder for some families to recover. STRs also support the local economy—providing jobs, helping small businesses, and keeping money flowing into the community.

Lahaina's recovery should be about rebuilding together. I ask you to pass Bill 105 without the Paltin Amendment so that all affected property owners have a fair chance to move forward.

Thank you

Guest User

Location:

Submitted At: 6:49am 02-05-25

Please reject the amendment to this Bill

Guest User

Location:

Submitted At: 7:02pm 02-04-25

I oppose the amendment to Bill 105 proposed by Council-member Paltin.

Guest User

Location:

Submitted At: 6:54pm 02-04-25

Dear Councilmembers and Members of the Committee,

I oppose Councilmember Paltin's amendment to Bill 105 that would disallow a nonconforming transient vacation rental use from resuming if the use was discontinued for 12 months because the structure was damaged or destroyed. A person or family whose rental house/unit was destroyed or damaged has suffered enough. The Paltin amendment would only serve to punish these owners for a disaster that was far beyond their control. I support the rest of the bill, just not the amendment.

Thank you for your consideration.

Guest User

Location:

Submitted At: 5:22pm 02-04-25

My wife and I own property on Maui and strongly support the bill to provide necessary structural change to facilitate quicker rebuilding of beautiful Lahaina. Those devastated by the fire should have the full support of the Council for prompt rebuilding.

At the same time, we strongly OPPOSE the proposed amendment that unfairly targets short-term rentals. Owners of STRs provide vital employment to thousands within the community and they contribute vast tax revenues to the county, thereby supporting the community for all. There is no compelling reason to exclude STR owners from the overall goal of the bill.

Mahalo.

Dean and Tammy Sandow (Maui Kamaole G201)

Kent Untermann

Location:

Submitted At: 1:12pm 02-04-25

We strongly support bill 105 to help small businesses, landowners and local families recover faster. Our one small building provided over \$2,000,000 in wages to local families, artists and employees both on Maui and Oahu. As a small business and manufacturer it is so hard to live in Hawaii and the economic "utility" of Lahaina was the single best source or revenue for the "small guy" unlike Waikiki. Time is our "ENEMY". There is NO time for studies, or other delays. Local families are already leaving due to lack of quality jobs. So many benefited from this wonderful economic engine that had it own quaint vibe. Please support and pass bill 105. Mahalo!

Dora Millikin

Location:

Submitted At: 12:47pm 02-04-25

I strongly support Bill 105 and urge the Maui County Council and the Mayor to approve Bill 105 so we can restore the historic diversity of Lahaina. Please pass this bill so we all can come home to a Lahaina that is more like it was before. The nonconformity of Lele made it attraction to everyone.

I am also a board member of Lahaina Restoration and our task to rebuild the historic buildings of Lahaina needs Bill 105 so we can honor the history of Lahaina.

Lahaina used to generate about 30% of the tax revenue for Maui County. Let's rebuild our Lahaina so it can do that again and help all of us.

Mahalo for supporting and passing Bill 105.

Guest User

Location:

Submitted At: 12:32pm 02-04-25

I am in support of bill 105 but against the ammendment.

Guest User

Location:

Submitted At: 11:27am 02-04-25

Dear Councilmembers and Members of the Committee,

As a Lahaina homeowner, I am writing in support of Bill 105, which is essential to the recovery and rebuilding of Lahaina. This bill provides critical measures that allow properties with nonconforming uses to rebuild after disasters, such as the devastating August 8th wildfire. Bill 105 would help create a clear path forward and is essential for the recovery of our residents, businesses, and community.

However, I oppose the amendment proposed by Councilmember Paltin. It's unfair to single out one type of business, and fire victims should not be penalized for circumstances beyond their control.

I urge the committee to pass Bill 105 as originally drafted and reject the proposed amendment.

Thank you for your consideration.

Guest User

Location:

Submitted At: 11:03am 02-04-25

Aloha Chair Paltin and members of the committee. Thank you for the opportunity to provide testimony in strong support of Bill 105.

My family is the fee simple owner of the Pioneer Inn property adjacent to Lahaina Harbor. The Pioneer Inn, which my great grandfather opened for business in 1901, was the oldest continuously operating hotel in Hawaii until it was destroyed in the August 8, 2023 wildfire. It was an integral part of Lahaina's history and community for 122 years. The hotel, restaurant, and retail businesses located at the Pioneer Inn provided hundreds of jobs. We hope that our property will be able to be rebuilt to its former scale, appearance, and use.

I appreciate the County drafting this bill. Approval of Bill 105 is necessary in order for Lahaina to be rebuilt in its historic, small-town character.

I urge the Council to support the rebuilding of historic Lahaina by passing Bill 105.

Mahalo,
G. Warren Freeland
gwarrenfreeland@gmail.com

Guest User

Location:

Submitted At: 11:01am 02-04-25

I am in support of bill 105 for the rebuilding of Lahaina. I oppose the amendment proposed by Council member Tamara Paltin.

Sincerely, Karen J Brumbaugh

Cara Birkholz

Location:

Submitted At: 10:57am 02-04-25

As a Maui resident I very much support bill SB105. However I strongly oppose the proposed amendment to restrict previously existing legal transient vacation rentals from resuming business. Mahalo for helping Lahaina rebuild.

Guest User

Location:

Submitted At: 10:46am 02-04-25

Aloha Chair Paltin and HLUC Committee Members

I have lived and worked in Lahaina for 39 years and been executive director of Lahaina Restoration Foundation (LRF) for 17 years. LRF is now in its 63rd year of preserving Lahaina's historic sites and structures. Due to the fire, LRF will be restoring 8 historic Lahaina buildings, 5 of which we own, and 3 of which we manage.

Lahaina Restoration Foundation is in strong support of Bill 105.

The multitude of cultural and historic architectural influences in Lahaina town are what makes Lahaina -Lahaina. These "nonconformities" are what gives Lahaina its character, ambiance and unique sense of place. Let's rebuild Lahaina's buildings on the same footprint, with firesafe materials, following the design and look of the buildings that were destroyed in the fire.

This comment is in support of the original bill. We are not commenting on the amendment.

Mahalo,

Theo Morrison

Executive Director
Lahaina Restoration Foundation
theo@lahainarestoration.org
808-661-3262

Guest User

Location:
Submitted At: 10:19am 02-04-25

We lost our home below the Hwy in lahaina during the fire. we support this bill so the people of Lahaina can rebuild what they had as soon as possible . We don't not support the Paltin Amendment. We think having long term residents, businesses and short term guests all in the mix is good for the community and brings strength and vibrancy and jobs and wealth to the community. If we don't rebuild soon Lahaina is in danger of become a patchwork waist land.

Thank you for all your hard work at this very very challenging time. We appreciate you.

Guest User

Location:
Submitted At: 10:02am 02-04-25

February 3, 2025

Maui County Council
Disaster Recovery, International Affairs, and Planning Committee
Kalana Pakui Building
250 South High Street
Wailuku, Maui, HI

Re: BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING
NONCONFORMITIES (HLU-34) COMMENTS

Aloha Councilmembers,

Mahalo for the opportunity to provide testimony on Bill 105 (2024), which seeks to amend section 19.500.110 of the Maui County Code regarding nonconformities.

Airbnb supports the original intent of this bill, which is designed to offer flexibility and support for rebuilding structures damaged by disasters as proclaimed under Chapter 127A, Hawaii Revised Statutes. This bill is pivotal for the recovery of our community, particularly in providing clear guidelines for the reconstruction of nonconforming structures and uses on Maui.

However, we are concerned about the proposed amendment, which would add subsection 19.500.110(G). This amendment stipulates that nonconforming transient vacation rental uses may not resume if they have been discontinued for 12 consecutive months or more due to damage or destruction from a disaster.

Our primary concern is the potential unintended consequences this amendment could have:

1. Impact on Community Support: Many property owners have generously converted their short-term rentals into long-term housing for Lahaina fire victims. This amendment could inadvertently penalize these individuals by preventing them from returning to short-term rental operations, which for many are crucial for financial sustainability especially after such a disaster.
2. Lack of Clarity: The amendment does not specify how it will be enforced or who exactly it will impact, potentially leading to confusion and possibly arbitrary application of the law.
3. Economic Recovery: The supplemental income from short-term rentals has been vital for local recovery. Restricting this could delay economic recovery in affected areas.

Airbnb, in collaboration with Airbnb.org and the Department of Human Services (DHS), has already facilitated approximately 3,000 individuals impacted by the Maui wildfires staying in local Airbnb listings, totaling more than 97,500 nights, demonstrating our commitment to disaster response. We worry that this amendment might

discourage hosts from participating in such initiatives in future crises.

We strongly recommend that the Disaster Recovery, International Affairs, and Planning Committee reconsider this amendment. While we recognize and appreciate the intent to regulate transient vacation rentals, we believe the amendment as proposed could hinder rather than help the recovery process. This bill, with its core measures, is too important for the community's rebuilding efforts to be potentially delayed or complicated by counterproductive amendments.

We urge the committee to support the underlying measure of Bill 105 while carefully considering the implications of any amendments to ensure they align with the goal of recovery and community resilience.

Mahalo,

Alex Folsom
Senior Policy Manager

Guest User

Location:

Submitted At: 9:44am 02-04-25

Aloha Councilmembers of the Disaster Recovery, International Affairs and Planning Committee,
I fully support Bill 105 in its original form. I respectfully do not support the amendment proposed by Councilmember Paltin that would prevent non-conforming transient vacation rentals from resuming operations.

My name is Matt Moog, MD. I left my mainland practice and obtained my medical license and staff privileges at Maui Memorial in 2023. We sold our home in Wyoming that summer so we could make our permanent home in Puamana. We arrived to enroll my son in school August 6th, and lost everything two days later. My son and I are Lahaina fire survivors. Since my family had to rent Upcountry, we see every day Maui's economy worsening since the fire. We've seen Maui's doctors leaving for the mainland. Letting us rebuild Lahaina may not completely solve the housing shortage, but it's a start. I spent my entire life working to pay for our destroyed townhome, and we haven't gotten much hope that this waiting will end.

I can't work in Maui without our house, and I know physicians on the mainland aren't coming if they see what happens to homeowners there. We were going to live in our house in Lahaina, not rent it out, and we didn't have a place on the shoreline. We just heard our entire neighborhood had its permitting shelved. Governor Newsome suspended all shoreline permit regulations while the LA fire was still burning. Rebuilding will demonstrate Maui is a safe place to trust a lifetime of sacrifices it takes to live here.

Passing bill 105 could help Maui's housing, economy, and even doctor shortages right away. Or Maui county will go down with a sad history of burned out, scraped lots where Lahaina once drove Maui's economy as a vibrant and historic place. Councilmember Paltin's amendment will add more delay, and just hurt an economy that needs more jobs that support businesses, bring vacationers, and pay taxes. For that matter, the businesses of Lahaina need to rebuild before it's too late, too, and we don't need an amendment to make visitors and businesses feel less welcome. It's a distraction from rebuilding our town.

Guest User

Location:

Submitted At: 8:16am 02-04-25

Christina Peterson
Aloha members of the Disaster Recovery , International Affairs and Planning Committee

I fully support Bill 105 in its original form. This bill is essential to the recovery of Lahaina's homes and businesses, and it must be passed without exceptions.

Delays in permitting are crippling the rebuilding process and adding unnecessary stress and anxiety to fire victims who have already endured more than anyone can imagine. Bill 105 would provide a positive path forward, expediting the process, allowing us to restore the unique character of Lahaina. I lost both of my family homes that

I have owned for over 45 years in the fire, and thankfully barely escaped through the flames and smoke to safety on the 8th August 2023, The current delays and uncertainties have affected my health in the current knowledge that there is no confirmed approved plan for me and other owners and businesses to rebuild.

I strongly urge you to pass Bill 105 as originally written, applying it to ALL business and homes without exceptions. Lahaina's recovery is vital to the passage of this Bill

Mahalao for your time and consideration.

Sincerely

Christina Peterson

Guest User

Location:

Submitted At: 7:34am 02-04-25

Aloha Members of the Disaster Recovery, International Affairs and Planning Committee,

I fully support Bill 105 in its original form. I do NOT support the amendment proposed by Councilmember Paltin that would prevent non-conforming transient vacation rentals from resuming operations.

The STR's provided revenue for the families that owned them to pay their mortgages etc. and to our County for the taxes collected. They are a vital part of our community and the economics of Maui County.

18 months of delays is unimaginable. The delays and uncertainties of rebuilding our home and our neighbors homes is devastating, creating unnecessary stress and anxiety. This bill is essential for the recovery of Lahaina's properties, businesses, and community.

We lost our home in the fires. We lost neighbors, and friends. Our fire community has suffered enough. We need Lahaina town rebuilt. We need our homes rebuilt. We need to flourish again in our community.

Lahaina's full recovery must be expedited. Please pass Bill 105 without the TVR amendment to ensure a deserving recovery for all of Lahaina!

Sincerely,
Leah Johnston

Guest User

Location:

Submitted At: 5:08am 02-04-25

Aloha Members of the Committee,

I write to support Bill 105 (2024) but oppose the proposed amendment by Council Member Paltin. As an owner in the fire zone, I have seen the distress of my neighbors that have not yet been able to begin rebuilding their home or business. These homeowners and businesses are victims of a fire disaster and should not be penalized for circumstances beyond their control. All fire victims need to be allowed to rebuild and use their properties as they were at the time of the Lahaina fires. This includes those that were short term rentals.

Please pass Bill 105 as originally written without amendment. This important bill provides a path forward and is essential for the emotional and financial well being of my neighbors and recovery for the entire Lahaina community.

Mahalo for your consideration.

Irene Miller

Catherine Medina

Location:

Submitted At: 9:58pm 02-03-25

Aloha Members of the Disaster Recovery, International Affairs and Planning Committee,

I fully support Bill 105 in its original form. This bill is essential to the recovery of Lahaina's homes and businesses, and it must be passed without exceptions.

Delays in permitting are crippling the rebuilding process and adding unnecessary stress and anxiety to fire victims who have already endured so much. Bill 105 would provide a much-needed path forward, expediting the process and allowing us to restore the unique character of Lahaina that made it so special.

I lost my home in the fire, and every day that passes without progress weighs heavily on me. Like so many others, I am desperate to rebuild—not just my house, but my community. The ability to return home should not be delayed any further.

I strongly urge you to pass Bill 105 as originally written, applying it to ALL businesses and homes without exceptions. Lahaina's recovery depends on it.

Mahalo for your time and consideration.

Sincerely,
Cathy Medina
355 Front Street

Todd Whitehead

Location:

Submitted At: 8:48pm 02-03-25

My family lost a property in the fire, and urge you to support Bill 105. We recently made our first visit back after the fire, and were astounded at the lack of rebuilding after almost 1 1/2 years, in the wake of such loss. We commend the committee for this attempt to serve your community, helping to move things forward. In contrast, we most aggressively oppose the amendment proposed by Councilmember Tamara Paltin, which would not only be counter productive, but harmful to the future of good, hard working people who rely on the income and tax revenue from short-term visitors. Thank you.

Guest User

Location:

Submitted At: 8:39pm 02-03-25

Supplemental Testimony in "OPPOSITION to the proposed amendment on TVR Restrictions by Council Member Paltin"

Aloha Chair Paltin, Vice Chair U'u-Hodgins, and members of the committee,

I am submitting this supplemental testimony to add to my previous testimony in support of Bill 105 (Feb 2, 2025) and to respectfully oppose the amendment restricting legal transient vacation rentals (TVRs).

The August 8, 2023 wildfire was no fault of anyone in Lahaina, and all property owners - residential, commercial, and legal TVR owners - should have the right to rebuild and resume operations. Lahaina's recovery should be about restoring what was lost, not selectively removing property rights from those who were following the law.

Legal TVRs were permitted and paying taxes before the fire, and many homeowners relied on them to help cover mortgages, property upkeep, and financial stability. Fire victims should not be penalized for delays beyond their control. If a property was legally operating and up to date on taxes before August 8, 2023, it should retain that right once rebuilt - just like every other home and business.

This is a time for unity and true Aloha, ensuring all property owners have the opportunity to return and rebuild, rather than using this tragedy to create division or shift land use policy.

Final Request: Pass Bill 105 Without the TVR Restriction

- _ Ensure all nonconforming properties - including legal TVRs - can rebuild.
- _ Oppose the amendment restricting legal transient vacation rentals.
- _ Fast-track all permitting to ensure Lahaina's recovery.

Additional Amendments Needed for Bill 105, in addition to removing the restriction on legal TVRs, I strongly urge the committee to amend Bill 105 to include assistance in the rebuild for all of Lahaina's residents:

- _ Waive all zoning barriers (residential, commercial, agricultural, SMA, SMA+, shoreline) for Lahaina fire rebuilds!
- _ Ensure commercial rebuilding is prioritized alongside residential recovery to preserve Lahaina's economic core.
- _ Allow a modest increase to square footage footprint to accommodate families' long-term needs.
- _ Ensure fire safety updates (Class A materials, hydrants, sprinklers, easements) are the only major new requirements.
- _ Align rebuilding timelines with IRS Tax Code 1033, ensuring property owners do not face tax penalties for delays outside their control.

Lahaina's full recovery must be expedited. Please pass Bill 105 without the TVR amendment to ensure a fair and just recovery for all of Lahaina!

Mahalo for your time again, Jason Toth, Lahaina

Guest User

Location:

Submitted At: 8:03pm 02-03-25

Council members -

My wife and I support 105 for the rebuilding of Lahaina and Puamana. But we do not support the proposed amendment put forward by Council Member Paltin.

Thanks
Chris Moody

Guest User

Location:

Submitted At: 7:28pm 02-03-25

Aloha Members of the Committee,

I write to support Bill 105 (2024) with one important exception.

I do NOT support the amendment proposed by Councilmember Paltin that would prevent non-conforming transient vacation rentals from resuming operations. Property owners have already suffered enough through no fault of their own. The proposed amendment is unfair because it eliminates their ability to have short term rentals (STRs). These STRs can be crucial to helping owners finance the rebuilding of their property. Please do not take away what property owners previously had.

Guest User

Location:

Submitted At: 7:00pm 02-03-25

Aloha Chair Paltin, Vice-Chair U'u-Hodgins, and Members of the Committee,

Thank you for introducing and hearing this essential bill. I write to support Bill 105 (2024).

I am an owner in the fire zone. While my home did not burn, many of my friends and neighbors were not so lucky.

Some of those friends lost properties that they rent short term part of the year. The loss, personal disruption, financial stress and uncertainty has weighed greatly on many of these fire victims.

I do NOT support the amendment proposed by Council member Tamara Paltin that would prevent non-conforming transient vacation rentals from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. These owners have already suffered enough through no fault of their own. The proposed amendment will victimize them further at this vulnerable time by stripping them of their ability to rent their properties.

Sean George

Guest User

Location:

Submitted At: 6:54pm 02-03-25

I oppose Bill 105. An intelligent decision cannot be made until the extensive economic impact study is completed. The vast majority of jobs on Maui are related to tourism. If short term rentals are no longer available, tourism to Maui will significantly decline. Hotels are far more expensive than STRs, especially if there is a family who needs several rooms. With a significant decline in tourism, there will not be jobs for the vast majority of the resident population. Thus they will have to leave the island to find work. Please do not approve this poorly thought out Bill at this point. The Economic impact Study needs to be completed.

Guest User

Location:

Submitted At: 6:39pm 02-03-25

Aloha Chair Paltin, and Council Members,

My name is Kelly Black. My parents do not have the ability to write this themselves, but were residents of Front Street, Lahaina for the past 30 years. We are very appreciative of the administration and the planning department for their diligent work in bringing Bill 105 to vote. This bill is a vital step in helping us rebuild the Front Street where we spent many wonderful years. If Bill 105 passes and rebuilding is able to proceed expeditiously, there is a chance that my parents will be able to spend their final years as they always hoped - in the home and neighborhood where they found their community and became part of an extended ohana. They are currently living in senior living in Colorado while awaiting this outcome. Please allow them the opportunity to return to a home rebuilt on the site and in the style of the home they lost in the fire of August 8, 2023.

I urge the council to support Bill 105.

Sincerely,

Kelly (Burkhalter) Black

Guest User

Location:

Submitted At: 6:31pm 02-03-25

Every owner should have the right to rebuild

Guest User

Location:

Submitted At: 6:11pm 02-03-25

Dear Chair Paltin, Vice-Chair U'u-Hodgins, and Members of the Committee,

Thank you to the administration and planning department for introducing this essential bill and to Chair Patlin for hearing it.

I support Bill 105 (2024) as we are very motivated to rebuild our property in Puamana and bring Lahaina Town back from the ashes.

I do not support the amendment proposed by Council member Tamara Paltin, however, as STRs are vital to the Lahaina economy and owners who rent their properties should not be penalized due to an event beyond their control and delays in rebuilding totally beyond their control.

Guest User

Location:

Submitted At: 6:08pm 02-03-25

Question-How can the list change from condominium zoning that was deeded as such in the Land Courts of Hawaii for legal SRVR, and CHANGE wording to apartment dwelling as built in a year to fit agenda to TAKE condo away from owners that purchased and were deeded as the condominium law in the Land Courts of Hawaii? This list also changed the NAME of the list to Mitoya movement! Again to fit the agenda to TAKE away for their own housing needs. I have been a resident since 1991. They say most owners do not live here-that still doesn't give the right to TAKE for their own needs. If the state needed these condos they could have bought 20 together for the same housing not TAKE. So many excuses to try to change deeded law as recorded in the Land Court. I have provided work for local people to clean-manage my condo. I pay the TAT-GET and Maui County taxes as legally required for STVR. I will be homeless too if I cannot pay my mortgage. Also, Molokai wants to be exempt and go ahead and stop STVR on Molokai. They want for only their people and not for residents that work and pay for what they have or planned for. I was told "you shouldn't be here". My condo is recorded as such and will continue to do so as recorded.

Guest User

Location:

Submitted At: 5:59pm 02-03-25

I support Bill 105 (2024) as we are very motivated to rebuild our property and bring Lahaina to life again. I do not support the amendment proposed by Councilmember Tamara Paltin, however, as STRs are vital to the Lahaina economy and owners who rent their properties should not be penalized due to an event beyond their control and delays in rebuilding totally beyond their control.

Lynn Barr

Location:

Submitted At: 5:45pm 02-03-25

Aloha,

Thank you for supporting this important bill to speed the recovery of Lahaina. As a Lahaina fire victim, I implore you to let us rebuild all of our homes and businesses as quickly as possible and put an end to our suffering. Please do not divide us by favoring one vs the other. All victims of disasters should be able to rebuild what they had where they had it, and where it would still be today if not for the fire. That means single family, multi family, commercial, coastal, non-owner occupied and short term rental. The nature of ownership does not make one owner less than or more than others. We are a vibrant and diverse community that thrives with all of us being treated fairly and equally and we all stick together.

Guest User

Location:

Submitted At: 1:09pm 02-03-25

In support of the rebuilding of the Lahaina community, I oppose Councilmember Paltin's Amendment. I feel strongly that those who have to rebuild will be allowed to offer short term rentals and continuing their operations as they did prior to the fires from August 2023. I urge everyone to support the rebuilding and regrowth of the Lahaina community! M. Day, short term rental owner on Maui.

Guest User

Location:

Submitted At: 9:42am 02-03-25

Subject: Support for Bill 105 (2024) – Amendment to Maui County Code Section 19.500.110 Regarding Nonconformities

Dear Chair Paltin and Members of the DRIP Committee,

My name is Leilani Pulmano, and I am submitting this testimony on behalf of AJI, LLC. Our entity owned two commercial structures at 612 Front Street in Lahaina, both of which were completely destroyed in the 2023

Lahaina Wildfire. I support the passage of Bill 105 (2024), which seeks to amend Section 19.500.110 of the Maui County Code to allow nonconforming structures and uses affected by a declared disaster to be repaired or reconstructed under a streamlined process.

The devastation caused by the Lahaina Wildfire has displaced businesses, residents, and essential community services. For property owners like AJI, LLC, the ability to rebuild efficiently and restore economic activity is critical to Lahaina's long-term recovery. Bill 105 (2024) provides much-needed clarity and flexibility by allowing previously existing nonconforming structures and uses to be reconstructed while maintaining reasonable safeguards.

Key provisions of the bill, such as allowing the repair and reconstruction of nonconforming structures without requiring full compliance with current zoning regulations, are essential for ensuring that affected property owners can rebuild without unnecessary delays. Additionally, the five-year rebuilding timeframe, with the possibility of a two-year extension, strikes a fair balance between urgency and feasibility for those navigating insurance claims, permitting, and construction logistics.

Without these amendments, property owners may face prohibitive regulatory obstacles that could delay or prevent rebuilding, further compounding the economic and social impacts of the wildfire. Lahaina's historic and cultural significance must be preserved, and this bill provides a practical path forward for responsible restoration while upholding safety and planning standards.

I urge the Maui County Council to pass Bill 105 (2024) and help accelerate the recovery process for businesses and residents who have already suffered tremendous losses. Thank you for your consideration of this critical matter.

Sincerely,

Leilani Pulmano
AJI, LLC

Guest User

Location:

Submitted At: 5:51pm 02-02-25

Aloha,

My name is Hayden Pogni and I strongly support Bill 105. I lost two businesses in the Lahaina fire, and my family is struggling to make ends meet. I am embarrassed by the county's lack of urgency in rebuilding. I am appalled by the strong focus on eliminating businesses in Lahaina, stalling building permits, and the attempted theft of pre-fire zoning rights.

We lost a LEGAL short-term rental (STR) in Lahaina — a beautiful plantation house built in 1940. We remodeled it to restore its historical beauty. This property was zoned B2 and employed many hardworking local families, including house cleaners, landscapers, handymen, plumbers, electricians, and more. I should also mention the guests who stayed at our house and supported the local shops and restaurants, contributing to the Lahaina economy.

We also lost a Hair Salon called Soleil Luna that employed locals and provided a service to our community.

Your lack of urgency is destroying our people and our town. We may have to move due to the slow pace of recovery. Many locals are leaving because they can no longer hold on. It shows a complete lack of business sense to place a price tag on the SMA (Special Management Area) exemption. Have you built anything on Maui?

We need immediate action to rebuild and support the community that makes Lahaina unique.

Mahalo,

Guest User

Location:

Submitted At: 12:58pm 02-02-25

WRITTEN TESTIMONY IN STRONG SUPPORT OF COUNTY BILL 105

Aloha e Chair Paltin, Vice Chair U'u-Hodgins, and members of the committee,

Mahalo for the opportunity to provide testimony in strong support of Bill 105 regarding nonconformities.

My name is Heather Napela Williams. I am the great-granddaughter of Lucy Napela Kaukau Furtado and Antonio Dias Furtado. Grandma Lucy was a teacher for years at Kamehameha III Elementary. Vuvu (my great-grandfather) was a butcher and then became the Lahaina Postmaster. Over 100 years ago, they worked hard and bought several buildings at 693-711 Front Street and 754 Front Street. These buildings were tragically destroyed in the Lahaina fires of August 2023.

I am writing today in strong support of Bill 105. Thank you for introducing an essential bill that will help countless Lahaina families. We need some guidance and the ability to move forward, and Bill 105 will be a crucial step in this process.

Our family has so many cherished memories of Lahaina, and we deeply treasure these properties. They not only provide critical financial income for our kupuna, but they have kept our ohana close as we have worked together over the years to maintain them. They also provide numerous jobs and support the local economy. As a Kanaka Maoli family, we understand the history of this community and deeply respect the land and sea. We strongly believe we can rebuild in a way that honors our culture while being economically responsible. This bill allows us to rebuild Front Street with sensitivity to the cultural and historical significance of the area. It provides the opportunity to restore the character of Lahaina in a way that respects its heritage while also supporting economic growth. This balance is key to a sustainable future for our community.

We are simply trying to rebuild what we lost in the devastating Lahaina fires. Bill 105 would be a huge help in doing this. My ohana strongly supports Bill 105 and we hope that you will too.

Mahalo nunui for your time and attention to this matter.

Sincerely,

Heather Napela Williams
4375 Aukai Avenue
Honolulu, HI 96816
808-383-9928

Signed on behalf of myself and my ohana:

Maile and Owen Williams (my parents)

Nathan Earl Smith, Nathan Punahale William Smith, & Elijah Kaliko Carter Smith (my husband and children)

Guest User

Location:

Submitted At: 7:02am 02-02-25

Aloha Chair Paltin, Vice Chair U'u-Hodgins, and members of the committee,

My name is Jason Toth, a resident of Lahaina, survivor of the August 8, 2023 wildfire, and homeowner directly impacted by the devastation. My family and I lost our home, rental property, and business in the fire. I strongly support Bill 105, which is a crucial step toward allowing Lahaina residents and businesses to rebuild. However, this bill must be amended to remove all remaining zoning and permitting roadblocks preventing reconstruction.

Why This Bill Matters: Lahaina's commercial district was the economic heart of Maui, home to over 100 small businesses, restaurants, and gathering places that brought residents and visitors together. The historic nature of these buildings gave Front Street its identity, and many business owners are still unable to rebuild due to unnecessary permitting barriers. Without commercial properties reopening alongside homes, Lahaina will cease

to be a community and instead become a ghost town of empty houses.

Additionally, many residential neighborhoods remain stuck in zoning disputes - some fully developed areas are still classified as agricultural, despite decades of housing developments. A year and a half later, Makai of the highway should already be rebuilding, but we are still debating zoning issues instead of getting homes and businesses back up.

Bill 105 protects nonconforming structures and uses, ensuring that legally built properties destroyed by the fire can be reconstructed despite zoning changes. The bill also extends the time for rebuilding nonconforming properties until April 1, 2029, which is necessary given the slow pace of permitting approvals.

Necessary Amendments to Strengthen This Bill_

1. Remove All Zoning and Permit Restrictions for Rebuilds

- Waive all zoning conflicts (residential, commercial, agricultural, shoreline, SMA-+) for fire-affected rebuilds.
- These were legally permitted structures before August 8, 2023 - rebuilding should not require rezoning or variances.

2. Ensure Commercial Rebuilding is Prioritized

- Lahaina is not just houses - it needs businesses, shops, and gathering spaces to function as a real community.
- If commercial properties are not rebuilt alongside homes, Lahaina will lose its identity and economic foundation.
- Nonconforming commercial uses in Lahaina's burn zone must be explicitly protected to allow businesses to rebuild as they were before August 8, 2023.

3. Allow Homes to Expand by 25% of Their Original Footprint

- Families should not be forced to rebuild exactly as before, only to spend more money later modifying their homes for growing children or aging parents.
- A reasonable 25% footprint expansion allows for future-proofing while maintaining Lahaina's character.

4. Align Code Requirements Only to Fire Safety Updates

- The only required code updates should be for Class A fire-retardant materials, easements, hydrants, and sprinklers - not arbitrary zoning restrictions.

5. Ensure Compliance with IRS Tax Code 1033

- Under IRS Tax Code 1033, landowners must reinvest insurance proceeds within three years (by August 8, 2026) to avoid severe tax penalties.
- If permitting delays continue, many landowners will be financially forced to sell instead of rebuilding.

6. Mandate Immediate Permit Approvals

- Permits must be finalized by summer 2025 so rebuilding can begin before supply and labor shortages worsen due to California's wildfire recovery efforts.

Why We Must Act Now: It has been 16 months since the fire, and Lahaina's recovery has been unbearably slow. Meanwhile, California has already taken aggressive action through Governor Newsom's Executive Order N-2-25, waiving permitting barriers and fast-tracking rebuilding. Hawaii must act now, or we will could lose critical resources as California rebuild efforts regarding workforce and materials begins.

At the current rate, Lahaina's recovery won't take a decade - it will take multiple decades. Some projects that have been approved, such as Lahaina Surf & Front Street Apartments, are not scheduled for completion until 2029 - this is unacceptable. If permitting issues for residential and commercial properties are not resolved immediately, families and businesses will not be able to hold on!

The Consequences of Inaction: If this bill is not strengthened, many Lahaina families will not be able to rebuild at all. If immediate action is not taken, Lahaina will never recover in the next decade! Insurance payouts are running out, and if rebuilding doesn't begin soon, many residents will have no choice but to: Take what's left from their insurance, any lawsuit settlement money, sell their properties and leave Lahaina / Maui entirely!___

WE ARE ALL SUFFERING @ NO FAULT OF OUR OWN :(Lahaina's recovery must be expedited! We all need to be pouring concrete this year! Please pass Bill 105 with the necessary amendments to truly support the people of Lahaina!

Final Request: Pass and Amend Bill 105

_ Waive all zoning barriers (residential, commercial, agricultural, SMA, shoreline) for Lahaina fire rebuilds.

- _ Fast-track commercial permitting to ensure Lahaina remains a functioning community.
- _ Allow a 25% footprint expansion to accommodate families' long-term needs.
- _ Ensure fire safety updates (Class A materials, hydrants, sprinklers).
- _ Align rebuilding timelines with IRS Tax Code 1033, ensuring landowners are not penalized for delays outside their control.
- _ Approve all permits submitted NOW, so rebuilding can really start and pick up pace!

Mahalo for your time and consideration. Jason Toth, Lahaina, HI

Penny Wakida

Location:

Submitted At: 1:54pm 02-01-25

Aloha Chair Paltin, and Council Members,

My name is Penny Wakida, and I am a lifelong resident of Maui. I want to extend my heartfelt mahalo to the administration and the planning department for their diligent work in bringing forward Bill 105, and to Councilmember Paltin for scheduling it. This bill is a vital step in helping us rebuild the Front Street we know and love.

Over 100 commercial properties were destroyed in the fire. The charm of Front Street lies in its historic, and old buildings that reflect the soul of our community. The people of Maui, and countless visitors, cherished those old structures. They contributed to the unique feel that made Lahaina so special. We do not want to see modern developments take over what was once an important part of our island's history. Zoning issues must be addressed to ensure we can rebuild the character of Front Street exactly as it was before the disaster.

I strongly support the Planning Commission's recommendation to extend the timeframe from four years to five years, with a potential two-year extension. This would give our community the time and opportunity to bring back an important part of Lahaina in a way that honors our past. Mahalo again for your efforts, and I urge the council to support Bill 105 and the recommended changes.

Sincerely,

Penny Wakida

Victor Lim

Location:

Submitted At: 11:49am 02-01-25

The Hawaii Restaurant Association strongly supports Bill 105 and urges the county to help the recovery of Lahaina. Time is of an essence as the longer it takes to rebuild Lahaina, the higher will be the cost of rebuilding, the lives of the people from Lahaina would have moved out of West Maui due to the lack of housing and employment etc. Thank you .

Victor Lim

Alison Pearce

Location:

Submitted At: 10:53am 02-01-25

My name is Alison Pearce, and I am submitting this testimony in strong support of Bill 105 (2024), specifically advocating for the inclusion of nonconforming use language to expedite the rebuild of commercial properties on historical Front Street. As a commercial landowner of multiple properties on Front Street, including 632 Front Street (the former Paia Fish Market), I continue to face immense challenges in rebuilding my building and resuming business due to unnecessary permitting obstacles and delays.

The Need for Nonconforming Use Protections in the Rebuilding Process

Front Street was the heart of Lahaina's economy filled with local small businesses. The devastation caused by the August 8, 2023, wildfires destroyed these properties, and while many landowners are ready to rebuild, the current nonconforming use regulations threaten to impede the recovery process.

Under existing laws, commercial structures that do not conform to updated zoning codes may face barriers to rebuilding, causing further financial distress for property owners who continue to pay mortgages, property taxes, and insurance on land that remains unusable. Without clear protections and exemptions for nonconforming uses,

property owners risk being unable to restore their businesses as before the disaster. Economic loss over time threatens owners from rebuilding and the historic town of Lahaina being restored.

IRS Tax Code 1033: A Critical Three-Year Deadline

A crucial concern for landowners is the IRS Tax Code 1033, which mandates that disaster-affected properties must be reinvested in within three years of the wildfire (by August 8, 2026) to avoid severe tax penalties on insurance proceeds and other financial compensation. We are just about half way through the 3 years. If nonconforming use restrictions continue to delay or prevent rebuilding, landowners face additional financial hardship, potentially making reconstruction financially unfeasible.

To ensure Lahaina's economic recovery and preservation, Bill 105 must include explicit language allowing commercial property owners in the burn zone to rebuild their businesses with the same pre-fire uses, even if they do not conform to current zoning laws.

Requested Amendments to Bill 105 (2024)

To facilitate the timely restoration of Lahaina's business district, I strongly urge the committee to add language that:

Explicitly allows the reestablishment of nonconforming commercial uses in Lahaina's burn zone, ensuring property owners can rebuild as their properties existed prior to August 8, 2023.

Waives or streamlines Special Management Area (SMA) permit requirements for rebuilding commercial properties in the burn zone, reducing unnecessary delays.

Extends the timeframe for reestablishing nonconforming uses to align with IRS Tax Code 1033, ensuring landowners have sufficient time to reinvest and restore their properties before facing tax penalties.

Conclusion

The ability to rebuild quickly and maintain Lahaina's commercial integrity is critical to the recovery of both the local economy and the community. The inclusion of nonconforming use protections in Bill 105 will remove unnecessary roadblocks and allow businesses to return, jobs to be restored, and Lahaina to be rebuilt in a way that honors its history, culture and legacy.

I strongly urge this committee to amend Bill 105 (2024) to include clear protections for nonconforming commercial uses in Lahaina's burn zone and to take action that supports local landowners, small business owners, and the economic future of Maui.

Thank you for your time and consideration.

Sincerely,

Alison Pearce

Commercial Landowner, 632 Front Street

Guest User

Location:

Submitted At: 9:16am 02-01-25

TESTIMONY IN SUPPORT OF BILL 105 (2024) – AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES

Submitted by: Robin Kean

Commercial Landowner, 632 Front Street (Former Paia Fish Market) & Additional Properties

Hearing Date: Wednesday, February 5, 2025 – 1:30 p.m.

Committee on Disaster Recovery, International Affairs, and Planning (DRIP)

Committee Chair: Tamara Paltin

Committee Vice-Chair: Nohelani U'u-Hodgins

Voting Members: Tom Cook, Gabe Johnson, Tasha Kama, Alice L. Lee, Keani N.W. Rawlins-Fernandez, Shane M. Sinenci, Yuki Lei K. Sugimura

Dear Chair Paltin, Vice-Chair U'u-Hodgins, and Members of the Committee,

My name is Robin Kean, and I am submitting this testimony in strong support of Bill 105 (2024), specifically

advocating for the inclusion of nonconforming use language to ensure the expedited rebuilding of commercial properties in Lahaina's burn zone. As a commercial landowner of multiple properties on Front Street, including 632 Front Street (the former Paia Fish Market), I continue to face immense challenges in restoring my properties due to unnecessary permitting obstacles and delays.

The Need for Nonconforming Use Protections in the Rebuilding Process

Front Street was the heart of Lahaina's economy, home to small businesses, local restaurants, and cultural landmarks that drew residents and visitors alike. The devastation caused by the August 8, 2023, wildfires destroyed these properties, and while many landowners are eager to rebuild, the current nonconforming use regulations threaten to impede the recovery process.

Under existing laws, commercial structures that do not conform to updated zoning codes may face barriers to rebuilding, causing further financial distress for property owners who continue to pay mortgages, property taxes, and insurance on land that remains unusable. Without clear protections and exemptions for nonconforming uses, property owners risk being unable to restore their businesses as they existed before the disaster, resulting in economic displacement and loss of Lahaina's historic character.

IRS Tax Code 1033: A Critical Three-Year Deadline

A crucial concern for landowners is the IRS Tax Code 1033, which mandates that disaster-affected properties must be reinvested in within three years of the wildfire (by August 8, 2026) to avoid severe tax penalties on insurance proceeds and other financial compensation. If nonconforming use restrictions delay or prevent rebuilding, landowners face additional financial hardship, potentially making reconstruction financially unfeasible.

To ensure Lahaina's economic recovery and preservation, Bill 105 must include explicit language allowing commercial property owners in the burn zone to rebuild their businesses with the same pre-fire uses, even if they do not conform to current zoning laws.

Requested Amendments to Bill 105 (2024)

To facilitate the timely restoration of Lahaina's business district, I strongly urge the committee to add language that:

Explicitly allows the reestablishment of nonconforming commercial uses in Lahaina's burn zone, ensuring property owners can rebuild as their properties existed prior to August 8, 2023.

Waives or streamlines Special Management Area (SMA) permit requirements for rebuilding commercial properties in the burn zone, reducing unnecessary delays.

Extends the timeframe for reestablishing nonconforming uses to align with IRS Tax Code 1033, ensuring landowners have sufficient time to reinvest and restore their properties before facing significant tax penalties which will keep majority from rebuilding.

Conclusion

The ability to rebuild quickly and maintain Lahaina's commercial integrity is critical to the recovery of both the local economy and the community. The inclusion of nonconforming use protections in Bill 105 will remove unnecessary roadblocks and allow businesses to return, jobs to be restored, and Lahaina to be rebuilt in a way that honors its history and legacy.

I strongly urge this committee to amend Bill 105 (2024) to include clear protections for nonconforming commercial uses in Lahaina's burn zone and to take action that supports local landowners, small business owners, and the economic future of Maui.

Thank you for your time and consideration.

Sincerely,
Robin Kean
Commercial Landowner, 632 Front Street

Guest User

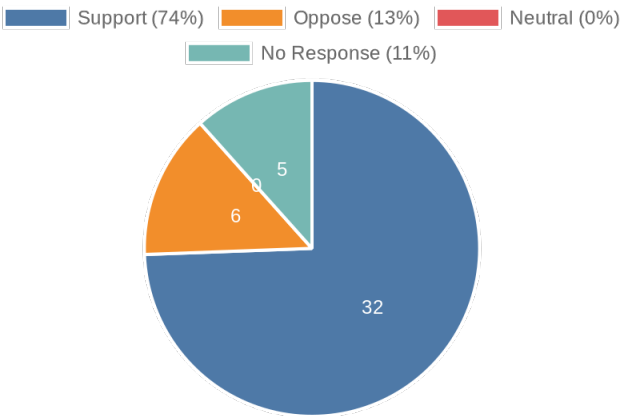
Location:

Submitted At: 7:08pm 01-31-25

Please pass this now!!! Despearately needed. We want our town back. - Lori Fisher, resident

Agenda Item: eComments for Bill 105 (2024) DRIP-4 BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES

Overall Sentiment



Guest User

Location:
Submitted At: 1:57pm 02-05-25
Aloha k'ou mau hoaloha:

I am a part time Lahaina resident and have been for over 35 years. During that time I have been involved with the following programs:

- 1) President for 5 years of the Maui County Veteran's Council
- 2) President for 10 years of the West Maui Veterans club,inc Which includes maintaining the Hanaka'o'o Japanese/Chinese cemetery adjacent to the Hyatt hotel
- 3) participant at the following Social groups: Hongwaniji, Jodo mission, Shingon mission, United Methodist church, Maui Native Hawaiian Chamber of Commerce. Chinese tong joss house and Chabad. (I got my college degree in anthropology), study of cultures.
- 4) Bicycle repair and sales to help get automobiles reduced on the roads.
- 5) Substitute teacher at Princess Nahi'ena'ena (Kumu Olelo Hawaii)

I am requesting that our plans be approved for the rebuilding of our destroyed home at 1003 Front street and that it be allowed to continue with short term rental so that I can go back and forth to the mainland where the majority of my family is located. At my age visiting our offspring is critical. I will be 81 years old this 25 August and family connections are everything.
Mahalo Nui Loa, (hana hou)

Paul Laub
808 442-2450

Guest User

Location:

Submitted At: 12:16pm 02-05-25

Aloha Councilmembers,

Mahalo for taking testimony on Bill 105. We wholeheartedly support the bill's intent—to accelerate the rebuilding of structures affected by the wildfires so that families and businesses can begin to recover. However, we are deeply concerned that Councilmember Paltin's amendment diverts attention from this critical mission by introducing complexities that do not directly relate to the bill's primary purpose.

The amendment, which seeks to address issues surrounding short-term rentals, is problematic for several reasons. First, it lacks clear parameters on which properties or individuals would be affected and how enforcement would be carried out. This vagueness threatens to create confusion and delay the rebuilding process at a time when swift action is needed in Lahaina.

Moreover, short-term rental policies deserve their own focused legislative conversation. County Council is already undertaking an economic impact study that will provide the necessary insights into the role of short-term rentals in our community. It is important that we reserve detailed discussions and decisions on this topic for that dedicated process rather than bundling them into a bill whose sole intent is to facilitate urgent recovery efforts.

In closing, we respectfully urge the Council to strike Councilmember Paltin's amendment from Bill 105. By doing so, we can ensure that the bill remains focused on its vital objective—supporting the rebuilding of Lahaina and the swift recovery of local families and businesses—while leaving the comprehensive conversation about short-term rentals to the ongoing, dedicated legislative efforts.

Mahalo for your time and consideration,

Maui Vacation Rental Association (MVRA)

DRIP Committee

Location:

Submitted At: 9:53am 02-05-25

Testimonies Received by DRIP Committee (4)

Guest User

Location:

Submitted At: 7:38am 02-05-25

I support bill 105

Guest User

Location:

Submitted At: 4:05am 02-05-25

I strongly oppose the amendment proposed by Councilmember Tamara Paltinto. Please don't put more hardships on locals whose income relying on services and operations for STRs. Thank you!

Guest User

Location:

Submitted At: 7:56pm 02-04-25

I oppose the amendment proposed by Councilmember Tamara Paltin, which would prevent non-conforming transient vacation rentals from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. Fire victims should not be penalized for circumstances beyond their control.

Pamela Tumpap

Location:

Submitted At: 5:00pm 02-04-25

Please see attached testimony from the Maui Chamber of Commerce

Guest User

Location:

Submitted At: 2:01pm 02-04-25

My wife and I support Bill 105. It has been 11/2 years since the fire devastated Lahaina. Our house in Lahaina allowed us to see our son, who is a County of Maui fire fighter stationed in Lahaina, our daughter in law, who is a paramedic, stationed in Lahaina, born and raised on Maui and our 2 grand children and a third due in May. Since the fire it has been extremely difficult to come to Maui to visit them. Everyone in Lahaina needs to rebuild as soon as possible. Lahaina needs to recover now.

However, we oppose the amendment proposed by Councilmember Tamara Paltin, which would prevent non-conforming transient vacation rentals from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. Fire victims should not be penalized for circumstances beyond their control.

Thank you

Tom & Marlene Staubitser

Guest User

Location:

Submitted At: 1:43pm 02-04-25

Please support Bill 105. The Lahaina commercial and residential areas affected by rules that have become the obstacles to any meaningful rebuilding of the town. Can we just recreate what was taken away from us? Your vote of support is all we ask. To not support or to defer the measure signals ulterior motives and a apathetic position to helping us.

Mahalo for the opportunity to testify.

James Kimo Falconer

Guest User

Location:

Submitted At: 1:36pm 02-04-25

Chair Tamara Paltin

Vice Chair Nohelani U'u-Hodgins

Disaster Recovery, International Affairs, and Planning (DRIP) Committee

Re: Bill 105 (2024) – Amending Section 19.500.110, Maui County Code, Regarding Nonconformities

Aloha Chair Paltin, Vice Chair U'u-Hodgins, and Committee Members,

My name is Sne Patel, and I am the President of the LahainaTown Action Committee (LAC) and a long-time Lahaina resident. Our organization has spent decades working to support small businesses, preserve Lahaina's historic character, and advocate for policies that help our town succeed.

I write to support Bill 105 (2024) because it is a necessary step in rebuilding our community after the devastation we've experienced. However, I strongly oppose the amendment proposed by Councilmember Paltin, which would block the return of nonconforming transient vacation rentals (TVRs).

The fires that swept through Lahaina did more than destroy buildings—they erased generations of history, jobs, and economic security. Front Street and the surrounding business areas weren't just places for visitors; they were the heart of our local economy and a source of livelihood for many residents. Bill 105, as originally written, provides a path for our town to rebuild while maintaining its historic integrity, ensuring businesses can return, and giving property owners clear guidance.

Over the last 18 months, I have committed countless hours to supporting recovery efforts, working with multiple committees, and advocating for our community's needs. One of the biggest challenges I've seen is the constant stream of obstacles being placed in our way—this amendment is yet another one. Instead of moving us forward, it adds more uncertainty, more delays, and more frustration for those trying to rebuild.

This amendment does not belong in this bill. The issue of short-term rentals is already set to be addressed separately when the Council takes up the Mayor's proposed bill phasing out STRs in apartment districts. That discussion should happen in its proper place, not as an addition to a bill focused on rebuilding.

What I've heard time and time again—from LAC members, business owners, and residents—is that people simply want the chance to rebuild what was lost. Many TVR owners in Lahaina aren't big corporations or outside investors; they're local families who spent years building something that worked for them. Taking away their ability to restore what was previously allowed only adds another hardship to an already impossible situation.

The silent majority in this community may not be as vocal, but their message is clear: let Lahaina rebuild as it was before the fires. That means restoring properties to their original footprint with their lawful uses intact.

I respectfully urge the Council to pass Bill 105 without the restrictive amendment. Give our community a clear and fair path to rebuild.

Mahalo for your time and for your dedication to Lahaina's recovery.

Sincerely,
Sne Patel
President, LahainaTown Action Committee

Guest User

Location:
Submitted At: 1:12pm 02-04-25

I support this bill without the TVR amendment. The homeowners in Lahaina have waited way too long to begin rebuilding. There are more effective ways to address the housing crisis in West Maui than to disparately and punitively withhold permission for homeowners to rebuild what they had before the fires or use the disaster as a reason to take away a homeowner's right to continue to use their property the same way they were using it before it was destroyed.

DENNIS INGRAM

Location:
Submitted At: 1:12pm 02-04-25

This legislation is essential to reduce the continuing damages that have been caused by the Lahaina fire. Maui County has been unable to proceed in a timely manner to limit the loss of use. This is due to the cumbersome processes that are mandated. This is the case even where those residences complied with all laws and codes in effect at the time of their construction through the date of the Lahaina fire. Currently, individual review and public hearings are required for each property, together with substantial professional assessments and other preapplication processes. In addition, reconstruction must follow new code restrictions adopted since the fire that does not create any exceptions for prior compliance. This legislation is urgently needed to prevent the ongoing loss that is being suffered by the residents. Insurance coverage for loss of use is limited to one year. Reconstruction appears likely to be a multi-year process. The required processes without this legislation will result in additional years of loss and damage to the owner who has been deprived of their home. My ongoing personal loss of use of my home and my property is not easily measured. Simply the loss of the fair rental value each year is a substantial sum, in addition to the personal inconveniences that cannot be measured. Regrettably, time continues to pass and the losses to residents are ongoing.

Dudley Millikin

Location:
Submitted At: 12:26pm 02-04-25

I urge the Maui County Council and the Mayor to approve Bill 105 so we can restore the visual diversity of Lahaina. In my community of Shark Pit, there were many wonderful homes of my friends that were built long ago and do not meet current zoning requirements but added to the cultural diversity of Front Street. Please allow them to return. All we want is for what we had before to be allowed to be rebuilt, no more. This bill will allow everyone to come home before they are forced to leave Maui because they can no longer wait for the permitting process to finish. Please approve this to help Lahaina to recover faster. Lahaina used to generate about 30% of the tax revenue for Maui County. Let's rebuild our Lahaina so it can do that again and help all of us.

Mahalo for supporting and passing Bill 105.

Guest User

Location:

Submitted At: 11:32am 02-04-25

Aloha ~

My name is Rosemary Kunewa Randazzo and I am Trustee for the Kunewa Irrevocable Family Trust. We own 780 Front Street and we are in full support of Bill 105.

I would first like to mahalo the administration and planning department for introducing an essential bill; and mahalo to Chair Paltin for hearing it.

Finding the words to convey the affect that the devastating fires that burned Lahaina to ashes and traumatized a community is still difficult... It is uplifting to see progress being made and the residents of Lahaina, especially those that have lived there for generations, rebuilding their homes and lives.

We, the Kunewa 'ohana, are Kanaka Maoli, a Hawaiian family, and we are 5 generations in Lahaina - on Front St. Our place was home to businesses that employed many of the residents of Lahaina over the decades. We have roots on Maui. My father and his siblings were born and raised in Wailuku and went to Saint Anthony's School. Our family home is still in Wailuku, and we have family members that live in Waikapu and Makawao; but our business was in Lahaina. The fire of August 8, 2023 certainly affected us financially, but more so emotionally. 780 Front Street was legacy carried forward, if you will. Where just a couple of months before the fire, my son brought his three young children over from Oahu to learn about their great-great grandparents, and what my grandfather's work left for us... for them.

I'm very proud to tell you that my grandfather, Joseph Hewahewa Kunewa, made great contributions to Maui County. He was Maui Tax Assessor from 1908 thru 1935; this was during a time when Wailuku had been designated as the County seat for government (1905) and the era of growth for Maui was beginning. His name and accomplishments are found in "The Men of Hawaii" book from 1930 and "The Builders of Hawaii" book from 1925. Both books "feature men of note and substantial achievement, past and present, who have contributed to the progress of the Territory."

I mention these things because my grandfather was a true leader for the people. Though his name and accolades are in the history books, for me his greatest accomplishment was how he helped the people of Maui. He passed when I was just 4 years old. But, when my grandmother was still with us, people would visit and I would overhear them talk about my grandfather and how he helped their families; making sure they understood the need to pay taxes to keep their property. He would also help the local families who were delinquent in paying their taxes and about to lose their land.

It seems that we are at this kind of crossroads once again... where we need leaders that have the interest of the local people – Kanaka Maoli and Kamaaina, first.

We, the Hawaiian and Kama'aina commercial landowners face uncertainty at this time; although the fires and destruction of Lahaina was not of our doing: Not one of our buildings started that fire. Over the decades we have stayed the course... starting when Lahaina was nothing more than horse stables and a small plantation town. My cousin told me about spending time in Lahaina when he was a kid digging in the dirt looking for horseshoes and bottles. I found it simply amazing that horseshoes and glass bottles were some of the things the archaeologists found on our property during the clean-up. We have withstood the tsunami of 1946, yearly hurricanes, droughts, economic downturns, and a pandemic to name a few things. But we always reopened. Not so much this time. The uncertainty comes with laws and setbacks that were put in place long after our buildings were standing.

As you know, Front Street would eventually become a world-renown retail corridor. By August 8th, 2023, it was a fully mature commercial mecca that catered to thousands of visitors and locals each year; as well as employed many residents from Lahaina. With local people being priced out of paradise each and every day, we know we are fortunate to be able to call 780 Front Street ours. We are grateful to our grandparents, and to our parents for this gift. It's part of our identity. It's part of my family's genealogy and heritage. As a wise Samoan man said at

FestPac about the Polynesian people; “These things – our identity and the gift of our heritage, our genealogy and the right to our land – is not negotiable.”

We now need a leader that will mirror my grandfather's example, fulfill the words of that wise Samoan man; and we need you to remove the uncertainty. Bill 105 is a step in that direction. It's one step closer to full recovery for us financially and emotionally. A step towards allowing my family to carry on my grandparent's legacy that they left to us. We need you to do the right thing and make it easy for us to rebuild Front Street to what she was. After all we, too, have been here for generations and we should be afforded the same considerations and dignity to rebuild WITH the residents of Lahaina... and to reopen once again.

Aloha No~

Rosemary M. Randazzo

as Trustee for the Kunewa Irrevocable Family Trust

Guest User

Location:

Submitted At: 11:24am 02-04-25

My family has experienced the lengthy, stressful, and expensive permitting process to rebuild. We have been working on our rebuild project for 4+ years with Maui County before the fire. Please let anyone that was working on a permit before the fire, continue working on their permit instead of having to start all over. We spent years going over permits for SMAs and historical committees. We were only waiting on the water meter to be upgraded which was in process during the fire. Being allowed to rent out our rebuild as a short-term rental allows us the opportunity to have a place in Maui. Please make it easy to rebuild and let those who were working on permits prior to the fire, be able to continue with their plans.

Guest User

Location:

Submitted At: 10:51am 02-04-25

I'm writing in support of SB105 but strongly oppose the amendment to restrict STRs. Bill 105 is a helpful step toward rebuilding and restoring communities affected by the Lahaina fire. Please allow rebuilding of non-conforming structures in the burn zone and do everything possible to expedite the healing of ALL of Lahaina.

I strongly oppose the amendment to SB105 which excludes non-conforming transient vacation rentals from resuming business. ALL property owners should be able to use their properties as they did before the fire. These property owners care deeply about the community in which they lost homes. It would be very unfair to punish people who have suffered so much hardship already.

Guest User

Location:

Submitted At: 8:43am 02-04-25

I'm writing in support of SB105 but strongly oppose against the amendment to restrict STRs. Bill 105 is crucial step toward helping rebuild and restore communities affected by the recent fires on Maui. The ability to rebuild non-conforming structures in the burn zone can offer a path for residents to return to their homes, businesses and communities.

However, I strongly oppose the amendment to SB105 which excludes non-conforming transient vacation rentals from resuming business. All property owners should be able to use their properties as they did before the fire. It would be very unfair to punish people who have suffered so much hardship already.

Guest User

Location:

Submitted At: 8:34am 02-04-25

I support Bill 105 which allows properties with non-conforming uses to be rebuilt after disasters such as the August 8, 2023 Lahaina fire ... even if they sustained more than 50% damage. There was unimaginable loss after this devastating fire. People lost their homes, their businesses and their livelihood and this bill is essential for the

recovery of Lahaina's properties, businesses and community. Everyone should have the right to recreate what they lost through no fault of their own.

However, I oppose the amendment proposed by Councilwoman Tamara Paltin, which would prevent STRs from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. It is wrong that fire victims be penalized for circumstances beyond their control.

Guest User

Location:

Submitted At: 8:29am 02-04-25

I am support of bill 105 however I oppose the amendment proposed by Councilmember Tamara Paltin, which would prevent non-conforming transient vacation rentals from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. Fire victims should not be penalized for circumstances beyond their control

Guest User

Location:

Submitted At: 7:50am 02-04-25

February 2, 2025

Chair Tamara Paltin

Vice Chair Nohelani U'u-Hodgins

Disaster Recovery International Affairs, and Planning (DRIP) Committee

Re: Bill 105 (2024) Amending section 19.500.110, Maui County Code, Regarding Nonconformities.

Aloha Chair Paltin, Vice Chair U'u-Hodgins, and members of the Committee,

My name is John Mark Mageo, Employee Relations and Government Affairs Manager of ABC Stores. I appreciate this opportunity to testify on behalf of our company. ABC Stores Support Bill 105 (2024).

Thank you to the administration and planning department for introducing an essential bill and to Chair Paltin for hearing it. We currently have three stores, which is part of the 600 businesses that were impacted by the wildfires. Until today, our three stores are yet to reopen.

The proposed amendments will allow for the reconstruction of nonconforming structures that have been damaged or destroyed by the disasters, ensuring that these structures can be rebuilt in compliance with current building and safety codes. This is a vital step in helping our community recover more swiftly and effectively from such events.

By permitting the restoration of nonconforming structures and uses, this bill provides much-needed flexibility and support to property owners who have suffered losses. It acknowledges the unique challenges faced by our community and offers a practical solution that balances the need for safety with the realities of disaster recovery.

Any step forward is a step in the right direction, and this bill will help make that possible. We deeply appreciate your time and attention, and we thank you for considering this important measure.

Mahalo,

John Mark Mageo

ABC Stores

Employee Relations and Government Affairs Manager

Bruce Johnson

Location:

Submitted At: 7:47am 02-04-25

I support Bill 105, however I do not support the amendment proposed by Councilmember Tamara Paltin.

I am the owner of a destroyed unit in Puamana and have been a regular visitor to Maui for 50 years. Government should do whatever can be done to expedite the rebuilding of Lahaina without using this as a way to slip in "pork" unrelated to rebuilding

Guest User

Location:

Submitted At: 7:09am 02-04-25

I am voicing my support of Bill 105 for the rebuilding of all of Lahaina that was effected by the August 2023. Please consider all who have lost. My sister, a 40 plus year resident of Lahaina, lost a townhome where her children were born and raised. It is a townhome that she and I share now. She has dealt with several health issues after being forced in the ocean off Front St. for 8 hours during the fire. PLEASE oppose the amendment proposed by Councilmember Tamara Paltin. This amendment is not fair or equal to all who have lost so much to this fire.

Mahalo for legislating FOR victims of this disaster,
Nancy Guju Collins

Guest User

Location:

Submitted At: 6:48am 02-04-25

I am in support of Bill105. I am 76, born on Oahu, and raised at 839 Front Street, Lahaina. My mother's ocean front property, since sold to her by the KAWAGUCHI family in 1965. I am the Trustee of her estate and our family wants the opportunity to rebuild. The income from her property supports a nonprofit foundation created to support the development of children in our community to learn about Hawaiian plants and propagation of Hawaiian endangered species. Please pass this bill to give my family the opportunity to see Lahaina return to its original way of life.

MeriJo Abrams Manuel, Trustee
LAKALA TRUST
808-573-0944

Guest User

Location:

Submitted At: 6:46am 02-04-25

To whom it may concern, My name is Laura Sue Peterson. I had a personal residence at 35-1 Pualoke Place, Lahaina, HI 96761 that burned to the ground in the Lahaina fire of August 2023. I am writing to express my support Bill 105. The home owners and business owners that lost everything in that fire should be able to rebuild, even if the properties are defined as non-conforming and even if they sustained more than 50% damage. This bill is essential for the recovery of Lahaina's properties, businesses, and community.

However, I oppose the amendment proposed by Councilmember Tamara Paltin, which would prevent non-conforming transient vacation rentals from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. Fire victims should not be penalized for circumstances beyond their control. We have suffered enough. Please make the right decision that is in the best interests of your community. Thank you. Sue Peterson

Guest User

Location:

Submitted At: 5:42am 02-04-25

I support Bill 105 but oppose the burdensome amendment that punishes Lahaina homeowners. The ability to use a property for TVR makes it possible for many long-time permanent and semi-permanent residents to maintain their property. I believe that the citizens of Lahaina have been through a time of great loss and suffering. They should be able to rebuild their properties as they were, where they were, and with full options to use them as they could prior to the fire. Any concerns about TVRs can be addressed separately and with greater compassion and consideration after the recovery.

should be

Guest User

Location:

Submitted At: 5:13am 02-04-25

Testimony in Opposition to the TVR Restriction in Bill 105

Aloha, I support Bill 105 but strongly oppose the amendment restricting legally permitted transient vacation rentals (TVRs) from resuming operations.

Not all TVR owners are mainland investors. Many are local families, long-time residents, and community members who have built their lives in Lahaina. Some own just one property, using it to help cover their mortgage, support their families, and stay in the place they call home. TVRs contribute to the local economy, generating tax revenue, supporting service industry workers, and helping owners maintain their primary residences. They are not just businesses - they are lifelines that have allowed many locals to remain on Maui.

I am one of these people, and this amendment would be devastating for my family. We have lost so much already, and now it feels like this fire is being used against us. We have done everything right - followed the rules, paid very high taxes, and are fighting to rebuild - but now we are facing yet another hurdle. There is only so much Lahaina residents can take.

Insurance money that should be used to rebuild is instead being drained just to keep living in hope that one day we can rebuild. If this restriction moves forward, it will be the next disaster after the fire for many, forcing people like me to sell our homes, leave Lahaina, and lose everything we worked so hard for - we can't not afford to cover two mortgages, selling the TVR would still have us sell our primary residence. We aren't rich - we did what every responsible person has done, invested our hard-earned money in hopes of having a financially secure life one day.

This is not fair. Lahaina's recovery should be about helping all of us return, not shifting opportunities from one group to another at the expense of those who have already lost everything. We recognize Maui's housing shortage, but the responsibility lies with Maui County's restrictive permitting and zoning policies, not with law-abiding citizens who followed the rules. Before the fire, legally permitted TVRs were not an issue - now, after the fire, we find ourselves fighting just to retain what was already established legally and essential to our financial stability. It is unjust to impose new restrictions that jeopardize any home / business / commercial owner their ability to rebuild and recover! Please pass Bill 105 without this restriction so that all property owners - residential, commercial, and TVR owners - can rebuild and move forward together.

Mahalo, Ginger of Lahaina for 15 years

Guest User

Location:

Submitted At: 4:09am 02-04-25

I am in support of this bill.

Guest User

Location:

Submitted At: 4:07am 02-04-25

Testimony in Support of Maui County Bill 105

Submitted to Chair Alice Lee and Members of the Maui County Council

Aloha Chair Lee and Council Members,

We are writing today in strong support of County Bill 105. In light of the recent LA fires, and the additional pressure on the resources necessary to rebuild that is coming, the time is NOW to allow Lahaina fire victims to move forward and rebuild not just our homes, but our livelihoods, and our community. It has been 18 months

since the fire, and the lack of progress in the permitting process for so many of us, continues to take an emotional and financial toll. County Bill 105 provides a necessary solution, and we urge you to pass it. However, we oppose Amendment G being added to this bill. Taking away the ability to TVR fire damaged or destroyed properties penalizes some fire victims for an event and its aftermath over which they had no control. Please eliminate this amendment from Bill 105, and do not let it become another distraction that delays the ability of Lahaina fire victims to rebuild what they had prior to August 8, 2023.

Mahalo for your consideration and efforts to help Lahaina rebuild.

Carrie and Tom Rolfes
40 Puakukui Place Apt 4
Lahaina, HI 92671

Guest User

Location:

Submitted At: 2:51am 02-04-25

I support this bill. I've been a homeowner in Puamana since 1986 and lost my home in the fire. We want to rebuild and get back HOME!!! The west Maui community is very strong, I've been a member of the Lahaina Yacht club for 20 years and the amount of community work they do is amazing, we just had 150 keikei for our fishing tournament....We just want to rebuild and get back HOME....Mahalo

Guest User

Location:

Submitted At: 12:05am 02-04-25

I oppose Councilmember Paltin's amendment. If STRs are not allowed, it will affect locals who rely on income from STRs and services related to STR operations. Those locals will face more hardships. Thank you!

Guest User

Location:

Submitted At: 10:23pm 02-03-25

I oppose the rebuilding of non conforming homes, boarding houses, bed and breakfast and vacation rentals. Many of these type of non conforming structures contributed to the fatalities in the August 8, 2023 . Hundreds of residential homes are having their building plans rejected because new building and permits regulations have been enforced against them. Honsador sold material and package homes that have passed county approval for years . Now Lahaina fire victims are having those same Honsador , residential home Plans rejected by the County of Maui.

It is ludicrous that Msui county is still approving wood shake roofs and allow the sale of wood bark mulch in a town that does not have evacuation routes.

I ask that non conforming: residential , boarding houses, vacation rentals & bed and breakfast be rebuilt complying with the house or cottage square footage based on the property size and all current county electrical, fire, plumbing , off street parking, drywall rules and inspection.

Thank for understanding that allowing non confirming rebuilds increases fire risks and is just not fair to previous and current residents struggling with getting building permits with new requirements surfacing.

Historic buildings are a different consideration.

Sincerely Robin Ritchie

Retired, Lahaina Visitirs Center.

Marie Sweetland

Location:

Submitted At: 9:41pm 02-03-25

Aloha Chairman Lee & Council Members,

I wish to submit testimony today to support Bill 105 but to also voice strong opposition to the following amendment:

"G. Nonconforming transient vacation rental uses: exception. Notwithstanding subsection E, nonconforming transient vacation rental uses that were discontinued for 12 consecutive months or more because the transient

vacation rental was within a structure that was damaged or destroyed in an emergency or disaster, may not be resumed."

The ramifications of such an amendment would penalize some of the fire victims and each and every fire victim of Lahaina has suffered enough.

Please don't make assumptions about TVR property owners and assume they are wealthy people who own multiple properties. A large portion of TVR owners own a single unit and many of these owners count on the income from their TVR for living expenses in their retirement years.

One such owner is a neighbor of mine. She has lived in Lahaina for 35 years and has served the community in the medical field for decades. Her TVR unit was a huge part of her retirement income. It burned to the ground along with her own home. She is still obligated to pay HOA fees for her home and her TVR each month. She has nearly exhausted her insurance proceeds to pay her ongoing living expenses and may not have enough left to rebuild.

Now, in addition to living with PTSD and ongoing injuries as a result of the fire, she also lives with the concerns that her hope to restore her retirement income will be extinguished if the proposed amendment to Bill 105 is included in its passage.

There are many other owners of individual, legal TVRs that are in similar dire situations since the fire. Many TVRs are locally owned by local people who will continue to suffer if Bill 105 passes with the proposed amendment.

Additionally, the intent of the amendment, to "back-date", i.e. ... "uses that were discontinued for 12 consecutive months"..... at a time when 18 months has already passed since the wildfire disaster, seems unreasonable. Regardless, there are many good reasons to pass this bill. Our community must rebuild before more homeowners and residents give up and move off the island.

I urge each committee member to consider making a motion & voting on removing the amendment from Bill 105 prior to the vote to pass Bill 105.

Mahalo for your kind consideration toward ALL Lahaina property owners and residents.

Thomas Croly

Location:

Submitted At: 9:39pm 02-03-25

My testimony concerning bill105 is attached. I support the intent to allow non conforming uses to continue, but do not support the proposed amendment that would further victimize two Maui Resident homeowners who operated a B&B in Wahikuli and a Native Hawaiian owned Inn located in Kula. These folks must be allowed to continue their business that were established more than 40 years ago.

David Medina

Location:

Submitted At: 9:33pm 02-03-25

Testimony in Support of Maui County Bill 105

Submitted to Chair Alice Lee and Members of the Maui County Council

Aloha Chair Lee and Council Members,

My name is David Medina, and I am writing in strong support of Bill 105, which would allow fire victims in Lahaina to rebuild their non-conforming structures that were destroyed by the fire.

The fire took more than just homes—it took our community, our sense of stability, and our ability to move forward. The lack of progress in permitting is causing unnecessary delays, making it even harder for us to heal and rebuild our lives. Losing Lahaina as a community has been just as devastating as losing my home, and the prolonged displacement is taking an immense emotional and financial toll on so many.

Many of my neighbors are struggling to stay afloat as they wait for the opportunity to rebuild. Every delay in permitting pushes families closer to financial ruin and forces them to make heartbreaking decisions about whether they can remain in Lahaina at all. Bill 105 provides a necessary solution—one that acknowledges the unique hardship fire victims are facing and allows us to take meaningful steps toward recovery. I am not in support of the amendment written by Councilmember Paltin. I urge you to oppose this unfair amendment.

I urge you to pass this bill without delay. Let us begin the process of rebuilding our homes, restoring our town, and bringing our community back together.

Mahalo for your time and consideration.

David Medina
355 Front Street
Lahaina, Hi 96761

Guest User

Location:
Submitted At: 7:52pm 02-03-25

I'm writing in support of SB105. It is a vital step toward helping rebuild and restore communities affected by the recent fires on Maui. The ability to rebuild non-conforming structures in the burn zone can offer a path for residents to return to their homes, businesses and communities while keeping the area's unique character intact.

However, I strongly oppose the amendment to SB105 which excludes non-conforming transient vacation rentals from resuming operations if they were discontinued for 12 consecutive months due to an emergency or disaster. It took government agencies almost a year to clear away all the fire debris, so it is not the fault of the TVR owners that they were unable to resume operations. All fire victims should be included in this bill equally.

Guest User

Location:
Submitted At: 7:25pm 02-03-25

As a 20-plus year owner of a place at Puamana (fortunately one that survived the fire) I urge you to support Bill 105. However, I oppose the amendment proposed by Councilmember Tamara Paltin, which seems not only unwise and unnecessary, but possibly mean-spirited.
Thank you.

Jeffrey Melichar

Location:
Submitted At: 6:25pm 02-03-25

As a 30 year homeowner on Front Street I am in full support of Bill 105. All we are asking is for the right to rebuild what we had before the fire. We did not cause the fire, and therefore should not be penalized. We have already been horribly traumatized by the fire and the loss of our neighborhood. We have suffered enough, and we need your help and cooperation.

Guest User

Location:
Submitted At: 6:07pm 02-03-25

I am a Lahaina resident that lost my hair salon in the Lahaina fire that served the community for 20 years. I also lost a plantation house that is zoned B-2 that I was renting as a STR. We have lost so much already. Our community wants to build back both homes and businesses. We need to move this along quickly. People can't hang on any longer. I am in support of bill 105 but oppose to Tamra Paltins part to not allow STR's to build back in the burned area. Trying to use the fire as not using it as a STR for 12 months is an awful excuse to not allow people to build back. I don't even think that is legal because it's not that the buildings/homes were used as another use. They are gone because of a fire that our county failed to protect us of.
Wendy Pogni

Guest User

Location:
Submitted At: 6:03pm 02-03-25

Aloha, We support Bill 105 but DO NOT support enforcing the 12 month rule on STR's. These STRs are owned by hard working locals that employ hard working locals and have lost everything. Dont forget about the guests that visit these STRS that eat at the resturants and spend money in the shops which put money in the peoples

pockets that enable them to feed their families...

Hayden Pogni

Guest User

Location:

Submitted At: 6:01pm 02-03-25

I am in full support of Bill 105 to rebuild our beloved community however opposed to Council member Paltin's proposal.

Guest User

Location:

Submitted At: 5:42pm 02-03-25

I oppose Councilmember Paltin's amendment. My wife and I are part-time residents and condominium owners in Kihei for over 10 years. In the months we are here each year we support the local community by volunteering with several organizations on Maui. We and our short-term guests spend money in local businesses such as sandwich shops, restaurants, swap meets, performances and the like -- unlike island visitors who stay in resorts. We cannot continue to do this if STRs are no longer allowed in our condominium. Furthermore, our investment in our condominium -- which we purchased with the assurance it would be STR -- will be substantially reduced in value, affecting our security in our retirement years.

Guest User

Location:

Submitted At: 10:25am 02-03-25

This bill will hinder recovery and further burden victims of the fire that depended on STR operations for their income. We need those jobs and income to return so victims of the fire can rebuild and get back to work and earn the income so not dependent on government support forever.

Guest User

Location:

Submitted At: 10:16am 02-03-25

My condo in Kahana would go into foreclosure if I cant short term rent . I am a senior on fixed income. I have a maintenance payment of 1350 a month and a mortgage payment and high property tax of 8,000 a year.. I would be forced to rent my studio condo that I have owned for 20 years for over \$5000 in a long term market which is impossible to do. I have tried to sell but cant due to this no short term rental issue. Please help us keep our properties that we love. We need to keep our short term rental properties as short term rentals . Thank you.

Testimony for Bill 105 and proposed amendments
Submitted by Thomas Croly

The intent of Bill 105 to suspend the usual code requirement that existing (legal) non-conforming structures may not be rebuilt after they are destroyed and that legal non-conforming uses may not be resumed, if they are stopped for 12 months or more, for properties that were tragically destroyed in the Lahaina and Kula fire is a fair and just consideration. Due diligence should be made to clearly define exactly what types of uses and structures this legislation would impact before passing this measure. But I support every effort to help clear unnecessary regulation from the efforts to rebuild Lahaina and fire effected area of Kula.

Hopefully, the committee will hear from all the permit reviewing agencies to better understand the types of uses and zoning regulations that this measure would impact. As for the existing non-conforming short-term rental uses in the fire affected areas, I have attached a list that was published by the planning department of all the legal short-term rental uses outside the apartment districts. I have reviewed this list and found 16 properties listed as non-conforming and I have highlighted them in yellow. Of those, I found only 3 properties in the burn areas of Kula and Lahaina. I don't think that the amendment proposed by Council member Paltin to specifically exclude the resumption of short-term rental uses from this proposed legislation is warranted by these 3 affected properties. And I believe that it would unduly prejudicial to these three property owners.

The first property, highlighted in Red on the attached list, is the Kula Sandalwoods lodge and café. This native Hawaiian owned business is also the home of its owners, the Louis, who depend on the income from the 6 cottages that they have been renting to visitors short term for more than 40 years. It would be a great injustice to prevent them from returning to this legal existing non-conforming use because they had to stop operating for more than 12 months as a result of the wildfires that were no fault of their own.

The Second property highlighted in Red is the Maui Guesthouse. This property is the home of Tana Swanson and also has operated as a Bed and Breakfast for more than 40 years. Tanna wants to rebuild her home and reestablish her B&B use, but she needs the assurance that she will be able to resume her B&B accommodations before she can get a loan and make the investment necessary to rebuild her home. The idea that she would need to apply for a new B&B permit and go through the long and costly B&B permitting process, with an unknown result, will not help her in this effort. Again, it would be piling on to the losses suffered by Ms. Swanson to exclude her short-term rental use from the benefit being granted to others by bill 105.

The third property on the list of existing non-conforming short-term rental uses in Lahaina is located at 375 Front street. While I don't know these property owners, the reason this property would have been granted this non-conforming use is because it was established prior to 1989 and has operated continuously since. It appears that this house actually is still standing after the fires, but it was required to stop rental operations because access to the property, water and sewer service from the county, were disrupted as a result of the fires. Again, it would unfair to take away this use from the oceanfront home because of events that were not in any way the fault of the property owners.

Please pass this legislation to help Lahaina town be safely rebuilt as expeditiously as possible, but please reject any amendment that would take away the short-term rental rights granted to these three property owners.

Non-Apartment District Properties Allowed to be Used for Short-Term Occupancy *

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	Reason Why Short Term Rental Allowed	COUNTY ZONING	COMMUNITY PLAN
WAILEA ELUA I	210080690000	3600 Wailea Alanui Dr	1977	Zoning	H1/OS2/PUD	MF
WAILEA ELUA II	210080700000	3600 Wailea Alanui Dr	1981	Zoning	H1/OS	MF/OS
WAILEA BEACH VILLAS	210080910000	3800 Wailea Alanui Dr	2002	Zoning	BR/H1/H2/OS	H
HOOLEI	210081190000	146 Hoolei Cir	2007	Zoning	H1/OS/PUD	H
WAILEA POINT III	210230040000	4000 Wailea Alanui Dr	1987	Zoning	H1/H2/PUD	H
WAILEA POINT II	210230050000	4000 Wailea Alanui Dr	1987	Zoning	H1/H2/PUD	H
WAILEA POINT I	210230060000	4000 Wailea Alanui Dr	1986	Zoning	H1/H2/PUD	H
KULA SANDALWOODS	230200110000	15427 Haleakala Hwy	1962	Nonconforming	Interim	PD
ALOHA SURF HOSTEL	260070080000	221 Baldwin Ave	1980	Nonconforming	R1	SF
KAIHOLO HALE	260120560000	25 Kaihola Pl	1967	Nonconforming	Interim	SF
KUAAU ESTATES SUBDIV	260120570000	Kaihola Pl	1966	Nonconforming	R1	SF
PAIA INN	260020270000	93 Hana Hwy	1980	Special Use Permit	B-CT	C
86 CENTRAL AVENUE	340120380000	86 Central Ave	1917	Zoning	BMF-WailukuRdv	B/MF
NOBLE TRAVEL HOTEL	340170250000	160 N Market St	1939	Zoning	BMF-WailukuRdv	B/MF
NORTH SHORE HOSTELS	340170320000	2080 W Vineyard St	1954	Zoning	BMF-WailukuRdv	B/MF
HAPPY VALLEY HALE	340330160000	332 N Market St	1942	Zoning	C-WailukuRdv	B
BANANA BUNGALOW	340330500000	310 N Market St	1945	Zoning	C-WailukuRdv	B
SUGAR COVE	380020030000	320 Paani Pl	1976	Nonconforming	R3	SF
KAPALUA BAY	420040280000	1 Bay Dr	2009	Zoning	BR/HM/OS/PUD	Hotel/Business-
COCONUT COVE	380020470000	475 Laulea Pl	1960	Nonconforming	R3	SF
HALE OLA	380020650000	592 Stable Rd	1980	Nonconforming	R3	SF
3035 S KIHEI RD	390040260000	3035 S Kihei Rd	1973	Nonconforming	R3	SF
KIHEI AKAHI	390200010000	2531 S Kihei Rd	1977	Zoning	BR/H1/H2	H
KIHEI KAI NANI	390200030000	2495 S Kihei Rd	1970	Zoning	H2/BR	H
OHUKAI BEACH ESTATES	390410080000	16 Ohukai Rd	1971	Nonconforming	R2	SF
PUNA II	420020050000	39 Kapalua Pl	1973	Zoning	NBCID	RES/NC
KAPALUA BAY CONDO	420040280000	1 Bay Dr	2009	Zoning	BR/HM/OS/PUD	RH
HONOKEANA COVE	430020190000	5255 L Honoapiilani Rd	1969	Zoning	NBCID	RES
NAPILI POINT I	430020210000	5295 L Honoapiilani Rd	1977	Zoning	NBCID	RES
NAPILI POINT II	430020430000	5295 L Honoapiilani Rd	1978	Zoning	NBCID	RES
NAPILI BAY	430020520000	33 Hui Dr	1977	Zoning	NBCID	RES
NAPILI SUNSET	430020550000	46 Hui Dr	1974	Zoning	NBCID	RES
NAPILI SHORES	430020610000	5315 L Honoapiilani Rd	1972	Zoning	NBCID	RES
NAPILI GARDENS	430020680000	5432 L Honoapiilani Rd	1993	Zoning	NBCID	RES
KAHANA SUNSET	430030150000	4909 L Honoapiilani Rd	1973	Nonconforming	R3	RES
ALAELOA	430030170000	20 Hui Rd	1966	Ordinance	R3/PUD	RES
POHAILANI - HOTEL ONLY	430050080000	4435 L Honoapiilani Rd	1976	Hotel Portion Only	H-2	RES
KULAKANE	430060110000	3741 L Honoapiilani Rd	1970	Zoning	B2	RES
ROYAL KAHANA	430100070000	4365 L Honoapiilani Rd	1976	Zoning	H-2	RH
NAPILI RIDGE	430160060000	120 Hui Rd F	1972	Zoning	NBCID	RES

This list does not grant any entitlement that is not allowed by zoning or any other provisions of the Maui County Code. This list is subject to error; to determine if short-term occupancy is allowed on any property, confirmation should be obtained from the Department of Planning.

Non-Apartment District Properties Allowed to be Used for Short-Term Occupancy *

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	Reason Why Short Term Rental Allowed	COUNTY ZONING	COMMUNITY PLAN
INTERNATIONAL COLONY	440060060000	2750 Kalapu Dr	1964	Nonconforming	R3	RES
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KAANAPALI PLANTATION #4	440060160004	150 Puukolii Rd, Unit 4	1970	Nonconforming	R2	RES
KAANAPALI ALII	440080220000	50 Nohea Kai Dr	1981	Zoning	H2	RH
HONUA KAI	440140060365	130 Kai Malina Pkwy	2009	Zoning	H-M	RH
MAUI GUEST HOUSE	450270220000	1620 Ainakea Rd #2	1976	Nonconforming	R3	RES
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375 FRONT ST	460030190000	375 Front St	1981	Nonconforming	R3	RES
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771 LUAKINI ST	460090350000	771 Luakini St	1950	Zoning	B-2	STC
AINA NALU	460110080000	660 Wainee St	2005	Zoning	H-1/NHLD	RH
PUAMANA	460280000000	Pualei Dr	1970	Zoning	R2/PUD	RES
PUU O HOKU	580110060000	State Highway 450	1942	Nonconforming	AG	AG
PUU O HOKU	580150060000	State Highway 450	1942	Nonconforming	AG	AG

* This list does not include many other properties in zoning districts that permit short-term occupancy.

Legend:

Zoning

A1 or A2: Apartment
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Community Plan

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MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

February 5, 2025

Maui County Council
Disaster, Resilience, International Affairs, and Planning Committee
Tamara Paltin, Chair
Nohelani U'u-Hodgins, Vice Chair
Members of the Committee

DRIP (4) - BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES

Aloha Chair Paltin, Vice Chair U'u-Hodgins and members of the Committee,

The Maui Chamber of Commerce **supports** Bill 105 (2024) which amends Chapter 19.500.110 of the Maui County Code to allow for the reconstruction of nonconforming structures damaged, destroyed, or affected by an emergency or disaster and reestablishment of the nonconforming uses.

The Chamber commends the committee and Planning Department for the compassionate approach reflected in this bill. The people affected by the wildfires, through no fault of their own, lost their structures and should be allowed to rebuild them as they existed before. For these reasons, we support Bill 105.

Regarding the amendment proposed by Member Paltin, we first feel that before this is discussed, we should wait for the economic impact study to understand the data, particularly because none was provided in the proposal. It is difficult for us and others to ring in on this amendment when there was no data included on how many properties would be impacted, overall economic impacts, and the pros and cons. We want to ensure that this is fully vetted.

Mahalo for the opportunity to testify on this matter.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

To: Chair Paltin and members of the committee

From: Kent and Lori Untermann-SBA-Hall of Fame Class of 2019, Building Owner 736 Front Street

Ref: Support Bill 105

My wife Lori and I are in a very unique position of being small business owners employing 170 people doing business as CocoNene and several others. We lost the building we owned 50% of and our single most productive store at 736 Front Street. We manufacture all of our products on Oahu and sell them out of our stores across the islands. We were fortunate to be honored in the first class of SBA Hall of Fame in 2019 for our “resilience” for lasting 38 years and providing salaries of over \$400M in that time. We don’t even own a home. We love what we do or it would be too hard to make things in Hawaii. GDP for durable goods is 1/12 of our mainland USA counterparts at .6% for durable goods (what we make and sell). Please help us not be another casualty. There were literally 100’s of artisans, small business owners and others who earned a very good living on Front Street. We need to bring this back and Bill 105 is another good step in doing so.

Front street was the single most productive location we had with the following economic benefit:

- \$480k of salaries to 9 employees on Maui. 5 of the 9 lost their homes.
- \$900k of salaries for making and administering jobs on Oahu.
- \$155K of GET to the state and county.
- \$80k of RPT to the county.
- This doesn’t count the Tabora Gallery in our Building that provided \$500k of income to artists, \$200k to sales people and more GET to the state and county....

The ONLY reason we are still in business and employing 170 people still is we had terrific insurance that runs out in May, 2025. **TIME IS OUR ENEMY.....**

We measure our success by the average wage we pay our employees, which is \$34.25 as of 12-31-24. We have so many hard working loyal employees that deserve to continue doing what they do. Please pass Bill 105 to help all of the small business and landowners survive and STAY IN HI! Thank you so much!

DRIP Committee

From: Susan Conway Kean <susanonmaui@gmail.com>
Sent: Sunday, February 2, 2025 7:21 AM
To: DRIP Committee
Subject: Testimony for BILL 105 (2024),
Attachments: bill 105.rtf

TESTIMONY IN SUPPORT OF BILL 105 (2024) – AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES Submitted by: **Susan Kean** Commercial Landowner, **632 Front Street & Additional Properties** Hearing Date: **Wednesday, February 5, 2025 – 1:30 p.m.** Committee on Disaster Recovery, International Affairs, and Planning (DRIP) Committee Chair: **Tamara Paltin** Committee Vice-Chair: **Nohelani U‘u-Hodgins** Voting Members: **Tom Cook, Gabe Johnson, Tasha Kama, Alice L. Lee, Keani N.W. Rawlins-Fernandez, Shane M. Sinenci, Yuki Lei K. Sugimura**

Dear Chair Paltin, Vice-Chair U‘u-Hodgins, and Members of the Committee,

Thank you to the administration and planning department for introducing this essential bill and to Chair Patlin for hearing it.

My name is Susan Kean, and I am submitting this testimony in **strong support of Bill 105 (2024)**, specifically advocating for the inclusion of **nonconforming use language** to ensure the expedited rebuilding of **commercial properties in Lahaina’s burn zone**.

My family owns **multiple properties on Front Street, including 632 Front Street (the former Paia Fish Market)**. We have been continuing to pay the mortgages, taxes, etc on these properties while we anxiously wait to rebuild and this is causing my family immense hardship. We would like to rebuild what was there so the businesses that occupied the buildings can reopen and get their many employees working again. I live on the west side and I am continually asked when will we rebuild. The people want their town back and the current nonconforming use regulations threaten to impede this recovery process.

The Need for Nonconforming Use Protections in the Rebuilding Process

Front Street was the **heart of Lahaina’s economy**, home to small businesses, local restaurants, and cultural landmarks that drew residents and visitors alike. The devastation caused by the August 8, 2023, wildfires destroyed these properties, and while many landowners are eager to rebuild, the current **nonconforming use regulations threaten to impede the recovery process**.

Under existing laws, commercial structures that **do not conform to updated zoning codes** may face **barriers to rebuilding**, causing further financial distress for property owners who continue to pay mortgages, property taxes, and insurance on land that remains unusable. Without **clear protections and exemptions for nonconforming uses**, property owners risk being unable to

restore their businesses as they existed before the disaster, resulting in economic displacement and loss of Lahaina's historic character.

IRS Tax Code 1033: A Critical Three-Year Deadline

A crucial concern for landowners is the **IRS Tax Code 1033**, which mandates that disaster-affected properties must be **reinvested in within three years of the wildfire (by August 8, 2026)** to avoid severe tax penalties on insurance proceeds and other financial compensation. If **nonconforming use restrictions delay or prevent rebuilding**, landowners face additional financial hardship, potentially making reconstruction financially unfeasible.

To ensure Lahaina's **economic recovery and preservation**, Bill 105 must **include explicit language allowing commercial property owners in the burn zone to rebuild their businesses with the same pre-fire uses, even if they do not conform to current zoning laws.**

Requested Amendments to Bill 105 (2024)

To facilitate the timely restoration of Lahaina's business district, I strongly urge the committee to **add language that:**

- 1 Explicitly allows the reestablishment of nonconforming commercial uses in Lahaina's burn zone**, ensuring property owners can rebuild as their properties existed prior to August 8, 2023.
- 2 Waives or streamlines Special Management Area (SMA) permit requirements** for rebuilding commercial properties in the burn zone, reducing unnecessary delays.
- 3 Extends the timeframe for reestablishing nonconforming uses to align with IRS Tax Code 1033**, ensuring landowners have sufficient time to reinvest and restore their properties before facing tax penalties.

Conclusion

The ability to **rebuild quickly and maintain Lahaina's commercial integrity is critical** to the recovery of both the local economy and the community. The inclusion of **nonconforming use protections** in Bill 105 will **remove unnecessary roadblocks and allow businesses to return, jobs to be restored, and Lahaina to be rebuilt in a way that honors its history and legacy.**

I strongly urge this committee to **amend Bill 105 (2024) to include clear protections for nonconforming commercial uses in Lahaina's burn zone** and to take action that supports local landowners, small business owners, and

the economic future of Maui.

Thank you for your consideration.

Susan Kean

DRIP Committee

From: County Clerk
Sent: Tuesday, February 4, 2025 10:36 AM
To: DRIP Committee
Subject: Fw: support Bill 105/no Paltin ammendment

From: elise strong <elisestrong@gmail.com>
Sent: Tuesday, February 4, 2025 10:23 AM
To: County Clerk <County.Clerk@mauicounty.us>
Subject: support Bill 105/no Paltin ammendment

You don't often get email from elisestrong@gmail.com. [Learn why this is important](#)
Feb 4, 2025

Aloha,

I'm writing in **strong support of Bill 105**. We were one of the unlucky families in Puamana to have our home, car and all of our belongings burn to the ground and since then we have been living on the mainland and waiting to be able to return. Please please help us speed the process of rebuilding. We were in the group of folks who were immensely underinsured, and couldn't have imagined a scenario where we'd have to pay our mortgage and condo fees for years still and have no place to live. Also please **oppose the amendment by Councilmember Tamara Paltin**, which would only add insult to injury and punish those already unlucky. Just feet from our doorstep, many of our neighbor's homes did not burn and they have been able to move back in, while we unfortunate ones were forced to leave the Island while we still struggle to pay all of our bills for a home we can't live in. I feel so glad that much of Puamana was untouched and so glad for our friends and neighbors who have been able to resume their lives. We pray every day that we will be able to join back in our community and help Lahaina heal from the inside, but it is so cruel to add additional hardships and complications to an already very hard recovery. If your home did not burn you can live in it and vacation rent, but if your home burned, you can't live in it, or rent, or rebuild! Please help us heal and come home and not go bankrupt. My kids miss their friends, I miss my home. Please approve Bill 105 and exclude amendments (like the one from Councilmember Tamara Paltin) which would add hardship and threaten to end the hopes of recovery for those of us struggling to hold on.

Mahalo for your time and service, Elise Strong & Adrian Utsch
808-344-0407
Formerly of 35-4 Pualoke Place Lahaina Hi 96761
Currently residing at 1554 Windrow Dr. Bozeman Mt 59718

DRIP Committee

From: TCroly@maui.net
Sent: Tuesday, February 4, 2025 2:17 PM
To: Alice L. Lee; Tasha A. Kama; Tamara A. Paltin; Yukilei Sugimura; Thomas M. Cook; Nohe M. Uu-Hodgins; Shane M. Sinenci; Gabe Johnson; DRIP Committee
Subject: Testimony regarding bill 105
Attachments: Testimony for Bill 105.pdf

Aloha Council members,

On Wednesday, the DRIP committee will resume the discussion of Bill 105 to allow non-conforming uses that were ceased as a result of the Lahaina and Kula fires to resume after the structures have been rebuilt and to allow those legal non-conforming structures to be rebuilt. This bill is essential for hundreds of structures and businesses to have some certainty as they begin the recovery and rebuild process. Unfortunately, this important issue has been hijacked by an amendment that Council member Paltin has proposed to prejudicially exclude legal non-conforming short term rental uses from benefiting from this measure. It is important to understand what Short Term Rental uses would be impacted and what short term rental uses would not be impacted from this measure.

This measure does not impact legal short term rental uses taking place in Hotel Districts (MCC19.14), B-2 Business districts (MCC19.18), Apartment districts (MCC19.12) and Planned unit developments (19.32) because all of these uses are currently CONFORMING short term rental uses as clearly defined in current county code. The code further defines that these uses may be rebuilt and continued. From my research it appears that the only non-conforming short term rental uses that would be impacted include only three properties. These properties appear on a list prepared and published by the Planning department dated July 25, 2024. I have included this list in my attached written testimony. While I cannot confirm that this list is exhaustive and includes every property that may be operating a legal non conforming short term rental, it does include all of those the Planning department has acknowledged. And this legislation is NOT the place to modify the currently conforming legal uses already in the code.

The first property, highlighted in Red on the attached list, is the Kula Sandalwoods lodge and café. This native Hawaiian owned business is also the home of its owners, the Louis, who depend on the income from the 6 cottages that they have been renting to visitors short term for more than 40 years. It would be a great injustice to prevent any of their cottages from returning to this legal existing non-conforming use because they had to stop operating for more than 12 months as a result of the wildfires that were no fault of their own.

The second property highlighted in Red is the Maui Guesthouse. This property is the home of Tanna Swanson and also has operated as a Bed and Breakfast for more than 40 years. Tanna wants to rebuild her home and reestablish her short term rental use, but she needs the assurance that she will be able to resume her short term accommodations before she can get a loan and make the investment necessary to rebuild her home. The idea that she would need to apply for a new B&B permit and go through the long, costly and restrictive B&B permitting process, with an unknown result, will not help her in this effort. Again, it would be piling on to the losses suffered by Ms. Swanson to exclude her short-term rental use from the benefit being granted to others by bill 105.

The third property on the list of existing non-conforming short-term rental uses in Lahaina is located at 375 Front street. While I don't know these property owners, the reason this property would have been granted this non-conforming use is because it was established prior to 1989 and has operated continuously since. It appears that this house actually is still standing after the fires, but it was required to stop rental operations because access to the property, water and sewer service from the county, were disrupted as a result of the fires. Again, it would unfair to take away this use from the oceanfront home because of events that were not in any way the fault of the property owners.

Please pass this legislation to help Lahaina town be safely rebuilt as expeditiously as possible, but please reject any amendment that would take away the short-term rental rights granted to these three property owners.

Tom Croly

Testimony for Bill 105 and proposed amendments
Submitted by Thomas Croly

The intent of Bill 105 to suspend the usual code requirement that existing (legal) non-conforming structures may not be rebuilt after they are destroyed and that legal non-conforming uses may not be resumed, if they are stopped for 12 months or more, for properties that were tragically destroyed in the Lahaina and Kula fire is a fair and just consideration. Due diligence should be made to clearly define exactly what types of uses and structures this legislation would impact before passing this measure. But I support every effort to help clear unnecessary regulation from the efforts to rebuild Lahaina and fire effected area of Kula.

Hopefully, the committee will hear from all the permit reviewing agencies to better understand the types of uses and zoning regulations that this measure would impact. As for the existing non-conforming short-term rental uses in the fire affected areas, I have attached a list that was published by the planning department of all the legal short-term rental uses outside the apartment districts. I have reviewed this list and found 16 properties listed as non-conforming and I have highlighted them in yellow. Of those, I found only 3 properties in the burn areas of Kula and Lahaina. I don't think that the amendment proposed by Council member Paltin to specifically exclude the resumption of short-term rental uses from this proposed legislation is warranted by these 3 affected properties. And I believe that it would unduly prejudicial to these three property owners.

The first property, highlighted in Red on the attached list, is the Kula Sandalwoods lodge and café. This native Hawaiian owned business is also the home of its owners, the Louis, who depend on the income from the 6 cottages that they have been renting to visitors short term for more than 40 years. It would be a great injustice to prevent them from returning to this legal existing non-conforming use because they had to stop operating for more than 12 months as a result of the wildfires that were no fault of their own.

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Please pass this legislation to help Lahaina town be safely rebuilt as expeditiously as possible, but please reject any amendment that would take away the short-term rental rights granted to these three property owners.

Non-Apartment District Properties Allowed to be Used for Short-Term Occupancy *

PROJECT PROPERTY	MASTER TMK	ADDRESS	YR BLT	Reason Why Short Term Rental Allowed	COUNTY ZONING	COMMUNITY PLAN
WAILEA ELUA I	210080690000	3600 Wailea Alanui Dr	1977	Zoning	H1/OS2/PUD	MF
WAILEA ELUA II	210080700000	3600 Wailea Alanui Dr	1981	Zoning	H1/OS	MF/OS
WAILEA BEACH VILLAS	210080910000	3800 Wailea Alanui Dr	2002	Zoning	BR/H1/H2/OS	H
HOOLEI	210081190000	146 Hoolei Cir	2007	Zoning	H1/OS/PUD	H
WAILEA POINT III	210230040000	4000 Wailea Alanui Dr	1987	Zoning	H1/H2/PUD	H
WAILEA POINT II	210230050000	4000 Wailea Alanui Dr	1987	Zoning	H1/H2/PUD	H
WAILEA POINT I	210230060000	4000 Wailea Alanui Dr	1986	Zoning	H1/H2/PUD	H
KULA SANDALWOODS	230200110000	15427 Haleakala Hwy	1962	Nonconforming	Interim	PD
ALOHA SURF HOSTEL	260070080000	221 Baldwin Ave	1980	Nonconforming	R1	SF
KAIHOLO HALE	260120560000	25 Kaiholo Pl	1967	Nonconforming	Interim	SF
KUAAU ESTATES SUBDIV	260120570000	Kaiholo Pl	1966	Nonconforming	R1	SF
PAIA INN	260020270000	93 Hana Hwy	1980	Special Use Permit	B-CT	C
86 CENTRAL AVENUE	340120380000	86 Central Ave	1917	Zoning	BMF-WailukuRdv	B/MF
NOBLE TRAVEL HOTEL	340170250000	160 N Market St	1939	Zoning	BMF-WailukuRdv	B/MF
NORTH SHORE HOSTELS	340170320000	2080 W Vineyard St	1954	Zoning	BMF-WailukuRdv	B/MF
HAPPY VALLEY HALE	340330160000	332 N Market St	1942	Zoning	C-WailukuRdv	B
BANANA BUNGALOW	340330500000	310 N Market St	1945	Zoning	C-WailukuRdv	B
SUGAR COVE	380020030000	320 Paani Pl	1976	Nonconforming	R3	SF
KAPALUA BAY	420040280000	1 Bay Dr	2009	Zoning	BR/HM/OS/PUD	Hotel/Business-
COCONUT COVE	380020470000	475 Laulea Pl	1960	Nonconforming	R3	SF
HALE OLA	380020650000	592 Stable Rd	1980	Nonconforming	R3	SF
3035 S KIHEI RD	390040260000	3035 S Kihei Rd	1973	Nonconforming	R3	SF
KIHEI AKAHI	390200010000	2531 S Kihei Rd	1977	Zoning	BR/H1/H2	H
KIHEI KAI NANI	390200030000	2495 S Kihei Rd	1970	Zoning	H2/BR	H
OHUKAI BEACH ESTATES	390410080000	16 Ohukai Rd	1971	Nonconforming	R2	SF
PUNA II	420020050000	39 Kapalua Pl	1973	Zoning	NBCID	RES/NC
KAPALUA BAY CONDO	420040280000	1 Bay Dr	2009	Zoning	BR/HM/OS/PUD	RH
HONOKEANA COVE	430020190000	5255 L Honoapiilani Rd	1969	Zoning	NBCID	RES
NAPILI POINT I	430020210000	5295 L Honoapiilani Rd	1977	Zoning	NBCID	RES
NAPILI POINT II	430020430000	5295 L Honoapiilani Rd	1978	Zoning	NBCID	RES
NAPILI BAY	430020520000	33 Hui Dr	1977	Zoning	NBCID	RES
NAPILI SUNSET	430020550000	46 Hui Dr	1974	Zoning	NBCID	RES
NAPILI SHORES	430020610000	5315 L Honoapiilani Rd	1972	Zoning	NBCID	RES
NAPILI GARDENS	430020680000	5432 L Honoapiilani Rd	1993	Zoning	NBCID	RES
KAHANA SUNSET	430030150000	4909 L Honoapiilani Rd	1973	Nonconforming	R3	RES
ALAELOA	430030170000	20 Hui Rd	1966	Ordinance	R3/PUD	RES
POHAILANI - HOTEL ONLY	430050080000	4435 L Honoapiilani Rd	1976	Hotel Portion Only	H-2	RES
KULAKANE	430060110000	3741 L Honoapiilani Rd	1970	Zoning	B2	RES
ROYAL KAHANA	430100070000	4365 L Honoapiilani Rd	1976	Zoning	H-2	RH
NAPILI RIDGE	430160060000	120 Hui Rd F	1972	Zoning	NBCID	RES

This list does not grant any entitlement that is not allowed by zoning or any other provisions of the Maui County Code. This list is subject to error; to determine if short-term occupancy is allowed on any property, confirmation should be obtained from the Department of Planning.

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BR: Business Resort
C-WailukuRdv: Commercial-Wailuku Redevelopment Area
H, H1, H2, H-M: Hotel
HD1: Historic District 1
Interim: Interim
M1: Light Industrial
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Community Plan

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PD: Project District
PK: Park
SF: Single-Family
RES: Residential
STC: Small Town Center
RH: Resort/Hotel
NC: Neighborhood Center

DRIP Committee

From: kula sandalwoods <info@kulasandalwoods.com>
Sent: Wednesday, February 5, 2025 8:45 AM
To: DRIP Committee
Subject: BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES
Attachments: Testimony for Bill 105 and proposed amendments.pdf

You don't often get email from info@kulasandalwoods.com. [Learn why this is important](#)

Attached is my written testimony.

Mahalo,
Monica Loui

Testimony for Bill 105 and proposed amendments
Submitted by Monica Loui

The intent and rationale of Bill 105 in addressing non-conformities and modifying the current code requirements to assist in rebuild efforts in Lāhainā and Kula is logical and reasonable. The proposed amendment submitted by council member Paltin is not. It's unduly harsh and punitive, especially on property owners who have already suffered tremendous emotional and financial losses, caused by a wild fire event that was not their doing.

As background - I am a member of the Loui family. We own and operate a property known as, the Kula Sandalwoods Café & Inn, located on Haleakalā Highway in Kula. This is our home. We live on the property and have operated the establishment since 1990 (35 years of its 65 years of existence). We are a proud Native Hawaiian, women owned, operated and managed property and business.

We are also fire survivors. Our property is located one site away from the Kula fire origin. Four family members fought hard for 12 hours to save our property. Unfortunately, the house was destroyed. The restaurant and cottages, though damaged, were saved due to the heroic efforts of our neighbors and community who came and stayed to save our property, even after the family was evacuated and MFD left to save other structures.

Originally constructed in 1959, there are six cottages that consist of one room, less than 330 square feet and have no kitchenette/cooking facilities. The structures have not been altered. The original business name was the Hale Mo'i Lodge; then the Silversword Inn. Today, it is the Kula Sandalwoods.

Recently, we were informed that our property may be subject to the provisions of the proposed amendment, which would extinguish the ability to resume operating our legal existing non-conforming use, if the use was discontinued for 12 or more consecutive months. Fortunately, the discontinued use provision of the proposed amendment does not apply in our case.

The cottages were legally built as lodging accommodations and have hosted guests, since its opening 65 years ago. Our property is listed as a non-conforming short-term use in the fire impacted area of Kula. We have documentation, which we will be glad to share at an appropriate time that we clearly believe demonstrates our non-conforming use status.

If this were not the case, the amendment's effect of not allowing the use to resume would be devastating to our family, property and business. We are a legacy property and business - starting with our parents. The second generation is now in place. Preparations for the third generation to take cover may not be realized, due to the proposed amendment.

After personally experiencing the trauma and loss of the wild fire, it would be undeniably painful for our family (or any property owner) to lose their property use and livelihood, due to the proposed amendment, which appears counter to the rationale and intent of Bill 105.

This property is our home and legacy – it's where we live and raised our keiki – where we work. We wish to stay on our 'āina and not become another Maui wild fire statistic. Please pass Bill 105, but remove the amendment that would take away use rights previously granted to property owners.

DRIP Committee

From: County Clerk
Sent: Wednesday, February 5, 2025 12:59 PM
To: DRIP Committee
Subject: FW: Disaster Recovery, International Affairs, and Planning Committee Testimony
Attachments: RAM Testimony re Bill 105 2-4-25.pdf

From: Madison K. Kalahui <mkalahui@imanaka-asato.com>
Sent: Wednesday, February 5, 2025 12:51 PM
To: County Clerk <County.Clerk@mauicounty.us>
Subject: Disaster Recovery, International Affairs, and Planning Committee Testimony

You don't often get email from mkalahui@imanaka-asato.com. [Learn why this is important](#)

Aloha,

Please find attached a testimony for Bill 105.

Mahalo,

Madison Kalahui, Government Relations Assistant



Imanaka Asato

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February 4, 2025

Councilmember Tamara Paltin, Chair
Councilmember Nohe U'u- Hodgins, Vice Chair
Members of the Committee on
International Affairs and Planning Committee

RE: **Bill 105 – RELATING TO REGARDING NONCONFORMITIES**
Hearing Date – February 5, 2025 at 1:30 p.m.

Aloha Chair Paltin, Vice Chair U'u- Hodgins and members of the committee,

Thank you for allowing the Realtors Association of Maui (“**RAM**”) to submit testimony providing **COMMENTS** on **Bill 12 – RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTION TIME PERIODS**. RAM is an association of over 2003 real estate brokers and salespersons dedicated to the preservation of the fundamental right to own, transfer, and use real property.

Bill 105 amends Maui County Code Section 19.500.110 to address nonconforming structures and uses damaged, destroyed or affected by a disaster proclaimed by the Governor. RAM greatly appreciates the intent of the measure to expedite the rebuild and receivers of the Lahaina community. The Lahaina wildfire and other disasters have had devastating effects on our community, and this bill must be passed without unnecessary amendments that will further delay our county’s recovery. The current draft of Bill 105 will have immense impacts on restoring the community and allowing residents to recover.

RAM is concerned with the additional proposed restrictions on Transient Vacation Rentals (“TVR”) which unfairly penalizes property owners who have already suffered immense losses, and further changes to the bill will only stall its passage and prolong the Lahaina rebuild process. Many property owners legally operated TVRs before the disaster. Preventing them from resuming their businesses once they have rebuilt effectively strips them of their rights and sets a dangerous precedent. No other nonconforming use is being subjected to this level of restriction, making this amendment arbitrary and inequitable.

Moreover, the additional of the TVR amendment will create further delays. Lahaina and other affected areas need immediate action, not prolonged legislative battles. Every additional amendment slows the bill’s progress, creating further uncertainty for those waiting to rebuild. Passing a clean version of Bill 105 CD1 will provide the clarity property owners and businesses need to move forward.

Furthermore, while addressing long-term housing needs is essential, this bill is not the place to do it. This measure is specifically intended to facilitate the rebuilding of all non conforming uses that are impacted by a disaster which allow a community to heal and return to a certain level of normalcy. The county should pursue affordable housing initiatives through

separate, well-planned legislation rather than using this bill to impose unnecessary restrictions on disaster-affected property owners.

RAM greatly appreciates the intent of the measure and supports the current version of the measure. We look forward to working together with the Council on this crucial piece of legislation. Thank you for the opportunity to provide comments on this measure.

Mahalo for your consideration,

A handwritten signature in black ink, reading "Lynette Pendergast". The signature is fluid and cursive, with the first name "Lynette" being more prominent than the last name "Pendergast".

Lynette Pendergast, President
REALTORS® Association of Maui, Inc.