

# HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

July 24, 2025

Online Only via Teams

**RECONVENE:** 9:05 a.m.

**PRESENT:** Councilmember Tasha Kama, Chair  
Councilmember Nohelani U‘u-Hodgins, Vice-Chair (In 9:10 a.m.)  
Councilmember Tom Cook, Member  
Councilmember Gabe Johnson, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member

**STAFF:** James Krueger, Senior Legislative Analyst  
Ellen McKinley, Legislative Analyst  
Carla Nakata, Legislative Attorney  
Jennifer Yamashita, Committee Secretary  
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

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

**ADMIN.:** Chris Nāhulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel  
Kristin Tarnstrom, Deputy Corporation Counsel, Department of the Corporation Counsel  
Laksmi Abraham, Director of Communications and Government Affairs, Office of the Mayor  
Matt Jachowski, Executive Assistant, Office of the Mayor  
Kate Blystone, Director, Department of Planning  
Greg Pfof, Administrative Planning Officer, Department of Planning  
John Stufflebean, Director, Department of Water Supply

**OTHERS:** Others (200)

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

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**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

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CHAIR KAMA: . . .*(gavel)*. . . Will the recessed Housing and Land Use Committee meeting of June 9th, 2025, come to order. It is now 9:05 a.m. on July 24th, 2025. I am Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. Members, when your name is called, if you are not with me in the Council Chamber, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified, and we have no need to identify testifiers. So, aloha kakahiaka and ohayo gozaimasu.

COUNCILMEMBER LEE: Okay. Moving on to Africa.

CHAIR KAMA: . . .*(laughing)*. . . Okay.

COUNCILMEMBER LEE: Jambo. Jambo, everyone. Good morning.

CHAIR KAMA: Like John Boy?

COUNCILMEMBER LEE: Jambo. Like...

CHAIR KAMA: John Boy.

COUNCILMEMBER LEE: Jambo.

CHAIR KAMA: Janbo [*sic*].

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Okay. Thank you, Chair. So, thank you for that opening. And I want to say aloha kakahiaka to our Council Vice-Chair Yuki Lei Sugimura, who I saw was in her seat, now is not in her seat, but is making her way to her seat.

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

CHAIR KAMA: Aloha kakahiaka and janbo [*sic*].

COUNCILMEMBER SUGIMURA: Is it me?

CHAIR KAMA: Yes, it's you.

COUNCILMEMBER SUGIMURA: Oh, good morning. Sorry, I had to get my papers.

COUNCILMEMBER LEE: Jambo.

COUNCILMEMBER SUGIMURA: Jambo, and good morning. Sorry, Chair.

CHAIR KAMA: I want to say aloha kakahiaka and janbo [*sic*] to Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Jambo and aloha kakahiaka kākou.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: I want to say aloha kakahiaka and janbo [sic] to Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair, Councilmembers, community members. Jambo to all of you. Thank you.

CHAIR KAMA: I want to say aloha kakahiaka and janbo [sic] to Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou. Aloha kakahiaka, Chair. Mahalo, Member Johnson, for not setting me up this...today.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: And although there are no testifiers at the Moloka'i District Office, the Moloka'i District Office sends its aloha from across the Pailolo. I told them I would convey that. Mahalo, Chair.

CHAIR KAMA: Maika'i. Thank you. So, send it back from us to them. Thank you. Aloha kakahiaka and janbo [sic] to Councilmember Tom Cook.

COUNCILMEMBER COOK: Aloha kakahiaka, janbo [sic], and good morning all.

CHAIR KAMA: And I think our Vice-Chair Nohe U'u-Hodgins will be here a few moments late. So, we're going to continue with aloha kakahiaka and janbo [sic] to our Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, and jambo.

CHAIR KAMA: Thank you. And we have with us from the Department of the Corp. Counsel, our Deputy Counsel Nāhulu Nunokawa. Aloha kakahiaka and janbo [sic].

MR. NUNOKAWA: Aloha kakahiaka and janbo [sic], Chair and Councilmembers.

CHAIR KAMA: And we have from the County Administration, the Director of Communications and Government Affairs, Laksmi Abraham. Aloha kakahiaka and janbo [sic].

MS. ABRAHAM: Aloha kakahiaka, Chair, Councilmembers, and janbo [sic].

CHAIR KAMA: And we want to say aloha kakahiaka and janbo [sic] to Matt Jachowski, the Executive Assistant.

MR. JACHOWSKI: Aloha kakahiaka and janbo [sic].

CHAIR KAMA: Want to say aloha kakahiaka and janbo [sic] to the Director of Planning, Kate Blystone.

MS. BLYSTONE: Aloha kakahiaka and janbo [sic]. I can say that one.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

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

MS. BLYSTONE: Chair, mahalo.

CHAIR KAMA: We also want to say aloha kakahiaka and janbo [*sic*] to the Administrative Planning Officer, Greg Pfof.

MR. PFOST: Aloha, Chair. Thank you.

CHAIR KAMA: Sweet, sweet. I also want to say good morning to the Corporation Counsel, Deputy Corp. Counsel, Kristin Tarnstrom.

MS. TARNSTROM: Aloha and janbo [*sic*], Chair.

CHAIR KAMA: Very good. And so, these are resources that we have with us today, and we're going to try to make sure that our Director of Water...Deputy Director of Water Landgraf, would be online with us, if possible. We also have our Committee Staff, our Senior Legislative Analyst, James Krueger. Aloha kakahiaka and janbo [*sic*].

MR. KRUEGER: Good morning, Chair and Members.

CHAIR KAMA: We have our Legislative Analyst, Ellen McKinley. Aloha kakahiaka and janbo [*sic*].

MS. MCKINLEY: . . .*(inaudible)*. . .

CHAIR KAMA: There you go. We have our Committee Secretary, Jennifer Yamashita. Aloha kakahiaka and janbo [*sic*].

MS. YAMASHITA: Good morning, Chair and Members.

CHAIR KAMA: And we have our Legislative Attorney, Carla Nakata. Aloha kakahiaka and janbo [*sic*].

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: So, Members, thank you once again for attending today's HLU Committee meeting.

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

CHAIR KAMA: And we have only one single item on the agenda today, which is Bill 9, Amending Chapters 19.12, 19.32, and 19.37 of the Maui County Code Relating to Transient Vacation Rentals in Apartment Districts. And I now see that our Vice-Chair of the

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

Committee, Ms. Nohelani U‘u-Hodgins, has gained her seat, and therefore, I would like to say good morning, aloha kakahiaka, and janbo [sic].

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

CHAIR KAMA: So, as we did yesterday, I am planning to recess this meeting for the mid-morning break around 10:30-ish for 15 minutes, for lunch around noon for an hour and a half until 1:30, and then our mid-afternoon break around 3:00 p.m. But I’m really hoping that we could probably get this done before the late afternoon, but it’s up to us, Members. So, I hope that giving everybody an advance warning of what’s to come today that we’ll be better prepared for how we’re going to spend our time. Yes, Chair.

COUNCILMEMBER LEE: Yeah. After you’re done with your instructions, I am requesting that we go into executive session to confer with our attorneys.

CHAIR KAMA: After I’m done. See, now you confuse me. I feel like I wasn’t done.

COUNCILMEMBER LEE: Oh, sorry.

CHAIR KAMA: Okay.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KAMA: So, you wanted to do that...I mean, I’m...I’m finished saying all my announcements and whatnot. So, do you want to do that now?

COUNCILMEMBER LEE: Yes. Because I think it’s relevant to how we’re going to make decisions going forward.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Member...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I had...I had asked, as a courtesy to the community, if we were going to immediately go into executive session, that we had announced that yesterday, so folks could come a little later instead of coming at 9:00 and getting kicked out of the chambers immediately. I...I mean, if we have to go into executive session, whatever...it is what it is, I guess. But I...I would prefer that the amendments be explained in open session before we go into executive session, so that at least the public has an understanding of where the Councilmember’s proposals are coming. Because I know we got, you know, the hard copies on the floor now, but we just got it, and the public, you know, may not have it yet. So, that would be my request.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: I hear you, and I understand. Yes. But Member...okay. Let's go back to Chair Lee. Chair Lee, this isn't about an amendment, is it?

COUNCILMEMBER LEE: It could be. So, what I'm suggesting is, why don't we give members of the public a copy of all the amendments, and while they're taking the time to read all through it, we can be doing our executive session.

CHAIR KAMA: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair, if we're in discussion. And you remember, my request yesterday was that all the amendments get put on the floor. I only see amendments from you and Chair Lee. And so, this is like we're going to go in executive session, out of executive session, in executive session, out of executive session, and that's just not efficient.

CHAIR KAMA: You're right.

COUNCILMEMBER PALTIN: I'm...I'm amenable to everybody that has amendments presenting them. And then if we need to go into executive session to get advice from the lawyers...like my standing question yesterday, does this make our legal case stronger or weaker, and can the objective be accomplished in a way that doesn't make our legal case stronger or weaker? But I don't want to go straight into executive session without getting everything on the floor that...out in the open that we would need to go into executive session for. Because it's really a waste of time to go in, out, in, out, in, out. And we only have amendments from two Members right now, and they haven't even been proposed. So, I don't know if people want to like, at least introduce their amendments, say the reason why, all of the amendments, and then we can discuss if we would like to go into the executive session at that time. But to just go straight into executive session, and I haven't heard a reason, it's just disappointing.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: I'll be happy...I'm not going to make the motion now. We don't have a main motion or anything. I...I think we...we're still in the general discussion stage, and I'll be happy to explain why I'm asking to confer with our attorneys in private. Now, one of...one of the issues before us is the amortization date set at three years, and then five years, right? Yours...yours is going to be five years. And my point is, when creating a law--and attorneys can stop me at any time--when creating a law, it's incumbent upon the lawmakers not to create a law that has an absurd outcome or result. Correct, Corp. Counsel? Correct?

MR. NUNOKAWA: Generally, yes.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER LEE: Okay. So, in this case, we're creating a law that gives people five years, let's say, at this point--who knows what it is going to be?--five years to...to comply, to come into compliance by...by applying for a Change in Zoning, okay? And we heard yesterday that the Planning Department can...generally handles about four...let's say, four is a high number, Change in Zoning per year. So, in five years, that's 20 changes in zonings. So, they say, well, the Council can do it. You know, the Council...no, we can't. We...we can't handle that type of volume. And we're not part of the Administration. We can do this occasionally under certain circumstances, but not for, you know, thousands of property owners and hundreds of properties. It doesn't make sense. So, if the remedy offered to those who we are requiring to phase out their use in five years, if the remedy is not reasonable or even reachable, is that considered an absurd outcome, or absurd result, or putting something into law that somebody cannot...cannot actually comply with? That was going to be my question in executive session. But if you want to talk about it in open session, that's fine. I just didn't want to bring any more liability upon the County. In the past...in the past, when I first got on the Council years ago, we had what is called an interim zone. And an interim zone was like a placeholder until the time came where the Council was able to create the proper zoning. But because the...even back then, the zoning process, the Change in Zoning process, was so onerous and expensive, we comprehensively zoned certain areas. We comprehensively zoned Pā'ia, we...Pā'ia Town, and close surroundings, and we comprehensively zoned Makawao, yeah, and we comprehensively zoned Moloka'i, I believe. So...and I don't know where else, but those are the ones I remember. Because we were going to be zoning...now we're going to be identifying sections of the communities as certain zones. And as a result, almost all the properties would not be in compliance anymore. And that's the reason why we resorted to comprehensive zoning. So, that was the remedy, and that was a fair remedy. But what I'm saying today is that what we're doing is not a fair remedy. It's not. Five years is not enough time. And one of the reasons...one of my...well, my proposal is going to be that we...instead of identify a year or a time, that the phase-out, then, the seizing of the use would be upon the sale of the property.

UNIDENTIFIED SPEAKER (from the audience): Fire victims cannot wait five years.

COUNCILMEMBER LEE: See...okay. Now we're getting into situations where we...we need to talk this out without interference. Okay. So, you folks wanted to hear it in public, and I'm telling you in public that there may be legal implications here when you give...when you don't give people the proper amount of time to make the change in their situation, their zoning situation, that the County is imposing upon them. So, these are the legal issues that I wanted to discuss with our County Attorneys. And that was one. And the other one had to do with takings. So, you know, I can wait. I can wait. But I thought it made sense to try and clear these things up as we go...as we start going through the process. But I can wait if...if that's the decision of the body.

COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order, Chair. Sunshine Law, HRS 92, doesn't give us the authority to go into executive session to avoid interruptions from the public. Just stating...

**HOUSING AND LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 24, 2025**

---

COUNCILMEMBER LEE: Oh, I didn't say that. Hey, come on, I didn't say that. I'm not even talking about interruptions. I'm talking about a legal conference --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, you said interference.

COUNCILMEMBER LEE: -- with our attorneys. I said that, I said that. Now, let's --

COUNCILMEMBER RAWLINS-FERNANDEZ: You did.

COUNCILMEMBER LEE: -- not go down that road.

COUNCILMEMBER RAWLINS-FERNANDEZ: You did say that.

COUNCILMEMBER LEE: I'm trying to --

CHAIR KAMA: Okay. Members...Members...

COUNCILMEMBER LEE: -- get the business of --

CHAIR KAMA: Members...

COUNCILMEMBER LEE: -- the Council done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair Lee?

COUNCILMEMBER LEE: Yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm calm --

COUNCILMEMBER LEE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you can be calm too.

COUNCILMEMBER LEE: No.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Take a breath.

COUNCILMEMBER LEE: I am calm, too, but apparently, you're not hearing me.

COUNCILMEMBER RAWLINS-FERNANDEZ: You said interference, that's why.

COUNCILMEMBER LEE: No, no.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: I guess you're not hearing me.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: That's all I was saying. I did hear you.

CHAIR KAMA: Mr. Cook, you have any . . . *(inaudible)* . . .

COUNCILMEMBER LEE: You did hear me. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I heard you.

COUNCILMEMBER LEE: Okay. Good. You heard me.

COUNCILMEMBER RAWLINS-FERNANDEZ: You said you wanted to get legal advice.

COUNCILMEMBER LEE: Legal advice. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER LEE: So, that's the real reason why I wanted executive session, to get legal advice from our County Attorneys. But if they feel, with whatever I just said now in the open, that it's not necessary, nor is it necessary to talk about takings in the open, I'm happy to ask all those questions. Can we get an answer from our Attorneys?

COUNCILMEMBER RAWLINS-FERNANDEZ: And Chair, to clarify, all we said was, propose your amendments in public in the open meeting before we go into executive session, not explain the legal concerns in public. That was what we...what myself and Member Paltin asked. Just...just explain the ASF that you folks submitted, that's all.

COUNCILMEMBER LEE: Well, I thought that my question to the Attorneys would cover my proposal, plus possibly other people's. That's the reason why. So, you know, with regard to takings, with regard to time. So, that's all I was asking, and I brought it up in public, and I...if they say we can discuss it in public, then we don't need an executive session. That's why I'm waiting for an answer.

CHAIR KAMA: Okay. I think Mr. Cook, and then Member U'u-Hodgins, and then Member Paltin.

COUNCILMEMBER COOK: Thank you, Chair. My two amendments were recently passed out. I had asked if it had to do with Corp. Counsel, there was a little confusion on my part, so I said hold them back, and I just asked for them to be distributed. So, that's my two that are now distributed. And I...it would be...anyway, I concur, it's great. We want to have as much transparency as possible. Also, I would...my preference would be that when we do go to executive session, it be with, you know, A to...A, B, C, D, and address those issues and come back, and not be going back and forth then. So, as efficient as possible, but I yield to the Chair's discretion, and I...I'm on board with our body.

CHAIR KAMA: Okay. Thank you. Member U'u-Hodgins?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I described my proposed amendments yesterday before we, I guess, recessed the meetings. The reason why they aren't on paper yet, which I have them here, it just depends on which one we ultimately pass, whether it's the ASF we were provided by Admin or the CD1 version for you. As discussed with Corp. Counsel yesterday afternoon, it is implied that the amendments I made are in the bill already, but I just preferred it to be explicit. So, I have the language here. It is just the varianced properties, as --

CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: -- discussed yesterday. So, again, it's already implied, but I just wanted it explicit.

CHAIR KAMA: Okay.

VICE-CHAIR U'U-HODGINS: Those are my amendments.

CHAIR KAMA: Member Paltin, and then Member Johnson.

COUNCILMEMBER PALTIN: Thank you, Chair. My question is for you because we started this discussion before it seemed that you started. What was your plan for this?

CHAIR KAMA: Okay. So, my plan for the day was to be able to do the...the motion, ask for the motion on the floor for the...to recommend passage. That was to ask for that motion, and then to also entertain a motion to substitute. And that was what I was going to ask. And then after that, hopefully ask Corp. Counsel that as they've reviewed all of our amendments, what amendments do they think that we needed to go into exec session for, and that they would pinpoint those. And the ones that we didn't need to go into exec session, let's just handle them while we're still here. And then once we're done with all of the ones that didn't need to go into exec session for, then we go into exec session, and that Corp. Counsel would point out to us in the amendment, what are those items on that amendment that they believe we have to go into exec session for, so when we go in, those are the only issues we're looking at when we get in. So, that'd be more efficient use of our time. Take care of those. Hopefully come to some...whatever, and then come out and then do our report that Mr. Nunokawa usually does, and then continue with that.

COUNCILMEMBER PALTIN: A couple of clarification questions on that course of action. The substitution was going to be which...what were you going to request the substitution?

CHAIR KAMA: I was going to...with the proposed CD1 version that was attached to my ASF.

COUNCILMEMBER PALTIN: Which...which ASF?

MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

MR. KRUEGER: Chair is referencing the ASF that's posted on the agenda.

COUNCILMEMBER PALTIN: Oh.

MR. KRUEGER: So, we...we didn't distribute it, but it's...it's posted.

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: And then when you said have Corp. Counsel tell us which ones need executive session and which ones don't, was it your intention to vote on the amendments before we go into executive session?

CHAIR KAMA: Hopefully. Hopefully, so when we come out the only ones we're dealing with is those amendments that we dealt with in Corp. Counsel at one time. That's my hope.

COUNCILMEMBER PALTIN: Okay. I guess my preference would be before we vote on any amendments, or even...before we vote on any amendments, I would...I would love to hear the whole picture. Because we don't know how the ones...

CHAIR KAMA: The others are going to impact.

COUNCILMEMBER PALTIN: Yeah.

CHAIR KAMA: Yeah. I thought about that too.

COUNCILMEMBER PALTIN: But other than that, I...I feel like it's a good course of action. I want to quickly look at the CD1 version that was --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- posted so I'm on the same page though.

CHAIR KAMA: Okay. And...oh, I'm sorry. Mr. Johnson, go right ahead.

COUNCILMEMBER JOHNSON: Thank you, Chair. I appreciate your description of your course of action. I'll support it, I just would maybe want to add on to a little bit of something for clarity.

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: There's six amendments on my desk right now, I think.

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: If...if the Members [sic] of those amendments just want to read the paragraph of the description, it's a paragraph. Just go down the line of those writers

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

of the amendments, say, here's the paragraph of the description. It's in...it's on the page. Just so the folks who are watching and listening can say, okay, I get the gist in the description. And we...that'll take five minutes, I would hope, and we just move right on from there, and follow your course.

COUNCILMEMBER RAWLINS-FERNANDEZ: Online. Online.

COUNCILMEMBER JOHNSON: -- as well as the TV folks, and the online folks, and the folks here in the...just everybody in general would have that paragraph of information form.

CHAIR KAMA: So...yes, Member...Member Cook?

COUNCILMEMBER COOK: Thank you, Chair. I concur with Member Johnson's assessment. I think that a brief explanation of these...because of the...and what was previously said, each of these could potentially impact the other one. And I don't want us to be amending things, and then having to back up. Thank you, Chair.

COUNCILMEMBER PALTIN: Oh. And point of information, can Staff let us know which item on Granicus was the substitution?

CHAIR KAMA: Could you? And while...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Chair, while we're waiting for the number on Granicus, in my very quick review of the six amendments, they're...they're all attempting to amend the same section, which is the 19.12.070. I...I...I also reviewed your ASF, and the Mayor's initial proposed bill. And your...your bill just has one new section, which outlines the...the...the phase-out instructions, anticipation, notice...which I'm supportive of. I think my preference would be to go section by section instead of a substitution. I think...like there's...you know, there's the repeal of 19.12.025, and no one...none of these amendments we just got this morning attempts to amend that, it just repeals that section, for example. And I think we could like, you know, dispose of sections of the bill instead of doing a substitution, which is a...you know, a total change. Because even your...one of your amendments amends your ASF.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I...I...I feel like it would be a little more organized if we dispose of the sections that aren't a point of contention that we all can agree on, and then we just focus on the sections that are attempting to be amended six times...seven times. So, that...that would be my suggestion. Oh, seven...eight...nine times. Mahalo, Chair.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Okay. Yes. Member...

COUNCILMEMBER LEE: Also, would you be able to ask Corp. Counsel to give us their opinion up front since they now have our amendments, and if there aren't any issues that they

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

see. It's...it's not only actually the amendments themselves, but the...the reasoning that we will provide that could put us kind of on the edge of whether we should or should not go into executive session. But they can tell us now, right now, if...what their thinking is.

CHAIR KAMA: Okay. Getting back to Granicus number 36. I think it was laid out there. So, that's where it's at. Okay. Corp. Counsel, are you ready to...are you able to respond to Chair Lee?

COUNCILMEMBER PALTIN: Did they just get it now?

MR. NUNOKAWA: There were --

CHAIR KAMA: No.

MR. NUNOKAWA: -- there were a couple --

CHAIR KAMA: They had it.

MR. NUNOKAWA: -- that we didn't have. I'm not sure if it was just a...

COUNCILMEMBER PALTIN: They got all of them yesterday.

CHAIR KAMA: I think so.

MR. NUNOKAWA: We got one or two today.

COUNCILMEMBER PALTIN: So, I don't think it's fair to ask them, if they just got it today...right now. I mean, it's not a press a button thing, you know. Like the ones they got yesterday, they can let us know. But if they just got it just now, it's not fair --

CHAIR KAMA: Just two they got now.

COUNCILMEMBER PALTIN: -- to them.

CHAIR KAMA: They got Tom's now, I think.

COUNCILMEMBER PALTIN: Yeah. The ones you got yesterday. But the ones --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- they got today, that's not right of us to do to them.

CHAIR KAMA: But...Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. I think Corp. Counsel, if they could...you know, you need time to probably digest this. And if that's what you need, please just tell us so that we know how to proceed.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

MR. NUNOKAWA: I think a little bit of time to go over the ones that we just received would be appreciated.

COUNCILMEMBER PALTIN: Chair? Chair --

COUNCILMEMBER SUGIMURA: How much time?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- would it be okay at this time to go with Member Johnson's suggestion? Because Chair Lee described what her amendment is --

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . . purpose.

COUNCILMEMBER PALTIN: -- or the purpose of her amendment. I thought it was...I thought her amendment was to amortize upon...

COUNCILMEMBER LEE: Yeah.

COUNCILMEMBER PALTIN: Did you...did you say that?

CHAIR KAMA: Upon the sale of the unit, right, you said?

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

COUNCILMEMBER PALTIN: Okay. So, if...if everyone with an amendment wanted to just read --

CHAIR KAMA: Member Johnson, I think you said the description, right?

COUNCILMEMBER PALTIN: -- the description.

COUNCILMEMBER JOHNSON: Just the description. It's a paragraph that summarizes your amendment. It's nice and good --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- nice and clear.

CHAIR KAMA: So, Member U'u --

COUNCILMEMBER JOHNSON: And move on. Let's get the ball rolling.

CHAIR KAMA: -- Hodgins is ready, and then we'll go to Mr. Cook, and then...

VICE-CHAIR U'U-HODGINS: I'll do mines [*sic*] first because mines [*sic*] is probably the most simple one. So, if we're going with yours, if we're going with the CD1 version, Chair, on

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

Section 19.12.070, letter C, where it says the validity of existing timeshare units or timeshare plans are exempt from this section, to change that sentence to read “the validity existing timeshare units, timeshare plans, uses permitted and operating within the terms of a variance or...or otherwise permitted by law are exempt from this section.” So, it’s providing clarity that those that we already gave a variance to are allowed to continue to operate. Because we already said they could, twice over, by a variance. So, again, it’s just providing clarity because the language is already there.

CHAIR KAMA: Okay. Thank you.

VICE-CHAIR U‘U-HODGINS: That’s it for me.

CHAIR KAMA: Okay. Good?

COUNCILMEMBER SUGIMURA: Is there...is that given to us in writing, not yet?

VICE-CHAIR U‘U-HODGINS: It wasn’t, but it’s like seven letters, and only because it...it depended on which one we passed. Because as I was talking to Nāhulu yesterday...you know what? I’ll save my thoughts for later because I’m...I’ll be honest, yesterday was quite disappointing, and I will share how disappointed I am, but I’ll save that for later.

CHAIR KAMA: Okay. Mr. Cook? Oh, Mr. Johnson, did you have a...

COUNCILMEMBER JOHNSON: No, no.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: I have an amendment that I think is simpler than her amendment.

CHAIR KAMA: Okay. When we get to you, could you just rattle that off, maybe Staff can pick it up?

COUNCILMEMBER PALTIN: Okay.

CHAIR KAMA: Okay. Thank you. Member Cook?

COUNCILMEMBER COOK: Yeah. Just the description? Okay. You no like me, like Portagee I going talk all day?

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

COUNCILMEMBER COOK: Okay. This amendment would exclude, from the TVR phase-out, units that are located in defined resort areas, or in defined shoreline areas that have the received County approvals for TVR use.

UNIDENTIFIED SPEAKER: The second one?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER SUGIMURA: Yeah, the second one, Tom?

COUNCILMEMBER COOK: . . .*(inaudible)*. . .

CHAIR KAMA: No, no, we just want you to read it.

COUNCILMEMBER COOK: Okay. Description, the second one, this amendment adds subsections E and F to Sections [*sic*] 19.12.070, Maui County Code, to establish processes for zoning amendments and conditional permits for transient vacation rentals in apartment districts.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: Okay. Then...okay. Although you didn't put one...go ahead...suggestion.

COUNCILMEMBER SUGIMURA: That's three.

COUNCILMEMBER PALTIN: My amendment would say that whatever year...amount of years the phase-out is, the phase-out would take place on December 31st for tax assessment purposes for the following January 1st.

CHAIR KAMA: Okay. That seems like simple.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: Okay. So...so, would that be a friendly amendment, or does she actually have to write it in? It sounds simple enough.

COUNCILMEMBER PALTIN: I...I didn't write it, but...

CHAIR KAMA: I know. But that's why it's going to be a friendly amendment, so that you don't have to.

COUNCILMEMBER PALTIN: Yeah, it was...

COUNCILMEMBER RAWLINS-FERNANDEZ: Your discretion, Chair.

COUNCILMEMBER PALTIN: It was an audible.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR KAMA: Okay. Thank you. Who...oh, Chair Lee? Or...

COUNCILMEMBER LEE: I said mine already.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER LEE: Do you want me to say it again?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: No, no, no.

COUNCILMEMBER LEE: Oh, okay.

CHAIR KAMA: No. Okay.

COUNCILMEMBER COOK: Chair?

CHAIR KAMA: Okay. Yes.

COUNCILMEMBER COOK: I just...just...I don't know which ones didn't get...we sent ours yesterday afternoon and it was received, confirmed by Corp. Counsel. So, I know it was just yesterday, but we did get it in yesterday in the afternoon.

COUNCILMEMBER LEE: Can't hear you, Tom.

CHAIR KAMA: Can you repeat that? I think somebody on this side didn't hear you. Speak into the mic. It's karaoke time. Go ahead.

COUNCILMEMBER COOK: You want me to repeat it because nobody heard it?

CHAIR KAMA: Yeah.

UNIDENTIFIED SPEAKER: Alice . . .*(inaudible)*. . .

COUNCILMEMBER COOK: Okay. Alice, I had said that we sent...our office sent our two in yesterday to Corp. Counsel, and was received. So, I don't know if it just was too late or what.

UNIDENTIFIED SPEAKER: It might have been Alice's.

COUNCILMEMBER COOK: Oh, Alice's. Okay. See, I just thought it was me.

COUNCILMEMBER RAWLINS-FERNANDEZ: You weren't the problem . . .*(inaudible)*. . .

COUNCILMEMBER LEE: Okay. So, they did get it then. Corp. Counsel got it then.

COUNCILMEMBER JOHNSON: Chair Kama, did you --

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: -- want to read your amendments --

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: -- into the record?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: Thank you very much. Okay. So, these amendments acknowledge concerns with certain language in the preamble to my proposed CD1 version of the Bill 9 expressed in response to question 7 in the Planning Director's correspondence dated May 22nd, 2025, and are intended to alleviate those concerns. And that's what that is...one of them is. The second one is, this amendment would exempt four of the five properties identified in the Planning Director's correspondence dated May 22nd, 2025, which have a zoning or community plan designation that, in addition to their Apartment zoning designation, includes another designation that would allow for hotel-type uses. That's a multi-zoning issue. And then the last one is, the amendment requires the Department of Housing to maintain two lists; one of...one of County residents interested in purchasing Apartment District properties affected by the amortization of transient vacation rental use, and another of County residents interested in renting those properties on a long-term residential basis. Owners of Apartment District properties may work with the Department to rent their properties out to those indicating interest. If no resident on the list demonstrates an ability to pay the monthly rent, the owner may use the property for transient vacation rental use through June 30th, 2032. So, those are the three amendments. So, Corp. Counsel, do you need --

COUNCILMEMBER PALTIN: I thought --

CHAIR KAMA: -- more time?

COUNCILMEMBER PALTIN: -- that yesterday, you said you were going to submit an amendment.

COUNCILMEMBER LEE: Who, me?

COUNCILMEMBER PALTIN: No, not you. Sugimura.

COUNCILMEMBER SUGIMURA: You mean Councilmember...you mean Councilmember, right? So, actually --

COUNCILMEMBER PALTIN: Whatever you go by.

COUNCILMEMBER SUGIMURA: -- actually, I worked with...or it is included in Member Cook's in terms of the sea level rise concern.

COUNCILMEMBER PALTIN: So, you don't have any amendments?

COUNCILMEMBER SUGIMURA: I'm not going to have another one, yeah.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER SUGIMURA: It's...I think it's encompassed. But I can put another one in if you want.

CHAIR KAMA: Okay. Are we good? Are we good? Okay. So, Corp. Counsel, do you need more time? *(pause)* Let's have a recess until 9:50. . . .*(gavel)*. . .

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

**RECESS:** 9:41 a.m.

**RECONVENE:** 9:56 a.m.

CHAIR KAMA: . . .*(gavel)*. . . Will the HLU Committee meeting of June 9th now...the recessed meeting now reconvene. It is 9:56 a.m., July 24th, 2025. So...so, Members, we're going to start. Okay. Now, we're going to really start our day at 10:00. So, I will...want to entertain a motion to recommend passage of Bill 9 (2025), on first reading, incorporating any nonsubstantive revisions.

COUNCILMEMBER JOHNSON: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Thank you. So, Members, I also would like to entertain a motion to substitute Bill 9 (2025), with the proposed CD1 version attached to my amendment summary form posted on the agenda.

VICE-CHAIR U'U-HODGINS: So moved.

UNIDENTIFIED SPEAKER: So moved.

CHAIR KAMA: Thank you.

MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

MR. KRUEGER: Apologies. Could you clarify the movant and the second for the main motion?

CHAIR KAMA: The movant was Member U'u-Hodgins. And the second, I thought I heard Member Rawlins-Fernandez.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR KAMA: Okay. And the movant again was in...was Member U'u-Hodgins, and the second was Member Cook. So, at this time, Members, I'd like to ask Corp. Counsel what it is that...in reviewing our ASFs, that we need to go into exec session for, and the ones that we can just go ahead and do on the floor. Mr. Nāhulu.

MR. NUNOKAWA: So, after reviewing all the proposed amendments, the ones that we think that we can address in open session is the amendment proposed by Councilmember U'u-Hodgins. We think that that is fine. And the amendment proposed by Member Paltin, we did want to just clarify, when she said for tax assessment purposes, did she mean for that to be the end date, or if that to be --

CHAIR KAMA: No.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

MR. NUNOKAWA: -- for the tax?

COUNCILMEMBER PALTIN: That December 31st would be the...of whatever year it is that we agree on, would be the end date of use as transient vacation rentals, so that when the tax assessment is done on January 1st, it would be reflected accurately.

MR. NUNOKAWA: Yeah, thank you. We just wanted to clarify. We're also fine with the amendment proposed. For the rest of the amendments, we'll probably need to discuss in executive session.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER JOHNSON: Chair? Oh.

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR KAMA: Member...

COUNCILMEMBER RAWLINS-FERNANDEZ: There's also a proposal from Chair Kama to add the word "effectively" and change HRS 46-4(A) to Act 17. I think those can...could also be taken up in open session. And then, Chair, did you want to do those before going into executive session?

CHAIR KAMA: I would like to, so that when we come out, we come out fresh and clean.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, oh, Deputy Corp. Counsel Nunokawa.

MR. NUNOKAWA: With the amendment from Chair Kama, there was just one section that we wanted to discuss in...

COUNCILMEMBER RAWLINS-FERNANDEZ: Executive session?

MR. NUNOKAWA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Okay. I think I saw Mr. Johnson, and then Ms. Paltin.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, in order to speed this up a bit, is there any Member who wrote an amendment that because we got to go to executive session, might want to pull their amendment? Anybody? Anyone? Okay. Not? All right. Worth a shot. Thank you, Chair.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

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

CHAIR KAMA: It is always worth the shot, Mr. Johnson. Okay. Member Paltin.

COUNCILMEMBER PALTIN: For discussion on the substitution, I just wanted to clarify what I'm reading, that it has been signed off by Nāhulu...the substitution? So, it's...that means that they think it's legal and defensible, right? Okay. Or...oh, okay. . . .*(laughing)*. . . Just wanted to clarify that.

CHAIR KAMA: Thank you. Okay. So, I think Member U'u-Hodgins, if you'd like to continue, and then I want to ask the question again about Member Paltin's amendment, I guess...I guess it is an amendment. So, I guess you have to write one up, or can we...

VICE-CHAIR U'U-HODGINS: Do we want to do it both at the same time, since they're kind of minor, just make one motion?

COUNCILMEMBER PALTIN: Well, mine one kind of depends on what year or time frame...because I'm not specifying a year. I mean, it would be three years, December 31st. I mean...you know --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- what I mean?

CHAIR KAMA: Yes, yes.

COUNCILMEMBER PALTIN: So, it would need to wait, I guess, until we --

CHAIR KAMA: At the end?

COUNCILMEMBER PALTIN: -- consensus on it?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, it would --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- just be an amendment to the month and the...the...the date...the number.

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, then the year, date...you know, the year number --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- would --

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we would just wait on that and where --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we would place it --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- when we decide on the final language.

CHAIR KAMA: Okay.

MS. NAKATA: Excuse me, Chair.

CHAIR KAMA: Yes, yes.

MS. NAKATA: Staff would just note if it's an amendment to the month only, then it would be six months shorter. If it's an amendment to the month and then the ensuing year, it would be six months longer.

COUNCILMEMBER PALTIN: Oh, is it not effective upon...the phase-out time not affected upon second reading? Because right now, it's July.

CHAIR KAMA: September...yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- my...my understanding is that because the proposal right now is July --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that if we were to keep 2028, then--well, either year--if we make it 2031, then it would be six months longer. If we keep it at 2030, as you proposed in your ASF, then it would be six months shorter because it goes from July to December --

CHAIR KAMA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- 31st.

COUNCILMEMBER PALTIN: My clarification is --

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: You want to get it in before.

COUNCILMEMBER PALTIN: -- it's...it would need to pass second reading, and I don't see us passing second reading in July, right? Or is it not continuing?

CHAIR KAMA: Oh, yeah. It's too late for second reading in July.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: So, I'll hold off. That's the --

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER PALTIN: -- the purpose of my amendment, but I'll hold off until the body decides on the year.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Because at that point, whenever the year is, then we can insert December 31st of whatever year that is.

CHAIR KAMA: Yeah. That makes sense to me.

COUNCILMEMBER PALTIN: But that's...that's --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- my amendment.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: Which I anticipate will have unanimous support.

CHAIR KAMA: . . .*(laughing)*. . . I think you can anticipate that. Okay. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a clarifying question. Should we go into executive session, will the Planning Department also join us since some of the amendments apply to them?

CHAIR KAMA: Good question. Mr. Nāhulu?

MR. NUNOKAWA: I think, at least to begin with, no, it's whoever's necessary. And if there's any questions that come up along the line, at that point. But for the original executive session, it should just be between the Members and their attorneys...and necessary Staff.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER SINENCI: Oh, okay. Because I think it was in Member Cook's second one, it talks about developing the application and review process for...for properties. And so, I don't know if that should...if we're going to be discussing that, I would like the Department to weigh in.

MR. NUNOKAWA: I'm not sure what direction the conversation will go. But I think for the legal analysis, it should just be me, K.T., necessary Staff. And depending on how that conversation goes, the other questions likely could be addressed in open session, or if it's deemed necessary, Planning could be brought in later to address those specific questions.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR KAMA: Member Paltin?

COUNCILMEMBER PALTIN: I...I thought that was a good question. I would like to hear Planning's comments, but if we're not moving forward with the amendments, or because of whatever reason, then I wouldn't want to waste the time to hear their comment on an amendment that we're not moving forward. So, if we go into executive session and see which ones, if any --

CHAIR KAMA: Pass.

COUNCILMEMBER PALTIN: -- are going to move forward, before we take any kind of more vote, I would like to hear Planning's opinion. So, I don't want to vote right as soon as we come out of executive session. I want to...if any of the amendments are moving forward, I'm just telegraphing that I would like to, at that time, hear from Planning, their feedback, as well as the Administration.

CHAIR KAMA: Sounds good. Okay. Anything else, Members?

VICE-CHAIR U'U-HODGINS: Chair, would --

CHAIR KAMA: Yes.

VICE-CHAIR U'U-HODGINS: -- we like to begin with my amendment?

CHAIR KAMA: Yes.

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR KAMA: At least we have something.

VICE-CHAIR U'U-HODGINS: Yeah.

CHAIR KAMA: Let's do something since we're here.

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

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

VICE-CHAIR U‘U-HODGINS: Let’s.

UNIDENTIFIED SPEAKER: Do it.

VICE-CHAIR U‘U-HODGINS: I move to amend Section 19.12.000 [sic], Section C, to read “validly-existing timeshare units, timeshare plans, uses permitted and operating within the terms of a variance, or uses otherwise permitted by law.”

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Okay. Okay. It’s been moved by Member U‘u-Hodgins, and...I’m sorry, who seconded it?

VICE-CHAIR U‘U-HODGINS: Member Rawlins-Fernandez.

CHAIR KAMA: Thank you. All those in favor of the motion...

COUNCILMEMBER PALTIN: Oh, discussion.

CHAIR KAMA: Oh, discussion. I’m sorry.

COUNCILMEMBER PALTIN: I’m sorry. Can you repeat that one more time?

VICE-CHAIR U‘U-HODGINS: Absolutely. So, in Section 19.12.070, Section C, the new sentence to read “validly-existing timeshare units, timeshare plans, uses permitted and operating within the terms of a variance, or uses otherwise permitted by law.” Oh, “are exempt from this section.” Thank you for making me reread that because I forgot that part.

COUNCILMEMBER PALTIN: Okay. I got it.

VICE-CHAIR U‘U-HODGINS: So, discussion, Chair?

CHAIR KAMA: Yes.

VICE-CHAIR U‘U-HODGINS: Again, these are implied allowable uses from both Bill 9 that we got from the Mayor, and the CD1 version. These only apply to three potential properties that have already done their variance from the 1960s. And so, we’re just clarifying that those are not going to be affected by this bill as it’s, again, already generally implied, but this makes it explicit.

CHAIR KAMA: Right.

COUNCILMEMBER PALTIN: Are we including nonsubstantive changes for form and legality?

VICE-CHAIR U‘U-HODGINS: This is the language provided to me from Nāhulu.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER PALTIN: Okay. The other question I had for discussion is, this language wouldn't preclude a Council-initiated Change in Zoning?

VICE-CHAIR U'U-HODGINS: I don't think so. These are already the ones that have a existing variance, so...which I guess, as I learned yesterday, and Nāhulu can elaborate, that back in the '60s, we allowed variances on zoning, which we don't do anymore. We allow variances on uses. So, this is like a super vintage situation.

COUNCILMEMBER PALTIN: So, my follow-up would be for the Planning Department. Would it be preferable to allow a vintage variance to remain on the books, or would it be something that you would prefer gets cleaned up through possibly a Council-initiated Change in Zoning so that we don't always have to point to like a 1960s variance? I think Kahana Sunset might have had that as well.

VICE-CHAIR U'U-HODGINS: Oh.

MS. BLYSTONE: Mahalo...

CHAIR KAMA: Go ahead.

MS. BLYSTONE: Mahalo, Chair. Mahalo for the question. So, certainly, cleaning up through Change in Zoning is always preferable, but this is also fine. It's not a...it's not a bad thing. Those variances are on the books, and...and we will know about them if anything comes up. So, it's fine.

COUNCILMEMBER PALTIN: Okay. Just...are...are we aware if Kahana Sunset is one of the three that you've identified?

VICE-CHAIR U'U-HODGINS: So far, on the, I want to say older Minatoya list that was on Planning's website as of, I think, last year sometime, it only listed Kuau Plaza and Mahina Surf. And then yesterday, Ms. Rego gave me the information from the State, that you shared as well, for Kā'anapali Hale, or whatever it's...

COUNCILMEMBER PALTIN: Maui Kā'anapali Villas.

VICE-CHAIR U'U-HODGINS: Yeah, something of the sort. So, I'm unaware if that applies to them as well. The reason why we're not listing those three particular parcels, even though we're discussing it, is if in case...exactly that, if there's another one. So, the...the letters for Kuau Plaza was from 1966 and like 1997. And when I asked Nāhulu last week if there's any other ones, they had difficulties procuring this information from either Planning or our own records. So, luckily for Kuau Plaza, they already had it. Same for Kā'anapali Villas, whatever. Ms. Rego had it. And Mahina Surf was on that list. So, I don't have the letters related to Mahina Surf, but it was recognized that they had a variance on Planning's website up until about last year. And then when we received Bill 9, that list had changed, and an entire section of why they were allowed to operate was removed from the list.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER PALTIN: I just had a further question as well. I'm not sure about the variance. It was something with the Yabui's. But with the variance that allows to continue the short-term rental use for Kahana Sunset in particular, some of the buildings are condemned because they're falling into the ocean. So, I guess my question is, does the variance allow for like rebuilding, expansion, and like those other types of things that were previously said? Like...

VICE-CHAIR U'U-HODGINS: I don't think so, but please correct me if I'm wrong. Typically, the variance is for that specific allowed use and that specific allowed zoning, but that wouldn't expedite their building process. And that they would still be required to go through all of those processes, which right now, as you described, would be probably extremely difficult. So, like Kuau Plaza, for instance, is not next to the ocean like that one, but they would still need to...whatever...like they just redid their plumbing. So, they still need to do permitting, they still need to do all of that, but their...their use is allowed.

COUNCILMEMBER PALTIN: So, with a variance...if Kahana Sunset has a variance, and the building that is condemned, what...what's...what happens?

MR. NUNOKAWA: So, it's hard to answer the question without the actual variance that was granted. Just sort of generally, each variance is unique and is explicit in what the conditions are. So, without having what conditions were allowed, it's...it's hard to give a good analysis. That's why they're sort of addressed on a case-by-case basis.

COUNCILMEMBER PALTIN: Okay. And you guys aren't aware of Kahana Sunset having a variance?

MS. BLYSTONE: Mahalo for your question. So, I am aware that Kahana Sunset has a variance for something, for a couple different things, but I don't have it in front of me. So, like Nāhulu said, it's difficult to say into the language that's being proposed would allow for that...that flexibility.

COUNCILMEMBER PALTIN: Whatever the variance says.

MS. BLYSTONE: Whatever the variance says.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: I think I saw Member Rawlins-Fernandez, and then Member Sugimura, and then Member Sinenci.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, variances are case-by-case, and the...the...the terms are specific to that specific variance. For Kuau, I'm...I'm reading page 3 of the document on Granicus, and it says, it is clear that the hotel uses can legally continue under the variance. However, there's a question of whether it...the owner of the majority of the parcels can engage in further development of structures under the variance. I've only gotten to page 3. So, I don't know if it's answered. Which leads into my question of, would we have to go into each variance to

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

see what was allowed, and for what length of time? Do variances generally last forever, or do they come with expirations or termination clauses?

MR. NUNOKAWA: So, with this one, it's...not generally because they're so...each one's so unique. Sometimes they will have termination/expiration clauses, but if they don't, then they normally continue until they're terminated by some legal manner.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then, I don't know if this would be for closed session, but under HRS 46-4(A), County Zoning Authority, is variances included in what counties are authorized to phase out, or is it only zoning?

MR. NUNOKAWA: I think that there's some nuance that should be discussed in executive session.

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

CHAIR KAMA: Fine. Okay. I think Member Sugimura is next, and then Mr. Sinenci following.

COUNCILMEMBER SUGIMURA: Thank you. I support this. I just want to be sure that Planning is okay. And what if we find more...you know, just in this discussion, now we have, you know, Kahana included. So, is there a whole list of other properties that we should say now?

CHAIR KAMA: Go ahead.

MS. BLYSTONE: Mahalo, Chair. So, just to be very clear, Kahana Sunset zoning is R-3. So, this is not relevant for them. So, it's the...the way that the amendment is written, it would cover all manner of variances that are applicable to this. So, there's no need to pick out specific ones.

COUNCILMEMBER SUGIMURA: Okay.

MS. BLYSTONE: Mahalo.

COUNCILMEMBER SUGIMURA: Thank you very much.

CHAIR KAMA: You're welcome. Member Sinenci?

COUNCILMEMBER SINENCI: Just a clarity question, Director. So, in order for these properties to receive the variance, they would have had to meet all the conditions to receive the variance?

MS. BLYSTONE: Yes. And keep in mind that the Code has changed over time. So, the conditions that were in place in 1970 might be different than they were in 1985, and so on and so forth. So, they...in order to get a variance, they would have had to have met those conditions to the satisfaction of the body making the decision.

COUNCILMEMBER SINENCI: Okay. All right.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER SINENCI: Oh, I wasn't born yet. Thank you.

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

CHAIR KAMA: Any other discussion Members? Okay. I'd like to call for the vote. All those in favor, raise your hands, say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: All opposed? Seeing none. The vote's nine-zero in favor. Thank you.

**VOTE:        AYES:    Chair Kama, Vice-Chair U'u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

**ACTION:     APPROVE amendment.**

CHAIR KAMA: Okay. So...okay. So, this is...so let me read out our notes to go into the executive session. *(pause)* The Chair will now entertain a motion to convene in executive session in accordance with Section 92-5(A)(4) of the Hawai'i Revised Statutes to consult with legal counsel on questions and issues pertaining to the powers, duties, and privileges, immunities, and liabilities of the County, the Council, and the Committee.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Thank you. It's been moved by Member Sugimura, and seconded by Chair Lee. Any discussion? Seeing none. All those in favor of the motion, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: Those opposed, say "no." Aye. I see nine ayes. Okay. Thank you.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

**VOTE:        AYES:    Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

**ACTION:      RECESS open meeting and CONVENE executive meeting.**

CHAIR KAMA: Okay. So, for the record, the following personnel will be attending the executive session meeting. All the Councilmembers in attendance; myself, Committee Chair Tasha Kama, Committee Vice-Chair Nohelani U‘u-Hodgins, Councilmember Tom Cook, Councilmember Gabe Johnson, Councilmember Alice Lee, Councilmember Tamara Paltin, Councilmember Keani Rawlins-Fernandez, Councilmember Shane Sinenci, Councilmember Yuki Lei Sugimura. Our office Council Staff; Carla Nakata, our Legislative Attorney, and Jennifer Yamashita, our Committee Secretary. So, I’d like to ask the Corp. Counsel, Mr. Nāhulu, to state who from the Department or the Administration will be in exec session and the titles, please.

MR. NUNOKAWA: The members of Corporation Counsel here today, Deputy Kristin Tarnstrom, and myself, Deputy Nāhulu Nunokawa, and that is all.

CHAIR KAMA: Okay. Thank you.

MS. NAKATA: Excuse me, Chair.

CHAIR KAMA: Yes.

MS. NAKATA: I believe Director Raatz will also be joining us in executive meeting.

CHAIR KAMA: Yes, I just got the notice. And David Raatz will be in exec session with us.

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

CHAIR KAMA: It was going so well, Member Paltin. Okay. So, Members, I’d like to be able to recess this meeting, and reconvene in exec session. And I’m going to give you guys your break now so you can go do whatever you do on your breaks. And then let’s reconvene in exec session at 10:40; is that good?

UNIDENTIFIED SPEAKER: Yes.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER PALTIN: Can go give blood.

UNIDENTIFIED SPEAKER: . . .(laughing). . .

CHAIR KAMA: No, we need your blood here. We need your blood here. Don't go giving it away. So, we're now in recess until 10:40, and we'll meet in exec session.

**RECESS:** 10:22 a.m.

**RECONVENE:** 2:34 p.m.

CHAIR KAMA: . . .(gavel). . . Will The HLU Committee recess meeting of June 9th, 2025, now come to order. It is now 2:34 p.m. on July 25th [sic], 2025 --

COUNCILMEMBER RAWLINS-FERNANDEZ: 24?

CHAIR KAMA: -- Today's the 24th...It's July 24th, 2025. Thank you. So, thank you all for being here in the Chambers. Thank you all my colleagues for working so hard. Thank you to all our resources for being here over a period of two days. Thank you to our Corp. Counsel members who have been here and giving us their expert advice. Thank you to our entire team, the HLU team. Appreciate all the time and effort and hard work it went into doing all of our amendments. And so, today we've come to the conclusion of all those seems like months, but I know it's only been weeks of hard work. And so, now, the Chair's hope today--and it's the hope of glory--that we're having a hard out stop at 4:30, and that we'll come to a conclusion and a vote before 4:30 this afternoon. So, let's get to work, Members, and thank you all in advance. Okay. So, I think I want to begin with the amendments, so...if that's okay? But...so, Mr. Cook, you want to start with your --

COUNCILMEMBER RAWLINS-FERNANDEZ: Real quick, Chair. I think after executive session we do a summary. Did we do that one?

CHAIR KAMA: Oh, yes...yeah, yeah. You are so correct. Sorry, I just want to hurry up and get to the vote --

COUNCILMEMBER RAWLINS-FERNANDEZ: We're paying attention, Chair. I know you was testing us.

CHAIR KAMA: Yes, okay. So, Ms. Carla, you could...you took the notes, right? So, could you please tell us what we did in exec session today without giving all the secrets away?

MS. NAKATA: Okay. Thank you, Chair. Yes. Your Committee met in an executive meeting pursuant to section 92.5(A)(4) of the Hawai'i Revised Statutes. This quick summary is just pursuant to section 92.4(B), which requires a report once you reconvene in open meeting. Your Committee met with the Department of the Corporation Counsel to discuss the County and the Council's rights and liabilities as it relates to Bill 9, as well as proposed amendments to Bill 9. That's it. Thank you, Chair.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: Thank you, Ms. Nakata. So, as I said earlier, a lot of hard work and effort went into trying to make this bill as...as good as we could make it. It didn't come to us well done, but it did come to us in a shape and manner in which I think that we worked hard enough on so that it is something that we can all congratulate ourselves on. But before we begin, I think I want to start with Planning Director. We have before you all...we started out this morning, I think, with eight or nine amendments, and through our discussions, we have now only three amendments before us. Thank you for all the hard work that went on. And therefore, I think I'd like to ask Planning her comments on Mr. Cook's two amendments.

MS. BLYSTONE: Mahalo, Chair. And...

CHAIR KAMA: I think...I think we should put the amendments on the floor, right? Yeah. So why don't we start with one...whichever one you want to start with, Mr. Cook. Let us know --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: -- which one it is. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Did you want to start with your proposal?

CHAIR KAMA: No, I want to start with Mr. Cook's.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER COOK: Okay. I move to amend Section 4. This is...

VICE-CHAIR U'U-HODGINS: Wait. Are we having her opinion first, or are we making the motion now?

COUNCILMEMBER COOK: I don't know, I'm asking Chair. Chair, do you have a preference? Should I identify which amendment?

CHAIR KAMA: Yes.

COUNCILMEMBER COOK: 25...ASF 25-168a. And the other one is 25-168b. That's the two of them.

CHAIR KAMA: Okay.

COUNCILMEMBER COOK: And there are some modifications to it.

CHAIR KAMA: Okay.

COUNCILMEMBER COOK: There are some modifications to it.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

UNIDENTIFIED SPEAKER: Little higher, little higher.

COUNCILMEMBER COOK: Okay. Is that better?

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER COOK: Okay. So, you have the two amendments, and there's a little bit of changes in it, but your comments?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER COOK: Pardon?

CHAIR KAMA: You have to make a motion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Maybe....

COUNCILMEMBER COOK: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER COOK: So, the change is 168a. The motion was to move to amend Section 4, HLU Committee Chair Kama's proposed CD1 version of Bill 9 (2025), by adding subsections E, F, G, and H to Section 19.12.070, Maui County Code, to read as follows with the language to be inserted and highlighted. So, I'll tell you what the changes are. In E...do you want me to read it, or do you have that? The E, "The Planning Director must"?

MS. BLYSTONE: Were there additional changes on top of the ones that were submitted?

COUNCILMEMBER COOK: Yeah. So, E, F...

MS. BLYSTONE: I have that one.

COUNCILMEMBER COOK: Okay. So, we struck G.

MS. BLYSTONE: Oh, okay.

COUNCILMEMBER COOK: And it basically...actually, we have G, but it's simply West Maui transient vacation rental phase-out, it'd be three years.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll do it after.

COUNCILMEMBER COOK: Pardon?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll do it after.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER COOK: Okay. She'll do it afterwards. So, we struck G.

MS. BLYSTONE: Okay.

UNIDENTIFIED SPEAKER: Oh, no, we're . . . *(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: He didn't make a motion. He was asking for the feedback from Planning Department.

COUNCILMEMBER COOK: I'm trying...I'm trying to get in the groove here, but...

MS. BLYSTONE: Just for...for...if I may?

CHAIR KAMA: Go ahead. Yes.

MS. BLYSTONE: Okay. So, just for purposes of clarity, I apologize. I know you all have been together for a while, but I'm just getting back to it, so...so thank you so much. So, you just want our comments on E and F. And I would love to have the...the grace to be able to pass it to Greg if...if he has additional comments as well, if that's okay. So, I think...I think overall, for both E and F, our concern is that this doesn't really belong in the Code. And one thing that is important to note is that as we're doing the Title 19 rewrite, we're finding a bunch of things like this that we're going to have to come to you to have removed. And so, I want to...I think that's our most important thing, and Legal would probably know the best way to deal with those things. So, that's the overarching comment. We had a question about whether or not something...and...and I apologize that there may be a little dialogue if that's okay, understanding what the change, what...so, they certainly can go through their...so for E...I'll just talk about E first. For E, you know, I don't know how much more we can streamline the process than we already have. And so, that's important to note, that we have the process by which the Council can initiate items, I can initiate items, the Administration general can initiate items...

COUNCILMEMBER LEE: Excuse me. Excuse me. Chair, could we ask her to read E so the audience can...

CHAIR KAMA: Oh, certainly.

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Oh, okay.

MS. BLYSTONE: Would you like me to read it, or--I'll...I'll read it.

CHAIR KAMA: You can read it.

MS. BLYSTONE: So, E says, the Planning Director must, by December 31st, 2025, number one, develop and implement a streamlined application and review process for properties

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

operating as transient vacation rentals in Apartment districts that seek a Change in Zoning to Hotel District, the B-R Resort Commercial district, or another visit...or a visitor-oriented zoning district. Provide clear, comprehensive, and accessible guidance to property owners affected by this section. This guidance must include a step-by-step description of requirements, procedures, and timelines for submitting change in zoning applications, and information about consistency with the applicable community plan designation. And three, prioritize the review of qualifying change in zoning applications. The Department must follow...allow applicants a reasonable opportunity to complete the change in zoning process within the amortization period if the proposed zoning district is consistent with the property's community plan designation. So, if I may, I'll stop there, and then I'll read the next one before I speak to that. So, for that, my concern is that we have streamlined the process as much as we possibly can. I'm not sure what else we could do aside from cutting the Planning Commission or Council out of the process entirely. Because...and I'm not being facetious, like that's really where things kind of get bound up because you have only so much time to do it, and the Planning Commission's the same way, with a lot of competing priorities. So, I don't think...I...you can put this in here, but I...I don't know how much it's going to change how we do business. Providing clear and comprehensive accessible guidance, we are always going to keep trying to improve on that...on that area, but I don't know that this is going to force us to do that anymore than we're constantly trying to improve on that area. And then we...I want to just speak to a word about prioritization. Because the Planning Department gets asked to prioritize things over other things all of the time, and pretty much everything is a priority right now, which is a little panic-inducing when I also have to rewrite an entire Zoning Code. So, I just...I wanted to say that part out loud. So, that's all I have to say. Greg, did I miss anything on E? Okay. On F, I'll read that one aloud. A property owner of a transient vacation rental unit operating lawfully in an apartment district before July 1, 2025, may apply for a conditional permit under Chapter 19.40 to allow continued transient vacation rental uses if the owner does not qualify for a change in zoning under subsection E. To be eligible, the proposed must one, be consistent with the applicable community plan designation; two, involve a property that is in compliance with all State and County taxes, licenses, and permits; three, comply with all applicable development standards and operating conditions set by ordinance or as part of the conditional permit; and four, be applied for by December 31, 2026. Approval of a conditional permit under this subsection is not guaranteed. Each application for...for an initial conditional permit is subject to Council approval. An application may be granted with conditions. So, I'm going to talk, but I also think Greg should weigh in on this one. But my...my biggest concern is that we were racking our brains on what would not qualify for a change in zoning. So, the thing that would disqualify something for a change in zoning most commonly is the inconsistency with a community plan designation, right? And then item one is, be consistent with the applicable community plan designation in this. So, we're creating a vortex of...of, like, confusion here. So, I don't know that this is...I...I just don't think it's an appropriate way to go about it. And if I can, I'd like Greg to...to weigh in because he's thought about this a lot too.

MR. PFOST: Thank you, Kate. I think the only thing...the additional that I would add is the aspect of the conditional permit process, that we already have the conditional permit process. So, I'm not sure why we need to add it into this section. I would think a

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

property owner already has the ability to apply for a conditional permit process. Whether or not the...a Code amendment is approved or not, they still have that opportunity. And within the conditional permit process, within Chapter 19.40, there's already actually criteria in which the Planning Commission would evaluate and the Council would evaluate whether approval of a conditional permit should be...should be approved or not. So, I think there's already that process. I'm not sure that it's necessary to have that here.

COUNCILMEMBER COOK: Chair, if I may?

CHAIR KAMA: Yes, Mr. Cook.

COUNCILMEMBER COOK: Thank you for that. Recognizing and hearing that, and having spoke to you before, the intent and purpose of this obviously is to be able to give the people who are going through this transition a roadmap, one, and an assurance, two, that when we say there's a path forward for them to continue, because they have a three-year or five-year time, depending on, that they can actually do it, and it's functioning. If it's a...anyway, feedback. If it's a Council...a Council-initiated Change of Zoning, in Kihei, we have the Kihei Community Plan coming up, which we have a unique opportunity to potentially work with Planning and everybody to work it out. And then three, as far as the...the labor aspect, if this could potentially be contracted out by the Planning Department under your guidance...because it is a chunk of work. So, my supporting encouragement is with those three things--and it doesn't have to be in here. What I do need is, it to be...to be able to honestly convey to the public, who are experiencing this transition, that we have thought about it, we understand it, and that it...we're sincere, and it's genuine. The fact that the Council is--I can't say for everybody--the Council's pretty much supportive of doing a, you know, Council-initiated zoning change, which would take work off for everybody. So, what's your response to that? Do you have a way that we could finesse this, that it's not necessarily in this particular bill, but we have, you know, a companion bill, some other way that this isn't lost, and it is honored?

MS. BLYSTONE: So, nothing is guaranteed, obviously. But what I could say is that I think there is an opportunity for the Administration and the Council to work more closely together on this particular subject. Those...those that seem logically Hotel, if we could identify them collectively as a group, and then put forward a group amendment for all of the ones that make the most sense, that's a possibility, but not at this time, not in this bill, with time and thought. That would be my comment.

COUNCILMEMBER COOK: That's kind of my next amendment. So, Chair, I don't really know where to go. I understand --

CHAIR KAMA: Okay.

COUNCILMEMBER COOK: -- not wanting to put it in, but I need some assurances. My colleague have a comment?

CHAIR KAMA: Yes. Member U'u-Hodgins?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

VICE-CHAIR U'U-HODGINS: I do, thank you. Member Cook, if I understand your intention--and I don't disagree with Planning that this might not be the most appropriate place to create a streamlined process--not that I don't disagree that the process can be streamlined, by probably similar to what you just said. My suggestion, if you're open to it, if this...if it's open to the body, is remove F completely...because there's conditional permits already kind of done in a different section, and then change E into D(4), and just simply say, "develop and implement a streamlined application and review process for a change in zoning." And this goes back to what I was alluding at yesterday, in creating a TIG to do exactly this, to work with you folks to figure out the places that make the most sense on how we can make this the most sense. I wish we would have done it earlier, but I guess we can do it now, the TIG, and figure out how this process can work. Because instead of just allowing the Apartment-zoned districts to streamline the application process for Hotel, I would rather see it applied for everyone, not from Hotel to...or Apartment to Hotel, but just to streamline the application process if they wanted a change in zoning. That's what I would like to see, and I think that perhaps gathers your intent. Do...are you folks open to something similar?

MS. BLYSTONE: I'm not entirely certain on the language just yet, but I wanted to understand a little bit. The Planning Department is happy to participate in a conversation with...within the Administration, with you guys, as...as part of a TIG to talk about ways to streamline this process...absolutely, 100 percent.

VICE-CHAIR U'U-HODGINS: Oh, thank you so much. The TIG is actually not only to streamline this process, but to discuss all the ancillary bills required, all the sibling bills required for building.

MS. BLYSTONE: Certainly. Yeah, we would be happy to participate in that, and would love to have other members of the...the Administration participate as well.

VICE-CHAIR U'U-HODGINS: Member Cook, does that satisfy your intent to streamline the application process without maybe so much detail in this section of the Code?

COUNCILMEMBER COOK: It does. If...Chair, if I may address --

CHAIR KAMA: Yes.

COUNCILMEMBER COOK: -- Ms. Abraham? Thank you, Laks. So, you've heard the discussion. Is...do you feel that the Administration would be receptive to working with the Council on this if we do a TIG and serve it up? Is the Administration's intent with the bill to...to enable, allow people who are currently doing transient vacation rentals in areas that could be deemed somewhat separate, or give everybody an opportunity if they want to rezone, they can. So, that's the purpose of this. If I could get somewhat of a commitment from the Administration's willingness, the Mayor spoke about that, then it doesn't have to be in here. I just need to be able to convey to the public that we're genuine in that intent.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

MS. ABRAHAM: Councilmember Cook, thank you for the question. And certainly, we are completely open to having that conversation, and working with the Council to find a path forward.

COUNCILMEMBER COOK: Thank you.

CHAIR KAMA: Okay. So...thank you.

COUNCILMEMBER COOK: So, given that, I'm receptive.

CHAIR KAMA: Okay. So Member Cook, I think...I can't remember, I don't think you made a motion for this. Maybe it would be a good time to make the motion, get it seconded, and then we'll just vote, and then take your next amendment. Okay. That's okay?

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: Member...oh.

COUNCILMEMBER PALTIN: Was he going to let Member Rawlins-Fernandez do the G portion of this?

CHAIR KAMA: Oh, that's right. Sorry. Go ahead. Did you...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, would you like me --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to explain it, and then Member Cook do the motion --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- all together?

CHAIR KAMA: Yes. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right. In...on page 4 of your ASF CD1 version of the bill, Section 19.12.070, subsection B(1) would read...let me see, "the uses may continue until the amortization period ends on December 31st, 2028, in the West Maui community plan area as it is defined on the date of this ordinance, and on December 31st, 2030, for all remaining areas in the County." And (2), "the uses will no longer be permitted or allowed as legally-existing nonconforming uses, and must cease on January 1st, 2029."

COUNCILMEMBER PALTIN: Must cease on December 31st, 2029 [sic] for the assessment on January 1st.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, that was Section 1.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER PALTIN: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: It can continue until then, and then...right?

COUNCILMEMBER PALTIN: Sorry, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I'm just checking.

CHAIR KAMA: Yeah, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because that's a good question. Okay.

CHAIR KAMA: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Must cease on January 1st...for the assessment, on January 1st, 2029, in the West Maui community plan area as it is defined on the date of this ordinance, and January 1st, 2031, for all remaining areas in the County.

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: So moved.

CHAIR KAMA: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Thank you. Okay. It's been moved...so it's been moved and seconded.

COUNCILMEMBER COOK: So...

CHAIR KAMA: Go ahead.

COUNCILMEMBER COOK: I'll make a motion for my...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER COOK: I did. Did we get second?

UNIDENTIFIED SPEAKER: Oh, did we . . .*(inaudible)*. . .

CHAIR KAMA: Member Keani Rawlins did.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER COOK: We never did the motion and second.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER COOK: We had a bunch of discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Should we just do mine first, then, separately?

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER COOK: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right. So moved.

COUNCILMEMBER PALTIN: Second. Discussion.

CHAIR KAMA: Okay. Discussion.

COUNCILMEMBER PALTIN: Okay. So, the reason why we want to do West Maui first, there's pretty much four specific reasons. The first is, the fire removed a lot of our housing inventory. The second is that West Maui, on top of that, is unique, in that many people who lived and worked in West Maui, with the traffic situation now, frequent...you know, if there's a fire, if there's a car accident, may be sitting in traffic commute for four-plus hours daily. The third is that it's very challenging to create new housing in West Maui until CWRM has gone through their designation process. And the fourth --

CHAIR KAMA: Isolation.

COUNCILMEMBER PALTIN: -- was that it's...

UNIDENTIFIED SPEAKER: . . .(inaudible). . .

COUNCILMEMBER PALTIN: I said the fire was the first one.

CHAIR KAMA: Yeah, isolation was left.

COUNCILMEMBER PALTIN: Isolation. Sorry, we couldn't take notes in executive session.

CHAIR KAMA: I told you, Gabe, help her rememba [sic]. No, no, go ahead. But it was isolation...the fourth one.

COUNCILMEMBER PALTIN: Isolation.

CHAIR KAMA: Yeah.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER PALTIN: So, traffic...oh, I think I combined traffic and the frequent road closures maybe, you know, and king tides, monk seals, rainbows, rain, all of those contribute to the quality of life. And many people want to return to West Maui --

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: -- and can't yet.

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: So, that's the reason for the expedited...oh, also, that the temporary permits where a lot of people are living in temporary housing --

CHAIR KAMA: With FEMA.

COUNCILMEMBER PALTIN: -- will...will be expiring soon. So, that's...those are the special reasons why we wanted to expedite West Maui as opposed to the rest of the areas, because that's where people want to return to, because they got displaced.

CHAIR KAMA: Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. I would support that amendment, and I would also add to the point of the Maui Planning Commission recommending West Maui be a shorter time period, as opposed to the rest of the island.

CHAIR KAMA: Yes. Yeah. Thank you.

COUNCILMEMBER JOHNSON: So, it follows along with what the planning commissions --

CHAIR KAMA: Planning Commission.

COUNCILMEMBER JOHNSON: -- were advising.

CHAIR KAMA: Thank you. Yes, Member Lee?

COUNCILMEMBER LEE: Chair, I just wanted to remind the Members that if you can't think of everything that you may have thought about during executive session, we still have first reading if you want to augment your arguments later, yeah...for the record. Thank you.

CHAIR KAMA: Oh, good.

COUNCILMEMBER JOHNSON: In...in respect to speeding up the process, Chair Lee, I will...I will hold much of my comments. Thank you.

CHAIR KAMA: . . .*(laughing)*. . . Any other discussion? Oh, Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: Thank you. Thank you, Chair. I'm going to be supporting this

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

as well. Another reason that maybe Member Paltin forgot was that we have CWRM issues out in Lāhainā, and so it's very difficult to get--I'll wait for his cough--new water permits, and these are existing water permits. So, this allows people to find a home quickly without having to deal with CWRM.

CHAIR KAMA: Yeah.

VICE-CHAIR U'U-HODGINS: Did...did...I think that was it, too, that we discussed. Okay.

CHAIR KAMA: I think I saw Member Sinenci's hand?

COUNCILMEMBER SINENCI: Thank you, Chair. I'm also supportive. I did want to also share the Mayor's presentation, that also stated that it would take 73 years to build out 2,200 residential homes in Lāhainā, and...and that only four out of every ten homes being built in Lāhainā are for local families, Chair.

CHAIR KAMA: Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I support this. I did check with FEMA--because we've been hearing their name throughout the discussions--and FEMA said that right now, they will have their...the temporary housing and their commitment through the State of Hawai'i request. Right now it's February 10th, 2026, but they are looking at extending it to another year, which is now in review with the State of Hawai'i with FEMA for West Maui. So, more so, you know, there's some deadlines coming up, and thank God it's not just next year, and I think they're looking at it...extending it another year. So, I support housing, and West Maui is definitely critical.

UNIDENTIFIED SPEAKER (from the audience): . . .*(inaudible)*. . .

CHAIR KAMA: So, that's why I think that...I'm glad that we take a proactive role in what we're doing to move things forward. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I support this motion, of course. Just to elaborate, so CWRM, the Commission on Water Resource Management, now has to go through the ground and surface water designation in reviewing all the water use permits, and that has already been taking, you know, almost two years, and there's...to...to...to even get to the point of getting started, and so it's really created a lot of barriers. And some of the barriers that Member Paltin talked about on the...the roadways often make the West Maui area feel like its own island, which, you know, isolates the...the community when the only roadways in and out are...are not traversable. And with the temporary housing built on Crown lands, which we have committed to DHHL, Department of Hawaiian Home Lands, that within...you know, in the five years, the Crown lands would be conveyed to the DHHL trust. And finally, we...we've...we heard again and again from testifiers from our community that this is where the greatest need is, and we want to support our community. Mahalo, Chair.

CHAIR KAMA: Thank you. Any other discussion? If not, I'd like to call for the vote. Seeing none. All those in favor, just raise your hand and say "aye."

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBERS: Aye.

CHAIR KAMA: I only see nine “ayes.” I see no “noes.” Okay. Thank you.

**VOTE:           AYES:   Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

CHAIR KAMA: So, this is for G, Member Cook, for your motion.

VICE-CHAIR U‘U-HODGINS: Well, I guess I’m still trying to work with the word, so please provide suggestions if necessary. If we should do...keep E, and just go with “The Planning Director must...” and of course, I’ve already mentioned the TIG, but it falls on collectively us, but on paper, you. “The Planning Director must develop and implement a streamlined application and review process for a change of zoning.” Does that work...for E? And I’m a bit hesitant on implement, and maybe we should stick with develop, but up to you folks. But that’s the gist. And then we can discuss what strong...or what language we need specifically, and go from there.

MS. BLYSTONE: Mahalo. Can I just clarify--Greg crossed it out, but I think I want to clarify--no...by...by no date certain. So, in the current...

VICE-CHAIR U‘U-HODGINS: No.

MS. BLYSTONE: Okay. Great. So, it would say, “The Planning Director must, one --

VICE-CHAIR U‘U-HODGINS: Develop...

MS. BLYSTONE: -- number one.” Yeah. So, as a...as a person who enforces regulations to an extent, I want to understand...so first of all, I don’t think it belongs in Code. So, that’s important to say, so I leave it to the lawyers to figure out where that lives. But I...it’s not...it’s a...it’s a good goal to have. I mean, it’s a good thing for us to work towards together. I would love--if we’re going to do this--so it would be wonderful to have some

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

reference to the fact that this is a joint effort between the Council and the Administration, and not just make it the Planning Director's responsibility --

VICE-CHAIR U'U-HODGINS: Okay.

MS. BLYSTONE: -- to do it. But I...mostly because I...I think it...it...if you're going to do it, we should say it the way you're describing it, which is that it's a collaborative effort. Those would be my thoughts.

VICE-CHAIR U'U-HODGINS: I hear you. Corp. Counsel, do we have suggested language you want to use to show collaboration and the intent of creating a streamlined process with Council, with Planning Director, and with probably you folks as well?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

VICE-CHAIR U'U-HODGINS: Yeah. This will be addressed in the TIG. *(pause)*

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: Wouldn't the intent be described in purpose...the purpose of the ordinance, but not in the Code? So, if you want to check the purpose of a Code item, you go to the ordinance where it has all the intent...the legislative intent.

VICE-CHAIR U'U-HODGINS: Shucks. I'm sorry, Member Sinenci was asking a question, so I didn't hear you.

COUNCILMEMBER RAWLINS-FERNANDEZ: The recommendation was to be in Section 1 --

VICE-CHAIR U'U-HODGINS: Section 1.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- the purpose and intent.

VICE-CHAIR U'U-HODGINS: Cool.

CHAIR KAMA: In the purpose.

VICE-CHAIR U'U-HODGINS: I'm not married to where it goes, so long as Member Cook's intent and the intent is in there.

CHAIR KAMA: Okay.

MR. NUNOKAWA: Yeah, I think that aligns with what we were thinking as well, that Section 1 would be the best place, since it's a stated intent, and...yeah, sure.

VICE-CHAIR U'U-HODGINS: Perfect. What...what is it going to say?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

MS. TARNSTROM: I just quickly drafted some proposed language that says, in...with the help of Ms. Blystone, “in collaboration with the County Council, the Planning Director must develop and implement a streamlined application and review process for Change...Change in Zoning applications,” in general, or do you want to make it specific to this?

VICE-CHAIR U‘U-HODGINS: I would like it to just be general.

MS. TARNSTROM: Okay. So, then I would just say, “change in zoning applications.”

VICE-CHAIR U‘U-HODGINS: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Okay. So, that’s the language, right? Okay. So, any discussion?

UNIDENTIFIED SPEAKER: Nope.

CHAIR KAMA: No? Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Member U‘u-Hodgins moved and I seconded.

CHAIR KAMA: Yes. So, no discussion. All those in favor, say “aye.”

COUNCILMEMBERS: Aye.

CHAIR KAMA: There’s no “noes.” Motion passes.

**VOTE:           AYES:   Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   None.**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

CHAIR KAMA: Okay. So, that...did you get rid of...did...did that suffice your first amendment, Mr. Cook?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER COOK: Yes.

CHAIR KAMA: We're good? Okay. Your second amendment, Mr. Cook?

COUNCILMEMBER COOK: Second amendment, ASF 168b, the description...should I make a motion first? A new motion?

CHAIR KAMA: Yes, yes.

COUNCILMEMBER JOHNSON: I'm sorry, Chair.

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: We were amending E, what about F? You...you 86'd...you crossed out...okay. Thank you so much. I just wanted to double-check on that. Thank you so much.

CHAIR KAMA: Okay. That's fine.

COUNCILMEMBER JOHNSON: Don't want to stop the ball rolling, keep going.

CHAIR KAMA: . . .*(laughing)*. . . Okay. Mr. Cook?

COUNCILMEMBER COOK: Do you want me to make a motion --

CHAIR KAMA: Yes.

COUNCILMEMBER COOK: -- or do you want us to have...okay.

CHAIR KAMA: Yeah. Let's do the motion first.

COUNCILMEMBER COOK: Make a motion, move to amend HLM...HLU Committee Chair Kama's proposed CD1 version, Bill 9 (2025), by one, amending Section 4 to exclude the following from the TVR phase-out...the following types of units: those located in the defined resort areas, those located in the defined shoreline sea level rise areas of significant, very significant, and full; and two, replacing Section 1 with a new content to add the findings that explain and support these exclusions.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KAMA: Okay. It's been moved and seconded. Discussion, Mr. Cook?

COUNCILMEMBER COOK: This...this amendment would exclude from the TVR phase-out units that are located in defined resort areas, or defined shoreline areas, or that have received the County...oh, and then we...shoreline areas. If my amendment is approved, the new Section 1 would read as shown below in the highlighted text, and Section 4 would be amended as shown in the highlighted text.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER JOHNSON: Chair, can I jump in real quick?

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: I think the...something with the sound, either OCS turned the sound during...but something's going on where not many people are hearing.

COUNCILMEMBER COOK: Okay. Well, I...I, of all people, really want to be heard.

COUNCILMEMBER JOHNSON: I know. Maybe...

COUNCILMEMBER COOK: No, I appreciate it, I appreciate that.

COUNCILMEMBER JOHNSON: Share your voice, Councilmember.

COUNCILMEMBER COOK: Should I repeat that?

COUNCILMEMBER JOHNSON: Share your voice.

COUNCILMEMBER COOK: Okay. Okay, I'm going to start again. This amendment would exclude, from TVR phase-out, units that are located in the defined resort areas or in the defined shoreline areas, or that...okay. The motion is to amend HLU Committee Chair's [sic] Kama's proposed CD1 version of Bill 9 (2025), by one, amending Section 4 to exclude the following from the TVR phase-out the following types of units: those located in the defined resort areas, those located in the defined shoreline sea level rise areas labeled as significant, very significant, and full. Replace Section 1 with a new content to add findings that explain and support these exclusions. If my amendment is approved, the new Section 1 would read as shown below in the highlighted text, in Section 4, and would be amended as shown in the highlighted text.

CHAIR KAMA: That's your motion?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KAMA: That was your motion? Okay.

COUNCILMEMBER SUGIMURA: Second. I meant to second it.

CHAIR KAMA: And Member Sugimura seconded. Discussion?

COUNCILMEMBER COOK: Would the Members like me to read the highlighted text?

CHAIR KAMA: Member...

COUNCILMEMBER PALTIN: I guess my question is, what you said doesn't 100 percent mirror what was written in that C wasn't read. So, I'm assuming C is off the table, right?

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER COOK: Right.

COUNCILMEMBER PALTIN: And then full, very significant, and significant was added. So...

COUNCILMEMBER COOK: Correct, for clarification.

COUNCILMEMBER PALTIN: So, does that change anything in the yellow?

COUNCILMEMBER COOK: No.

COUNCILMEMBER PALTIN: Oh, okay. We can do it again like last time, and ask Ms. Blystone to read it and comment...because that seemed to work well.

COUNCILMEMBER COOK: I'm in agreement.

CHAIR KAMA: Yes.

MS. BLYSTONE: You want my dulcet tones? . . .*(laughing)*. . .

CHAIR KAMA: Yes.

MS. BLYSTONE: Okay. So, I...I won't read...if it's all right with the body, I won't read the first...the first part, yeah, Section 1. I'll just focus on page 4, starting at 2; is that correct? Okay. So, I'm going to go through this by letter --

CHAIR KAMA: Okay.

MS. BLYSTONE: -- if that's okay. So, I'll go 2(A) and read all the way through A, i, ii, iii, and then go...go to B. Okay. So, the property was listed on the list of Apartment District properties allowed to be used for short-term occupancy dated June 27, 2024, and attached to this ordinance, and meets one or more of the following criteria. A, resort area properties. The property is situated within one of the established resort areas. (i), Wailea resort area: Properties located makai of Pi'ilani Highway, south of Kilohana Drive, and north of Kaukahi Street. (ii) Kā'anapali resort area: Properties located makai of Honoapi'ilani Highway and Lower Honoapi'ilani Road, south of Honokōwai Beach Park, and north of Hanakao'o Beach Park. Kapalua resort area: Properties located makai of Honoapi'ilani Highway, north of Napili Park, Maiha Street, Hui Road F, and Honokeana Bay; is that correct?

CHAIR KAMA: Uh-huh.

MS. BLYSTONE: Mahalo. And west of D.T. Fleming Beach Park. So, I'll start with that one first, and then...if that's all right.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER COOK: I apologize. Because Hāna has been eliminated, which is...

UNIDENTIFIED SPEAKER: B.

MS. BLYSTONE: Hāna is B.

COUNCILMEMBER COOK: Which is B.

MS. BLYSTONE: Yes. We're not there yet.

COUNCILMEMBER COOK: No, we're not there, but I'm just letting you know. Thank you.

MS. BLYSTONE: Okay. Okay. So, it identifies three resort areas, and I think the...the word "established" is interesting here. I mentioned to Councilmember Cook in a sidebar at one point that one of the places where...you know, where short-term vacation rental...rentals are working outright is places like Kaua'i, where they have identified clear resort boundaries, and do not do any short-term rental outside of those resort boundaries. So, that might be where this is coming from a little bit, and I apologize . . . *(laughing)* . . . for...for that. Because those resort boundaries were defined, and I...I'm speaking a little bit...from a little bit of ignorance, but my understanding is, those were defined in coordination with the community over a period of time, not just in a meeting like this. So, I think it...I may be leading up to the...the answer, which is, I don't think this is a good idea. I think that the community should be consulted to establish what they think are these resort areas, and put really rigid boundaries around those resort areas. So, I don't think, from the Planning Department's perspective, that's a great idea. Also, these are a little nebulous, too. I'm not sure...I would feel more comfortable if there was a map attached to it where I could really, really see it...because during the West Maui Community Plan process, the Long-Range Division, of which I was a part, spent hours thinking about each one of these parcels. So, I just want to...I'm uncomfortable with just the words. That's all I'll say there, if that's all right.

CHAIR KAMA: I'd like to interrupt for a few moments, Kate, if I may. That sign that you're holding is a breach of decorum. So, if you could please lower them, we'd appreciate it. Thank you.

UNIDENTIFIED SPEAKER (from the audience): Undermining the whole bill's a breach of decorum, isn't it, Mr. Cook?

CHAIR KAMA: If we have another outburst from you, we're going to have you removed from the gallery. I'm sorry, Kate. You may continue.

MS. BLYSTONE: Mahalo, Chair. So, on to B, unless there's questions about things that I've said. So, B...oh, there's no B.

COUNCILMEMBER COOK: Yeah, no B.

MS. BLYSTONE: Crossing out B.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER COOK: And...no B, no C.

MS. BLYSTONE: Roger. No C. Oh, great, even better.

UNIDENTIFIED SPEAKER: We did that already.

MS. BLYSTONE: Yeah, we're already done with that. Awesome. Well done, everybody. Okay. So, D then. Properties for which any portion of the lot is makai of either the erosion hazard line as mapped by the shoreline rules adopted by the applicable Planning Commission, or, if no erosion hazard line has been mapped, the shoreline setback line established by the applicable Planning Commission shoreline rules. Again, I think this is a great discussion for that TIG that's going to be set up, a deeper dive into what these...what these lines do, and what happens when the line passes through the middle of a property. Does that mean that anything makai of that line is out, but anything mauka of that is in? I think we have a deeper conversation to have on this subject. So, I would recommend not...not proceeding with this amendment, Councilmember.

COUNCILMEMBER COOK: Okay.

MS. BLYSTONE: Mahalo for your opportunity...the opportunity to speak.

COUNCILMEMBER COOK: Yeah. So, regarding to the resort area description, the Planning Department [*sic*] did call out five properties or so. The Planning Commission recommended some of the properties in Kapalua...Kā'anapali, rather...and Makena.

COUNCILMEMBER SUGIMURA: And Wailea.

COUNCILMEMBER COOK: Man, I don't know what's up, besides having a cold. Okay. The Planning Commission had some properties in Makena and Kā'anapali that they recommend excluded. Can you hear me now?

UNIDENTIFIED SPEAKER: . . .(*inaudible*). . .

UNIDENTIFIED SPEAKER (from the audience): Somebody behind me?

CHAIR KAMA: No.

UNIDENTIFIED SPEAKER (from the audience): I thought that's the only way I cannot hold up a sign if I'm blocking somebody's view. Nobody behind me.

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

UNIDENTIFIED SPEAKER (from the audience): Yeah, we disagree . . .(*inaudible*). . .

CHAIR KAMA: It doesn't matter if you disagree, this is the proceedings of the Council --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, your mic.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: -- this is the proceedings of the Council, and the Council is going to proceed as we can. So, therefore, we're going to continue our meetings, and I'd ask that you all not interrupt. Because if you interrupt, then I'll have to ask you to leave. But we are still in our meeting, and I'd ask you to respect that. Thank you. Okay. Mr. Cook?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, real quick. We...we have a hard stop at 4:30.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And there's just a couple more amendments. And if we can, you know, get there to the final vote on the main motion as amended, then we can complete this work today. Mahalo, Chair.

CHAIR KAMA: Absolutely. I'm very clear about that, Ms. Rawlins-Fernandez, but I'm not going to tolerate disruptions. I'm not going to tolerate sign-holding. With these...you Members have a right to speak what you want to speak without having all of this stuff surrounding you. And I don't want that to sway you or intimidate you in any way or form. So, that's all I'm saying. So, Mr. Cook, if you'd like to continue, please.

COUNCILMEMBER COOK: Well, Chair, thank you for helping to enforce the decorum and asking the public to please be patient and listen with us. Because we're doing our best, and I think we're going to get the job done soon. I apologize if I'm not speaking up clearly. I'm just having a hard time. I've had bad cold, tired of eating cough drops. I got water. I couldn't pick this anymore unless I pick my teeth with it, so I'm doing my best. And I did lose my train of thought because of the interruption. So, we were discussing the Wailea/Kā'anapali properties that the Planning Commission noted that they...I don't know if they recommended or acknowledged because of their multiple zoning criteria. So, those were some that shouldn't be any problem excluding...or how...how would you address that?

MS. BLYSTONE: Mahalo. Mahalo for your question. So, in our May 22nd transmittal, we highlighted those five properties. So, they were Wailea Ekahi I . . . *(laughing)*. . . Wailea Ekahi III, Papakea, Hale Kā'anapali, and the Maui Eldorado...so just for everyone's benefit. And in that, we identified that there was some conflicts between the zoning and the community plan designation. So, for the last three that I mentioned...or the last two that I mentioned, they have community plan designations of Resort/Hotel. Those are the only ones that do. But also, I encourage the Council to look at what we said. The commission could not come to a really clear recommendation for you on this subject matter, which is why I think the...the language we used in there was, they can ask that you consider these properties. That is not very great guidance for you, but what I will say is, I think it is...I think this...if you were going to take them up, you would take them up after passage of this bill. And maybe those are the first ones we look at for rezoning, and we could do that. That could be as part of the TIG that we're talking about. That's the first batch maybe that we send. But I want to dig in them more deeply with you because if you look at our analysis, it's not as cut and dried as look at the table. There

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

is some nuance because the table's not exactly correct. So, I think that we need to have a deeper conversation about those things, yeah. Thank you.

CHAIR KAMA: Yes, Member Johnson?

COUNCILMEMBER JOHNSON: Chair, considering we heard from the Department that they wouldn't recommend passing this amendment, I would hope Councilmember Cook would consider that, and maybe you could hold off, and we move forward in it with an actual bill, working with them on the TIG. I'm there for it if that's the route you want to go, Councilmember Cook, but at this point, I'm...I'm struggling to...to support this amendment when they themselves won't support it.

COUNCILMEMBER COOK: If we can move forward...what's the timeline when we can move forward with the TIG?

COUNCILMEMBER SUGIMURA: Can we call for the vote?

COUNCILMEMBER COOK: That's on us.

COUNCILMEMBER JOHNSON: Yeah, that's on us.

COUNCILMEMBER COOK: Yeah. Okay.

VICE-CHAIR U'U-HODGINS: I have one question.

CHAIR KAMA: Yes, and then...and then Member Sinenci.

VICE-CHAIR U'U-HODGINS: I have one question about item B that he was requesting for the SLR-XA information, which, as discussed, like Member Paltin already had this in a previous bill a few years back. It does say...it's a little vague, but it says those located in defined shoreline areas. So, he used specifically your language from your May 22nd letter, where it is significant, very significant, and full. That's what he was referencing. So, I don't...I don't know, like your...you guys did that, and full is the entire properties in the exposure area. Very significant, something similar. And significant, he didn't necessarily touch, very minimal and minimal. Can I have your opinion on that? And again, like I'm happy to discuss this continuously in the TIG. I just wish we didn't have to do a TIG, but it is what it is.

MS. BLYSTONE: Mahalo.

CHAIR KAMA: Yes.

MS. BLYSTONE: Mahalo for your question, Councilmember. So, I had an opportunity to talk a little bit with Councilmember this morning about the origin of this. So, with...this is within--I don't know how many page letter--like an 11-page letter in response to Council. And so, we were pulling data from a lot of different places, and I am not confident, even though we put this out to you, and we...we caveat this as well, I think...yes.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

VICE-CHAIR U'U-HODGINS: You did. You said the mapping exercise could not determine exactly how many properties. So --

MS. BLYSTONE: Yeah. So, it's very...

VICE-CHAIR U'U-HODGINS: -- that's why we just kind of used your rough-ish language.

MS. BLYSTONE: Yeah. And so, I...and I know you guys agree with me, so I'm going to say this very bluntly. Like I don't think we should build this language...this part of the Code on rough estimates of where things are. This is why you can see the discomfort in my face and my entire body when we talk about using that particular language to make law. And I...and I...I understand we may...may have...we wanted to be responsive to your request, and so we wanted to give you a summary of what we thought --

VICE-CHAIR U'U-HODGINS: Okay.

MS. BLYSTONE: -- what we were looking at, so that's...that's the story behind that.

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

MS. BLYSTONE: Mahalo.

VICE-CHAIR U'U-HODGINS: If we do do our TIG sooner than later, can you please provide us accurate, accurate information?

MS. BLYSTONE: Yes.

VICE-CHAIR U'U-HODGINS: Obviously, we'll work together. It's not tomorrow, but just to make the policy.

MS. BLYSTONE: Absolutely. And we'll have scientists in the room to help us understand what that information actually means, too, so it's not just the planning departments, it's kind of like a bigger lift where all of us are working together. Yeah.

VICE-CHAIR U'U-HODGINS: Sounds great.

COUNCILMEMBER COOK: Chair?

CHAIR KAMA: Yes, Member Cook.

COUNCILMEMBER COOK: Can I have the...the Planning Director's perspective on...on...on including or not including these properties in this rezoning change? I've...I've expressed my...my justification and rationale for not including these properties is, if the...the intent is for us to provide housing opportunities for our local residents, a variety of things, do we want to...and...and in turn with that, eliminating a lot of the tax revenue and the funding that we're getting that's going to be paying for a lot of this stuff. These...these buildings in the potential managed retreat area strike me as ones not appropriate necessarily to turn into apartments, and only be able to have people live in them and

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

not be paying taxes if they're not local people. So, I...I'm just trying to understand how we can not eliminate all of our income that we need to be paying for the things we want to do for our local people, and it just strikes me as short-sighted to just say like, oh, we're going to do all of these, even though these are in a... in a hazard zone. So, they're specifically located. I don't have...I don't have a problem taking it out, but I just want to go on record that the intent of this, of my...of my amendments, is to convey a clear, sincere message to all of the people who are going to be impacted by this that it's not being taken lightly, that we have an awareness of how we're all interconnected, and that we are going to diligently move forward, and not basically do what the County's been doing for years, right?--which is just one year to get a building permit for a house I could build in 90 days. So, that's why I just...I feel strongly I need to represent--and this is for everybody in Lahaina, and everybody who wants a home. Because if we craft this properly, that we'll be able to capture homes, and we'll have money to subsidize rent, we'll be able to have money to buy places. But if we just eliminate it all, I don't see where the money's going to come from.

COUNCILMEMBER LEE: Chair?

CHAIR KAMA: Yes, Miss...Member...

COUNCILMEMBER LEE: Can we have a recess? Recess.

CHAIR KAMA: You want a recess?

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: Okay. It is now 3:27, take a ten-minute recess to 10:37 [sic]. HLU...3:37, sorry. Thank you. . . .(gavel). . .

**RECESS:** 3:27 p.m.

**RECONVENE:** 3:43 p.m.

CHAIR KAMA: . . .(gavel). . . Will the HLU recessed committee meeting of June 9th, 2025, now come to order. It is now 3:43 p.m., July 24th, 2025. I think we left off with Mr. Cook.

COUNCILMEMBER COOK: Thank you, Chair. Can everybody hear me?

CHAIR KAMA: Yes.

COUNCILMEMBER COOK: Okay. Great. Nothing like a little bit of water. So, good. I just...I did have a meaningful discussion with the Administration. And clarifying the point of eliminating my amendment because it doesn't fit in with the...the Code factor of it, but emphasizing and getting some agreement that they can confirm, understanding that the...for the public to be able to have a pathway forward, to be able to change from their current Apartment zoning to Hotel zoning, and have it not be...have it be a genuine, sincere...not easy, but workable way. People are concerned that by not having this in the bill, it is going to eliminate their protection...not their protection, their opportunity

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

to have a fair, equitable review of their property, where it is, and what it's currently being used for, and for them to upzone it to Hotel. Nobody wants to get in any litigation. A lot of people are afraid. A lot of people are being really negatively impacted by this. And so, just...if I could get a little encouragement from the Administration, that people will hear that they're heard, it would help. We've...I just want to let the public know, we've worked diligently with Corp. Counsel, we've worked diligently with each other. We've heard from Lāhainā Strong. We've heard from the residents of Kihei. We've heard from the residents all over the island. And I know I've taken it to heart. I believe everybody else has taken it to heart. This is a big deal, and it is...this is just...this is a major step, so that the challenge for the public, especially in my district, we're pulling the trigger today, and they want to find out what's coming out. So, could you help me a little bit, Planning Director and Laks?

MS. ABRAHAM: Thank you, Councilmember Cook. I'll just start off by saying that everything that we sit before you and say is genuine. Everything that we've mentioned, all the work that we've put into this bill, the intention behind this bill, it's completely genuine. So, when we say to you that, you know, we are here to work in tandem with the Council, that is 100 percent genuine. We understand, collectively, from the Administration's point of view, that the only path forward for this bill is for us to work together to find a path forward, and we are 100 percent committed to doing that. We...we wouldn't even be here if that weren't the case. Because we know, moving forward, if we can't work together collectively, this bill won't survive without the needed work to take the next steps to push it forward. There's still much work to be done. This is just the first step, as we've said continuously. But the Administration stands in support of working with the Council to move this bill forward and to find a pathway, if the need presents itself, to allow property owners an opportunity to apply for rezoning.

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: Thank you. I...I find this whole process kind of disappointing because we're not coming out with clean solutions. And one of...it's...it's clear, from the comments we've heard from the Members themselves, where we have to have a TIG to work on the issues that were not covered in this bill. You know, that shows you that what we received was a half-baked bill, and that still needs a lot of work. But at this point, we've had so many meetings, so many...so much community input, that I'd hate to kick this can further down the road. And I'm happy to support what the majority wants, but I just want to express my disappointment in the way this...this whole thing evolved. We...we still haven't answered any of the questions having to do with the loss of revenues. Nothing to replace it. And please don't talk about taxing somebody else to replace those funds. We need economic diversification. There isn't a hint of that here. And the over-reliance on the visitor industry continues. So, I just wanted to let you know how I felt, that I do support all of what you...all of you're doing, but there's so many pukas that still need to be addressed. Thank you.

CHAIR KAMA: Thank you, Chair. So, back to Mr. Cook. So, you have a motion on the floor, and your intent is to call for the question?

COUNCILMEMBER COOK: Yeah. Let's call for the question for what I have on the floor.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER PALTIN: I'd...I'd like an opportunity to --

CHAIR KAMA: Discuss.

COUNCILMEMBER PALTIN: -- I didn't discuss. I will not be supporting this, so I would request a voice vote --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- based...or yeah, sorry, that's what I meant. Roll call vote. Based on what we heard on executive session, based on what we heard from the Planning Department, based on what Member U'u-Hodgins said about the TIG. I don't think it's appropriate to put this in the bill. I'm...I'm all for working on a TIG. I'm all for developing criteria for parcels that should be rezoned, and these five have specifically been called out as the first five to...to do that deeper dive. But this is not the right place, and I think that we need to give our lawyers the...the strongest bill that we can so that they can do the best job to represent all of us.

CHAIR KAMA: Okay. Mr. Johnson?

COUNCILMEMBER JOHNSON: Member Cook, can you repeat your motion? There was a lot of...there was a lot...there was a lot of taking out of some of this, so can you just repeat what is in, and repeat the motion?

COUNCILMEMBER PALTIN: Oh. Based on where we landed at, it might be cleaner to go with Member Kama's one, right?

CHAIR KAMA: The CD1 version.

COUNCILMEMBER PALTIN: This...this one with the five properties.

COUNCILMEMBER COOK: Correct.

COUNCILMEMBER LEE: Can we start from the beginning?

COUNCILMEMBER PALTIN: Beginning of what?

COUNCILMEMBER LEE: Well, we don't know what his motion is, number one.

CHAIR KAMA: That's why Mr. Johnson asked.

COUNCILMEMBER COOK: Yeah. And I'm...yeah, I'm...I'm not a happy camper. I'm very disappointed in the way this has all evolved. I'm doing the best I can for going forward. I felt very confident in what we have. The Administration's not being supportive, which I respect, because they have a job to do. I didn't get quite the endorsement and encouragement that I had asked for for the community. Basically, what I heard was

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

like this is a good bill, it's the best bill, just the bill, just what it is. And I won't support the bill. And, you know, I'm going to withdraw my proposals.

COUNCILMEMBER LEE: That's what I heard.

COUNCILMEMBER COOK: But I'm not supporting the bill the way it is.

COUNCILMEMBER LEE: That's what I thought we heard.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER LEE: We thought we heard you withdrew it.

COUNCILMEMBER PALTIN: Okay.

COUNCILMEMBER JOHNSON: Thanks for clarifying that. Can we move on to the next amendment, if there is one, please?

COUNCILMEMBER SUGIMURA: Wow.

CHAIR KAMA: Okay. So, Mister...Mr. Cook --

COUNCILMEMBER SUGIMURA: Wow. That's huge.

CHAIR KAMA: -- you're going to withdraw your amendment, and then just vote no on the bill?

COUNCILMEMBER COOK: Yes.

CHAIR KAMA: Is that what you intend? Okay. Okay. So, that disposes of Mr. Cook's two amendments that we talked about, and then I think I have one. The one I have is the one regarding the amendment that acknowledges concerns with certain language in the preamble to my proposed CD1 version of Bill 9, expressed in response to question seven in the Planning Director's correspondence dated May 22nd, 2025, and I intended to alleviate these concerns. So, first, the motion in Section 1 of my proposed CD1 version of Bill 9 moves to amend the last sentence in the first paragraph to add the word "effectively" after the word "exceptions," and the sentence would read as follows. "Ordinance 1797's exceptions effectively allowed some multi-unit buildings in the Apartment District to have transient vacation rentals as lawful nonconforming uses." And second, in Section 1 of my proposed CD1 version of Bill 9 (2025), move to amend the second-to-the-last paragraph to read as follows. "As of May 3rd, 2024, subsection 46-4(a), Act 17 Session Laws of Hawai'i 2024, amended Section 46-4. The Hawai'i Revised Statutes provides that over a reasonable period of time, uses that allow transient accommodations may be phased out or amortized in any zoning district by zoning regulations as it relates to Section 46-4, Act 17 took effect on May 3rd, 2024." So, at this time, I wanted to ask Corp. Counsel if she has language that may be able to be a lot more palatable, I guess, to this.

MS. TARNSTROM: Thank you, Chair. I've worked out some language that I think reflects the

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

intent of the Chair. I'll just read it out. Okay. Section 46-4(a), Hawai'i Revised Statutes, authorizes the counties to amortize or phase out nonconforming uses in Apartment Districts over a reasonable period of time. Act 17 Session Laws of Hawai'i 2024, amended Section 46-4, Hawai'i Revised Statutes, to explicitly provide that transient accommodations may be phased out or amortized in any zoning district by county zoning regulations, and that transient accommodations are not a "residential or agricultural" use under the statute.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Wow, thank you. I was going to ask our Planning Director--since she was here, and she hadn't seen this, and I hadn't had a discussion with her--but if she would not like to do, that's fine too. But up to you, Kate.

COUNCILMEMBER JOHNSON: She gave a thumbs up, Chair.

CHAIR KAMA: Oh, thank you.

COUNCILMEMBER JOHNSON: We got two thumbs up from the Planning Director, Chair.

CHAIR KAMA: Okay. So, it's moved by...

COUNCILMEMBER JOHNSON: That's probably the best one we got so far.

CHAIR KAMA: Moved by Member Paltin, second by Member Rawlins-Fernandez. Discussion. I think we've had enough discussion, but what I'd like to say is this. I'd like to be able to...yes, Member Paltin?

COUNCILMEMBER PALTIN: Put yours close to your mouth because you're far away.

CHAIR KAMA: Okay. So, we have a hard out at 4:30. I'm hoping that we all will get out here at 4:30 with the vote and everything that comes with that because, you know, we have these amendments to the amendments to the amendments. But again, I just want to reiterate...to thank everyone for being here, the people in the galley [sic], especially, for the months and weeks, it seems, and hours spent here. I appreciate the support of many of you in helping to help your fellow members participate in a manner that's respectful. I...I thank you for that. I want to thank our Members here for all their hard work, and I am totally looking forward to working so close...so close that you're going to think I am K on you know what. But...because I think that's what's missing, and that's what has been missing all this time. And, you know, I know I call the Mayor, and I go up to his office, and everybody else does too, but it'd be so nice if we could just do it all together at one time, or...or have these weekly meetings or something, you know, that we can all meet and talk about these things that will bring us closer together, not only as the Legislative Branch or as the Administrative Branch, but also as a County, you know. Our County, we need to come together, you know, and we haven't been together, and you...we all feel that, but that's not us, that's not who we are. So, we need to get

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

back to who we really are, people who love each other, who care about each other. And yeah, our passion sometimes escapes us, but we still have to be able to have that respect that we all know that we have one for another, and we all know we're taught. So, saying that, my discussion, I have no discussion. Members, any other peoples [sic] have discussions? Yes, Member U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Thank you, Chair. I appreciate how even-keeled you've been through this entire process, which has not been easy. I do want to also express some of my frustration in dealing with Bill 9 as it relates to trying to figure out how to make this make the most sense, and how it's going to be actually applied...and not just in theory, which is what I think we got. We got a bill that's going to operate in theory. In theory, this is going to provide housing. And in theory, this is going to work. And I'm supportive of that concept, and I'm supportive of that theory. But what I wanted to see from you folks was all the other tools that you said belongs in the toolbox, that this is just one tool. So, I would have hoped instead of this Council creating a TIG after the fact to figure out all the nitty-gritty, and how this is really going to help our people, I feel like we're doing it backwards. So, that part makes me slightly uncomfortable. But I feel like we all have to trust in each other to make this make the most sense. But in order to build that trust, we're going to need a little bit more and a little bit better communication...because we don't really have that right now. And I don't mean with the public because we heard four or five days of testimony. That part we have. What we don't have is this. This has been quite difficult. Our job is to create policy here. Our job is to help shape policy. But it didn't feel like we were able to do that job well today and yesterday. Yesterday, it was described as a zoning bill. I completely disagree. And I know it's in zoning, but it's a zoning bill that's supposed to provide housing. With housing comes the concern of financing, and lending, and ensuring our people can get a mortgage so that they can move into these places--as we heard they want to do, and do a long-term rental. I want this to make sense, but I don't feel like we were given the details to make it make sense. Don't get me wrong, I'm going to support this today. But I'm going to support this on the contingency that we figure out a TIG, and we figure out how to make this make sense. We heard that this is a housing bill. The Facebook for Maui County, I think there's three posts. Housing, housing, housing, housing, housing. Yes. But then yesterday, we said it was a zoning bill. The other week we said it was a water conservation bill. So, I just need one streamlined approach. This is what we're doing. We are creating housing here. That's our intent. And whether it's affordable, whether it's attainable, or whether it's market--all of which our people deserve to have--we still need to figure out how we're going to ensure that we actually have it. And we're not creating a windfall for people who have cash to buy us out again if we're unable to mortgage, which was my concern yesterday. And it was met with some hostility at times, and I get it. And I know I seem like I said this, like I'm a jerk sometimes, but that's because I need this to make sense. I want this to make sense. I want our people to stay home, 100 percent. But...so, I am trusting in that this is going to make sense because we're going to continue to work on this. It feels, like I said, a little funky that we're going to pass Bill 9 and then work on all the things, which is why yesterday I was asking about our plan A. If we have Bill 9, then what are the sibling bills that come with? If we have Bill 9 and we lose, then what are the sibling bills that come with so we can still honor the intention to create housing in these areas? And if not just in these areas, then where? So, I'm going to be supporting this. We're...I already started the

**HOUSING AND LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 24, 2025**

---

language for the TIG. I hope we can work together better in the future, and I appreciate your folks' time. Thank you.

CHAIR KAMA: Member Johnson?

COUNCILMEMBER JOHNSON: Chair, point of information, we're voting on your amendment right now, right? We have not voted on --

CHAIR KAMA: No, we're in discussion, actually.

COUNCILMEMBER JOHNSON: -- on your amendment that's...

CHAIR KAMA: Yes.

COUNCILMEMBER JOHNSON: Okay. I'm going to save my final comments for the --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- for the time, but I'm here for that --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- your amendment right now, Chair. Thank you.

CHAIR KAMA: Okay. Members, are you ready to vote on the amendment?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR KAMA: Thank you. Our one and only amendment. Thank you. All those in favor of...or is it...is it...is it a right vote? Okay. All those in favor...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, just on your amendment, voice vote.

CHAIR KAMA: Okay. Okay. All those in favor of the amendment, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR KAMA: I only see nine "ayes."

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

**VOTE:        AYES:    Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

**ACTION:     APPROVE amendment.**

COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR KAMA: Okay. So, now...yes.

COUNCILMEMBER SUGIMURA: Chair? Before you move on, your other amendment, you withdrew --

CHAIR KAMA: Yes.

COUNCILMEMBER SUGIMURA: -- because of what Member Cook was going to --

CHAIR KAMA: Right.

COUNCILMEMBER SUGIMURA: -- propose.

CHAIR KAMA: Yeah, yeah.

COUNCILMEMBER SUGIMURA: So, now that he's not proposing --

CHAIR KAMA: Yeah.

COUNCILMEMBER SUGIMURA: -- those excluded properties, the...the resort properties...

CHAIR KAMA: We're going to let it go to the TIG. I'm going to...I decided to do the TIG.

COUNCILMEMBER SUGIMURA: So, you're not going to do this?

CHAIR KAMA: Yeah. Because they're going to work on...that's one of the first things they're going to work on.

COUNCILMEMBER SUGIMURA: Okay.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

CHAIR KAMA: So, the next thing we have to work on is the CD1 version, right?

MR. KRUEGER: Yes, Chair. So --

CHAIR KAMA: Yes.

MR. KRUEGER: -- before the body now is the substitution as amended.

CHAIR KAMA: Right. All those in favor of the substitution as amended, please raise your right hand and say "aye."

COUNCILMEMBERS: Aye.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Just the substitution --

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

COUNCILMEMBER RAWLINS-FERNANDEZ: -- not the main motion.

CHAIR KAMA: Yeah, the substitution. Okay. I see only nine "ayes."

**VOTE:       AYES:   Chair Kama, Vice-Chair U‘u-Hodgins, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:     APPROVE to substitute bill as amended.**

CHAIR KAMA: And now for the main motion. All those...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, now discussion on the main motion as amended.

COUNCILMEMBER COOK: Yeah.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

COUNCILMEMBER RAWLINS-FERNANDEZ: Before the final vote.

CHAIR KAMA: Yeah. This is it, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER COOK: Yeah.

CHAIR KAMA: We're voting...this is for the vote on the main motion as amended, right?

COUNCILMEMBER COOK: Yeah.

CHAIR KAMA: But you want to discuss.

COUNCILMEMBER COOK: I would...I would like some discussion.

CHAIR KAMA: I don't want you all to take all 27 minutes of this, all right?

COUNCILMEMBER COOK: I'll...I'll take three.

CHAIR KAMA: I'm going to put you all --

COUNCILMEMBER JOHNSON: Be clear with that, Chair.

CHAIR KAMA: -- on two minutes.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KAMA: Two minutes.

COUNCILMEMBER JOHNSON: James, you heard her, two minutes.

CHAIR KAMA: Okay. You may begin.

COUNCILMEMBER COOK: Thank you, Chair. Thank you, Members. Thank you, public. Thank you, Administration. I won't be supporting this. I know it's going to pass. Everybody worked hard on it. I just want to express and represent a lot of people whose livelihood and their...their whole structure of what they've been doing, and what they've been led to believe is okay. I support changing and clarifying and getting more apartments. I support that. This bill, the way it is now is, we didn't end up with enough tools. I'll participate in the TIG. I know a lot of people will be excited about it. I think it's going to be constructive, and I'm going to be optimistic and positive that we'll get a positive outcome. I'm just saying right now, today, a lot of people, this bill has lit the fuse for the next five years they can keep doing what they're doing, and then they're going to lose the right to use a property like that. And I was supportive of it within the context of having a clear path forward, where they could have spelled out, when this is passed, the procedure in a way with confidence that, oh, okay, we can take an

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

existing-like use...existing use, we can rezone it, we can do the same thing, we can keep paying these high taxes we've been paying, and paying the jobs and whatnot that we have been, and we're going to have to go through this motion, but it's fine, it's understandable. Right now, today, we don't have that. We're going to have a TIG. Right now, there's no real structured path for someone to apply for rezoning. There's an existing process. You can get a conditional use permit, you can change your zoning, you can do all of that, and that's not what I was agreeing to. What I was agreeing to . . . *(timer sounds)*. . . was something that was more actionable. So, anyway, I want to just tell everybody, public and everybody else, totally supportive of housing, will continue to be one healthy economy so we can afford to do that. Thank you all very much. And I hope to see you in full Council tomorrow. Thank you.

CHAIR KAMA: Member Rawlins-Fernandez? Discussion or none, you can just...

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Mahalo, Chair. First, I'd like to mahalo Lāhainā Strong and all the community for making all the tremendous sacrifices you all have been making--from occupying Kā'anapali to rallying the community to continue to put pressure on the government so that the government reflects the priorities of our residents. Mahalo to Mayor Bissen, and for everyone from the Administration and Corporation Counsel for working hard on this bill. Contrary to what was said earlier, I know that this bill was worked on and vetted because I helped work on this bill. . . . *(laughing)*. . . So, I was...I was in the room discussing all the different concerns, ideas...and I was proud of where we ended up. I mahalo, you know, the Mayor for immediately taking action, something that no other mayor would have considered before because of all the housing that was lost to make this zoning correction. Because of how difficult this has been, we know that that's why mayors and councils before never made this correction to ensure that our residents live in Apartment-zoned district. This has been so tough, so emotional, but I just am grateful to everyone in this Chamber, and everyone that's been supporting us online. I think it's unfair that the Administration is being accused of a half-baked bill when the idea that's . . . *(timer sounds)*. . . requiring or asking for...resulting in a TIG is coming from ideas that came from the Council. It wasn't Administration's idea. And so, the Administration shouldn't be blamed for a bill that didn't include some of the ideas that the Councilmembers had when this bill was introduced from last year. I heard the timer. I'll just lastly say that when you're looking at the Minatoya list, and in the community plan designation, it says multi-family. It was supposed to be for residents, not swallowed up by the tourism industry, which is what happened. And this is reclaiming housing for our residents. And I fully support and look forward to voting in strong support of this motion. Mahalo for all your work, Chair.

CHAIR KAMA: Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank...thank you, Chair. Mahalo to everyone. And you know who you are when I say everyone. I'm willing to work with the Administration on all the things that we were discussing, specifically in my Committee, economic diversification. I'm sincere when I think that it's time to pivot. And I think that let's...let's move forward, and pivot, and get these folks...let's diversify our economy. We cannot all put our golden eggs in one basket. I'm willing also to do the work on the...on the policy side. I'm going

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

to introduce a vacancy tax bill once we hear what the city in Honolulu does with their side. Among other things, you know, we'll...we'll get to that when we get to that. I'm willing to do the work. That's really what it comes down to. Too long, our municipal, our State, our Federal governments have always put profits before people. Well, the times are changing, brothers and sisters. I'm telling you, it's now time for people over profits. And I'm here for it. So, I'm going to rise in full support. Thank you, Chair.

CHAIR KAMA: Member Paltin? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I also would like to thank everyone that worked very hard on this bill, and recognize that Member Cook does represent a fraction of our community that this will impact negatively. And thank you to all the Members for supporting a shorter phase-out period for Lāhainā because we really need it. You know, I don't...I don't know what people envision when they say local people, but that slide that Mr. Jachowski showed, that 80 to 70 percent of all of these properties have had owner-occupied units, means that our local residents do live in those...those units. And I think this is a real important step, not only to put people before profit, but send a loud and clear message that it's the speculation and commodification of our housing that has brought us to this point. You know, the...the concept that real estate is the wealth builder is...is taking away from community, is taking away from all the things that make our communities great. If you let this passive type of income be your revenue generator, rather than, you know, focusing on the services, and...and other things that our community needs, and makes our community great, you know, and...and put the money so that those industries make a living wage that they can live here in Maui County or anywhere in the world. Because we need teachers, but they don't make the living wage. We need laundromats in West Maui, the most basic, simple thing, you know. We need redemption centers in West Maui. So, I mean, all these things that we need . . .(timer sounds). . . that don't make a living wage, that's part of the problem. And I heard the bell. Thank you.

COUNCILMEMBER SUGIMURA: Thank you. Such emotional and important discussions we've had. We've heard from over 300 testimonies...or testifiers over a period of four days, and then we went to here we are with deliberations and hearing from the Administration. So, our process was long and deliberate, so I appreciate everybody who's, you know, put the time in to make it happen. I will say that I'm disappointed that we did not do Member Cook's amendments...because I did site visits. I heard from hotels, I heard from properties--or I should say I heard from the properties that were in the Hotel/Resort area, and where they sit, and how they operate, you know. And so, therefore, I think it should have been included. So, at this point, since it didn't make it, I want to encourage every single property that's out there to contact my office, and let's walk through the process of changing the zoning. I think all of us, or many of us, would sit and want to help you. And please do reach out. I...I...when...soon after, I think it was June 9th, when the Mayor, or when you all proposed this bill, I did meet with Administration, and I asked the Mayor...at that point, I was asked, you know, can we do this change of zoning, you know, to Hotel? And his question to me was, why wasn't it done earlier? I'm still thinking about that, but I think the reason is because probably it was not a situation like this. So, now we've been pushed. The community is being pushed. And I want to open up the doors to my office to help with the zoning

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

changes. And I think that the Administration will sit side-by-side with us to make it happen. And Planning, you have a big job ahead of you. We will be working closely together. And I hope that the Administration and Corp. Counsel, then we can figure out how to make this happen faster. I hope to look also towards changes in tax policy. When the Administration . . . *(timer sounds)* . . . came before us, I was hoping that we had more concrete steps forward. But we did get philosophies, which I think were not new to us, but we will work closely with you and make it happen. So, I'm...I'm voting no for today, but I look forward to the future to making it stronger so that truly, our local people can afford and want to rent and buy these parcels.

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: Thank you. I am, as I said earlier, very disappointed in this piece of legislation. I think it was put together hastily and by a lot of inexperienced people. And so, you know, I am disappointed at the...the...the impacts and consequences are not addressed. They're not. There's no clear path forward. And we know that it would take a miracle to expedite the change in zoning process. We have projects that we're dealing with who have been in the process for over 15, 16 years for a change in zoning. So, let's not fool the people out there. We have to come up with something substantive and concrete. And the thing is, I speak not as a friend of a person who owns an STR. I actually don't know anybody. And I'm glad because I'm not...I'm not influenced by friendship, or anything like that. I'm just looking at the facts. And the facts point to many, many issues not addressed...or if addressed, not fully addressed. I...I'm very conflicted in the sense that there...there are parts of me that would like to support this, and there are parts that have serious reservations. But for today, I'm going to vote aye with reservations. Thank you.

CHAIR KAMA: Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. And mahalo to all the Staff and to your...to your Committee, Chair, to the Administration, and to my fellow Councilmembers, and to Lāhainā Strong for always showing up full force. I know, Chair, these are bold actions, and we're asking all of our Members to take some bold steps. So, when we're looking at the backdrop of Bill 9, especially when a lot of us are returning from...from the mainland, we expect 400,000 of us to be of Native Hawaiians, children, kūpuna, to be off of Medicare and Medicaid. And we heard on Monday that our kūpuna may have to go back to work, just so that they can keep their Medicare *[sic]* coverage. We're looking at another 144,000 of our family members that won't have food security, and lose their food benefits. Us, as DEI and the most diversified state, all of our cuts to --

CHAIR KAMA: Yeah.

COUNCILMEMBER SINENCI: -- to our grants, all of those, billions of dollars that we are losing. So, that is the backdrop of Bill 9. And I know it's...it doesn't, you know, level the...the playing field, but it...but it gives our family a fighting chance, especially for affordable housing. When we visit America, we do see high tourism areas, just like Maui. And we see how short-term rentals have displaced local families, including teachers, nurses,

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

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emergency personnel. So . . .(timer sounds). . . and we're also well above the preferential ratio of one visitor to every three residents, I think we're at two to three now. So, Bill 9 seeks to reclaim these properties for what it was intended for, for local housing. It's definitely a faster and more cost-effective way to increase local housing than trying to build our way out of this crisis. And I think, Chair, finally, as public servants, our job is to protect the health, safety, and general well-being of our communities.

CHAIR KAMA: Right.

COUNCILMEMBER SINENCI: And I think...and...and we have that purview to...to regulate our own zoning laws. So, I'm confident moving forward that, you know, we will...we will get through this. And so, I too, Chair, want to stop the exodus of our young families to the mainland. And I want to support our community in achieving affordable housing over investment profits, Chair. So, in support.

CHAIR KAMA: Thank you. Member U'u-Hodgins?

VICE-CHAIR U'U-HODGINS: I said what I said earlier, Chair, but thank you. I do know and understand that we're probably going to get sued, so best of luck to you folks, and best of luck to all of us.

CHAIR KAMA: Okay. I want to right now recognize Carla Nakata, who has some minor comments for us.

MS. NAKATA: Yes. Thank you, Chair. Apologize for the interruption, and not calling this out before we voted on the substitution. The Committee amended B(1) and B(2), the dates for the amortization periods, to impose a different period end date for West Maui and for --

CHAIR KAMA: Yeah.

MS. NAKATA: -- the remainder. Staff just wants to confirm that it has authority to conform the date under 19.12.070(A), which currently still has a deadline of July 1, 2030.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

CHAIR KAMA: Yeah.

MS. NAKATA: And the other, Staff...

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you need us to...to make that motion, or is it considered nonsubstantive because we made that...

CHAIR KAMA: She's confirming.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

---

MS. NAKATA: I...yeah, I think if...if the body is in agreement, then we're okay. And we just wanted to double-check on the prefatory language for subsection B...sorry, 19.12.070(B) with Corp. Counsel, line 4, that we can leave that July 1, 2025 date as is, given where we are in the calendar right now. Thank you, Chair.

CHAIR KAMA: They're checking, Carla.

MS. NAKATA: It's on page 4. *(pause)*

MR. NUNOKAWA: I think that's all right. Yeah.

CHAIR KAMA: Carla? They confirmed.

MS. NAKATA: Thank you, Chair.

CHAIR KAMA: Okay. And so...wow. So, I think that this concludes our day, but I also...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR KAMA: I know, I'm not done.

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

CHAIR KAMA: I...I get two minutes. Don't start the clock yet. But...yeah, so I get my two minutes. And I want to take that because this process for me has been very difficult, very hard, conflicting at time. Sometimes it just makes me wild and wicked. And when I go home, my family doesn't recognize who I am. And even sometimes when I'm here, you know, if they...my kids have a thread all across the U.S., right? And they're always commenting on this thread, and they're talking about us. And my daughters in New York watch it. My daughters in Washington watch it. And they say, ma. And they...you know, whatever you want to think about, that's what they do. But it's hard because I have...I have ten kids, right? And they all have their different opinions about Bill 9. Let me tell you. So, I know what it's like to sit out there, and I know what it's like to sit on here because when I'm with my kids, that's what it feels like. But in the end, this is what happens. You all got to do what you all know is the right thing to do because that's what moves you, right? That stuff that's deep down inside your na'au, that's what moves you. And sometimes you're good, and sometimes you're not. Sometimes you're right, and sometimes you're not. But then that's all right because the next day, you wake up and you breathe, and you start all over again, and you try to make it through that day until the rest of your life. So, as hard as this has been--and I'm already thinking about my kids, and the phone calls I'm probably going to get about why I said and did what I did--but in the end, they will be in my situation too one day. I'm sure they will. And they'll have to make hard decisions just like you will. But I hope that no matter what decisions we make, that we don't stop caring for each other, we don't stop loving each other, and that we don't ever stop talking to each other about stuff that matters. . . .*(timer sounds)*. . . And with that being said, Members, I'd like to call for the question, right? So, is it roll call vote, right? Got to be roll call? Okay. Roll call vote.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**July 24, 2025**

---

MS. MCKINLEY: Chair, proceeding with the vote...roll call vote. Chair Lee.

COUNCILMEMBER LEE: Aye with reservation.

MS. MCKINLEY: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. MCKINLEY: Councilmember Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. MCKINLEY: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Aye.

MS. MCKINLEY: Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

MS. MCKINLEY: Councilmember Cook.

COUNCILMEMBER COOK: No.

MS. MCKINLEY: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. MCKINLEY: Committee Vice-Chair U'u-Hodgins.

VICE-CHAIR U'U-HODGINS: Aye.

MS. MCKINLEY: Committee Chair Kama.

CHAIR KAMA: No.

MS. MCKINLEY: Chair, that's six "ayes," three "noes." Motion passes.

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

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**VOTE:**       **AYES:**   **Vice-Chair U‘u-Hodgins, and Councilmembers Johnson, Lee, Paltin, Rawlins-Fernandez, and Sinenci.**

**NOES:**   **Chair Kama, Councilmembers Cook and Sugimura.**

**ABSTAIN:**   **None.**

**ABSENT:**   **None.**

**EXC.:**     **None.**

**MOTION CARRIED.**

**ACTION:**    Recommending **FIRST READING** of Bill 9, CD1 (2025), by committee report.

CHAIR KAMA: Members...

UNIDENTIFIED SPEAKERS: . . .*(applause)*. . .

CHAIR KAMA: That’s all the applause? I mean, I thought it would be louder, but okay. It is now 4:26, Members.

COUNCILMEMBER SUGIMURA: Made it.

CHAIR KAMA: And the HLU Committee meeting...recessed meeting of June 9th, is now officially adjourned on July 24th, 2025. Meeting adjourned. Thank you, Members. . . .*(gavel)*. . .

**ADJOURN:**   4:26 p.m.

hlu:min:250724min-r:ds

Transcribed by: Daniel Schoenbeck

**HOUSING AND LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**July 24, 2025**

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 70 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 18th day of August 2025, in Wailuku, Hawai'i



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Daniel Schoenbeck