

**DISASTER RECOVERY, INTERNATIONAL AFFAIRS,
AND PLANNING COMMITTEE**
Council of the County of Maui

MINUTES

May 14, 2025

Online Only via Teams

CONVENE: 1:31 p.m.

PRESENT: Councilmember Tamara Paltin, Chair
Councilmember Nohelani U‘u-Hodgins, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Alice L. Lee, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (in at 1:48 p.m.)

ABSENT: Councilmember Gabe Johnson, Member

EXCUSED: Councilmember Tasha Kama, Member

STAFF: Jarret Pascual, Legislative Analyst
Keone Hurdle, Legislative Analyst (backup)
Carla Nakata, Legislative Attorney
Yvette Bouthillier, Senior Committee Secretary
Jean Pokipala, Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office
Christian Balagso, Council Aide, West Maui Residency Area, Office of Recovery at
Lahaina Gateway
Bill Snipes, Council Aide, South Maui Residency Area Office
Clyde “Buddy” Almeida, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area
Office

ADMIN.: Oliver Vaas, Captain, Department of Fire and Public Safety
Gregory Pfof, Administrative Planning Officer, Department of Planning (DRIP-3)
Jordan Hart, Executive Assistant, Office of Recovery (DRIP-3)
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Jacee Law (DRIP-10)
Others (30)

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CHAIR PALTIN: ...*(gavel)*... Will the Disaster Recovery, International Affairs, and Planning Committee meeting come to order. The time is now 1:31 on May 14th, 2025. If everyone can please silence their cell phones or any noisemaking devices, that will help our cause. Members, in accordance with the Sunshine Law, if you're not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. My name is Tamara Paltin, and I will be your Chair for today's DRIP meeting. And with us this afternoon, we have Council...Committee Vice-Chair Nohelani U'u-Hodgins. Aloha 'auinalā.

VICE-CHAIR U'U-HODGINS: Aloha 'auinalā, Chair and everyone.

CHAIR PALTIN: And next up, we have Councilmember Tom Cook. Aloha 'auinalā.

COUNCILMEMBER COOK: Aloha 'auinalā, Chair.

CHAIR PALTIN: And we have...I guess Gabe Johnson is absent. Member Kama sent an email that she's sick, excused. Next up, we have Councilmember Alice Lee. Aloha 'auinalā.

COUNCILMEMBER LEE: Aloha 'auinalā and allō to you, Chair.

CHAIR PALTIN: Allō. And next up, we have Councilmember Keani Rawlins-Fernandez. Allō, and aloha 'auinalā.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair. Aloha 'auinalā kākou mai Moloka'i nui a Hina. I'm at my Moloka'i District Office, alone on my side of the office. And there are currently no testifiers here at the district office, but there might be later. Okay. Mahalo, Chair.

CHAIR PALTIN: Thank you. Member Lee, were you alone?

COUNCILMEMBER LEE: Yep. All alone in my workspace.

CHAIR PALTIN: Okay. Thank you. And next up, we have Councilmember Sinenci. Aloha 'auinalā.

COUNCILMEMBER SINENCI: Hey. Aloha 'auinalā, Chair. Here at my home office, and I'm here by myself, and there are no testifiers here in Hāna.

CHAIR PALTIN: Thank you. And next up, we have Councilmember Yuki Lei Sugimura, who looks like absent at this point. This Committee...or this meeting of the Disaster Recovery, International Affairs, and Planning Committee of the Maui County Council is located on the traditional 'āina of Kānaka 'Ōiwi, who never ceded their sovereignty to the United States. We recognize that Her Majesty Queen Liliuokalani yielded the Hawaiian Kingdom to the U.S. in duress under threat of

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violence to avoid the bloodshed of her people. We further recognize that Hawai'i remains an illegally-occupied nation-state by the U.S., as documented in a 2021 scholarly article for the National Lawyers Guild Review by Andrew Reid, Adjunct Professor of Law at the University of Denver Sturm College of Law. Generations of Kānaka Maoli and their knowledge systems have sustainably cared for Hawai'i, and continue to do so. We are grateful to occupy this space and learn the ways in which we can contribute. As a Committee, we seek to support the varied strategies that the indigenous people of Hawai'i are using to protect their land and their communities, and commit to dedicating time and resources to working in solidarity. From the Administration, we have Deputy Corporation Counsel Mike Hopper; Administrative Planning Officer in the Department of Planning for DRIP-3, Greg Pfost; also for DRIP-3, we have Executive Assistant, Office of Recovery, Jordan Hart; and for DRIP-10 and DRIP-3, we have Fire Captain, Department of Fire and Public Safety, Oliver Vaas; and also for DRIP-10, DRIP-3, Assistant Chief, Department of Fire and Public Safety, Ryan Otsubo. Our Committee Staff today, we have Senior Committee Secretary Yvette Bouthillier; Legislative Analysts Jarret Pascual and Keone Hurdle; Legislative Attorney Carla Nakata; and Assistant Clerk Jean Pokipala. On the agenda, we have two bills: DRIP-10, which is Bill 39 (2025), Relating to Fire Hazard Removal; and DRIP-3, Bill 104 (2024), Amending Chapters 19.04, 19.08, and 19.29, Maui County Code, Relating to Kitchens, Kitchenettes, and Wet Bars; and Section 19.36B.020, Maui County Code, to Add Parking Requirements for Dwelling Units with Kitchenettes. We will take testimony after opening remarks or presentations.

BILL 39 (2025), RELATING TO FIRE HAZARD REMOVAL (DRIP-10)

CHAIR PALTIN: So, moving along to DRIP-10, Bill 39 (2025), Relating to Fire Hazard Removal. The Committee is in receipt of Bill 39 (2025), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.68.030, MAUI COUNTY CODE, RELATING TO FIRE HAZARD REMOVAL." The purpose is to amend Subsection 3.68.030(A), Maui County Code, to update an obsolete Fire Code reference for civil fines. The Committee may consider whether to recommend passage of Bill 39 (2025) on first reading, with or without revisions. The Committee may also consider the filing of Bill 39 (2025) and other related action. So, coming out of a long budget season, I...I scheduled this because it hopefully, knock on wood, is fairly easy and straightforward. So, at this time, I'd like to receive any opening comments from the Department of Fire and Public Safety, followed by Corp. Counsel, if there are any. And if there are clarifying questions, we'll save discussion until after testimony is through. Captain Vaas or Assistant Chief Otsubo, do you have any opening comments about DRIP-10, Bill 39?

MR. VAAS: We have no comments at this time, but we're here for questions. Chief Otsubo is currently in another meeting. I can reach him if there's something outside of my purview, but I'm here for you guys. Thank you.

CHAIR PALTIN: Thank you, Captain Vaas. Corporation [sic] Counsel, Mr. Hopper, do you have any opening comments you'd like to make?

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MR. HOPPER: No comments, Chair. Thank you.

CHAIR PALTIN: Thank you. Okay. So, for public testimony for DRIP-10, written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas. Testifiers wanting to provide oral testimony should join the online meeting via Microsoft Teams link provided...printed on today's agenda, or call in to the phone number, which is also on today's agenda. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button near the top right of your screen. For those calling in, please follow the prompts via phone. Staff will add names to the testifier list in the order testifiers sign up or raise their hands. For those on Teams, Staff will lower your hand once your name is added. Staff will then call the name you're logged in under, or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. Please ensure your name on Microsoft Teams appears as the name you prefer to be referred to, or as anonymous if you wish to testify anonymously. If you are in-person, please notify Staff that you would like to testify anonymously. Otherwise, please state your name for the record at the beginning of your testimony. Oral testimony is limited to three minutes. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Once you are done testifying, or if you do not wish to testify, you can also view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. At this time, we will call on any testifiers wishing to testify on DRIP-10 Bill 39.

MR. HURDLE: Chair, there are currently no individuals signed up to testify. I do see someone approaching the podium though.

CHAIR PALTIN: All righty. We're ready for your testimony.

. . .OPEN PUBLIC TESTIMONY (DRIP-10). . .

MR. LAW: Did you read me the Riot Act? Yeah.

CHAIR PALTIN: Oh, I just did.

MR. LAW: All right. Jacee Law. I was just...I should know better now to ask for more punishment, but Maui County Code, Section 3.68.030--I'm not allowed in the library across the street, it's not...it's a State library--I know that's not got to do with you guys. So, I'm going to go to the--I think Mr. Vaas there at the Fire Department, I'm assuming he's at the Kahului Station because that's where most of the stuff is going on--and I'm going to ask them if I could see this Maui County Code section. And I'll let you all know what...what they say because I'm kind of wearing out my favors here with the Council Services Office. And what I'm trying to say is there's no...doesn't seem to be any access to the information by the public here in the County Building. Thank you very much for your time. I give the rest of my time to the Hawaiians.

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CHAIR PALTIN: Thank you, sir. Members, any questions for the testifier? Seeing none. Thank you for your testimony.

MR. HURDLE: Chair, we'll do a last call for testimony. If anyone in the audience or on Teams would like to testify, please come to the podium or raise your hand on teams. This is the countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR PALTIN: Thank you. Members, without objection, I will now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Public testimony is closed.

. . .CLOSE PUBLIC TESTIMONY (DRIP-10). . .

CHAIR PALTIN: Members, I would like to open the floor for discussion. I propose as many rounds of questions as we need. Each Member will have up to five minutes if they need it. Does anyone have any discussion on Bill 39? It basically just repeals the part that says, pursuant to Section 16.04A.630 of the Code, which has...that part of the Code has been amended and no longer exists, and it says, in accordance with Section 16.04E.170. And as we amended the Fire Code before the end of this past calendar year, it's about creating a separate account to record all revenues derived and expenses incurred which result from fire hazard removal services performed by the County, and to record all revenues derived from civil fines collected in accordance with that section. And any discussion, questions, anything? It's almost kind of a procedural. Yes, Chair Lee.

COUNCILMEMBER LEE: Chair's recommendation?

CHAIR PALTIN: My recommendation is to pass Bill 39 (2025), Relating to Fire Hazard Removal, on first reading.

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

COUNCILMEMBER LEE: So moved.

CHAIR PALTIN: Moved by Chair Lee, second by Committee Vice-Chair Nohe U'u-Hodgins. Any discussion, Chair Lee or Vice-Chair?

COUNCILMEMBER LEE: No discussion. No discussion. Thank you.

CHAIR PALTIN: Okay.

VICE-CHAIR U'U-HODGINS: No discussion. Thank you.

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CHAIR PALTIN: All those in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, it looks like you have six “ayes,” zero “noes,” three excused, Members Johnson, Kama, and Sugimura. Motion passes.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson, Kama, and Sugimura.

MOTION CARRIED.

ACTION: Recommending **FIRST READING** of Bill 39, CD1 (2025) by
 committee report

CHAIR PALTIN: Thank you. Good job, everyone. Okay. Moving on to the next one.

**BILL 104 (2024), AMENDING CHAPTERS 19.04, 19.08, AND 19.29, MAUI
COUNTY CODE, RELATING TO KITCHENS, KITCHENETTES, AND WET BARS;
AND SECTION 19.36B.020, MAUI COUNTY CODE, TO ADD PARKING
REQUIREMENTS FOR DWELLING UNITS WITH KITCHENETTES (DRIP-3)**

CHAIR PALTIN: We’ve got DRIP-3, Bill 104 (2024), Amending Chapters 19.04, 19.08, and 19.29, Maui County Code, Relating to Kitchens, Kitchenettes, and Wet Bars; Section 19.36B.020, Maui County Code, to Add Parking Requirements for Dwelling Units with Kitchenettes. So, the Committee is in receipt of that original bill from 2024, and we also have an amendment summary form dated November 14th, 2024, from the Housing and Land Use Committee, ’23-’25 term, with a proposed CD1 version of Bill 104, “A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04, 08, 29, AND 36B.” The proposed CD1 version incorporates clarifying revisions to the bill’s title and purpose statement; removes the requirements for dwelling units with kitchenettes to be occupied on a long-term residential basis--I think because of legality, not because we really wanted to do that--and to have one additional off-street parking space for each kitchenette from the definition of kitchenette, and inserts the requirements into 19.08 and 19.29, Maui

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County Code; and three, incorporates technical and nonsubstantive revisions. There are also two additional amendment summary forms dated March 12th, 2025 and May 6th, 2025. The first ASF was at the request of the Department of Planning, amending the definition of “kitchenette” to add the phrase “that is internally accessible via an enclosed living area,” and to prohibit gas appliances; and two, prohibiting kitchenettes in accessory dwelling units. The second amendment summary form dated May 6th is from myself, reducing the number of permitted kitchenettes in a dwelling from two to one, and the number of permitted wet bars from two to one within the County Residential and Rural districts of Maui and Lānaʻi; and two, removing kitchenettes and wet bars as a permitted use in accessory dwelling units in the rural districts of Maui and Lānaʻi. The Committee may consider whether to recommend passage of Bill 104 (2024) on first reading, with or without revisions. The Committee may also consider the filing of Bill 104 (2024) and other related action. So, I scheduled this item because when I scheduled 103 and 104 together, there wasn’t much discussion of 104. This is about the third or so...third or fourth time we’re hearing Bill 104, and so I felt more comfortable to move forward. The DRIP Committee discussed Bill 104 at its meetings of February 19th, 2025, and March 19th, 2025. HLU Committee also met in November 2024, during the ’23-’25 Council term, to discuss Bill 104. So, three times, this will be the fourth time. A letter was sent to the State Attorney General’s Office inquiring if Bill 103, or Bill 104, or both, could satisfy the requirements of Act 39 (2024). No response was provided to date. Granicus number 34. Jordan Hart suggested that we consider Bills 103 and 104 as they are presented, and address Act 39’s requirements in a separate ordinance. I did also meet with Senator Schatz’s aide, Mr. Dahilig, and he helped in the drafting of Act 39. And he said that he did include that reasonable equivalent to allow the counties to have the flexibility, and that it wouldn’t necessarily be the Attorney General to make a ruling. It would be the State judiciary if the County were sued for noncompliance of Act 39, which is kind of similar to what Mr. Hart had said previously to me, although I don’t know if he said it publicly. But now I did. You’re welcome. So, an ASF was prepared to prohibit gas appliance in kitchenettes at the request of the Department of Planning after a meeting with Fire and Public Works. This is addressed in the ASF. So, did either Mr. Hart or Mr. Pfof want to give any opening comments before we take public testimony?

MR. PFOF: Thank you, Chair. I have just one minor comment on the...the most recent ASF, the March...no, actually the March 19th ASF and the November 20th Bill 104 CD1 version. There’s just a minor slight change that needs to be made to a Code reference number.

CHAIR PALTIN: Oh, the numbering, yeah.

MR. PFOF: Yeah, yeah.

CHAIR PALTIN: We did notice that.

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MR. PFOST: It's...it's already taken...it's already taken by another Code section that was recently adopted last year. So, it's 19.29.045 needs to change that Code number. So, I just wanted to make reference to that.

CHAIR PALTIN: Thank you. Yeah. If there were no objections, I was going to renumber the proposed section as like a nonsubstantive revision.

MR. PFOST: Yeah.

CHAIR PALTIN: Thank you for pointing that out in case Ms. Nakata hadn't caught in it, but she caught...caught it. Mr. Hart, any opening comments?

MR. HART: Chair, thank you very much. I'll keep it brief, but just not...not really being certain about the...the structure of the meeting coming up. I just want to throw it out there that, you know, I...I definitely appreciate all the progress that's been made, and it sounds like there is interest in...in at least passing one potential kitchenette. I just want to point out, or advocate one last time, that if...currently, you can do two wet bars. So, if...if you were to reduce the number of wet bars to two, and people had legal ones now, those would become nonconformities. And then in a scenario where people had one or two, and they were currently--well, at least two, let's say--and they were illegally relying on them as essentially junior ADU units or something like that, they wouldn't have an opportunity to legally correct those now. And so, on that basis, I'd like to...to just request the reconsideration of going for two, but I'll leave it at that. Thank you.

CHAIR PALTIN: Thank you. Okay. We will now move on to public testimony for DRIP-3. At this time we will call on testifiers wishing to testify on DRIP-3.

. . .OPEN PUBLIC TESTIMONY (DRIP-3). . .

MR. HURDLE: Chair, there are currently no individuals signed up to testify. If anyone would like to testify, please come up to the podium or raise your hand on Teams. Seeing none. Chair, I'll do a last countdown. The countdown is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR PALTIN: Thank you. At this time, I would like to recognize that Member Sugimura has joined the meeting.

COUNCILMEMBER SUGIMURA: Good afternoon, Chair.

CHAIR PALTIN: Good afternoon. Okay. So, seeing as there were no testifiers on DRIP-3...oh, shucks, I didn't ask if Fire had any comments, but they can...if anyone wants to ask them. Members, without objection, I will now close public testimony.

COUNCILMEMBERS: No objections.

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CHAIR PALTIN: Okay. Public testimony is closed.

. . .CLOSE PUBLIC TESTIMONY (DRIP-3) . . .

CHAIR PALTIN: Members, I would like to open the floor for discussion. I propose as many rounds of questions as is needed. Each Member will have up to five minutes if needed. And once the discussion is exhausted, the plan, if we're going to move forward, is to substitute with the HLU version, and then work through the two amendments. Anyone have any questions? For discussion...or discussion before we move forward? Oh, no...no questions? Everybody . . .*(inaudible)*. . . then? Okay. Chair Lee.

COUNCILMEMBER LEE: But I was understanding you to mean that before we move forward, you...you're going to discuss the first ASF, and then go to the next two? Or how...or you're going to do all three?

CHAIR PALTIN: Okay. I guess we can discuss in between each action. So, I'm...I'm recommending passage of Bill 104, Amending Chapters 19.04, 19.08, and 19.29, Maui County Code, Relating to Kitchens, Kitchenettes, and Wet Bars, and Section 19.36B.020, Maui County Code, To Add Parking Requirements for Dwelling Units with Kitchenettes on first reading. I'll entertain a motion to recommend passage of Bill 104 on first reading.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: So moved.

CHAIR PALTIN: Moved by Member Sugimura, second by Chair Lee. At this point, the Chair will entertain a motion to substitute Bill 104 with the proposed CD1 version posted on today's agenda, dated November 14th, 2024.

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

CHAIR PALTIN: Moved --

COUNCILMEMBER LEE: So moved.

CHAIR PALTIN: -- by Member U'u-Hodgins, second by Chair Lee. So, in summary, the proposed CD1 version, which is, I believe, Granicus number 1 [*sic*] under DRIP-3, and it was made by the HLU Committee during the '23-'25 Council term, incorporates clarifying revisions to the bill's title and purpose statement, and removes the requirements for dwelling units with kitchenettes to be occupied on a long-term residential basis because we can't do that legally, and to have one additional off-street parking space for each kitchenette...from the definition of kitchenette, and inserts the requirements into chapters 19.08 and 19.29, and incorporates technical and

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nonsubstantive revisions. So, that's the substitution that Member U'u-Hodgins moved, and Chair Lee seconded. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo for that explanation. Very clear process. My question is regarding the substituted bill. Is...is that Granicus item number 13, November 14, 2024, from the HLU Committee Chair?

CHAIR PALTIN: I believe it is, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. I just wanted to make sure. Because I thought I heard you say Granicus item number 1.

CHAIR PALTIN: My bad.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. All right. All right. Just making sure I wasn't hearing things. Very good. Okay. I'm on the same page.

CHAIR PALTIN: Okay. Yeah, same page. All right. So, any further discussion? Seeing none. Are we ready for...all those in favor raise your hand and say...

MS. NAKATA: Excuse me, Chair.

CHAIR PALTIN: Oh.

MS. NAKATA: I think the Committee may wish to entertain the other ASFs before voting on the substitution.

CHAIR PALTIN: Oh, okay. I thought Chair Lee wanted to go --

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR PALTIN: -- one at a time, but yeah, that makes sense. Go ahead, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Well, under Robert's Rules, before voting on the substitution, you make all your amendments. I don't know about Rosenberg's, but...so the amendment summary form, the next one with the amendments that we will be taking up to amend the substituted ASF Granicus item 13 is Granicus item 35?

CHAIR PALTIN: I believe it's 30. Wait, March --

COUNCILMEMBER RAWLINS-FERNANDEZ: 30...

CHAIR PALTIN: -- yeah, 30, Granicus item 30.

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COUNCILMEMBER RAWLINS-FERNANDEZ: 30. Oh, okay. Okay. All right. Very good. Mahalo for that clarification.

CHAIR PALTIN: Sure thing. The Chair will next entertain a motion to amend the proposed CD1 version of Bill 104 (2024), as stated in the second ASF on the agenda, which is DRIP number 30...or Granicus item DRIP-3, number 30. And would anyone like to make that?

COUNCILMEMBER LEE: So moved.

VICE-CHAIR U‘U-HODGINS: Second.

CHAIR PALTIN: Moved by Chair Lee, and seconded by Member U‘u-Hodgins. Members, this ASF amends the definition of “kitchenette” to read as follows: “Kitchenette” means an area that is internally accessible via an enclosed living area within a dwelling unit, in addition to the kitchen, used for the small-scale preparation and serving of food and beverages that may contain a sink; a refrigerator, seven and-one-half cubic feet or smaller; and small appliances for the preparation of hot food or beverages, such as countertop appliances and a two-burner range. A kitchenette may not contain a 220-volt electrical outlet or gas appliances. And further, amends Section 3 and 4 of the proposed CD1 version of Bill 104 (2024), Sections 19.08.055 and 19.29.045 to read as follows: **“Kitchenettes; requirements; prohibitions.** A. Dwelling units with kitchenettes must be occupied on a long-term residential basis only. One additional off-street parking space must be provided for each kitchenette. B. Kitchenettes are not permitted in accessory dwelling units. Any discussion, Members? Or comments from Planning or Fire? No? Okay. Yes?

COUNCILMEMBER SUGIMURA: So, as you’re going through all of this, I would really love to hear the implications of having...it sounds like we’re trying to rebuild maybe some of the homes that got burnt so that they can have these additional uses, and I wonder what Office of Recovery has to say about this. I know that you’re supportive of it, I just want to...

CHAIR PALTIN: To clarify, this...this is Countywide except for --

COUNCILMEMBER LEE: Moloka‘i.

CHAIR PALTIN: -- Moloka‘i. So, it’s...it’s not --

COUNCILMEMBER SUGIMURA: Lāna‘i and Maui.

CHAIR PALTIN: -- just Lahaina. Did Lāna‘i...Lāna‘i?

VICE-CHAIR U‘U-HODGINS: No, I think Lāna‘i is included.

CHAIR PALTIN: Lāna‘i wants it?

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COUNCILMEMBER SUGIMURA: Lānaʻi is included, Molokaʻi is not, yeah?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR PALTIN: Yeah.

COUNCILMEMBER SUGIMURA: I just --

CHAIR PALTIN: And...

COUNCILMEMBER SUGIMURA: I really wonder what the...I can hear...I can still hear the testifier saying that my house...there's a house at the end of my street, and they have 12 bedrooms, and all these parked cars on the street. And it sounds like this will provide that opportunity legally, which is good, and as long as the County, who, you know, has to monitor these kinds of things...okay, not only in West Maui, but that testifier was from West Maui, and I just wonder, you know, how this would impact all of Maui then, and I guess Lānaʻi too, not Molokaʻi.

CHAIR PALTIN: Sure. Mr. Hart, I think, wrote the bill, or Planning wrote the bills, or both of them wrote the bills, so I believe they're supportive of this part of it, but sure, go ahead, Mr. Hart.

MR. HART: Chair, thank you. So, the one we have today is...is the kitchenettes only. I believe on the day that we heard from the West Maui testifier, there was...the density bill was being taken up at the same time--I believe that's Bill 103--and within that action, we did talk about increasing the parking requirements by bedroom. Once you get to the third bedroom, after you go over that, the proposal that...that had been discussed last was to start to add one parking stall per additional bedroom. And I think that that would--and that was part of the suggestion that he made also, by the way--but I think that that would address, when you start to get these large-scale homes that...that are a single unit, this bill would assist or support that, in that it triggers...and one additional parking stall, just for the kitchenette that would be proposed, standalone from whether or not other bills pass, to increase the number of...of stalls by bedroom. So, let's say the other one that...that's being discussed passes. That would be standalone. Let's say you get...you propose five bedrooms. So, you start with two stalls to get you to three bedrooms plus two more. So, that's five...five bedroom, or sorry four...four stalls for a five-bedroom house, and then you add a kitchenette. You would add another stall for the kitchenette itself. So, I think that this measure does try to address onsite, on-property parking, but the broader issue that was being discussed, there's another measure, and I think that we're...we're propose a decent fit in that one that...that I'm assuming that will be taken up at a later time. Thank you.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

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CHAIR PALTIN: Any further discussion, Members? Seeing...oh, seeing Member U'u-Hodgins, go ahead.

VICE-CHAIR U'U-HODGINS: Thank you. This is just a little bit similar to the conversation I had with Water Department, in where we're going to have to figure out how to be flexible. Because if not, people are just going to do it, and then there's no regulation. And then we get into a safety issue, and then we get into a 19-car per single-family dwelling issue. And it's best if we realize, in my opinion anyway, where we can flex, and how we can flex...and I don't mean like this kind of flex, but I mean like the rules, right?...so that we can make things make the most sense. If not, people will find a way, and we'll just have illegal kitchens and no parking. Or they will just pretend there's no plumbing there when there's plumbing, and we're just living on top of each other. So, this does provide a little bit more oversight on our end, I would assume. And acknowledging that the cost to rebuild is just so expensive, that you have to sometimes live with your grandma, or your dad, or your mom, and your brother or your sister, and you would probably like some privacy, and not share every common space. But I think that's...that's a conversation we'll also have in Bill 103 as we figure out how to deal with our limited supply of land, our limited supply of housing, and our...and our people, and ensuring that they're housed safely. But that's all I have. Thanks, Chair.

CHAIR PALTIN: Thank you. Any further discussion? Chair Lee.

COUNCILMEMBER LEE: Yeah. Can I ask Member U'u-Hodgins for clarification? So, are you saying that this bill before us, as-is, will tend to promote abuse?

VICE-CHAIR U'U-HODGINS: No.

COUNCILMEMBER LEE: Was that your point?

VICE-CHAIR U'U-HODGINS: No. It...it...it gives us a mechanism to ensure safety. Because right now, when we pretend like it's not happening, that's when abuse happens. And I...I...I won't use this as a discussion point to not confuse it, but like, we had...I had a discussion with Water Upcountry, and until we can figure out how to figure out how to have more water Upcountry, and then people are just building bedrooms, and they're going to pretend there's no bathroom...or they're going to just have 15 bedrooms and one bathroom, and the use is the...is the same. So, we need to just be realistic. I don't think this is going to...at least (*knocking on wood*) I hope it's not going to allow for abuse, but it's been what's happening. So, it allows us to have some sort of safety, and regulation, and review process to ensure that our people are safe. So, you don't have some sort of...

COUNCILMEMBER LEE: So, you support this?

VICE-CHAIR U'U-HODGINS: Yes, yes. You don't have some sort --

COUNCILMEMBER LEE: Yeah.

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VICE-CHAIR U'U-HODGINS: -- of, you know, part-time YouTube electrician making...making all kind additions to your house because you can't get it permitted.

CHAIR PALTIN: Because you can't get a licensed electrician. Okay. Any further discussion? Seeing none. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, I see seven "ayes," zero "noes," two excused, Members Johnson and Kama. Motion passes. You are back to the motion to substitute as amended.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Kama and Johnson.

MOTION CARRIED.

ACTION: APPROVE to substitute with proposed CD1 version (November 2024 ASF) and to amend substitution with March 12 (2) ASF

CHAIR PALTIN: Thank you. The Chair will now entertain a motion to amend the third proposed CD1 version of Bill 104 (2024), as amended, as stated in the third posted ASF on the agenda, which is Granicus item DRIP-3, number 35.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER SUGIMURA: Oh, second.

CHAIR PALTIN: Moved by Chair Lee, seconded by Member Sinenci. First, amend Section 6 of the proposed CD1 version of Bill 104 by amending subsection 19.08.020(M) to read as follows: "M. On Maui and Lānaʻi, all dwelling units permitted under this section may also contain one kitchenette, one wet bar, or one kitchenette and one wet bar, regardless

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of the dwelling unit's square footage. On Moloka'i, dwelling units may not contain a kitchenette but may contain wet bars in accordance with the definition in section 19.04.040." And second, amends Section 7 of the proposed CD1 version, Subsection 19.29.030(A)(7) to read as follows: "7. On Maui and Lāna'i, all principal dwelling units permitted under this section may also contain one kitchenette, one wet bar, or one kitchenette and one wet bar, regardless of the dwelling unit's square footage. On Moloka'i, dwelling units may not contain a kitchenette, but may contain wet bars in accordance with the definition provided in section 19.04.040." So, this one is from me, and in light of the proposal in Bill 103 that we're still working through, as well as Act 39, it seemed a little overkill to have two kitchenettes in one dwelling when we're considering having multiple dwellings on a lot, whether it's R-1, R-2, or R-3, maximum 6,000 square feet, 7,500 square feet, or 10,000 square feet. So, you know, it could be one wet bar, it could be one kitchenette, it could be one wet bar and one kitchenette. Mr. Hart did say that it's kind of walking it back from two wet bars, but what we need is housing. So, if they want to do a wet bar and a kitchenette, hopefully the kitchenette would satisfy our housing needs, but that's up to this body as the policymakers to decide if it's two kitchenettes, two wet bars, or any combination of the...the...thereafter. So, any discussion, Members?

VICE-CHAIR U'U-HODGINS: I can...while I have either of these Planning gentlemen here, I think I know the definition of a wet bar, but will somebody just spell it out for us, please?

CHAIR PALTIN: Mr. Pfof or Mr. Hart, whoever would like to respond, or can respond first. I see a green light over here.

MR. PFOF: I think maybe if I...if I jump in real quick here. On...on the original Bill 104 CD1 version actually includes the definition of wet bar. Because originally we were taking a stab at trying to amend that version of wet bar, and...and it still does include some revisions. But...and generally...generally, you can have up to two wet bars on a property if your...if your dwelling unit is less than 5,000 square feet, and you can have three wet bars if your dwelling unit is over 5,000 square feet. So, the proposed ASF then would reduce that for Lāna'i and Moloka'i...Lāna'i and Maui, reduce that from two wet bars, or possibly three, just down to one wet bar, or one wet bar and one kitchenette. So, in other words, it reduces the number of wet bars that are possible in Lāna'i and Maui. On Moloka'i, it would stick with the existing wet bar definition, which allows for two for a dwelling unit under 5,000, and three for a dwelling unit over 5,000.

CHAIR PALTIN: Oh, could...could you refresh the body too, on the definition of wet bar? Like you can prepare drinks and have a blender?

MR. PFOF: Yeah. A wet bar is really...importantly, there's a distinction between wet bar and kitchenette because a wet bar is for the preparation of hot and cold beverages only, so you cannot produce any kind of food. So, that's why we added the kitchenette, to allow for the preparation of hot or cold food as well, so it actually creates more of a kitchen environment. The wet bar then is also restricted to the same kind of size refrigerator,

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the smaller refrigerator as well, to keep things smaller, and a smaller sink as well to keep things all small, so...

VICE-CHAIR U'U-HODGINS: Thank you. Thank you. So, in the grand scheme of things, you could take a house with a kitchen, add a kitchenette, and add a wet bar with this. Okay. Can you or somebody explain how come it says--and I'll read it--all dwelling units permitted under this section may also contain one kitchenette, one wet bar, or one kitchenette and one wet bar. How come we have it twice, but just one says kitchenette first and then the other says wet bar, and then we say wet bar, then kitchenette?

CHAIR PALTIN: To me, it's different sections of the Code. Staff? Like, you mean "M" and "7," why are we saying it twice?

VICE-CHAIR U'U-HODGINS: No, just in M. It says, permitted under this section may also contain one kitchenette, one wet bar, or one kitchenette and one wet bar, regardless of the dwelling's unit square footage. So, it just feels redundant.

CHAIR PALTIN: Okay. I...I can...I can explain that one.

VICE-CHAIR U'U-HODGINS: Okay.

CHAIR PALTIN: So, you have a dwelling unit, you could have a wet bar, or you could have a kitchenette, or you can have a wet bar and a kitchenette, but you can't --

VICE-CHAIR U'U-HODGINS: Oh.

CHAIR PALTIN: -- have two kitchenettes, you can't have two wet bars. You could have one wet bar.

VICE-CHAIR U'U-HODGINS: Kitchenette, comma, wet bar, comma, or one kitchenette and one wet bar, comma.

CHAIR PALTIN: Correct.

VICE-CHAIR U'U-HODGINS: I hear you, I get it. It just feels redundant. I know what you mean, but we just said kitchenette twice and wet bar twice in a very short sentence. I get it grammatically.

CHAIR PALTIN: Oh, you want to wordsmith? We can wordsmith.

VICE-CHAIR U'U-HODGINS: No, I don't necessarily want to wordsmith, but it's...they're going to go, huh? And then they're going to have to have this very basic conversation where we discuss commas and an and...which I'm okay with, you know, but I don't know. I feel like there's a better way to say that, but I don't know how to say it nicely.

COUNCILMEMBER SUGIMURA: Mr. Hart?

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CHAIR PALTIN: Yeah, that would...that would fall under wordsmithing, so may also contain one kitchenette and one wet bar, or one of either? Is that better?

VICE-CHAIR U'U-HODGINS: I don't know, I just read it . . . *(inaudible)* . . . I don't necessarily have a suggestion, but if I read it and I'm confused...because it just sounds like you're allowed the same thing.

CHAIR PALTIN: One kitchenette, one wet bar, or one of each?

VICE-CHAIR U'U-HODGINS: Yeah, I'm really...yeah, whatever works. I'm not trying to split hairs, but I was just confused when I was reading it. One kitchenette --

CHAIR PALTIN: Would one of each --

VICE-CHAIR U'U-HODGINS: -- one wet bar --

CHAIR PALTIN: -- be acceptable --

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

CHAIR PALTIN: -- attorney-speak, legislatively speaking?

MS. NAKATA: Chair, I think you can probably just say one kitchenette and one wet bar, and it'll be understood that you can have one or the other, as well as both.

CHAIR PALTIN: Yeah, let's do that.

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

CHAIR PALTIN: I would like to accept that as a friendly amendment, unless Mr. Hart has a problem.

MR. HART: Can I...can I just clarify, or can the language be put up? It sounded like it was one or the other, the way it was described, but I didn't...

VICE-CHAIR U'U-HODGINS: Should it say and/or?

CHAIR PALTIN: One kitchenette and/or one wet bar.

MR. HART: And/or. Okay.

CHAIR PALTIN: No? Oh. Ms. Nakata?

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MS. NAKATA: Chair, Staff would just say that we generally disfavor and/or. I believe that if we said one kitchenette and wet bar...and one wet bar, it would be understood that either/or is also permissible.

CHAIR PALTIN: One kitchenette and one wet bar. Is everyone okay with that as a friendly amendment? May also contain one kitchenette and one wet bar, regardless of the dwelling unit's square footage. Yada, yada.

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

CHAIR PALTIN: Okay.

VICE-CHAIR U'U-HODGINS: Thank you. I appreciate that.

CHAIR PALTIN: Everyone's okay with that as a friendly amendment? Wordsmith. And we can do the same for number 7. May also contain one kitchenette and one wet bar, regardless... Any further discussion, Members? Seeing none. Three...two...one. All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, you have seven "ayes," zero "noes," two excused, Members Johnson, and Kama. Motion passes. You are back to the motion to substitute as amended.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson and Kama.

MOTION CARRIED.

ACTION: APPROVE to amend substitution with May 6 ASF

CHAIR PALTIN: Thank you, Members. We'll return to the main motion as amended, unless anyone wants to make additional amendments, or has discussion on the main motion as amended. Seeing none...in three...two...one. All those in favor, raise your hand and say "aye."

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COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, you have seven “ayes,” zero “noes,” two excused, Members Johnson, and Kama. Motion to substitute passes. So, this is now the main motion as amended.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Johnson and Kama.

MOTION CARRIED.

ACTION: APPROVE motion to substitute as amended

CHAIR PALTIN: Any further discussion on the main motion as amended? In three...two...one. All those in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven “ayes,” zero “noes,” two excused, Members Johnson and Kama. Motion passes.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Johnson and Kama.**

MOTION CARRIED.

ACTION: Recommending **FIRST READING** of Bill 104, CD1 (2024) by committee report

CHAIR PALTIN: All righty, gang. This concludes today’s Disaster Recovery, International Affairs, and Planning Committee meeting. Thank you very much, everyone. The time is now 2:18, and this meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 2:18 p.m.

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Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 20 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 3rd day of June 2025, in Wailuku, Hawai'i



Daniel Schoenbeck