

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

July 24, 2024

Online Only via Teams

CONVENE: 9:04 a.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Tom Cook, Vice-Chair
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
Councilmember Nohelani U‘u-Hodgins, Member

STAFF: Paige Greco, Legislative Analyst
Ellen McKinley, Legislative Analyst
Eric Arquero, Legislative Analyst
Jennifer Yamashita, Committee Secretary
Carla Nakata, Legislative Attorney
Lei Dinneen, Council Services Assistant Clerk

Residency Area Office (RAO):

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
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Kate Blystone, Director, Department of Planning (HLU-3(19))
Danny Dias, Planning Program Administrator, Department of Planning (HLU-3(19))
Greg Pfof, Administrative Planning Officer, Zoning Administration and Enforcement Division, Department of Planning (HLU-3(19))
David Raatz, Director, Office of Council Services (HLU-3(18))

OTHERS: Mike Moran (HLU-3(19))
Johann Lall (HLU-3(19))
Tom Croly (HLU-3(19) and HLU-3(18))
Pamela Tumpap, President, Maui Chamber of Commerce (HLU-3(19) and HLU-3(18))
Rob Weltman (HLU-3(19))
Albert Perez (HLU-3(19) and HLU-3(18))
Gary Saldana, Government Affairs Director, Realtors Association of Maui (HLU-3(18))

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Candace Shaw (HLU-3(18))
Katie Austin (HLU-3(18))
Clint Hansen, Maui Tomorrow (HLU-3(18))
Carol Lee Kamekona (HLU-3(18))
Caitlin Miller, Executive Director, Maui Vacation Rentals Association (HLU-3(18))
Shannon I'i (HLU-3(18))
Additional attendees (51)

Resource Personnel:

Mike Moran
Rob Weltman

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

CHAIR KAMA: . . . *(gavel)* . . . Will the Housing and Land Use Committee meeting of July 24th, 2024, come to order. It is now 9:04 a.m. 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 in the Planning Conference Room, please identify by name who, if anyone, is in your workspace with you today. Minors do not need to be identified. I'm in my workspace, and I am alone by myself. Any questions before we continue, Members? Seeing none. Thank you. So, Committee Voting Members for today, I want to say aloha kakahiaka and osiyo. So, let's begin with our Committee, Council Chair Alice Lee to tell us where does that word come from, and what does it mean?

COUNCILMEMBER LEE: Morning, Chair. And morning, everyone. I'm home alone in my workspace. It's so hot outside, my...my dog is complaining. But anyway, osiyo is from the Cherokee Nation. And that is the...the greeting from their...that's how they greet each other in their tribe.

CHAIR KAMA: Beautiful. Thank you. And now we're going to continue with osiyo to Committee Vice-Chair Tom Cook, who is in the Planning Conference Room. Thank you for showing up, Tom. Good morning.

VICE-CHAIR COOK: Aloha. Aloha. Good morning. Osioyo to all. I am here alone with the OCS Staff in the Planning Conference Room, and looking forward to today's meeting. Thank you.

CHAIR KAMA: Thank you. I want to say osiyo to Council Vice-Chair Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Osioyo, everyone. And I'm here in Kula, and wanting to let you all know that I have a herd of axis deer behind my house...for real. So, they're still around, and a problem. But I'm here at home in my office space alone. My husband is downstairs.

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CHAIR KAMA: Okay. Thank you. I want to say also osiyo to Councilmember Tamara Paltin in her new office. Good morning.

COUNCILMEMBER PALTIN: Osiyo and aloha kakahiaka kākou. I'm streaming live and direct from the Lāhainā Recovery Center, where I'm alone in the closet. On the outside --

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

COUNCILMEMBER PALTIN: -- there's Evelyn and Emmanuela from FEMA, Angela Lucero from my office, Debra Nelson from SBA, Madai Lopez (*phonetic*) from MEO, and Morris Haole from the Mayor's Office. And I have no idea what kind of members of the public are outside. But that's just who is with me this morning.

CHAIR KAMA: Thank you for that list of people that are surrounding you this morning. I want to say also good morning and osiyo to Councilmember Keani Rawlins-Fernandez. Good morning.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou. I am currently at a friend's private residence in Manoa. And there is no one in the room with me. And I'm so happy Member Paltin has got...gotten her new space. The Office of Recovery in Lāhainā is...is...is such a nice space to...to work out of. I don't know about the closet. Maybe we need to get some artwork for your walls as well --

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

COUNCILMEMBER RAWLINS-FERNANDEZ: -- because the artwork on the walls outside in the office is...is really wonderful. So, mahalo, Chair. Oh, and there are no testifiers currently at the Moloka'i District Office.

CHAIR KAMA: Thank you for sharing that. I don't see Member Gabe Johnson. Member Johnson, are you online with us? I can't see you. I'm sorry for that.

COUNCILMEMBER JOHNSON: Hi. I'm here.

CHAIR KAMA: Good morning and osiyo. Okay.

COUNCILMEMBER JOHNSON: Osiyo, Chair, Councilmembers, Committee Members. I hope you can see me.

CHAIR KAMA: I can now.

COUNCILMEMBER JOHNSON: There's no testifiers...okay. Great. There's no testifiers at the Lāna'i District Office. I'm alone on...in my office. And speaking of how hot the summer is, we're in the middle of baseball season and my team is doing great...the Cleveland Guardians. There's a little picture of the Guardians out there, doing great. And go team. Thank you. . . .*(laughing)*. . .

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CHAIR KAMA: Thank you. And good morning. I want to say also osiyo and good morning to Councilmember Shane Sinenci. Good morning.

COUNCILMEMBER SINENCI: Aloha, everybody. Aloha kakahiaka and osiyo from the Hāna District Office. We're back at the old civic center here in Hāna. I have my Staff members Dawn Lono and Mavis Medeiros just outside. We've got the Epic Swim guys in the ocean going back and forth. And we're...we...we did have some rain in the morning, and so we'll pule and we'll send some rain to you guys. Aloha.

CHAIR KAMA: Oh, that's wonderful. Sounds exciting for you. Maybe you could join them during your lunch break swimming. . . .*(laughing)*. . . I want to say good morning and osiyo to Councilmember Nohe U'u-Hodgins. I don't see her. Does anyone see her?

COUNCILMEMBER LEE: Yes, she's there.

COUNCILMEMBER U'U-HODGINS: I'm here. Good morning.

CHAIR KAMA: Okay. I see you.

COUNCILMEMBER U'U-HODGINS: Good morning, everyone. I'm at the Pā'ia District Office. We have no testifiers, but I am with Susan Clements and Laura McDowell are here.

CHAIR KAMA: Thank you. Thank you, Members, for being here this morning. And I want to thank you in advance for...you're going to be getting a poll for a special meeting, HLU meeting, next week Friday, so we can do the CNHA lots and get those families into those homes ASAP. So, thank you for being here today. Thank you in advance for your showing up next week Friday, too. We have, from the Department of Corp. Counsel, Christie Trenholm. Good morning, Christie, and osiyo to you. Well, I'm hoping that she's there. I don't see her.

MS. GRECO: Chair, it looks like we have Mike Hopper.

CHAIR KAMA: Okay. Okay.

MS. GRECO: He is unmuted on --

CHAIR KAMA: Good morning, Mike.

MS. GRECO: Mike, you're unmuted on your end from our...from our side, and it looks like you're muted on your end. If it gives you issues, you may need to log out of the meeting and join again. But he is here, Chair.

CHAIR KAMA: Okay. Thank you. And we also have, from the Department of Planning, the Director, Kate Blystone. Good morning, Kate, and osiyo to you.

MS. BLYSTONE: Aloha kakahiaka. Osiyo to you all as well.

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CHAIR KAMA: Thank you. And we have also the Planning Program Administrator, Danny Dias. Aloha kakahiaka and osiyo to you too.

MR. DIAS: Good morning, Chair Kama, and osiyo to you and the other Councilmembers.

CHAIR KAMA: Thank you. And we also have with us our Committee Staff. We have Paige Greco, our Legislative Analyst. Osiyo.

MS. GRECO: Good morning, Chair. Good morning, Members.

CHAIR KAMA: We have Ellen McKinley, our Legislative Analyst. Good morning.

MS. MCKINLEY: Osiyo, Chair and Members.

CHAIR KAMA: And we have our other Legislative Analyst, Eric Arquero. Osiyo and good morning.

MS. GRECO: Eric will be joining us later.

CHAIR KAMA: Thank you. We also have our Committee Secretary, Jennifer Yamashita. Aloha and osiyo.

MS. YAMASHITA: Good morning, Chair and Members.

CHAIR KAMA: And we have our Legislative Attorney, Carla Nakata. Osiyo and aloha kakahiaka and good morning.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And we have our Assistant Clerk, Lei Dinneen. Good morning, and aloha kakahiaka and osiyo to you too.

MR. HOPPER: And Chair?

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

MR. HOPPER: Chair, this is Michael Hopper. I just wanted to make sure I'm coming through. I couldn't unmute last time. I logged off and logged back on. So, I just want to make sure you're hearing me loud and clear.

CHAIR KAMA: I can hear you, Mr. Hopper, loud and clear.

MR. HOPPER: Great.

CHAIR KAMA: And thank you very much.

MR. HOPPER: Thank you. Good morning to you.

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CHAIR KAMA: Good morning. Thank you, Members, again, for attending today's HLU Committee meeting. We have two items on the agenda today. We have HLU-3(19), which is the Advisory Committee to the Maui Planning Commission. And then we have HLU-3(18), the Scope of Work for the Council's Request for Proposals on a Study of the Phase-Out of a Transient Vacation Rentals in the A-1 and A-2 Apartment District. So, in accordance with the Sunshine Law, as Chair, I will be calling for testimony on our first agenda item after we receive a presentation from our resources. After the presentation, we'll receive testimony. So, Members, I ask that you hold all of your questions until after the presentation and after...until testimony has been closed. For the second agenda item, we do not have a presentation, so I'll be calling for testimony once we have turned our attention to that item.

ITEM 3(19): ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION (RULE 7(B))

CHAIR KAMA: So, HLU-3(19) is the Advisory Committees to the Maui Planning Commission. Members, I invited the Maui...the Planning Department to present on the current Advisory Committees to the Maui Planning Commission, their role, function, and level of activity. If there are no objections, I would like to designate Director Blystone and Mr. Dias as a resource person under Rule 18(A) of the Rules of the Council due to their expertise as Director and Planning Program Administrator for the Department of Planning, respectively.

COUNCILMEMBERS: No objections.

MS. GRECO: Excuse me, Chair. This is Staff.

CHAIR KAMA: Thank you so very much.

MS. GRECO: I believe we also have Greg Pfof from the Planning Department. He's the Administrative Planning Officer.

CHAIR KAMA: Greg Pfof?

MS. GRECO: Yes. I'm sorry, Pfof.

CHAIR KAMA: And he is the...

MS. GRECO: Administrative Planning Officer.

CHAIR KAMA: Okay. So, we're going to make him a resource also. Members, without objections?

COUNCILMEMBERS: No objections.

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CHAIR KAMA: Thank you so much. And thank you very much for that, Paige. So, Members, Granicus item 1 under HLU-3(19) is this correspondence sent to the Planning...sent to Planning requesting information that is included in the presentation that you will receive today. So, Director Blystone, if you would like to proceed with your presentation, please do so now.

MS. BLYSTONE: Good morning again, everyone. I am actually going to turn the mic directly --

CHAIR KAMA: Okay.

MS. BLYSTONE: -- over to Danny Dias, who will give the presentation. And all of us, all three of us, will be available to answer your questions when...when he's complete with his presentation. We're happy to be here today, and mahalo for this opportunity to talk about this important issue with you.

CHAIR KAMA: Thank you so much. Go ahead, Mr. Dias.

MR. DIAS: Thank you, Chair. So, with respect to the correspondence that was sent to the...the Planning Department, I have this presentation. It'll be about ten minutes or so. We had 12 questions on various items regarding advisory committees. So, this presentation will answer all 12 questions. The flow might not match the questions, but we will address all the questions that were sent to us. So, with that, can I get the next slide, please? So, there are...well, three official advisory committees to the Maui Planning Commission, and one that isn't necessarily technically an advisory committee, but they do advise the...the Maui Planning Commission. So, there's the Hāna Advisory Committee, the Pā'ia-Ha'ikū Advisory Committee, South Maui Advisory Committee, and then the Urban Design Review Board. And I have an asterisk there because they advise the commission, but they're very specific to just like building design. So, if somebody's going to, you know, build a structure, they will make comments and recommendations, but just the building and...and nothing else. Next slide, please. And...and regarding the previous slide, I...I won't be including the Urban Design Review Board in the rest of this...this presentation. Regarding legislation, so the advisory committees and the requirements of its members are listed in Chapter 2.28.050, 060, and 070 of the Maui County Code. Ordinance 1859, which was...became effective on December 6, 1989, established the Hāna Advisory Committee. Also included in this ordinance was the establishment of the Moloka'i Planning Commission. So, what it looks like to me is basically, you know, prior to this time, you had the Maui Planning Commission, and then there was a Lāna'i Advisory Committee, and a Moloka'i Advisory Committee, but ultimately, the decisions were made on Maui. And so, I think at this point in time, there's a recognition that, you know, the other islands needed their own representation and autonomy. And also, you know, Hāna, being a remote and unique community, sort of needed their own representation also. So, that was Ordinance 1859. And then in...in 2021, Ordinance 5210 became effective, and essentially established the Pā'ia-Ha'ikū and South Maui Advisory Committees. Next slide, please. So, the roles and responsibilities of these advisory committees are listed in Maui County Code Chapter 2.28.050 I, J, and K. I'll just read these out. Sort of the best way to do it. So, "I" states, you know, each advisory committee is authorized to, (1) provide recommendations to

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the Maui Planning Commission on matters within its community plan area; (2) upon request by the Maui Planning Commission, hold public hearings on behalf of the commission on matters that pertain to its community plan area; (3) carry out duties as provided by law or as may be delegated to it by the Maui Planning Commission; and (4) adopt administrative rules. And then “J” essentially talks about, you know, the timeline. Basically, they have 90 days. And, you know, “K” just...just states that each advisory committee must meet as needed, with meetings scheduled and appropriate to maximize community participation. So, essentially, I guess a good way to look at it is the advisory committees are to the Maui Planning Commission. It’s very similar to what the Maui Planning Commission is to the Maui County Council. So, you know, I’m just going to use the...the Minatoya legislation that...that we’ve been dealing with the last month or so. So, you know, those went through the Lāna‘i/Moloka‘i Planning Commission, and then Maui, you know, yesterday they...they moved it forward. But, you know, they held the public hearing, went through the testimony, and then ultimately provide you with a recommendation. But you, as the Council, you know, you’re...you’re free to do what you want with that recommendation. So, that’s the exact role as the advisory committees are to the Planning Commission. Next slide, please. Staffing members and vacancies. So, the Hāna Advisory Committee, there are seven members, and currently, there are no vacancies. The Pā‘ia-Ha‘ikū Advisory Committee, there are seven members and two alternate members. Currently, there are three vacancies for the...the regular members, and then there are no alternates. So, essentially, on there...there’s four members. So, it’s like, you know, bare...bare quorum if they have a meeting. And the same exact thing for the South Maui Advisory Committee, seven regular members, two alternates, and currently we have three vacancies and no alternates. And regarding staffing, we have a Secretary to Boards and Commissions, and...and that person staffs all three of these advisory committees. Next slide, please. So, determining...determining what items are referred by the Maui Planning Commission. So, I started working here in 2005, and...and even then, there was sort of like this blanket approval or directive from the Maui Planning Commission that anything in Hāna would go to the Hāna Advisory Committee. So, if there’s a project, you know, say SM1 permit, Change in Zoning, for like, say, a short-term rental, automatically we go to Hāna Advisory Committee. For Pā‘ia-Ha‘ikū and South Maui, you know, they’re fairly newly created, we...we don’t have that blanket directive from the Maui Planning Commission. So, what we do is if there’s an item in these areas, we essentially do a summary of the project. So, let’s say it’s a Change in Zoning, we would have, you know, maybe a one- or two-page summary, just a brief description on what the application is for, what the property is, how large it is, what the current zoning is, et cetera. And as a communication item, we go before the Maui Planning Commission and we essentially give them a brief overview of the project, and then, you know, ask them if they want us to...to bring this item before the Pā‘ia-Ha‘ikū or South Maui Advisory Committees. And so, that’s...that’s the process for both. Hāna goes automatically. The other two advisory committees, we bring it before the Planning Commission for...for their approval. Next slide, please. There was a question regarding, you know, the number of items that were referred. So, you know, to be honest, Hāna Advisory has been around since 1989. It would have been quite...quite a deep dive to find every item, but like I mentioned earlier, essentially, you know, at least for the last 20 years or probably more, everything in Hāna goes there. Everything that the Planning Commission has jurisdiction over goes to...to the Hāna

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Advisory Committee. And then just kind of a quick note here. So, you know, the...the Hāna...everything in the Hāna District goes to the Hāna Advisory Committee, and then the Hāna District in Hawai'i Revised Statutes 4-1 defines it as Kahikinui, Kaupō, Kīpahulu, Ko'olau, and Hāna. Next slide, please. Items referred to the Maui Planning Commission, with respect to the Pā'ia-Ha'ikū Advisory Committee, nothing has been referred to this date. And for the South Maui Advisory Committee, there was one item that was referred, and that was Council Resolution 22-70, which was our proposed bill related to amending transient accommodation caps. That item went before them. There's another item that was referred that didn't actually...the meeting wasn't held, and that's about, I want to say, two or three months ago, the Maui Planning Commission referred review of the South Maui Community Plan to the South Maui Advisory Committee. However, a meeting hasn't been held yet because there's been quorum issues. So, you know, as I mentioned earlier, there's four members, that's bare quorum, and then one of the members is on like an extended trip out of country, and so we haven't been able to have a meeting. Next slide, please. There was a question regarding how many...this is basically just a graph of what I just mentioned. So, I'll just start with Pā'ia-Ha'ikū, so they only had one meeting in 2022, and that was like the initial meeting, you know, where you like did a little bit of training, they...they learned about their roles, and then they pick like a chair, vice-chair, et cetera. Same thing with South Maui, with the exception of an additional meeting, which I mentioned, regarding the Transient Accommodation Cap Bill. And then for Hāna Advisory Committee, I...I didn't go all the way back to 1989. I just went back ten years because it's...it's relatively consistent. But as you can see here, you know, the numbers of...of items that go before them range anywhere from about two to seven. So, I would say, on average a year, about four or five items go before the Hāna Advisory Committee. Next slide, please. And then there...finally, there was a question of regarding quorum. So...so, luckily, the Hāna Advisory Committee, they're very good. I can't recall a time they didn't have quorum. But...so, I'll just address Hāna Advisory because, you know, the other ones haven't really had meetings so far. But Hāna Advisory Committee, there's four pre-scheduled meetings per year, and they're held on the third Tuesday of the...of the following month, which are, you know, March, June, September, and December. That way members, you know, they can sort of block off their calendar, they know in advance when these meetings are going to occur. If we don't have quorum, then, you know, obviously, the meeting has to be canceled. But because they meet every three months, what the Secretary to the Boards and Commissions will do is she will then contact the members and see if we can have, you know, like a special meeting. So, because they meet on Tuesdays, you know, she'll probably give them the following dates for like the next, you know, three or four Tuesdays, and just check...try to get consensus, see if...see if the members are available. And that way, you know, the applicant doesn't have to wait another three months. And I think that...next slide, please. Okay. And that was...that was my presentation, Chair. Thank you.

CHAIR KAMA: Thank you very much, Mr. Dias. That was very important for me to know all of that. So, is the presentation on Granicus, or will that be on Granicus?

MS. GRECO: Yes, Chair. It's on Granicus. Let me get the number for you.

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CHAIR KAMA: Okay. Member Paltin, I saw your hand up. Did you have a question of some sort?

COUNCILMEMBER PALTIN: Thank you, Chair. I did have a clarifying question for Mr. Dias about the Hāna Advisory Committee. He had said that items that affect Hāna are referred to the Hāna Advisory Committee, and I just wanted to clarify. Is that items that solely affect Hāna, or items that affect Hāna as in it affects the whole County? Because I think that the recent decision last night, it wasn't had by the Hāna Advisory Committee, and it affects them because they have a couple Apartment-zoned projects, whereas Lānaʻi doesn't have any Apartment-zoned projects, but they heard it. So, I mean, just in terms of I just wanted to clarify what you meant when you said items that affect Hāna, the Hāna Advisory Committee hears.

CHAIR KAMA: Mr. Dias, can you clarify for Member Paltin?

MR. DIAS: Yes, Chair. So, regarding Lānaʻi and Molokaʻi, the reason why it went before them is because they're planning commissions and not advisory committees. With respect to items that go before the Hāna Advisory Committee, the...the Code essentially sort of restricts it to items that are happening like in that community plan area. But, there's nothing stopping the Planning Commission from saying, you know what? Let's send it to them. And...and they...there actually was a discussion, you know, last night, like oh, should we send this? But I believe, you know, then they...they started looking at the timing of things. And I think, you know, for this particular...the Minatoya legislation, that would have resulted in like them having 90 days. And then that means that the Planning Commission would then have to like redo all the public testimony, so they didn't send it. But...but, yeah, there's nothing that precludes them from sending something that's not just specific to Hāna to the Hāna Advisory Committee for review. Thank you, Chair.

COUNCILMEMBER PALTIN: Okay. Thank you. I think the rest of my questions are not clarifying, so I will hold them to the appropriate time.

CHAIR KAMA: Okay. Thank you very much, Member Paltin. Okay. So, I think if there are no other clarifying questions, Members, I'd like to continue to go into our testimony. Thank you. So, oral testimony is limited to two minutes per item. When you reach the one-minute mark, you will hear an audible notice. If you are still testifying when the notice sounds, please complete your testimony within the remaining minute. When testifying, we ask that you state your full name for the record. Anonymous testimony is also accepted. Decorum will be maintained throughout this meeting. Violation of decorum may result in being removed from the Chamber, or the online meeting, or the Planning office. You can also view the meeting on Planning...on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Thank you all for your cooperation. So, at this time, we'd like to call on testifiers wishing to testify on HLU-3(19) only, the Advisory Commission [*sic*] to the Maui Planning Commission. Staff, do we have any testifiers?

MS. MCKINLEY: Yes, Chair. The first testifier is Mike Moran, to be followed by Johann Lall.

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MS. GRECO: And, Chair, just to clarify, how long is testimony for this? For the...

CHAIR KAMA: Your testimony is limited to two minutes per item.

MS. GRECO: Thank you.

CHAIR KAMA: And when you reach the one-minute mark, you'll hear an audible notice. Thank you for asking. Mr. Moran, good morning. Osiyo.

. . . BEGIN PUBLIC TESTIMONY FOR ITEM HLU-3(19) . . .

MR. MORAN: Good morning...good morning, Chair, and Committee Members. Mike Moran on this first item. I...I was appointed to the South Maui group. And I would like to mention that we did have...the first meeting we had, we went through the whole process, everything was finished. We made our decision. And then a day or so later, we advised by the Department, oh, whoops, we forgot to do something. So, that meeting didn't count. Sorry. And obviously, that got us off to a pretty bad start. Volunteers were like, what? And they said, well, we're just going to repeat the meeting. Now you have to go through the whole exercise again on the exact same item. So, we did. We proceeded through it. But then, as you could see in the presentation, I have now termed out from the...that group from a three-year commitment. And in essence, I went to three meetings. One didn't count. So, most of us were just saying, well, this is just a waste of time. And on occasion, I would testify as an individual at the Planning Commission and say, we think this item is something should be referred to. But, you know, we could only ask. And then the Planning Commission said, no, we're not going to do that. So, when...when I was terming out, the Department asked me, are you interested in re-ing up? I said, honestly, no, because this is just a waste of time. We would get a notice every quarter that there was a tentative meeting. And then close to the date, we'd say, no, never mind, there's no meeting. So, when they say how tough the quorum is, that's a big reason why. It's like people don't want to spend time signing up, volunteering, and not even participating. And I see...I don't know what happens in Ha'ikū, but it looks to me like it's the same situation. So, I think it's good to have that background. That's part of the reason why there is a challenge to get quorum. And, you know, I don't know what anybody can do about it. My understanding of how it's set up, it's entirely in the hands of the Planning Commission, and they make the decision. Now, I have to be very clear that this all occurred under a different Planning Director, and things might change with the new Planning Director. And I...I could just quickly mention that those of you that viewed the meeting yesterday that started at 9:00 and finished about 8:00, the Planning Director was in there with that volunteer team, and no air conditioning, and yet here she is, fresh this morning. So, thank you for the opportunity to testify on this. Mahalo.

CHAIR KAMA: Members, do we have questions for Mr. Moran? Member Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Moran, for your testimony. I...I heard what you said, I just wanted to clarify if...if you, as a former member, thought it was a waste of time, are you saying that it should be repealed or something?

MR. MORAN: No, I certainly don't think it should be repealed. Because particularly now, with the Maui Planning Commission, as you well know, in 2022, the voters said we should have representation from all districts. And here it's second half of '24, and we still have nobody from there. So, we're trying to get a voice for South Maui somehow, some way. And maybe by the end of the year, we will. But in the meantime, we've had no voice. So, no, I'm hoping there's some way to rectify it. I don't know what could be done, if...if the law could be changed, instead it's now...the decision is made by the Director or by the Council, but...and realizing that makeup of...of the Planning Commission can change. But currently, that's our community's feeling is, we have no voice in things. And, of course, with our South Maui Community Plan going before the Planning Commission, even though they've had all these delays because of other matter, and no fault of the volunteer commissioners, they have been working their tails off, but eventually, that's going to come to them. I think in August, it looks like. And yet, still no representation. So, somehow, some way, we're trying to get a South Maui voice. But no, don't...I don't...appeal...repealing it is certainly not what we want. Mahalo.

COUNCILMEMBER PALTIN: Even if then all the districts do get represented on the Planning Commission at that time, do you think it is, or no, still yet? Because I believe that's the goal that we're working towards. Unfortunately, we, I guess, came into this Charter Amendment somewhat unprepared.

MR. MORAN: Yeah. I completely understand that's a challenging thing. But...and I don't fault the Council. It's like, you know, I...I...I listen to a lot of meetings, and I heard what you heard. That it seemed to me, as a layman, that Corp. Counsel is telling you, nope, you're...you're right on, go ahead. And then when it was a challenge, it was like, if I hired a lawyer who gave me advice to...you're right. And then when I...I got sued, he said, oh, sorry. I was wrong.

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

MR. MORAN: . . .*(inaudible)*. . . You're on your own now. So, I don't fault you guys. It's just an unfortunate situation that everybody...

COUNCILMEMBER PALTIN: Tell me about it.

MR. MORAN: But if...so, we do expect that's going to happen. But again, I still would like to have a...an advisory committee ready to take on issues when...when a planning commission...because, you know, just by numbers, again, it could be eight to one, eight people from other districts, and the one South Maui commissioner getting outvoted. So, no, we would still like to have some way --

CHAIR KAMA: Absolutely.

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MR. MORAN: -- to be available.

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. Members, any other Members? I can't see Member Lee or Member Johnson or Member Rawlins-Fernandez, but if you have a question for a testifier, let the Chair know. But I can't see you. My apologies. But I do have a question for you, Mr. Moran. You know, Mr. Dias mentioned that the reason why Hāna Advisory gets many referrals to their committee is because they have put it into their own policy that they have automatically delegated anything having to do with Hāna to the committee. So, maybe you all might want to figure out how to get your folks' issues relating to South Maui directly to your...to the committee, the advisory committee, so at least you could have something, you know, to look forward to. And when your members show up, at least they have something to talk about that's meaningful to your community. But I just wanted to mention that to you, Mr. Moran.

MR. MORAN: And I certainly appreciate that. We had even some of the members when--you know, we were having no meetings--that somebody proposed that, well, can we have a meeting? Just we'll say we're declaring we're going to have a meeting. Well, our understanding was we could not do that because you have to have Planning Staff to...to arrange it, to make it official.

CHAIR KAMA: Right. Right.

MR. MORAN: We didn't feel that we would be able to do it. We had considered it. And some of the less patient people--I won't say it was me--but some of the less patient, said let's do it anyway. But the decision was, you know --

CHAIR KAMA: Yeah.

MR. MORAN: -- this doesn't work. We have to get official input. But I appreciate it, the mention.

CHAIR KAMA: Thank you.

MR. MORAN: Thank you.

CHAIR KAMA: Well, hopefully today's meeting, we'll come up with some outcomes for you folks that would be beneficial to the community. Thank you so much.

MR. MORAN: Thank you for having me.

CHAIR KAMA: Members, any other questions for our testifier? If not, let's go on to our next testifier, Staff, please.

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MS. MCKINLEY: Chair, the next testifier is Johann Lall, to be followed by Tom Croly.

CHAIR KAMA: Good morning, Mr. Lall.

MR. LALL: Sorry, I had audio issues. Johann Lall testifying --

CHAIR KAMA: Yeah.

MR. LALL: -- on behalf of myself. So, I'm not sure, I guess, what action you're going to take today, or if this is just for information, but I just wanted to comment on the advisory committees. I think I...I recognize why they were created, you want more local information and all of that, but I don't think anything was ever referred to them. And it came up a few times at Planning Commission, and basically, the conclusion they reached was that it would be up to them to make the decisions anyway. So, it didn't make sense to have an extra step, which I kind of agree with because if it's like 90 days, then that's like an extra...like 180 days. And, you know, it's just advisory. So, I think it's more important to have a diverse makeup of the Planning Commission itself, with members from every district as...as required. I'm not sure I agree with what some folks have said, that none of their decisions are valid if that condition is not met, but I do think it's important to have representation, and especially because so many of the things that they deal with are affecting South and West Maui primarily. All the large developments--Minatoya, hotels, the shoreline issues, the SMA stuff--it's...it's mainly us that are affected. But they've got a few members from West Maui, I think two or three, I'm not sure...because I know one of them moved and stuff like that. But there's...there's no one from...from South Maui. And so, that's important. I think it's also important that the members of the Planning Commission all be people who take regulations seriously and not be, you know, going in to try to serve special interests or anything like that. Also important is getting good information from the Planning Department and Corporation Counsel. And, you know, I'm...I'm aware of like several instances where they've made decisions that just didn't make any sense. Like the new SMA and shoreline rules, there's zero setback. It's the erosion hazard line, and then nothing on top of that. And, you know, we're going to lose beaches because of that, and I don't think that was made fully clear to them. You know, they've approved projects where the applicant wrote the staff report. And that was made pretty clear to them that there is no critical review--you know, lost archaeological sites at Wailea 670, issues with the drainage numbers--all kinds of crazy stuff. And, you know, we have no idea what goes on when they go into executive session, but I suspect they're not really receiving good advice. So, I think this is all really important. And the Planning Commission is the most powerful and the most important, you know, I think, entity besides Council. So, I hope you guys take all this really seriously and try to improve things where possible. Mahalo.

CHAIR KAMA: Thank you...thank you so much, Mr. Lall. Members, questions for our testifier? I don't see any. So, thank you very much. Staff, do we have the next testifier, please?

MS. MCKINLEY: Chair, the next testifier is Tom Croly, to be followed by Pamela Tumpap.

MR. CROLY: Aloha, Committee. Tom Croly.

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CHAIR KAMA: Good morning.

MR. CROLY: Good morning. As you all know, I've been participatory in...in these events for more than 15 years. And when this idea came up, I was firmly against it. It...it has proven out what I expected, and that is, there aren't many items that get sent to these committees because of the delay that they would take...that...that adding this extra 90 days into the process of first having a...a meeting before the...the Planning Commission, and then making the referral to the...the advisory committee, and then waiting for the report from the advisory committee, and then having to have another meeting at the Planning Commission level is just not an efficient way to do anything. And...and I could see this from the very get-go, and I was against the formation of these committees for just that reason. Now, it's in the hands of the Planning Commission to decide whether or not they want to solicit the...the input of these...these various committees. And to this point, they have taken the stance in most cases that they...they don't need it. They took that stance last night, I suppose, with respect to the...the short-term rental issue that...that was before them. And I...I support that pretty much from the standpoint of the efficiency of it. But I also support it from the standpoint of, years ago, you had to show up at every one of these meetings personally in order to be heard. Now, we have this wonderful thing where I can sit at home, and you can hear from me. And there were a lot of people years ago who would say, you can't have these meetings during the day because I can't participate during the day. I'm busy, you know. And again, with these kinds of things, you can take an hour out of your day and...and participate in the meetings. So, I don't see the reason to continue these, and...and...and I would repeal this if it...if it were up to me. I recognize that's not before the...the...the Committee today, but...but that would be my recommendation that...that in three years, these committees have not proven themselves to be a useful way, and they've only proven themselves to be a barrier, if you will, to getting through the process. So, my two cents. Mahalo.

CHAIR KAMA: Thank you, Mr. Croly. Members, questions for our testifier? Seeing none. Staff, please call our next testifier.

MS. MCKINLEY: Chair, the next testifier is Pamela Tumpap, and she's currently the last one signed up to testify on this item.

CHAIR KAMA: Ms. Tumpap, are you there?

MS. MCKINLEY: Chair, she's unmuted on our end.

CHAIR KAMA: Okay. Let's give her a moment to connect...connect. How are you doing, Ms. Tumpap? Chair, why don't we...I mean, Staff, why don't we go on to the next testifier, and then we can come back, I guess.

MS. MCKINLEY: Chair, there's currently...oh, Chair, the next testifier is Rob Weltman.

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CHAIR KAMA: Okay. So, let's take Mr. Weltman, and we'll come back to Ms. Tumpap. Good morning, Mr. Weltman. Are you ready to testify?

MS. MCKINLEY: Chair, he is unmuted on our end.

CHAIR KAMA: Okay.

MS. MCKINLEY: Perhaps...

MS. GRECO: If...if individuals have a hard time unmuted on their end, you may exit the meeting and join again, and that could solve the issue.

COUNCILMEMBER RAWLINS-FERNANDEZ: I see Mr. Weltman.

MR. WELTMAN: Okay. Okay.

CHAIR KAMA: Oh, good. I hear him.

MR. WELTMAN: Sorry about that.

CHAIR KAMA: Is that...do I...am I...

MR. WELTMAN: Aloha mai kākou. 'O Lopaka Weltman, 'o Rob Weltman ko'ū inoa. 'O ka po'owau o ke kōmike o . . . *(inaudible)*. . . o Maui Hema no ka kōmike ho'olālā o Maui, 'o Planning Commission. So, I'm Rob Weltman, and I am the...the Chair of the South Maui Advisory Committee, appointed by the...by the Mayor three years ago. So, I'm one of the survivors after the three-year period here. So, we have only four left, the three who termed out have not been replaced. The failure of...of the committee to...to meet and to provide valuable input to the process is not because of the committee. We've been ready and waiting to receive . . . *(inaudible)*. . . except for this...this problem with only having four members during the summer. But I think we can meet now, we can meet in the future. The important thing to remember here is that it's not a question of serial time. The question is not like, okay, so we have three...three months with the Planning Commission, three months with the advisory committee, and then some time with...with the Council, and then finally get a decision. The idea is, and it's in the...it's in the text of the law that...the ordinance that was read up to us in the beginning of the meeting, which is delegation. In other words, the idea is people who are local, on the ground, in South Maui, who know these issues, these issues matter to us enormously. We feel like we're not being represented. Our voices are not being heard. That was the reason for the creation of these commissions, to allow us to provide input to them and to delegate, to say, not just, okay, you take three months and then we'll take three months, but rather, you guys hear people out, hear all the issues, discuss back and forth, make recommendations. We'll look at that and we'll say, yeah, that sounds fine. Okay, let's proceed...rather than, we're going to start over from scratch. So, the way to look at this is not...has not worked because the...the commissions have not met, but rather, let's make it work because we need representation from the...from the community. Mahalo.

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CHAIR KAMA: Thank you very much, Mr. Weltman. Members, questions? Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Weltman, for your testimony. I had some questions. I was wondering, as the Chair of the South Maui Advisory Committee, maybe I should hold the questions and ask for him to be a resource on this item, given his unique perspective and experiences--and yeah, Lāhainā mangos are always a winner.

CHAIR KAMA: Is that what you're eating now? . . . *(laughing)*. . . Mr. Weltman, are you able to stay on until we have a discussion on this and become a resource?

MR. WELTMAN: Yes, I am.

CHAIR KAMA: Thank you. Members, without objection, I'd like to allow Mr. Weltman to be a resource at the time that we discuss this item, if there are no objections.

COUNCILMEMBERS: No objections.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Thank you so very much. Yes, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know if Mr. Moran is still on, but I wanted to have Mr. Moran as a resource for the Committee when the item comes up too, during deliberations.

CHAIR KAMA: Mr. Moran, are you still on? Can you stay? Or is that...okay. Thank you so much.

MS. GRECO: Excuse me, Chair...

CHAIR KAMA: So, we're going to make Mr. Moran a resource person also.

MS. GRECO: Chair, if you could just state his expertise.

CHAIR KAMA: Okay. Mr. Moran?

COUNCILMEMBER RAWLINS-FERNANDEZ: He served on the South Maui Advisory Committee.

MR. MORAN: That's correct. I...I...sorry. Okay. I got the mic.

CHAIR KAMA: Yeah.

MR. MORAN: Yes, I...I was one of the original members, and I did serve for the full three years, and then I termed out. Thank you.

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CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: So, Members...Members, if it's okay, I'd like to also make Mr. Moran a resource when we meet on this item. No objections?

COUNCILMEMBERS: No objections.

CHAIR KAMA: Thank you so much, Committee. Thank you very much. So, Staff, let's go back to, I think, Ms. Tumpap?

MS. TUMPAP: Thank you, Chair. And thank you for all of your efforts. Tom shared some of the things that...you know, some of the concerns we had when the Kihei Advisory Committee was first established, and a lot of it was about process, and length, and the time that it would add to the process, given the 90 days. But I...I do want to say that we actually had requested--because also, the Planning Commission was short an advisory member from Kihei--that we had requested that they send the issue. Not because we wanted a stall tactic, I know some people are saying different things about that, but because of the impact in that community and the relevancy of their voice. So, what I would like to say, it's--and I do agree that Zoom has changed a lot of our processes for the better in many ways--but sometimes...sometimes not because sometimes things are said that...you know, we...we demonize people in our community, and it's easier to say it when you're not standing there with others. But I do want to say that I think it's really important for the advisory committee to have a voice on major issues, and to revisit the process. And we want to definitely also ensure that they have a voice on the next item. So, that's all I wanted to share on this issue. But acknowledging that that's what our initial challenge was with the advisory committee, was long process and holding the process up.

CHAIR KAMA: Thank you so much, Ms. Tumpap. Members...oh, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Tumpap, for your testimony. I just was wondering how a...one...a person making decisions would decide if something is a major issue because it's a little bit subjective sometimes.

MS. TUMPAP: I...I would agree. And I think...I...I think you could also refer issues...you could also look at this, I...I guess this one is size and scale, right, size and scale in terms of impact to...impact to the economy, impact to property owners, impact to the people who need housing. And so, you know, it impacts so many major issues that I would say it's size and scale. I don't know...but I agree with you that how that gets qualified, you know, is...is a bit of a challenge, and I think it needs a little bit of work. And, you know, I also think that if the committee also feels it's something they want to take up, you know, that can be part of the voice as well...whether they feel it's okay to be handled by the Planning Commission because they have representation there. But I feel that in the absence of representation, because we've established these committees, that's really important.

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COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

MS. TUMPAP: Great question. Thank you.

CHAIR KAMA: Thank you. Members, any other questions for our testifier? Seeing none. And again, I can't see Chair Lee, Member Johnson, or Member U'u-Hodgins, or Member Sinenci. So, Members, help your Chair out today if can. But if...I don't see them. So, Staff, can we go on to our next testifier, please?

MS. MCKINLEY: Chair, the next testifier, and the last person currently signed up for this item, is Albert.

CHAIR KAMA: Good morning, Albert. Are you ready to testify?

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

MS. GRECO: Albert is unmuted on our end, and he just needs to unmute on his end by pressing the mic button towards the top right of his screen. ...Chair, we're not hearing or seeing anything from Albert. If you'd like, we could do a final call. And Albert, you can...you can try and leave the meeting and join again. But as of now, you're unmuted on our end.

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

MS. MCKINLEY: ...Chair, would you like us to do a last call on this item?

CHAIR KAMA: Yes, please. Thank you.

MS. MCKINLEY: Okay. If there's anyone that would like to testify on this item, please raise your hand on Teams. Chair, seeing no one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair...

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Did you hear him?

CHAIR KAMA: I didn't see or hear him. Does anybody else see or hear Albert? Okay. I think we are...probably exhausted our time, Members. So, if you don't mind, I'd like to be able to...we already did our last call. So, without objections, I would like to now close oral testimony. And as a reminder, written testimony will be accepted. So, Mr. Albert, if you could hear us, please submit your testimony . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Before we close testimony, take a five-minute recess. The closet doesn't have a outlet, and I just need to switch computers to better battery storage, if that would be okay. And then maybe when I come back, Albert would have figured out

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his...or when we all come back, Albert would have figured out his sound issues, if that's okay with people to take a little early morning recess.

CHAIR KAMA: Members, without objection, I would like to take a ten-minute recess so that Member Paltin can re-establish connection and do whatever it is she needs to do, and you all need to do whatever it is you need to do. So, it is now 9:59. I'm going to assume it's going to be 10:00 by the time I gavel out. So, we will reconvene at 10:10 this morning. The HLU meeting of July 24th is now in recess until 10:10. . . .*(gavel)*. . .

RECESS: 9:59 a.m.

RECONVENE: 10:10 a.m.

CHAIR KAMA: . . .*(gavel)*. . . The HLU Committee meeting of July 24th will now reconvene. It is now 10:10 a.m. Good job. Good job. I can hardly wait to see you guys in person, whenever that may be. Congratulations. So, yes. So, let's continue where we left off. I think we were trying to locate, I think, Albert? Is that where we left off, Staff?

MS. MCKINLEY: Yes, Chair.

CHAIR KAMA: Okay. So, is Albert with us? Or did...

MR. PEREZ: Yes, it's Albert Perez.

CHAIR KAMA: Okay. Very good.

MR. PEREZ: Can you hear me, Chair?

CHAIR KAMA: Yes. Thank you so very much --

MR. PEREZ: Aloha.

CHAIR KAMA: -- for working through . . .*(inaudible)*. . .

MR. PEREZ: Yes, and thank you. Thank you to the Committee for taking a break just so I could testify. I appreciate it.

CHAIR KAMA: Absolutely.

MR. PEREZ: Anyway, so I felt that the presentation by Planning was very informative. It's nice to see the numbers. You know, the Hāna Advisory Committee has existed for a long time, and their recommendations have generally been respected by the Maui Planning Commission. Based on the presentation by Planning, it's apparent that the main reason that there are less referrals to South Maui and Pā'ia-Ha'ikū is because there is no policy that requires a referral, like there is for Hāna. At the very least, South Maui and Pā'ia-Ha'ikū Advisory Committees should be treated like Hāna Advisory Committee. If there's something that takes place in South Maui or Pā'ia-Ha'ikū, then the

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recommendations of these advisory committees should be sought. If it can work for Hāna, if we can make it work for Hāna, then we can make it work for South Maui and Pā'ia-Ha'ikū. So, I would . . .*(timer sounds)*. . . recommend that the Hāna policy be formalized in Code for Hāna, South Maui, and Pā'ia-Ha'ikū. Mahalo. Thank you very much.

CHAIR KAMA: Thank you for that, Mr. Perez. Members, any questions for our testifier? Seeing none. And I can see all nine of you...all eight of you now. Well, including myself, nine. But...so, thank you, Mr. Perez, for being here. Thank you, Members, for coming back on time. So, Staff, do we have any other testifiers signed up?

MS. MCKINLEY: Chair, there's currently no one else signed up to testify on this item. Oh, I...

CHAIR KAMA: Can you do a last call?

MS. MCKINLEY: Yes. If anyone would like to testify on this item, please raise your hand on Teams. I do see a hand up. It's Johann Lall, who has previously testified on this item.

CHAIR KAMA: Yes. Okay. So...so, we have no other testifiers. Okay.

MS. MCKINLEY: Correct.

CHAIR KAMA: And we did a last call. So, Members, seeing that there are no more individuals wishing to testify, without objection, I would like to now close oral testimony. As a reminder, written testimony will continue to be accepted into the record.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR ITEM HLU-3(19) . . .

CHAIR KAMA: We'll now proceed with discussing HLU-3(19). Members, I'm going to call upon you for the questions you have for our presenters from the Planning Department. And I will ask Staff to set a four-minute timer for each Member so that all Members can get their questions asked and answered. And we'll do this in two rounds of questions. Because I really...Chair would really like to be able to get to our second item, and give our Members the opportunity to have a great discussion on the next item. So, thank you so very much. So, I think I want to start with Member Cook because you're in the Planning office...the Planning commission...committee room. And I'd like to give you, as the Vice-Chair, the first opportunity to ask any questions of our resources. And don't forget, Mr. Moran, and I think Mr. Weltman, are also here too. So, any questions, Member Cook?

VICE-CHAIR COOK: Yeah, Thank you, Chair. My question for Mr. Moran. How much communication is there between the South Maui Advisory Group and the Planning Department? I mean, is there a continued dialogue? Or do you have to do outreach? How is it working? ...Did they hear that?

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MS. GRECO: Mr. Moran, you are unmuted on our end. We don't hear you if you're speaking. Again, if you're having issues unmuting...

CHAIR KAMA: There he is.

MR. MORAN: Okay. Yeah, sorry. Slow on the trigger here. . . .*(laughing)*. . . I can't say...I mean, after the first year, I think the communications were pretty well...went pretty well. But once--I'll just speak for myself--once I saw that really, nothing was happening, and the only communication...as I said, we would get an email from the Department about a quarterly meeting, saying okay, here's the date for this quarterly meeting. But I know I never responded to it because it was...it could...in my opinion, it was just an exercise in futility. It was just going through the motions. And here's a...here's a date for a meeting that nothing was gonna be...had...had to be something referred, and the Department was not reporting anything. So, I didn't respond to it. I don't know if other guys did, but I didn't, and I didn't participate. I...as I said, I did testify a couple of times at the Planning Commission to the commissioners, but, of course, that was the Director...the Department who was hearing it, voicing that we felt that we should be heard. So, that was pretty much the extent of the communication from my perspective. Now, perhaps the Chair, Rob Weltman, who's also on, he might have had more because of that position, so it might be worthwhile to ask him as well. Mahalo for the question though.

VICE-CHAIR COOK: Thank you, Chair. If I have additional time, I would ask Mr. Weltman for his --

CHAIR KAMA: Yes.

VICE-CHAIR COOK: -- feedback on that.

CHAIR KAMA: Mr. Weltman?

MR. WELTMAN: Yes, hello. Yes. So, the only communications I received in three years is for the first...in the very beginning . . .*(inaudible)*. . . and after that there was messages about a quarterly . . .*(inaudible)*. . . meeting, which was then canceled because we only meet when...when we get a referral from them, and there were no such referrals. And then in late spring this year, in May, we received a question about whether we could convene in...in June. Unfortunately, I was out of town in June, not able to attend. So, those are the only communications we received and...except for those in the very beginning, there's been nothing about actual matters at hand. There was nothing about actual projects or cases.

VICE-CHAIR COOK: Okay. Thank you, both. Thank you, Chair.

CHAIR KAMA: You're welcome, Mr. Cook. Let's continue on with Council Chair Lee. Oh, Member...

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COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, real quick.

CHAIR KAMA: Yes, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. So, I don't know if everyone else is hearing it, but there's a static sound that's coming off, and I believe it's coming from the conference room. And I know this is our first meeting physically being at the conference room, but if it would be possible for Staff to mute and unmute the HLU Committee participants so that we're not hearing that static sound...because if I have to hear it the whole meeting, I think it would make me crazy. Thank you.

CHAIR KAMA: Well, we definitely do not want you to go crazy.

COUNCILMEMBER RAWLINS-FERNANDEZ: You don't want a crazy Keani.

CHAIR KAMA: We know . . . *(inaudible)*. . . when you're sane.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(inaudible)*. . . . *(laughing)*. . .

CHAIR KAMA: Okay. So, Staff, if that's possible to mute them. And I will mute myself too, to ensure that, you know, we have as good a sound as possible from the...from the room. But in the meantime, Chair Lee, if you would continue --

COUNCILMEMBER LEE: Yeah.

CHAIR KAMA: -- with your question.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're welcome, Chair Lee.

COUNCILMEMBER LEE: . . . *(laughing)*. . . Thanks. It didn't bother me, but thank you anyway. The...I have a question for the Director Blystone...Kate Blystone. Are you there? Okay. Hi, Kate.

MS. BLYSTONE: Hi, Chair.

COUNCILMEMBER LEE: Okay. So, my --

MS. BLYSTONE: Aloha.

COUNCILMEMBER LEE: -- my question to you is, what's the approximate cost of having an advisory committee and staff assigned to it? And when you do have a meeting, how much does that cost?

MS. BLYSTONE: Oh, that's...that's a good, big question. Thank you. Thank you for asking that question. So, I...I...I don't...I'm not going to have a good number for you because every...everyone is different. But last night, for example, the...the Maui Planning Commission, I had maybe 15 staff total on that commission meeting. And the reason

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for that is because we just had a ton of things going on all at once--crowd control, and everything like that. For an advisory committee, it's more like one...one SBC, one Secretary to Boards and Commissions. Often, though, now it's two secretaries to the boards to commissions...secretaries to boards and commissions because there are...we have the hybrid environment now. So, it's not just hanging out in the room and making sure all the mics are working and all that, there's also this...this need for back and forth, you know, like with...with the...with the technology. So, really, we staff roughly two secretaries in boards...secretaries to boards and commissions. We have four total of those now, and they rotate through. So, you can imagine, with nine secretaries to boards and commissions...or nine boards and commissions, we have to rotate them a lot. So, it depends on how often they meet. It depends on how heavy their agenda is. To answer that question is tricky. But I would say, if I were to...to estimate it...yeah, I...I hesitate to even estimate it. But if . . . *(inaudible)*. . . I can send that.

COUNCILMEMBER LEE: Okay. Maybe you can send us...maybe you can send us a reply in writing. The other question I have for you is, do you follow all of the procedures we follow, like, for instance, posting, you take in testimony, you make reports, so forth, right?

MS. BLYSTONE: Yes, ma'am, we do.

COUNCILMEMBER LEE: Okay. And then how long does that process take?

MS. BLYSTONE: Well, I'm going to ask Danny to jump in on this one because he knows their procedures much, much more closely than I do. But just like you, we have a six-day...you know, the six-day window for posting agendas. And depending on the item, there's some...there's some...if there's hearings associated with, there's additional timeline that needs to be followed for that. So, we...we do follow pretty standard procedures for posting those agendas. And then there's...of course, either secretaries to boards and commissions have to--I'm just going to abbreviate that to SBCs from now on because that's how we say it, it's just a little faster...SBCs --

COUNCILMEMBER LEE: Okay.

MS. BLYSTONE: -- have to --

COUNCILMEMBER LEE: You know, Kate --

MS. BLYSTONE: -- do the...

COUNCILMEMBER LEE: -- because I'm...Kate, I'm running out of...I'm running out of time.

MS. BLYSTONE: Sure, of course. Yeah.

COUNCILMEMBER LEE: So, let me just go on to the next point.

MS. BLYSTONE: Okay.

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COUNCILMEMBER LEE: Although I would appreciate your estimate of the cost, and...and the time involved to have this as far as the operation of these advisory committee. And then I'm assuming that you are proposing the dissolution of the advisory committee; is that correct? Where did that come from?

MS. BLYSTONE: Thank you for the question. I...we have not proposed that, but if asked I would suggest that that's something that the Council consider. The reason being --

COUNCILMEMBER LEE: Okay.

MS. BLYSTONE: -- the...the time.

COUNCILMEMBER LEE: Okay. Okay. Got it. Got it. Okay. So, the last thing I would say is, would another...a trial period of extending . . .*(timer sounds)*. . . this one year be something that you would consider to be, you know, a fair solution to this issue? That we extend it a little longer to make sure that, yes, you know, it's perhaps not as fruitful as we had expected in the beginning.

MS. BLYSTONE: Yes, we would...

COUNCILMEMBER LEE: And then now I ran out of time.

CHAIR KAMA: Yes, and...but you'll get your responses in writing --

COUNCILMEMBER LEE: Okay.

CHAIR KAMA: -- for the Planning Commissions and the advisory committees also. So --

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: -- . . .*(inaudible)*. . .the report. Thank you. So, we're going to continue with Council Vice-Chair Sugimura for your questions.

COUNCILMEMBER SUGIMURA: Perfect. I wanted to ask Kate Blystone a question based upon what Albert Perez just suggested...well, suggested. If you are...if we do go into this pilot project, or just to look at the advisory committees in that perspective, what is your feeling about having everything related to that particular district be referred to them automatically, like the way that Hāna...Hāna is operating?

MS. BLYSTONE: Mahalo for the question. I...I think for projects...so for things that are like SMA approvals and things like that, it's...it's appropriate potentially to send them all. I think I would like to say though, that Hāna is vastly different than South Maui and Pā'ia-Haku, right? They're...they're...it's like almost like its own island, and that's part of the reason why the Hāna Advisory Committee was set up. These are different. I think our preference would not be to send things to...to these committees, but it's also not our call at this point. It really is the Planning Commission's call to say, we want to send

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these to...to those committees. So, it would be...that's the way it's set up, and they're...they're able to do that on their own already. They could make that their own...their own way of doing things, if they wish.

COUNCILMEMBER SUGIMURA: So, the process for the South Maui Community Plan is...was referred to the South Maui, right, committee, and hasn't...hasn't been heard yet. So, what will happen in that situation? Because the Planning Commission is done...oh, the Planning Commission...yeah, the Planning Commission has it right now, right? The...yeah, the CPAC is done. So, how...how does...how do the two committees interact, the commission and the committee?

MS. BLYSTONE: So, as you know, there's a six-month time period for the Planning Commission to review community plans, and so they're within that window now. From the moment they have their first hearing, they're within that window. So, this adds time. So, they...they're still reviewing. In this particular case, they're reviewing at the same time as it's going to the South Maui Advisory Council [sic]. I will say that that committee is somewhat duplicative of the major process, the South Maui Community Plan, the CPAC...or CPAC, yeah, South Maui Community Plan Advisory Committee that...that happened before. And so, it's kind of like doubling up, if I can add that to my comments. But they are trying to run them parallel. Our problem is that we don't have quorum for the South Maui Advisory Committee, and because of that, we're having trouble getting their...their feedback on the plan. I think that answers your question, but please let me --

COUNCILMEMBER SUGIMURA: Yeah.

MS. BLYSTONE: -- know if not.

COUNCILMEMBER SUGIMURA: Pretty complicated. So, appreciate that. And so, you're leaning towards maybe looking at what Chair Lee is recommending, a pilot project, just to see how effective this is, and then weigh it. And I was thinking that maybe we can look at a...because the Upcountry Community Plan is going to come eventually, and I just was thinking of maybe starting...or recommending to start an advisory group for Upcountry to be in prepare...to be prepared for the Upcountry Community Plan review. So, do you advise then, we just wait until this pilot project takes place, or...

MS. BLYSTONE: Mahalo for your question. I would...I would say, yes. Yes, I would. I would advise to wait and see the outcome of this. Of course, I've only, as of Monday, six months in this job, and we're still figuring out our footing, and we're doing a good job on this. But it would be...it would be helpful to...to get a rhythm and understand how to make these committees work better --

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thank you --

MS. BLYSTONE: -- before we add some more.

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COUNCILMEMBER SUGIMURA: -- very much. Yes. . . .*(timer sounds)*. . . Thank you very much.

CHAIR KAMA: Perfect timing, Member Sugimura. So, we're going to continue on with Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My question would be for Mr. Moran and Mr. Weltman. Initially, when this item was before us, I had kind of suggested, what about just forming a citizen's group, and then making recommendations through testimony? And it seemed at one point, Mr. Moran, I think, was saying that they had tried to do that, but because now they're an official group, they needed Planning Commission...or Planning Department Staff to even meet, and now they're bound by the Sunshine Law, and things like that. So, I just wanted to revisit...you know, as it was stated by Mr. Croly, you can now log on and give your recommendation through testimony much easier than, you know, those dark ages before we came along, and you could just log on or call. Anyone can call. Like, I remember back in the day, like only Hāna, Lāna'i, and Moloka'i had the option of going to a district office and calling in. Now anybody in the world can do that, you know, as we've seen over the last couple of Planning Commission meetings. But I just wanted to revisit that suggestion, if...if it was something you were thinking about. Because, you know, having the South Maui CPAC as a group of citizens commenting from South Maui, and then having the South Maui Advisory Committee, another group of citizens from South Maui advising on it, then having the Planning Commission, which is supposed to be another group of citizens inclusive of all the districts on the Island of Maui--and we'll get there eventually if nobody changes their minds--and then having us come in for the final decision. So, I just wanted your feedback on that as having lived through this experience.

CHAIR KAMA: Mr. Moran --

COUNCILMEMBER PALTIN: If...

CHAIR KAMA: -- or Mister...I mean either one.

COUNCILMEMBER PALTIN: Yeah, if they could be unmuted. Yeah, thanks.

MR. MORAN: I was quick...quick on the trigger this time. I beat Rob in. Boy, Councilmember, you have...you have tough questions. That's like a nine-part question for an old guy to try and keep track of. . . .*(laughing)*. . . But no, I get your points. Yeah, first, when...when it was...those suggestions were made, as many of you know, I also, at that time, was wearing the hat of the President of the Kihei Community Association. And that was one...one thing that we felt, with our...our organization and many in the community did, was you had no power. You could just ask for things, and some people took it and some people didn't. So, when this was suggested, we felt it was a step up, that we would have a voice. And I can tell you, honestly, I won't mention the name, but someone from Hāna contacted me and said, forget the advisory, Tom, you want your own commission, he said, because you won't have a voice, you'll...you'll...you'll be stuck in that same thing that we are. You make a suggestion, but they don't have to take it.

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So, we...we appreciated that, and I responded to that person by saying, well, we feel this is a step up, you know, maybe ultimately, but it...it didn't seem that that was achievable, so if we can do this. And when this whole process was going on, we did have a informal group, and we set it up that we were reporting to our Councilmember at the time, which was Member King. . . .(timer sounds). . . So . . .(inaudible). . . reporting to the...to the Planning Commission, we were reporting to...to her. So, I...I...as I said, it was a complex question, so I think my time is up. Maybe we can hear from Mr. Weltman.

MR. WELTMAN: Aloha. Yeah, I think there's a place, definitely, for citizens groups. In...in our case, that's the Kihei Community Association. I'm...I'm sure you recognize Mike's face from...in the past. So, we're very, very lucky to have had him representing the...the Kihei residents for a very long time now. But there's also a need to reach out and allow people...more people access, more people input. And I...I love being able to dial in over...over remotely, as I'm doing right now. But we have many people who don't, many people who find that very difficult and cumbersome. And we always...whenever we offer local meetings, we have people come who would never...would never do this. They can't figure it out, or they have trouble connecting. So, in the interest of broad community input, and especially in such profoundly important things as the community plan for the next ten years, we really want to have as much input as possible. Will there be some of the same people attending those meetings as the South Maui Community Plan? For sure. I mean, people who are interested in South Maui Community Plan will be...probably be coming to both. But that's just the way it is. There will be some people who are new, some people who are the same. And then again, I want to come back to the...the law, I think, and this reasoning about how bad it is to have these advisory committees. The advisory committees are not supposed to extend by three months the time, they're supposed to provide...they're supposed to dele...there's supposed to be delegation involved. In other words, for example, the South Maui Community Plan looked at the Kihei Mauka project. The...the advisory committee may look at it and say, yeah, it looks fine. Rubber stamp that. And then it goes back to the Planning Commission and says, okay, this has been reviewed at two levels. We're fine with this. We don't have any major objections. So, it should not add much time. Yes, it may be...it may be a while before we work out the process and get everything to move smoothly. That's always the case when you introduce the new organization. But that's the idea. The idea is not to do three months, three months, three months, but rather process it, submit a recommendation, look at the recommendation . . .(inaudible). . . need to dig deeper into. Otherwise, just move on.

CHAIR KAMA: Thank you, Mr. Weltman. I so do appreciate your...your comments. So, Member Paltin, I don't know if you knew, but the bell rang before Mr. Weltman responded. So, we're going to continue to go on with Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. My question was actually answered by Mr. Weltman in regards to the time of...of how this works out. So, is there anything in the Code—maybe...I guess this would be for the Department Chair [sic], Ms. Blystone--anything in the Code that we could look at to change that kind of concern that people have of it slowing it down? Is it six months review? Should we do three months? Can you do them concurrently? That's...that's kind of what I'm thinking. Is

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there anything stopping us in the Code, or is it just six months is standard for looking at community plans, for example?

MS. BLYSTONE: Mahalo for your question. So, the...the Code reference that I was saying is in 2.80B, and that's for the South Maui Community Plan. Within the other section that governs advisory committees, it's...it's 90 days. And we can run those concurrently. So, we are...those are --

COUNCILMEMBER JOHNSON: Oh, okay.

MS. BLYSTONE: -- yeah. So, it's not...it's not a Code...it's not a Code thing. It's just that...so, for last night, if I can say last night, when we were talking about the transient vacation rentals issue, the question of whether it should be sent to those advisory committees came up. The Planning Commission cannot act until they get that information back, right? So, that does extend the process. If the Planning Commission wanted to act absent their feedback, they would have to wait that...that time.

COUNCILMEMBER JOHNSON: I see. All right. Thank you for that clarity. Thank you, Chair. No further questions.

CHAIR KAMA: Thank you, Mr. Johnson. So, we're going to continue on with Councilmember Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, in the Code, when first establishing the advisory committees, we did talk about these issues, about the timing of things, prolonging, you know, the...the ability for the planning commissions to be able to--well, I guess just the Maui Planning Commission because the advisory committees advise the Maui Planning Commission. So, under 2.28.050(I)(2), it states, upon request by the Maui Planning Commission, hold public hearings on behalf of the commission on matters that pertain to its community plan areas. So, if we were to remove that section, upon request by the Maui Planning Commission, my thought is like one way, it...it could go directly to the advisory committees, as it does to Hāna. But instead of it being so broad that all matters pertaining to community plan areas, perhaps we could work together to figure out like a trigger, so that only projects that rise to a certain level of impact would automatically be transmitted to the advisory...advisory committee first without having to be agendized by the Maui Planning Commission, and then they request that it go to the advisory committee. I...I...I know, and I understand, that, you know, being Sunshine Law bodies, or bodies that are held to Sunshine Law, there's a lot of procedural requirements that also take up a lot of time. So, because it has to be agendized six days before, so, you know, like, that takes up time, perhaps one of the things that, you know, can help to cut down on the amount of time is reducing the report from the advisory committee to like just...like a summary report, like you do now, but without the meeting minutes...because I know that takes a long time. And perhaps just a link to the video recording of the meeting itself to each of the Maui Planning Commission members, and then that way they can access the entire meeting if they want to go and look at it themselves, you know, in addition to reviewing the report

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from the Planning Department. So, the question from the...to the Planning Department, whether, you know, it's Director Blystone, if you want to respond to some of those ideas.

MS. BLYSTONE: Mahalo for your question. I think I would love Hopper...Michael Hopper to respond to some of this as well, as far as the legality of doing it, especially the last part that you were talking about doing it that way. Because I...I want to...I hesitate to jump into the legal part when...when I'm not the expert on that. So, if you would be willing, I would...I would love for him to weigh in on this. I don't know --

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure.

MS. BLYSTONE: -- if he was designated a resource.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Deputy Corp. Counsel...Corp. Counsel Hopper --

CHAIR KAMA: Mr. Hopper?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- were you able to hear some of the ideas that I threw out? And, yes, I had a lot of coffee.

MR. HOPPER: Oh, well, we all may need some coffee after the Planning Commission meeting yesterday. But, yeah, I...I did hear those points. I think there were earlier versions of this bill that had some of that in it. So, we...we explored those...those issues. Some issues, I don't think you can require--I don't want to say some issues. SMA review, you would not be able to require because that's something that the commission has to decide. When looking at their rules--and that's how Hāna has been automatically designated--from what I can tell, I believe only special management area permit applications have been automatically sent to them for public hearings. I can double check that as well. But I believe through...and that was a Planning Commission rule, not a Council rule. The reason is that under the Charter, the planning commissions are the authority for...for the Special Management Area.

COUNCILMEMBER RAWLINS-FERNANDEZ: Understood. Okay.

MR. HOPPER: But...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, here's...here's an example. So, instead of, like, the, you know, SMA . . .(timer sounds). . . exemptions and minors, it would be like SMA majors.

MR. HOPPER: Well, the...the Council could not do that. The commission could. The Council requiring that, I don't think you can do that because you would...you're not the authority, the Planning Commission is the authority under SMA. However, with other types of applications, I think you could...you could potentially add that. We'd have to look at the Charter for legislative proposals, for example, because there are Charter requirements for Planning Commission review of General Plan amendments and things

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like that. But for things potentially like special use permits, or other permits under Title 19, that could potentially be something as well. I think we did look at sort of those...those areas. You would have potentially timing challenges because the Charter has deadlines for the Planning Commission to make its comments on those proposals. And...and you've got to factor in public hearing time frames, which I think is 30 or 45 days for some of those. So, you'd have to look at that. You may have some Charter restrictions there. For straight-up Title 19 permits though, you may have a bit more flexibility. And then you'd also want to state sort of what...what they're going to do. I would note that some of these applications are contested case hearings. So, you would need to sort of understand that what's happening at these commissions, we'd have to decide is that going to be part of the contested case hearing record, in which case we'd have to give contested case hearing training on the advisory committees. And you'd sort of have a longer contested case hearing for...for those types of permits. And those would be in the event the Planning Commission is the final approval authority for these. You would, of course, have those issues for applications the commission would, under the current law, delegate to these...to these commissions because you'd still have the 90 days on top of any of those other deadlines. So, we could...we could look at that. Again, I think earlier versions had things like that. There are some restrictions. I think it's ultimately up to the Council. But, you know, you may also have automatic approval deadlines too, for Planning Commission applications to deal with for some types of applications, and there's a State law and a Planning Commission rule on those as well. So, we'd want to look at all of that stuff before sort of deciding that. But there could be some options.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hopper.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: You're very welcome. So, we're going to continue on with Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Thank you, everyone, for your presentation. I do have a couple of questions, kind of what Member Sugimura was speaking about earlier in creating another one for her area. I'm curious, how come not all--maybe this is for the Planning Commission--has an advisory committee? Oh, Member Paltin, looks like she can ans...I just like want to hear it. Like, why doesn't Lāhainā have one?

COUNCILMEMBER PALTIN: So, when this brought up, it was championed by Member Molina and Member King. And they were going to be like the...see how it goes. And at the time, like, you know, Lāhainā was kind of one of the things. But we were going through the CPAC process at that time. And there were so many meetings for Lāhainā folks, it kind of felt like, you know, the people that would be able to participate on a new voluntary committee, because a lot of the CPAC members seemed like they had buyer's remorse at all the work.

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

COUNCILMEMBER PALTIN: That...and...and with the people that have to have like three or four jobs just to live in Lāhainā, I didn't feel like it would get, you know, that same kind of broad thing. And then I also felt like, you know, public testimony in the new age is much more reasonable. And so, for me, I didn't sign on for Lāhainā. I would...I think most of us were just waiting to see how this went. And being how it went in the last three years, I wouldn't...especially now, you know, a lot of people are dealing with so much stuff. I...I think the --

COUNCILMEMBER U'U-HODGINS: Yeah.

COUNCILMEMBER PALTIN: -- people that would be able to...you got the gist?

COUNCILMEMBER U'U-HODGINS: Yeah. No, thank you. I...I totally get the volunteerism remorse, 100 percent. I am curious though. Like do we not have any geographical diversity requirements, even for these advisory committees? Like . . .*(inaudible)*. . . like, we just had that new one in the Charter. But if you look at Pā'ia-Ha'ikū, there's...there's eight members, one vacancy in the alternate, another vacancy. But four of them are from Ha'ikū, two are from Pā'ia. You look at South Maui, all of them are from Kīhei. There's no, like Mākena, no Wailea even. And we have some old families that still live in Mākena. So, I'm curious about that. And two, in all honesty, I'm not advocating for any more commissions or committees. One, these don't meet, or they are having difficulties meeting. And two, with all the vacancies in the committees, I'm hesitant to continue to have all of these...I don't...I don't think anybody's wasting their time, but things that don't actually meet. And we have how many committees and commissions and advisory boards that are having difficulties with quorum. We're having...Member Paltin is correct, I mean people do have volunteerism remorse, you know, it is a lot of time. But I'm curious to know how long...if this is a trial period, how long are we going to do this for? I don't know if Corp. Counsel wants to answer that question, if that's in the law, or if we're going to, as a body, decide not to continue with these, considering the planning commissions are supposed to have representation from every district. And I'll say the two members that we have...or the two advisory people we have here is absolutely correct. We don't have anybody from Kīhei, nor do we have anybody from Kahului, Kula, Pukalani, or 'Ulupalakua.

MR. HOPPER: Is...is there . . .*(timer sounds)*. . . a legal question that I can assist with, Chair?

COUNCILMEMBER U'U-HODGINS: Well, if we're going to...if this was a...if we're going to try out this new pilot program, I don't know who suggested it, where we send everything to it, these boards, I'm not too sure how much the Planning Commission actually reviews that has to do with Pā'ia and Ha'ikū. Kīhei, for sure...or South Maui, rather, for sure. But how long are we going to try out this pilot program? Is this a pilot program, these advisory committees? And then...I mean in the interest of saving time, can we slim some of our commissions down?

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MR. HOPPER: I mean...and the legal question there that I could see is that you would need to make code amendments, you know, to do those things, to make it mandatory, and to change the...the...the attendance requirements. As...as to some of the other issues, whether it's, you know, from a policy perspective, if you want to do that, I think that's up to...up to you. But right now, the law says that things go to them when the commission requests them, predominantly. So, that's...that's what's in the law now.

COUNCILMEMBER U'U-HODGINS: Okay. You know, I get that. Thank you.

CHAIR KAMA: Thank you. Members, I think we're now going to continue with...I'm sorry, Nohe, were you done...Nohe?

COUNCILMEMBER U'U-HODGINS: I am, Chair. But thank you so much.

CHAIR KAMA: Thank you. Okay. Now we're going to continue with Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just following up on Member Rawlins-Fernandez questions to Mr. Hopper. Mr. Hopper, you mentioned a couple of things being sent to the Hāna Advisory Commission [sic]. Was it SMA areas, any zoning changes, those types of legislation would be sent to the Hāna Advisory?

MR. HOPPER: Chair, I...I checked out the rule. There is a--let me see if I can find it, I think I just had it--a Special Management Area rule that...that the Planning Commission had...had adopted that...that delegates specifically SMA public hearing applications to the Hāna Advisory Committee. The other ones may go to them, as a matter of course, to the legislation. I think the Department can...can...can discuss that. But the ones that I saw...I may have to look up the rule again, but I can get you the rule citation. Again, this was...this is a rule of the Planning Commission. So, they still have the similar...the Code has the similar requirement of...of referral generally, but I think the commission, by rule, has said for Hāna specifically, they automatically want things to go there. And...and that's...that's their...that's their decision. That's not in the...in the...in the Code.

COUNCILMEMBER SINENCI: Yeah. Thank you for that. I know the community wanted any legislation, zoning changes, to come for our consideration. Hāna has one of the most...the largest areas for Ag zoning, and for our small community, those changes could technically, you know, change out the whole feel of our community. Can...Mr. Hopper, can the other advisory committees hold 7(B) items to...like the committees, can we...can they hold 7(B) items so that they can continue and have...educate their community about some of the legislation that affect their...their...their community plan areas?

MR. HOPPER: Well, the subsection referred to previously, 2.28.050(I), states each advisory committee is authorized to, it says, provide recommendations to the Maui Planning Commission on matters within its community plan area; upon request by the commission, hold public hearings on behalf of the commission on matters that pertain to its community plan area; three, carry out such duties as provided by law or as may

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be delegated to it by the Maui Planning Commission; and four, adopt administrative rules. So, I mean, I don't necessarily see if...I mean, if you go under provide recommendations to the Planning Commission on matters within its community plan area, I mean, I suppose they could have a meeting and just, out of the blue, provide a recommendation. But it's...it's...the point about staff is well taken because they do have to follow the Sunshine Law, and...and other protocols, and have an infrastructure set up to allow for public testimony and things like that. So...so, I mean, it is...it is possible. But the commission...the commission is under no obligation to wait for or listen for that. The...the obligation of the commission comes if they delegate something to the advisory committee, they have to give...wait for that. And it says they have to--in Subsection J of that same section, they have to read recommendations out loud at the Maui Planning Commission meeting before taking action on the matter if they refer something to them. So, that's where that trigger comes in. So, it's a bit different there as far as...you know, if they want to just have a general meeting and argue we're doing this as providing a recommendation to the commission on this matter . . .(timer sounds). . . I suppose they could argue that. Yeah.

COUNCILMEMBER SINENCI: Okay. So, it wouldn't prevent them from holding 7(B) presentations?

MR. HOPPER: Well, it's similar to that. It's not...it's...it's we're going to provide a recommendation on something. But again, the Planning Commission doesn't have to wait for that, or put that on its agenda necessarily, or...or discuss that. It...it...so, it's a little awkward because they're an advisory committee specifically to the commission. And so, that's...that's sort of...it's that dynamic. But it's not a mandatory function of the commission to listen to that or wait for that.

COUNCILMEMBER SINENCI: Okay. Thank you, Mr. Hopper. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. So, Members, I'm looking at the time. We still have one more item to discuss. So, I'd like to ask if there's a need for round two, just raise your hands. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just a follow-up with Director Blystone about Mr. Dias mentioning that the commission's meeting last night was to forego coming to the...the Hāna Advisory because of the deadline. I did see that the commission had advised that all other community plan areas outside of West Maui be further down the road. But can you explain the...the timeline on that decision not to refer to Hāna Advisory?

MS. BLYSTONE: Mahalo for the question. So, there's probably two things being conflated here a little bit. The...the...so, the commission decided not to send it to the Hāna Advisory Committee so that they could make a decision to forward your recommendation last night. So, what they did discuss is the timeline within the transient vacation rental phase-out period. So, that's...that's...that's all that they discussed. And you'll see a recommendation when that reaches your desk soon.

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COUNCILMEMBER SINENCI: Okay. Thank you for that. Thank you, Chair.

CHAIR KAMA: You're welcome, Mr. Sinenci. Members, any other...yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: So, one quick question for Director. Thank you for working so many hours, right, with the Planning Commission, especially last night. So, how soon will we get the recommendations from the Planning Commission members about this...this issue? Because it's...it's going to impact, I think, what we're talking about for the second item too.

COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order.

MS. BLYSTONE: Mahalo...mahalo for your...oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's outside the scope of the agenda item.

COUNCILMEMBER SUGIMURA: Oh. So, when are we going to get...when are we going to get...or when do we...how soon can we get a report from you from the commission?

COUNCILMEMBER RAWLINS-FERNANDEZ: That's not the agenda item.

CHAIR KAMA: Okay. Next? So, Members, I don't see anyone raising their hand for round two. So, if I may, I would like to continue to defer this item. And then I'd like to be able to continue with our next item, if there's no objections to that.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR KAMA: Thank you very, very much. So, this item is now deferred.

ITEM 3(18): SCOPE OF WORK FOR THE COUNCIL'S REQUEST FOR PROPOSALS ON A STUDY OF THE PHASE-OUT OF TRANSIENT VACATION RENTALS IN THE A-1 AND A-2 APARTMENT DISTRICTS (RULE 7(B))

CHAIR KAMA: And we're going to go right into our HLU-3(18), which is the Scope of Work for the Council's Request for Proposals on a Study of the Phase-Out of the Transient Vacation Rentals in the Apartment A-1 and A-2. So, Members, during our deliberations on the Fiscal Year 2025 Budget, we appropriated up to \$300,000 for a study of the economic impact of Mayor Bissen's proposed phase-out of the transient vacation rentals in the A-1 and A-2 Apartment districts. As Chief Procurement Officer for the Legislative Branch, the Council Chair would issue the request for proposals for the study. During our budget discussions, there was a desire expressed to have input into the scope of work that would be included in the RFP. The purpose of today's Rule 7(B) discussion is

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to provide a forum to gather that input. So, at this time, I would like to have OCS Staff distribute the draft scope of work that was created to guide today's discussion. So, the draft scope includes the following. A requirement for the contractor to review prior studies and analysis performed on this issue from a variety of resources. An analysis of the units that are targeted for phase-out by examining their physical and financial characteristics. Identification of an ideal unit, and number of units impacted by the phase-out that will likely end up as either long-term rentals or owner-occupied. An assessment of the anticipated loss of revenue to the State and County, and at least three recommendations to recover the lost revenue. An estimate of the impacts to revenue and employment from sectors of our island economy that are related to the transient vacation rental units for phase-out. So, after today's meeting, HLU Committee Staff will draft correspondence to Chair Lee, including what we discussed, for consideration into this RFP scope of work. But before we start discussing this draft of scope, I would like to be able to call on public testimony. So, at this time I'm going to...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes? Member...

COUNCILMEMBER RAWLINS-FERNANDEZ: That scope of work draft, did you say that it was on Granicus? Because I'm not finding it.

CHAIR KAMA: Staff, is it on Granicus? And...

MS. GRECO: We are uploading it now. It just may take...just a couple of minutes for it to show up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

MS. GRECO: But it's being uploaded.

CHAIR KAMA: Okay. Thank you. So, at this time, we're going to receive oral testimony from those signed up to testify. As stated previously, if you are...you are in Teams, you can raise your hand to identify that you want to testify, and Staff will put you on the list. If you're on the telephone call, the call-in number is star-five. Raise your hand, your virtual hand, and Staff will put your name on the testifier's list. Please keep your audio and video muted until you are called to testify. Those attending in person in the Planning Conference Room should sign up with Staff at that physical location to be placed on the testifier's list. At this time, we're going to call testifiers wishing to testify on HLU-3(18). I would like to recommend testifiers that the Mayor's proposal for transient vacation rental phase-out is not on the agenda. And I'm going to count on Member Rawlins-Fernandez to make sure that we only talk about the scope of services today. Thank you for being our monitor. The only thing we have on the agenda for this item is the scope of work for the Council's RFP study of the likely economic impacts. So, Staff, would you please call our first testifier on the list?

MS. MCKINLEY: Chair, the first testifier is Gary Saldana, to be followed by Ann Pitcaithley.

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CHAIR KAMA: Good morning, Mr. Saldana.

MR. SALDANA: Aloha, Members, and good morning. Thank you for allowing me the opportunity to testify. My name is Gary Saldana. I'm testifying on behalf of the Realtors Association of Maui, offering comments on the proposed RFP scope for a study of the phasing-out of short-term rentals in Apartment districts. We are pleased the Council has appropriated funds to conduct further research on the Mayor's proposed bill relating to amortization of STRs. Even though there are a number of studies lingering around, some may say they are biased because of how they were funded. It's our hope that the Council's study will not take sides, be a fair and equitable report. But one thing is certain, more information is needed. During the Lāna'i Planning Commission meeting, the commissioners could not get the answers they were seeking. Oftentimes, they were told information they wanted is pending further research. When asked, commissioners could not get answers to such questions as, how will these units be made affordable? How will they be guaranteed to get into the hands of the people that need them? Will the loss of revenue result in the loss of County jobs and increased taxes? Why was the measure introduced "ass backwards," and that's in quotes, without proper study first? The County and Staff resource personnel could not answer these questions in depth, and therefore, we believe an independent study is necessary. Accordingly, RAM has submitted a . . .*(timer sounds)*. . . number of suggested areas. Is that three minutes already?

MS. MCKINLEY: That was one minute, and there is an additional one minute.

MR. SALDANA: Okay, so it's a...I'm sorry, is it a two-minute or a three-minute limit?

CHAIR KAMA: Two. It's two, Gary.

MR. SALDANA: Oh, okay, great. Okay. So, in closing, I just want to name a few of the following areas that we feel--that we submitted in our written testimony--that should be covered, such as determining what projects were built to include STRs and which were not? Is the shortage of affordable housing as a result of STRs, or a lack of housing starts, or inability to keep up with demand? How will these units be made affordable? Will families be willing to live in condominium environment? What subsidies will be required to ensure affordability? How will the County guarantee these units will be put in the hands of the needy families, versus in private equity firms or investors? We also wish that the...that the study would include areas for alternatives to this...to the proposed bill, such as exploring the option of more aggressively . . .*(timer sounds)*. . . the County purchasing units, use of illegal short-term rentals as long-term rentals as well, and major adjustments in the Zoning Code. I heard my three *[sic]* minutes. I want to thank you for this opportunity. We did submit written testimony, so it goes into greater detail in the written testimony. Thank you for this opportunity.

CHAIR KAMA: Thank you, Mr. Saldana. Members, do we have any questions for our testifier? Seeing none. Thank you very much, Mr. Saldana. And Staff, our next testifier, please.

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MS. MCKINLEY: Chair, the next testifier that was signed up is Ann Pitcaithley, but I no longer see her on the meeting, to be followed by Candace Shaw.

MS. SHAW: Aloha. Can you all hear me?

UNIDENTIFIED SPEAKER: Yes.

MS. SHAW: Okay. Aloha. Thank you, Councilmembers, for allowing me to testify today. I have submitted written testimony as well, which I think all of you are in receipt of, outlines more specifics and in detail of what I believe should be included in the report. For clarity and disclosure, I do have an inactive real estate license. I am a former member of the government affairs committee for the Realtors Association of Maui. And I haven't seen the current draft scope of work. From what I've heard today, I'm a little concerned that it's going to fall short again. It sounds very similar to the study that Paul Brewbaker had commissioned in 2022 for the Realtors Association of Maui's government affairs committee, which I'm familiar with. I think that that study as well has been critiqued in detail by me in my written testimony, so I'm not going to go into that here. One thing I do want to talk about today, especially in light of the meeting yesterday, is I think it's important to select a contractor who's going to be very sensitive to the complex cultural issues . . .(timer sounds). . . that we have here. I heard some really concerning remarks, to say the least. In my opinion, some of them were overtly racist. And I saw some behavior from people who are considered generally upstanding members of our community that did not shine very well on them. And so, I'm hopeful that whatever the Councilmembers decide to do with this study, that they really consider the diversity of our community, and ensure that we're aligning with traditional Hawaiian values in the way that the contractor works with our community. Because there should be some community outreach into the study as well, which I discussed in my..in my statement to you. So, I think that's a priority for everyone to consider. Thank you for your time, and let me know if you have any questions.

CHAIR KAMA: Thank you, Ms. Shaw. I want you to know that the scope of services that was issued to the Members is on Granicus, so you can go ahead and go and download it from there. And we have read your testimony. So, thank you so very much. Members, do we have any questions for our testifier? If not, Staff, could you please call the next testifier?

MS. MCKINLEY: Chair, the next testifier is Johann Lall.

CHAIR KAMA: I'm sorry. Member Rawlins-Fernandez, did you have a --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: -- question for Ms. Shaw?

COUNCILMEMBER RAWLINS-FERNANDEZ: Real quick. Yeah.

CHAIR KAMA: Yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Ms. Shaw alluded to...or stated in her testimony that she had submitted written testimony. I see Mr. Saldana's testimony on Granicus, I don't see Ms. Shaw's. Does Staff have an estimated time of when that would be uploaded?

MS. SHAW: In full disclosure, I can...I can upload it through the traditional methods. This is the one that I had submitted through email prior, and so I can upload it if that would help the Staff.

MS. GRECO: Excuse me. This is Staff. So, because it was sent via...via email, that'll be uploaded after the meeting. But if it was by eComment, then it'd be available by clicking the eComment link. So, we'll upload the email after the meeting.

CHAIR KAMA: Thank you, Staff.

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

CHAIR KAMA: Thank you...thank you, Ms. Rawlins-Fernandez. So, we're going to continue with our next testifier. Staff, please.

MS. MCKINLEY: Chair, the next testifier is Johann Lall, to be followed by Pamela Tumpap.

CHAIR KAMA: Jonathan [sic], are you there?

COUNCILMEMBER PALTIN: You mean Johann, or is there Jonathan?

CHAIR KAMA: Johann. Johann Lall.

COUNCILMEMBER PALTIN: Oh.

CHAIR KAMA: Okay. I don't see him or hear him. Staff?

MS. MCKINLEY: Chair, the next testifier is Pamela Tumpap.

CHAIR KAMA: Okay. So, let's go to Pamela Tumpap and then we'll come back to Jonathan [sic].

MS. TUMPAP: Thank you. Are you able to hear me?

CHAIR KAMA: Yes, we are.

MS. TUMPAP: Wonderful. Thank you again for your tremendous time. I want...we did submit written testimony, but I just kind of wanted to review some of the key things that we feel are really important. We feel it's really important to look at the condo regime documents and declarations and CC&Rs, to look at the developments and how they were originally built, if they were originally built to allow transient accommodations or

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if they were originally built as long-term rentals. We want to look at how many properties have an area, counter, office, or check-in, or a reception area to kind of better understand the use. We want to look at, you know, the number of units, including those meant for TVR uses, and...and look at how many they can accommodate in terms of long-term tenants. How many rooms are available in terms of bedrooms, and look at how many bathrooms, and...and look at the necessity of families, and identify who would occupy those units, and how many are in those categories for the different types of units that are available. Some of them were built with smaller spaces. We also want to look at the possibility of...again, for those who were displaced, or are still displaced for their pets, getting their pets back, and...and what's the availability of that, and parking, and so on and so forth, as we survey. We want to survey the fire survivors in the broader community.

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

MS. TUMPAP: I'm sorry. Oh, I thought somebody was asking a question. We want to survey the fire survivors in the broader community in terms of housing needs and determine what...you know, bedroom/bathroom sizes they're seeking, and also the area that they want to be in, given what happened with some of the FEMA money where we took over some units in Kihei, or...or thought we could use units in Kihei where people did not want to go to that. We really want to examine the current monthly rental expenses per unit, given the HOA fees and the...with rising insurance costs, and be planning for that, as well as understand what kind of repairs are needed. I remember when I was the unit owner of Harbor Lights, we got hit with a huge assessment, not hundreds of dollars, tens of thousands of dollars. So, we need to look at what the repair and maintenance on these buildings is going to be, and what could be passed on . . .*(timer sounds)*. . . in the next five to ten years. And we have several more. But we...we really want to make sure that we're matching the needs with the units and also the cost, exploring sustainable solutions, and taking into account other housing options within the spending amount we would be considering for this where people could actually be in houses that would last 3 to 20 years, and provide more flexibility. And there are solutions for that that we've seen and have shared with Government, as well as FEMA...on island, with local developers. So, thank you for the opportunity to provide testimony.

CHAIR KAMA: Thank you, Ms. Tumpap. Members, do we have any questions for our testifier?
Yes, Member...

COUNCILMEMBER JOHNSON: Yes, Chair, I do.

CHAIR KAMA: Ms. Sugimura, did you have a question?

COUNCILMEMBER SUGIMURA: Thank you. Yes, thank you. So, Ms. Tumpap, can you expand what you were saying about FEMA?

MS. TUMPAP: So, yeah...well, a couple of things. You know, one of the things that we've seen when FEMA was looking to move those from the wildfires, you know, deeply impacted,

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into other housing units, they came to us and--after they realized they'd done some harm to our community--they came and had a listening session with me. And, you know, they...in many cases, they...you know, they're spending a lot of money, at \$9,000-plus, a month. We have housing solutions that were modular housing solutions that could last for 20 years, and could be up in a matter of days, and removed in a matter of days or reconfigured, that we could have bought housing units for. And they know that because we did a listening session with them prior to that move. The other thing was that they put out, you know, a call to all...you know, basically, the call was, all STVRs should stop rentals and should hold the place vacant. Some people did hold places vacant, and those units were not desired in their areas. In particular, the ones I'm most familiar with were in the Kihei area. Some people are in the Kihei area, but preferred not to be. So, we want to have...make sure that we have a survey on that. And then in the listening session that we did with FEMA, we showed them--we put together five different temporary modular homes through local developers that are part of our construction industry of Maui group that could be considered, and they were thrilled. But when they put out their RFP, in addition to modular, which we were well-equipped, they asked for mobile because that's what they're most familiar with on the mainland. And so, by adding mobile, that took our local developers, who they had been so thrilled with, out of the running for the bidding. And, of course, with the high rents that they have paid for the condotels, of course, we've seen a huge rental escalation across the island, certainly particularly in West Maui and Kihei areas, but also Upcountry. Other areas have been deeply impacted as people had hoped and waited to see those numbers reach their areas. So, it's created another housing crisis, the likes of which we don't know how long it will take to bring that back down, and if it will ever get back to earlier pricing. And...and we saw an escalation with COVID, obviously, as well, but this has completely exacerbated that escalation.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Members, any other questions for our testifier?

COUNCILMEMBER JOHNSON: Yes, Chair.

CHAIR KAMA: Seeing none.

COUNCILMEMBER JOHNSON: I don't know if you can see me.

CHAIR KAMA: Yes. Okay.

COUNCILMEMBER JOHNSON: This is Gabe.

CHAIR KAMA: Oh, Mr. Johnson, I do hear you. Yes.

COUNCILMEMBER JOHNSON: Thank you...thank you, Chair, for allowing me this time. Good morning, Ms. Tumpap.

MS. TUMPAP: Good morning.

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COUNCILMEMBER JOHNSON: Just to clarify...a clarification of some of the research you...the Chamber did. Did you folks look into...or take into account the Haggai Institute and how that worked out? Have you guys looked at that scenario?

MS. TUMPAP: Well, we think the Haggai Institute was a good purchase. And so, we...we do think that you got an extraordinary amount of units for that. To that point, I would also like to add--and this is something that we've discussed, we don't have a policy on it, per se--but I think that our County and State undervalues our land. And what I mean by that is, we have...during COVID, we saw it, and we still see it today, large acreage--and I'm talking ten-plus to hundreds of acres--being bought out by outside forces. And when you look at the dollar amount that's being paid for a lot of this, and it's primarily agricultural land, they're getting one hell of a bargain. And if people are, you know, getting 10 acres, 20 acres, 30 acres, and you're paying...you know, even if you're paying \$20 million, we should be buying that land. Why are we not investing in our own land for our own housing?

COUNCILMEMBER JOHNSON: Right.

MS. TUMPAP: We need different solutions.

COUNCILMEMBER JOHNSON: I...I...yeah. Yeah, I understand that. You know, I...I...I live just basically across the street from the affordable housing project on Lānaʻi. It cost \$110 million, it's taken years to build. So, the infill, if there is existing buildings that are for sale, it sounds to me that you would support just the way the Haggai Institute was purchased. Because as you know, building those affordable projects, they take years, and they're very expensive, as opposed to buying an existing Haggai Institute, for example, and where the County would pay the HOA fees and the maintenance fees and keep it affordable like that model. It sounds like...I understand that your concern is, you know, outside influences, mine...mine as well. And I just...I...I appreciate you mentioning that. But I...I...I want to see that if you guys would be...have you looked into the Haggai Institute model, where that seems a bit faster, a bit cheaper, and really kind of hitting what we're looking for, so...

MS. TUMPAP: We do support those kinds of projects. I think the other thing I'd like to add--and I know before this Council, there have been a number of times--I know there was a project that we looked at, which was apartments in commercial areas like Kahului, and it --

COUNCILMEMBER JOHNSON: Right.

MS. TUMPAP: -- seemed to be lighting and noise concerns that...that held that up at night. I'm in that area frequently at night, and I don't...I don't see that concern. And I love that you had considered the EPA considerations. What I thought was amazing, out of the 11 hours of testimony in the first Planning Commission meeting, was the degree to which many people said we would be happy in apartments. That has been something that we've kind of grappled with as we've looked at--you know, we want, of course,

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peaceable ownership. We want people to have the opportunity to...to move up. But we also want the apartment mix, and have advocated for years for apartments to allow younger people and those who don't want necessarily a house or a yard to take care of to have that opportunity --

COUNCILMEMBER JOHNSON: Right.

MS. TUMPAP: -- that's more affordable.

COUNCILMEMBER JOHNSON: Yeah. You mentioned that...that testimony, the 11-hour. I remember Tiare Lawrence saying...speaking on the Spinnaker. The Spinnaker was old workforce housing transferred in short-term rentals. And as a kid, she grew up there playing with her family and friends who lived there long-term. Myself, I had a family member who lived in Spinnaker, and then, of course, it got transferred into short-term rentals, and they had to move on. But that's...that seems to be a thing we're trying to address. And I think my time is up here, so I just want to thank you for your testimony. Thank you so much, Chair.

MS. TUMPAP: Thank you.

CHAIR KAMA: Thank you, Mr. Johnson. Members, any other questions for our testifier? I don't see anyone else, so thank you so very much. Staff, our next testifier, please.

MS. MCKINLEY: Chair, the next testifier is signed in as Maui Vacation Rental Association, to be followed by Tom Croly.

CHAIR KAMA: Maui Vacation Rental? Staff, I don't see anyone. Does anybody see anyone from...

MS. MCKINLEY: Chair, they're on the line, and they have been unmuted on our end.

CHAIR KAMA: Okay.

MS. GRECO: Chair, perhaps we can come back to them. The next person signed up is Tom Croly --

CHAIR KAMA: Okay.

MS. GRECO: -- to be followed by Albert Perez.

CHAIR KAMA: Okay. Mr. Croly?

MR. CROLY: Aloha, Committee. I quickly reviewed the proposal that you prepared, and I did upload my comments to the eComments link. And I think you addressed many of the...the points that I made, but I'd like to...to point out a few that I think need to be emphasized. One, in the analysis of what units might be converted, I believe that we should do a deep dive into our real property tax records that exist today in the Apartment

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District for all apartment complexes that have been built since 1990...all of the hundreds of those that are not and have never been allowed to be used for short-term rental. I looked...I took a look at four of them today. The most recent one is La'i Loa, 75 units in Wailea. The...they are all shown as nonowner-occupied. I went through each of the addresses of the new owners, only three showed local addresses. Possibly three of those will, you know, be...be owner-occupied. Na Hale O Mākena, 40 units...4 were homeowner, 2 were long-term rentals, and 24 were...or 34 were nonowner-occupied. Keala o, Wailea, 70 units...4 long-term rentals, 7 owner-occupied, 59 nonowner-occupied. Anyway, that's just an example of...of some of the ones recently that...that...that have been built, and showing that they are primarily occupied as nonowner-occupied, second homes. And that is...is basically a good predictor as to what would happen to these units should they lose the ability to be used for short-term rental. So, I...I think that...that the scope of work should include a deep dive into our current real property tax records and what the use of those units are. . . .(timer sounds). . . Two, if I can make one other quick point. There's...there's...there's a point in there about the original use of the...of the units, whether they were owner-occupied or TVR. That's not really possible when you talk about these units. Back in...prior to 1989, we didn't have a homeowner exemption, we didn't have a...a classification for owner-occupied, and we didn't have a TVR thing. So, you can't really determine from when these were built originally what the use was. You could modify that and say, what has the use been percentage-wise in current years? You know, like maybe in the last ten years, what...what were the use of these...these buildings? But if you go back to when they were built, that doesn't exist.

CHAIR KAMA: Thank you, Mr. Croly, for your testimony. Members, any questions for Mr. Croly? I don't see anyone's hands being raised. Thank you so very much.

MR. CROLY: Mahalo.

CHAIR KAMA: Thank you. Staff, next testifier, please. Shall we go back to Maui Vacation Rental?

MS. MCKINLEY: Yes, Chair. I'm just getting around to unmuting them. And Maui Vacation Rental Association will be followed by Albert Perez.

CHAIR KAMA: Okay. You're on Maui Vacation Rental.

MS. GRECO: ...Maui Vacation Rental is again unmuted on our end, and just muted on their end. They'll need to click the microphone button at the top right of their screen to unmute. Chair, not hearing anything from them. If we can move on to the next.

CHAIR KAMA: Go on to Mr. Albert. Yeah, let's go to Mr. Albert.

MS. GRECO: Yes, Albert Perez, followed by Katie Austin.

CHAIR KAMA: Albert, are you there?

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MS. GRECO: Albert is unmuted on our end and just muted on his. Chair --

CHAIR KAMA: Okay. Let's go on.

MS. GRECO: -- perhaps we can move on to the next one. That is Katie Austin, to be followed by Clint Hansen. So, Katie Austin.

MS. AUSTIN: Aloha, Council. Can you hear me?

CHAIR KAMA: Yes, we can. Please continue --

MS. AUSTIN: Thank you.

CHAIR KAMA: -- Katie.

MS. AUSTIN: Thank you. Okay. Thank you for allowing me to provide testimony. Contrary to what previous opponents have said, I do think it is really important for us to not just look at the ten-year use of these units. We do have to go back to the root of it. And I think that is why this policy is being brought forth to the table because they were built on apartment-zoned lands. And I think that looking at that from a 30-, 40-year scope of what our community was intended for, and what these lands were intended for, is super important. I also would like to propose as well that the economic studies really look at our benefits to our local communities, and what that would be looking like having stable housing, and living close to home where people don't have to spend three to four hours in a car driving to and from work. I think we can have a way to see what the benefits would be from this economic . . . *(timer sounds)*. . . study as well. We don't need to just look at all of the . . . *(inaudible)*. . . As well as I do want to propose as well, we can raise taxes on nonowner-occupied second homeowners to make up for the tax loss in STRs as well. Just a couple of thoughts. So, mahalo, everyone, for your...everything you do.

CHAIR KAMA: Thank you very much, Ms. Austin, for your testimony. Members, any questions for our testifier? Seeing none. Thank you so very much. Oh, Mr. Johnson, yes. ...You're muted, Mr. Johnson.

COUNCILMEMBER JOHNSON: Sorry about that.

CHAIR KAMA: Okay. Go ahead.

COUNCILMEMBER JOHNSON: The old...I should know better by now. Good morning, Ms. Austin. Thank you for your testimony. You know, you mentioned a lot of the...the units. Would you support the County purchasing the units and then renting them out as...as...as affordable housing? Is that a path that you would support?

MS. AUSTIN: Absolutely. I do think that one of the main things that resonated with me yesterday when Mayor Bissen spoke on the fact that there are roughly 7,000 units, and

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he said that even if only 500 converted to long-term housing, that he would take that 500. And I think --

COUNCILMEMBER JOHNSON: Yeah.

MS. AUSTIN: -- that is so huge. Like, we will do anything in any realm to be able to create affordable housing. So, yes, I would support that.

COUNCILMEMBER JOHNSON: Yeah, I agree. I've been going...driving around South Maui, West Maui, and looking at some...looking at as many units as I could that are on the...on the Minatoya list. And there were some...like you were saying, like some just wouldn't really apply, but a percentage certainly would. So, I'm trying to see if...if...if you...in all of your research, if you...if you guys would support that type of path forward. So, I know --

MS. AUSTIN: Yeah, absolutely.

COUNCILMEMBER JOHNSON: -- like, for example...oh, go ahead. Go ahead.

MS. AUSTIN: Oh, go ahead. No, you go ahead.

COUNCILMEMBER JOHNSON: Well, I know in Honokowai --

MS. AUSTIN: No, I just...and also like...

COUNCILMEMBER JOHNSON: -- specifically...oops, it's a bit of a lag. But in Honokowai, specifically, I saw a lot of workforce housing that could be turned...or, you know, kind of short-term rentals that could be turned into workforce housing or even affordable housing. Whereas up...is...when I got up in Kapalua, some of those units--and I don't know, they...not really what I would imagine--but I'd like to hear what you've been thinking, Ms. Austin.

MS. AUSTIN: Yeah, definitely. I do think that there are a lot...if you do, like, a win...like, just go down and check out each one of these units, you can see the differences in what they were built for. A lot of them do look like apartments. You know, you pull up and they're not resort-looking in whatsoever, right? And I think that it's important, like the Planning Commission stated yesterday as well, that we do this blanket phase-out. But the...the possibility for rezoning has always been there. And the units, or specific more hotel-wise or more luxury, per se, can always ask to rezone. So, we hope --

COUNCILMEMBER JOHNSON: Right.

MS. AUSTIN: -- for this Minatoya list, but also--you know, and that has been available for these people to rezone for years. I just...you know, they never really did it. So, I think there's an opportunity for that in the future.

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COUNCILMEMBER JOHNSON: Okay. Thank you. Just to let you know, FYI, from some research that we're doing, we're looking at how those original intentions were when they were building them. So, maybe some of those were workforce housing. We can look at...you know, we're researching on exactly what started them. So, thank you so much, Ms. Austin. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Johnson.

MS. AUSTIN: Awesome. Thank you.

CHAIR KAMA: Thank you, Ms. Austin. So, Staff, can we go on to the next testifier, please?

MS. MCKINLEY: Chair Lee has her hand up.

CHAIR KAMA: Oh, I'm sorry, Chair. Chair Lee?

COUNCILMEMBER LEE: We're...we're sort of running out of time, Madam Chair. So, I'm hoping that we can focus...refocus on the...the study itself and not the pros and cons of the Minatoya list.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Because I'm hoping to get this done today so I can get started on the RFP.

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Yeah. Thank you.

CHAIR KAMA: Yeah. Thank you for that. And Members, thank you for your considerations of that. So, let's go on to our next testifier, Staff.

MS. MCKINLEY: Chair, I believe we can return to Albert Perez, to be followed by Clint Hansen.

CHAIR KAMA: Okay. Albert, are you there?

MR. PEREZ: Hello. Can you hear me?

CHAIR KAMA: Yes, I can hear you.

MR. PEREZ: Oh, yeah, good. I had to call in. Teams is not working for me today. I apologize. Anyway...so, this is Albert Perez, and I'm with Maui Tomorrow. Shall I go ahead?

CHAIR KAMA: Yes, by all means. Please continue.

MR. PEREZ: Okay. Okay. Thank you. So, Mayor Bissen has already engaged the University of Hawai'i Economic Research Organization to study the impacts...economic impacts of

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the TVR phase-out, and we urge the Council to support that study, and not to spend \$300,000 on a duplicative study when that money could be better used elsewhere. I would like to point out that UHERO did a preliminary assessment and they estimated that the bill would increase Maui's long-term residential housing stock by 13 percent, a dramatic increase that would lower housing prices, whether for-sale or for rent. And according to UHERO, 78 percent of the short-term rentals are operated by those who run multiple vacation properties who would likely sell or rent their unit. So, many properties would likely be converted . . .(timer sounds). . . to long-term housing. And if it's affordable, that's great. But if it's not, it's still going to increase the supply and lower the cost, hopefully. I understand that Mr. Paul Brewbaker's firm is under consideration for being awarded a contract to do the proposed study. His bias was already evident in the 2022 study, which was paid for by the Realtors Association. And that study considered the worst-case negative impacts of a TVR phase-out without considering any of the positive impacts that the community would experience, such as improved quality of life and the ability to use the existing water supply for sorely needed residential units instead of for tourists. So, this issue is very contentious, but there's no place in the debate for obscene gestures like that made by Mr. Brewbaker during yesterday's Maui Planning Commission meeting, apparently because he disagreed with a testifier who was in support of the bill. If you really want to see that middle . . .(timer sounds). . . finger, you can find it in today's *Civil Beat*. We need a credible study, and Mr. Brewbaker's clear bias will not serve us well as we try to figure out the impacts, both positive and negative, of the TVR phase-out. So, we urge the Council to support the UHERO study, and to use that \$300,000 somewhere else where it could be better used. Mahalo nui.

CHAIR KAMA: Thank you, Mr. Perez. We have questions from Member Sugimura, and then Member Paltin.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Albert. I just wanted to know when is the Mayor's--you sound like you're familiar--when is the Mayor's UHERO study going to be done?

MR. PEREZ: Oh, I don't know.

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. PEREZ: Sorry.

COUNCILMEMBER SUGIMURA: Sounded like you were familiar. Thank you, Albert.

CHAIR KAMA: Member Paltin?

MR. PEREZ: I can find out and let you know.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Perez. I just was...I thought that Mr. Brewbaker is affiliated with UHERO.

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MR. PEREZ: I think he used to be. My understanding is that he has his own firm now, it's called TZ Economics.

COUNCILMEMBER PALTIN: What's his logo, the middle finger?

MR. PEREZ: Oh, I don't know. I...I was very distressed by that when I saw it, especially --

COUNCILMEMBER PALTIN: Okay.

MR. PEREZ: -- because I know the testifier, and he's very sincere. So, there's no call for that.

COUNCILMEMBER PALTIN: And...and that the Chair was telling the folks in the room to make it a safe space for people too, but the folks online is showing middle fingers to our testifier. That was pretty disrespectful.

CHAIR KAMA: Absolutely. Absolutely.

MR. PEREZ: I would agree.

CHAIR KAMA: Thank you, Mr. Perez, for your testimony.

MR. PEREZ: Thank you. Aloha.

CHAIR KAMA: Aloha. Staff, can we go on to our next testifier, please? ...Staff? I think the next testifier is Clint Hansen, followed by Carol Lee. So, Mr. Hansen?

MR. HANSEN: I'm here.

CHAIR KAMA: Okay. Go ahead and testify.

MR. HANSEN: Okay. Thank you so much. Clint Hansen, and I definitely think that we should continue on and have as much information as possible about the economic impacts associated. So, we should definitely be going forward with any additional information that can be provided to shed light on this economic study. So, I think it should definitely go forward. I think that the Minatoya law, as it currently stands, should be applied more regularly to existing vacation rental properties. I don't think the economic impact of removing all 7,100 properties makes sense, considering it would potentially reduce taxable income by hundreds of millions, and spending on the island by potentially billions. Also, the overall effect is not definite. We have two complexes in Wailea that are right next to each other. They're both Minatoya. And one is vacation rentable. . . .*(timer sounds)*. . . The other is not vacation rentable. They are...that's the Palms at Wailea and Wailea Palms. They are exactly the same in every way except for the ability to vacation rent. And the resident one is actually historically more expensive. So, you know, there are . . .*(inaudible)*. . . of complexes. In the recent history, Pohailani was one of them. It was, you know, generally accepted as vacation rentable. The Minatoya law was applied. It is no longer vacation rentable . . .*(inaudible)*. . . resident, but still, it's \$900-plus a square foot. We need affordable housing. We are all in agreement. We

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should use that taxable income as a way to issue bonds, and increase infrastructure, and actually build affordable housing, and maybe fund efficient 501(c)(3)s, like Lāhainā Land...or Lāhainā . . .*(timer sounds)*. . . Na Hale O Maui.

CHAIR KAMA: Thank you.

MR. HANSEN: . . .*(inaudible)*. . . Thank you.

CHAIR KAMA: Thank you. Members, any questions for Mr. Hansen? If...oh, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Hansen, for your testimony. I just wanted to clarify your statement on Pohailani Mauka. It's zoned, duplex.

MR. HANSEN: Correct. Actually, multi-family.

COUNCILMEMBER PALTIN: So, I don't understand how you're saying that's Minatoya.

MR. HANSEN: It was a vacation rentable property for decades, and then the property was basically stated and reached out to the County. They were allowed to do vacation rentals, and now it is resident only.

COUNCILMEMBER PALTIN: Well, there's two Pohailani's with different zonings.

MR. HANSEN: Yeah. Similar to like...

COUNCILMEMBER PALTIN: The makai side is allowed to, and the mauka side was never allowed to. It was just doing it without...just because they thought they were the same property --

MR. HANSEN: Yeah.

COUNCILMEMBER PALTIN: -- but it was zoned differently.

MR. HANSEN: Exactly. That's exactly. We need to apply the zoning rules. And Spinnaker, you know, is not vacation...has not historically been used for vacation rentals, so why is it vacation rentable now?

COUNCILMEMBER PALTIN: Spinnaker burned down, and their HOA bylaws said they couldn't do vacation rentals, although the zoning allowed them to do vacation rentals.

MR. HANSEN: Oh, I see. My mistake.

COUNCILMEMBER PALTIN: Okay. All right. Thank you for that clarification.

MR. HANSEN: You bet.

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CHAIR KAMA: Thank you, Ms. Paltin. Seeing as though there are no other questions, Staff, can we go on to our last testifier?

MS. MCKINLEY: Yes, Chair. The last testifier signed up right now is Carol Lee.

MS. KAMEKONA: Aloha. Good morning. Can you guys hear me?

CHAIR KAMA: Good morning. And yes, we can. Please proceed.

MS. KAMEKONA: Good morning, Chair and Councilmembers.

CHAIR KAMA: Good morning.

MS. KAMEKONA: My name is Carol Lee Kamekona. What I wanted to preface my testimony by saying we were in a housing crisis pre-fires 2023. We are now in a housing emergency. So, I agree with doing an economic impact study. However, the UHERO report that was mentioned by Albert is coming out at the end of the year. I would ask that Council utilize that report, and any other report that does exist that is not biased. It had been mentioned earlier in testimonies that...and a report that was mentioned--I'll say his name, Mr. Brewbaker--very racist, very ignorant. I'm sorry. What he did last night was totally unacceptable and totally disrespectful. But what I will say is I agree 100 percent with what Albert said. What I did want to add is, when you do the scope of this RFP, that you take into consideration why some of these units were denied by our fire survivors. I...I have been listening to testimony after testimony in the Planning Commission where people were saying this unit wasn't being accepted, that unit wasn't being accepted. Why? Many of them were unkept. The maintenance . . .*(timer sounds)*. . . of those units were unlivable, unacceptable. Not only did the survivors not want to be there, but even FEMA representatives that escorted our survivors to these units, even they said they couldn't even accept people living in these conditions. So, please, include that in the RFP, that the units that they look at, are they actually livable? Is the maintenance been upkept? Thank you.

CHAIR KAMA: Thank you very much for your testimony. Members, do we have questions for our testifier? Seeing none. Thank you so very much. Staff, our next testifier?

MS. MCKINLEY: Chair, the next testifier is Caitlin Miller, and she's currently the last one signed up.

CHAIR KAMA: Ms. Miller?

MS. GRECO: ...Ms. Miller is unmuted on our end. I know she was also joined by phone.

MS. MILLER: Oh, I'm so sorry. Can you hear me?

CHAIR KAMA: Yes, we can hear you. Go ahead, Ms. Miller.

MS. MILLER: Incredibly embarrassing. My apologies –

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CHAIR KAMA: No.

MS. MILLER: -- for the technical difficulties.

CHAIR KAMA: No worries.

MS. MILLER: Aloha, Chair Kama, Vice-Chair Cook, and Councilmembers. Thank you for taking time today, and for the opportunity to provide by testimony. My name is Caitlin Miller, and I serve as the Executive Director of Maui Vacation Rental Association. We believe this process and the subsequent study are crucial for understanding the unintended consequences of the Mayor's proposed bill. If I'm not able to get through this in two minutes, we have submitted eComment as well.

CHAIR KAMA: Thank you.

MS. MILLER: While we acknowledge today is not the forum to debate the merits of the Mayor's bill, we do wish to pose questions that we believe must be addressed through the impact study. We have outlined several key factors for your consideration today. Firstly, the study should thoroughly examine the impact on local residents' livelihoods and employment, and should assess the scope and effect on local jobs, including the estimated hourly wages of employees in the STR industry. Consideration should be given to whether alternative job opportunities for comparable wages and quality of life, particularly noting current employment vacancies across Maui County. Secondly, the affordability of Minatoya properties is a complex issue that must be . . . *(timer sounds)* . . . extensively factored into the impact study. Key questions include who benefits from this proposal, and who may be adversely affected. Will these properties become affordable for purchase by local...by local residents? If not, could investors potentially convert them into long-term rentals that are accessible to locals seeking affordable housing? What is the exact mechanism that helps to convert these properties to long-term housing should STR use be abolished? The study should also analyze the average median income of local residents, and explore potential County subsidence...subsidies to bridge affordabil...affordability gaps. Will the County subsidize these properties, and how will they pay for them? Furthermore, the study should investigate properties on the Minatoya list already utilized as owner...owner-occupied or long-term rentals, examining factors such as purchase history and current occupancy. It should also review condominium declarations to identify developments originally designed for STR use, and assess their suitability for long-term tenants, particularly families. Additionally, the economic implications of reduced real property taxes and contributions to the Affordable Housing Fund should be thoroughly evaluated. . . . *(timer sounds)* . . . Currently...and I only have a little bit left, if you all are interested in hearing the end?

CHAIR KAMA: You may continue real quickly, briefly.

MS. MILLER: Thank you. Currently, STRs contribute significantly to both areas, and the study should assess the potential shortfall. Furthermore, the County should quantify

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the additional tax revenue generated through general excise, transient accommodations, and Maui County transient accommodations taxes attributable to STRs. It should also examine visitor spending impacts on the tax classifications and local businesses, illustrating the broader economic repercussions. I just want to finalize that we do also support doing surveys. The survey should include desired housing types of ownership versus rental preferences. Additionally, community sentiments towards STRs by providing a packet of information regarding this bill, and the survey and the package should be done by a neutral party. These surveys should include reaching out to property owners to understand their intention if this bill passes. I apologize for all the technical difficulties. I wasn't quite able to get through everything, but it was submitted via eComment for everyone's review.

CHAIR KAMA: Thank you so very much, Ms. Miller. Members, questions for our testifier? If not, we're going to go on to our next testifier. Staff?

MS. MCKINLEY: Chair, the next testifier is Shannon I'i.

CHAIR KAMA: Ms. I'i, you may begin your testimony.

MS. GRECO: ...Ms. I'i is unmuted on our end, and she'll need to click the mic button towards the top right of her screen to unmute.

MS. I'I: Aloha mai kākou. Can you hear me?

CHAIR KAMA: Yes, we can --

MS. I'I: Sorry. I'm new to Teams. So --

CHAIR KAMA: -- loud and clear.

MS. I'I: -- I really appreciate your time always, and everything that you guys are doing. Mahalo nui. So, I definitely think that economic study is vital to the, you know, impact to our whole island. I think that using the UHERO report at the end of the year without having to spend money, as well as on an un...like an unbiased report, we could...we should definitely request that. And not only focus on the negative impacts, but the benefits that our residents...how this will benefit and impact us with the short-term rentals, you know, being proposed to the Minatoya list, you know, phasing out. I think it would be a huge benefit. I also want to say I did see that there was a bid for Paul Brewbaker, whatever his name is, that he was on the bid. And I was super offended yesterday. You know, I was at that meeting all day, from 7:00 a.m. . . .(timer sounds). . . to 8:30 at night, and I think it was super offensive, especially for that amazing testimony that was shared. I think that was impactful, what was shared, and I definitely know that that impacted a lot of people. So, it's offensive, and I think it's going to be biased if he were to get that bid.

CHAIR KAMA: Thank you very much, Ms. I'i. Members, any questions for our testifier? I don't see any. So, thank you so very much, Ms. I'i. Staff, do we have any other testifiers?

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MS. MCKINLEY: Chair, there's no one currently signed up to testify. Would you like us to do a last call?

CHAIR KAMA: Yes, please.

MS. MCKINLEY: If anyone would like to testify on this item, please raise your hand on Teams now. Chair, seeing no one.

CHAIR KAMA: Thank you so very much. So, Members, seeing as how there are no more individuals wishing to testify, without objection, I will now close oral testimony. And as a reminder, written testimony will continue to be accepted into the record. So, we will now...

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR ITEM HLU-3(18) . . .

CHAIR KAMA: Thank you. We're going to now proceed with discussing HLU-3(18). And Members, I invite you to provide your input on the draft scope. So, we only have 11 minutes left, if my clock that I'm looking at is correct. And I'm hoping that you're looking at the same clock that I am with the same time. And I think...I know that I have a 12:30 appointment. But if you're okay to go until 12:15, I would be able to do that. And I know Chair Lee is pressed for time because she really wants to get started on the RFP. So, with that being said, Members, I'd like to begin with Member Cook, and then we'll go to Chair Lee, and work our way down as we're seated...Chair Lee, Member Sugimura, Member Paltin, like that. So...so, I initially gave everybody four minutes, but I think four minutes times nine of you is 36 minutes, I think that's going to take us beyond our 12:15. So, Members, if you don't mind limiting your scope. We've heard so much testimony. We've all received testimony. A lot of what is in the scope right now has been included by all the testimonies that we've heard that we thought should go in there, and now this is our chance as Councilmembers to weigh in. So, Member Cook, you're up first. So, I guess I'm going to have to give you all three minutes and one round if you don't mind. So, get it all in there. Member Cook?

VICE-CHAIR COOK: . . .*(inaudible)*. . . all of the Members for everything that we're doing to look at this. This...I'll be...I'm going to be brief. This is a very dynamic issue, and I think that this is an opportunity for us to address a wide variety of things in our community. It's the...it's housing. It's our economy. It's basically the diversification of our economy. It's us becoming more in alignment with our governance, with...including all the people in the...in our community. So, I'm...I'm an advocate of this study. Chair, could you clarify? It's like a \$300,000 budget, but that isn't necessarily a commitment to spend \$300,000; is that correct?

CHAIR KAMA: What we said is up to. And usually we do that all the time, that we say up to, no more, but you could...it could be less. That's what it...

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VICE-CHAIR COOK: Thank you. Thank you. I just want to clarify that for the general public too --

CHAIR KAMA: Yeah.

VICE-CHAIR COOK: -- that that isn't like a commitment, that that's going to...what's going to be spent.

CHAIR KAMA: Right.

VICE-CHAIR COOK: With all the studies that are...have been done, that seems to be a large database that a independent party that everyone could agree is unbiased could utilize as information. And so, I think our own Planning Department, I'm curious ultimately how much, if any, information we have from the '70s and '80s for any conditions that were placed upon developments, and that were part of the...building hotels. If...is there any records of apartments, condominiums, units that were intended to be for workforce housing back then in the day that possibly adapted. So, I think mapping out the history at the...of the development, and mapping out the...being clear in the goals and objectives, which my understanding is to free up as much housing for our local residents that they can afford, and that also is suitable. I think, you know, saddling local residents with a 30 or 40-year-old building that needs a lot of maintenance isn't a good idea. Member Johnson, I'd spoke with him briefly last week when he was going South Maui around actually looking at the structures and seeing, you know, many of these buildings may be on paper be appropriate, but when you look at them, they're not. So, I'm going to summarize my comments with basically, I think being comprehensive in our review of the suitability and the impact. And so, I'm supportive of this, and I look forward to working with all of you on this project. Thank you.

CHAIR KAMA: Thank you so much, Mr. Cook. So, we're going to continue on with Council Chair Lee.

COUNCILMEMBER LEE: Thank you, Chair. My main motive today was to listen to all of you, to get your input on what...what this RFP should include. But I have to tell you that, to me, it's nonsensical for someone to propose sweeping legislation like this phase-out, and then go get the facts as an afterthought. So, now that the Mayor is relying on some kind of a study by UHERO, you have to wonder. I mean, that's suspect to me, to...to propose something, and then rely on a...on a study afterwards. So, he must be thinking this study is going to support his point of view. See? So, that doesn't make sense. I think what we need to do is come up with a good study, all-inclusive, comprehensive, that is impartial and fair and reasonable, reasonably priced. That's...that's my main concern. Thank you.

CHAIR KAMA: Absolutely. Thank you, Chair. We're going to continue on with Council Vice-Chair Sugimura.

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COUNCILMEMBER SUGIMURA: Thank you. I want to ask you, Chair. So, the testimony that we received today, will that be considered for...or how would that be considered for the RFP?

COUNCILMEMBER LEE: So, a lot...if you look...if you looked at the draft, you would have seen --

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER LEE: -- that a lot of the testimony included, was included in the draft.

COUNCILMEMBER SUGIMURA: Okay. So...

COUNCILMEMBER LEE: But other things that weren't included --

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER LEE: -- we will try and include as much as possible.

COUNCILMEMBER SUGIMURA: Okay. So --

CHAIR KAMA: Thank you.

COUNCILMEMBER SUGIMURA: -- I want to...thank you. Because I believe that what Tom Croly testified about the real property tax, and to look at it from that lens--not only loss of real property tax, but from when it...you know, the impact of that and how it's being used. So, if we can include that in there. And...and I also...I also believe that the . . .*(inaudible)*. . . should be included. And, you know, she...they submitted testimony on that. So, I just wanted to mention that. And let's move on, because we're running out of time.

CHAIR KAMA: Thank you so very much, Member Sugimura. And we're going to continue on with Member Johnson. I'm sorry.

COUNCILMEMBER JOHNSON: Okay. All right. I'm muted. Okay. Thank you. Okay. I...I appreciate the discussion, Members. I wish you had a little bit more time because this is...you know, what the Planning Commission spoke on is more...for many, many hours more. Real specific, the...I would say section 1B, as in Bravo, two little ii's *(phonetic)*...it just lists the...the types of homes they were. And I think...let me pull it up so I can say exactly. The...there's...it says...let me pull it up. Okay. So, classification of original ownership as owner-occupied rental unit or transient vacation rental. Some of these units were built a long time ago, and maybe those...those originals were not known to be considered or occupied or TVRs. Maybe we can just say in that section, classification of what they were as...as opposed to among these three choices that you have. So, maybe just tell us exactly, were they workforce housing? What were they built for? And then the other thing is...I just want to say, you know, it's an interesting point on the agenda today how we have two different topics. One is saying hey, if we do these

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commissions, it takes up too much time, whereas this one's saying hey, this...this study might also take up a lot of time, but we really need this study. And I think people speak on how, you know, government slows things down or speeds things up. This one is really important. I would like the time to be taken on this. But the thing to remember is, we have folks leaving daily, they...there's not places for them to live. And I think we do need to have a certain amount of urgency when it comes to this. I...I think some of the things that I'm trying to do, just--I'll finish on this--that I'm looking at introducing a vacancy tax. A study on, let's see, tax alternatives to make up the RPT loss, you know. Because if we do lose some RPT, there might be some other alternatives we could do to...to come up with. And the last point I'll make is, yeah, we...we might lose some money on all the taxes that we have, but we also...I'd like for this to maybe look at some of the money we would be saving. Some of these projects we're funding, Pulelehua being an example, we gave them a lot of money for...to start building, but they don't have the water. So, what happens then? You know, like that...now, some of these pro...some of these units already built, already have water, already have infrastructure. There's...there's definitely something to be said on that. Like we can...keep...people keep saying, well, just don't...don't cut our throats, and let's just keep building more affordable housing projects. It takes years. It's so much money. And we don't have the water to even do some of these things. Whereas these units sit empty--some, let's be honest . . . *(timer sounds)*. . . 50 weeks out of the year--and Christmas time comes, and then they're filled. So, that's...I just want to make that my point. And thank you, Chair.

CHAIR KAMA: Thank you so much, Mr. Johnson. We appreciate your comments. We're going to continue on with Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So, I would like to add on there, on Section G, where it says describe the loss of revenue and impact to employees in the following categories. I think that we also need to describe the vacancies on island for needed professions. We got choke vacancies in police. We got choke vacancies in the County. We got choke vacancies in teachers. I mean, I can't go into a store in West Maui without seeing a help wanted sign, you know?

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: So, I think that needs to be included in here. Like RevPAR data, estimates of if these units are left empty versus short-term rental, consistently, what amount of water will be saved, as well as like different combinations. Like if 7,100 units--really 6,100 units because about 1,000 units are owner-occupied long-term rental--what if we take like...you know, say we take all the ones that are located in Wailea, Mākena, Kapalua, and Kā'anapali, and were to do a Change in Zoning for those? Like the units I think that Tom Croly mentioned in Wailea and Mākena, we usually think of those as resort areas. Growing up, Honokowai--or not me growing up, but other people growing up--Honokowai, Mahinahina, Kahana were local areas. And then also, I want to look at when the Minatoya list was codified in 2016, and when Airbnb came online. Because if we're saying, you know, these were...like since 1989, we didn't have internet back then, and it was a totally different thing. Like if anyone was alive in West Maui in 1989, it wouldn't be the same impacts in West Maui in, say, 2019, which was

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before COVID and the fire and all like that. So, I think that really needs to be looked at. The people that are saying, we've been doing this for 40 years...no, you haven't. The internet hasn't even been around for 40 years. You used to have to go through like a travel agent or something like that, you know. So, it's not the same kind of impact over the last 40 years. And then the other thing I heard last night before the vote was taken was, the Planning Commission wanted to give us recommendations to look into not only the economic, but the social impacts and the environmental impacts. I think they said a lot of these types of Minatoya properties have shoreline hardening on it because, you know, the money. We can't let this money go. And...and shoreline hardening impacts everybody along the coast, you know. So, I think those things needs to be looked into. If short-term rentals were the answer, and us raising the taxes on short-term rentals were the answer, then from the time of codification until like, say, 2019 before the pandemic, we wouldn't be so hurting as regular people, you know. Like...and...and we've all heard the . . .(timer sounds). . . commercials about how much money, 11 billion stays locally. How is that happening, when 80 percent of the owners are from out of state? So, I mean, hotels, short-term rentals, our...our goal in the beginning was to go after the high-end visitors. And with short-term rentals, we're selling out, at a cheap price, our valuable water resources, our valuable beach parking, our valuable quality of life. Thank you.

CHAIR KAMA: Thank you, Ms. Paltin, for that comment. We're going to continue on with Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I will also submit this in writing as I quickly –

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- try to write this all out. So, I put it in memo form. So, we must not be myopic in better understanding economic impacts of the current list of studies that the draft RFP scope of work has been posted would provide. We must analyze the economic benefit of phasing out TVRs in A-1/A-2 zoning districts. And I have provided additional reports for the contractor who wins this, the contract, to also review. And that includes UHERO's Hawai'i Housing Factbook 2024 to include in the...to factor in the out-migration of all of our current residents. And they've been measuring this for a number of years. UHERO's forthcoming report on the A-1/A-2 TVR phase-out, so that should also be considered. Hopefully that's done before the end of the year, but even so, that should be considered when this person is doing this if they're going to also consider the biased reports of Travel Tech and Mr. Brewbaker's report. *Priced Out of Paradise*, November 2018, that was done by *Hawai'i Appleseed*. *Hawai'i Vacation Rentals Impact on Housing and Hawai'i's Economy*, March 2018, that was also done by *Hawai'i Appleseed*. *Short-Term Cities, Airbnb's Impact on Canadian Housing Markets*...so, we can better understand why all...a lot of other places around the world, including Barcelona, are taking the same action for their residents because of the destruction that vacation rentals have had on communities. A New Method for Tourism Carrying Capacity Assessment--and I've provided all of the URLs on this when I submit it to you. Solicitation description. I would like the proposed language on the RFP to

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include RFP request proposals from registered and compliant nonprofits. I don't want a for-profit to do this because there is...it's not going to be neutral. It's not going to be...it's going to be biased, as the other two reports that were commissioned by the Realtors Association of Maui. They have a lot of money on...on this action. Chair Lee, we can hear you. RFP request proposals from registered and compliant nonprofits with a social equity lens to complete the study as requested. Priority will be given to nonprofits that have published reports demonstrating a social equity lens in determining a cost-benefit analysis on legislative action. C. So, there's a number that I went through that I'm adding amendments to. The ideal rental unit is subjective, and we need to amend it, and I'll provide a suggested amendment for C. For D., at the end of that section, add, and specific policies should include Council consideration to maximize owner-occupied unit instead of identifying how many units impacted by the proposed bill will become owner-occupied or long-term rental, respectively, including any assumptions made in identifying the unit. . . .(timer sounds). . . And specific policies should Council consider to maximize owner-occupied and long-term rentals, such as adjusting our real property tax rates. G., Describe the loss of revenue and impact to employees in the following categories, specifying all assumptions made in determining these impacts. A new I., Describe the vacancies currently in Maui County and the number of vacancies and shortened hours of operation as a result of housing shortage and cost of housing, and the economic benefit for these small businesses as a result of more housing inventory. So, workforce and labor market analysis. Evaluate the impact on local labor market, including potential labor shortages and change in employment patterns. J., The organic growth of visitors to hotel and resort availability. K., Cost-benefit analysis, including social, environmental, and cultural impact of not passing the legislation. Community network impact. Analyze the efforts on community cohesion and social networks. Assess the long-term social and cultural impacts of population loss and consider strategies for rebuilding community ties. L., The decrease in demand for investment properties. M., How the increase in housing supply will affect the...the cost of housing. N., Water availability for housing in each district. O., GDP and economic growth analysis. Estimate the impact of population loss on local GDP and overall economic growth. Consider both direct and indirect effects on economic activity and long-term growth potential. Should be controlled for the infusion of temporary work and government contractors who are often not local business, and our economy will or is experiencing the law of diminishing returns as well. So, I will provide this in writing for inclusion into the RFP scope of work. Mahalo, Chair.

CHAIR KAMA: Thank you very much, Ms. Rawlins-Fernandez. And we're going to continue on with Councilmember U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Well, I don't know if I can follow what Member Rawlins-Fernandez just said, but I do have a question. If we do all the things...I think we ended at O., is that...I think we ended at O. for Member Rawlins-Fernandez. So, if we do...if we do A. to O., how long do we assume the RFP is going to take? And then considering the bill is...as written now, right, is supposed to phase out Jan. 1 of '25 for West Maui and Jan. 1, 2026, for the rest, like what...what timeline do we need after RFP for both UHERO and ours to making the decisions to when this bill is

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implemented? That's just the question I have, is like what is the timeline for this? And I have nothing to add, considering we are almost running out of letters of the alphabet.

CHAIR KAMA: Thank you very much, Member U'u-Hodgins. I'm going to leave that to Chair Lee to answer, seeing as how she is the procurement officer, and she has some thoughts on that, I'm sure. If you can, Chair.

COUNCILMEMBER LEE: Well, I was hoping to...to do it this year. The reason why I'm...I'm trying to move you along, all of...everybody along, is because we just got the response from the Planning Commission. Of course, that's going to take a few weeks, you know, for them to...to put it in a report, and so...and transmit it to us. But the sooner we get to dealing with the STR issue, the better. And the more information we have to base our decision on is...you know, is what we want, is...we want a fair and equitable analysis done so that we can also provide the best decision making possible.

COUNCILMEMBER U'U-HODGINS: Okay. Cool.

COUNCILMEMBER LEE: I think...I think many of us agree on the...the central issue, but how to get from A to B, is...it might be a little different.

COUNCILMEMBER U'U-HODGINS: Correct.

COUNCILMEMBER LEE: In other words...in other words, I think most of us, let's face it, agree that there should be some kind of phase-out. But...but what --

COUNCILMEMBER U'U-HODGINS: You know, I'm just curious about the...

COUNCILMEMBER LEE: -- are we dealing with exactly? What are we dealing with?

COUNCILMEMBER U'U-HODGINS: Yeah. I'm just curious about the timing of it all. I don't disagree that the more information we have to make our decision is...is best, which is why I'm super supportive of doing our own...especially because we don't really know what Admin's UHERO request is for besides economic impact. So, I think ours is quite universal, it seems, especially if we're going to add all Member Rawlins' suggestions, which I don't disagree with a lot of what she said. The out-migration is extremely important information to consider. Okay. I just was curious on the timing. Thank you so much.

COUNCILMEMBER LEE: No, but --

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

COUNCILMEMBER LEE: -- if I may add, Chair? If I may --

CHAIR KAMA: Yeah.

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COUNCILMEMBER LEE: -- add a response to Member U'u-Hodgins. Yes, Member Rawlins-Fernandez did bring up a lot of good points, but I'm not sure that we can get to every single one of them.

COUNCILMEMBER U'U-HODGINS: Sure.

COUNCILMEMBER LEE: I mean, that might be another...that could be another study. Because we need to get to this one as soon as possible so that we can come...you know, we can all get behind long-term permanent housing for Lāhainā. And that's...that's really the salient issue here. Thank you, Chair.

CHAIR KAMA: Thank you...thank you, Chair.

COUNCILMEMBER U'U-HODGINS: Thank you. Thank you, Chairs.

CHAIR KAMA: So, Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. And the benefits of going last is prob...most of the time, your questions have already been asked and answered. So, I'll leave it up to other Members. But I too want to see--and thank you to all the testifiers that came on and provided their testimony--but I too want to see--I...I...I saw all the different questions that you're going to ask, and all the...the shortfalls and the losses--but I too want to see some kind of...the report quantify the valuation of housing for Maui County so that for me, I can make that decision. With the losses or...or the shortfalls, what are...what are we also addressing in this bill? So, that is...and...and probably O., or in G. or L. would be. But that's my input, Chair. Thank you.

CHAIR KAMA: Thank you very much, Mr. Sinenci. So, Members, thank you for today's discussion. I'm going to suggest to Chair Lee that she review the meeting video and the minutes, and take whatever you all might have to send to her that she would consider that in the RFP scope of work. So, that is my recommendation to our Chair. And so, at this time, Members, I just want to say thank you for all of your help. Thank you for your discussion. And I'm going to now defer this item, without objection.

COUNCILMEMBERS: No objections.

COUNCILMEMBER PALTIN: Oh, Chair?

CHAIR KAMA: Thank you.

COUNCILMEMBER PALTIN: Shoot. I had one more thing to get into the record. I forgot if I mentioned properties with multiple zonings, one of them being hotel, if we could consider those, the effects of those not being phased-out as a group, as well as the ones in the resort districts. Like if there's hotel zoning and apartment zoning in the same complex, if we can consider that. And also, can we not choose Mr. Brewbaker? He is a very divisive character.

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CHAIR KAMA: Oh, I want to go...I want to ask Chair Lee to respond. You're right. Mr. Albert Perez mentioned that we had...you had already chosen who that RFP was going to go to. So, can you clarify that, Chair Lee? Have we already...

COUNCILMEMBER LEE: Chair, that's baloney.

CHAIR KAMA: Oh, okay. Just checking. Just checking.

COUNCILMEMBER PALTIN: I like baloney, but can we...can we just exclude Mr. Brewbaker from the choice? I think that his behavior last night disqualified his own self.

COUNCILMEMBER LEE: I have no problem with that.

CHAIR KAMA: Okay. Thank you. Okay. Members, I'm going to give you all 30 seconds, last minute responses, starting with Member Sinenci, Member Johnson, Member Rawlins, and then Member Sugimura. You're on, Mr. Sinenci.

COUNCILMEMBER SINENCI: No comments, Chair. I will defer to my fellow Councilmembers. Thank you.

CHAIR KAMA: Thank you, sir. Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. Listening to Councilmember Paltin, she brought up some really good points about the zones. How about we also include timeshares on that? Because I...that might get confusing as well, just to include which properties are considered timeshares. Thank you, Chair.

CHAIR KAMA: Thank you very much, Mr. Johnson. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. In the memo that I'm submitting to the Committee includes a suggestion that we limit the RFP to nonprofits with the social equity lens in doing the study. And then that way, there's a better chance of it being neutral instead of having, you know, the Travel Tech company that did the most recent study this...this year because they have a slant.

CHAIR KAMA: It was . . . *(inaudible)*. . . during earlier testimony. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So, I...I...I --

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I'm...I'm reiterating --

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

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- that that is one way to not--what's the word?--discriminate against a specific entity. Because I think we're not supposed to do that. Mahalo, Chair.

CHAIR KAMA: If you're already discriminating between nonprofit and profit, so...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, but not a specific company.

CHAIR KAMA: I'm sure. I understood that. Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, going back to that question to Kate Blystone, so how fast will...or how soon will the Planning Department send over the comments from yesterday's Planning Commission meeting with their...with their decision?

CHAIR KAMA: Ms. Blystone, are you still with us? I think when we started our deliberations, she may have left --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KAMA: -- thinking that we're just going to talk.

COUNCILMEMBER SUGIMURA: We can find out.

CHAIR KAMA: But we can send that over to her. We can --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KAMA: -- send that over to her in...in a...in a memo. Okay. So, Chair Lee, you are now...it is all in your lap.

MR. HOPPER: Hey, Chair?

COUNCILMEMBER SUGIMURA: Thank you.

MR. HOPPER: Chair?

CHAIR KAMA: Thank you. Yes? I hear Mr. Hopper, is that you?

MR. HOPPER: Yes. Just wanted to note, transient vacation rentals are the only thing that are allowed in the Apartment District, as I can see right now. I do not believe timeshare units are permitted in the Apartment District, so this legislation wouldn't affect that either way because they're not currently allowed. Just wanted to note that, just...because if you're going to confine it to every comment, that might not be something that they can review if it's going to be limited to this legislation.

CHAIR KAMA: Thank you very much, Mr. Hopper. So, Members, without objection, I'm going to defer this item.

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR KAMA: Thank you. We have no further business for this Committee today. Thank you, everyone, for attending today's meeting. The time is now 12:18, and today's Housing and Land Use Committee meeting is now adjourned. Thank you, everyone. Looking forward to your hard work, Chair Lee. Review the minutes, review the video, receive all of your Committee's input, and away you go. . . .(*gavel*). . .

ADJOURN: 12:18 p.m.

APPROVED:



TASHA KAMA, Chair
Housing and Land Use Committee

hlu:min:240724:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 64 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 11th day of September 2024, in Wailuku, Hawai'i



Daniel Schoenbeck