

## HLU Committee

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**From:** AnnDionne Selestin <ann@rootsreborn.org>  
**Sent:** Friday, June 6, 2025 11:16 AM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

You don't often get email from ann@rootsreborn.org. [Learn why this is important](#)

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is AnnDionne Selestin , and I'm writing in strong support of Bill 9.

We keep hearing that these short-term rental units on the MInatoya List “aren't fit” for long-term living, but many of us grew up in them or knew ‘ohana or friends that did.

When people say these units “aren't suitable” for locals, what they really mean is, we weren't supposed to be there in the first place. That's the root of the problem. Most of our community have fond memories of these properties before they were completely overtaken and shoreline access blocked.

STRs didn't start as vacation getaways. Many of those buildings were long-term homes until investors turned them into commodities. The truth is, if those units were brought back to the long-term market, locals would live in them again and a few still do, holding on however they can.

Also, I respectfully ask for no carve-outs or special protections for timeshares

Mahalo

AnnDionne Selestin  
ann@rootsreborn.org  
95 Mahalani street  
Wailuku , Hawaii 96793

## HLU Committee

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**From:** Robbie Dein <robbie@4mauirealestate.com>  
**Sent:** Friday, June 6, 2025 11:58 AM  
**To:** HLU Committee  
**Subject:** Bill #9 Please do not support this bill

You don't often get email from robbie@4mauirealestate.com. [Learn why this is important](#)

**RE:Bill 9 – A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.32, AND 19.37 MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS**

**Hearing Date – Monday, June 9 at 10:00 am**

Aloha Chair Kama, Vice Chair Cook and members of the committee,

My name is Robert H Dein and I have the privilege of working with local families every day as both a Realtor on Maui and a vacation rental owner. I'm writing to ask you to reconsider Bill 9—not just as a real estate professional and non-Minatoya vacation rental owner, but as a neighbor who has seen firsthand how these policies affect real people.

Many of my clients are kupuna who bought condos decades ago with the hope of supporting their retirement. Others, including one of my young sons doing his best to make a living on Maui, are working families who rely on short-term rental income to pay their mortgage and stay rooted in Maui. Still others work to provide services for short-term vacation rentals. Restaurants, activity providers, maintenance and housekeeping companies and their employees will all feel the negative consequences of this bill. If this bill becomes law, many of them will face financial ruin or be forced to sell their homes and consider leaving the island. That's not just an economic loss—it's a loss of community, old and young, kama'aina & malahini.

We are all in agreement that housing affordability is a critical issue. But this bill doesn't solve that problem. According to RAM's recent survey, only a tiny fraction of owners would convert their units to long-term housing. These properties are often not affordable due to high HOA fees, maintenance costs, and mortgage burden. Instead, many will go off the market altogether or be purchased by investors who won't contribute to the local fabric.

Rather than targeting legal, tax-paying owners, let's focus on smarter enforcement, building new housing, and supporting those who already provide long-term rentals. This is our home—we can do better than tearing apart livelihoods in the name of a solution that doesn't work.

Please defer Bill 9 and consider a more compassionate and effective path forward.

With gratitude,

Robert H "Robbie" Dein

Maui Real Estate Advisors Realtor (B)

Owner, vacation rental at Wailea Beach Villas Resort  
Maui Resident of 27 years & Community Advocate

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Robbie

**Robert H. "Robbie" Dein**

Realtor-Broker/Owner, ABR, CRS, RSPS - RB-18398

Maui Real Estate Advisors LLC

Direct Cell: 808-250-3564

[Robbie@4MauiRealEstate.com](mailto:Robbie@4MauiRealEstate.com)



Search Our Website at [www.MauiRealEstateAdvisors.com](http://www.MauiRealEstateAdvisors.com)

[Maui's Current Listings](#)

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[MREA's Real Estate Blog](#)

-- "Top 100 Hawaii Realtors Hall of Fame/Top Performers" - Hawaii Business Magazine (2006-2023)

-- Maui's Only Realtor Recognized for Seventeen Consecutive Years

Director: Wailea Point Homeowner Association 2022-2025

Vice President: Wailea Point Homeowners Association 2018-2020

Vice President: Wailea Town Center Homeowners Association 2005-2016

Former Director: Maui Vacation Rental Association (MVRA)

Former Director: Realtor Association of Maui (RAM)

Former Secretary: Kihei Community Association

Former Director: Ho'olei at Wailea

Former Director: Kamaole Nalu

Formerly with Century 21, from 2000 through November 2012

-- Century 21's #1 Agent on Maui (2004, 2005, 2006, 2007, 2008, 2009, 2010, & 2011)

-- Century 21's Grand Centurion 'Hall of Fame' & Number 10 Agent Worldwide

*All Maui Real Estate Market Data is obtained from Realtor Association of Maui MLS unless otherwise noted. It is considered reliable but not guaranteed. All offerings are subject to errors, omissions, changes including price or withdrawal without notice. Any and all property value information provided by your agent is historic in nature and cannot be deemed to suggest, predict or guarantee any future return, appreciation or income stream. Nothing herein shall be construed as legal, accounting or other professional advice outside the realm of real estate brokerage.*

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## HLU Committee

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**From:** Ken Wong <kenwongmaui@gmail.com>  
**Sent:** Friday, June 6, 2025 12:07 PM  
**To:** HLU Committee  
**Subject:** Bill 9 Thoughts  
**Attachments:** Testimony.pdf

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

Hello,

I'm a few minutes past the deadline but I hope you take into consideration my thoughts.

Mahalo,

Ken

June 6, 2025

Councilmember Tasha Kama, Chair  
Councilmember Tom Cook, Vice Chair  
Committee on Housing and Land Use

**RE: Bill 9 – A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.32, AND 19.37 Maui COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS**

Hearing Date – June 9, 2025

Aloha Chair Kama, Vice Chair Cook and members of the committee,

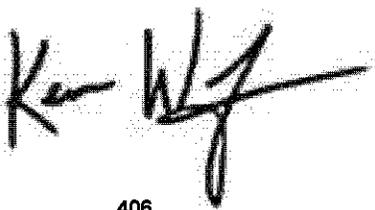
My name is Ken Wong and I've been a resident of Maui since May 17, 1994. I was 24 years old that spring and I moved here with two friends from California. One met a girl, got married and moved away after a few years, the other got island fever. After three years, I knew Maui would be my home. I'm now 54 and on the cusp of turning 55 next month.

My thoughts on Bill 9. I don't think this proposal really solves the problem of lack of affordable housing for fire victims nor local families. I would think that fire survivors and local families to an extent don't want to "live" in dwellings where space is limited and rules limit freedoms. If this bill is truly about housing for locals, has anyone asked them if they want to live in the Minatoya properties? Since many of the units are in South Maui, has anybody asked whether or not they want to live on that side of the island and visa versa? What are the wants and needs locals are looking for? I say affordable housing built for Maui's middle income classes. Not condominiums that are small, old and falling apart, not to mention expensive.

Since Bill 9 was proposed, Maui has become a divided county which mirrors national politics. It is now a for tourism or against tourism. The fact of the matter is that Maui County needs tourism to survive. For decades we were touted as the best island destination by travel publications. I believe the wealthy will always have places to stay. We need to have options for the everyday family that can't afford \$1,000 per night stays at the hotels. Taking those options away hurts the economy in a trickle down fashion. Just ask your favorite restaurant or boutique how has business been lately.

I believe the County of Maui has good intentions with Bill 9 but you don't rob Peter to pay Paul. Make the process for developers to develop less restricting. Build more infrastructure. Build more homes for the middle class. Yes, I know it's easier said than done. You just have to think outside the box.

Respectfully,

A handwritten signature in black ink, appearing to read "Ken Wong". The signature is stylized and written in a cursive-like font.

## HLU Committee

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**From:** Keala Fung <kealadancer@gmail.com>  
**Sent:** Friday, June 6, 2025 12:06 PM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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

Aloha Chair, Vice Chair, and Members of the Maui County Housing and Land Use Committee,  
I'm writing in strong support of Bill 9, which would phase out short-term rentals (STRs) in apartment-zoned districts. This bill is an essential component to addressing Maui's housing crisis and protecting our most vital resource: water.

The 2023 Lāhainā fire exposed long-standing issues—privatized water systems, diverted streams, and overdevelopment have pushed West Maui to the edge. STRs, originally meant for housing, now operate as commercial businesses, consuming high volumes of water while local families remain displaced. Returning STRs to long-term housing helps protect water access, push back against inequality, and put community needs first. With over 6,000 STRs on the Minatoya List, we have a clear opportunity to increase housing stock without using more water.

I urge you to stand with Lāhainā Strong and pass Bill 9.

**Ola i ka Wai — Water is Life.**

Sincerely,

Keala Fung

Cherry Blossom Cabaret  
"Hawaii's Premier Cabaret Revue"  
BurlyQ U: CBC's School of Burlesque  
[www.cherryblossomcabaret.org](http://www.cherryblossomcabaret.org)

**Tau Dance Theater**

[www.taudance.org](http://www.taudance.org)

## HLU Committee

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**From:** County Clerk  
**Sent:** Friday, June 6, 2025 12:12 PM  
**To:** HLU Committee  
**Subject:** Testimony  
**Attachments:** Support of Bill 9 – Minatoya STR Phaseout; Support of Bill 9 – Minatoya STR Phaseout

## HLU Committee

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**From:** Sara Bill <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 11:53 AM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Sara Bill along with my husband Kaliko Leialoha-Dutro, and I'm writing in strong support of Bill 9. We are often told that we can "build our way out" of the housing crisis. But that argument ignores the truth of life in Maui Komohana: we don't even have enough water. Following the fires, and even before, we saw too many of our friends and family leave Maui as a direct result of no housing. As a family that lost our home on August 8th, we have relocated upcountry - away from our friends and community - because there simply isn't enough inventory. Additionally, to see the lack of support from STR owners unwilling to rent their units to displaced fire survivors is simply gross. Part of being in a unique community like Maui or Hawaii is that we take care of each other, especially in times of crisis. We understand the limited resources and the need to do things for the greater good and not for selfish benefit.

Our water is a public trust resource not a private amenity to be used freely by those who can pay the most. That's not just a moral principle, it's a constitutional one. Under the Hawai'i State Constitution and the Public Trust Doctrine, our County government has a legal and ethical obligation to protect water for present and future generations.

How can we fulfill that responsibility when thousands of short-term rentals, 85% of them owned by non-residents are using this precious resource at disproportionate rates, all for visitor luxury? Pools. Landscaping. Daily laundry. Turnover after turnover.

Meanwhile, families in West Maui are being told to conserve and be conscious. In the name of "growth," we're asked to believe that the solution is to build more, more units, more visitors, more demands on a system that is already past its breaking point. Instead of looking at the current housing stock we already have tied to resources.

The time for half-measures is over. Phasing out the Minatoya list means protecting our wai. I am also requesting no carve-outs or special protections for timeshares. This cannot wait another 5-10 years to take action. You are representatives of YOUR COMMUNITY CONSTITUENTS - not investors. Not for people that don't live here. Not for big business / development. Your job is to work for us and vote in the best interest of the people of Maui.

Mahalo for your consideration and I truly hope you do the right thing.

Sara & Kaliko

Sara Bill

saralbill@gmail.com

42 E Kuu Aku Lane unit 403

Lahaina, Hawaii 96761

## HLU Committee

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**From:** Kelli Keahi <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 11:47 AM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is [Your Name], and I'm writing in strong support of Bill 9.

I am a resident of Lahaina. And we've been saying this for a long time: short-term rentals have taken over our town. Before the fire, it was already impossible to find housing. After the fire, seeing what was remaining, it became clear just how many homes weren't homes at all; they were STRs. That's not balance, that's erasure.

We've been told phasing out STRs is "too extreme," that it'll hurt the economy. But the truth is: STRs have been hurting us. They drive up housing prices, overburden our roads, and leave our neighborhoods empty of real neighbors. What kind of recovery leaves us priced out of our own community?

And these STRs aren't job creators nor should you believe the numbers from 10,000 job losses. They don't hire cleaning crews full time, its majority transient, and most don't have front desks or full time maintenance staff on property. They don't support local working families the way long-term housing or union hotels do. We've got hundreds of open County jobs that could be filled if people had somewhere to live.

Also, respectfully I ask for no carve-outs or special protections for timeshares

Mahalo

Kelli Keahi  
kellikeahi@yahoo.com  
450 alio street lahaina  
Lahaina, Hawaii 96761

## HLU Committee

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**From:** Leslie Ringstad <leslie.ringstad@gmail.com>  
**Sent:** Friday, June 6, 2025 12:15 PM  
**To:** HLU Committee  
**Subject:** Oppose Bill 9

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

Dear Chair Kama, Vice Chair U'u-Hodgins and Members of the Housing and Land Use Committee:

I oppose Bill 9 as drafted and propose that the Council amend Bill 9 to exclude Papakea Oceanfront Resort which the County has historically identified as having A2-H2 zoning. Below I have listed some of the reasons I believe Papakea Oceanfront Resort should be excluded from Bill 9:

- \* Papakea was initially marketed and sold as a legal vacation rental property before any zoning restrictions limited transient vacation rentals in apartment zoned properties.
- \* Papakea owners have been operating legal vacation rentals for almost fifty years.
- \* Papakea has never been workforce housing, so Papakea is not an example of a property that converted from workforce housing to transient vacation rental use.
- \* The majority of units at Papakea are under 600 square feet and the property has limited parking.
- \* Papakea is not in a residential neighborhood and is located alongside a long stretch of hotel-zoned properties and directly adjacent to multiple commercially-zoned properties.
- \* Unlike apartment buildings designed for long-term residential use, Papakea has a front desk, an activity concierge, shared activity space, and numerous other common resort amenities.
- \* Owners purchased condos at Papakea with the reasonable expectation that short-term rentals were legal based on ordinances as far back as 1989, and as recent as 2022.

**\* In reliance on the Maui County ordinances and published documents, Hawaii state law, and constitutional protections, owners invested in costly renovations, furnishings, and long-term financial commitments such as mortgages that make any phase out of short-term rental right offensive of each buyer's investment-backed expectations.**

**Here are some of Papakea's Contributions to the Community:**

**\* Papakea's resort operations provide full-time, benefited, employment for 35 local resident employees; some have worked at the property for over 17 years; many started in entry-level positions and worked into supervisory roles.**

**\* Papakea supports a wide variety of local trade professionals including pest control, HVAC, painting, plumbing, electrical, general contracting, masonry, tile and flooring, fitness instructors, entertainers, and tree trimming.**

**Here are just some of the individual Owner Contributions to the Community:**

**\* Owners support/hire many small businesses owned and operated by local residents from the Maui community rely on Papakea short-term rentals including housekeepers, handymen, on-island agents, and contractors. These service providers set their own rates, work hours, select their own clients, work conditions and standard operating procedures. Shutting down short-term rentals at Papakea means telling local entrepreneurs that worked hard to build a small business that they need to just go get a job somewhere else to make less money, have less flexibility, and be subject to oppressive corporate policies.**

**\* Papakea STRs support the State of Hawaii and County of Maui through payment of property taxes (many at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax.**

**\* Papakea guests support many small businesses on the island including restaurants, food trucks, tour operators, activities, state parks, the national park, and shops.**

**\* Papakea owners and guests regularly participate in community activities including volunteering at beach cleanups, Maui Humane Society, the hospital, and many other local organizations, and contribute to local philanthropic and cultural efforts.**

**I would like to thank the committee for the opportunity to comment on the opposition of Bill 9.**

**Sincerely,**

**Leslie Ringstad**

**3543 Lower Honoapiilani Road, Apartment K206**

## HLU Committee

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**From:** vpiai@aol.com  
**Sent:** Friday, June 6, 2025 12:22 PM  
**To:** HLU Committee  
**Cc:** Laurie Piai  
**Subject:** Testimony opposing STR legislation

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

Aloha Chair, Vice Chair and Committee Members:

My name is Victor Piai, and I have owned a two-bedroom condominium in the Kamaole Sands complex since 1986. I am writing today to express my deep concern and strong opposition to the proposed legislation to phase out more than 7,000 vacation rentals.

Ownership in this complex has involved substantial expenses, including high HOA maintenance costs (over \$1500 per month), special assessments (\$50,000 for 2024-2025), and significant insurance increases due to past fires. These are necessary expenses to maintain the property's safety, functionality, and appeal. Short-term rental income helps offset these costs while supporting local workers and businesses that provide these services.

Families often choose STRs for their home-like amenities, larger spaces, and unique locations, making Maui more affordable and appealing. Kamaole Sands has long attracted families with its beautiful grounds, beach access, and amenities, including an on-site restaurant in the 80's.

This legislation seems rushed and one-sided giving no consideration to the thousands of locals who would lose their source of livelihood nor to the economic realities of lost revenue.

Mahalo for your time and consideration.

Sincerely,

Victor Piai

Owner Kamaole Sands Unit 2-406

(310) 920-6411

VPiai@aol.com

## HLU Committee

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**From:** DENISE MICHELS <badmichels@comcast.net>  
**Sent:** Friday, June 6, 2025 12:26 PM  
**To:** HLU Committee  
**Subject:** We Oppose Bill 9 and request you do too.  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

You don't often get email from badmichels@comcast.net. [Learn why this is important](#)

We oppose Bill 9 as drafted and propose that the Council amend Bill 9 to exclude Papakea Oceanfront Resort which the County has historically identified as having A2-H2 zoning.

### Background on Papakea

- Papakea was initially marketed and sold as a legal vacation rental property before any zoning restrictions limited transient vacation rentals in apartment zoned properties.
- Papakea owners have been operating legal vacation rentals for almost fifty years.
- Papakea has never been workforce housing so Papakea is not an example of a property that converted from workforce housing to transient vacation rental use.
- The majority of units at Papakea are under 600 square feet and the property has limited parking.

- 
- Papakea is not in a residential neighborhood and is located alongside a long stretch of hotel-zoned properties and directly adjacent to multiple commercially-zoned properties.

Unlike apartment buildings designed for long-term residential use, Papakea has a front desk, an activity concierge, shared activity space, and numerous other common resort amenities.

- Owners purchased condos at Papakea with the reasonable expectation that short-term rentals were legal based on ordinances as far back as 1989, and as recent as 2022.
- In reliance on the Maui County ordinances and published documents, Hawaii state law, and constitutional protections, owners invested in costly renovations, furnishings, and long-term financial commitments such as mortgages that make any phase out of short-term rental right offensive of each buyer's investment-backed expectations.

#### Papakea's Contributions to the Community

Papakea's resort operations provide full-time, benefited, employment for 35 local resident employees; some have worked at the property for over 17 years; some started in entry-level positions and worked into supervisory roles.

- Papakea supports a wide variety of local trade professionals including pest control, HVAC, painting, plumbing, electrical, general contracting, masonry, tile and flooring, fitness instructors, entertainers, and tree trimming.

#### Individual Owner Contributions to the Community

- Many small businesses owned and operated by local residents from the Maui community rely on Papakea short-term rentals including housekeepers, handymen, on-island agents, and contractors. These service providers set their own rates, work hours, select their own clients, work conditions and standard operating

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procedures. Shutting down short-term rentals at Papakea means telling local entrepreneurs that worked hard to build a small business that they need to just go get a job somewhere else to make less money, have less flexibility, and be subject to oppressive corporate policies.

- Papakea STRs support the State of Hawaii and County of Maui through payment of property taxes (many at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax.
- Papakea guests support many small businesses on the island including restaurants, food trucks, tour operators, activities, state parks, the national park, and shops.
- Papakea owners and guests regularly participate in community activities including volunteering at beach cleanups, Maui Humane Society, the hospital, and many other local organizations, and contribute to local philanthropic and cultural efforts.

We would like to thank the committee for the opportunity to comment.

Sincerely,

Name

William & Denise Michels

3543 Lower Honoapiilani Road, Apartment B101

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I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff

# Maui County and the State of Hawaii have identified Papakea as a resort property with partial hotel zoning for decades.

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
 DEPARTMENT OF REGULATORY AGENCIES  
 STATE OF HAWAII  
1510 KICHWAHOLA BLVD # 1  
 P. O. BOX 3465  
 HONOLULU, HAWAII 96813

**PRELIMINARY  
 HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
 PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
 Honokowai, Kaanapali  
 Maui, Hawaii

REGISTRATION NO. 657

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**NAME OF PROJECT:** PAPAKEA (PHASE I)

**LOCATION:** West Maui, approximately 3 miles from Lahaina and 1 mile from Kaanapali Airport, containing an area of 12.283 acres, more or less.

**TAX MAP KEY:** Second Division, 4-4-1-55

**ZONING:** A-2 and H-2

**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
 March 14, 1974

*Douglas R. Soodhani*  
 (For) **DOUGLAS R. SOODHANI**, Chairman  
 REAL ESTATE COMMISSION  
 STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2024	HOTEL / RESORT	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300

[How to calculate real property taxes](#)

Parcel Information

Parcel Number: 440010550000  
 Location Address: 3543 LOWER HONOAPILANI RD UNIT C435  
 LAHAINA HI 96761

Neighborhood Code: OFHOTEL

Legal Information: 1ST LOTS 13 (1.252 AC), 14 (0.250 AC) & 15 (0.051 AC)

Land Area: 12.281 Acres  
 Parcel Note: Non taxable

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

PROJECT PROPERTY	MASTER TRK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN DESIGNATION	NUMBER OF UNITS
MOHONANI	430060070000	3723 Lower Honoapilani Rd	1974	A2	MF	28
MAKANI SANDS	430060120000	3765 Lower Honoapilani Rd	1974	A2	MF	38
KALEVALA OHA	430060130000	3785 Lower Honoapilani Rd	1973	A2	MF	47
WIKO KOLE	430060440000	3801 Lower Honoapilani Rd	1950	A2	MF	28
LOKELANI	430060760000	3833 Lower Honoapilani Rd	1971	A2	MF/CS	38
HALE MAHINA BEACH	430060410000	3875 Lower Honoapilani Rd	1981	A2	MF	67
HALE OHIKI LOA	430060440000	3821 Lower Honoapilani Rd	1969	A2	MF	12
PIKAKE	430060630000	3701 Lower Honoapilani Rd	1966	A2	MF	12
MAHAMAHA BEACH	430060100000	4002 Lower Honoapilani Rd	1973	A1	MF	23
POLYNESIAN SHORES	430060320000	3875 Lower Honoapilani Rd	1972	A1	MF	23
KOLEKONA	430060240000	3869 Lower Honoapilani Rd	1972	A1	MF	18
POLYLANA	430060250000	3954 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIHOA	430060300000	3901 Lower Honoapilani Rd	1973	A1	MF	17
MOELANI	430060200000	4056 Lower Honoapilani Rd	1974	A1	MF	25
MAHINA SURF	430060500000	4057 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A1	MF	25
HALE KAI I	440010420000	3691 Lower Honoapilani Rd	1967	A1	MF	26
PART MAUI III	440010500000	3615 Lower Honoapilani Rd	1976	A1	MF	28
PART MAUI I & II	440010510000	3601 Lower Honoapilani Rd	1975	A1	MF	80
<b>PAPAKEA</b>	<b>440010550000</b>	<b>3543 Lower Honoapilani Rd</b>	<b>1977</b>	<b>A2/A1</b>	<b>MF/Hotel</b>	<b>222</b>
HALE KAANAPALI	440001100000	49 Kae Ala Dr	1967	A2/H2/B2	H	255
HALE ELDORADO	440003100000	2661 Keeka Dr	1968	A2	H	205
KAANAPALI TROYAL	440003230000	2360 Keeka Dr	1969	A2	MF/CS	100
PUNAHUA BEACH ESTATES	440004020000	445 Kae Pali Pl	1969	A1	MF	110
KAANAPALI PLAZA	440010290000	1401 Kae St	1968	A1	MF	110
THE SPINNAKER	440010000000	780 Wailea St	1978	A1	MF	57
BRINK KAI	513001330000	60 Kaeolu Dr	1963	A1	MF	100
WAVECREST	560040500000	7742 Kamohāhaha V Hwy	1975	A2/Interim	MF	125

104 Total Apartment District Vacation Rental Units: 7167

Legend:  
 Zoning: A1, A2, Apartment; AG, Agriculture; B2, Community Business; H, Hotel; MF, Multifamily; CS, Community Services

Department of COMMERCE & CONSUMER AFFAIRS  
updating fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
 Project Name: papakea TRK #: [ ]  
 City: [ ] Developer Name: [ ]

Total Units: [ ] to [ ]

No.	Name	Zoning	TRK	Address	City	Developer	Total Units
657	PAPAKEA	A2/H2	244001055	3543 L HONOAPILANI HWY	LAHAINA	HONOKOWAI KAANAPALI	219
654	PAPAKEA PHASE II	A2 & H2	244001055	3543 HONOAPILANI HWY	LAHAINA	HONOKOWAI-KAANAPALI	349

Papakea's resort operations are a significant economic driver and employer in West Maui

**\$16,902,298.17** in real property taxes over the last 5 years

**\$3,100,000** in wages per year

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- Resort operations supporting:**
- **161** housekeepers
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**\$32M** plumbing project currently underway with Hawaii contractors and financed by Hawaii financial institutions

Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** Katie Chace <kc747@comcast.net>  
**Sent:** Friday, June 6, 2025 12:45 PM  
**To:** HLU Committee  
**Subject:** Bill 9 Hearing

You don't often get email from kc747@comcast.net. [Learn why this is important](#)

This is not a smart idea. It would affect tourism profoundly. Thinking locals will have more places to live is foolish, as they won't be able to afford the existing condos that were once rental properties. That's only two of many reasons why this is not a good idea.

Thank you,

## HLU Committee

---

**From:** Michael Magruder - Hmail <theeagleview@hotmail.com>  
**Sent:** Friday, June 6, 2025 12:47 PM  
**To:** HLU Committee  
**Cc:** Michael Magruder - Hmail  
**Subject:** Bill 9 - Short Term Rental Bill (Objection to passage!)  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

**Importance:** High

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

### **TO: 2025 Housing and Land Use Committee**

**Passage of the Bill would be the biggest mistake (but not the ONLY mistake),  
Maui authorities could make.**

**PLEASE DO NOT APPROVE IT!!!**

**Mahalo!  
Michael Magruder  
Papakea B202**

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff



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STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** Kim Vernor <kav67@yahoo.com>  
**Sent:** Friday, June 6, 2025 12:48 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

You don't often get email from kav67@yahoo.com. [Learn why this is important](#)

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

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-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff

# Maui County and the State of Hawaii have identified Papakea as a resort property with partial hotel zoning for decades.

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES  
STATE OF HAWAII  
1515 KICHWAHOLA BLVD # 1  
P. O. BOX 3463  
HONOLULU, HAWAII 96813

**PRELIMINARY  
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
Honokowai, Kaanapali  
Maui, Hawaii  
REGISTRATION NO. 657

---

**NAME OF PROJECT:** PAPAKEA (PHASE I)

**LOCATION:** West Maui, approximately 3 miles from Lahaina and 1 mile from Kaanapali Airport, containing an area of 12.283 acres, more or less.

**TAX MAP KEY:** Second Division, 4-4-1-55

**ZONING:** A-2 and H-2

**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
March 14, 1974

(For) **DOUGLAS R. SODTANI**, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2024	HOTEL / RESORT	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300

[How to calculate real property taxes](#)

Parcel Information

Parcel Number: 440010550000  
Location Address: 3543 LOWER HONOAPILANI RD UNIT C435 LAHAINA HI 96761  
Neighborhood Code: OFHOTEL  
Legal Information: 1ST LOTS 13 (1.252 AC), 14 (0.250 AC) & 15 (0.051 AC)  
Land Area: 12.281 Acres  
Parcel Note: Non taxable

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

PROJECT PROPERTY	MASTER TRK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN DESIGNATION	NUMBER OF UNITS
HOHONANI	430060070000	3723 Lower Honoapilani Rd	1974	A2	MF	28
MAKANI SANDS	430060120000	3765 Lower Honoapilani Rd	1974	A2	MF	38
KALEVALA OHA	430060130000	3785 Lower Honoapilani Rd	1973	A2	MF	47
WIKO KOLE	430060440000	3801 Lower Honoapilani Rd	1950	A2	MF	28
LOKELANI	430060760000	3833 Lower Honoapilani Rd	1971	A2	MF/CS	38
HALE MAHINA BEACH	430060410000	3875 Lower Honoapilani Rd	1981	A2	MF	67
HALE OHIKI LOA	430060440000	3821 Lower Honoapilani Rd	1969	A2	MF	12
PIKAKE	430060630000	3701 Lower Honoapilani Rd	1966	A2	MF	12
MAHANA BEACH	430060610000	4002 Lower Honoapilani Rd	1973	A1	MF	23
POLYNESIAN SHORES	430060620000	3875 Lower Honoapilani Rd	1972	A1	MF	23
KOLEKONA	430060640000	3869 Lower Honoapilani Rd	1972	A1	MF	18
POLEKANA	430060750000	3564 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIKKO	430060600000	3801 Lower Honoapilani Rd	1973	A1	MF	17
WOLENI	430060700000	4056 Lower Honoapilani Rd	1974	A1	MF	25
MAHINA SURF	430060500000	4057 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A2	MF	25
HALE KAI I	440010420000	3691 Lower Honoapilani Rd	1967	A2	MF	26
PART MAUI III	440010500000	3615 Lower Honoapilani Rd	1976	A2	MF	28
PART MAUI I & II	440010510000	3501 Lower Honoapilani Rd	1975	A2	MF	80
<b>PAPAKEA</b>	<b>440010550000</b>	<b>3543 Lower Honoapilani Rd</b>	<b>1977</b>	<b>A2/H2</b>	<b>MF/Hotel</b>	<b>222</b>
HALE KAANAPALI	440001100000	49 Kae Ala Dr	1967	A2/H2	H	255
HALE ELDORADO	440003100000	2661 Keeka Dr	1968	A2	H	205
KAANAPALI TROYAL	440003230000	2360 Keeka Dr	1969	A2	MF/CS	100
PUNAHUA BEACH ESTATES	440004020000	445 Kae Pali Pl	1969	A2	MF	41
DAKARA HOUSE	440102910000	1401 Kae St	1964	A1	MF	10
THE SPINNAKER	440100020000	780 Wailea St	1978	A1	MF	37
BRINK KAI	513001310000	60 Kaeolu Dr	1963	A1	MF	100
WAVECREST	560040500000	7742 Kamohāhaha V Hwy	1975	A2/Interim	MF	125

104 Total Apartment District Vacation Rental Units: 7167

Legend:  
Zoning: A1 or A2 Apartment, AG Agriculture, B2 Community Business  
Community Plan: H Hotel, MF Medium Density Residential, CS Community Services

Department of COMMERCE & CONSUMER AFFAIRS  
enabling fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
Project Name: papakea TRK #: [ ]  
City: [ ] Developer Name: [ ]  
Total Units: [ ] to [ ]

No.	Name	Zoning	TRK	Address	City	Developer	Total Units
657	PAPAKEA	A2/H2	244001055	3543 L HONOAPILANI HWY	LAHAINA	HONOKOWAI KAANAPALI	219
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STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** mjmagruder59@comcast.net  
**Sent:** Friday, June 6, 2025 12:51 PM  
**To:** HLU Committee  
**Cc:** mjmagruder59@comcast.net  
**Subject:** Objection to passage of Bill 9 - Short Term Rental Bill  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

**Importance:** High

You don't often get email from mjmagruder59@comcast.net. [Learn why this is important](#)

### **TO: 2025 Housing and Land Use Committee**

**The passage of this Bill would be the biggest mistake Maui authorities ever made.**

**DO NOT PASS IT!!!**

**Sincerely,  
M. J. Magruder  
Monument, CO**

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

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PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
 DEPARTMENT OF REGULATORY AGENCIES  
 STATE OF HAWAII  
1510 KICHWAHOLA DRIVE I  
 P. O. BOX 3465  
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**PRELIMINARY  
 HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
 PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
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**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
 March 14, 1974

*Douglas R. Soodhani*  
 (For) **DOUGLAS R. SOODHANI**, Chairman  
 REAL ESTATE COMMISSION  
 STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

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HOYOCHI NIHOA	430060300000	3901 Lower Honoapilani Rd	1973	A1	MF	17
WOLENI	430060200000	4056 Lower Honoapilani Rd	1974	A1	MF	25
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KAANAPALI TROYAL	440002230000	2360 Kekaa Dr	1969	A2	MF/CS	100
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 Community Plan: H, Hotel, MF, MF/CS, MF/CS/Hotel

Department of COMMERCE & CONSUMER AFFAIRS  
updating fairness in the marketplace

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Project Number: [ ] Zoning: [ ]  
 Project Name: papakea TRK #: [ ]  
 City: [ ] Developer Name: [ ]  
 Total Units: [ ] to [ ]

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STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** Randip Manrao <randipmanrao@gmail.com>  
**Sent:** Friday, June 6, 2025 12:54 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea From Bill 9

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

**Dear Chair Kama, Vice Chair U'u-Hodgins, and Members of the Housing and Land Use Committee:**

I am writing to express my strong opposition to Bill 9 as currently drafted and to respectfully request that the Council **amend the bill to exclude Papakea Oceanfront Resort**, which the County has long recognized as being zoned A-2/H-2.

### **Background on Papakea:**

Papakea was **originally marketed and sold as a legal vacation rental property**—long before any zoning restrictions on transient vacation rentals (TVRs) in apartment-zoned areas. For nearly **fifty years**, owners have operated short-term rentals at Papakea in good faith and in full compliance with Maui County ordinances and State laws.

Papakea has **never served as workforce housing**, nor is it suitable for conversion to such use. Most units are **under 600 square feet** and the property has **limited parking**. It is **not located in a residential neighborhood**, but rather along a stretch of **hotel-zoned and commercially-zoned properties**, making it far more compatible with visitor accommodations than long-term residential use.

Unlike typical apartment complexes, Papakea includes **resort-specific amenities** such as a front desk, activity concierge, and multiple recreational features tailored to visitors—not long-term tenants.

Papakea owners purchased their properties with the **reasonable expectation** that short-term rentals were legal, based on multiple ordinances—some as recent as **2022**. Many owners made substantial financial commitments, including **mortgages, renovations, and**

**furnishing costs**, all grounded in these legal assurances. To retroactively revoke those rights through an amortization scheme not only violates fundamental fairness but also **undermines investment-backed expectations protected by state and federal law**.

### **Papakea's Contributions to the Community:**

Papakea directly employs **35 local residents** in full-time, benefited positions. Several employees have been with the resort for over 17 years. We are proud that some have grown from **entry-level jobs into supervisory roles**. Notably, after the August 2023 wildfires, Papakea **provided housing to a fire victim**, who later became a **valued employee at our resort**.

We also ensure that our workers—including **cleaners and maintenance staff**—receive **living wages**, reflecting our commitment to economic dignity and local employment.

Our operations support a broad network of **local trades and professionals**—from HVAC, pest control, and electrical work to entertainers and fitness instructors—many of whom are self-employed or own small businesses. Ending STRs at Papakea would effectively tell these entrepreneurs that their independence, flexibility, and income potential are no longer valued.

Papakea units contribute significantly to public revenues through **property taxes at the STR rate, Transient Accommodations Tax (TAT), General Excise Tax (GET), and the Maui County TAT**. In turn, our guests stimulate the local economy by patronizing **restaurants, food trucks, shops, parks, and tour operators** across the island.

### **The Bigger Picture:**

We urge the Council to **look to examples like South Lake Tahoe**, where a ban on vacation rentals led to economic decline and failed to deliver affordable housing. In fact, a court later ruled that the ban was **unconstitutional**. Rather than helping local families, the ban hurt the very families it was trying to help and put local businesses and service providers out of business.

We believe there are more **productive, community-positive solutions** to Maui's housing crisis. These include:

- **Issuing more building permits** for affordable housing;
- **Investing in vocational training programs** to help residents secure high-paying jobs;
- **Providing targeted housing subsidies**;
- **And using tax revenue** (such as TAT proceeds) to build workforce housing directly.

### **Our Community Commitment:**

Papakea is more than a resort. It is a community partner. Our owners and guests **volunteer at beach cleanups**, support organizations like the **Maui Humane Society, hospitals, and cultural nonprofits**, and routinely give back through **philanthropy and service**.

We respectfully ask you to amend Bill 9 to **exclude Papakea Oceanfront Resort** and preserve our longstanding, community-based model of responsible short-term rental use.

Thank you for the opportunity to provide testimony.

**Sincerely,**

**Randip Manrao**

## HLU Committee

---

**From:** Hal Nordblom <hal@mkvaoao.com>  
**Sent:** Friday, June 6, 2025 12:56 PM  
**To:** HLU Committee  
**Cc:** Chris Bounds; James Roemer, Jr.; Hal Nordblom  
**Subject:** HLU Bill 9 - Written Testimony from Hale Kaanapali for meeting 6/9/2025  
**Attachments:** Hale Kaanapali HLU written testimony Bill 9 C. Bounds 6.9.25.pdf

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

Aloha Housing and Land Use Committee,

Thank you for accepting our written testimony provided by our President Chris Bounds relating to a recommendation from Maui Planning Commission, letter dated 5.22.25, to consider excluding Hale Kaanapali from Bill 9.

Please see attached.

Thank you,  
Hal

Hal Nordblom  
Hale Kaanapali / Maui Kaanapali Villas CEA  
808-667-7791

 **MAUI KAAPALIBI VILLAS**

45 KAI ALA DRIVE  
LAHAINA, HAWAII 96761  
MAUIKAANAPALIVILLAS.ORG  
(808) 667-7791

June 6, 2025

Housing and Land Use Committee

6/9/25 Written Testimony Bill 9 - Hale Kaanapali

Committee Chair – Tasha Kama

Committee Vice-Chair – Nohelani U’u-hodgins

Voting Members – Tom Cook, Gabe Johnson, Alice L. Lee, Tamara Paltin, Keani N.W. Fernandez, Shane Sinenci, and Yuki Lei K. Sugimura

Aloha Committee Chair Tasha Kama and other members,

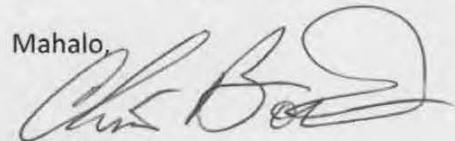
I am writing to you as the President of the Board of Hale Kaanapali, which operates the beach front resort community commonly known as Maui Kaanapali Villas. We were the first apartment hotel resort built in Kaanapali 1967 fka The Maui Hilton, and one of the first built in the nation. We have continuously operated as a condominium/apartment hotel for almost 60 years.

Accompanying this letter is a compilation of our zoning history, the approvals provided by the Maui Planning and Traffic Commission in 1965, which affirmed our status as an apartment hotel offering and advertising short term stays and rentals, as well as other supporting documents. Suffice it to say that we were established with a Hotel/Apartment designation, consistent with our intended and continued use.

In the correspondence dated May 22, 2025 from Planning Director to the Housing and Land Use Committee, subsequently recommended to the Maui County Planning Commission and Maui County Council that Hale Kaanapali dba Maui Kaanapali Villas be excluded from the Bill 9 and be allowed to continue operating as we have throughout our history.

We are respectfully submitting this information to your committee to make sure you have the same information provided to the Planning Commission. Thank you for your consideration.

Mahalo,



Chris Bounds  
President, AOAO  
208-890-3493

The current digital zoning map for Maui County identifies the zone for Hale Kaanapali as A2. The information contained herein unequivocally illustrates the need to correct the map to show Hale Kaanapali to be in the Hotel District (which includes Apartment-hotels), A2/H or A2/H/OS zone.

 **MAUI KAAPALI VILLAS**

45 KAI ALA DRIVE  
LAHAINA, HAWAII 96761  
MAUIKAANAPALIVILLAS.ORG  
(808) 667-7791

JAMES W. ROEMER, JR., BOARD PRESIDENT  
(518) 265-5875

June 19, 2024

Kate L.K. Blystone, Planning Director  
Kimberly Thayer, Chairperson, Maui Planning Commission  
Dale Thompson, Vice-Chairperson, Maui Planning Commission  
Mel Hipolito, Jr., Member, Maui Planning Commission  
Ashley Lindsey, Member, Maui Planning Commission  
Mark Deakos, Member, Maui Planning Commission  
Andrea Kealoha, Member, Maui Planning Commission

Aloha Planning Director Blystone and Planning Commission Members:

I am writing to you in my capacity as President of the 9-member Board of Directors of our 11-acre property located in the Kaanapali Beach Resort known as Hale Kaanapali and more commonly referred to as Maui Kaanapali Villas ("MKV"). Hale Kaanapali was developed and built by American Factors Ltd. and was the first condominium hotel to be developed in what is known as the Kaanapali Beach Resort ("KBR"). Formal approval for the design and development of Hale Kaanapali as a condominium hotel was obtained by and through what was then known as the Maui Planning and Traffic Commission at their regular meeting held on April 6, 1965. 1965 was almost 60 years ago and, based upon our research, Maui County zoning was in its infancy. In addition to being one of the first properties developed as part of the KBR, Hale Kaanapali is believed to be the first property developed in the United States as a condominium hotel. The residential units in a condominium hotel are individually owned, are able to be owner-occupied, and the units can be rented the same as rooms in a traditional hotel are rented. In the early stages of Hale Kaanapali's existence, the property was known as the Maui Hilton. As noted in the 1965 approval, Hale Kaanapali was authorized to be a condominium hotel and has consistently been advertised as such. I have been an owner at Hale Kaanapali for 40 years and active in the governance structure at the property. At its peak, 13 units were occupied on a full-time basis by their owners. Currently, there are 5 units occupied on a full-time basis by their owners. 90% of the remaining units (255) are rented as hotel rooms to short-term rental guests following the same use that has been in place since the completion of construction in 1967.

For ease of reference for you, we are attaching a series of exhibits. Attached as Exhibit 1 is a copy of a memorandum dated March 8, 1965, from the Master Plan Committee to the Maui Planning and Traffic Commission. The document relates to American Factor's application and request to develop its oceanfront property known as Hale Kaanapali into an Apartment Hotel. The committee noted "the Kaanapali resort development is an asset to Maui and every effort should be made to encourage development yet have enough safeguards to assure that the beauty of the area and the adjoining property owners' interests would be safeguarded." As noted, the Master Plan Committee recommended to the Maui Planning and Traffic Commission that a request to rezone the property not be granted but that the property remain in:

"A-3 Apartment Hotel District"

By zoning Hale Kaanapali property as both an apartment and hotel district, the zoning ordinance allowed for both owner-occupied units (apartments) and units to be rented on a short-term basis (hotel). At its regular meeting on Tuesday, April 6, 1965, the Maui Planning and Traffic Commission voted upon the application of a variance submitted by American Factors, LTD. The action taken by the Commission followed a public hearing, all as set forth in the minutes of that meeting attached as Exhibit 2. As noted, under Kaanapali, Lahaina district, the application and hearing dealt with

"to permit the construction of one building, six stories in height; permit accessory uses, including country store with other accessory shops; beach snack bar and cocktail bar; permit reduction of parking to one space for every one and one-half units; **permit apartment-hotel operation and to be advertised as such**; and permit beach club with accessory uses." (emphasis added)

Subsequent to the hearing, the Planning and Traffic Commission unanimously approved the following:

"to approve a variance to American Factors, LTD., with the following stipulations: 1) that all constructions shall be in accordance with sketch entitled "Hale Kaanapali, Study VI, Site Plan" dated 4 January 1965, that 2) the following accessory uses shall be permitted: Country Store, including guest shop and other items; beach snack bar; and cocktail bar; 3) the elevation of building A shall be constructed as low as is practicable, 4) Parking shall be provided at the rate of one space for every one and half units. Parking for commercial activities and the beach club shall be in conformance with the Comprehensive Zoning

Ordinance, 5) **operation shall be apartment-hotel and may be advertised as such**, 6) Beach Club buildings shall be one story in height; 7) the Planning Commission and International Colony Club shall be given opportunity to look at the final plans prior to construction.” (emphasis added)

There can be little doubt that the development of the American Factors parcel of land designated as Hale Kaanapali was approved under the then existing zoning ordinance to be constructed and operated as an apartment-hotel.

Attached as Exhibit 3 is a copy of Ordinance No. 286, which, according to our research, was the zoning ordinance of the County of Maui at the time of the approval by the Planning and Traffic Commission of the construction of the buildings and use of the property known as Hale Kaanapali.

At page 1, “Apartment Hotel is defined as “A building or portion thereof used as a hotel as defined herein and containing the combination of individual guest rooms or suites of rooms with apartments or dwelling units.’

At page 2, “Hotel” is defined as “A building designated for occupancy as the more or less temporary abiding place of transient individuals who are lodged with or without meals, in which there are more than twenty (20) guest rooms, which rooms may be equipped with cooking facilities”

At page 3 you will note that under the category of “Use Zone Districts,” there are only two Apartment Districts. One is known as A-2 and the other is known as A-3. A-2 is limited to two-family dwellings, otherwise characterized as the duplex district, whereas A-3 is described as the apartment house district (multiple family). Category 3 under the Use Zone Districts simply states “Hotel District.” Of importance here is the fact that both the Master Plan Committee, in their recommendation to the Maui Planning and Traffic Commission, as well as the Maui Planning and Traffic Commission, recognize that the operation on the property shall be apartment-hotel and that it may be advertised as such.

At page 5 under Section 6 is the description of allowed uses and heights for dwellings in the A-3 Apartment House (multiple family) category. Of particular note, in paragraph B under “Height Regulations,” there is a restriction that no main building shall exceed four (4) stories. Apparently, American Factors originally sought a change in zoning so that it could build a six story structure on the site but rather than making a change in zoning, the Master Plan Committee recommended and the Planning and Traffic Commission approved, a variance to permit the construction of a six story building. Immediately following on page 5, are the uses permitted and the description of what typically comprises a hotel district. The first paragraph is entitled Description and Purpose and reads:

“A hotel district is a high density multiple family area of high land values bordering business district and ocean front.”

Under category A, “Use Regulations”, it is noted at paragraph 3 “Apartment-hotels consisting of more than 20 apartment units.” Of particular note here is the recognition of a blended use known as an apartment-hotel rather than simply a residential apartment or a hotel.

Attached as Exhibit 4 is a copy of the current zoning ordinance which describes the current allowable base zone districts. Of particular note is the absence of a combined district as noted in the 1960 zoning ordinance of apartment-hotel, which is specifically noted in Exhibit 1 where the Master Plan Committee specifically states that the parcel upon which Hale Kaanapali is being developed should:

“remain in A-3 Apartment-Hotel District.”

Under applicable zoning case law, subsequent amendments to a zoning ordinance cannot undo or work to the detriment of properties that were developed and approved under a prior zoning ordinance.

Exhibit 5 is a copy of the existing zoning ordinance as it relates to the preparation of County zoning maps. Paragraph A provides that the Planning Director must prepare and administer the County’s zoning maps.

Exhibit 6 is a copy of the current zoning ordinance as it relates to Hotel Districts. Section 19.14.010 – Purpose and intent, reads in relevant part as follows:

“A hotel district is a high density **multiple-family** area bordering...ocean fronts...” (emphasis added)

Section 19.14.020 – Permitted uses, states that:

“Within hotel districts, the following uses shall be permitted:

C. Apartment-hotels

Exhibit 7 is an excerpt from the current Community Plan as it relates to the west Maui area. Page 2 of the exhibit is an exact copy of the community plan map adopted and published in 2022 by the members of the Community Plan under the jurisdiction of the Maui Planning Director. According to the map, Hale Kaanapali is appropriately categorized as Resort/Hotel.

Exhibit 8 is a copy of the current digital zoning map and, as shown, the map designates Hale Kaanapali as A-2 Apartment but does not designate it as an apartment-hotel as originally approved by the Planning and Traffic Commission.

Exhibit 9 is a four page document obtained from the Maui County website and is entitled "Properties Allowed to be used for Short-Term Occupancy." Hale Kaanapali property is listed on page 3 and is shown as being built in 1964 and thereafter; the community plan designation is H for hotel; the county zoning shown is A2/H/OS which, according to the current zoning ordinance, translates into apartment multiple family/hotel/open space. Under the category of "Why Short Term Rental Allowed," "Zoning" is listed. It is respectfully submitted that while the current zoning recognizes that Hale Kaanapali can function as a hotel, the property could also fall under the category of "Variance/Grandfathered" because of the action taken by the Maui Planning and Traffic Commission in 1965 (Exhibit 2). Either way, it is abundantly clear that Hale Kaanapali, under any and all interpretations, is permitted to operate as a hotel and has consistently operated as a hotel since its inception.

Exhibit 10 is an excerpt taken from the Maui County website as it relates to digital zoning maps. Under the category of "The History of the Digital Zoning Map Update Project (DSSRT)," the following is acknowledged:

**"Along with the goal of replacing the County's prized but very old, tattered and outdated "Dead Sea Scrolls" paper zoning maps with accurate, up-to-date GIS data layers, other goals include researching and verifying zoning for thousands of parcels; correcting inadvertent mapping errors, inconsistencies and alignment issues; updating parcel zoning with zoning districts that have standards and are consistent with their community plan designation and uses; and creating a single zoning map for each island. All corrections and recommendations made to an adopted digital map require consistency with each parcel's Community Plan designation." (emphasis added)**

As it relates to the Maui digital zoning map, the following is stated:

**"Due to the complexity of using a number of old zoning maps, comprehensive zoning ordinances, individual changes in zoning, and the poor quality and lack of technical mapping and GIS tools in the past, the Planning Department expressed at the time of the digital zoning maps' initial adoption that further errors and corrections would be discovered and maps would be continually refined. As mapping errors are discovered, the**

Department will continue to request Maui County Council's adoption of corrected/updated digital maps." (emphasis added)

### CONCLUSION

It is respectfully submitted that the foregoing exhibits demonstrate, unequivocally, the right of the property known as Hale Kaanapali to continue to operate as an Apartment (multifamily) Hotel consistent with its original approval and consistent with the designations shown in Exhibit 9. Therefore, it is respectfully requested that the Planning Director either, on her own initiative or through whatever action is needed, amend the existing digital zoning map which currently designates the Hale Kaanapali property only as an A2 multiple family apartment district to the designation of Hotel District (which includes Apartment-hotels), A2/H or A2/H/OS as depicted by the County in Exhibit 9.

Mahalo for your consideration,



James W. Roemer, Jr.  
Board President

cc: Richard T. Bissen, Jr., Mayor  
Victoria J. Takayesu, Corporation Counsel  
Alice Lee, Chair, County Council  
Yuki Lei Sugimura, Vice-Chair, County Council  
Tasha Kama, Presiding Officer Pro Tempore, County Council  
Tom Cook, Member, County Council  
Gabe Johnson, Member, County Council  
Tamara Paltin, Member, County Council  
Keani Rawlins-Fernandez, Member, County Council  
Shane Sinenci, Member, County Council  
Nohelani U'u-Hodgins, Member, County Council

# EXHIBIT 1

March 8, 1965

TO: Maui Planning and Traffic Commission  
FROM: Master Plan Committee  
SUBJECT: Variance for Portion of Tax Map Key 4-4-06:5

The Master Plan Committee met with American Factors and others concerned regarding the rezoning of Tax Map Key 4-4-06:5 and would like to report as follows:

The Kaanapali resort development is an asset to Maui and every effort should be made to encourage development, yet have enough safeguards to assure that the beauty of the area and the adjoining property owners' interests would be safeguarded. The Committee has the assurance of American Factors, Ltd., that:

1. Buildings B, C, D, and E would remain 2 stories, and that the building density will be 54%.
2. That the ground floor of Building A will be constructed to the lowest elevation as is possible.
3. That the Planning Commission and 2 representatives of the International Colony Club will be given an opportunity to look at the final plans and be given a opportunity to make suggestions to the final plans.
4. That the B-3 Zone on the Honokowai side of this parcel shall have only commercial uses, and that no hotels or high-rise structures be constructed more than 4 stories in height to complement the adjoining apartment house district.

With these assurances, the Master Plan Committee would like to recommend as follows:

1. The subject parcel on which a rezoning request has been made by the American Factors, Ltd., remain in A-3 Apartment Hotel District.
2. That variance be granted as follows:
  - (a) The following accessory uses be permitted: Count Store, including guest shop and other items; beach snack bar; cocktail bar.
  - (b) Building A be permitted to be a 6 story building.

EXHIBIT "3"

Re: AmFac request, TMK 4-4-0b:5

provided that the ground floor elevation be as is  
as is practicable.

- (c) Parking at 1½ to 1 be permitted.
- (d) That the operation of the units be apartment-hotels  
and may be advertised as such.
- (e) Beach Club be permitted provided that all buildings  
shall be one story in height.

YOSHIKAZU MATSUI, Chairman

KAZUO KAOE, Member

KOICHI HAMADA, Member

HIDEO HAYASHI, Member

JEAN R. LANE, Member

MASAO SONE, Member

## EXHIBIT 2

MAUI PLANNING AND TRAFFIC COMMISSION  
REGULAR MEETING  
Tuesday, April 6, 1965

The regular meeting of the Maui Planning and Traffic Commission was called to order by Joseph S. Medeiros, Jr., Chairman, on Tuesday, April 6, 1965, at 1:39 p.m. in the Board of Supervisors Chambers, County Building, Wailuku, Maui, Hawaii.

A quorum of the Commission was in attendance. (See record of attendance.)

PUBLIC HEARINGS: The following application for a variance under provisions of Section 21, Ordinance 286 as amended, was heard:

KAANAPALI, LAHAINA DISTRICT

To permit the construction of one building six stories in height; permit accessory uses, including country store with other accessory shops; beach snack bar and cocktail bar; permit reduction of parking to one space for every one and a half units; permit apartment-hotel operation and to be advertised as such; and permit beach club with accessory uses.

Applicant: American Factors, Ltd.  
Area: 18.5 acres more or less

The following application for change in zoning under provisions of Section 20, Ordinance 286, was heard:

APPLICATION NO. 42, WALEHU BEACH ROAD, WAILUKU

From R-3 Residential District to R-2 Residential District

That particular parcel of real estate situated on the northerly side of Walehu Beach Road and just west of the Door of Faith Church in Paukukalo, Wailuku, Maui, Hawaii, Tax Map Key 3-4-29, parcel 41.

Owner: A. B. Sevilla

Area: 17,438 Square feet more or less

The following application for a Variance, under provisions of Section 5, Ordinance No. 267, was heard:

HANA RANCH COMPANY, HANA, MAUI

For the development of a bulk petroleum storage and sales outlet including tanks, pumps, meters, platform warehouse, office and other accessory uses, to be situated on the westerly side (mauka side) of Hana Highway in the vicinity of the existing service station building and the Hana Ranch Office, being portion of Tax Map Key 1-4-03, parcel 9, at Hana, Maui, Hawaii.

Transcripts of the proceedings are on file in respective folders.

COMMUNICATIONS FROM:

1. Mrs. Emma K. Sharpe, requesting rear yard variance to 8 feet in hotel zone in Kahana, attached hereto and made a part hereof.

From blackboard sketches the Director pointed out the shape of the lot with measurements in depth of 57 feet 6 inches on one side, and 54 feet on the opposite side. The applicant lacked 8 feet from the required 15 feet rear yard spacing.

In discussion, Commissioner Kage felt that a geographical hardship existed because of the narrowness of the lot in that area.

It was moved by Mr. Kage, seconded by Mr. Nagasako, and

VOTED: to approve a variance to permit placing of building 8 feet from the rear boundary line as requested in letter dated March 22, 1965.

5 ayes; 1 no; 1 absent.

Minutes, meeting of 4/6/65 -- 6

Commissioner Nagasako commended the Traffic Committee on their detailed report of the precise approach ordinance plan.

2. Traffic Committee on Heliports, attached hereto and made a part hereof.

It was moved by Mr. Eller, seconded by Mr. Kage, and unanimously

VOTED: to approve the Traffic Committee Report on Conditional Permits for Heliports.

The Director was requested to prepare the material on heliports for a public hearing.

3. Report of Planning Director on 701 Planning Project for Lahaina District attached hereto and made a part hereof.

The Director presented the amended/amount of \$63,000 for the 701 Planning Project for the Lahaina District and asked for the Commission's approval.

It was moved by Mr. Kage, seconded by Mr. Hong, and unanimously

VOTED: to approve the report of the Director on the 701 Planning Project for Lahaina, and to concur with the amended amount of \$63,000.

4. Planning Director - Other Reports:

1. Director will commence 6 days of vacation beginning on April 8.
2. Public hearing on the request for a change of zoning of the Nakoa Estate, situate at Kahana, Lahaina, from R-3 Residential District to A-3 Apartment House District will be held on April 27, the next regular meeting of the Commission.

ACTION ON VARIANCE, SECTION 21, ORDINANCE 286, FROM AMERICAN FACTORS, LTD.:

It was moved by Mr. Kage, seconded by Mr. Nagasako, and

VOTED: to approve a variance to American Factors, Ltd., with the following stipulations: 1) That all construction shall be in accordance with sketch entitled "Hale Kaanapali, Study VI, Site Plan" dated 4 January 1965, that 2) the following accessory uses shall be permitted: Country Store, including guest shop and other items; beach snack bar; and cocktail bar; 3) The elevation of building A shall be constructed as low as is practicable, 4) Parking shall be provided at the rate of one space for every one and a half units. Parking for commercial activities and the beach club shall be in conformance with the Comprehensive Zoning Ordinance, 5) operation shall be apartment-Hotel and may be advertised as such, 6) Beach Club buildings shall be one story in height, 7) the Planning Commission and International Colony Club shall be given opportunity to look at the final plans prior to construction.

Affirmative votes: 6  
Dissenting votes: 0  
Absent, not voting: 1

ACTION ON CHANGE IN ZONING APPLICATION NO. 42, A. B. SEVILLA, Waiehu:

It was moved by Mr. Kage, seconded by Mr. Eller, and

VOTED: to deny the request for a change in zoning of the A. B. Sevilla property in Paauhukalo, Tax Map Key 3-4-29, parcel 41, from R-3 Residential District to R-2 Residential District.

## EXHIBIT 3

**ORDINANCE NO. 286**  
**BILL NO. 6 (1960)**

**THE COMPREHENSIVE ZONING ORDINANCE**  
**OF THE COUNTY OF MAUI**  
**STATE OF HAWAII**

**COMPREHENSIVE ZONING ORDINANCE**

A COMPREHENSIVE ORDINANCE ESTABLISHING ZONES WITHIN THE COUNTY OF MAUI; ESTABLISHING CLASSIFICATION OF LAND USE IN SUCH ZONES; DIVIDING THE COUNTY OF MAUI INTO USE ZONE DISTRICTS FOR SUCH PURPOSES; ADOPTING MAPS OF SAID COUNTY SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH USE ZONE DISTRICTS; DEFINING TERMS USED IN SAID ORDINANCE; PROVIDING FOR THE AMENDMENT AND THE ENFORCEMENT THEREOF; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of Maui, State of Hawaii:

**SECTION 1. TITLE AND PURPOSE**

A. This ordinance shall be known as and may be cited and referred to as "The Comprehensive Zoning Ordinance for the County of Maui". It is hereby adopted;

1. In order to regulate the use of buildings, structures and land as between industrial, business, residential, agricultural and other purposes;
  2. In order to regulate location, height, bulk and size of buildings and structures, the size of yards, courts and other open spaces—the percentage of the lot which may be occupied by a building or structure;
  3. For said purposes, the County of Maui shall include the districts of Wailuku, Makawao, Lahaina and Hana, but shall exclude the districts of Molokai and Lanai as described in Section 10-1 of the Revised Laws of Hawaii 1955.
- B. Such regulations are deemed necessary in order to:
1. Encourage the most appropriate use of land;
  2. Conserve and stabilize the value of property;
  3. Provide adequate open space for light and air;
  4. Prevent undue concentration of population;
  5. Lessen congestion on streets and highways;
  6. Promote health, safety and general welfare.

**SECTION 2. DEFINITIONS**

For the purpose of this ordinance, unless it is plainly evident from the context that a different meaning is intended, certain terms and words are herewith defined as follows:

**ISLAND OF MAUI**—shall mean the Districts of Wailuku, Makawao, Lahaina and Hana.

**COUNTY**—shall mean the County of Maui as described in Section 144-1, Revised Laws of Hawaii 1955.

**COMMISSION**—shall mean the Planning and Traffic Commission of the County of Maui.

**ACCESSORY BUILDING**—A portion of the main building or a detached subordinate building located on the same lot, the use of which is appropriate, subordinate and customarily incidental to that of the main building or to the main use of the land.

**ACCESSORY LIVING QUARTERS**—Living quarters within an accessory building, such quarters and building having no kitchen (cooking, refrigeration, sink or similar facilities), for the sole use of persons employed on the premises and not rented or otherwise used as a separate independent unit.

**ADMINISTRATOR**—The person who holds the office of Director and/or Executive Secretary or authorized representative of the Commission.

**ALLEY**—Any right-of-way or public easement less than twenty (20) feet but not less than twelve (12) feet in width which has been dedicated or deeded to the public for public use as a secondary means of access to abutting property.

**APARTMENT**—A portion of a building consisting of a room or suite of rooms with complete living facilities, such as space for sleeping, recreation, cooking, laundering and sanitary facilities, and which is intended or designed to be occupied by one family.

**APARTMENT HOTEL**—A building or portion thereof used as a hotel as defined herein and containing the combination of individual guest rooms or suites of rooms with apartments or dwelling units.

**APARTMENT HOUSE**—see definition "Dwelling, Apartment House".

**AUTOMOBILE TRAILER AND EQUIPMENT SALES AREA**—An open area other than a street used for the display, sale or rental of new or used automobiles or trailers or other equipment where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, to be sold, or to be rented on the premises.

**AUTOMOBILE WRECKING ESTABLISHMENT**—The business of dismantling or wrecking of used motor vehicles or trailers.

**BASEMENT**—A portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling.

**BOARDING HOUSE**—A building having not more than five (5) guest rooms where lodging and meals are provided for no more than five (5) persons for compensation.

**BUILDING**—Any structure built for the support, shelter, housing, occupancy, storage, or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING HEIGHT**—The vertical distance from finished "grade" to the highest point of the finished roof surface of a flat roof or to the deck line of a mansard roof or to the average heights of a pitch or hip roof; provided, however, that where buildings are set back from the street line, the height of the buildings may be measured from the average elevation of the finished lot grade at the front of the building.

**BUREAU OF CONVEYANCES**—Wherever it appears herein, Bureau of Conveyances shall include the Bureau of Conveyance and the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

**CAMP, PUBLIC**—Any area or tract of land used or designated to accommodate two or more automobiles, house trailers, or two or more camping parties.

**CAMP, TRAILERS**—Same as "Camp, Public".

**CAMP PORT**—Any structure or portion of a building or structure, other than an attached or detached garage, used for the shelter of self-propelled vehicles.

**CEMETERY**—A land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums, mortuaries and crematories (provided it has the approval of the Department of Health, Commission and Board of Supervisors when operated in conjunction with and within the boundary of such cemetery).

**COMMERCIAL PURPOSE**—Shall mean the growing, processing, or manufacturing of products primarily for sale to others.

**COURT**—An open, unoccupied space other than a yard on the same lot with a building and bounded on one (1) or more sides by such building or buildings.

**COURT, APARTMENT**—One or more multi-family dwelling, any of which may be more than one (1) story in height and arranged around one (1) or more sides of a court or place from which said court or place any dwelling unit therein has its principal means of access. A court apartment shall be deemed to include those multi-family dwellings which contain the principal means of access to any dwelling unit therein from a court or place or side yard.

**COURT, BUNGALOW**—Two or more single family detached dwellings arranged around one, two or three sides of a court which opens onto a street.

**CURB LEVEL**—The elevation of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the County Engineer of the Department of Public Works of the County of Maui shall establish such curb level or its equivalent for the purpose of this ordinance.

**DAY-CARE NURSERY**—Premises where young children are cared for during the day with or without compensation with facilities approved by the State Department of Health, State Department of Social Services, State Department of Education, and Building Superintendent of the County of Maui.

**DRIVE-IN RESTAURANT**—A restaurant business where food is served to a person or persons in their automobiles or vehicles.

**DWELLING**—A building or portion thereof designed exclusively for residential occupancy but not including hotels, tenements, boarding or lodging houses as defined herein.

**DWELLING UNIT**—Any building or any portion thereof which is designed or intended for occupancy by one family or persons living together or by a person living alone and providing complete living facilities within the unit for sleeping, recreation, eating, sanitary and laundering facilities, including installed equipment for only one kitchen.

**DWELLING, SINGLE FAMILY**—A building consisting of only one dwelling unit designed for or occupied exclusively by one family.

**DWELLING, TWO-FAMILY OR DUPLEX**—A building consisting of only two dwelling units designed exclusively for occupancy by two families living independently of each other.

**DWELLING, APARTMENT HOUSE**—A building or portion thereof, one or more than one story in height designed for occupancy by three or more families living independently of each other but under one roof.

**DWELLING, MULTIPLE FAMILY**—A building or portion thereof consisting of three or more dwelling units and designed for occupancy by three or more families living independently of each other.

**EDUCATIONAL INSTITUTIONS**—Kindergartens, elementary schools, intermediate schools and colleges supported wholly or in part by public or private funds giving general academic

instructions as prescribed and approved by the State Department of Education.

**ENGINEER**—shall mean the County Engineer of the County of Maui or his duly authorized representative.

**FAMILY**—An individual living alone or a group of two or more persons related by blood or marriage and their legal issues living together as a single housekeeping unit such as a dwelling unit.

**FRONTAGE**—All the property abutting one (1) side of a street between two intersecting or intercepting streets, or between a street and public or private right-of-way, end of dead-end street or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**FRONT OF LOT**—The front boundary line of a lot bordering on the street, and in the case of a corner lot, may be either frontage.

**GARAGE**—A building or portion thereof wherein automobiles or other self-propelled vehicles or where other such vehicles are serviced or equipped for operation, repaired, or housed and stored for remuneration, hire or sale.

**GARAGE, PRIVATE**—A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

**GARAGE, PUBLIC**—A building or structure, other than a private garage, used for the housing, storage, or care of automobiles or other self-propelled vehicles or where other such vehicles are serviced or equipped for operation, repaired, or housed and stored for remuneration, hire or sale.

**GARAGE, STORAGE**—Any premises except those described as a private or public garage used exclusively for the storage of self-propelled vehicles.

**GRADE, CURB**—The elevation of the top of the face of the curb as fixed by the County of Maui.

**GUEST**—Any person other than the family occupying or hiring a room for living or sleeping purposes.

**GUEST HOUSE**—Living quarters within a detached accessory building located on the same premises with the main building for the use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities (sink, refrigeration or cooking facilities) and not rented or otherwise used as a separate dwelling.

**HOTEL**—A building designed for occupancy as the more or less temporary abiding place of transient individuals who are lodged with or without meals, in which there are more than twenty (20) guest rooms, which rooms may be equipped with cooking facilities.

**JUNK YARD**—A lot or portion thereof or tract or parcel of land used for the business of storage, keeping, or abandonment of junk or waste materials, including scrap metals or other scrap material or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**KENNEL**—Any premises, building or structure in which four (4) or more dogs or cats at least six (6) months old are harbored.

**KINDERGARTEN**—A school for young children of pre-elementary school age with facilities and studios as prescribed by the State Department of Education.

**LIVING QUARTERS**—One or more rooms in a building designed for occupancy by one or more persons for living or sleeping quarters.

**LOADING SPACE**—A space or berth or area of land outside the boundaries of a street, alley or other public right-of-way and situated on the same lot with the building to be served, or contiguous to a group of buildings for the purpose of providing temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which is readily accessible to vehicular traffic by means of a street, alley or other appropriate access.

**LODGING HOUSE OR ROOMING HOUSE**—Any building or group of buildings or portion thereof having twenty (20) or less sleeping rooms for hire or rent where lodging and meals are provided.

**LOT**—A parcel of land considered as a unit and enclosed within defined boundaries or a building site having the required area for certain use or occupied or intended to be occupied by a building or a group of buildings and accessory buildings in compliance with the requirements in each zone.

**LOT AREA**—The total horizontal area within the lot lines of a lot, exclusive of portions subject to easements or rights-of-way for ingress and egress in favor of other lots or land, but including portions subject to easements for water, sewer and other public utility purposes.

**LOT COVERAGE**—The amount of a lot stated in terms of percentage that is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings,

porches, harbors, patios, roofs and the like—whether open box-type or lath roofs or fully roofed, but shall not be deemed to include fences, walls or hedges used as fences or swimming pool.

**LOT DEPTH**—The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**LOT WIDTH**—The frontage of a lot along the street or road rights-of-way or the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines, whichever is the least.

**LOT LINE, FRONT**—A line separating the lot from the streets or place; and in the case of a corner lot; a line separating the narrowest street frontage of the lot from the street.

**LOT LINE, REAR**—A lot line which is opposite and most distant from the front lot line.

**LOT LINE, SIDE**—Any lot boundary line not a front lot line or a rear lot line.

**LOT, THROUGH**—A lot having frontage on two parallel or approximately parallel streets.

**LOT, CORNER**—A lot situated at the intersection of two or more streets and at an angle of intersection of not more than one-hundred and thirty-five degrees (135°).

**LOT, REVERSED CORNER**—A corner lot, the rear of which abuts upon the side of another lot.

**LOT, INTERIOR**—A lot other than a corner lot.

**LOT, KEY**—The first interior lot to the rear or a reversed corner lot.

**MOTEL**—A group of attached or detached buildings containing dwelling units or apartments, designed for or used temporarily by automobile tourists or transients, with garages attached or parking space conveniently located to each unit, including auto court, tourist court or motor lodge.

**NON-CONFORMING BUILDING**—A building or structure or portion thereof that does not conform to the height and area regulation of the zone in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

**NON-CONFORMING USES**—Any use, whether of a building, other structure, lot or tract of land which does not conform to the use regulation of this Ordinance for the district in which such non-conforming use is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

**NURSERY SCHOOL**—An Agency engaged in educational work with pre-school children. Children enrolled are not necessarily in need of supplemental parent care.

**OCCUPANCY**—The purpose for which a building is used or intended to be used. Change of occupancy is not intended to include change of tenants or ownership.

**PARKING AREA, PUBLIC**—An open area, other than street or alley, used for the parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

**PARKING SPACE, AUTOMOBILE**—Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work area for the temporary parking or storage of one (1) automobile.

**PERSON**—A natural person, known or unknown, his heirs, executors, administrators or assigns, and also includes a firm, partnership, corporation, society or association, its or their successors or assigns, or the agent of any of the aforesaid.

**PROPERTY OWNER**—The person owning the fee title or the person in whose name the legal title to the property appears by deed duly recorded in the Office of the Bureau of Conveyances, or Assistant Registrar of the Land Court, or Tax Office in the County of Maui, and the person in possession of the property or buildings under claim of or exercising actions of ownership over the same for himself or as the executor, administrator, trustee, or guardian of the property.

**SCHOOLS, ELEMENTARY, INTERMEDIATE AND HIGH**—An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public school by the State Department of Education.

**SERVANTS' QUARTERS**—Living quarters within a detached accessory building located on the same premises or within the main building, for use by household servants of said main buildings. In the case of a detached accessory building, it shall not exceed 500 square feet in floor area, nor shall it exceed a maximum dimension of twenty (20) feet in width, nor shall it be more than one story in height, and provided, further, that such building shall have no kitchen facilities, except in the case where individuals owning lots of ten thousand (10,000) square feet or more, desire kitchen facilities for their household servants.

**SETBACK LINE**—The line beyond which the main wall of a building or structure shall not project.

**STORY**—That portion of a building included between the

upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

**STREET, PRIVATE**—Open passage land or right-of-way not less than twelve (12) feet in width suitable or intended for pedestrians and vehicles, the fee of which is vested in the owner or owners of land abutting said open passage land or right-of-way.

**STREET, PUBLIC**—A public thoroughfare, including public roads, streets, highways, easements dedicated or deeded to the public for public usage and which affords principal means of access to abutting property.

**STRUCTURE**—That which is built or erected which requires location on the ground or is attached to something having location on the ground, but not including fences or walls used as fences.

**TOURIST COURT**—A group of attached or detached buildings containing individual living or sleeping units designed or used temporarily by automobile tourists or transients with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges.

**USE**—The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

**YARD**—An open space on a lot unoccupied and unobstructed from the ground upward by any structure except as otherwise provided in this Ordinance. Wherever in this Ordinance, a front yard, rear yard or side yard of a stated number of feet is required, such expression shall be deemed to mean that such yard shall have a minimum depth of the number of feet so specified.

**YARD, FRONT**—A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

**YARD, REAR**—A yard extending across the full width of the lot between the main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest part of a main building at a ninety (90) degree angle from said building to the nearest point of the rear lot line.

**YARD, SIDE**—A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard or rear lot line. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of the main building.

**SECTION 3. USE ZONE DISTRICTS**

A. The County of Maui is divided into the following use zone districts:

1. Residential Districts
  - a. Class R-1 6,000 square feet
  - b. Class R-2 7,500 square feet
  - c. Class R-3 10,000 square feet
2. Apartment Districts
  - a. Class A-2 Two-family district (duplex district family)
  - b. Class A-3 Apartment house district (multiple family)
3. Hotel District
4. Business Districts
  - a. B-1 Neighborhood business district
  - b. B-2 Regional business district
  - c. B-3 General business district
5. Industrial Districts
  - a. M-1 Light Industrial District
  - b. M-2 Heavy Industrial District
6. Airport District
7. Agricultural District
8. Farming District
9. Off-street Parking and Loading
10. Civic Improvement District

B. Maps and Boundaries. The following areas of the County of Maui described as follows, and shown more particularly on maps identified hereinafter on file in the Office of the County of Maui Planning and Traffic Commission, signed by the Chairman of said Commission, which maps together with all explanatory matters thereon shall be deemed to accompany, and are hereby made a part of this ordinance and may be amended in the same manner as any other part of this ordinance:

1. LAND ZONING MAPS NO. 1 AND NO. 2 SHOWING EASTERLY PORTION OF KAHULUI AND SURROUNDING AREAS, as bounded by the following coordinates:

	North Latitude	West Longitude
a.	20° 54' 14"	156° 28' 58"

b.	20° 54' 34"	156° 28' 14"
c.	20° 52' 23"	156° 25' 58"
d.	20° 52' 03"	156° 28' 40"

PROVIDED HOWEVER, that notwithstanding any provision contained in this ordinance as to those areas of the County of Maui not shown on said maps, the provisions of Ordinance No. 287 of the County of Maui, as amended, or as may hereafter be amended, entitled "An Ordinance of the County of Maui to Regulate the Use of Property within the Districts of Wailuku, Makawao, Lahaina and Hana, and to Provide Penalties for the Violation thereof" shall govern and have precedence over this ordinance.

C. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

1. Where Boundaries Approximately Follow Streets, Alleys or Highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way line of highways such lines shall be construed to be such district boundaries.

2. Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-Of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

3. Where Boundaries Approximately Follow Lot Lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

4. Where the Boundary Follows a Railroad Line. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

5. Where the Boundary Follows a Body of Water. Where the boundary of a district follows a stream, watercourse or other body of water said boundary line shall be construed to be the centerline of such stream, watercourse, or body of water. If the boundary follows the Pacific Ocean, it shall be construed to be along the high water mark.

6. Submerged Areas Not Included in District. All areas within the corporate limits of the County of Maui which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

7. District Regulations Apply to Schools, Parks, etc. Any areas shown on the zoning maps as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

8. Vacation of Public Ways. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

**SECTION 4. RESIDENTIAL DISTRICTS**

Description and Purpose: The most restrictive of residential districts composed chiefly of individual homes, together with required recreational, religious and educational facilities as the basic elements of a balanced neighborhood.

A. Use Regulations. Within the residential districts R-1, R-2 and R-3 as established under procedures set forth in Section 144-95 of the Revised Laws of Hawaii 1955, and Ordinance No. 248 of the County of Maui, no buildings or land shall be used and no building or structures shall be hereafter erected or structurally altered, replaced or enlarged except for one or more of the following uses:

1. One-family dwellings.
2. Greenhouses, flower and truck gardens and nurseries used only for the propagating and cultivating of plants; provided, further, that there shall be no retailing or transacting of business on the premises.
3. Parks and playgrounds—community, public or privately operated. Recreation, refreshment, amusement and service buildings or structures may be permitted in public parks and playgrounds when under the supervision of government agency

charged with the duties and responsibilities of maintaining and operating the parks and playgrounds.

4. Golf courses; except miniature courses, driving tees or ranges and other similar uses for commercial purposes.

5. Churches and dwellings of the clergy connected therewith as an incidental use to that of the church.

6. Schools—elementary, intermediate, high, college and universities, public or privately owned, which may include on the campus dormitories. Trade schools may be permitted with the approval of the Commission.

7. Day-care centers, nurseries, pre-schools, kindergartens and other like facilities designed exclusively for child care services, whether operated separately or as a unit or units of some other function and whether publicly or privately operated; provided, further, that the premises and the buildings intended for the use set forth in this paragraph meet the requirements of the State Department of Health, State Department of Social Services, the State Department of Education, and the Building Ordinance of the County of Maui. The Commission shall have the authority to issue a special use permit for a day-care nursery, center, or pre-school or kindergarten exceeding five children, after favorable recommendation and approval have been received from the governmental agencies listed above.

8. Hospitals (excluding such facilities for contagious, mental or drug or liquor addict cases) provided, however, that the written consent of seventy-five (75) per cent of the property owners within a radius of five-hundred (500) feet from the property to be used for such purposes has been obtained.

9. Nursing or convalescent homes and domiciliary facilities operated and maintained to provide nursing care and/or supportive care to individuals who are not in need of hospital care; provided, however, that the premises and the buildings thereon intended for the uses set forth in this paragraph meet the requirements and standards of the State Department of Health, Fire Marshal of the State of Hawaii and the Building Ordinance of the County of Maui; provided further that said uses of nursing and convalescent homes shall be further subject to the following provisions:

a. The minimum lot area for such use shall be 20,000 square feet with an average lot width of one hundred (100) feet.

b. Yard Spacing. Any building including accessory buildings shall be located not less than twenty (20) feet from all lot boundaries.

c. Building Height. No building shall exceed two (2) stories. There may be the usual necessary buildings in connection with any such dwellings including a private garage of such size as may be necessary for the occupants of each dwelling. Such accessory buildings shall include buildings used for servants quarters provided that the front yard, rear yard and other legal requirements are in compliance.

10. Substations used by Public Utilities for the purpose of furnishing electricity, gas or telephone services, which are not and will not be hazardous, dangerous or a nuisance to the surrounding areas.

11. Buildings or premises used by the Federal, State or County government for public purposes that are authorized by law.

12. Accessory Buildings. There may be accessory buildings located on the same lot or premises, the use of which is customary and incidental, usual or necessary to that of the main building, or to the use of the land. These may include servants quarters or guest house and a private garage of such size as may be necessary for the occupants of the premises. The servants quarters or guest house shall not contain any kitchen facilities except in the case where the lot area is more than ten thousand (10,000) square feet, and in no event shall the quarters be rented or used as a separate dwelling when not occupied by servants or guest. The servants quarters or guest house shall not have a floor area of more than five hundred (500) square feet, nor shall it exceed twenty (20) feet in width, nor shall it be more than one (1) story in height if constructed as a detached unit from the main building.

13. The renting of rooms or the furnishing of table board for not more than five persons if any such dwelling may be permitted when such use is incidental only to the legal owner's occupancy.

#### B. Height Regulations

No main building shall exceed thirty-five (35) feet in height

#### C. Area Regulations

1. R-1 Residential District. Within any R-1 Residential District only those uses enumerated in Section 4 shall be permitted and no building or structure for such uses shall be constructed on any lot having a width of less than sixty (60) feet and an area of less than six thousand (6,000) square feet. There may be more than one single family dwelling on any lot, provided there is not less than six thousand (6,000) square feet of lot area for each dwelling. The six thousand (6,000) square

feet area requirement shall not apply to the building of a single family dwelling on a lot less than six thousand (6,000) square feet in an area where the existing boundaries of such lots were actually established and of record in the Bureau of Conveyances and/or the Tax Office of the State of Hawaii prior to the enactment of the Ordinance establishing the use zone district.

2. R-2 Residential District. Within any R-2 Residential District only those uses enumerated in Section 4 shall be permitted and no building or structure for such uses shall be constructed on any lot having a width of less than sixty-five (65) feet and an area of less than seven thousand five hundred (7,500) square feet. There may be more than one single family dwelling on any lot, provided there is not less than seven thousand five hundred (7,500) square feet of lot area for each dwelling. The seven thousand five hundred (7,500) square feet area requirement shall not apply to the building of a single family dwelling on lots of less than seven thousand five hundred (7,500) square feet in an area where the existing boundaries of such lots were actually established and of record in the Bureau of Conveyances and/or the Tax Office of the State of Hawaii prior to the enactment of the Ordinance establishing the use zone district.

3. R-3 Residential District. Within any R-3 Residential District only those uses enumerated in Section 4 shall be permitted and no building or structure for such uses shall be constructed on any lot having a width of less than seventy (70) feet and an area of less than ten thousand (10,000) square feet. There may be more than one single family dwelling on any lot provided there is not less than ten thousand (10,000) square feet of lot area for each dwelling. The ten thousand (10,000) square feet area requirement shall not apply to the building of a single family dwelling on lots of less than ten thousand (10,000) square feet in area where the existing boundaries of such lots were actually established and of record in the Bureau of Conveyances and/or the Tax Office of the State of Hawaii prior to the enactment of the Ordinance establishing the use zone district.

4. Front Yard. There shall be a front yard of not less than ten (10) feet in Class R-1 and R-2 Residential Districts and not less than fifteen (15) feet in Class R-3 Residential District from any setback line for street widening purposes; and if no such line exists, then from the main street boundary or front boundary. An attached garage, car port or other permitted accessory use shall provide and maintain the same front yard setback as required for the main building. A detached accessory building any portion of which is located to the side or front of the main building, shall not be less than five (5) feet from such main building and not nearer to the side lot line than the width of the front yard required for the main building.

5. Side Yard. There shall be a side yard on each side of a main building of not less than five (5) feet for a minimum floor area of one thousand (1,000) square feet. An additional six (6) inches shall be required for each additional one hundred (100) square feet of floor space. In the case of a two-story single family residence not exceeding thirty-five (35) feet in height, minimum side yard space shall be ten (10) feet. An attached garage, car port or other permitted accessory use shall provide and maintain the same side yard spacing as required for the main building.

6. Rear Yard. There shall be a rear yard of not less than fifteen (15) feet in a Class R-1 and R-2 Residential Districts and not less than twenty (20) feet in a Class R-3 Residential District from any common boundary line. A detached permitted accessory building, any portion of which is located to the rear of a main building, shall be located not nearer than five feet to such main building; provided, however, that this construction shall not reduce the depth of the rear yard to less than fifteen (15) feet in the Class R-1 and R-2 Districts or to less than twenty (20) feet in the Class R-3 District.

### SECTION 5. CLASS A-2 TWO-FAMILY DISTRICT (DUPLIX DISTRICT)

Description and Purpose: A duplex district shall provide most of the desirable residential characteristics attributed to single family districts. It has useful application as a buffer zone along major streets and bordering neighborhood shopping centers.

A. Use Regulations. Within the Class A-2 Two-Family District, no building, structure or premises shall be used and no building or structure shall hereafter be erected, structurally altered, replaced or enlarged except for one or more of the following uses:

1. Any use permitted and as regulated in the R-1, R-2 and R-3 single family districts.

2. Two-family dwelling (duplex).

#### B. Height Regulations

No main building shall exceed thirty-five (35) feet in height.

#### C. Area Regulations

1. Within any A-2 Two-Family District, no building or structure shall be constructed on any lot having a width of less than sixty five (65) feet and an area of less than seven thousand five hundred (7,500) square feet. There may be more than one two-family (duplex) dwelling on any lot, provided there is not less than seven thousand five hundred (7,500) square feet of lot area for each two-family dwelling (duplex). This lot width and area requirement shall not apply to the building of a two-family dwelling on lots of less than seven thousand five hundred (7,500) square feet in area where existing boundaries of such lots were actually established and of record in the Bureau of Conveyances and/or Tax Office of the State of Hawaii prior to the enactment of the Ordinance establishing the use zone district.

**D. Yard Spacing**

1. **Front Yard.** There shall be a front yard of not less than fifteen (15) feet in a Class A-2 Two-Family District from any setback line for street widening purposes; and if no such line exists, then from the main street boundary or front boundary. An attached garage, car port or other permitted accessory use shall provide and maintain the same front yard setback as required for the main building. A detached accessory building, any portion of which is located to the side or front of the main building, shall not be less than five (5) feet from such main building and not nearer to the side lot line than the width of the front yard required for the main building.

2. **Side Yard.** There shall be a side yard on each side of the main two-family (duplex) dwelling of six (6) feet. In the case of a two-story two-family (duplex) dwelling not exceeding thirty-five (35) feet in height, the minimum side yard space shall be ten (10) feet. An attached garage, car port or other permitted accessory use shall provide and maintain the same yard spacing as required for the main two-family (duplex) dwelling.

3. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet in an A-2 Two-Family (duplex) District from the common boundary line. A detached permitted accessory building, any portion of which is located to the rear of a main two-family (duplex) building shall be located not nearer than six (6) feet to such main building provided, however, this construction shall not reduce the depth of the rear yard to less than twenty (20) feet.

**SECTION 8. CLASS A-3 APARTMENT HOUSE (MULTIPLE FAMILY)**

**Description and Purpose:** There is a trend to provide for multiple family apartment districts generally located outside of the high density core of the central portion of the City or County. It is applicable to areas wherein multiple family apartments are indicated; yet the area has not reached a transitional stage wherein public, semi-public, institutional and other transitional uses are desirable.

**A. Use Regulations.** Within the Class A-3 Apartment House District for multiple family, no building, structure or premises shall be used and no building or structure shall hereafter be erected, structurally altered, replaced or enlarged except for one or more of the following uses:

1. Any uses permitted in the R-1, R-2 and R-3 and A-2 districts.
2. Apartment houses (multiple family dwellings).
3. Boarding, rooming and lodging houses.
4. Bungalow courts.
5. Court apartments.
6. Motels.

**B. Height Regulations.** No main building shall exceed four (4) stories or fifty (50) feet in height, and the maximum height of any building shall be limited by the total floor area which shall not exceed in square feet ninety per cent (90%) of the total lot area upon which the building is to be built.

**C. Area Regulations.** Every lot within a Class A-3 Apartment District shall have a minimum lot area of ten thousand (10,000) square feet and have a minimum lot width of seventy (70) feet, provided that the area requirement shall not apply to lots where the existing boundaries were actually established and of record in the Bureau of Conveyances and/or the Tax Office of the State of Hawaii prior to the effective date of the Ordinance establishing the use zone district.

**D. Yard Spacing.** Minimum yard spacing shall be provided in accordance with the following table:

No. of Stories	Side Yard	Minimum Yard Spacing in Feet
		Front and Rear Yards
1	10 ft.	½ the height of the building
2	10 ft.	with a minimum of fifteen (15)
3	15 ft.	feet measured from any setback
4	15 ft.	line for street widening purposes, and if no such line exists, then from the main street boundary or

front boundary for the front yard; and from the common boundary line from the rear yard.

**SECTION 7. HOTEL DISTRICT**

**Description and Purpose:** A hotel district is a high density multiple family area of high land values bordering business district and ocean front. This zone includes public and semi-public, institutional and accessory uses. This zone is basically residential in character and as such should not be spotted with commercial enterprises.

**A. Use Regulations.** Within the hotel districts no buildings, structure or premises shall be used and no building or structure shall hereafter be erected, structurally altered, replaced or enlarged except for one or more of the following uses:

1. Any uses permitted in R-1, R-2, R-3, A-2 and A-3 districts.
2. Hotel as defined herein.
3. Apartment-hotels consisting of more than 20 apartment units.
4. Auditoriums and theaters.
5. Automobile parking lot and building.
6. Bona fide non-profit clubs and lodges.
7. Golf courses - privately or publicly owned.
8. Non-profit museums, libraries and art galleries, and philanthropic institutions.
9. Accessory uses:
  - a. Barber shops.
  - b. Beauty parlors.
  - c. Dancing and hula studios.
  - d. Flower shops.
  - e. Gift and curio shops.
  - f. Haberdasheries.
  - g. Massage studios.
  - h. News and magazine stands.
  - i. Pharmacies and/or drug stores.
  - j. Restaurants and/or restaurants with night club facilities.
  - k. Sandwich or coffee shops.
  - l. Tour service agencies, air line, ship and other travel ticket offices.
  - m. Wearing apparel shops.
  - n. Other accessory, business or service establishment which supplies commodities or performs services primarily for the hotel guests, provided, however, such uses shall be approved by the Commission as conforming to the intent of this ordinance.

**10. Restrictions on accessory uses:**

- a. All such hotel and/or apartment hotel buildings in which such accessory uses shall be permitted and allowed shall contain more than ten (10) rooms and such accessory uses shall be permitted and allowed only as an adjunct to and as a part of the main building and no other; such building shall be constructed in compliance with the Building Code requirements and with other ordinances, regulations and laws then existing and applicable to business uses.
- b. All such personal service shops and business shall be operated primarily as a service to and for the convenience of the tenants and occupants of the building in which such services are located.
- c. Where the lot area is in excess of twenty thousand (20,000) square feet, doors and entrances to such shops and business may be allowed fronting a public street or the interior lot. Further, the shops and business may be constructed as separate buildings provided the location of such shops and business shall have been approved by the Commission.

**B. Height Regulations.** The maximum height of any building in a hotel district shall be limited by the total floor area, which shall not exceed in square feet one hundred eighty per cent (180%) of the total lot area upon which the building is to be built.

**C. Area Regulations.** Every lot within a hotel district shall have a minimum lot area of not less than ten thousand (10,000) square feet and an average lot width of seventy (70) feet; provided that this requirement shall not apply to lots where the existing boundaries were actually established and of record in the Bureau of Conveyances and/or the Tax Office

# EXHIBIT 4

## Chapter 19.06 - DISTRICTS AND BOUNDARIES<sup>[3]</sup>

**Footnotes:**

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**Note—** *The land zoning maps are not listed here because the land zoning maps are changed or amended frequently. Ordinances adopting or amending land zoning maps are adopted or amended in the same manner as other ordinances and by reference to this chapter. As of June 30, 1971, land zoning maps for Kahului and surrounding areas, Wailuku and surrounding areas, Maalaea, Kihei, Makena and surrounding areas, Olowalu and surrounding areas, Lahaina and surrounding areas, Kaanapali and surrounding areas, Pukalani and surrounding areas, Paukukalo and surrounding areas, and Spreckelsville and surrounding areas has been adopted.*

### 19.06.010 - Districts designated.

1. The County is divided into the following base zone districts:

A. Open space districts:

1. OS-1.
2. OS-2.

B. Residential districts:

1. R-1.
2. R-2.
3. R-3.

C. R-0 zero lot line residential district.

D. Two-family districts:

1. D-1.
2. D-2.

E. Apartment districts:

1. A-1.
2. A-2.

F. Hotel districts:

1. H-1.
2. H-M.

Code of Ordinances 3. H-2 and hotel.

G. Business districts:

1. SBR service.
2. B-CT country town.
3. B-1 neighborhood.
4. B-2 community.
5. B-3 central.
6. B-R resort commercial district.

H. Industrial districts:

1. M-1 light.
2. M-2 heavy.
3. M-3 restricted.

I. Park districts:

1. PK.
2. GC.

J. Airport district.

K. Agricultural district.

L. Rural districts:

1. RU-0.5.
2. RU-1.
3. RU-2.
4. RU-5.
5. RU-10.
6. County rural.

M. Public/quasi-public districts:

1. P-1.
2. P-2.

N. Kīhei research and technology park district.

O. Maui research and technology park district.

P. Napili bay civic improvement district.

Q. Urban reserve district.

R. Interim.

# EXHIBIT 5

Code of Ordinances S. Maui County historic districts.

1. Historic district no. 1 in Lahaina.
2. Historic district no. 2 in Lahaina.
3. Historic district no. 3 in Wailuku.

T. Project districts.

U. Wailuku Redevelopment Area ("WRA") districts, including:

1. WRA business/multi-family (currently designated as "Business Multi Family - MRA" on the digital zoning map).
2. WRA commercial mixed-use. (currently designated as "Commercial Mixed Use - MRA" on the digital zoning map).
3. WRA multi-family (currently designated as "Multi Family - MRA" on the digital zoning map).
4. WRA public/quasi-public (currently designated as "Public/Quasi Public - MRA" on the digital zoning map).
5. WRA residential (currently designated as "Residential - MRA" on the digital zoning map).

2. The County has the following overlay zone districts:

- A. Wetlands overlay district.
- B. Planned development.

(Ord. No. 5421, § 6, 2022; Ord. No. 5305, § 3, 2021; Ord. No. 4884, § 1, 2018; Ord. No. 3681, § 3, 2009; Ord. 3138 § 3, 2003; Ord. 2583 § 3, 1997; Ord. 2031 § 3, 1991; prior code § 8-1.3(a))

**19.06.020 - Maps.**

- A. In accordance with subsection 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director must prepare and administer the County's zoning maps.
- B. For the islands of Maui, Lānaʻi, and Molokaʻi, one zoning map for each island must be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning maps are incorporated by reference and are located online at the department of planning, implementation division's website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital maps on file, Maui digital zoning map (3), as amended, Lānaʻi digital zoning map (1), and Molokaʻi digital zoning map (1), are in addition to any original "land zoning maps" on file in the office of the county clerk; however, the digital

# EXHIBIT 6

Code of Ordinances > Article IV - Regulation of Miscellaneous Areas

> Article V - Administration and Enforcement

> Title 20 - ENVIRONMENTAL PROTECTION

> Title 22 - DEPARTMENT OF AGRICULTURE

STATUTORY REFERENCES FOR HAWAII COUNTIES

TABLES

I. - STREET NAME CHANGES

II. - 1971 CODE CROSS-REFERENCE TABLE

III. - TRAFFIC CODE CROSS-REFERENCE TABLE

IV. - TRAFFIC CODE ORDINANCE LIST AND DISPOSITION TABLE

V. - ORDINANCE LIST AND DISPOSITION TABLE

VI. - MISCELLANEOUS CODIFIED DOCUMENTS

CODE COMPARATIVE TABLE AND DISPOSITION LIST modified

< 19.12.070 - Reserved.

Chapter 19.15 - B-CT COUNTRY TOWN BUSINESS DISTRICT >

## Chapter 19.14 - HOTEL DISTRICTS<sup>[5]</sup>



**Footnotes:**

--- (5) ---

**Editor's note**— Ord. No. 4103, § 1, adopted in 2014, amended former Ch. 19.14 in its entirety which pertained to similar subject matter and derived from the prior code, § 8-1.7; Ord. No. 2030, § 4, 1991.

### 19.14.010 - Purpose and intent.



A hotel district is a high density multiple-family area bordering business districts or ocean fronts, or both. This district includes public and semi-public institutional and accessory uses.

(Ord. No. 4103, § 1, 2014)

### 19.14.020 - Permitted uses.



Code of Ordinances Within hotel districts, the following uses shall be permitted:

- A. Any use permitted in residential and apartment districts;
- B. Hotels;
- C. Apartment-hotels;
- D. Auditoriums and theaters;
- E. Automobile parking lots and buildings;
- F. Bona fide nonprofit clubs and lodges;
- G. Nonprofit museums, libraries, art galleries, and philanthropic institutions; and
- H. Cell or radio antenna attached to an existing building.

(Ord. No. 4103, § 1, 2014)

**19.14.030 - Accessory uses and buildings.**



 EXPAND

Accessory uses and buildings	Criteria or limitations
A. Energy systems, small-scale	Provided there will be no detrimental or nuisance affect upon the neighbors
B. Fences	
C. Garages	

# EXHIBIT 7

# Community Plan Maps

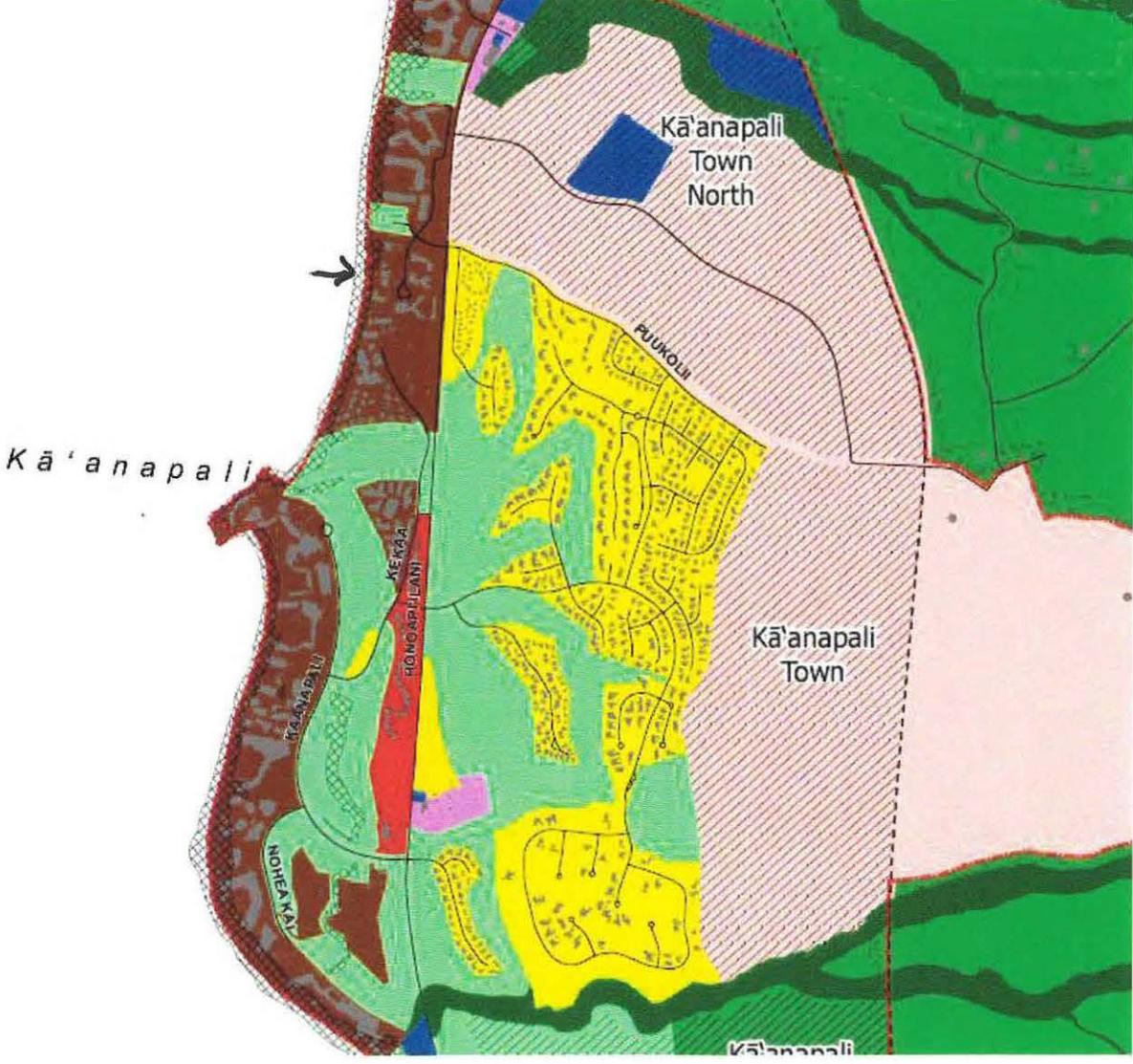
## Overview

For Maui County, the [General Plan](#) and the [community plans](#) are strategic planning documents which guide government action and decision-making. Implementation of the goals, objectives and policies contained in the Community Plan is defined through specific implementing actions, also set forth in each community plan. Most of these policies and objectives are captured in a map format included for each community plan below.

The comprehensive maps provided herein are “snapshots in time” referring to the map adoption date (found on the bottom right corner of each map) and do not reflect later non-comprehensive changes in community plan designation. As such, they are a general guideline for community plan designations for the nine community plan areas at the time comprehensive plan updates were prepared.

If you have questions regarding current community plan designations or want a confirmation, please contact the [County of Maui, Zoning and Enforcement Division](#) at (808) 270-7253.

# UHIILY ʻŪIAII



-  Rural Village
-  Neighborhood Center
-  Small Town Center
-  Transit Oriented Corridor
-  Resort/Hotel
-  Employment Center
-  Industrial
-  Special Purpose District
-  Public/Quasi-Public
-  Park
-  Open Space

*K a l*

# EXHIBIT 8



# Maui Island Digital Zoning Map 3

Page B1

Ordinance: 5363  
Effective: 03/22/2022

## Legend

 R-1 Residential	 B-2 Business-Community
 R-2 Residential	 BR Business-Resort
 R-3 Residential	 M-1 Light Industrial
 D-1 Duplex	 M-2 Heavy Industrial
 A-1 Apartment	 AG Agriculture
 A-2 Apartment	 HD-1 Historic District 1
 H Hotel	 HD-2 Historic District 2
 H-1 Hotel	 Interim
 HM Hotel	 (road)
 H-2 Hotel	

## EXHIBIT 9

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
HANA KAI-MAUI	140050400000	1974	MF	A1	Ordinances
WAILEA EKAHI II	210080600000	1976	MF	A1	Ordinances
WAILEA EKAHI I	210080640000	1976	MF/OS	A1/BR/OS/PUD	Ordinances
WAILEA EKAHI III	210080650000	1976	MF/OS	A1/H1/OS/PUD	Ordinances
WAILEA ELUA I	210080690000	1977	MF	H1/PUD	Ordinances
WAILEA ELUA II	210080700000	1981	MF/OS	H1/OS	Ordinances
WAILEA EKOLU	210080770000	1979	MF	A1/OS-GC/PUD	Ordinances
PALMS AT WAILEA I	210080820000	1990	MF/OS/PD	A1	Ordinances
WAILEA BEACH VILLAS	210080910000	2005	Hotel	BR/H1/H2/OS	Zoning
GRND CHAMP VILLAS	210081040000	1989	MF/OS/PD	A2	Ordinances
HOOLEI	210081190000	2007+	H	H1/OS/PUD	Zoning
WAILEA POINT III	210230040000	1987	H	H1/H2/PUD	Zoning
WAILEA POINT II	210230050000	1987	H	H1/H2/PUD	Zoning
WAILEA POINT I	210230060000	1986	H	H1/H2/PUD	Zoning
KUAU PLAZA	260120500000	1973	MF	A2	Variance/Grandfathered
SUGAR COVE	380020030000	1976	SF	R3	Grandfathered
MAKANI A KAI	380140010000	1974	MF	A1	Ordinances
HONO KAI	380140020000	1972	MF	A2/A1	Ordinances
KANAI A NALU	380140040000	1977	MF	A2	Ordinances
MAALAEA BANYANS	380140110000	1978+	MF	A2	Ordinances
ISLAND SANDS	380140150000	1975	MF	A2	Ordinances
LAULO A MAALAEA	380140160000	1979	MF	A2	Ordinances
MAALAEA KAI	380140210000	1974	MF	A2	Ordinances
MILOWAI-MAALAEA	380140220000	1977	LI	A2/M1	Ordinances
MAALAEA YACHT MARINA	380140240000	1979	LI	M1	Ordinances
MAUI SUNSET	390010020000	1974	MF	A2	Ordinances
LUANA KAI	390010060000	1979	MF	A2	Ordinances
KAUHALE MAKAI	390010750000	1976	MF	A2	Ordinances
KIHEI BAY SURF	390011070000	1980	MF	A1	Ordinances
LEINAALA	390011100000	1975	MF	A2	Ordinances
KIHEI BAY VISTA	390011430000	1989	MF	A1	Ordinances
KAMAOLE SANDS	390040040000	1983	MF	A2	Ordinances

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
MAUI HILL	390040810000	1981	MF	A1	Ordinances
MAUI KAMAOLE III	390040820000	1990+	MF	A1	Ordinances
HALE KAMAOLE	390040840000	1974	MF	A1/A2	Ordinances
HALEAKALA SHORES	390040970000	1974	MF	A2	Ordinances
MAUI PARKSHORE	390040980000	1974	MF	A2	Ordinances
MAUI KAMAOLE	390041430000	1988	MF	A1	Ordinances
MAUI KAMAOLE II	390041440000	1989	MF	A1	Ordinances
LIHIKAI APTS	390050170000	1963	MF	A1	Ordinances
KAMAOLE ONE	390050230000	1973	MF	A1	Ordinances
PUNAHOA BEACH APTS	390050380000	1970	MF	A1	Ordinances
HALE KAI O'KIHEI	390080030000	1969	MF	A1	Ordinances
HALE KAI O'KIHEI	390080040000	1969	MF	A1	Ordinances
KIHEI GARDEN ESTATES	390080110000	1979	MF	A1	Ordinances
WAIQHULI BEACH HALE	390090290000	1979	MF	A1/Public Use	Ordinances
SHORES OF MAUI	390170030000	1975	MF	A1	Ordinances
MAUI VISTA	390180030000	1980	MF	A2	Ordinances
KIHEI AKAHI	390200010000	1977	H	BR/H1/H2/OS	Ordinances
KIHEI KAI NANI	390200030000	1970	H	H2/BR	Ordinances
KAPALUA BAY VILLAS	420010240000	1977	MF	A2	Ordinances
KAPALUA GOLF VILLAS	420010280000	1979	MF	A2/AG/OS/GC	Ordinances
KAPALUA IRONWOODS	420010300000	1979	MF/OS/P/QP	A2/BR/OS/Interim	Ordinances
THE RIDGE	420010320000		MF	A2/PK-4	Ordinances
PUNA II	420020050000	1973	MF/OS	NBCID	Zoning
KAPALUA BAY	420040280000	2009	H/B/OS	BR/HM/OS/PUD	Zoning
KAPALUA BAY CONDO	420040280000	2009	H/B/OS	BR/HM/OS/PUD	Ordinances
HONOKEANA COVE	430020190000	1969	MF	NBCID	Zoning
NAPILI POINT I	430020210000	1977	MF/OS/PK	NBCID	Zoning
NAPILI POINT II	430020430000	1978	MF	NBCID	Zoning
NAPILI BAY	430020520000	1977	MF	NBCID	Zoning
NAPILI SUNSET	430020550000	1974	MF	NBCID	Zoning
NAPILI SHORES	430020610000	1972	MF/OS	NBCID	Ordinances
NAPILI GARDENS	430020680000	1993+	MF	NBCID	Zoning

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
KAHANA SUNSET	430030150000	1973	SF/OS	R3	Ordinances
KAHANA REEF	430050090000	1974	MF	A2	Ordinances
KAHANA OUTRIGGER	430050200000	1981	MF	A1	Ordinances
KAHANA OUTRIGGER	430050210000	1981	MF	A1	Ordinances
KAHANA VILLAGE	430050290000	1978	MF/OS	A1	Ordinances
KAHANA OUTRIGGER	430050310000	1981	MF	A1	Ordinances
NOHONANI	430060070000	1974	MF	A2	Ordinances
KULAKANE	430060110000	1970	MF	B2	Ordinances
MAKANI SANDS	430060120000	1974	MF	A2	Ordinances
KALEIALOHA	430060130000	1973	MF	A2	Ordinances
LOKELANI	430060160000	1971	MF/OS	A2	Ordinances
HALE MAHINA BEACH	430060410000	1981	MF	A2	Ordinances
HALE ONO LOA	430060440000	1969	MF	A2	Ordinances
PIKAKE	430060630000	1966	MF	A2	Ordinances
POLYNESIAN SHORES	430080020000	1972	MF	A1	Ordinances
KULEANA	430080040000	1972	MF	A1	Ordinances
KULEANA	430080050000	1974	MF/OS	A1	Ordinances
HOYOCHI NIKKO	430080060000	1973	MF	A1	Ordinances
NOELANI	430090020000	1974	MF	A2	Ordinances
MAHINA SURF	430090050000	1969	MF	R3	Variance/Grandfathered
HALE KAI I	440010420000	1967	MF	A2	Ordinances
PAKI MAUI III	440010500000	1978	MF/OS	A2	Ordinances
PAKI MAUI I & II	440010510000	1975	MF/OS	A2	Ordinances
MAUI SANDS I	440010520000	1966	MF	A2	Ordinances
PAPAKEA	440010550000	1977	MF/H/OS	A2/H2	Ordinances
MAUI SANDS II	440010710000	1969	MF	A2	Ordinances
INTERNATIONAL COLONY	440060060000	1964	MF	R3	Grandfathered
HALE KAA NAPALI	440060110000	1964+	H	A2/H/OS	Zoning
MAUI ELDORADO	440080210000	1968	H	A2	Ordinances
KAA NAPALI ALII	440080220000	1981	H/OS	H2	Zoning
KAA NAPALI ROYAL	440080230000	1980	MF/OS	A2	Ordinances
LAHAINA SHORES	460020070000	1974	H/B	H2/HD1	Ordinances

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
AINA NALU	460110080000	2005	H	H1	Ordinances
PUAMANA	46028001 - 053	1932/1968	R2/R3/AG	SF	Ordinances
PUAMANA	46032001 - 048	1973	AG	SF	Ordinances
KENANI KAI	510030130000	1983	MF	A1	Ordinances
WAVECREST	560040550000	1975	MF	A2/Interim	Ordinances
THE SPINNAKER (Pioneer Inn apartments)	460100020000	1972/1973	MF	A1	Ordinances
NAPILI RIDGE	430160060000	1972	MF	NBCID	ZONING

**LEGEND:**

**Community Plan**

B: Business  
H: Hotel  
LI: Light Industrial  
MF: Multi-Family  
OS: Open Space  
P/QP: Public/Quasi-Public  
PD: Project District  
PK: Park  
SF: Single-Family

**Zoning**

A1 or A2: Apartment  
AG: Agriculture  
B2: Community Business  
BR: Business Resort  
H, H1 or H2: Hotel  
HD1: Historic District 1  
Interim: Interim  
M1: Light Industrial  
NBCID: Napili Bay Civic Improvement District  
OS: Open Space  
GC: Golf Course  
PK: Park  
PUD: Planned Development  
R2 or R3: Residential

**Ordinances:** use allowed by Ordinance Nos. 4167, 4315 and/or 4369

**Zoning:** use allowed outright by the underlying zoning

**Variance:** use allowed by a variance

**Grandfathered:** use was allowed when it was established and it can continue if not interrupted

# EXHIBIT 10

# Digital Zoning Map Update Project

The Planning Department has adopted digital zoning maps for the island of Maui ([Ordinance 5363](#)), the island of Lana`i ([Ordinance 5113](#)), and the island of Moloka`i ([Ordinance 5299](#)). The digital map for the island of Maui represents the zoning as it exists today and overlays the 2019 Real Property Tax parcel layer. For Lana`i, the zoning overlays the 2020 Real Property Tax parcel layer. For Moloka`i, the zoning overlays the 2021 Real Property Tax layer.

## The History of the Digital Zoning Map Update Project (DSSRT)

Since 2005, staff of the Maui County Planning Department worked on this project, affectionately known as "DSSRT", an acronym for the Dead Sea Scroll Replacement Team, to replace the County's official paper zoning maps with digital or electronic versions. Along with the goal of replacing the County's prized but very old, tattered and outdated "Dead Sea Scrolls" paper zoning maps with accurate, up-to-date GIS data layers, other goals include researching and verifying zoning for thousands of parcels; correcting inadvertent mapping errors, inconsistencies and alignment issues; updating parcel zoning with zoning districts that have standards and are consistent with their community plan designation and uses; and creating a single zoning map for each island. All corrections and recommendations made to an adopted digital map require consistency with each parcel's Community Plan designation.

## Maui, Lana`i and Moloka`i

**Maui:** In 2017, the Department held four public informational meetings on Maui for the Maui Digital Zoning Map (1). There was unanimous support for the map and Title 19 bills by the planning commissions and County Council's Planning Committee. The bills were unanimously supported and adopted by the Maui County Council and became law on October 10, 2018 ([Ordinance 4883](#)).

Due to the complexity of using a number of old zoning maps, comprehensive zoning ordinances, individual changes in zoning, and the poor quality and lack of technical mapping and GIS tools in the past, the Planning Department expressed at the time of the digital zoning maps' initial adoption that further errors and corrections would be discovered and maps would be continually refined. Amended Maui Digital Map (2) ([Ordinance 5006](#)) was adopted by the Maui County Council and became law on November 13, 2019, and amended Maui Digital Zoning Map (3) ([Ordinance 5363](#)) became law on March 22, 2022. As mapping errors are discovered, the Department will continue to request Maui County Council's adoption of corrected/updated digital maps.

In 2021, the Department proposed amendments to Maui Digital Map (3) for approximately 12 public facility sites that are currently zoned P1, M1, PK, R2 and R3. These properties would have been more appropriately zoned Public/Quasi Public P2 due to the public uses and structures existing on the properties and their community plan designation of Public/Quasi-Public. On Oct 21, 2021, the Maui Planning Commission unanimously voted to recommend approval of this draft Maui Digital Map (4) to the County Council. However, the Maui County Council's PSLU Committee met on May 25, Aug 3 and Aug 18, 2022 to discuss the bill and concerns were raised about the permitted height of (new) structures on these parcels if P2 zoning were approved. The committee ultimately recommended that the bill be filed, and on September 2, 2022, the Maui County Council voted to file the bill.

**Lana`i:** On December 3, 2019, the Department held a public informational meeting on Lana`i for the Lana`i Digital Zoning Map (1). Once again, there was unanimous support for the map and it was adopted by the Maui County Council and became law on August 31, 2020.

**Moloka`i:** On April 27, 2021, the Department held a public informational meeting via BlueJeans video conferencing for the Moloka`i Digital Zoning Map (1). The draft map was then presented to the Moloka`i Planning Commission on May 26, 2021 for their review and comments. The Commission supported the adoption of the Moloka`i Digital Zoning Map (1), with one exception to a correction proposed by the Department. On November 19, 2021, the map was adopted by the Maui County Council, as recommended by the Moloka`i Planning Commission to exclude one correction, and became law on November 26, 2021.

## Links to More Information

[Click here to view the Maui Island Digital Zoning Map 3, the Lana`i Island Digital Zoning Map 1, or the Moloka`i Island Digital Zoning Map 1](#)

GIS users can download the Shapefile from the Hawaii Statewide GIS Program for Maui County [here](#).

The [Maui Real Property Tax website](#) also includes the zoning layers for the 3 islands, with a color-coded legend indicating the zoning of the parcel.

For more information, check out our [Frequently Asked Questions](#)

## Contact Information:

Department of Planning

2200 Main Street

Wailuku, HI 96793

Ph: (808) 270-6272

Email: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)

For questions on existing zoning, community plan designation or any other land use entitlement, please request a [land use designation form](#) from the [Zoning and Administration and Enforcement Division](#)

**RICHARD T. BISSEN, JR.**  
Mayor

**KATE L. K. BLYSTONE**  
Director

**ANA LILLIS**  
Deputy Director



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAI'I 96793

May 22, 2025

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

APPROVED FOR TRANSMITTAL

*Richard Bissen, Jr.*  
Mayor Date 5.23.25

For Transmittal to:

Honorable Tasha Kama, Chair  
Housing and Land Use Committee  
200 South High Street  
Wailuku, Hawai'i 96793  
via: hlu.committee@mauicounty.us

Dear Chair Kama:

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

Thank you for your April 30, 2025 letter requesting information pertaining to Bill 9. The following identifies your request followed by the Planning Department's (Department) response:

- 1. On page 2 of your Department's report, you note that the Maui Planning Commission requested that the Council consider excluding properties that are community plan designated for hotel use and properties that are already partially hotel-zoned.***

***Could you please quantify those properties, specify which properties are affected, and provide an analysis that would enable the Committee to determine how this consideration might impact Bill 9?***

Honorable Richard T. Bissen, Jr  
 For Transmittal to:  
 Honorable Tasha Kama, Chair  
 Housing and Land Use Committee  
 May 22, 2025  
 Page 2

The Maui Planning Commission’s discussion on this issue was focused upon the current list of “Apartment District Properties Allowed to be Used for Short-Term Occupancy” (a.k.a. “Minatoya list”), which identifies specific properties along with their respective zoning and community plan designations. While the Department updates this list from time to time, it should be noted that the list was not originally created by the Department and therefore may have some inaccuracies, which is the reason for the note at the bottom of the list indicating that the list is subject to error.

Currently, this list shows five properties that have a zoning and/or community plan designation that in addition to their Apartment zoning designation also includes another designation that would allow for hotel type uses. These five properties are as follows:

Project Property	Master TMK	Address	Yr. Built	County Zoning	Community Plan Designation	Number of Units
Wailea Ekahi I	210080640000	3300 Wailea Alanui Dr.	1976	Apartment/Business Resort/Open Space/Planned Unit Development	Multi-family/Open Space	100
Wailea Ekahi III	210080650000	3300 Wailea Alanui Dr.	1976	Apartment/Hotel-1/Open Space/Planned Unit Development	Multi-family/Open Space	104
Papakea	440010550000	3543 Lower Honoapiilani Rd.	1977	Apartment-2/Hotel-2	Residential	364
Hale Kaanapali	440060110000	45 Kai Ala Dr.	1967	Apartment-2/Hotel/Open Space	Resort Hotel	258
Maui Eldorado	440080210000	2661 Kekaa Dr.	1968	Apartment-2	Resort Hotel	205
<b>Total</b>						<b>1,031</b>

Importantly, the list’s zoning and community plan designations do not always portray what one might expect and as noted earlier there may be some inaccuracies. For example:

- **Wailea ‘Ekahi I** – the list indicates that this property has multiple zoning designations. According to the zoning map, most of the property is zoned Apartment while a small portion is zoned Business Resort.
- **Wailea ‘Ekahi III** – according to the zoning map this property has approximate equal amounts zoned Hotel-1 and Apartment.
- **Papakea** – While the list indicates this property as having Apartment-2 and Hotel-2 zoning designations, the County’s current zoning map depicts this property as only having an Apartment zoning designation. However, prior to adoption of the

Honorable Richard T. Bissen, Jr  
For Transmittal to:  
Honorable Tasha Kama, Chair  
Housing and Land Use Committee  
May 22, 2025  
Page 3

current zoning map, this property did have a smaller portion of its property zoned Hotel-2 while the majority was zoned Apartment.

- **Hale Kā'anapali** – this property currently has an accurate community plan designation of Resort Hotel.” However, the current zoning map depicts this property as having only an Apartment-2 zoning designation despite the list also indicating a Hotel zoning designation.
- **Maui Eldorado** – the zoning map accurately identifies this property as having an Apartment-2 zoning designation and the community plan designation is accurately identified as “Resort Hotel.”

In summary, it appears that all five properties currently or at some time in the past had a zoning and/or community plan designation of a hotel use type on all or a portion of their property. The Maui Planning Commission recommended that the Council consider excluding these properties from the proposed bill. These properties include a total of 1,031 units and thus if excluded from the bill, they would be able to continue operating transient vacation rentals.

If the Council decides to exclude these and/or other properties from the bill, the most effective process for doing so would be to change their respective zoning and/or community plan designation from apartment to hotel use. Such a process would require Planning Commission review and Council approval. When changing a zoning and/or community plan designation the Planning Commission and Council should evaluate each project’s level of consistency with the General Plan and the purpose and intent of the relative zoning districts. In these specific cases, level of consistency may be weighed against their originally intended use and/or current/past operations of hotel/TVR versus long-term residential.

2. ***Has your Department researched the range and median monthly fees for the units on the Department’s list, including association fees, maintenance fees, and insurance costs? If so, or if you are able to obtain that information, could you please share it with the Committee?***

While the Department has not conducted its own analysis of the range and median monthly fees for the units on the list, such an analysis can be found in the March 31, 2025 analysis prepared by the University of Hawai’i Economic Research Organization (UHERO), entitled, “An Economic Analysis of the Proposal to Phase Out Transient Vacation Rentals in Maui County Apartment Districts” (Analysis). Specifically, on page 12 of the Analysis, it indicates “*We define carrying costs as the predictable expenses associated with owning a unit. These include insurance premiums, maintenance fees, HOA*

Honorable Richard T. Bissen, Jr  
For Transmittal to:  
Honorable Tasha Kama, Chair  
Housing and Land Use Committee  
May 22, 2025  
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*dues, land leases, and property taxes.”* The Analysis goes on to state, *“The median monthly carrying cost for TVRs in the Apartment zones is \$917 and the mean is \$1,143.”* For more detail and assumptions used in this calculation, the Department recommends reviewing the Analysis’ page 12 discussion on “Carrying Costs.”

**3. On page 3 of the Director of Finance’s correspondence dated May 29, 2024, the Director states:**

***There are 46 condominium projects, with 1,770 units, that are zoned apartment and were built before 1990 that are not on the “Apartment District Properties Allowed to be used for Short-Term Occupancy” list. Some of these projects may qualify to be on the list given the current criteria in the code. For example, in March of 2024, Kihei Villa, with 24 units, was added to the list. Four of these 46 projects were destroyed in the August wildfire. Seven of these projects are located in Lahaina.***

**a. *Could you please advise whether any of these projects and associated units are able to operate transient vacation rentals “by right”? Would these projects and units also be impacted by Bill 9? Please explain.***

The “46 condominium projects, with 1,770 units, that are zoned apartment and were built before 1990” that are referenced in the Department of Finance’s letter could operate as transient vacation rentals (TVR) “by right” if they meet all criteria identified within Maui County Code (MCC) Section 19.12.020.G. Briefly, these criteria require that: the structure was lawfully permitted on April 20, 1989; TVR use was legally conducted in any unit within the building as of January 7, 2022; the number of rooms or units did not increase beyond those allowed as of January 7, 2022; the owner holds GET and TAT licenses and is current in payment; and advertisements for the TVR use must include the property’s tax map key number.

Thus, if any of these units meet the criteria in MCC Section 19.12.020.G, as discussed above, then they would be impacted by Bill 9 because Bill 9 would eliminate TVR use as a permitted use in the apartment districts. Further, the draft ordinance for Bill 9 includes Section 6, which proposes a revision to MCC Section 19.500.110.C – Nonconforming Uses. This revision would ensure that the existing TVR uses within the apartment districts could not continue as nonconforming uses since the TVR use is being phased out as permitted in Section 46-4(a) Hawai‘i Revised Statutes.

Honorable Richard T. Bissen, Jr  
For Transmittal to:  
Honorable Tasha Kama, Chair  
Housing and Land Use Committee  
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- b. ***If some or all of the above projects and units are able to operate TVRs “by right,” please explain why they were not included on the list, whether they are classified as TVR-STRH for real property tax purposes, and any other information you believe would be helpful to the Committee’s analysis of these properties.***

As noted earlier, the list of “Apartment District Properties Allowed to be Used for Short-Term Occupancy” (a.k.a. “Minatoya list”) was not originally created by the Department, although the Department updates the list from time to time. The list is not nor has ever been an exhaustive list of only those properties that may operate TVR use in the apartment districts. The Department has updated the list when it becomes aware of a property located in the apartment districts that is operating TVR and is not currently listed.

For example, as correctly noted in the Finance Director’s letter, in March 2024, Kīhei Villa, with 24 units, was added to the list by the Department. This was done at the request of owners within Kīhei Villa only after they provided proof to the Department that they met all the criteria within MCC Section 19.12.020.G (as summarized in the answer to question “a” above).

The Department is unable to confirm if all past verifications of allowable TVR use in the Apartment districts have been placed on the list. Additionally, there may be properties within the apartment districts that are operating TVR use that the Department has not been made aware of. These properties may or may not meet the MCC criteria to be allowed to operate a TVR use.

Furthermore, according to the Finance Department, all of the 46 projects/1,770 units have a tax classification of “Non-Owner-Occupied.”

4. ***Paragraph 9 on the attachment to the Director of Finance’s correspondence, entitled “Minatoya (Apartment Zoned) TVR Statistics from RPAD as of 4/29/24 (2024 assessment year),” states: “About 46% of the Minatoya condominiums are oceanfront with an average assessed value of \$937,300 for 840 SF of living area with an average bedroom and bath count of 1.6.” Could you please advise whether these condominiums are within the Sea Level Rise Exposure Area, and if so, the number of projects and associated units affected?***

In response to this question, the Department conducted a mapping exercise that overlaid the 3.2’ Sea Level Rise Exposure Area over building footprints taken from aerial photographs. This is a very preliminary analysis and subject to some error – verification

Honorable Richard T. Bissen, Jr  
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should be through a detailed property analysis. As shown in the table below, structures within 43 project properties on the Minatoya list appear to be affected by the 3.2' Sea Level Rise Exposure Area within a range of "Very Minimal Exposure" to "Full Exposure." The 43 affected properties contain a total of 2,440 units.

The mapping exercise could not determine exactly how many of a project's units are within the exposure area as that effort would require a more detailed individual site analysis. Regarding exposure level categories in the table below, they should be considered subjective in interpretation. "Very Minimal to Minimal" typically means that a small portion of the property and/or structure(s) is affected. "Significant to Very Significant" typically means a larger portion of the existing structure(s) are affected. "Full," however, means that all structures on the property are within the exposure area.

<b>Exposure Level</b>	<b>Number of Projects per Exposure Level</b>	<b>Total Number of Units in Projects per Exposure Level</b>
Very Minimal	1	141
Minimal	3	328
Significant	8	735
Very Significant	15	666
Full	16	570
<b>Total</b>	<b>43</b>	<b>2,440</b>

**5. Of the 6,208 parcels in the TVR-STRH Real Property Tax classification, how many are operating as Short-term Rental Homes and how many are actually operating as TVRs?**

To operate a Short-term Rental Home, a property owner must obtain approval of a Short-term Rental Home Permit from either the Planning Director or respective Planning Commission per the requirements of MCC Chapter 19.65. This is a different process than those persons desiring to operate a TVR use in the Apartment zoning districts, which is a "by-right" use provided that certain criteria are met as discussed in the answer to question #3a above. The Department tracks all Short-term Rental Home Permits issued because MCC Chapter 19.65 establishes limits on the total number of permits that can be issued per each Community Plan area.

The Department cross-checked the list of Short-term Rental Home Permits against the Minatoya List and discovered only one property that is on both lists. This property has a zoning district designation of Apartment-1 and a Community Plan designation of Single-family. There appears to be two units on the property with three bedrooms in each, however the recent renewal of the Short-term Rental Home Permit indicates one dwelling with 6 bedrooms. This Short-term Rental Home Permit was originally issued in 2015.

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Thus, besides this specific unit, all the remaining 6,208 units appear to be operating as TVR's and do not have an associated approved Short-term Rental Home Permit.

- 6. Thank you for transmitting a copy of the UHERO report, entitled "An Economic Analysis of the Proposal to Phase Out Transient Vacation Rentals in Maui County Apartment Districts," dated March 31, 2025. Please provide any comments the Department may have in response to the report that may help the Committee's analysis of Bill 9.***

We have reviewed the UHERO report and offer some observations for the Council to consider. First, it is important to preface that from a land use perspective, the Department believes that the provision of long-term ownership and rental uses should be a priority in the County's Apartment districts as outlined in the "Purpose and intent" section (MCC 19.12.010) of the Apartment District. Further, the General Plan acknowledges our current housing shortage and provides policy direction on the importance of expanding housing opportunities and balancing the potential impacts of TVR uses on the provision of long-term housing. The General Plan also provides policy direction related to the economic value of visitor-serving uses. As noted in the Department's June 25, 2024 report to the Planning Commissions, achieving an appropriate balance between resident needs and visitor-serving uses and accommodations is a delicate endeavor.

As discussed in the Department's June 25, 2024 report to the Planning Commissions, the Department identified potential issues related to affordability, loss of employment, and reduced tax revenue to the County and discussed these items with the commissions. While the commissions did not have the UHERO Analysis as part of their deliberations, the Analysis confirms that these issues are valid and the potential social and economic impacts may be significant. The Department notes that the UHERO report did not explore the economic impact of maintaining TVR use in the Apartment district. The long-term impacts of allowing this use to continue while local residents struggle to find housing could also be significant. The Department recommends that the Council invite experts on the economic impact of this proposal to help weigh these potential impacts in its policy discussion of the proposed bill along with any alternatives to achieve the balance implied through General Plan policy.

- 7. Attached is a copy of the proposed CD1 version of Bill 9 (2025) pending with the Department of the Corporation Counsel for review. Please provide any comments you would like to share on the proposed CD1 version.***

The Department worked closely with Corporation Counsel on the version that was transmitted by the Planning Department to the County Council Chair on December 30,

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2024. Given the high probability that the proposed ordinance may be challenged, the Department is encouraged that you are also requesting review of the CD1 version by Corporation Counsel. While the CD1 version appears consistent with the intent and purpose of the December 30, 2024 version, the Department has identified the following items that may need further consideration.

- Generally, Sections 1, 9 and 10 of the CD1 version differ substantially from Sections 1, 7 and 8 of the December 30, 2024 version. As noted above, Corporation Counsel should opine upon these differences from a legal perspective.
- The last sentence of the first paragraph of Section 1 of the CD1 version references the terms “multi-unit” and “nonconforming” regarding Ordinance 1797’s exception, but Ordinance 1797 does not utilize these terms.
- The second to last paragraph in Section 1 of the CD1 version indicates that “*As of May 3, 2024, Subsection 46-4(a), Hawai’i Revised Statutes, provides that, “over a reasonable period of time,” uses that allow transient accommodations “may be phased out or amortized in any zoning district by county zoning regulations.”* While this is a correct statement, as it specifically relates to this Bill, it should be noted that HRS already allowed this to occur in Apartment Districts prior to May 3, 2024. As such, reference to the May 3, 2024 date may be misleading.

Thank you for the opportunity to provide this information. If you have any further questions, please do not hesitate to contact me.

Sincerely,



KATE L. K. BLYSTONE  
Director

cc: Ana Lillis, Deputy Director (pdf)  
Laksmi Abraham, Director of Communications & Government Affairs  
Mimi Desjardins, Corporation Counsel  
Kristin Tarnstrom, Corporation Counsel  
Gregory Pfof, Administrative Planning Officer (pdf)

S:\ALL\APO\19.12 apartment\2024 Proposed Changes\05212025 HLU Bill 9.pdf

## HLU Committee

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**From:** Michelle L. Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Tuesday, May 27, 2025 9:27 AM  
**To:** HLU Committee  
**Cc:** Cynthia E. Sasada; Erin A. Wade; Josiah K. Nishita; Keli P. Nahooikaika; Ana L. Lillis; joy.paredes@co.maui.hi.us; Katie L. Blystone  
**Subject:** MT#11071 Bill 9  
**Attachments:** MT#11071-HLU Committee.pdf

## HLU Committee

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**From:** Ryan Arisumi <ryan.arisumi@gmail.com>  
**Sent:** Friday, June 6, 2025 1:06 PM  
**To:** HLU Committee  
**Subject:** Testimony Against Bill 9 Maui County Council, Housing and Land Use Committee June 9, 2025

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

Aloha Chair Lee, Vice-Chair Sugimura, and Members of the Maui County Council,

My name is Ryan Arisumi, a 4th generation Maui resident whose family has called this island home since the plantation days in Camp 5. As a proud member of this community, I am deeply invested in its future and am testifying in opposition to Bill 9, which proposes to phase out approximately 7,000 short-term rentals (STRs) in apartment-zoned areas by 2026. While I share the Council's commitment to addressing Maui's housing crisis, I believe Bill 9 is not the most effective solution and risks significant harm to our community.

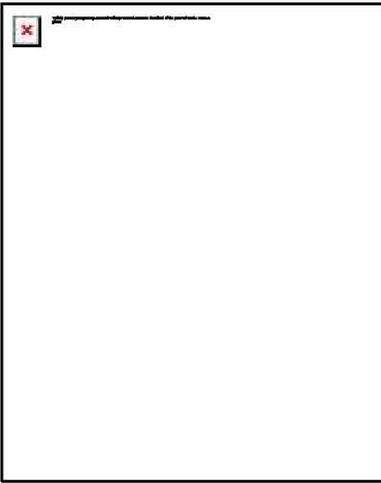
First, the phase-out of STRs may not meaningfully address housing affordability. Many of these units are small—often studios or one-bedrooms with limited storage, minimal outdoor space, and sometimes no parking. These setups are impractical for families or long-term residents. Additionally, the high carrying costs of these properties, including mortgages, HOA dues, maintenance, and taxes, often exceed \$6,000 per month, far above the affordable rental cap of \$2,500 for a family earning Maui's median income of \$101,000. These units were not designed for affordable long-term housing, and converting them is unlikely to meet the needs of our working families or kūpuna.

Second, the economic impacts of Bill 9 are concerning. A March 2025 report from the University of Hawai'i Economic Research Organization projects the phase-out could lead to the loss of nearly 1,900 local jobs, a \$900 million drop in annual visitor spending, and a \$60 million reduction in property tax revenue. For families like mine, who have seen Maui evolve through generations, these losses threaten the economic stability that supports our small businesses and workers, especially during the ongoing recovery from the 2023 wildfires.

Instead of a broad STR phase-out, I urge the Council to consider targeted solutions that balance housing needs with economic vitality. For example, expanding tax incentives for property owners who convert STRs to long-term rentals for fire evacuees, as proposed in Bill 131, has shown promise. Additionally, streamlining permitting for new affordable housing projects and investing in infrastructure, like the Central Maui Wastewater Reclamation Facility, could increase housing stock without disrupting the economy.

As a descendant of plantation workers who helped build Maui's foundation, I respectfully ask the Council to vote against Bill 9 and prioritize collaborative, practical solutions that honor our community's heritage and realities. Mahalo for considering my testimony and for your dedication to our island's future.

Mahalo for your time,



**Ryan Arisumi**  
**Financial Services Professional, Arisumi Financial**

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 NPN 1870132



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## HLU Committee

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**From:** Marilyn Stanford <stanford.marilyn@gmail.com>  
**Sent:** Friday, June 6, 2025 1:17 PM  
**To:** HLU Committee  
**Subject:** bill 9

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

### To Whom It May Concern:

My name is Marilyn Stanford and I purchased a time share at Kuleana a property which will potentially be harmed by Bill 9, which you are considering. My understanding and the covenants and conditions wherein I purchased the time share in 2006 said I had a fee simple interest in said unit to use, allow friends and family to use and which is inheritable by those to whom inherit when I pass from this life. This bill threatens the core of those covenants and I wish to register my objection.

Bill 9 (2025), which would phase out short-term rentals in Apartment-zoned properties by as early as July 1, 2028. While the bill is concerning overall, the current draft (CD1) includes an amendment that would exempt validly existing timeshare units and timeshare plans from the phase-out. I am appreciative of this exemption, yet I feel that attempts to regulate beyond what my HOA has established is overstepping on the quiet enjoyment we were promised.

Sent Marilyn Stanford-Whitmer Gmail Mobile

## HLU Committee

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**From:** justin@gnetworkland.com  
**Sent:** Friday, June 6, 2025 1:21 PM  
**To:** HLU Committee  
**Subject:** Please Vote No on STR Ban

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

Dear committee member,

Out of the millions of dollars created from high STR taxes, wouldn't it be a great idea to use the money to create infrastructure to support building of affordable housing? Create water, wastewater, and electricity infrastructure to support developers as incentive to building affordable housing.

From the UHERO Report

“the reduction in visitor accommodations is projected to decrease total visitor spending by \$900 million annually, resulting in job losses and a contraction in household income and GDP. Additionally, a decline in property values and economic activity would shrink county tax revenues, contributing to an estimated \$75 million annual gap by 2029.”

In addition to the income lost, voting for removal of legally operated STRs will cost the county much more money in legal fees to fight a case that will likely be lost due to a violation of property rights. The odds of a legal case are at or near 100% should the bill pass. Your vote will be remembered when the county has to tell the people of Maui it wasted millions of their tax dollars fighting a losing case.

Also, one of the alternatives suggested by UHERO was to increase STR taxes. Well, the county already did that. Maui is one of the highest TAT taxes on the planet. Use that money for the people of Maui for affordable housing infrastructure.

Aloha,  
Justin  
Kihei

## HLU Committee

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**From:** Bev Krick <bh65.krick@gmail.com>  
**Sent:** Friday, June 6, 2025 1:38 PM  
**To:** HLU Committee  
**Subject:** Short term rentals

You don't often get email from bh65.krick@gmail.com. [Learn why this is important](#)

After visiting Maui in 1978 I returned  
mant times! Eventually buying a timeshare and a long term rental unit.  
The front street fire has affected all of us !!  
We can all agree that is impartive the locals need a place to live.  
I cannot find any reports of how many are still displaced. IF all short term rentals were eliminated how  
many would be filled with the local residents?  
If the bill passes and includes timeshare buildings are they expected to be remodeled? Meaning they  
would be filled with the locals but no tourist!  
It seems the bill will kill tourism and then more locals will leave the island!  
Please consider a better option!  
Sincerely, Bev Krick  
A Maui fan

## HLU Committee

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**From:** Craig Wilmovsky <hookandladderhardwoods@yahoo.com>  
**Sent:** Friday, June 6, 2025 1:57 PM  
**To:** HLU Committee  
**Subject:** Why Papakea Should Be Excluded From Bill 9  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

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

Dear Committee,

Please see attached reasoning for excluding Papakea from Bill 9.

Respectfully,

Craig Wilmovsky

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff



Papakea's resort operations are a significant economic driver and employer in West Maui

**\$16,902,298.17** in real property taxes over the last 5 years

**\$3,100,000** in wages per year

**35** full-time benefited on-site staff

- Resort operations supporting:**
- **161** housekeepers
  - **26** handypersons
  - **30** rental management companies
  - **30+** contractors

**\$32M** plumbing project currently underway with Hawaii contractors and financed by Hawaii financial institutions

Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

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**From:** Katie Zimmerman <kzimmerman@whalersassociates.com>  
**Sent:** Friday, June 6, 2025 1:59 PM  
**To:** HLU Committee  
**Subject:** Oppose Bill 9

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

To whom it may concern,

I am requesting that you oppose Bill 9. There is no question that our residents need more inventory of adequate and affordable housing, but I do not think that banning STRs is the way to provide adequate housing. The subject properties of Bill 9 are not sufficient for housing our residents. The units are small, they lack substantial parking and storage, and the costs to carry are prohibitive. The negative impact to jobs and income streams on the personal, county, and state level will be significant if the bill is passed. Infrastructure and permitting processes need to be improved immediately to provide more opportunities to build needed housing to properly accommodate residents in a dignified manner. I request that you vote against Bill 9.

Respectfully,

Katie Zimmerman, REALTOR® (S) e-PRO

RS-75832

MAUI LUXURY  
— REAL ESTATE TEAM —



KELLER WILLIAMS REALTY MAUI



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## HLU Committee

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**From:** County Clerk  
**Sent:** Friday, June 6, 2025 2:03 PM  
**To:** HLU Committee  
**Subject:** fwd: Testimony  
**Attachments:** Support of Bill 9 – Minatoya STR Phaseout; Support for Bill 9 to Phase Out the Minatoya List!; Support of Bill 9 – Minatoya STR Phaseout; Support of Bill 9 – Minatoya STR Phaseout; Support for Bill 9 to Phase Out the Minatoya List!; Support of Bill 9 – Minatoya STR Phaseout; Support of Bill 9 – Minatoya STR Phaseout; Support of Bill 9 – Minatoya STR Phaseout

## HLU Committee

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**From:** Ann Williams <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 2:00 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

Dear [Recipient Name],

As a fellow realtor on Maui, I am writing to express my strong support for this bill aimed at addressing the critical housing shortage in our local community.

Having worked as a full-time real estate agent here on Maui for the past 23 years, since 2002, I have witnessed firsthand the devastating impact of the lack of affordable housing. It is disheartening to say that I have only had two opportunities during my entire career to represent a local resident in purchasing a home. This reality is not only sad and frustrating but completely unacceptable.

I entered this business because my own family needed housing. My goal was also to help local residents, including my friends and family, achieve the dream of homeownership. However, the current market has made this virtually impossible for most. It is deeply concerning to think about the future generations who will likely never be able to afford a home or find stable housing if we do not take decisive action now. Our focus must be on the full-time residents who support our community and who have voted YOU into office.

Many of the condos listed by Minatoya are places I personally lived in with my family as full-time residents. Today, it is disheartening to see these same units overwhelmingly used as Short-Term Rentals (STRs), effectively removing much-needed housing options for our local population.

I also want to clarify a crucial point regarding the role of realtors in these transactions. By law, when we sell properties, including those on the Minatoya list, we cannot guarantee any buyer that they will generate rental income from the property. We cannot promise future income, nor can we assure them that there will be no zoning changes. While we can provide historical

data, it is essential for buyers to understand that there is always a risk involved in purchasing investment property, a risk that buyers acknowledge when they make such a purchase.

I firmly believe that this bill is a necessary step forward in prioritizing the needs of our residents over profits. Thank you for your consideration of this vital issue.

Sincerely,

Ann

Ann Williams

[williamskoa@gmail.com](mailto:williamskoa@gmail.com)

457 Lahainaluna Rd

Lahaina , Hawaii 96761

## HLU Committee

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**From:** Katheleen Haro <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 1:47 PM  
**To:** County Clerk  
**Subject:** Support for Bill 9 to Phase Out the Minatoya List!

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Katheleen Cardenas Haro, and I'm writing in strong support of Bill 9.

I was born and raised in Lahaina by immigrant parents who came here with big dreams, but little money. Growing up, I saw firsthand how hard they worked—sometimes two or three jobs—just to afford rent. And even then, owning a home was never within reach. The cost of housing here is more than just high—it's a barrier that holds families like mine back from stability, security, and the ability to plan for a future.

Affordable housing isn't just about buildings. It's about people. It's about the auntie who's been working at the same local store for 20 years but still can't afford to live nearby. It's about the kids who grow up moving from rental to rental, never feeling rooted. It's about dignity, opportunity, and keeping our communities intact.

Lahaina is a place rich with culture and history—but we're losing the people who are that culture because they simply can't afford to stay. That's not just sad—it's a crisis. We need housing that matches the realities of local families, not just outside investors.

I speak today not just for my parents, but for every working family who has given their all to this community and still can't find a place to call their own. We need affordable housing—not tomorrow, but now. Because everyone deserves a chance to live where they belong.

Mahalo.

Katheleen Haro  
kcardenasharo@yahoo.com

Kihei, Hawaii 96753

## HLU Committee

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**From:** Tylor Stanley <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 1:46 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

I know so many people who lived in these units and not because they were desperate or out of options. Because it was actually a good life. Some of us grew up in those homes. I have memories of Minatoya units, barbecues in the shared lawn, hearing the ocean at night. It was sweet, it was simple, and it was comfortable.

Please don't anyone tell you those places were never meant for locals or are something our families don't want to live in. We were there long before the keypads and lockboxes, before the listings on Airbnb. These weren't luxury escapes, they were everyday homes, full of working families, aunties, kids, kūpuna.

What's "unlivable" now isn't the unit, it's the system that turned our homes into investments. The reason it's no longer sustainable is because locals got priced out. Long-term leases disappeared. And suddenly, we're being told we never belonged there to begin with. Or our reality of remembering our childhood is made up.

That's not just false, it's disrespectful to the lives we built in those places. We made a community there. Also, I respectfully ask for no carve-outs or special protections for timeshares. This bill is meant to address short-term rentals in apartment zoned districts.

Mahalo

Tylor Stanley

Tylor Stanley

Stanley2013.ts@gmail.com

Lahaina, Hawaii 96761

## HLU Committee

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**From:** Marsha Bond <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 1:46 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Marsha B. Bond and I'm writing in strong support of Bill 9. We are often told that we can "build our way out" of the housing crisis. But that argument ignores the truth of life in Maui Komohana: we don't even have enough water.

Our water is a public trust resource not a private amenity to be used freely by those who can pay the most. That's not just a moral principle, it's a constitutional one. Under the Hawai'i State Constitution and the Public Trust Doctrine, our County government has a legal and ethical obligation to protect water for present and future generations.

How can we fulfill that responsibility when thousands of short-term rentals, 85% of them owned by non-residents are using this precious resource at disproportionate rates, all for visitor luxury? Pools. Landscaping. Daily laundry. Turnover after turnover.

Meanwhile, families in West Maui are being told to conserve and be conscious. In the name of "growth," we're asked to believe that the solution is to build more, more units, more visitors, more demands on a system that is already past its breaking point. Instead of looking at the current housing stock we already have tied to resources.

The time for half-measures is over. Phasing out the Minatoya list means protecting our wai. I am also requesting no carve-outs or special protections for timeshares.

Mahalo

Marsha Bond  
marshabond18@gmail.com

49A Kameeui Place  
Lahaina, Hawaii 96761

## HLU Committee

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**From:** Danielle Stanzione <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 1:43 PM  
**To:** County Clerk  
**Subject:** Support for Bill 9 to Phase Out the Minatoya List!

Maui County Clerk,

Aloha Chair and Councilmembers,

My name Danielle Stanzione, and I'm writing in strong support of Bill 9.

After the fire, we started learning the full truth. Nearly 87% of the units north of Kā'anapali were short-term rentals, entire neighborhoods turned into ghost towns of empty condos with keypads instead of neighbors.

Phasing out Minatoya STRs isn't about pushing out visitors, it's about giving families a fighting chance to stay. Maui's tourism numbers are still strong, and even without these STRs, occupancy is expected to rise, not fall. This isn't an anti-tourism move. It's a pro-community, pro-'āina and a pro-livable future for our people.

Most of the Minatoya STRs don't create jobs with benefits or pathways for local residents. Most are managed by off-island agents. Meanwhile there are roughly 600+ County jobs left unfilled, jobs that actually build up our workforce and help families put down roots. We've lived the consequences of an economy on Maui built around investors instead of residents where our local community is pushed out due to no where to live, and extremely unsustainable rents.

Also, respectfully we ask for no carve-outs or special protections for timeshares, that would weaken the bill and keep the cycle going. We can't afford more exceptions. We need real housing solutions, not more loopholes.

Mahalo

Danielle Stanzione  
gaiafire@icloud.com

1260 nahale st  
Lahaina, Hawaii 96761

## HLU Committee

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**From:** Kelcy Asuncion <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 1:42 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Kelcy Durbin and I strongly support Bill 09 to phase out short-term rentals. This measure is not radical, it is responsible. Communities worldwide have recognized the negative impacts of short-term rentals, including skyrocketing housing costs, strained infrastructure, and an unsustainable reliance on tourism. Phasing them out is a meaningful step toward creating economies that prioritize local families rather than absentee investors.

I graduated from Lahainaluna High School and went to college in Oregon with the intention of returning to Maui after graduation. However, I was unable to come back home due to the prohibitively high housing costs, and to this day, I am still unable to live in Maui full time. This personal experience underscores the acute housing crisis affecting local families and highlights the urgent need for measures like Bill 9.

For example, in Spain, authorities mandated the removal of over 65,000 illegal tourist listings to restore housing access for residents, while Barcelona plans to eliminate all 10,000 authorized short-term rental apartments by 2028 to protect long-term housing availability. In the United States, cities like Los Angeles, San Francisco, and Santa Monica have implemented strict regulations on short-term rentals to combat their adverse effects on housing affordability and community stability.

By taking this step here on Maui, we are striving to stabilize—not crash—our economy. Phasing out Minatoya short-term rentals will lead to lower rents, improved housing access for workers, and a stronger, more resilient local economy built on the needs of residents.

Additionally, I respectfully request that no carve-outs or special protections be granted for timeshares. Let this bill fulfill its intended purpose for the Minatoya list and ensure that local families remain the priority.

Mahalo for considering this testimony.

Kelcy Durbin

Kelcy Asuncion

kmapad@gmail.com

Boring, Oregon 97009

## HLU Committee

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**From:** Hanalei Hoopai-Sylva <hanaleih@hawaii.edu>  
**Sent:** Friday, June 6, 2025 12:54 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

You don't often get email from hanaleih@hawaii.edu. [Learn why this is important](#)

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Hanalei, and I'm writing in strong support of Bill 9.

What we're doing here on Maui isn't radical, it's responsible. Cities and regions across the globe have recognized that short-term rentals have contributed to unsustainable economies: skyrocketing housing costs, increased infrastructure strain, and over-reliance on visitors. By phasing them out, they're taking steps toward economies that prioritize local families over absentee investors.

In Spain, the government ordered Airbnb to remove over 65,000 illegal tourist listings, citing violations of regional regulations and the need to restore housing access for residents. Barcelona plans to eliminate all 10,000 licensed short-term rental apartments by 2028 to protect long-term housing availability for residents.

In the U.S., cities like Los Angeles, San Francisco, and Santa Monica have implemented strict regulations on short-term rentals to curb their negative impact on housing affordability and community stability.

We're not crashing the economy, we're stabilizing it. By phasing out Minatoya STRs, we're taking a step toward an economy that prioritizes local families over absentee investors. This means lower rents, greater housing access for workers, and a stronger local economy built on residents.

Also, I respectfully ask for no carve-outs or special protections for timeshares. Let this bill do what it was intended for the Minatoya list.

Mahalo

Hanalei Hoopai-Sylva  
hanaleih@hawaii.edu  
31 Lilinoe Place  
Pukalani, Hawaii 96768

## HLU Committee

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**From:** Zenobia Lakdawalla <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 12:17 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Zenobia lakdawalla, and I'm writing in strong support of Bill 9.

This crisis didn't just happen. For decades, tourism was allowed to sprawl past the resorts, eating into neighborhoods. By the time of the fire, 87% of homes north of Kā'anapali were STRs.

Removing STRs isn't destroying tourism. It's bringing it back to the resorts, where it was always meant to be. Even if we phase out the 6,000+ Minatoya STRs, our occupancy rate is expected to increase.

This is not about jobs either. These aren't hotels and the majority are without union workers and local staff. These are mostly remote-managed units. Meanwhile, we have hundreds of open jobs here in the County with real benefits jobs our people could fill if they had a place to live.

We've seen how STRs hollow out communities and inflate housing costs. And we've watched other cities take bold action while Maui stood still. We've waited long enough. Let's stop treating STRs like they're too big to challenge and start standing with the people who are still trying to come home.

Also, I respectfully ask for no carve-outs or special protections for timeshares

Mahalo

Zenobia Lakdawalla  
zenobial@hotmail.com

Haiku, Hawaii 96708

## HLU Committee

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**From:** Georgia Hoopes <hoopesgeorgia@gmail.com>  
**Sent:** Friday, June 6, 2025 2:04 PM  
**To:** HLU Committee  
**Subject:** Strong Support of Bill 9

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

Aloha Chair, Vice Chair, and Members of the Maui County Housing and Land Use Committee,  
I'm writing in strong support of Bill 9, which would phase out short-term rentals (STRs) in apartment-zoned districts. This bill is an essential component to addressing Maui's housing crisis and protecting our most vital resource: water.

The 2023 Lāhainā fire exposed long-standing issues—privatized water systems, diverted streams, and overdevelopment have pushed West Maui to the edge. STRs, originally meant for housing, now operate as commercial businesses, consuming high volumes of water while local families remain displaced. Returning STRs to long-term housing helps protect water access, push back against inequality, and put community needs first. With over 6,000 STRs on the Minatoya List, we have a clear opportunity to increase housing stock without using more water.

I urge you to support Bill 9.

Mahalo!

Georgia Hoopes, Kalaheo

## HLU Committee

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**From:** County Clerk  
**Sent:** Friday, June 6, 2025 2:04 PM  
**To:** HLU Committee  
**Subject:** fwd: Testimony  
**Attachments:** Support of Bill 9 – Minatoya STR Phaseout; Support of Bill 9 – Minatoya STR Phaseout

## HLU Committee

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**From:** Katheleen Cardenas Haro <katheleen@rootsreborn.org>  
**Sent:** Friday, June 6, 2025 1:38 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

You don't often get email from katheleen@rootsreborn.org. [Learn why this is important](#)

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Katheleen Cardenas Haro, and I'm writing in strong support of Bill 9. This crisis didn't just happen. For decades, tourism was allowed to sprawl past the resorts, eating into neighborhoods. By the time of the fire, 87% of homes north of Kā'anapali were STRs.

Removing STRs isn't destroying tourism. It's bringing it back to the resorts, where it was always meant to be. Even if we phase out the 6,000+ Minatoya STRs, our occupancy rate is expected to increase.

This is not about jobs either. These aren't hotels and the majority are without union workers and local staff. These are mostly remote-managed units. Meanwhile, we have hundreds of open jobs here in the County with real benefits jobs our people could fill if they had a place to live.

We've seen how STRs hollow out communities and inflate housing costs. And we've watched other cities take bold action while Maui stood still. We've waited long enough. Let's stop treating STRs like they're too big to challenge and start standing with the people who are still trying to come home.

Also, I respectfully ask for no carve-outs or special protections for timeshares

Mahalo

Katheleen Cardenas Haro  
katheleen@rootsreborn.org

Kihei, Hawaii 96753

## HLU Committee

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**From:** Carolyn Auweloia <carolyn.wong@live.com>  
**Sent:** Friday, June 6, 2025 12:43 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

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

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Carolyn Auweloia, and I'm writing in strong support of Bill 9. It's time to put the local people of this place first. We cannot continue to allocate valuable housing units to STRs. Finding our way out of this housing crisis starts with better managing the development we already have. Maui Komohana has significant water limitations that will limit our options for new construction. "Building our way out" is a fantasy.

The time for half-measures is over. I am also requesting no carve-outs or special protections for timeshares. Phasing out the Minatoya list means putting our people first and being better stewards of the limited resources we have. This is an important first step to bringing balance back into our community so we can find sustainable paths forward.

Mahalo

Carolyn Auweloia  
carolyn.wong@live.com

Lahaina, Hawaii 96761

## HLU Committee

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**From:** Glenn Choy <choyhawaii@gmail.com>  
**Sent:** Friday, June 6, 2025 12:39 PM  
**To:** HLU Committee  
**Subject:** Testimony re Bill 9

[You don't often get email from choyhawaii@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Rein in STRs so the people can have a decent chance at building their lives and their futures. Serve the people, not profiteers. Thanks.

Sent from my iPhone

## HLU Committee

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**From:** Pamela Reader <pamelareader123@gmail.com>  
**Sent:** Friday, June 6, 2025 2:19 PM  
**To:** HLU Committee  
**Subject:** Opposition to Bill 9

You don't often get email from pamelareader123@gmail.com. [Learn why this is important](#)

Aloha Councilmembers,

My name is Pamela Reader], and I am a longtime Lahaina resident, former educator, mother, wife, Realtor, and a survivor of the August 8, 2023 wildfire that devastated our community. Like many others, my family lost everything that day — our home, our stability, our sense of place. Since then, we've been navigating unimaginable grief and overwhelming uncertainty while trying to rebuild our lives.

I'm writing today in strong opposition to Bill 9.

In the days and weeks following the fire, I was deeply moved by the outpouring of support from the very people this bill targets — vacation rental owners. **Every single one of my clients who own a short-term rental reached out to me immediately after the fire, offering their homes for free to displaced families like mine.** Their generosity was immediate and unconditional. These are not absentee investors disconnected from our island; they are caring, responsive members of our broader community.

I have personally seen many of these units. They simply would not work for my family of four, our three vehicles, and our cat, Hina. These condos weren't built to house long-term residents — they were designed for vacationers. The idea that these units will provide a meaningful solution to our island's long-term housing crisis is disconnected from the realities we face every day as residents trying to rebuild.

What our community needs now is focus, unity, and real solutions. **We need the County to expedite permits for displaced residents to rebuild. We need leadership that prioritizes infrastructure, resources, and support for families trying to return home.** I have a number of friends that want to rebuild and on the brink of financial ruin as they await permits. Instead, this bill diverts our attention, time, and energy away from what truly matters.

Bill 9 will not create viable long-term housing — it will only add another layer of chaos and uncertainty for a community already bearing too much. Please, do not let this bill become another obstacle to recovery. Let's focus on thoughtful, effective solutions that support those who call Maui home.

Mahalo for your time and consideration.

Sincerely,  
Pamela Reader  
Lahaina Resident, Fire Survivor

## HLU Committee

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**From:** Chris Bouza <chris.bouza@gmail.com>  
**Sent:** Friday, June 6, 2025 2:23 PM  
**To:** HLU Committee  
**Subject:** Short Term Rental Bill Exclusion - Papakea Resort  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

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

Dear Chair Kama, Vice Chair U'u-Hodgins and Members of the Housing and Land Use Committee:

I oppose Bill 9 as drafted and propose that the Council amend Bill 9 to exclude Papakea Oceanfront Resort which the County has historically identified as having A2-H2 zoning.

### Background on Papakea

- Papakea was initially marketed and sold as a legal vacation rental property before any zoning restrictions limited transient vacation rentals in apartment zoned properties.
- Papakea owners have been operating legal vacation rentals for almost fifty years.
- Papakea has never been workforce housing so Papakea is not an example of a property that converted from workforce housing to transient vacation rental use.
- The majority of units at Papakea are under 600 square feet and the property has limited parking.
- Papakea is not in a residential neighborhood and is located alongside a long stretch of hotel-zoned properties and directly adjacent to multiple commercially-zoned properties.

Unlike apartment buildings designed for long-term residential use, Papakea has a front desk, an activity concierge, shared activity space, and numerous other common resort amenities.

- Owners purchased condos at Papakea with the reasonable expectation that short-term rentals were legal based on ordinances as far back as 1989, and as recent as 2022.
- In reliance on the Maui County ordinances and published documents, Hawaii state law, and constitutional protections, owners invested in costly renovations, furnishings, and long-term financial commitments such as mortgages that make any phase out of short-term rental right offensive of each buyer's investment-backed expectations.

### Papakea's Contributions to the Community

- Papakea’s resort operations provide full-time, benefited, employment for 35 local resident employees; some have worked at the property for over 17 years; some started in entry-level positions and worked into supervisory roles.
- Papakea supports a wide variety of local trade professionals including pest control, HVAC, painting, plumbing, electrical, general contracting, masonry, tile and flooring, fitness instructors, entertainers, and tree trimming.

### Individual Owner Contributions to the Community

- Many small businesses owned and operated by local residents from the Maui community rely on Papakea short-term rentals including housekeepers, handymen, on-island agents, and contractors. These service providers set their own rates, work hours, select their own clients, work conditions and standard operating procedures. Shutting down short-term rentals at Papakea means telling local entrepreneurs that worked hard to build a small business that they need to just go get a job somewhere else to make less money, have less flexibility, and be subject to oppressive corporate policies.
- Papakea STRs support the State of Hawaii and County of Maui through payment of property taxes (many at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax.
- Papakea guests support many small businesses on the island including restaurants, food trucks, tour operators, activities, state parks, the national park, and shops.
- Papakea owners and guests regularly participate in community activities including volunteering at beach cleanups, Maui Humane Society, the hospital, and many other local organizations, and contribute to local philanthropic and cultural efforts.

I would like to thank the committee for the opportunity to comment.

Sincerely,

Chris Bouza

[3543 Lower Honoapiilani Road](#), Apartment G204

Chris Bouza

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff



Papakea's resort operations are a significant economic driver and employer in West Maui

**\$16,902,298.17** in real property taxes over the last 5 years

**\$3,100,000** in wages per year

**35** full-time benefited on-site staff

- Resort operations supporting:**
- **161** housekeepers
  - **26** handypersons
  - **30** rental management companies
  - **30+** contractors

**\$32M** plumbing project currently underway with Hawaii contractors and financed by Hawaii financial institutions

Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

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**From:** Gordon Hess <gclint3@mac.com>  
**Sent:** Friday, June 6, 2025 2:28 PM  
**To:** HLU Committee  
**Cc:** Kuleana  
**Subject:** Testimony on Bill 9 (20250)

You don't often get email from gclint3@mac.com. [Learn why this is important](#)

Aloha Council Members,

I am writing to express my strong opposition to Bill 9 (2025).

As I understand it, this bill would eliminate long-standing, legally operating short-term rentals—including timeshare usage—that have contributed positively to Maui's economy and community for decades.

Although I do appreciate the amendment in the current draft (CD1) that exempts validly existing timeshare units and timeshare plans from the phase out, if however, as the Council moves forward with Bill 9, I urge you to retain this exemption as a minimum safeguard to prevent serious harm to owners, workers, and the local economy.

My wife and I have been timeshare owners at the Kuleana Club for over 30 years. Like many others, we have owned six (6) weeks, but as of last year we now own only four (4) weeks per year, and, of course, this is not a second home, nor an investment property. We have returned every year (except the year of the Lahaina fire) and have gladly supported local restaurants, and we do way too much shopping, and we have built lasting relationships on the island. Timeshare owners like us are part of a dependable community of repeat visitors who care deeply about Maui's well-being and, again, we spend way too much money.

As you well know, Timeshare properties are fundamentally different from vacation rentals. Units are deeded one week at a time to hundreds of families, which makes them impossible to convert to long-term housing. Including timeshares in a short-term rental ban would not create housing—but it would devastate workers and remove a reliable source of local tax revenue. Properties like Kuleana Club operate legally under Maui County Code 19.37.010, and are fully compliant with TAT and GET tax regulations. The Kuleana occupancy rates are high and owners like us consistently contribute to the island's economy, even in difficult times. We financially contributed support toward a number of staff who lost their homes and jobs during the fire.

More importantly, timeshares support stable jobs. Many employees at the Kuleana Club have been with the property for over 25 years. Several lost their homes in the Lahaina fire. If timeshare usage is eliminated, these long-standing staff members risk losing the only thing they have left—their livelihood.

Timeshare owners and resorts have also stepped up in times of crisis. The industry has contributed millions to wildfire recovery and donated thousands of room nights to displaced families and first responders. We were glad to offer our Units as needed. That commitment continues today.

In summary:

- We urge you to oppose Bill 9 entirely
- But if it passes, please retain the CD1 amendment exempting timeshares.
- Timeshares are not TVRs.
- This exemption is a fair, balanced, and lawful solution that protects jobs, housing neutrality, and tax revenue—without compromising the County's broader goals.

**Mahalo for your time, your service, and for considering the perspective of owners likeuse.**

**SANDRA HESS AND GORDON C. HESS, PH.D**

**SANTA BARBARA, CALIFORNIA**

**Kuleana Club Timeshare Owner—Unit 107, weeks 32,33,34, Unit 316, week 35.**

## HLU Committee

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**From:** Corbin Alt <corbinalt7@gmail.com>  
**Sent:** Friday, June 6, 2025 2:28 PM  
**To:** HLU Committee  
**Subject:** Testimony on Bill 9 (2025)

You don't often get email from corbinalt7@gmail.com. [Learn why this is important](#)

Council Members,

I am writing to express my strong opposition to Bill 9 (2025). This bill would eliminate long-standing, legally operating short-term rentals, including timeshare usage, that have contributed positively to Maui's economy and community for decades.

However, I do appreciate the amendment in the current draft (CD1) that exempts validly existing timeshare units and timeshare plans from the phase-out. If the Council moves forward with Bill 9, I urge you to retain this exemption as a minimum safeguard to prevent serious harm to owners, workers, and the local economy.

I am a timeshare owner at the Kuleana Club. Like hundreds of others, I own a couple weeks per year, not a second home, not an investment property. I return regularly, support local restaurants, spend at neighborhood shops, and have built lasting relationships on the island. Timeshare owners like me are part of a stable community of repeat visitors who care deeply about Maui's well-being.

Timeshare properties are fundamentally different from vacation rentals. Units are deeded one week at a time to hundreds of families, which makes them impossible to convert to long-term housing. Including timeshares in a short-term rental ban would not create housing, but it would devastate workers and remove a reliable source of local tax revenue. Properties like Kuleana Club operate legally under Maui County Code 19.37.010, and are fully compliant with TAT and GET tax regulations. Our occupancy rates are high, and our owners consistently contribute to the island's economy, even in difficult times.

More importantly, timeshares support stable jobs. Many employees at the Kuleana Club have been with the property for over 25 years. Several lost their homes in the Lahaina

fire. If timeshare usage is eliminated, these long-standing staff members risk losing the only thing they have left, their livelihood.

Timeshare owners and resorts have also stepped up in times of crisis. The industry has contributed millions to wildfire recovery and donated thousands of room nights to displaced families and first responders. That commitment continues today.

In summary:

- I urge you to oppose Bill 9 entirely.
- But if it passes, please retain the CD1 amendment exempting timeshares.
- Timeshares are not TVRs.
- This exemption is a fair, balanced, and lawful solution that protects jobs, housing neutrality, and tax revenue—without compromising the County’s broader goals.

Thank you for your time, your service, and for considering the perspective of owners like me.

Corbin Alt

Spring Creek, NV

Kuleana Club Timeshare Owner – Unit 510, Weeks 51, 52 & 1

## HLU Committee

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**From:** MKS303 <mauibeachvaca@gmail.com>  
**Sent:** Friday, June 6, 2025 2:39 PM  
**To:** HLU Committee  
**Subject:** Oppose Bill 9

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

**To:** Maui County Council

**Re:** Testimony of Tuan Dung Vu Regarding the Phasing Out of Short-Term Rentals in Maui County (Bill 9)

I strongly **oppose** Mayor Bissen's proposal to phase out the Minatoya List short-term rentals. This proposal would be detrimental to the economy, crippling local businesses and likely leading to many other unforeseen consequences.

I recommend denial of the proposed ordinance to the Maui County Council.

Sincerely,

Tuan Dung Vu

Owner of condo 303 at Makani Sands

Maui Beach Vaca LLC

3765 Lower Honopiilani Road, unit 303, Lahaina, HI 96761

Email: [mauibeachvaca@gmail.com](mailto:mauibeachvaca@gmail.com)

## HLU Committee

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**From:** pukibear@aol.com  
**Sent:** Friday, June 6, 2025 2:40 PM  
**To:** HLU Committee  
**Subject:** exclusion from from bill 9

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

As an owner in Maui for the past few years since 1996,, I request you consider excluding the papakea resort from bill 9 currently before you. I am an owner at the Popakea. This is a resort that has supported the community in many significant ways including and employing a number of the Maui community folks and giving good wages to support them helping us keep this resort a show piece in the communityl Popakea has been around for over 50 years and a mainstay landmark enjoyed by members of my community in Santa Cruz California. We provide employment to our staff at our front desk who are community members. We recently added a tax on owners to pay these people extra from our pockets when we stay at the popakea by adding a daily allowance from us at \$25 a day to front desk employees. This helps to keep these people good paying jobs!

We employ locals to maintain our property which has extensive grounds with good benefits and would like to keep them employed. Because our property is so extensive with lovely gardens, it requires constant attention and we fund our reserves to keep then employed. Should STR be denied, the incentive to beautify our resort and pay extensive salaries would be reduced to cover even the exorbitant property taxes which sustain Maui county.

Our current rentals have been severely curtailed by the maui fires which were inadequately protected by our community leadership. We are still here in effort to try an invigorate Maui once again. We continue to support small businesses by employing them in maintence of our small units. We recently underwent reconstruction of our piping system to assure that people in our units get healty clean water and disposed of old lead pipes that threatened good health. This was at considerable cost!

Having been built 50 years ago, we signed on as a STR condominium complex and not a conversion from a work force place converted to a rental unit. Consideration should be given to the Popakea as provided by laws in the mid 80's and purchased with that in mind by current owners.

In helping our community, I recently donated my unit to GEM which is a local agency to house victims of the recent fires keeping an employee in walhers village employable by providing shelter even at a loss to me personally..I believe in supporting locals even at my expense if called upon.We continue to support the housing taxes for our beloved Maui from short term renters. That would go away likely from loss of that exclusion associated with bill 9

Thank you for your consideration ! Paul H Berman MD Popakea resident

## HLU Committee

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**From:** County Clerk  
**Sent:** Friday, June 6, 2025 2:42 PM  
**To:** HLU Committee  
**Subject:** fwd: Testimony  
**Attachments:** Support of Bill 9 – Minatoya STR Phaseout; Airbnb Testimony on Bill 9 (2025)

## HLU Committee

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**From:** Daniel Hills <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 2:25 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

I have lived on Maui since 2007. Since then, I have seen the emergence and over saturation of STR's on this island. Including the emergence and use of air bnb and vrbo platforms. This has been detrimental to the growth of the local economy as well as the limited resources of our island. There has been no regulation of these units and therefore it has come to this. The few people who can afford this real estate landscape versus the people who cannot. The majority of people who live on Maui cannot afford to own on Maui. The landscape to own a home on Maui is unrealistic thanks to these STR's. The owners of these STR's have exploited and profited from the lack of regulations and now it needs to be changed. You will hear the advocates who want the STR's say they provide jobs and benefit the economy. They provide low paying jobs for the people who live on Maui. They perpetuate the problem. They steal from the people of Maui. They profit, while exploit the labor force and not provide a livable wage. They strip the people who live on Maui a place to call home. Forcing residents to rent. Don't listen to any of these developers or real estate agents. They only exploit the people for their own benefit. Please phase out the Minatoya list. Give the people who live here a chance to own. Instead of catering to the rich who will continue to exploit Maui and the hard working people of this island. Thank you for your consideration.

Daniel Hills

Daniel Hills  
hills.danielm@gmail.com

Kihei, Hawaii 96753

## HLU Committee

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**From:** Roxanne L. Berg <rlb@ksqlaw.com>  
**Sent:** Friday, June 6, 2025 2:11 PM  
**To:** County Clerk  
**Cc:** David M. Louie; Joseph A. Stewart  
**Subject:** Airbnb Testimony on Bill 9 (2025)  
**Attachments:** 2025-06-06 Testimony of David Louie as to Maui Bill 9 LW.pdf; Agenda 6-9-2025.pdf

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

Dear Council of the County of Maui,

On behalf of Airbnb, please see attached written testimony of David M. Louie regarding proposed Bill No. 9 (2025). Mr. Louie will testify via the provided Teams link provided in the attached Agenda for remote oral testimonies (<http://tinyurl.com/HLU-Committee>).

Thank you.

Roxanne L. Berg | Legal Assistant  
**KOBAYASHI, SUGITA & GODA** LLP  
999 Bishop Street, Suite 2600, Honolulu, HI 96813 | Tel: 808-535-5700 | Fax: 808-535-5799 | [www.ksqlaw.com](http://www.ksqlaw.com) | [rlb@ksqlaw.com](mailto:rlb@ksqlaw.com)

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June 6, 2025

MAUI COUNTY COUNCIL  
Housing and Land Use Committee  
Tasha Kama, Chair  
Nohelani U‘u-Hodgins, Vice Chair

HEARING DATE: June 9, 2025  
TIME: 10:00 pm

Re: TESTIMONY ON BEHALF OF AIRBNB OPPOSING  
THE PROPOSED BILL 9 (2025), AMENDING  
CHAPTERS 19.12, 19.32, AND 19.37, MAUI COUNTY  
CODE, RELATING TO TRANSIENT VACATION  
RENTALS IN APARTMENT DISTRICTS (HLU-4)

Dear Chair Kama, Vice Chair U‘u-Hodgins, and Committee Members:

We write on behalf of our client, Airbnb, in opposition to the proposed BILL 9 (2025), AMENDING CHAPTERS 19.12, 19.32, AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS (HLU-4) (“TVR Bill”).

The TVR Bill effectively eliminates short-term rentals in apartment-zoned districts in Maui. This is despite the fact that short-term rentals have been lawful, residential uses in these districts for decades. While we are encouraged by the Mayor’s proposal to extend the time period for this action from the original six months/one year to five years, the proposed action still violates U.S. and Hawai‘i law.

Specifically, the TVR Bill violates the well-established rights under the United States and State of Hawai‘i Constitutions of property owners—including many Maui residents who depend on income from TVRs to pay their mortgages, provide for their families, and fund their retirements. The TVR Bill will also have far-reaching—and potentially catastrophic—consequences for individuals and small businesses that depend on economic activity TVRs generate, in addition to negatively impacting the environment, and, in turn, the health and well-being of all Maui residents.

The TVR Bill would also invite years of lawsuits from property owners who have lawfully used their property as short-term rentals for decades and who have incurred substantial expenses to support such activity. Protracted litigation would be costly to the County—and should challengers prevail, the County could be required to pay property owners millions of dollars to compensate them for the taking of their properties and damages resulting from the ban.

As discussed more fully below, both the State of Hawai‘i and federal courts of Hawai‘i have explicitly recognized the vested rights of apartment owners to use their homes for short-term rentals as a residential use. Consequently, there is a substantial likelihood that the TVR Bill will ultimately be deemed unconstitutional. Furthermore, the bill would eliminate a major source of tax revenue that supports affordable housing and divert funds that could address Maui’s housing challenges to pay litigation expenses—an unnecessary and unfortunate outcome.

For these reasons, we strongly urge that the Council not move forward the TVR Bill.

**A. The Proposed TVR Bill Eliminates the Vested Rights of Maui Property Owners.**

The proposed TVR Bill seeks to eliminate short-term rentals that have been lawful in Maui for over half a century. As Maui’s Planning Director has recognized, “[short-term rentals], in one form or another, have been permitted within Apartment Districts since 1960.”<sup>1</sup> The specific apartments targeted by the TVR Bill, moreover, have for years been permitted to operate as short-term rentals “by right.”<sup>2</sup> The TVR Bill’s proposed elimination of these short-term rentals—and this right—plainly violates Hawai‘i law.

The law is clear and unequivocal: preexisting lawful uses of property *cannot be eliminated* by subsequent zoning ordinances. Property owners have a “right . . . to the continued existence of uses and structures which lawfully existed prior to the effective date of a zoning restriction.”<sup>3</sup> “[P]reexisting lawful uses of property are generally considered to be vested rights that zoning

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<sup>1</sup> Memorandum from Kate L. K. Blystone, Planning Director to Maui Planning Commission, Molokai Planning Commission, and Lanai Planning Commission regarding An Ordinance Amending Chapters 19.12, 19.32 and 19.37 Relating to Transient Vacation Rentals in Apartment Districts, at 10 (Jun. 25, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> *Waikiki Marketplace Inv. Co. v. Chair of the Zoning Bd. of Appeals of City and Cty. of Honolulu*, 86 Haw. 343, 353, 949 P.2d 183, 193 (Ct. App. 1997).

ordinances may not abrogate.”<sup>4</sup> This rule is deeply rooted in Hawai‘i law, is constitutional in nature,<sup>5</sup> and does not depend on the text of Hawai‘i’s Zoning Enabling Act, Section 46-4(a).

In 1997, the Hawai‘i Intermediate Court of Appeals concluded that Honolulu could not fine a property owner for maintaining a nonconforming addition that was lawful at the time the addition was constructed.<sup>6</sup> The appellate court explained that “the right of a property owner to the continued existence of uses and structures which lawfully existed prior to the effective date of a zoning restriction is grounded in *constitutional* law.”<sup>7</sup> Requiring the owner “to remove the addition and pay daily fines,” the court reasoned, “would constitute an interference with [the owner’s] vested property rights, in violation of the due process clauses of the federal and state constitutions.”<sup>8</sup>

In 2016, the Hawai‘i Intermediate Court of Appeals affirmed these principles, this time in the context of short-term rentals. The appellate court rejected Kaua‘i’s interpretation of an ordinance that permitted only individuals who owned a seventy-five-percent-or-greater interest in their property to apply for short-term rental nonconforming use certificates.<sup>9</sup> The court reasoned that such an interpretation would raise “serious constitutional questions” because “persons with less than a seventy-five percent ownership interest [in their property] may have vested rights to pre-existing lawful uses.”<sup>10</sup> Those vested rights, in turn, the court explained, cannot be abrogated by zoning law.<sup>11</sup>

More recently, in 2022, the United States District Court for the District of Hawai‘i considered the constitutionality of a Honolulu ordinance that banned short-term rentals of less than 90 days. The federal court reasoned that homeowners in Honolulu had “a vested property right” in using their homes for short-term rental, because the homeowners had been doing so for years in reliance on existing law.<sup>12</sup>

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<sup>4</sup> *Robert D. Ferris Trust v. Planning Com’n of Cnty. of Kauai*, 138 Haw. 307, 312 (Haw. Ct. App. 2016); *Waikiki Marketplace Inv. Co. v. Chair of Zoning Bd. of Appeals of City & Cnty. of Honolulu*, 86 Haw. 183, 193-94 (Haw. Ct. App. 1997).

<sup>5</sup> *Id.*

<sup>6</sup> *Waikiki Marketplace*, 86 Haw. at 193.

<sup>7</sup> *Id.* (emphasis added).

<sup>8</sup> *Id.* at 194.

<sup>9</sup> *Ferris Trust*, 138 Haw. at 313.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 312.

<sup>12</sup> *Hawaii Legal Short-Term Rental Alliance v. City and Cnty. of Honolulu*, 2022 WL 7471692, at \*10 (D. Haw. Oct. 13, 2022).

And again last year courts in Hawai‘i expressly recognized property owners’ vested right to “the preexisting lawful use of [a] [p]roperty as a nonconforming TVR”<sup>13</sup> and acknowledged property owners’ “vested right” to operate a TVR as a lawful, non-confirming use.<sup>14</sup>

Apartment owners in Maui who lawfully use their apartments for short-term rentals have a vested right in that preexisting use. Under state and federal law, Maui may not abrogate that vested right. The recent changes to Hawai‘i Revised Statutes, Section 46-4(a) referenced in the TVR Bill<sup>15</sup>, purporting to remove statutory protections for homeowners who use their homes for short-term rentals, do not change the analysis. As the courts have found, the statutory protections of Section 46-4 derive from constitutional law.<sup>16</sup> Even if the statutory protections can be removed, the constitutional foundation remains, and the TVR Bill violates those constitutional protections.

### **B. The Proposed TVR Bill Causes an Unconstitutional Taking of Property Under the United States and Hawai‘i Constitutions.**

The TVR Bill also implicates constitutional protections of apartment owners. The Fifth Amendment to the United States Constitution prohibits “private property [from] be[ing] taken for public use, without just compensation.” U.S. Const. amend. V. The Hawai‘i Constitution too states that “[p]rivate property shall not be taken or damaged for public use without just compensation.” Haw. Const. art. I, § 20. Because the Hawai‘i Constitution prohibits not just takings, but also mere “damage” to property interests, provides even broader protection than its federal counterpart. By preventing apartment owners from using their apartments for short-term rentals, the proposed TVR Bill effects an unconstitutional taking of private property under federal and state law.

A *per se* taking occurs whenever government interference with property effects “a direct government appropriation or physical invasion of private property.”<sup>17</sup> When the government “appropriates for the enjoyment of third parties” “a fundamental element of the [owners’] property right,”<sup>18</sup> or “otherwise interfere[s] with [such fundamental] right[s],” “[t]hat sort of intrusion on property rights is a *per se* taking” that automatically “trigger[s]” the “right to compensation.”<sup>19</sup>

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<sup>13</sup> *Rigotti v. Planning Dep’t of the Cnty. of Kauai*, 155 Haw. 181 (Ct. App. 2024) (unpublished).

<sup>14</sup> *Kendrick v. Plan. Dep’t of the Cnty. of Kaua’i*, 155 Haw. 230, 240 (Ct. App. 2024).

<sup>15</sup> TVR Bill, Section 7.A.

<sup>16</sup> *Campos v. Planning Comm’n*, 153 Haw. 386, 393 (Haw. App. Ct. 2023); *Ferris Trust*, 138 Haw. at 312; *Waikiki Marketplace*, 86 Haw. at 353.

<sup>17</sup> *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528, 537 (2005).

<sup>18</sup> *Cedar Point Nursery v. Hassid*, 594 U.S. 139, 147 (2021).

<sup>19</sup> *Sheetz v. Cnty. of El Dorado, Cal.*, 601 U.S. 267, 274 (2025).

The TVR Bill prohibits property owners from leasing their properties on a short-term basis. But a fundamental element of property ownership is the right to lease for a duration of the owner's choosing.<sup>20</sup> The proposed ordinance also violates owners' right to include persons of their choosing (here, short-term lessees) on their property. The right to include is a corollary of the right to exclude, a recognized fundamental right.<sup>21</sup> "[T]he right to exclude must encompass . . . the owner's right to include others."<sup>22</sup> Because the proposed TVR Bill effects a *per se* taking, property owners are automatically entitled to compensation for the value of property taken.<sup>23</sup>

In 2022, the United States District Court for the District of Hawai'i entered a preliminary injunction, preventing Honolulu from enforcing similar legislation, for this exact reason.<sup>24</sup> The Hawai'i Federal District Court explained that property owners have a vested property right, for purposes of the federal Takings Clause, in using their homes for short-term rentals.<sup>25</sup> In finding this right, the court pointed to, among other things, the fact that property owners had relied on Honolulu regulations, decisions, and agreements that had long permitted such use.<sup>26</sup> The court then explained that "there is no question" that the attempted ban constitutes a taking because it outlaws existing short-term rentals "without providing any process to compensate or accommodate nonconforming uses."<sup>27</sup> In entering a preliminary injunction, the court blocked Honolulu from enforcing the ordinance.

The same is true here, and the same result will likely follow. Banning TVRs will have a swift—and dramatic—impact on owners. Property owners (including several Maui residents) testified before the Planning Commission that the ban will eliminate TVR income on which they rely to pay their mortgages, provide for their families, or fund their retirements. It will also destroy the value of their properties. UHERO projects that condominium prices will decline by 20-40

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<sup>20</sup> See *Terrace v. Thompson*, 263 U.S. 197, 215 (1923); *Zatari v. City of Austin*, 615 S.W.3d 172, 190 (Tex. App. 2019) (observing "[t]he ability to lease property is a fundamental privilege of property ownership," and recognizing plaintiffs' "settled interest in their right to lease their property short term").

<sup>21</sup> See, e.g., *Union Carbide Corp. v. Alexander*, 679 S.W.2d 938, 940 (Tenn. 1984) (explaining that the fundamental "rights associated with the ownership of property" include the core rights and their corollaries—i.e., "the right to refuse to do any of the[m]")

<sup>22</sup> Thomas W. Merrill, *Property and the Right to Exclude*, 77 Neb. L. Rev. 730, 742-43 (1998)

<sup>23</sup> See, e.g., *Sheetz*, 601 U.S. at 274. The TVR Bill also effects a regulatory taking under the *Penn Central* factors. See 438 U.S. at 124 (considering the "(1) economic impact of the regulation [on the property owner], (2) its interference with reasonable investment-backed expectations, and (3) the character of the government action" to determine whether a taking has occurred).

<sup>24</sup> *Hawaii Legal Short-Term Rental Alliance*, 2022 WL 7471692, at \*9-11.

<sup>25</sup> *Id.* at 10.

<sup>26</sup> *Id.* at 10 n. 23.

<sup>27</sup> *Id.* at 10.

percent after the TVR Bill takes effect.<sup>28</sup> The proposed ordinance interferes with owners' reasonable expectations—supported by decades of lawful use and the County's express assurances—that they would be able to continue using their properties as TVRs—expectations on which they based significant decisions about their lives and livelihoods. The County's action, which will impose severe consequences on property owners, effects a taking for which property owners must be compensated.<sup>29</sup>

### C. The Proposed TVR Bill Violates the Law in Several Other Ways

The proposed TVR Bill is likely unlawful for numerous other reasons. As one additional example, the proposed TVR Bill violates principles of zoning estoppel, which prevents municipalities from repudiating prior zoning decisions on which property owners have relied. As the Hawai'i Supreme Court has explained:

[T]he doctrine of zoning estoppel is based on a change of position on the part of a [property owner] by substantial expenditure of money in connection with his project in reliance, not solely on existing zoning laws or on good faith expectancy that his development will be permitted, but on official assurance on which he has a right to rely that his project has met zoning requirements, that necessary approvals will be forthcoming in due course, and he may safely proceed with the project.<sup>30</sup>

Apartment owners in Maui for years have relied on the official assurances from their government that their preexisting lawful uses are protected. If enacted, and when challenged in court, Maui will be estopped from repudiating these assurances.

The TVR Bill also implicates property owners' substantive due process rights by arbitrarily and unreasonably impairing their vested rights, in violation of due process principles.<sup>31</sup> Specifically, it arbitrarily eliminates property owners' right to lease their properties for any period less than 180-days, without any reasonable justification.<sup>32</sup> Importantly, the TVR Bill will likely not survive the heightened scrutiny courts apply to evaluate laws that burden fundamental rights.<sup>33</sup>

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<sup>28</sup> The Economic Research Organization at the University of Hawai'i, "An Economic Analysis of the Proposal to Phase Out Transient Vacation Rentals in Maui County Apartment Districts" ("UHERO Report"), at 1 (Mar. 31, 2025).

<sup>29</sup> See *DW Aina Le'a Dev., LLC v. Land Use Comm'n*, 716 F. Supp. 3d 961, 975 (D. Haw. 2024), *aff'd*, 2025 WL 546356 (9th Cir. Feb. 19, 2025).

<sup>30</sup> *Life of the Land, Inc. v. City Council of City & Cnty. of Honolulu*, 606 P.2d 866, 902 (1980); see also *Pacific Standard*, 653 P.2d at 744 (quoting same).

<sup>31</sup> See *Waikiki*, 86 Haw. at 353-54, 949 P.2d at 193-94.

<sup>32</sup> See *United Prop. Owners Assoc. v. Belmar*, 447 A.2d 933, 937 (N.J. Super. Ct. App. Div. 1982), *cert. den.* 453 A.2d 880 (1982) ("[T]ime limitations imposed on renting residential property are impermissibly arbitrary and constitute an unreasonable restraint on the use of private property.").

<sup>33</sup> *Nagle v. Bd. of Ed.*, 63 Haw. 389, 403, 629 P.2d 109, 119 (1981).

It is not narrowly tailored to serve the County's interest in promoting affordable housing and undermines this goal by eliminating TVRs, which represent the largest source of property tax revenue for the County and provide the largest contributions to affordable housing development in Maui.<sup>34</sup>

Further, apartment owners affected by the TVR Bill are likely to have various other legal claims based on their individual circumstances.

#### **D. Consideration of the Proposed TVR Bill is Premature**

The current deliberation on the elimination of existing lawful uses, based on the record before the Council, is premature and lacks a comprehensive foundation. Such an approach may lead to legal challenges. Before enacting any restrictions, it is crucial for the County to thoroughly evaluate, among others, the following considerations:

- 1. Absence of Compensation for Loss.** When the government eliminates a valid use, it generally must compensate those who are impacted for such loss. The TVR Bill does not make any consideration of compensation. We recommend that the Council convene an analysis to determine the compensation it will be required to pay for the taking prior to consideration of the TVR Bill.
- 2. Economic Impacts on the County.** The Economic Research Organization at the University of Hawai'i (UHERO)'s recent study projects that the TVR Bill will result in a **\$900 million** annual decline in total visitor spending and the loss of roughly **1,900** jobs in accommodations, food services, arts, entertainment, and retail trade, and cause Maui's real GDP to contract by **4 percent**.<sup>35</sup> UHERO estimates that property tax revenues will fall by up to \$60 million annually by 2029, due to declining property values and changes in tax class, and General Excise Tax and Transient Accommodations Tax revenues will fall by 10 and 8 percent (respectively), resulting in an additional \$15 million of annual losses.<sup>36</sup> Airbnb submits that this is likely

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<sup>34</sup> Jen Russo, Short Term Rentals are the Biggest Revenue Source for Maui County Real Property Tax FY22-23, MAUI VACATION RENTAL ASSOCIATION (May 22, 2022), available at <https://mvra.net/news/12800076>.

<sup>35</sup> The Economic Research Organization at the University of Hawai'i, "An Economic Analysis of the Proposal to Phase Out Transient Vacation Rentals in Maui County Apartment Districts" ("UHERO Report"), at 1-2 (Mar. 31, 2025).

<sup>36</sup> *Id.* at 1. A report by Kloninger & Sims Consulting LLC reached similar conclusions. According to that report, visitors staying in TVRs contributed approximately \$2.2 billion to Maui's economy in 2023 alone, generating \$33.7 million in county Transient Accommodations Tax and \$11.8 million in county General Excise Tax revenues—a total of \$45.5 million. The elimination of Maui's TVRs would result in a \$128.3 million to \$280.9 million decline in county tax collections.

a conservative estimate of the actual impacts to the County. The proposed TVR Bill does not consider how to address that loss or consider the fact that such revenue loss to the County could, in fact, be used by the County to increase the amount of affordable housing that is available to working families. This should be more fully vetted prior to any decision on the TVR Bill.

3. **The County Must Consider Potential Environmental Impacts.** TVRs provide a sustainable and environmentally friendly alternative, consuming fewer resources than resorts, hotels, or motels.<sup>37</sup> The County has not yet evaluated the adverse environmental consequences or aim to minimize these impacts. We strongly recommend that the County undertake a complete analysis of the potential environmental impacts of the TVR Bill before its consideration.

As we summarized above, the TVR Bill impedes fundamental rights and is subject to heightened scrutiny. However, the failure to fully examine, study, and consider these issues makes it questionable as to whether the TVR Bill even meets the standard of rational basis review. We would submit that it would be premature to pass the TVR Bill without explicitly considering these issues.

#### **E. Conclusion**

In conclusion, the County stands at a critical juncture. It can either choose to proceed with eliminating individuals' vested rights to use their residential properties, thereby inviting substantial litigation, or it can opt to explore collaborative solutions to Maui's housing challenges. By working with apartment owners and leveraging the tax revenue generated from TVRs, the County can develop housing that better meets the needs of Maui's workforce.

It is also imperative the Council enact laws that align with and uphold the protections guaranteed by the Hawai'i and federal Constitutions. The passage of the TVR Bill, as currently proposed, would contravene these constitutional protections. Such a legislative change is likely to trigger extensive litigation, which could ultimately nullify the TVR Bill. While the goals of increasing housing availability and affordability are important objectives, imposing unlawful and ineffective restrictions on short-term rentals is not a viable solution.

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<sup>37</sup> For example: A 2018 analysis using a "Cleantech" model found that when guests stay at a TVR, significantly less energy and water is used, greenhouse gas emissions are lower, and waste is reduced, compared to hotel stays. See Airbnb, "How the Airbnb Community Supports Environmentally-Friendly Travel Worldwide" (Apr. 19, 2018), available at <https://news.airbnb.com/how-the-airbnb-community-supports-environmentally-friendly-travel-worldwide>.

Maui County Council  
June 6, 2025  
Page 9

For the reasons set forth herein, we have significant concerns about the proposal and urge the County to not move forward with the TVR Bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Louie", written in a cursive style.

David M. Louie  
for

KOBAYASHI SUGITA & GODA, LLP

## HLU Committee

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**From:** David Morgan <morgad@me.com>  
**Sent:** Friday, June 6, 2025 2:47 PM  
**To:** HLU Committee  
**Subject:** EXCLUDE PAPAKEA FROM BILL 9  
**Attachments:** Papakea D304 no on Bill 9.pdf

## Dear Chair Kama, Vice Chair U‘u-Hodgins and Members of the Housing and Land Use Committee:

I oppose Bill 9 as drafted and propose that the Council amend Bill 9 to exclude Papakea Oceanfront Resort which the County has historically identified as having A2-H2 zoning.

### Background on Papakea

- Papakea was initially marketed and sold as a legal vacation rental property before any zoning restrictions limited transient vacation rentals in apartment zoned properties.
- Papakea owners have been operating legal vacation rentals for almost fifty years.
- Papakea has never been workforce housing so Papakea is not an example of a property that converted from workforce housing to transient vacation rental use.
- The majority of units at Papakea are under 600 square feet and the property has limited parking.
- Papakea is not in a residential neighborhood and is located alongside a long stretch of hotel-zoned properties and directly adjacent to multiple commercially-zoned properties.

Unlike apartment buildings designed for long-term residential use, Papakea has a front desk, an activity concierge, shared activity space, and numerous other common resort amenities.

- Owners purchased condos at Papakea with the reasonable expectation that short-term rentals were legal based on ordinances as far back as 1989, and as recent as 2022.
- In reliance on the Maui County ordinances and published documents, Hawaii state law, and constitutional protections, owners invested in costly renovations, furnishings, and long-term financial commitments such as mortgages that make any phase out of short-term rental right offensive of each buyer's investment-backed expectations.

### Papakea's Contributions to the Community

- Papakea's resort operations provide full-time, benefited, employment for 35 local resident employees; some have worked at the property for over 17 years; some started in entry-level positions and worked into supervisory roles.
- Papakea supports a wide variety of local trade professionals including pest control, HVAC, painting, plumbing, electrical, general contracting, masonry, tile and flooring, fitness instructors, entertainers, and tree trimming.

### Individual Owner Contributions to the Community

- Many small businesses owned and operated by local residents from the Maui community rely on Papakea short-term rentals including housekeepers, handymen, on-island agents, and contractors. These service providers set their own rates, work hours, select their own clients, work conditions and standard operating procedures. Shutting down short-term rentals at Papakea means telling local

entrepreneurs that worked hard to build a small business that they need to just go get a job somewhere else to make less money, have less flexibility, and be subject to oppressive corporate policies.

- Papakea STRs support the State of Hawaii and County of Maui through payment of property taxes (many at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax.
- Papakea guests support many small businesses on the island including restaurants, food trucks, tour operators, activities, state parks, the national park, and shops.
- Papakea owners and guests regularly participate in community activities including volunteering at beach cleanups, Maui Humane Society, the hospital, and many other local organizations, and contribute to local philanthropic and cultural efforts.

I would like to thank the committee for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "D Morgan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Morgan for the David Morgan Trust

3543 Lower Honoapiilani Road, Apartment D304

## HLU Committee

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**From:** Luong Ngo <sunraymaui@gmail.com>  
**Sent:** Friday, June 6, 2025 2:49 PM  
**To:** HLU Committee  
**Subject:** Vote NO on Bill 9 please

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

To: Maui County Council

**I strongly oppose Mayor Bissen's proposal to phase out the Minatoya List short-term rentals. This bill would have a negative impact on Maui's tourism industry, hurting local businesses and likely creating unforeseen obstacles for Lahaina's recovery.**

**I urge the Maui County Council to reject this proposal.**

Sincerely,

Luong Ngo

Owner of condo 210 at Makani Sands

3675 Lower Honoapiilani Road, Lahaina, HI 96761

email: [sunraymaui@gmail.com](mailto:sunraymaui@gmail.com)

## HLU Committee

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**From:** Hue Ha <lahainabluevilla@gmail.com>  
**Sent:** Friday, June 6, 2025 2:32 PM  
**To:** HLU Committee  
**Subject:** Vote No on Bill 9

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

From: Hue Ha

To: Maui County Council

Re: Testimony of Hue Ha Regarding the Phasing Out of Short-Term Rentals in Maui County (BILL 9)

I have been living in Maui since 2012. My house at 211 Panaewa Place, Lahaina, HI 96761 was destroyed in the wildfire on August 8, 2023. I have a family of four, with two children ages seven and ten. I love Lahaina, my workers, and my neighbors so much, and I want to rebuild my house.

I strongly oppose Mayor Bissen's proposal to phase out the Minatoya List short-term rentals. This bill will severely damage the economy. It will hurt local businesses and likely lead to many other unforeseen consequences during the recovery process in Lahaina.

I rented my condo B1 at Honokowai Palms to a survival family through the G.E.M program last year. And I am currently renting it to another family through the FEMA program.

I recommend denial of the proposed ordinance to the Maui County Council.

Sincerely,

Hue Ha

Owner of condo B1 at Honokowai Palms

3666 Lower Honopiilani Road, unit B1, Lahaina, HI 96761

Email: [hahuemaui@gmail.com](mailto:hahuemaui@gmail.com)

Phone: 808-4198443

## HLU Committee

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**From:** Steven Foss <stevfoss@netscape.net>  
**Sent:** Friday, June 6, 2025 3:11 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea from Bill 9  
**Attachments:** Exclude Papakea from Bill 9.pdf

You don't often get email from stevfoss@netscape.net. [Learn why this is important](#)

Dear Committee,

Please find attached my testimony regarding excluding Papakea from Bill 9.

Kind Regards,  
Steven Foss  
C209

### **Exclude Papakea from Bill 9**

I am writing to oppose Bill 9 as drafted and respectfully request the Council amend Bill 9 to exclude the Papakea Oceanfront Resort. Maui county has historically identified the Papakea as having A2-H2 zoning. We are a hotel resort.

The Papakea was initially marketed and sold as a vacation rental property. Papakea owners have been operating legal vacation rentals for nearly 50 years. These units were purchased with the expectations that the short-term rental ordinances dating back to 1989 were reasonable for this property and would be respected by the local governing bodies and the State of Hawaii.

The Papakea has never been workforce housing and is not an example of workforce housing that has been converted to transient vacation rental.

Our unit is typical of most of the units at the Papakea and is less than 600 square feet.

There is limited parking on the property.

The Papakea is located on a long stretch of hotel-zoned properties and adjacent to multiple commercially-zoned properties. It is not located in a residential neighborhood.

The Papakea functions like a resort with a front desk, concierge services and shared resort amenities like tennis, shuffleboard, mini-golf, pool etc.

The Papakea has 35 employees who are local tax-payers. These jobs and the wages and security of these valued employees are threatened by Bill 9.

As owners, we support a variety of professionals including building contractors, painters, pest control, plumbers, electricians, HVAC specialists, flooring vendors and appliance suppliers. We also support professionals who make short-term rentals possible; housekeepers, handymen and ST rental specialists. These individuals have worked hard to build their own small businesses and brands which are threatened by Bill 9.

Short term rentals support the State of Hawaii and Maui County through the payment of property taxes, transient Accommodations Tax General Excise Tax and the Maui County Transient Accommodations Tax.

Papakea Owners and their guest support local restaurants, grocery stores, tour operators, the State and National Park and local shops.

Thank you for providing us with the opportunity to comment.

Respectfully submitted,

Steven C Foss, C209



## HLU Committee

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**From:** John Nolte <fyijohn@earthlink.net>  
**Sent:** Friday, June 6, 2025 3:34 PM  
**To:** HLU Committee  
**Subject:** Testimony on Bill 9 (2025) – Oppose Bill Entirely; Support Timeshare Exemption if Passed

You don't often get email from fyijohn@earthlink.net. [Learn why this is important](#)

Aloha Council Members,

We are writing to express our **strong opposition to Bill 9 (2025)**. This bill would eliminate long-standing, legally operating short-term rentals—including timeshare usage—that have contributed positively to Maui's economy and community for decades.

However, we do appreciate the amendment in the current draft (CD1) that **exempts validly existing timeshare units and timeshare plans** from the phase-out. If the Council moves forward with Bill 9, we urge you to **retain this exemption as a minimum safeguard** to prevent serious harm to owners, workers, and the local economy.

We are longtime timeshare owners at the Kuleana Club. Like hundreds of others, we own, deeded fee simple, one week per year—not a second home, not an investment property. We return regularly, support local restaurants, spend at neighborhood shops, and have built lasting relationships on the island. Timeshare owners like us are part of a stable community of repeat visitors who care deeply about Maui's well-being.

**Timeshare properties are fundamentally different from vacation rentals.** Units are deeded one week at a time to hundreds of families, which makes them impossible to convert to long-term housing. Including timeshares in a short-term rental ban would not create housing—but it would devastate workers and remove a reliable source of local tax revenue. Properties like Kuleana Club operate **legally under Maui County Code 19.37.010**, and are fully compliant with **TAT and GET tax regulations**. Our occupancy rates are high, and our owners consistently contribute to the island's economy, even in difficult times.

More importantly, timeshares support stable jobs. Many employees at the Kuleana Club have been with the property for over 25 years. We have come to love these employees over the years, feel as if they are family, each time we return to The Kuleana. Several lost their homes in the Lahaina fire. If timeshare usage is eliminated, these long-standing staff members risk losing the only thing they have left—their livelihood.

Timeshare owners and resorts have also stepped up in times of crisis. The industry has contributed millions to wildfire recovery and donated thousands of room nights to displaced families and first responders. That commitment continues today.

In summary:

- We urge you to **oppose Bill 9 entirely**.
- But if it passes, please **retain the CD1 amendment exempting timeshares**.
- Timeshares are **not TVRs**.
- This exemption is a **fair, balanced, and lawful solution** that protects jobs, housing neutrality, and tax revenue—without compromising the County's broader goals.

Mahalo for your time, your service, and for considering the perspective of owners like us.

[John E. & Barbara Nolte]

[Mount Vernon, WA 98273]

Kuleana Club Timeshare Owner – Unit 307, Weeks 43 & 44; Unit 402, Weeks 18, 19, & 20; Unit 606, Weeks 40 & 41

## HLU Committee

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**From:** Kevin Wilshere <kwilshere@me.com>  
**Sent:** Friday, June 6, 2025 3:35 PM  
**To:** HLU Committee  
**Subject:** Testimony of Kevin Wilshere Regarding the Phasing Out of Short-Term Rentals in Maui County

Maui Planning Commission c/o Department of Planning One Main Plaza  
2200 Main Street, Suite 315  
Wailuku, HI 96793

Subject: Proposed bill to amend Maui County Code Chapters 19.12, 19.32 and 19.37; removing Transient Vacation Rentals as a permitted use within the A-1 and A-2 Apartment Zoning Districts

Aloha Commission members,

Thank you for this opportunity to provide community input on the proposed bill to remove Transient Vacation Rentals within the A-1 and A-2 Districts, sometimes referred to as units on the Minatoya List. The shortage of affordable housing for local residents is a genuine, pressing problem throughout Maui County and across the State as a whole. There has been a long-standing need for thoughtful approaches to addressing this housing shortage. The tragedy of August 8, 2023 didn't cause this problem, but it did exacerbate it and demonstrate the brittleness of our current housing situation. We need viewpoints from across a broad spectrum of thought to come up with better ways of providing housing access to our local residents.

By way of background, my wife and I are full-time residents of Maui County as well as owners of a condominium unit we use for a variety of purposes, including stays by friends and family, as a donation to charitable causes for fundraising purposes, and as a short term rental. In over 10 years, we have never turned a profit on renting our condo. Since COVID, and of course the tragic August fire, we have incurred tens of thousands of dollars in costs without any offsetting income from rentals. Throughout, however, we have supported our local community, buying all of our furniture, supplies, local artisan artworks and much else from Maui businesses and individuals. We are registered with the County, pay our monthly transient vacation rental and semi-annual property taxes and strictly adhere to all State and County laws and local ordinances. We have employed many local contractors, cleaning crews and others who have helped us with the never ending list of maintenance and similar chores. We also embrace the concept of mālama and give back to our community. Not only do we make personal donations to many local charitable causes, we promote several to our guests. We have been gratified by the outpouring of support from our guests to organizations such as Pacific Whale Foundation, Maui Food Bank and Lanai Cat Sanctuary as we offered to match their donations. In the immediate aftermath of the fires, we were humbled by the number of guests reaching out to ask how they could help through monetary and in-kind donations, as well as in some cases participating directly in recovery efforts.

Because we both live in our Maui community and own a condominium unit, we see multiple facets of the housing challenge. Especially since the Mayor originally proposed this bill, I have done some research into the history of Hawaii's housing shortage. I have read newspaper articles going back over 100 years decrying the lack of adequate, affordable housing in Hawaii. This is not a problem that occurred overnight, nor will it be immediately solved by the stroke of a pen if this bill is enacted. In my previous career, I was an analyst with responsibilities for investigating and addressing complicated issues. This is as complicated as many others I dealt with previously. Lack of sufficient water supplies to support new construction, burdensome permitting regulations and processes, dependence on expensive, off-island supply chains, present lack of viable economic alternatives to tourism and associated TVR taxation; all these and many other issues contribute to our inadequate supply of affordable housing. In my experience, complex problems rarely have simple solutions. This bill, with its overly simplistic focus on the single issue of TVRs, will not solve our housing shortage.

So where does that leave us? Doing nothing is not an option, at least not a moral one. We need an approach to the problem that considers and addresses all the root causes of our housing shortage, as well as the consequences of potential actions. The University of Hawaii Economic Research Organization (UHERO) has several recent reports that help inform on the consequences of a single-minded focus on eliminating TVRs. In their [March 31, 2025 report](#) on the specific proposals of this bill, they cite the likely loss of almost \$1 Billion annually between visitor spending declines and lower tax revenues, loss of 1,900 Maui County jobs and a 4% decline in Real GDP; while also concluding that eliminated TVRs will not automatically

transition to long-term residency. Their [May 9, 2025 economic forecast](#) warns of an impending recession in Hawaii due principally to a combination of visitor shortfalls and significant current economic uncertainty across the national and global stages. Selective conversion of TVRs into long-term housing where viable could be part of a more broad-based solution, as by the way could be the conversion of some hotel properties intentionally designed to resemble and compete with TVRs (hotel chains who by the way DO take massive profits off-island to their mainland and international headquarters). UHERO's [May 14, 2025 Hawaii Housing Factbook](#) report provides critical detail on many other barriers to entry, particularly economic ones, to home ownership in Hawaii that should be considered as part of a holistic solution. Enacting this narrowly focused bill, with its dire economic consequences and uncertain results would be at best dangerous, if not foolhardy. Instead, let's develop the comprehensive approach needed to address the many issues raised in these reports and elsewhere that has a genuine chance at improving our housing situation while avoiding the worst consequences of the current Bill.

For all these reasons, I urge the Commission to reject the Bill and proposed Amendments as they currently stand, and instead to develop an approach that builds on existing studies to bring about necessary, meaningful positive change in our community.

Thank you for your time and attention.

V/r,

Kevin Wilshere

Ka'anapali, Lahaina, Maui

Kevin Wilshere

[kwilshere@me.com](mailto:kwilshere@me.com)

"We've gotta roll with the punches  
Learn to play all of our hunches  
Makin' the best of whatever comes our way  
Forget that blind ambition  
And learn to trust your intuition  
Plowin' straight ahead come what may."

## HLU Committee

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**From:** County Clerk  
**Sent:** Friday, June 6, 2025 3:59 PM  
**To:** HLU Committee  
**Subject:** fwd: Testimony  
**Attachments:** Support of Bill 9 – Minatoya STR Phaseout; Support of Bill 9 – Minatoya STR Phaseout;  
Support of Bill 9 – Minatoya STR Phaseout

## HLU Committee

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**From:** Jacynthia Mitchell <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 3:41 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha e Chair and Councilmembers,

My name is Jacynthia Mitchell, and I am writing in strong support of Bill 9.

My family and I live on O'ahu, and we own a property on the Minatoya list. Some might say that supporting this bill goes against my own interests. But what is best for the people of Hawai'i and the 'āina is not always about personal gain—it's about what is pono.

To those who own second homes and do nothing but take from Hawai'i, I say, tax em! I once knew someone from Washington State who owns a three-bedroom townhouse with a private pool in a gated community on Maui. When I asked her why she didn't just move to Maui, since she claimed to "love" it so much, she said: "I stay for 5 months and 30 days each year and no more that way I don't have to pay income taxes" Not once did she volunteer. Not once did she donate. Not once did she give back to Hawai'i or its people.

Taking without giving is not aloha. And in case we've forgotten—aloha is the law.

I'll close by saying this: living in Hawai'i is a struggle—not because it lacks beauty, not because the people are unkind, but because the people of Hawai'i are constantly asked to sacrifice. Please, for once, stand with the people.

Ua mau ke ea o ka 'āina i ka pono.

Mahalo,  
Jacynthia Mitchell

Jacynthia Mitchell  
consultjace@gmail.com

Kāne'ohe , Hawaii 96744

## HLU Committee

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**From:** Leslie Le Gaux <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 3:40 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is LeslieMLe Gaux, and I'm writing in strong support of Bill 9.

I am a 23 year Maui resident, 21 of those years spent as a West Maui resident. If it were not for high rental prices and lack of properties that accept dogs, I'd have never left Lahaina.

We keep hearing that these short-term rental units on the Minatoya List "aren't fit" for long-term living, but many of us grew up in them or knew 'ohana or friends that did.

When people say these units "aren't suitable" for locals, what they really mean is, we weren't supposed to be there in the first place. That's the root of the problem. Most of our community have fond memories of these properties before they were completely overtaken and shoreline access blocked. The properties on the list are just apartments like any other LTR's we as residents live in & desperately need.

STRs didn't start as vacation getaways. Many of those buildings were long-term homes until investors turned them into commodities. The truth is, if those units were brought back to the long-term market, locals would live in them again and a few still do, holding on however they can.

Also, I respectfully ask for no carve-outs or special protections for timeshares.

The struggle to find housing, especially after the fire is very real. I've moved 19 times in 23 years, mostly due to sales of homes or owners saying they need to occupy. Most were lies as it turned out. Most just wanted more money, as real estate climbed due to STR's bringing in more and more investors. It's all just been a vicious cycle that is bleeding renters & those needing temporary long term housing, dry. I can barely pay rent and feed myself as a single person wanting to live alone. I'm an adult. I shouldn't have to choose to be in a 'roommate situation' because of greed. Or if it's not greed, because owners, who are doing business

here in Maui, cannot see themselves taking a hit financially, just like the rest of us have since the fire. Businesses have slow periods where not as much profit is seen. THIS is one of those times. Landlords need to see this or locals and those of us with connection here will be pushed out entirely.

I see how the lack of housing has hurt those truly local families and pray for someone to DO something. This is a viable solution. It will turn the tide. It will allow relief. It will bring back locals who are the strength and meaning of the West side. Business owners, community members that care about what the island offers, not just momentarily or monetarily but also energetically and spiritually. Maui is a sacred place & tourism has all but stripped that clear. The units on this list need to be cleared/ phased out for the life force to return. For West Maui to breath again.

Mahalo,  
Leslie M. Le Gaux

Leslie Le Gaux  
Sthpaa@hotmail.com  
192 Mehani Circle  
Kihei , Hawaii 96753

## HLU Committee

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**From:** Julia Yamada <noreply@adv.actionnetwork.org>  
**Sent:** Friday, June 6, 2025 3:04 PM  
**To:** County Clerk  
**Subject:** Support of Bill 9 – Minatoya STR Phaseout

Maui County Clerk,

Aloha Chair and Councilmembers,

My name is Julia Yamada, and I'm writing in strong support of Bill 9. We are often told that we can "build our way out" of the housing crisis. But that argument ignores the truth of life in Maui Komohana: we don't even have enough water.

Our water is a public trust resource not a private amenity to be used freely by those who can pay the most. That's not just a moral principle, it's a constitutional one. Under the Hawai'i State Constitution and the Public Trust Doctrine, our County government has a legal and ethical obligation to protect water for present and future generations.

How can we fulfill that responsibility when thousands of short-term rentals, 85% of them owned by non-residents are using this precious resource at disproportionate rates, all for visitor luxury? Pools. Landscaping. Daily laundry. Turnover after turnover.

Meanwhile, families in West Maui are being told to conserve and be conscious. In the name of "growth," we're asked to believe that the solution is to build more, more units, more visitors, more demands on a system that is already past its breaking point. Instead of looking at the current housing stock we already have tied to resources.

The time for half-measures is over. Phasing out the Minatoya list means protecting our wai. I am also requesting no carve-outs or special protections for timeshares.

Mahalo

Julia Yamada

Julia Yamada  
julienoble@me.com

Lahaina, Hawaii 96761

## HLU Committee

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**From:** County Clerk  
**Sent:** Friday, June 6, 2025 3:59 PM  
**To:** HLU Committee  
**Subject:** Fw: Support for Bill 9 to Phase Out the Minatoya List!

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**From:** evelyn del valle <evelyn@rootsreborn.org>  
**Sent:** Friday, June 6, 2025 3:04 PM  
**To:** County Clerk <County.Clerk@mauicounty.us>  
**Subject:** Support for Bill 9 to Phase Out the Minatoya List!

You don't often get email from evelyn@rootsreborn.org. [Learn why this is important](#)

Maui County Clerk,

Dear Members of the Maui Planning Commission,

My name is Evelyn Del Valle. I was born and raised on Maui, the daughter of hardworking immigrant parents who made countless sacrifices so their children could have a better life. I'm here today to voice my strong support for the phased removal of short-term rentals (STRs) from the Minatoya list—with no carveouts or special protections for timeshares.

Growing up, I spent countless hours helping my mother clean STRs — a job that continues to provide her with income today. I remember being inside those beautiful homes, imagining what it would be like to live in one. But even as someone born, educated, and employed right here on Maui, that dream has always felt out of reach. The homes I cleaned never felt like homes I—or anyone in my family—could ever afford.

That's why I support this effort. It's not just about housing policy—it's about hope. Hope that the next generation of Maui's keiki won't have to just dream about owning a home here. Hope that, one day, local families won't be pushed out by an economy that favors outside investments over local livelihoods. Because the truth is, no matter how many STRs we clean—day after day, week after week—we're still being priced out of our own island.

Let's be honest: the cleaning rate that's often quoted—\$75—is not what it seems. That's \$75 per unit, not per person. And these units are expected to be cleaned in under two hours, often by teams of three or four people. Do the math—none of us are getting rich here. None of us get to invest into our future or retirement.

Those who oppose this policy say they're protecting their investments and their retirements. But what about us? My mom won't retire. My dad won't retire. Neither will my sister. And I

likely won't either. We've spent our lives serving the very system that keeps us from owning even a small piece of the island we love.

By phasing out STRs from the Minatoya list, you're not taking something away—you're giving something back. You're making room for local families, for community, for a future where people born and raised on Maui can afford to stay.

Thank you for listening to my story and for your commitment to the people of Maui.

With respect,

Evelyn Del Valle

evelyn del valle

evelyn@rootsreborn.org

kahului, Hawaii 96732

## HLU Committee

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**From:** Pat Char <pchar2005@gmail.com>  
**Sent:** Friday, June 6, 2025 3:50 PM  
**To:** HLU Committee  
**Subject:** Proposed Bill 9 regarding Temporary Vacation Rentals  
**Attachments:** Outline for planning commission.docx

You don't often get email from pchar2005@gmail.com. [Learn why this is important](#)

Dear Chair Kama: Please accept this email as my statement regarding Temporary Vacation Rentals, as applied to my property located at 3300 Wailea Alanui, #49B, Maui, also referenced as Wailea Ekahi III.

The Planning Commission's recommendation to exclude property known as Wailea Ekahi III from property subject to the proposed bill regarding temporary vacation rentals should be followed. Attached is a copy of the statement I made to the planning commission in 2024, explaining that the property on which my unit sits has been zoned Hotel since construction. In the early 1970s, the Hawaii Real Estate Commission, a state agency, recognized the property as intended for hotel use and the property was marketed with the REC approval as a planned development with condominiums that could be used for hotel.

In addition, Mayor Bissen's letter transmitted to Tasha Kama, chair of the Housing & Land Use Committee on May 22, 2025, regarding Bill 9, correctly recognizes that Ekahi III should be excluded from coverage under the proposed bill. Actually, all of Ekahi, sections I, II and III were intended for a combination of apartment and hotel use and all should be excluded from the bill.

I further note that Maui Code section 19.32.040, the existing section 2 (which is proposed in Bill 9 to be new section 1) most likely excludes Ekahi III, a planned development, from the proposed TVR ban. Regardless of any decision made on the proposed bill, Ekahi III where my unit is located, should be removed from the Minatoya list and TVRs should not be banned for myself and my neighbors who are on property that is zoned Hotel.

Thank you for your consideration.

Aloha,

Patricia H. Char

Wailea Ekahi, Unit 49B, Maui

**This statement opposes amendment to Maui County Code 19.32.040. That section applies to TVRs in Planned Unit Developments.**

**My condominium in Wailea Ekahi III is in one of 10 buildings that geographically are in a hotel zone. The June 25 Minatoya list submitted for elimination of TVRs shows 104 units of Ekahi III. That number should be 49. These 10 buildings in the H zone area have 55 units, including mine, that should be off the list.**

**For proposed TVR changes, Maui uses zoning distinctions. The county removed other hotel zone units in the Wailea Resort from the Minatoya list. In fact, it has removed all hotel zone units across Maui from the proposed TVR ban, except Ekahi.**

**For the county to treat this single hotel zone different is discriminatory and arbitrary & capricious. It is an improper zoning change without due process.**

**When you send findings to the Council, please acknowledge the hotel zoning for Ekahi III, and recommend that TVRs currently in that zone be excluded from the proposed change.**

**In addition, findings should note that the Hawaii Real Estate Commission published 1974 and 1975 Reports stating that Ekahi would “be used as permanent or temporary residences or as hotel rooms . . .” The report was approved, signed and published by the State for buyers with bold type: “Important – Read this Report Before Buying.” All units in Ekahi subject to this report should be excluded from the change.**

**I live in Seattle, but grew up a kamaaina. In the 1800s, my great grandfather labored in cane fields of the Kingdom of Hawaii, in the 1900s my grandfather served in the Territorial Legislature, and in the 1980s my dad retired to Spreckelsville. I was born and raised in Hawaii. As a kid, I picked liliqoi on my uncle’s farm in Makawao and fished with my dad in Hana. My husband and I married at the Church of the Good Shepard in Wailuku. Immediately after the fires, Lahaina residents stayed at my place –no cost to them. Dollars earned from my TVR unit stay on Maui, including contributions to many worthy Maui charities.**

**In conclusion, I ask that you treat my unit fairly based on existing zoning and that, for myself and all my neighbors in Ekahi, you respect State and County governmental permissions which have been relied on for the past 50 years.**

## HLU Committee

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**From:** Pat Char <pchar2005@gmail.com>  
**Sent:** Friday, June 6, 2025 4:00 PM  
**To:** HLU Committee  
**Subject:** Re: Proposed Bill 9 regarding Temporary Vacation Rentals  
**Attachments:** Outline for planning commission.docx; REC filing Ekahi III.pdf

You don't often get email from pchar2005@gmail.com. [Learn why this is important](#)

The attached 1975 Real Estate Commission filing for Wailea Ekahi III supplements my statement below. See page 2 referencing the Hotel zoning and planned development approval. Also see pages 5 to 6 referencing intended use for hotel zoning, as well as apartment.

Aloha,  
Patricia H. Char

---

**From:** Pat Char <pchar2005@gmail.com>  
**Sent:** Friday, June 6, 2025 6:49 PM  
**To:** HLU.committee@mauicounty.us <HLU.committee@mauicounty.us>  
**Subject:** Proposed Bill 9 regarding Temporary Vacation Rentals

Dear Chair Kama: Please accept this email as my statement regarding Temporary Vacation Rentals, as applied to my property located at 3300 Wailea Alanui, #49B, Maui, also referenced as Wailea Ekahi III.

The Planning Commission's recommendation to exclude property known as Wailea Ekahi III from property subject to the proposed bill regarding temporary vacation rentals should be followed. Attached is a copy of the statement I made to the planning commission in 2024, explaining that the property on which my unit sits has been zoned Hotel since construction. In the early 1970s, the Hawaii Real Estate Commission, a state agency, recognized the property as intended for hotel use and the property was marketed with the REC approval as a planned development with condominiums that could be used for hotel.

In addition, Mayor Bissen's letter transmitted to Tasha Kama, chair of the Housing & Land Use Committee on May 22, 2025, regarding Bill 9, correctly recognizes that Ekahi III should be excluded from coverage under the proposed bill. Actually, all of Ekahi, sections I, II and III were intended for a combination of apartment and hotel use and all should be excluded from the bill.

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Aloha,  
Patricia H. Char  
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**I live in Seattle, but grew up a kamaaina. In the 1800s, my great grandfather labored in cane fields of the Kingdom of Hawaii, in the 1900s my grandfather served in the Territorial Legislature, and in the 1980s my dad retired to Spreckelsville. I was born and raised in Hawaii. As a kid, I picked liliqoi on my uncle’s farm in Makawao and fished with my dad in Hana. My husband and I married at the Church of the Good Shepard in Wailuku. Immediately after the fires, Lahaina residents stayed at my place –no cost to them. Dollars earned from my TVR unit stay on Maui, including contributions to many worthy Maui charities.**

**In conclusion, I ask that you treat my unit fairly based on existing zoning and that, for myself and all my neighbors in Ekahi, you respect State and County governmental permissions which have been relied on for the past 50 years.**

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

ON  
WAILEA EKAHI III  
WAILEA, ISLAND OF MAUI

REGISTRATION NO. 796

### IMPORTANT — Read This Report Before Buying

#### **This Report Is Not an Approval or Disapproval of This Condominium Project**

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project but may only take reservations therefore after

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: July 28, 1975  
Expires: August 28, 1976

#### SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that the personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 24, 1975, AND INFORMATION SUBSEQUENTLY FILED ON JULY 25, 1975. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION ON THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. WAILEA EKAHI III is a proposed fee simple condominium project consisting of One Hundred and Four (104) residential apartments located in nineteen (19) separate two-story buildings. There will be a total of 131 parking stalls.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Preliminary Public Report.
3. The Developer reports that the Declaration of Horizontal Property Regime and the By-laws of the Association of Apartment Owners, Supplemental Declaration No. 5 (Wailea Ekahi III), and the Condominium Map will be filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii immediately prior to the application for a Final Public Report.
4. Advertising or promotional materials have been submitted to the Commission pursuant to its rules and regulations.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Hawaii Revised Statutes, Chapter 514, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, July 28, 1975, unless a Final Public Report or a Supplementary Public Report issues, or the Commission, upon review of registration, issues an order extending the effective date of this report.
7. This Preliminary Public Report is made a part of the registration of WAILEA EKAHI III. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt for the Preliminary Public Report from each purchaser.

NAME OF PROJECT: WAILEA EKAHI III

LOCATION: The project is located at Wailea, Island and County of Maui, State of Hawaii, and consists of approximately 10.118 acres of land.

TAX KEY: Portion of 2-1-08-60 (2nd Tax Division - County of Maui).

ZONING: The property is presently zoned A-1 = Apartment, H-1 = Hotel and O = Open Space. The Developer has received planned development approval for the Project.

DEVELOPER: WAILEA DEVELOPMENT COMPANY, a Hawaii joint venture partnership between Wailea Land Corporation, 822 Bishop Street, Honolulu, Hawaii 96813, a Hawaii corporation, and The North-western Mutual Life Insurance Company, 720 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, a Wisconsin corporation, authorized to do business in the State of Hawaii. The partnership was registered in the State of Hawaii, Department of Regulatory Agencies, January 21, 1972. The business address of Wailea Development Company is 841 Bishop Street, Honolulu, Hawaii 96813. Wailea Land Corporation is the managing partner and duly authorized agent of Wailea Development Company.

ATTORNEY REPRESENTING DEVELOPER: Alexander & Baldwin Law Department (Attention: Carrie L. Lindahl) 822 Bishop Street, Honolulu, Hawaii 96801, telephone 525-8450.

DESCRIPTION OF PROJECT: The project consists of One Hundred and Four (104) apartments contained in nineteen (19) buildings numbered 36 through 54, since this is the third phase of an incremental development, the beach pavilion in the first phase was designated as Building A, the other seventeen (17) buildings in the first phase were numbered 1 through 17 and the eighteen (18) buildings in the second phase were numbered 18 through 35. The buildings will be principally of wood frame construction with stucco exteriors, shake roofs and concrete slab ground floors with wood frame upper floors. The buildings are all two stories high containing the seven (7) different types of apartments described below ranging from single level studio apartments to split level two bedroom two and one half bath townhouse apartments.

There are eight (8) Type S apartments which are studio apartments, each containing approximately 484 square feet of interior floor area, including a living/dining/sleeping room, a kitchen and bathroom plus a lanai of approximately 116 square feet.

There are twenty-four (24) Type 1-1 apartments which are one bedroom, one bath apartments, each containing approximately 792 square feet of interior floor area, including a living/dining room, kitchen, bedroom and bathroom plus two lanais containing an aggregate of approximately 153 square feet.

There are thirty (30) Type 1-2A apartments which are one bedroom, two bath apartments, each containing approximately 885 square feet of interior floor area, including a living/dining room, kitchen, bedroom and two bathrooms, plus two lanais containing an aggregate of approximately 205 square feet. The entry hall of Type 1-2A apartments is so arranged that the bedroom and one bathroom can be used separately from the rest of the apartment.

There are twenty-two (22) Type 1-2B apartments which are one bedroom, two bath apartments, each containing approximately 952 square feet of interior floor area, including a living/dining room, kitchen, bedroom and two bathrooms, plus two lanais containing an aggregate of approximately 228 square feet. The Type 1-2B apartment has a separate entry way into the bedroom so that the bedroom and one of the bathrooms can be used separately from the rest of the apartment.

There are four (4) Type 1-1 1/2T apartments which are one bedroom, one and one half bath apartments, each containing approximately 991 square feet of interior floor area, including, on the lower floor, a living room, dining room, kitchen and half bath and, on the upper floor, a bedroom and bathroom, plus a lanai on each floor containing an aggregate of approximately 254 square feet.

There are fourteen (14) Type 2-2 apartments which are two bedrooms, two bath apartments, each containing approximately 1,172 square feet of interior floor area, including a living room, dining room, kitchen, two bathrooms and two bedrooms, plus three lanais containing an aggregate of approximately 333 square feet. The entry hall of Type 2-2 apartments is so arranged that one bedroom and bathroom can be separated from the rest of the apartment.

There are two (2) Type 2-2 1/2T apartments which are two bedrooms, two and a half bath townhouse apartments, each containing approximately 1,575 square feet of interior floor area including, on the lower floor, a kitchen, dining room, half bath and sunken living room, and on the upper floor, two bedrooms and two bathrooms, plus two lanais on each floor containing an aggregate of approximately 370 square feet. The Type 2-2 1/2T apartment has a

separate entry way into one of the bedrooms so that this bedroom and one of the bathrooms can be used separately from the rest of the apartment.

Each townhouse and lower floor apartment has access to the common elements at the ground level. Each upper level apartment has access via an entry way and staircase to the common elements at ground level.

Each residential apartment will have drapes and will be carpeted throughout except for the kitchens and bathrooms which will have tile. Each residential apartment will have a self-cleaning drop-in range and oven combination, two-door refrigerator freezer, disposal, dishwasher, water heater, washer and dryer.

Note: The Developer has advised the Real Estate Commission that the ordinances of the County of Maui permit the use of one of the bedrooms and one of the bathrooms of the Type 1-2A apartments, the Type 1-2B apartments, the Type 2-2 apartments and the Type 2-2 1/2T apartments separately from the remainder of the respective apartments.

LIMITS OF APARTMENTS: The respective apartments shall not be deemed to include the undecorated or unfinished walls, the floors and ceilings surrounding each apartment, or any pipes, wires, conduits or other utility lines running through such apartment, the same being deemed common elements as hereinafter provided. Each apartment shall include any adjacent lanai shown on the Condominium Map and serving only such apartment. Each apartment shall be deemed to include all the walls and partitions which are not load bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and the built-in fixtures.

The project also contains driveways and parking areas containing 131 parking stalls, one swimming pool and one paddle tennis court.

COMMON ELEMENTS: The common elements will include all portions of the land and improvements other than the respective apartments. In other words, common elements will include the apartment buildings, the land on which all apartment buildings are located, and all common elements mentioned in the Horizontal Property Act which are actually constructed on the land described herein, and specifically shall include, but shall not be limited to:

- (a) Said land in fee;
- (b) All foundations, supports, bearing walls and exterior stairs, landings and entranceways of said buildings;
- (c) All roofs;
- (d) All housekeeping stations, yards and refuse areas;
- (e) All ducts, electrical equipment, wiring and other central and appurtenant installations for services, including power, light, cold and hot water, refuse and telephone;
- (f) All parking stalls;
- (g) One swimming pool and one paddle tennis court;

- (h) All other devices or installations upon the land existing for or rationally of common use to all the owners of apartments within the project;
- (i) The term "common elements" shall include the limited common elements described below.

LIMITED COMMON ELEMENTS: Limited common elements and apartments to which their use is reserved are:

- (a) Exterior staircases, landings and entranceways shall be limited common elements for the exclusive use of the apartments they serve.
- (b) Any trellis-covered privacy area adjacent to an apartment shall be a limited common element for the exclusive use of that apartment.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The following types of apartments have the percentage of common interest shown below:

<u>Type</u>	<u>Percentage Interest</u>
Studio	0.5155
1-1	0.8435
1-2A	0.9425
1-2B	1.0139
1-1 1/2T	1.0554
2-2	1.2482
2-2 1/2T	1.6774

The aggregate percentage of undivided interest in the common elements of the apartments is allocated between them on the basis of their interior floor area. The Developer covenants and agrees that the undivided interest in the common areas and facilities and the titles to the respective apartments to be conveyed shall not be separated or separately conveyed and each said undivided interest shall be deemed to be conveyed or encumbered with its respective apartment even though the description in the instrument of conveyance may refer only to one or other of the interests.

APARTMENT OWNERS ASSOCIATION: The Declaration of Horizontal Property Regime will provide for the organization of the Association of Apartment Owners, an unincorporated association responsible for the management, operation and maintenance of the common elements within the Project and to provide certain services for all of the owners of the apartments within the Project. All apartment owners in the Project will be members of the Association of Apartment Owners and will be obliged to pay assessments levied by the Association in accordance with the By-laws of the Association to be filed with the Declaration of Horizontal Property Regime. The voting rights of apartment owners, as well as their share of the common expenses shall be in proportion to their common interest.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The One Hundred and Four (104) residential apartments hereinabove described shall

at all times be used as permanent or temporary residences or as hotel rooms and for no other purpose.

OWNERSHIP OF TITLE: The Preliminary Report dated July 10, 1975, by Title Guaranty of Hawaii, Incorporated states that fee simple title to the land is held by Developer as shown on Transfer Certificate of Title No. 156986 issued to Developer.

ENCUMBRANCES: The Preliminary Report of Title Guaranty of Hawaii, Incorporated dated July 10, 1975, shows title to the property to be subject to the following encumbrances:

1. Title to all mineral and metallic mines reserved to the State of Hawaii.
2. For any property taxes due and owing, reference is made to the Office of the Tax Assessor, Second Division.
3. Easement 1 for drainage and landscaping purposes as set forth by Land Court Order No. 40955 and shown on Map 7, Land Court Application 1804.
4. Easement 2 for drainage purposes as set forth by Land Court Order No. 40955 and shown on Map 7, Land Court Application 1804.
5. Declaration As To Merger of Increments In A Condominium Project dated January 17, 1975, filed as Land Court Document No. 713123.

WAILEA PROPERTY OWNERS ASSOCIATION: The Project will also become subject to a Declaration of Covenants and Restrictions filed as Land Court Document No. 713123 which provides for the organization of the Wailea Property Owners Association, a non-profit corporation established to own and maintain certain property and to provide certain services for all the owners of property at Wailea, Maui, including condominium apartment owners, hotel operators and so forth. The Project will be annexed to the Wailea Property Owners Association by filing a Supplemental Declaration. All apartment owners in the project will be obliged to pay assessments levied by the Association. The Declaration of Covenants and Restrictions also provides for the establishment of a community design committee which shall have the authority to approve or disapprove any proposed construction or alteration of property which is subject to the Declaration of Covenants and Restrictions. Developer does not represent that any common property will in fact be granted to the Wailea Property Owners Association nor that any additional property will in fact be annexed to the Declaration.

The Developer guarantees that the monthly assessments of the Property Owners Association during the first two years following completion of construction of the project will not exceed the amount set forth below. At the expiration of this two-year period the expenses of the Property Owners Association will be shared by all of the members of the Property Owners Association in the ratio that the value of the property which each member owns bears to the total value of the property owned by all members as determined for real property tax purposes. The maximum assessments during the first two years are as follows:

<u>Year</u>	<u>Studio</u>	<u>One Bedroom</u>	<u>Two Bedroom</u>
1	\$4.00	\$6.00	\$7.00
2	\$5.00	\$7.00	\$8.00

MERGER OF INCREMENTS: Wailea Ekahi III referred to as an increment within Phase II in the Declaration As To Merger provides that this project will be merged with the Wailea Ekahi I condominium project consisting of 100 residential apartments and a beach pavilion and with Wailea Ekahi II condominium project consisting of 90 residential apartments, an office and a manager's residence upon completion of construction of this project. The merger of the projects will cause them to operate as a single condominium project with one Board of Directors and will permit the owners in each project to use the common areas of both projects.

The Purchaser should note that the Purchase Agreement, Declaration As To Merger and Apartment Deed prohibit the apartment owners in any of the phases of the Wailea Ekahi development from entering into a rental pool or other rental sharing agreement until after all phases of the Ekahi development have been completed and sold.

Prospective purchasers are advised to carefully examine the form of Declaration of Horizontal Property Regime, Declaration as to Merger and Declaration of Covenants and Restrictions so that they may familiarize themselves with the restrictions and obligations to which they will be subject.

PURCHASE MONEY HANDLING: A copy of the specimen Purchase Agreement and an executed Escrow Agreement have been submitted as part of the registration. The executed Escrow Agreement dated July 18, 1975, identifies First Hawaiian Bank as the "Escrowee" and provides for release of purchasers' funds from escrow. The executed Escrow Agreement further provides that the Buyer is entitled to a return of his funds, together with interest earned, less cancellation fee, promptly after request for return of said funds by Buyer, and if any one of the following has occurred:

- (a) Seller has requested Escrowee in writing to return to Buyer the funds of Buyer then being held hereunder by Escrowee; or
- (b) Seller has notified Escrowee of Seller's exercise of the option to rescind the Purchase Agreement of the Buyer pursuant to any right of rescission stated therein or otherwise available to Seller; or
- (c) Buyer's funds were obtained prior to the issuance of a Final Public Report for the Project and either (i) such Final Public Report differs in any material respect from the Preliminary Public Report for the Project, or (ii) there is any change in the condominium building plans subsequent to the execution of the Purchase Agreement requiring approval of a county officer having jurisdiction over issuance of permits for construction of buildings, unless in any such case the Buyer has given written approval or acceptance of the specific differences and/or changes; or
- (d) Final Public Report for the Project is not issued within one (1) year of the date of the issuance of the Preliminary Public Report for the Project.
- (e) Construction of Buyer's Apartment has not been completed within twenty-four (24) months from the date of his Purchase Agreement (subject to delays beyond Seller's control).

- (f) With respect to purchasers who are residents of California, if within one (1) year from the date of issuance of the California Permit and Public Report for Out-of-State Subdivisions construction of the project has not been completed and Seller is unable to show to the satisfaction of the State of California Real Estate Commissioner that it is reasonable to expect construction of the project to be completed within the following six (6) months.

Upon examination, the Purchase Agreement and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly with Section 514-35 and Section 514-36 through 514-40, Hawaii Revised Statutes. The purchasers and prospective purchasers should carefully examine the form of Purchase Agreement and executed Escrow Agreement to determine the time for and the amount of the installment payments on the purchase price and the sharing of the closing costs.

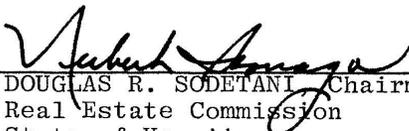
MANAGEMENT AND OPERATION: Article III, Section 3, of the By-laws of the Association of Apartment Owners states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property subject at all times to direction by the Board of Directors.

STATUS OF PROJECT: Final plans and specifications for the Project are being prepared and construction financing arrangements are being finalized. Developer is applying for subdivision and planned development approval for the Project. Developer is in the process of negotiating the construction contract and expects to commence construction approximately July 25, 1975, and to complete construction approximately December 1, 1976.

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The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted July 24, 1975, and information subsequently filed on July 25, 1975.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 796, filed with the Commission on July 24, 1975.

The report, when reproduced, shall be a true copy of the Commission's Public Report. Paper stock used in making facsimiles must be yellow.

  
(for) DOUGLAS R. SODEVANI, Chairman  
Real Estate Commission  
State of Hawaii

Distribution:  
Department of Taxation  
Planning Department, County of Maui  
Escrow Agent  
Federal Housing Administration

Registration No. 796  
July 28, 1975

## HLU Committee

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**From:** Vickie Webb <vwebb219@gmail.com>  
**Sent:** Friday, June 6, 2025 4:05 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea from Bill 9  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

You don't often get email from vwebb219@gmail.com. [Learn why this is important](#)

Dear Chair Kama, Vice Chair U'u-Hodgins and Members of the Housing and Land Use Committee:

**I am writing to oppose Bill 9.** I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9.

Papakea Resort is currently and has historically been zoned **A2/H2**.

While I understand and support the need to improve the housing shortage in West Maui, the removal of STR designation from an **officially designated HOTEL zoned** location is unwarranted and unfair.

Additionally, I submit a short history for the Papakea property and its impact on the Maui community:

- 
- 
- Papakea was initially
- **marketed and sold as a legal vacation rental**
- property before any zoning restrictions limited transient vacation rentals in
- apartment zoned properties.
- 
- 
- 
- Papakea owners have been operating legal vacation rentals for almost fifty years.
- 
- 
- Papakea has never been workforce housing so Papakea is not an example of a property that
- converted from workforce housing to transient vacation rental use.
- 
- 
- 
- The majority of units at Papakea are under 600 square feet and the property has limited
- parking.
- 
- 
- Papakea is not in a residential neighborhood and is located alongside a long stretch
- of hotel-zoned properties and directly adjacent to multiple commercially-zoned properties.
-

- 
- 
- Unlike apartment buildings designed for long-term residential use, Papakea has a front desk, an activity concierge, shared activity space, and numerous other common resort amenities.
- 

Owners purchased condos at Papakea with the reasonable expectation that short-term rentals were legal based on ordinances as far back as 1989, and as recent as 2022.

In reliance on the Maui County ordinances and published documents, Hawaii state law, and constitutional protections, owners invested in costly renovations, furnishings, and long-term financial commitments such as mortgages that make any phase out of short-term rental right offensive of each buyer's investment-backed expectations.

### **Papakea's Contributions to the Community**

Papakea's resort operations provide full-time, benefited, employment for 35 local resident employees; some have worked at the property for over 17 years; some started in entry-level positions and worked into supervisory roles.

Papakea supports a wide variety of local trade professionals including pest control, HVAC, painting, plumbing, electrical, general contracting, masonry, tile and flooring, fitness instructors, entertainers, and tree trimming.

### **Individual Owner Contributions to the Community**

Many small businesses owned and operated by local residents from the Maui community rely on Papakea short-term rentals including housekeepers, handymen, on-island agents, and contractors. These service providers set their own rates, work hours, select their own clients, work conditions and standard operating procedures. Shutting down short-term rentals at Papakea means telling local entrepreneurs that worked hard to build a small business that they need to just go get a job somewhere else to make less money, have less flexibility, and be subject to oppressive corporate policies.

Papakea STRs support the State of Hawaii and County of Maui through payment of property taxes (many at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax.

Papakea guests support many small businesses on the island including restaurants, food trucks, tour operators, activities, state parks, the national park, and shops.

Papakea owners and guests regularly participate in community activities including volunteering at beach cleanups, Maui Humane Society, the hospital, and many other local organizations, and contribute to local philanthropic and cultural efforts.

I would like to thank the committee for the opportunity to comment.

Sincerely,

**Vickie Webb**

see attachment

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff

# Maui County and the State of Hawaii have identified Papakea as a resort property with partial hotel zoning for decades.

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
 DEPARTMENT OF REGULATORY AGENCIES  
 STATE OF HAWAII  
1510 KICHWAHOLA DRIVE I  
 P. O. BOX 3465  
 HONOLULU, HAWAII 96813

**PRELIMINARY  
 HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
 PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
 Honokowai, Kaanapali  
 Maui, Hawaii

REGISTRATION NO. 657

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**NAME OF PROJECT:** PAPAKEA (PHASE I)

**LOCATION:** West Maui, approximately 3 miles from Lahaina and 1 mile from Kaanapali Airport, containing an area of 12.283 acres, more or less.

**TAX MAP KEY:** Second Division, 4-4-1-55

**ZONING:** A-2 and H-2

**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
 March 14, 1974

*Douglas R. Soodhani*  
 (For) **DOUGLAS R. SOODHANI**, Chairman  
 REAL ESTATE COMMISSION  
 STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2024	HOTEL / RESORT	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300

[How to calculate real property taxes](#)

Parcel Information

Parcel Number: 440010550000  
 Location Address: 3543 LOWER HONOAPILANI RD UNIT C435 LAHAINA HI 96761  
 Neighborhood Code: OFHOTEL  
 Legal Information: 1ST LOTS 13 (1.252 AC), 14 (0.250 AC) & 15 (0.051 AC)  
 Land Area: 12.281 Acres  
 Parcel Note: Non taxable

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

PROJECT PROPERTY	MASTER TRK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN DESIGNATION	NUMBER OF UNITS
HOHONANI	430060070000	3723 Lower Honoapilani Rd	1974	A2	MF	28
MAKANI SANDS	430060120000	3765 Lower Honoapilani Rd	1974	A2	MF	38
KALEVALA OHA	430060130000	3785 Lower Honoapilani Rd	1973	A2	MF	47
WIKO KOE	430060400000	3801 Lower Honoapilani Rd	1950	A2	MF	28
LOKELANI	430060760000	3833 Lower Honoapilani Rd	1971	A2	MF/CS	38
HALE MAHINA BEACH	430060410000	3875 Lower Honoapilani Rd	1981	A2	MF	67
HALE OHIKI LOA	430060460000	3821 Lower Honoapilani Rd	1969	A2	MF	12
PIKAKE	430060630000	3701 Lower Honoapilani Rd	1966	A2	MF	12
MAHANA BEACH	430060610000	4002 Lower Honoapilani Rd	1973	A1	MF	23
POLYNESIAN SHORES	430060620000	3875 Lower Honoapilani Rd	1972	A1	MF	23
KOLEKONA	430060640000	3869 Lower Honoapilani Rd	1972	A1	MF	18
PILERANA	430060700000	3954 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIHOA	430060600000	3801 Lower Honoapilani Rd	1973	A1	MF	17
MOELANI	430060700000	4056 Lower Honoapilani Rd	1974	A1	MF	25
MAHINA SURF	430060500000	4057 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A2	MF	25
HALE KAI I	440010420000	3691 Lower Honoapilani Rd	1967	A2	MF	48
PART MAUI III	440010500000	3615 Lower Honoapilani Rd	1976	A2	MF	28
PART MAUI I & II	440010510000	3601 Lower Honoapilani Rd	1975	A2	MF	80
<b>PAPAKEA</b>	<b>440010550000</b>	<b>3543 Lower Honoapilani Rd</b>	<b>1977</b>	<b>A2/A1</b>	<b>MF/Hotel</b>	<b>222</b>
HALE KAANAPALI	440001100000	49 Kai Ala Dr	1967	A2/H2/CS	H	258
HALE ELDORADO	440003100000	2661 Keeka Dr	1968	A2	H	205
KAANAPALI TROYAL	440003230000	2360 Keeka Dr	1969	A2	MF/CS	100
PUNAHUA BEACH ESTATES	440004020000	445 Kai Pali Pl	1969	A2	MF	41
DAKARA HOUSE	440102910000	1401 Kono St	1964	A1	MF	10
THE SPINNAKER	440100020000	780 Wailea St	1978	A1	MF	37
BRINK KAI	513001310000	60 Kupuhi Dr	1963	A1	MF	100
WAVECREST	560040500000	7748 Kamohāhaha V Hwy	1975	A2/Interim	MF	125

104 Total Apartment District Vacation Rental Units: 7167

Legend:  
 Zoning: A1, A2, Apartment, AG, Agriculture, B2, Community Business, H, Hotel, MF, MF/CS, Interim

Department of COMMERCE & CONSUMER AFFAIRS  
updating fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
 Project Name: papakea TRK #: [ ]  
 City: [ ] Developer Name: [ ]  
 Total Units: [ ] to [ ]

No.	Name	Zoning	TRK	Address	City	Developer	Total Units
657	PAPAKEA	A2/H2	24001055	3543 L HONOAPILANI HWY	LAHAINA	HONOKOWAI KAANAPALI	218
654	PAPAKEA PHASE II	A2 & H2	24001055	3543 HONOAPILANI HWY	LAHAINA	HONOKOWAI-KAANAPALI	348

575

Papakea's resort operations are a significant economic driver and employer in West Maui

**\$16,902,298.17** in real property taxes over the last 5 years

**\$3,100,000** in wages per year

**35** full-time benefited on-site staff

- Resort operations supporting:**
- **161** housekeepers
  - **26** handypersons
  - **30** rental management companies
  - **30+** contractors

**\$32M** plumbing project currently underway with Hawaii contractors and financed by Hawaii financial institutions

Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** Peter Webb <pjwsam@gmail.com>  
**Sent:** Friday, June 6, 2025 4:05 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea from Bill 9  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

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

Dear Chair Kama, Vice Chair U'u-Hodgins and Members of the Housing and Land Use Committee:

I oppose Bill 9 as drafted and propose that the Council amend Bill 9 to exclude Papakea Oceanfront Resort which the County has historically identified as having A2-H2 zoning.

Background on Papakea and key reasons for Papakea's exclusion from Bill 9.

Papakea was initially marketed and sold as a legal vacation rental property before any zoning restrictions limited transient vacation rentals in apartment zoned properties.

Papakea has never been workforce housing so Papakea is not an example of a property that converted from workforce housing to transient vacation rental use.

The vast majority of units at Papakea are under 600 square feet and the property has limited parking.

Papakea is NOT in a residential neighborhood and is located alongside a long stretch of hotel-zoned properties and directly adjacent to multiple commercially-zoned properties.

Unlike apartment buildings designed for long-term residential use, Papakea has a front desk, an activity concierge, shared activity space, and numerous other common resort amenities.

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Papakea supports a wide variety of local trade professionals including pest control, HVAC, painting, plumbing, electrical, general contracting, masonry, tile and flooring, fitness instructors, entertainers, and tree trimming.

## Individual Owner Contributions to the Community

Many small businesses owned and operated by local residents from the Maui community rely on Papakea short-term rentals including housekeepers, handymen, on-island agents, and contractors. These service providers set their own rates, work hours, select their own clients, work conditions and standard operating procedures. Shutting down short-term rentals at Papakea means telling local entrepreneurs that worked hard to build a small business that they need to just go get a job somewhere else to make less money, have less flexibility, and be subject to oppressive corporate policies.

Papakea STRs support the State of Hawaii and County of Maui through payment of property taxes (many at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax.

Papakea guests support many small businesses on the island including restaurants, food trucks, tour operators, activities, state parks, the national park, and shops.

Papakea owners and guests regularly participate in community activities including volunteering at beach cleanups, Maui Humane Society, the hospital, and many other local organizations, and contribute to local philanthropic and cultural efforts. Including temporary housing for displaced people immediately after the August fire in 2023.

I would like to thank the committee for the opportunity to comment.

Sincerely,

Peter J Webb  
3543 Lower Honoapiilani Road, Unit #G201



ReplyForward

Add reaction

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff

# Maui County and the State of Hawaii have identified Papakea as a resort property with partial hotel zoning for decades.

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
 DEPARTMENT OF REGULATORY AGENCIES  
 STATE OF HAWAII  
1510 KICHWAHAWA DRIVE I  
 P. O. BOX 3465  
 HONOLULU, HAWAII 96807

**PRELIMINARY  
 HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
 PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
 Honokowai, Kaanapali  
 Maui, Hawaii

REGISTRATION NO. 657

---

**NAME OF PROJECT:** PAPAKEA (PHASE I)

**LOCATION:** West Maui, approximately 3 miles from Lahaina and 1 mile from Kaanapali Airport, containing an area of 12.283 acres, more or less.

**TAX MAP KEY:** Second Division, 4-4-1-55

**ZONING:** A-2 and H-2

**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
 March 14, 1974

*Douglas R. Soodhani*  
 (For) **DOUGLAS R. SOODHANI**, Chairman  
 REAL ESTATE COMMISSION  
 STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2024	HOTEL / RESORT	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300

[How to calculate real property taxes](#)

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Parcel Number: 440010550000  
 Location Address: 3543 LOWER HONOAPILANI RD UNIT C435 LAHAINA HI 96761  
 Neighborhood Code: OFHOTEL  
 Legal Information: 1ST LOTS 13 (1.252 AC), 14 (0.250 AC) & 15 (0.051 AC)  
 Land Area: 12.281 Acres  
 Parcel Note: Non taxable

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

PROJECT PROPERTY	MASTER TRK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN DESIGNATION	NUMBER OF UNITS
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MAKANI SANDS	430060120000	3765 Lower Honoapilani Rd	1974	A2	MF	38
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WIKO KOLE	430060400000	3801 Lower Honoapilani Rd	1950	A2	MF	26
LOKELANI	430060760000	3833 Lower Honoapilani Rd	1971	A2	MF/CS	38
HALE MAHINA BEACH	430060410000	3875 Lower Honoapilani Rd	1981	A2	MF	67
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POLYNESIAN SHORES	430060320000	3875 Lower Honoapilani Rd	1972	A1	MF	23
KOLEKONA	430060240000	3869 Lower Honoapilani Rd	1972	A1	MF	18
POLYLANA	430060250000	3954 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIHOA	430060300000	3901 Lower Honoapilani Rd	1973	A1	MF	17
WOLENI	430060200000	4056 Lower Honoapilani Rd	1974	A1	MF	25
MAHINA SURF	430060500000	4067 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A2	MF	25
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PART MAUI I & II	440010510000	3601 Lower Honoapilani Rd	1975	A2	MF	80
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HALE KAANAPALI	440001100000	49 Kai Ala Dr	1967	A2/H2/CS	H	259
HALE ELDORADO	440003100000	2661 Kekaa Dr	1968	A2	H	205
KAANAPALI TROYAL	440008230000	2360 Kekaa Dr	1969	A2	MF/CS	100
PUNAHUA BEACH ESTATES	440040200000	445 Kai Pali Pl	1969	A1	MF	110
DAKARA HOUSE	440132910000	1401 Konoa St	1964	A1	MF	10
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BRINK KAI	513001310000	60 Kapaolu Dr	1963	A1	MF	100
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104 Total Apartment District Vacation Rental Units: 7167

Legend:  
 Zoning: A1, A2, Apartment; AG, Agriculture; B2, Community Business; H, Hotel; MF, Medium Density Residential; CS, Community Services

Department of COMMERCE & CONSUMER AFFAIRS  
upholding fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
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 City: [ ] Developer Name: [ ]

Total Units: [ ] to [ ]

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STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** Randip Manrao <randipmanrao@gmail.com>  
**Sent:** Friday, June 6, 2025 4:27 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea from Bill 9  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

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

Please find attached documentation to support excluding Papakea from Bill 9.

Mahalo

**Randip Manrao - Owner of Unit F307**

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

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 DEPARTMENT OF REGULATORY AGENCIES  
 STATE OF HAWAII  
1515 KUAHANA DRIVE I  
 P. O. BOX 3463  
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**PRELIMINARY  
 HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
 PUBLIC REPORT**

on  
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updating fairness in the marketplace

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STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** nicole emmalia hokoana <nhokoana@gmail.com>  
**Sent:** Friday, June 6, 2025 2:53 PM  
**To:** HLU Committee  
**Subject:** Need and Urgency of Bill 9

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

### **Aloha Chair and Council Members,**

My name is Nicole Hokoana and I'm here as a board member of Ho'ola ia Mauiakama Long-Term Recovery Group whose mission is to support survivors of the Lahaina and Kula wildfires. The biggest need of wildfire survivors is housing. With the FEMA housing program coming to an end in February 2026, the Council must act now to increase the supply of housing.

This bill represents a critical step toward restoring balance in our communities and addressing the housing crisis that has only deepened since 2023. For too long, thousands of apartment-zoned units—intended for residents—have been diverted to transient vacation rentals. These are not illegal operations, but they are legal loopholes that have eroded our housing stock and displaced local families. FEMA's program closure has the potential to usher in a new round of re-traumatization and displacement of survivors; instead, let's act swiftly to ensure that residents of Maui stay on Maui.

Mayor Bissen's proposal to phase out these TVRs—starting with West Maui in July 2025 and the rest of the island by January 2026—is both reasonable and necessary. It gives property owners time to adjust while prioritizing the urgent need for long-term housing. Mayor's proposal has provided property owners fair notice to act; let's not feel bad about prioritizing the needs of our people over off-island owners!

The goal is not to punish visitors or property owners, but to protect the birthright of Maui residents. It's about ensuring that our teachers, firefighters, kūpuna, and keiki have a place to call home. Some argue that this bill will hurt the economy and that jobs will be lost. But what hurts more is the hollowing out of our neighborhoods, the rising rents, and the families forced to leave Maui altogether. Unemployment is low and there are job openings everywhere. Let's create the housing needed to shelter Maui's critical industries.

I urge you to pass Bill 9 without delay or dilution. Let's return these 7,000 units to the people who need them most. Let's make Maui a place where locals can live—not just visit. This is an urgent matter that cannot wait! If you do not act, more of our people will be forced to move away in the spring of 2026. Please act with urgency.

Mahalo for your time and for your commitment to our island's future.

## HLU Committee

---

**From:** Van Doan <lahainagreenvilla@gmail.com>  
**Sent:** Friday, June 6, 2025 2:54 PM  
**To:** HLU Committee  
**Subject:** Oppose Bill 9

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

To: Maui County Council

**I have been a Maui resident since 1998. In the devastating wildfire of August 8, 2023, both my business on Front Street and my house on Front St. was destroyed. I am determined to rebuild my house and remain a part of this community I love so much – my workers, my neighbors, and Lahaina itself.**

**With 20 years of experience running a business on Front Street, I strongly oppose Mayor Bissen's proposal to phase out the Minatoya List short-term rentals. This bill would have a negative impact on Maui's tourism industry, hurting local businesses and likely creating unforeseen obstacles for Lahaina's recovery.**

**I urge the Maui County Council to reject this proposal.**

Sincerely,

Van Doan  
Owner of 960 Front Street, Lahaina, HI 96761  
Email: [lahainagreenvilla@gmail.com](mailto:lahainagreenvilla@gmail.com)

## HLU Committee

---

**From:** Leo Nahe Smith <its.leonahe@gmail.com>  
**Sent:** Friday, June 6, 2025 2:56 PM  
**To:** HLU Committee  
**Subject:** Testimony re: Bill 9 (Minatoya Phase-Out)

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

Aloha Chair, Vice Chair, and Members of the Maui County Housing and Land Use Committee,

My name is Leo Nahe Smith, I am a resident of Wai'eahu, Maui. I'm writing in strong support of Bill 9, which would phase out short-term rentals (STRs) in apartment-zoned districts. This bill is an essential component to addressing Maui's housing crisis and protecting our most vital resource: water.

The 2023 Lāhainā fire exposed long-standing issues—privatized water systems, diverted streams, and overdevelopment have pushed West Maui to the edge. STRs, originally meant for housing, now operate as commercial businesses, consuming high volumes of water while local families remain displaced.

Returning STRs to long-term housing helps protect water access, push back against inequality, and put community needs first. With over 6,000 STRs on the Minatoya List, we have a clear opportunity to increase housing stock without using more water. My heart goes out to all the 'ohana that were displaced before and after the fires. It hurts me to think that for many who have already left Maui for steep housing costs, returning home will become that much harder. This should have never happened.

Do the pono thing, stand with Lāhainā Strong and pass Bill 9.

**Ola i ka Wai — Water is Life.**

Na,

Leo Nahe Smith, Maui, 96793

## HLU Committee

---

**From:** Diu Pham <diuphammaui@gmail.com>  
**Sent:** Friday, June 6, 2025 3:02 PM  
**To:** HLU Committee  
**Subject:** Oppose Bill 9

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

To Maui County Council

I have been living in Maui for more than 7 years. My daughter and I are janitors for short-term rental condos. We lost everything after the wildfire on August 8, 2023. I love Lahaina, I miss my friends here so much. I hope Maui's economy is recovering soon and I am able to do my janitor work to get back to our normal life before the fire.

I recommend **denial of the proposed ordinance** to the Maui County Council.

Mahalo,

Diu Pham

[diuphammaui@gmail.com](mailto:diuphammaui@gmail.com)

## HLU Committee

---

**From:** 808keila@gmail.com  
**Sent:** Friday, June 6, 2025 3:57 PM  
**To:** HLU Committee  
**Subject:** Testimony re:Bill 9 ( Minatoya Phaseout )

You don't often get email from 808keila@gmail.com. [Learn why this is important](#)

Aloha Chair, Vice Chair, and Members of the Maui County Housing and Land Use Committee,

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**Ola i ka Wai – Water is Life.**

Sincerely,  
Keila Paahana

Lahaina HI 96761

Sent from my iPhone

## HLU Committee

---

**From:** mdjdhome@aol.com  
**Sent:** Friday, June 6, 2025 5:09 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea from Bill 9  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

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**PRELIMINARY  
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 PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
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 (For) DOUGLAS R. SOODHANI, Chairman  
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MAHANA BEACH	430060100000	4002 Lower Honoapilani Rd	1973	A1	MF	53
POLYNESIAN SHORES	430060120000	3875 Lower Honoapilani Rd	1972	A1	MF	53
KOLEKONA	430060240000	3869 Lower Honoapilani Rd	1972	A1	MF	18
POLYLANA	430060250000	3954 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIHOA	430060300000	3901 Lower Honoapilani Rd	1973	A1	MF	17
MOELANI	430060200000	4056 Lower Honoapilani Rd	1974	A1	MF	55
MAHINA SURF	430060500000	4057 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A2	MF	35
HALE KAI I	440010420000	3651 Lower Honoapilani Rd	1967	A2	MF	45
PART MAUI III	440010500000	3615 Lower Honoapilani Rd	1976	A2	MF	28
PART MAUI I & II	440010510000	3601 Lower Honoapilani Rd	1975	A2	MF	80
PAPAKEA	440010550000	3543 Lower Honoapilani Rd	1977	A2/H2	MF/Hotel	343
HALE KAANAPALI	440001100000	49 Kai Ala Dr	1967	A2/H2	H	255
HALE ELDORADO	440003100000	2661 Keeka Dr	1968	A2	H	205
KAANAPALI TROYAL	440003230000	2360 Keeka Dr	1969	A2	MF/CS	100
PUNAHU BEACH ESTATES	440004020000	445 Kai Pali Pl	1969	A1	MF	41
DAKINA RIDGE	440102910000	1401 Kono St	1964	A1	MF	10
THE SPINNAKER	440100020000	780 Wailea St	1978	A1	MF	57
BRINK KAI	513001310000	60 Kapaolu Dr	1963	A1	MF	100
WAVECREST	560040500000	7748 Kamohāhāha V Hwy	1975	A2/Interim	MF	125

104 Total Apartment District Vacation Rental Units: 7167

Legend:  
 Zoning: A1 or A2 Apartment, AG Agriculture, B2 Community Business  
 Community Plan: H Hotel, MF Medium Density Residential, CS Community Services

Department of COMMERCE & CONSUMER AFFAIRS  
updating fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
 Project Name: papakea TRK #: [ ]  
 City: [ ] Developer Name: [ ]

Total Units: [ ] to [ ]

No.	Name	Zoning	TRK	Address	City	Developer	Total Units
657	PAPAKEA	A2/H2	244001055	3543 L HONOAPILANI HWY	LAHAINA	HONOKOWAI KAANAPALI	219
654	PAPAKEA PHASE II	A2 & H2	244001055	3543 HONOAPILANI HWY	LAHAINA	HONOKOWAI-KAANAPALI	343

Papakea's resort operations are a significant economic driver and employer in West Maui

**\$16,902,298.17** in real property taxes over the last 5 years

**\$3,100,000** in wages per year

**35** full-time benefited on-site staff

- Resort operations supporting:**
- **161** housekeepers
  - **26** handypersons
  - **30** rental management companies
  - **30+** contractors

**\$32M** plumbing project currently underway with Hawaii contractors and financed by Hawaii financial institutions

Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

---

**From:** MARTIN VANN <martinvann888@yahoo.com>  
**Sent:** Friday, June 6, 2025 5:18 PM  
**To:** HLU Committee  
**Subject:** Oppose Bill 9

You don't often get email from martinvan888@yahoo.com. [Learn why this is important](#)

**From:** Martin Vann  
**To:** Maui Planning Commission

**Re:** Testimony Martin Vann Regarding the Phasing Out of Short-Term Rentals in Maui County (BILL9)

I am writing to express my strong opposition to Mayor Bissen's proposal to phase out the Minatoya List short-term rentals.

I have lived in Maui since 2000 and owned a retail business on Front Street for more than 18 years. Tragically, my three houses in Lahaina town and two condos in Lahaina were destroyed in the wildfire of August 8, 2023. I love Maui and want to rebuild my business and houses. I enjoy seeing my neighbors who are working on Front Street. Discouraging tourists from visiting Maui would make rebuilding Lahaina even more difficult.

Phasing out the Minatoya List short-term rentals would be detrimental to the economy. It would cripple local businesses and likely have many other unforeseen negative consequences.

My family has been struggling financially after the wildfire, with a mortgage and HOA fees to manage every month. I have been renting my two short-term rentals to FEMA to support wildfire survivors.

However, I would like to be able to return them to short-term rentals once the program ends.

I urge the Maui County Council to strongly consider the negative impacts and deny the proposed bill.

Sincerely,

Martin Vann  
Email: martinvan888@yahoo.com

## HLU Committee

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**From:** Marsha Lowery <marshalowery@gmail.com>  
**Sent:** Friday, June 6, 2025 5:19 PM  
**To:** HLU Committee  
**Subject:** BILL 9

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To the Maui County Council,

Thank you for taking the time to read this testimony. I am a Maui resident, primary care provider and clinician for the Maui Wildfire Study. I am in support of bill 9, and encourage the County Council to vote for our community above all.

From a health perspective, stable housing not only correlates with positive overall health of an individual but also the health of the community.

Without housing, we become a sick and broken society.

People need homes! Families need stability!

Please support bill 9.

Dr. Marsha Lowery ND

808-633-8177

[www.MauiND.com](http://www.MauiND.com)

## HLU Committee

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**From:** Joseph Gunselman <jggunselman@gmail.com>  
**Sent:** Friday, June 6, 2025 5:46 PM  
**To:** HLU Committee  
**Cc:** Rebecca Gunselman  
**Subject:** Exclude Papakea from Bill 9  
**Attachments:** Exclude Papakea from Bill 9.pdf

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Please here my case to exclude Papakea from Bill 9

Thank you,

Joseph Gunselman  
509-212-8098

## **Subject: Opposition to Bill 9 and Request for Amendment to Exclude Papakea Oceanfront Resort**

**Dear Chair Kama, Vice Chair U'u-Hodgins, and Esteemed Members of the Housing and Land Use Committee,**

**I am writing to express my strong opposition to Bill 9 in its current form and to respectfully urge the Council to amend it to exclude Papakea Oceanfront Resort, which has long been recognized by the County as having A2-H2 zoning.**

### **About Papakea Oceanfront Resort**

**Papakea was originally developed and sold as a property for legal short-term vacation rentals, well before any zoning regulations restricted such activities in apartment-zoned properties. For nearly five decades, Papakea owners have operated lawful vacation rentals. Unlike some properties that shifted from workforce housing to short-term rentals, Papakea has always functioned as a resort, not as residential housing. Most units are compact, under 600 square feet, with limited parking availability. Situated among hotel-zoned and commercially-zoned properties, Papakea is not part of a residential neighborhood. It features resort-style amenities such as a front desk, activity concierge, and shared recreational spaces, distinguishing it from typical long-term residential buildings.**

**Papakea owners purchased their units with the reasonable understanding that short-term rentals were permitted, based on Maui County ordinances dating back to 1989 and as recently as 2022. Relying on these ordinances, state laws, and constitutional protections, owners have made significant investments in renovations, furnishings, and long-term financial obligations like mortgages. Phasing out short-term rentals at Papakea would undermine these investment-backed expectations.**

### **Papakea's Community Contributions**

**Papakea's resort operations sustain 35 full-time, benefited jobs for local residents, some of whom have been employed for over 17 years, advancing from entry-level roles to supervisory positions. The property also supports a diverse group of local tradespeople, including those in pest control, HVAC, plumbing, electrical work, painting, masonry, tile installation, fitness instruction, entertainment, and landscaping.**

### **Contributions from Individual Owners**

**Short-term rentals at Papakea support numerous small businesses owned by Maui residents, including housekeepers, handymen, on-island agents, and contractors. These entrepreneurs set their own rates, schedules, and working conditions, enjoying the flexibility to operate independently. Eliminating short-term rentals at Papakea would disrupt these businesses, forcing local entrepreneurs to seek less flexible, lower-paying jobs under restrictive corporate policies.**

**Additionally, Papakea's short-term rentals generate significant tax revenue for the State of Hawaii and Maui County, including property taxes (often at the short-term rental rate), Transient Accommodations Tax, General Excise Tax, and Maui County Transient Accommodations Tax. Guests at Papakea patronize local businesses, such as restaurants, food trucks, tour operators, shops, state parks, and the national**

park, boosting the island's economy. Both owners and guests actively engage in community initiatives, volunteering for beach cleanups, the Maui Humane Society, local hospitals, and other charitable and cultural organizations.

I appreciate the opportunity to provide input on this matter and thank the committee for its consideration.

Sincerely,

Joseph Gunselman

3543 Lower Honoapiilani Road

## HLU Committee

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**From:** Evan K. Oue <eoue@imanaka-asato.com>  
**Sent:** Friday, June 6, 2025 5:52 PM  
**To:** HLU Committee  
**Subject:** Aqua Aston LLC Testimony re Bill 9  
**Attachments:** AAH Testimony on STR Bill 6-6-25.pdf

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

Aloha,

Please find attached the testimony from Aqua Aston LLC for Bill 9.

Please let me know if the Chair needs any additional information.

Mahalo,  
Evan K. Oue



Imanaka Asato

Imanaka Asato | A Limited Liability Law Company  
Topa Financial Center, Fort Street Tower  
745 Fort Street Mall, 17th Floor, Honolulu, HI 96813  
T: (808) 541-8207 | F: (808) 541-9050  
[eoue@imanaka-asato.com](mailto:eoue@imanaka-asato.com) | [www.ImanakaAsato.com](http://www.ImanakaAsato.com)

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# AQUA-ASTON

## HOSPITALITY

June 6, 2025

TO: Councilmember Tasha Kama, Chair  
Councilmember Nohelani U'u Hodgins, Vice- Chair  
Committee on Housing and Land Use

FR: Aqua-Aston Hospitality LLC

RE: Testimony in Opposition to a Bill for an Ordinance Amending Chapters 19.12, 19.32 and 19.37 Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts  
**Hearing Date – June 9, 2025 at 10:00 a.m.**

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

Aqua-Aston Hospitality, LLC (“Aqua-Aston”) stands in OPPOSITION and **proposes amendments** to Bill 9 – **A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.12, 19.32, AND 19.37 MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS.**

The proposed measure seeks to revert all Apartment Districts to long-term residential use and amortize Transient Vacation Rental ("TVR") use by removing the codified exception for properties built or approved prior to 1989. These amendments are intended to address the housing shortage on Maui which was exacerbated by the August 2023 Wildfires. Specifically, the measure makes the following amendments:

1. Repeals Section 19.12.020 (G), Maui County Code (MCC) to eliminate TVR as permitted uses in A-1 and A-2.
2. Repeals MCC Section 19.32.040(I)(1) which allows for TVRs in a planned development that received a site plan approval that was lawfully issued by and valid on April 20, 1989, and the land is located in a A-1 or A-2 apartment district.
3. Repeals MCC Section 19.12.025 which allows for the conversion of real property from TVRs to long term residential use.

Aqua-Aston has been in the hospitality business in Hawaii for over 75 years managing hotels, condominium associations, and condominium hotels and vacation rentals. In Maui specifically, Aqua-Aston has managed condominium hotels and vacation rentals for over five decades, currently managing over 1,000 individual condominium units and employing 307 Maui residents.

Office: 820 Mililani St, Ste. 600, Honolulu, HI 96813 T 808-931-1400  
Mailing Address: 6649 Westwood Blvd., Orlando, FL 32821

The Maui wildfire was devastating to all - residents, guests, businesses, animals, plants, and natural resources in Maui County and the State of Hawaii. As a result of such destruction, there are physical, emotional and economic challenges experienced at varying levels by each person. Aqua-Aston empathizes and continues to support the people of Maui, including its employees, in wildfire recovery efforts. 105 of Aqua-Aston's employees in Maui were displaced (damaged or lost homes) by the wildfires. In response, Aqua-Aston provided: 1) immediate temporary housing to its employees and other wildfire victims prior to and during mobilization by the Red Cross/FEMA; 2) employee assistance program services; 3) continued work opportunity; 4) two weeks of disaster pay; 5) Maui Fires Relief Fund Grants; 6) \$500 food gift cards; 7) food, clothing, toys & items for children, household items, etc.; and 8) free meals in the months following the fire until restaurants and grocery stores re-opened and Red Cross arrangements for food were initiated. Aqua-Aston remains dedicated to its employees and their families on Maui and has a long term commitment to recovery efforts for all Maui residents.

Aqua-Aston fully understands the need for additional housing and agrees strongly that housing must be made available so kamaaina are not forced to leave and the Maui workforce is dissipated. However, eliminating TVR in the Apartment district is not the answer. If passed as written, a significant number of Aqua-Aston's managed condominiums would be prevented from engaging in TVR and a majority of Aqua-Aston's **307 employees** in Maui would experience a job loss which would also be a substantial loss to the State and the County. Our Maui residents have already suffered so much from the wildfire and now may be forced to leave Maui if their hospitality jobs are also lost. Additionally, employees in Aqua-Aston's corporate offices in Honolulu who support Aqua-Aston's operations in Maui will be negatively affected as Maui represents more than one-half of Aqua-Aston's business portfolio. The availability of housing must be balanced with the availability of jobs.

Further, the assertion that these condominium projects were originally intended for long-term residential, or workforce housing purposes is not supported by the legal record. A review of the condominium documents for Aqua-Aston's impacted managed properties reveals that TVR use was explicitly contemplated in the original Declarations and Bylaws of each condominium project, thereby establishing that TVR use was part of the original intent when these projects were created. Therefore, eliminating legally granted TVR use based on this mistaken notion would undermine long-standing property rights and the expectations of owners who have operated in full compliance with those original condominium documents.

In addition, most of the condominium projects that allow TVR use are not suitable for long-term housing. These condominium projects lack sufficient parking and storage, do not allow pets or animals, have minimal to no amenities for children, and have substantial maintenance fees ranging anywhere from \$900 a month to \$4,500 a month. Why would the County want to direct local families to housing that would not satisfy the needs of a growing family, be cost prohibitive and eliminate thousands of hospitality jobs and ancillary positions?

Moreover, if passed as written, the proposed measure will result in significant economic losses for the State and County, including decreased General Excise Tax ("GET") and Transient Accommodations Tax ("TAT") revenue. The March 2025 report from the University of Hawai'i

Economic Research Organization (UHERO) estimates the phase-out could result in the loss of nearly 1,900 local jobs, a \$900 million drop in annual visitor spending, a \$60 million reduction in property tax revenue, and GET and TAT tax revenue losses are projected at \$15 million per year, compounding the county's fiscal challenges.

The loss of jobs for Aqua-Aston will result in a loss of approximately \$17 million in taxable income. More specifically, removing Aqua-Aston's ability to conduct TVR use in the A-1 and A-2 districts may result in an anticipated loss of \$4 million in GET and \$10 million in TAT revenue, not to mention income tax revenue. These numbers are particularly concerning as Maui County has a need for more revenue now than ever before to rebuild from the wildfires.

**Based upon the foregoing, Aqua-Aston recommends the following amendment to the proposed measure:**

- 1. Amend MCC Section 19.32.040(I)(1) to allow for TVRs in A-1 or A-2 apartment districts, provided that the apartment zoned properties are within a 1-to-3 mile radius of a hotel or resort district.**

This proposed amendment will provide the sought after limitations on TVR use in A-1 and A-2 districts but also preserve TVR utilization for properties adjacent to hotel and resort districts which already contain the proper infrastructure for transient use and ensure the availability of supplemental rooms needed by the hospitality industry. This approach will provide continued hospitality employment by consolidating transient uses to areas close in proximity to hotel and resort areas while opening housing for such hospitality employees in residential areas.

We sincerely thank you for your time and consideration of Aqua-Aston's comments and recommended amendments. We look forward to working with the Commission to craft proposed legislation that balances the need for housing with the need for maintaining jobs for Maui residents. Aqua Aston looks forward to honoring its long-term commitment to Maui and working with Maui County to find a solution to aid residents impacted by the wildfires.

Respectfully submitted,



Andrea Mue, Managing Director  
Aqua Aston Hospitality, LLC

## HLU Committee

---

**From:** Peter Norton <petermichael.norton@gmail.com>  
**Sent:** Friday, June 6, 2025 6:04 PM  
**To:** HLU Committee

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

### Include in Your Testimony

You are encouraged to use your own words, but here are important points to consider:

- **Oppose Bill 9 (2025)** entirely
- **Support the CD1 amendment** exempting timeshares as a minimum safeguard
- Timeshares are **not TVRs**—they are deeded one week at a time to hundreds of families
- Timeshare units **cannot be converted into long-term housing**
- Kuleana and other resorts operate **legally under Maui County Code 19.37.010** and pay **TAT and GET taxes**
- Timeshare ownership provides **stable tax revenue and high occupancy rates**
- **Longtime employees**, many displaced by the Lahaina fire, could lose their jobs if rentals are banned
- The timeshare industry has contributed **over \$2 million and 25,000+ room nights** to wildfire recovery
- The **CD1 amendment is a fair, balanced solution** that protects jobs, housing neutrality, and local tax revenue

#### **Sample Testimony (Copy, Paste, and Personalize):**

**Subject:** Testimony on Bill 9 (2025) – Oppose Bill Entirely; Support Timeshare Exemption if Passed

Aloha Council Members,

I am writing to express my **strong opposition to Bill 9 (2025)**. This bill would eliminate long-standing, legally operating short-term rentals—including timeshare usage—that have contributed positively to Maui's economy and community for decades.

However, I do appreciate the amendment in the current draft (CD1) that **exempts validly existing timeshare units and timeshare plans** from the phase-out. If the Council moves forward with Bill 9, I urge you to **retain this exemption as a minimum safeguard** to prevent serious harm to owners, workers, and the local economy.

I am a timeshare owner at the Kuleana Club. Like hundreds of others, I own one week per year—not a second home, not an investment property. I return regularly, support local restaurants, spend at

neighborhood shops, and have built lasting relationships on the island. Timeshare owners like me are part of a stable community of repeat visitors who care deeply about Maui's well-being.

**Timeshare properties are fundamentally different from vacation rentals.** Units are deeded one week at a time to hundreds of families, which makes them impossible to convert to long-term housing. Including timeshares in a short-term rental ban would not create housing—but it would devastate workers and remove a reliable source of local tax revenue. Properties like Kuleana Club operate **legally under Maui County Code 19.37.010**, and are fully compliant with **TAT and GET tax regulations**. Our occupancy rates are high, and our owners consistently contribute to the island's economy, even in difficult times.

More importantly, timeshares support stable jobs. Many employees at the Kuleana Club have been with the property for over 25 years. Several lost their homes in the Lahaina fire. If timeshare usage is eliminated, these long-standing staff members risk losing the only thing they have left—their livelihood.

Timeshare owners and resorts have also stepped up in times of crisis. The industry has contributed millions to wildfire recovery and donated thousands of room nights to displaced families and first responders. That commitment continues today.

In summary:

- I urge you to **oppose Bill 9 entirely**.
- But if it passes, please **retain the CD1 amendment exempting timeshares**.
- Timeshares are **not TVRs**.
- This exemption is a **fair, balanced, and lawful solution** that protects jobs, housing neutrality, and tax revenue—without compromising the County's broader goals.

Mahalo for your time, your service, and for considering the perspective of owners like me.

Peter Norton

Kuleana Club Timeshare Owner – Unit 712, Week 34

Your voice matters. Mahalo for standing up to protect the future of Kuleana Club and the Maui community





## HLU Committee

---

**From:** Juvana Soliven <juvana.soliven@gmail.com>  
**Sent:** Friday, June 6, 2025 5:09 PM  
**To:** HLU Committee  
**Subject:** Support Bill 9

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

Aloha Chair, Vice Chair, and Members of the Maui County Housing and Land Use Committee,

I'm writing in strong support of Bill 9, which would phase out short-term rentals (STRs) in apartment-zoned districts. This bill is an essential component to addressing Maui's housing crisis and protecting our most vital resource: water.

The 2023 Lāhainā fire exposed long-standing issues—privatized water systems, diverted streams, and overdevelopment have pushed West Maui to the edge. STRs, originally meant for housing, now operate as commercial businesses, consuming high volumes of water while local families remain displaced.

Returning STRs to long-term housing helps protect water access, push back against inequality, and put community needs first. With over 6,000 STRs on the Minatoya List, we have a clear opportunity to increase housing stock without using more water.

I urge you to prioritize the needs of the community over the capitalistic greed of exploitative and predatory short-term rentals. I urge you to stand with Lāhainā Strong and pass Bill 9.

**Ola i ka Wai – Water is Life.**

Sincerely,  
Juvana Soliven  
O'ahu

## HLU Committee

---

**From:** ronsedlic@gmail.com  
**Sent:** Friday, June 6, 2025 6:35 PM  
**To:** HLU Committee  
**Subject:** "Exclude Papakea from Bill 9"  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

[You don't often get email from ronsedlic@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hi HLU Committee

Thank you  
Ron Sedlic  
Papakea  
3543 Lower Honoapiilani Rd  
Unit H402

Sent from my iPhone

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff

# Maui County and the State of Hawaii have identified Papakea as a resort property with partial hotel zoning for decades.

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
 DEPARTMENT OF REGULATORY AGENCIES  
 STATE OF HAWAII  
1510 KICHWAHOLE DRIVE I  
 P. O. BOX 3465  
 HONOLULU, HAWAII 96813

**PRELIMINARY  
 HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
 PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
 Honokowai, Kaanapali  
 Maui, Hawaii

REGISTRATION NO. 657

---

**NAME OF PROJECT:** PAPAKEA (PHASE I)

**LOCATION:** West Maui, approximately 3 miles from Lahaina and 1 mile from Kaanapali Airport, containing an area of 12.283 acres, more or less.

**TAX MAP KEY:** Second Division, 4-4-1-55

**ZONING:** A-2 and H-2

**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
 March 14, 1974

*Douglas R. Soodhani*  
 (For) **DOUGLAS R. SOODHANI**, Chairman  
 REAL ESTATE COMMISSION  
 STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2024	HOTEL / RESORT	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300

[How to calculate real property taxes](#)

Parcel Information

Parcel Number: 440010550000  
 Location Address: 3543 LOWER HONOAPILANI RD UNIT C455  
 LAHAINA HI 96761

Neighborhood Code: OFHOTEL

Legal Information: 1ST LOTS 13 (1.252 AC), 14 (0.250 AC) & 15 (0.051 AC)

Land Area: 12.281 Acres  
 Parcel Note: Non taxable

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

PROJECT PROPERTY	MASTER TRK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN DESIGNATION	NUMBER OF UNITS
HOHONANI	430060070000	3723 Lower Honoapilani Rd	1974	A2	MF	28
MAKANI SANDS	430060120000	3765 Lower Honoapilani Rd	1974	A2	MF	38
KALEVALA OHA	430060130000	3765 Lower Honoapilani Rd	1973	A2	MF	47
WIKO KOLE	430060440000	3801 Lower Honoapilani Rd	1950	A2	MF	26
LOKELANI	430060760000	3833 Lower Honoapilani Rd	1971	A2	MF/CS	38
HALE MAHINA BEACH	430060410000	3875 Lower Honoapilani Rd	1981	A2	MF	67
HALE OHIKI LOA	430060440000	3831 Lower Honoapilani Rd	1969	A2	MF	12
PIKAKE	430060630000	3701 Lower Honoapilani Rd	1966	A2	MF	12
MAHANA BEACH	430060100000	4002 Lower Honoapilani Rd	1973	A1	MF	23
POLYNESIAN SHORES	430060320000	3875 Lower Honoapilani Rd	1972	A1	MF	23
KOLEKONA	430060240000	3869 Lower Honoapilani Rd	1972	A1	MF	18
POLYANA	430060550000	3564 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIHOA	430060600000	3801 Lower Honoapilani Rd	1973	A1	MF	17
WOLENY	430060200000	4056 Lower Honoapilani Rd	1974	A1	MF	25
MAHINA SURF	430060500000	4057 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A1	MF	25
HALE KAI I	440010420000	3651 Lower Honoapilani Rd	1967	A1	MF	26
PART MAUI III	440010500000	3615 Lower Honoapilani Rd	1976	A1	MF	28
PART MAUI I & II	440010510000	3601 Lower Honoapilani Rd	1975	A1	MF	80
<b>PAPAKEA</b>	<b>440010550000</b>	<b>3543 Lower Honoapilani Rd</b>	<b>1977</b>	<b>A2/A1</b>	<b>MF/Hotel</b>	<b>222</b>
HALE KAANAPALI	440001100000	49 Kai Ala Dr	1967	A2/H2/CS	H	255
HALE ELDORADO	440003100000	2661 Keeka Dr	1968	A2	H	205
KAANAPALI TROYAL	440003230000	2360 Keeka Dr	1969	A2	MF/CS	100
PUNAHU BEACH ESTATES	440004020000	445 Kai Pali Pl	1969	A1	MF	41
KAANAPALI PLAZA	440010290000	1401 Konoa St	1968	A1	MF	10
THE SPINNAKER	440010000000	780 Wailea St	1978	A1	MF	37
BRINK KAI	513001300000	60 Kapaolu Dr	1963	A1	MF	100
WAVECREST	560040500000	7748 Kamohāhaha V Hwy	1975	A2/Interim	MF	125

104 Total Apartment District Vacation Rental Units: 7167

Legend:  
 Zoning: A1, A2, Apartment, AG, Agriculture, B2, Community Business  
 Community Plan: H, Hotel, MF, MF/CS, MF/CS/Hotel

Department of COMMERCE & CONSUMER AFFAIRS  
updating fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
 Project Name: papakea TRK #: [ ]  
 City: [ ] Developer Name: [ ]

Total Units: [ ] to [ ]

No.	Name	Zoning	TRK	Address	City	Developer	Total Units
657	PAPAKEA	A2/H2	244001055	3543 L HONOAPILANI HWY	LAHAINA	HONOKOWAI KAANAPALI	219
654	PAPAKEA PHASE II	A2 & H2	244001055	3543 HONOAPILANI HWY	LAHAINA	HONOKOWAI-KAANAPALI	349

Papakea's resort operations are a significant economic driver and employer in West Maui

**\$16,902,298.17** in real property taxes over the last 5 years

**\$3,100,000** in wages per year

**35** full-time benefited on-site staff

- Resort operations supporting:**
- **161** housekeepers
  - **26** handypersons
  - **30** rental management companies
  - **30+** contractors

**\$32M** plumbing project currently underway with Hawaii contractors and financed by Hawaii financial institutions

Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

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**From:** Tin Doan <whalersfinejewelry@yahoo.com>  
**Sent:** Friday, June 6, 2025 6:55 PM  
**To:** HLU Committee  
**Subject:** Oppose phasing out Minatoya Shorterm rentals

[You don't often get email from whalersfinejewelry@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Aloha,

My name is Ha Doan, I am wring this to oppose phase out shorterm rental bill9.

Our family have live and do businesses in Lahaina for more than 25 years and we are having a very difficult time trying to survive after the 2023 wild fires which took all of our home and businesses in Lahaina. We have two children who are in colleges and one young child to raise. This Shorterm rental has helped sending our children to school and they are the future of Lahaina, they want to study hard and one day wish to serve Lahaina and Maui.

We are writing this to ask you to please reconsider and not pass this bill. Without this Shorterm rental business our family may have to move away from the island of Maui which we love dearly. Please do not pass this bill.

Best regards,  
Ha Doan  
Sent from my iPhone

## HLU Committee

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**From:** Janice Agur <jagur@me.com>  
**Sent:** Friday, June 6, 2025 7:20 PM  
**To:** HLU Committee  
**Subject:** Opposition to Bill 9

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

### SAMPLE TESTIMONY:

To: Maui County Council – Housing and Land Use Committee  
Re: Testimony Opposing Bill 9 (2025)  
Date: Tuesday, June 3, 2025

Aloha Chair and Councilmembers,

My name is Janice Agur, and I am writing once again in **strong opposition to Bill 9**. For over a year, myself and many others in our community have been waiting for this bill to come back to the table. And in that year, we've experienced real and measurable loss—**jobs have disappeared, rental income has dried up, tourism has slowed**, and people have had to move off-island or close their businesses.

The uncertainty caused by the announcement of Bill 9 has already destabilized Maui's housing market. We've seen **condo values drop significantly**, but even then, it makes **no financial sense** to assume that locals will be able to purchase these units. Why? Because insurance premiums have skyrocketed after the fires, condo associations are facing massive special assessments, and most critically—**banks will likely not lend on properties under litigation**.

If this bill passes, thousands of Minatoya properties could face legal battles. **How will potential buyers get loans? How many truly have hundreds of thousands in cash on hand?**

It's important to recognize that the real issue here is not short-term rentals. The **real issue is the lack of affordable housing** actually being built. We need County leadership to focus on **expediting affordable housing construction**—not punishing owners who have operated fully within the law and made significant investments based on County-issued permits and regulations.

**Changing the rules now will not fix the housing crisis**. It will only take away people's rights, displace working families who rely on this income, and create more instability in an already fragile market.

I urge you: **do not pass Bill 9**. Let's focus instead on **solutions that create housing**—not chaos. Mahalo for your time and consideration,

Janice Agur  
2777 S. Kihei Road  
Kihei, Hawaii 96753

## HLU Committee

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**From:** Janice Agur <jagur@me.com>  
**Sent:** Friday, June 6, 2025 7:23 PM  
**To:** HLU Committee  
**Subject:** Opposition to Bill 9

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

To: Maui County Council – Housing and Land Use Committee  
Re: Testimony Opposing Bill 9 (2025)  
Date: Tuesday, June 3, 2025

Aloha Chair and Councilmembers,

My name is Robert Agur, and I am writing once again in **strong opposition to Bill 9**. For over a year, myself and many others in our community have been waiting for this bill to come back to the table. And in that year, we've experienced real and measurable loss—**jobs have disappeared, rental income has dried up, tourism has slowed**, and people have had to move off-island or close their businesses.

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I urge you: **do not pass Bill 9**. Let's focus instead on **solutions that create housing**—not chaos. Mahalo for your time and consideration,

Robert Agur  
2777 S. Kihei Road  
Kihei, Hawaii 96753

## HLU Committee

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**From:** Hawaii's Thousand Friends <htf3000@gmail.com>  
**Sent:** Friday, June 6, 2025 8:16 PM  
**To:** HLU Committee  
**Subject:** Bill 9 testimony  
**Attachments:** Bill 9 Maui TVR bill 6.9.25.pdf

You don't often get email from htf3000@gmail.com. [Learn why this is important](#)

Aloha,

Attached is Hawaii's Thousand Friends testimony on Bill 9 being heard Monday 6/9 in the Housing and Land Use Committee.

Mahalo,

Donna Wong  
Executive Director  
Hawaii's Thousand Friends  
Phone: 808-262-0682  
[www.hawaiis1000friends.org](http://www.hawaiis1000friends.org)

*If the people lead, the leaders will follow. -- Mahatma Gandhi*



*Hawaii's Thousand Friends*

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Hahani Street #342132 \* Kailua, HI 96734 \* Phone (808) 262-0682 E-Mail: [htf3000@gmail.com](mailto:htf3000@gmail.com)

June 9, 2025

Maui County Housing and Land Use Committee

[HLU.committee@mauicounty.us](mailto:HLU.committee@mauicounty.us)

Bill 9

RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS (HLU-4)

Aloha Chair, Vice Chair and Committee members,

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that appropriate planning, management and land use decisions are made that protect the environment, human health and cultural resources and that decision are made in conformity with the law writes in *support* of Bill 9 to revert all Apartment District properties to their intended long-term residential use.

The facts of Transient Vacation Rentals (TVR) in Hawaii and on Maui are staggering. There are over 75,000 illegal short term vacation rentals statewide and on Maui over 6,000 TVRs on the Minatoya List are operating through legal loopholes. About 85% of owners are based outside of Hawaii with some owning multiple units

Although Maui County has a total of 63,000 housing units only 47,400 provide long-term housing, while 13,000 are TVRs and 2,500 are operated as time-share units.

Under the Minatoya List exemptions 8,834 units are eligible to operate as TVRs in apartment zones but only 6,127 units currently operate as TVRs in apartment zones

If all 6,127 units on the Minatoya List were used for long-term housing Maui's housing stock could increase by 13%.

We urge you to pass Bill 9, which will help ensure housing for residents, create stable communities, and keep residents on the island.

## HLU Committee

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**From:** Brenda Youck <brendayouck@gmail.com>  
**Sent:** Friday, June 6, 2025 8:40 PM  
**To:** HLU Committee  
**Subject:** Exclude Papakea from Bill 9\_  
**Attachments:** Exclude Papakea from Bill 9\_.pdf

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

Brenda Youck  
Papakea Resort  
3543 Lower Honoapiilani Road  
Apartment F201

I request that the Council follow the advice of the Planning Commission and exclude Papakea Oceanfront Resort from the scope of Bill 9

**Maui County Planning Commission Hearing Quotes from July 9, 2024:**

***“Consider excluding those properties that are community plan designated for hotel use and those that are already partially hotel zoned.”***

-Planning Commission comments to County Council (Unanimous)

***“Papakea has partial H2 zoning.”***

-Planning Commission Chair

***“The zoning designation (for Papakea) is still A2-H2.”***

-Planning Department Staff

# Maui County and the State of Hawaii have identified Papakea as a resort property with partial hotel zoning for decades.

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES  
STATE OF HAWAII  
1515 KICHWAHOLE DRIVE I  
P. O. BOX 3465  
HONOLULU, HAWAII 96813

**PRELIMINARY  
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
PUBLIC REPORT**

on  
**PAPAKEA (PHASE I)**  
Honokowai, Kaanapali  
Maui, Hawaii  
REGISTRATION NO. 657

**NAME OF PROJECT:** PAPAKEA (PHASE I)

**LOCATION:** West Maui, approximately 3 miles from Lahaina and 1 mile from Kaanapali Airport, containing an area of 12.283 acres, more or less.

**TAX MAP KEY:** Second Division, 4-4-1-55

**ZONING:** A-2 and H-2

**DEVELOPER:** HONOKOWAI-KAANAPALI PARTNERS, a Hawaii general partnership, whose mailing address is Suite 1700, 841 Bishop Street, Honolulu, Hawaii 96813

Registration No. 657  
March 14, 1974

*Douglas R. Soodhani*  
(For) **DOUGLAS R. SOODHANI**, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Assessment Information

@ Slow Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2024	HOTEL / RESORT	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300	\$0	\$59,108,300

[How to calculate real property taxes](#)

Parcel Information

Parcel Number: 440010550000  
Location Address: 3543 LOWER HONOAPILANI RD UNIT C435 LAHAINA HI 96761  
Neighborhood Code: OFHOTEL  
Legal Information: 1ST LOTS 13 (1.252 AC), 14 (0.250 AC) & 15 (0.051 AC)  
Land Area: 12.281 Acres  
Parcel Note: Non taxable

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

PROJECT PROPERTY	MASTER TRK	ADDRESS	YR BLT	COUNTY ZONING	COMMUNITY PLAN DESIGNATION	NUMBER OF UNITS
HONOHANI	430060170000	3723 Lower Honoapilani Rd	1974	A2	MF	28
MAKANI SANDS	430060120000	3765 Lower Honoapilani Rd	1974	A2	MF	38
KALEVALA OHA	430060130000	3785 Lower Honoapilani Rd	1973	A2	MF	47
WIKO KOLE	430060440000	3801 Lower Honoapilani Rd	1950	A2	MF	38
LOKELANI	430060160000	3833 Lower Honoapilani Rd	1971	A2	MF/CS	38
HALE MAHINA BEACH	430060410000	3875 Lower Honoapilani Rd	1981	A2	MF	67
HALE OHIKI LOA	430060460000	3821 Lower Honoapilani Rd	1969	A2	MF	12
PIKAKE	430060630000	3701 Lower Honoapilani Rd	1966	A2	MF	12
MAHANA BEACH	430060100000	4002 Lower Honoapilani Rd	1973	A1	MF	33
POLYNESIAN SHORES	430060120000	3875 Lower Honoapilani Rd	1972	A1	MF	33
KOLEKONA	430060240000	3869 Lower Honoapilani Rd	1972	A1	MF	18
POLEKANA	430060250000	3954 Lower Honoapilani Rd	1974	A1	MF/CS	100
HOYOCHI NIKKO	430060300000	3901 Lower Honoapilani Rd	1973	A1	MF	17
WOLENI	430060200000	4056 Lower Honoapilani Rd	1974	A1	MF	55
MAHINA SURF	430060500000	4067 Lower Honoapilani Rd	1969	A1	MF	44
HONOKOWAI PALMS	440010410000	3656 Lower Honoapilani Rd	1966	A2	MF	35
HALE KAI I	440010420000	3691 Lower Honoapilani Rd	1967	A2	MF	46
PART MAUI III	440010500000	3615 Lower Honoapilani Rd	1976	A2	MF	28
PART MAUI I & II	440010510000	3601 Lower Honoapilani Rd	1975	A2	MF	80
<b>PAPAKEA</b>	<b>440010550000</b>	<b>3543 Lower Honoapilani Rd</b>	<b>1977</b>	<b>A2/A1</b>	<b>MF/Hotel</b>	<b>343</b>
HALE KAANAPALI	440001100000	49 Kai Ala Dr	1967	A2/H2/B	H	259
HALE ELDORADO	440003100000	2661 Kekaa Dr	1968	A2	H	205
KAANAPALI TROYAL	440003230000	2360 Kekaa Dr	1969	A2	MF/CS	100
PUNAHUA BEACH ESTATES	440004020000	445 Kai Pali Pl	1969	A1	MF	110
PARAKA HOUSE	440102910000	1401 Konoa St	1964	A1	MF	10
THE SPINNAKER	440100020000	780 Wailea St	1978	A1	MF	37
BRINK KAI	513001310000	60 Kapaolu Dr	1963	A1	MF	100
WAVECREST	560045500000	7742 Kamohāhaha V Hwy	1975	A2/Interim	MF	125

104 Total Apartment District Vacation Rental Units: 7167

Legend:  
Zoning: A1 or A2 Apartment, AG Agriculture, B2 Community Business  
Community Plan: H Hotel, MF Medium Density Residential, CS Community Services

Department of COMMERCE & CONSUMER AFFAIRS  
upholding fairness in the marketplace

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

Project Number: [ ] Zoning: [ ]  
Project Name: papakea TRK #: [ ]  
City: [ ] Developer Name: [ ]  
Total Units: [ ] to [ ]

No.	Name	Zoning	TRK	Address	City	Developer	Total Units
657	PAPAKEA	A2/H2	244001055	3543 L HONOAPILANI HWY	LAHAINA	HONOKOWAI KAANAPALI	219
654	PAPAKEA PHASE II	A2 & H2	244001055	3543 HONOAPILANI HWY	LAHAINA	HONOKOWAI-KAANAPALI	343

Papakea's resort operations are a significant economic driver and employer in West Maui

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**\$3,100,000** in wages per year

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- Resort operations supporting:**
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Papakea maintenance dues range from **\$1,096.53** to **\$2,739.44** per month, depending on the size of the unit.



STR occupancy since inception



Resort area location



Front desk located in resort operations building

## HLU Committee

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**From:** R. Michael Auth <mikeauth@gmail.com>  
**Sent:** Friday, June 6, 2025 8:49 PM  
**To:** HLU Committee  
**Subject:** Opposed

[You don't often get email from mikeauth@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

## HLU Committee

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**From:** Sven S. <svensation1982@gmail.com>  
**Sent:** Friday, June 6, 2025 10:32 PM  
**To:** HLU Committee  
**Subject:** Testimony re: Bill 9 (Minatoya Phase-Out)

You don't often get email from svensation1982@gmail.com. [Learn why this is important](#)

Aloha Chair, Vice Chair, and Members of the Maui County Housing and Land Use Committee,  
I'm writing in strong support of Bill 9, which would phase out short-term rentals (STRs) in apartment-zoned districts. This bill is an essential component to addressing Maui's housing crisis and protecting our most vital resource: water.

The 2023 Lāhainā fire exposed long-standing issues—privatized water systems, diverted streams, and overdevelopment have pushed West Maui to the edge. STRs, originally meant for housing, now operate as commercial businesses, consuming high volumes of water while local families remain displaced. Returning STRs to long-term housing helps protect water access, push back against inequality, and put community needs first. With over 6,000 STRs on the Minatoya List, we have a clear opportunity to increase housing stock without using more water.

I urge you to stand with Lāhainā Strong and pass Bill 9.

**Ola i ka Wai — Water is Life.**

Sincerely,

Sven Sorge

## HLU Committee

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**From:** Leslie Hutchinson <leslie.labrava@gmail.com>  
**Sent:** Friday, June 6, 2025 11:38 PM  
**To:** HLU Committee  
**Subject:** Written Testimony : Bill 9

[You don't often get email from leslie.labrava@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Housing for residents must be a top priority. If phasing out and ultimately banning STRs is a means to the desired end, then that is what we should do.

Leslie Hutchinson  
Haiku