

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

June 18, 2025

Online Only via Teams

RECONVENE: 9:02 a.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Nohelani U'u-Hodgins, Vice-Chair (In 9:07 a.m.)
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member (Out 4:30 p.m.)
Councilmember Alice L. Lee, Member (Out 4:20 p.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: James Krueger, Senior Legislative Analyst
Ellen McKinley, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lei Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

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

ADMIN.: Chris Nāhulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Testifiers
Lucienne de Naie
Sean O'Donnell
Pamela Vera
Lisa Bryant
Shay Chan Hodges
Ruel Metcalf
Ian Chan Hodges
Brandon Maka'awa'awa
Sonny Cave
Matt Tarasenko

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Paul Carter
Elexis Kalar
Carlos Lamas
Stephen West
Sharon Smith
James Lumpkin
Stan Franco
Anna Nguyen
Morea Mendoza
Desiree Mendez
Stacey Alapai
Nicola Dourambeis
Gaye Nell Heck
Cynthia Wright
Fred Kilby
The Royal House of Hawai'i
John Dunbar
Scott Lowry
David Louie
Justin Spanko
Nara Boone
Jen Mather
Amanda Franta
Mrs. Padgett
Stephen Thiele
Brett MacKinnon
Melissa McKim
Misti Kotter
Olivia Kotter
Johann Lall
Chris Clark
Steve Meyer
MH
Kuhio Lewis
Kamanaoi'o Gomes
Kai Nishiki
Martin Thompson
Nalani Kaninau
Keoni DeFranco
Karan Marsh
Goki
Noelani Ahia
Kahala Johnson
Katie Austin
Bo Yuan
Lisa Darcy
Todd Lynam
Mandy Trella

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Kristina Jennings
Thom Rogers
Emily Rogers
Amy Del Rosario
Patricia Char
Deborah Mader
Ali Miller
John Carty
Dave Jorgensen
Riley Bond
Mo'i Kawaakoa

Others (xx)

PRESS: *Akakū: Maui Community Television, Inc.*
 Chelsea Davis, Hawai'i News Now

CHAIR KAMA: . . .(*gavel*). . . Will the recessed...will the recessed Housing and Land Use Committee meeting of June 9th, 2025, come to order. It is now 9:02 a.m. on June 18th. I'm Tasha Kama, Chair of the Housing and Land Use Committee. This online meeting is being conducted in accordance with the Sunshine Law. Members, when your name is called, if you're not with me in the Chamber, please identify by name who, if anyone, is in your workspace with you today, and minors do not need to be identified. Do we have any questions, Members, before we begin? Thank you. So, I want to say aloha kakahiaka and sapule (*phonetic*) to our Committee Vice-Chair Nohe U'u-Hodgins. I do not see her, but I know she'll be here because I see her things laid out, and we'll come back to her when she arrives. And say good morning to our Council Chair Alice Lee. Sapule.

COUNCILMEMBER LEE: Sup bulleh. And for those who are not familiar with that term, we just learned it ourselves yesterday, thanks to Member Paltin, who keeps track of everything on social media. And that's the cutest thing that a child put on Facebook or YouTube, one of the two. And he's from the Big Island, and he's, what?...five or six years old, cute as ever. Sup bulleh.

CHAIR KAMA: Thank you for that. Hopefully, Member Paltin, when we come to you, can tell us more about that. So, we're going to continue with our Council Vice-Chair, Yuki Lei Sugimura. Aloha kakahiaka, and sapule.

COUNCILMEMBER SUGIMURA: Good morning, and sapule. And I think you have to do it like this, you have to go, sapule; is that right? We tried. She'll tell you all about it. But he...this little boy does cooking lessons online, and yesterday we were watching it, and actually, he's so precious. So, good morning, everybody. Looking forward to a productive meeting.

CHAIR KAMA: Great. Thank you. And I want to say good morning to Councilmember Tamara Paltin. Aloha kakahiaka, and sapule...or bulleh?

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COUNCILMEMBER PALTIN: Sup bulleh.

CHAIR KAMA: Bulleh.

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

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: And aloha kakahiaka kākou.

CHAIR KAMA: Thank you. I want to say good morning to...oh, I see you now, Councilmember Gabe Johnson. Aloha kakahiaka, and sapule.

COUNCILMEMBER JOHNSON: Sabulleh *(phonetic)*, Chair, Councilmembers, community members. There's no testifiers here at the Lānaʻi District Office, and I'm alone on my side of the office, and I'm here and ready to work. Mahalo.

CHAIR KAMA: Thank you. I see Member...Councilmember Keani Rawlins-Fernandez just stepped in. We're going to give her a few moments to gather her things together, then we'll come back for her to tell us good morning, and sabulleh. We're going to continue with Councilmember Tom Cook. Aloha kakahiaka, and sabulleh to you.

COUNCILMEMBER COOK: Aloha kakahiaka, Chair, sabulleh. Aloha to everybody. And I'm looking forward to a very constructive dialogue today. And thank you for chairing this meeting.

CHAIR KAMA: Okay.

COUNCILMEMBER COOK: And also, we have Staff on standby in the Kīhei Regional Office available for testifiers. Thank you.

CHAIR KAMA: Okay. Well, that's good to know. Thank you. And so, we're going to return back to Councilmember Keani Rawlins-Fernandez. Aloha kakahiaka, and sabulleh to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka kākou. There are currently no testifiers at the Molokai District Office, but they are there if anyone is wishing to testify. And mahalo to the community members for the morning oli. It's always nice to start the morning...the day off with a piko and e hō mai nā 'aumakua. So, mahalo.

CHAIR KAMA: Thank you. And so, we're going to continue all the way to the east side to say aloha kakahiaka, and sabulleh to Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka, Chair, and sup bulleh kākou. No testifiers in Hāna, Chair. Thank you.

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CHAIR KAMA: Thank you. And so, we have with us, from the Department of the Corporation Counsel, Mr. Nāhulu Nunokawa. Good morning, and sabulleh to you too.

MR. NUNOKAWA: Good morning, and sabulleh to Councilmembers.

CHAIR KAMA: So, Members, since we expect to continue to take testimony for the entire time set aside for this meeting, we're not permitted to ask questions of the Administration until we have concluded testimony, and then to avoid the possibility of discussion that is beyond the simple question that veers into deliberations. So, to respect the time of the Administration Staff, your attendance in person is optional, and they may be in attendance virtually, and welcome their attendance if their schedules allow. We also have our Committee Staff, Mr. James Krueger, our Senior Legislative Analyst. Aloha kakahiaka, and sabulleh.

MR. KRUEGER: Good morning, Chair and Members.

CHAIR KAMA: And we have Ellen McKinley, our Legislative Analyst. Aloha kakahiaka, and sabulleh to you.

MS. MCKINLEY: Good morning, Chair and Members.

CHAIR KAMA: And we have our Committee Secretary, Jennifer Yamashita. Aloha kakahiaka, and sabulleh.

MS. YAMASHITA: Good morning, Chair and members.

CHAIR KAMA: And we have our Legislative Attorney, Carla Nakata. Aloha kakahiaka, and sabulleh.

MS. NAKATA: Aloha, Chair and Members.

CHAIR KAMA: And we have our Assistant Clerk, who takes all the testimonies from all of our testifiers, Lei Dinneen, and she's out there in the lobby. Aloha kakahiaka, Lei, and I see you. And so, we are...oh, and I see Member U'u-Hodgins has just --

VICE-CHAIR U'U HODGINS: Good morning, Chair.

CHAIR KAMA: -- arrived. Oh, good morning. So, thank you, Members, for attending today's HLU Committee meeting.

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

CHAIR KAMA: We have a single item on the agenda today, Amending Chapter [sic] 19.12, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts. So, Members, this item has been one of passionate discussion,

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and has created what I looked up in the Hawaiian dictionary as ku'e'e, is like dissension, to the point of bullying, intimidation, and fear of retribution within our community. We're starting our consideration of this matter, and I expect, given the amount of testimonies that we'll be hearing from the public in several meetings, similar to what we had last week. We are scheduled to meet today until 4:30 this afternoon, and given the interest in this bill, I expect that we'll still be hearing testimony up until that time. If that is the case, I will recess this meeting until June 23rd, 2025, at 9:00 a.m. After reconvening that meeting, we'll resume testimony using the current list of testifiers. New attendees to this meeting will be placed on the bottom of the testifier list at that recessed meeting. I will also recess this meeting for lunch at 12:00 p.m. to 1:30 p.m. I also plan to recess for a mid-morning break at 10:30 a.m. for ten minutes, and a mid-afternoon break at 3:00 p.m. for 10 minutes. I hope that providing this information now so that the Members and the public are better informed as to how I will be managing our meeting time. And I ask for your full cooperation and participation. So, in accordance with the Sunshine Law, as Chair, I will be calling for testimony for our single-item agenda in the following order. Those who were called on June 9th, but who did not respond to that call for testimony; those who are on the list at the time of the recess on June 9th, but had not been called to testify; and new testifiers who signed up today to testify. Since this is a recessed meeting, if you have already provided your oral testimony, you will not be able to testify again. You are always welcome to submit written testimony via eComment. So, I have a few comments on the Minnesota tragedy I'd like to share with you all. So, Members, I would like to take a moment to reflect on the events of this past weekend in the State of Minnesota. Two members of the Minnesota State Legislature and their spouses were attacked by a gun-wielding individual, who had been described as having a political motive. State Representative Melissa Hortman and her husband were killed in that attack, while State Senator John Hoffman and his wife were shot, but not fatally. I condemn those cowardly attacks on our country's democracy, and in keeping with my faith, I pray for the Hortman and the Hoffman families. At this time, I would like to observe a moment of silence to recognize this tragedy, and to allow us to reflect on what can happen when our social decorum breaks down. So, if you would observe a moment of silence with me. Thank you.

. . .*(Moment of silence)*. . .

CHAIR KAMA: Thank you. *(pause)* We are dealing with proposed legislation in this meeting that has prompted very emotional responses on both sides of this issue. My office has received reports of threatening language on social media, and the Committee as a whole has witnessed in public testimony the vulgarity and aggression that I speak of. I will not permit language and actions in this meeting which may contribute to the breakdown of our social decorum. Members, the matter before us represents a substantial shift in land use, with potentially dramatic economic and social effects. It will not be a decision that will be taken lightly. We'll consider all the arguments...those who support, and those who oppose. For members of the public in the Chamber and online, I will not tolerate the dissension on this issue to be expressed in language that violates the Council's standard of decorum, and some examples of that language that was used are occupiers, illegal invaders, transplants, extractors, colonists, settlers, terrorists, foreigners, and a whole host of others. But please address your comments in favor or

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against the bill to the Chair of the Committee, not to others in the office, or other members of the public. I will need to enforce the decorum in this meeting, and in all future meetings on this bill, to respect this space as a safe place for all voices to speak. And again, I ask for your kōkua. So, let's proceed with public testimony.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes?

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, you went through a list, and is that list of words available? And I'd also like to get an opinion from the attorney about restricting free speech.

CHAIR KAMA: You want to talk to Mister --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: -- Nunokawa? Mr. Nunokawa?

COUNCILMEMBER RAWLINS-FERNANDEZ: The list that she just read, is that like we're enforcing that specific list?

CHAIR KAMA: I'm not enforcing anything. Let me just answer that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I mean, you...you...you listed words.

CHAIR KAMA: I'm...I'm...I'm asking.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, if...if --

CHAIR KAMA: I'm just asking.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- testifiers say those words, are they then...what...what happens?

CHAIR KAMA: I will ask them to kindly not use those words. That's what I will do. But if I say it up front now, at least everybody knows that we have to have some standards of decorum because it's about the social fabric, and we want to uphold that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. But --

CHAIR KAMA: But if you'd like . . . *(inaudible)* . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: -- it's okay to call people bully? Like that...that's not a word that's inappropriate?

CHAIR KAMA: It is...it's a word that people are using to describe what they're feeling when they believe that someone's saying something that may be threatening to them.

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COUNCILMEMBER RAWLINS-FERNANDEZ: And so, the same rationale cannot be used for the testifiers who are using the words that you just listed, because that's how they're feeling about being pushed out of their home?

COUNCILMEMBER COOK: Chair, point of order.

CHAIR KAMA: Yes.

COUNCILMEMBER COOK: As a Member, I'd like to weigh in. I...I respect what you're saying, but the tone and the aggression is sort of striving to what we're trying to mitigate to encourage the testifiers to all recognize that we're all members of the community, and the concept of decorum. I respect what you're saying about the words themselves. I think it's more what I hear the Chair saying is the intent and the vibe. I think we have the opportunity to have a very positive, constructive dialogue today. I don't feel alienated from anybody. I loved the pule this morning. I think if we can set an example. I mean no disrespect for interrupting. I'm trying to assist us, as a body, to set the tone that we are receptive to everybody's view, and everybody's opinion, and acknowledging that it's contentious. It hurts in a lot of ways. So, thank you, Chair. And I ask my colleague...thank you for allowing me to weigh in, and...and I mean no disrespect.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't feel disrespected, Member Cook. Mahalo. And I don't feel you interrupted me. But I would like to hear from our attorney.

CHAIR KAMA: Yes, thank you. Mr. Nunokawa?

MR. NUNOKAWA: So, the Chair does have some discretion on keeping decorum. I'm not sure a blanket ban on words is necessarily...it's sort of on a case-by-case basis. It's in order to keep order, and to keep the meeting progressing, and allow business to continue. So, the Chair does have discretion, but it would be sort of on a case-by-case. Does that answer your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: No. It feels like censorship, and a violation of the First Amendment right to free speech. Would you like a recess to, like, research this a little more before we move forward with starting with our first testifier?

MR. NUNOKAWA: Sure.

CHAIR KAMA: How much time, Mr. Nunokawa?

MR. NUNOKAWA: How about ten minutes?

CHAIR KAMA: Okay. Okay. It is now 9:17, and Mr. Nunokawa has asked for ten minutes. But knowing you all, that ten minutes is going to evolve a little bit more. So, why don't

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we go...it is now 9:17, so let's recess until 9:20 [sic]. So, the HLU Committee meeting is now in recess.

COUNCILMEMBER RAWLINS-FERNANDEZ: 9:20?

CHAIR KAMA: Ten minutes. Oh, 20...9:30. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thanks.

CHAIR KAMA: Good? Okay. . . .(gavel). . .

RECESS: 9:17 a.m.

RECONVENE: 9:31 a.m.

CHAIR KAMA: . . .(gavel). . . Okay. It is 9:31, and the HLU Committee meeting will now reconvene. And I think we left off with Mr. Nunokawa.

MR. NUNOKAWA: Yes, Chair. So, going back to the issue at hand about limiting testimony, Chair may limit testimony in order to keep decorum. I would not advise a list of words. I would advise to allow the testifiers to testify according to what they want to say, and if it becomes an issue of being disruptive, to address it then. But to allow the testifiers to testify in the way that they would like. It's a case-by-case basis.

CHAIR KAMA: Okay. Thank you, Mr. Nunokawa. Okay. So, does that answer your question, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, to clarify, the list that was read off as examples earlier, that's...that's not what we're following.

CHAIR KAMA: Correct. Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: We're not saying you're not allowed to use these words.

CHAIR KAMA: Correct.

MR. NUNOKAWA: Yeah, other...other than things like profanity, or things --

COUNCILMEMBER RAWLINS-FERNANDEZ: Correct.

MR. NUNOKAWA: -- that are obviously inciting violence, I think that a blanket ban on certain words would not be advisable.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then the case-by-case basis would be just the Chair asking, as she said earlier --

CHAIR KAMA: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- if they would please refrain --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- from using --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- an inciting word.

CHAIR KAMA: Yes.

MR. NUNOKAWA: And if it gets out of hand, maybe taking a recess at that time, but to address it when it is an issue.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Does that help?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Nunokawa. Mahalo, Chair.

CHAIR KAMA: Sure. Okay. We're going to continue with proceeding with testimony on the item. For individuals testifying in person, you can sign up to testify with the Staff members in the 8th Floor lobby. For Microsoft Teams participants logged in via web or the Teams app, please indicate that you would like to testify by clicking the raise-your-hand icon in the top right of your window. Staff will add your name to the testifier list. If you are joined by telephone, star-5 will raise your virtual hand, and Staff will put your name on the testifier's list. Please keep your audio and...and video muted until you are called to testify. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three minutes per item. When you reach the two-minute mark, you will hear an audible notice. Do you want to share the notice with them, and so that they can hear, James? . . . *(timer sounds)* . . . And if you are still testifying when the notice sounds, please complete your testimony within the remaining minute. Given the volume of expected testimony, I will have to hold everyone firmly to those limits. When testifying, we ask that you state your full name for the record, and anonymous testimony is also accepted. For those on Microsoft Teams, please ensure your name appears in Teams as the name you prefer to be referred to, or as anonymous if you wish to testify anonymously. If you're in person, please notify Staff if you would like to testify anonymously. Otherwise, please state your name for the record at the beginning of your testimony. Decorum will be maintained throughout this meeting. Violation of decorum may result in being removed from the Chamber on the...or the online meeting. Again, this is a public space, and must be a safe space for all voices to be spoken and heard. I'm believing that we'll conduct ourselves in a professional manner, but I will still have to enforce the rules of decorum only when a testifier breaks that decorum. A testifier will be reminded the first time I see that the rules of decorum have been violated, and any additional reminders, I will then direct Staff to silence the microphone, and your testimony time will be

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considered complete. You can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Members, the purpose of clarifying questions is just that...clarifying what testifiers stated, and we ask that you don't use the opportunity to extend their time by asking them to elaborate on their testimonies. It is definitely not to engage in debate with a testifier. Our meetings will be long. I would like us to be efficient with your time. And I thank you all in advance for your cooperation. So, at this time, we're going to ask Staff to call our next testifier wishing to testify on Bill 9 according to the current list. So, James [*sic*]?

MS. MCKINLEY: Chair, the first testifier is Davin...David Switzenberg, if he is present, to be followed by John Angel, and then Magdalena O'Donnell. (*pause*) If these people are on Teams, please raise your hand so we can find you. (*pause*)

CHAIR KAMA: You want to go to the next one?

MS. MCKINLEY: Chair, it doesn't appear that they are in attendance. So, the next testifier would be Lucienne de Naie, and I need a moment to promote her, please, to be followed by Sean O'Donnell, and then Hoai Thuong Ha.

CHAIR KAMA: Okay. (*pause*)

MS. MCKINLEY: I see Ms. de Naie. Lucienne, can you please unmute your mic on your end? There's a little microphone icon up at the top right of your screen. You could try rejoining, or calling in. (*pause*)

MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

MR. KRUEGER: Ms. de Naie, you could either try rejoining--so exiting the meeting, and then quickly pressing rejoining to come back--that might unlock the microphone for you. Otherwise, we can post the call-in information in...in the chat for you to use, and...and that might solve the issue. (*pause*) Chair, I believe --

CHAIR KAMA: Yes.

MR. KRUEGER: -- Ms. de Naie is trying to rejoin. We could...

CHAIR KAMA: You want to go to the next one? Okay.

MS. MCKINLEY: Chair, the next testifier is Sean O'Donnell. I don't see that person on...online. Are you in the Chamber?

CHAIR KAMA: He's...he's...he's --

MR. O'DONNELL: Yes.

CHAIR KAMA: -- in the Chambers.

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MS. DE NAIE: Chair, I have unmuted, if...if it's possible, to testify.

CHAIR KAMA: Oh, whose...oh, who do we have now? James? Sorry, Mr. O'Donnell.

MS. DE NAIE: This is Lucienne de Naie.

CHAIR KAMA: Oh, okay. Mr. O'Donnell, do you...

MS. DE NAIE: I've unmuted, I can't unmute my camera, though.

MR. KRUEGER: Chair, we'll have Lucienne de Naie go first, and then --

CHAIR KAMA: Okay.

MR. KRUEGER: -- Mr. O'Donnell.

CHAIR KAMA: Thank you, Mr. O'Donnell.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. DE NAIE: Thank you. For some reason, now my camera doesn't unmute, but --

CHAIR KAMA: We can hear you.

MS. DE NAIE: -- maybe you guys can fix that. All right. Thank you for this opportunity to testify,, and for all of the work that this Committee has put in and the Council has put in, and the Mayor's Office has put in, and the community has put in. I'm testifying today on behalf of Sierra Club Maui, although I would like to add a few personal comments at the end. Sierra Club Maui and Sierra Club Hawai'i Chapter stands in strong support of the folks at Lāhainā Strong and other members of the community that are trying to move forward with new options for housing for the West Side, and for housing opportunities throughout Maui. We agree with those who bring up the issue of the water that it takes to support some of the more luxurious uses of short-term rentals. It's very well-known that while people in Kahului or Wailuku who have single-family homes use small amounts of water in general, people in the more luxurious resort areas, whether they're full-time residents or short-term residents, tend to use more water because it is drier. So, if there are statistics that...all things being equal, that residents in these drier areas use less water than the short-term rentals, then we will be doing ourselves a favor if we can get more long-term residents into these units. Now, we understand that some of the units may not ever be rented to local families because the owners just cannot make that work financially, and that is unfortunate. This is a disruption for many good people who don't want to do any harm, but just need to figure out a way to economically make the properties . . .(timer sounds). . . that perhaps they once lived in work. But we think it is important that we take some step, and we also think it is important that this Council surround this decision with other supportive measures...like identifying areas where some of these units should actually be

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purchased and managed for long-term housing that does not expire, rental housing. So, thank you for this time and consideration. As an individual, I just want to say that I know a number of people who are deeply affected by this. They are not bad people. Most of them that I know live here. Some have visited for years, and years, and years. It doesn't make them bad people. But we do need a solution, and we do need to change things from the way they are. . . .*(timer sounds)*. . . So, mahalo . . .*(inaudible)*. . . your wisdom.

CHAIR KAMA: Thank you. Members, questions for the testifier? I just have one for you, Lucienne. So, you mentioned about --

MS. DE NAIE: Yes, ma'am.

CHAIR KAMA: -- IDing areas for...that would be suitable for purchase. Do you have any of those areas in your mind, or in your thoughts where they might be?

MS. DE NAIE: Well, in general, if you...if you look at the West Side --

CHAIR KAMA: Yes.

MS. DE NAIE: -- there are some units there, that are probably covered by this Minatoya list, that are maybe not as aged, and not as subject to things like coastal erosion. Those would be more like for purchase. Areas that are going to be subject to coastal erosion, really, we should have a...an alternative track where those units can be phased out over time, and development moved back from the shoreline. So, it's...it's a really long-term plan. I can't give you the names of individual condo buildings, but I know folks have done research on this. You know, Matt has done research on this kind of thing, and could...probably the Mayor's Office could be very helpful in providing --

CHAIR KAMA: Okay.

MS. DE NAIE: -- some information to you folks.

CHAIR KAMA: Thank you. Appreciate that. Staff, next testifier, please.

MS. MCKINLEY: Chair, the next testifier is Sean O'Donnell, to be followed by Hoai Thuong Ha, and then Robin Knox.

CHAIR KAMA: Good morning.

MR. O'DONNELL: Good morning. Aloha, Chair Kama and Councilmembers. Thank you for the opportunity to speak and keeping an open heart to the voices of working families here in Maui. My name is Sean O'Donnell. I'm a renter, raising twin one-year-old boys, and I run a small vacation rental company managing legally-permitted short-term rentals...the very units this bill targets. Our small team supports about 20 local workers, cleaners, inspectors, managers, whose families rely on this income. After the fires, I didn't take a paycheck for over 16 months so that they could. That's what community looks like. Beyond our core team, dozens more depend on this industry--AC

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techs, heating men, plumbers, electricians. These units support real jobs for real people, and the visitors we host spend in local restaurants, saloons, shops, and clinics. Small businesses like mine don't just serve tourists, we keep Maui's economy alive. This bill threatens to collapse that. Many of us aren't property owners. We're the ones cleaning, fixing, and managing these homes. We are your neighbors, and we deserve to be heard, too. People here are already drowning financially, emotionally...and this bill pretends to offer a life raft, while all it does is pull more of us under. These rentals were built to support Maui's workforce, and they've done exactly that for a long time. How can it be claimed to help the community by putting thousands out of work? If your solution requires sinking as many families today to maybe house the same amount of others tomorrow, it's not a solution...it's shifting pain from one neighbor to another. Short-term rental income is one of the few ways locals keep pace with inflation. Strip that away, and you accelerate job loss, homelessness, and despair. Every job cut here has a ripple effect across Maui, from restaurants to healthcare. It may not hurt you now, but it eventually will trickle down to hurt you, and those that you care about as well. We also can't wish 2010 prices back into existence. Rising insurance and maintenance costs already make these units hard to live in full-time, even before hitting mortgage. If prices crash, they'll just become . . .*(timer sounds)*. . . second homes for wealthy outsiders, not housing for locals, especially as worldwide inflation continues increasing for luxury properties over this next decade. And beyond the human cost, this bill invites lawsuits that will drain County resources. Even if you support the intent, bankrupting the County to punish working families isn't the answer. Please don't sacrifice one neighbor's livelihood to serve another's hope. Don't dismantle what's already working for thousands of Maui families, especially during such tough times for all of us. Don't cause so much pain. It's time to heal, not cause more years of hurt. Let's build smarter solutions together. Let's create neighborhoods of owner-occupied homes held in perpetuity, not wipe out jobs that help locals stay afloat. I strongly oppose this bill. Don't tear apart our livelihoods for a promise that can't be kept. Let's protect the jobs, the people, and the real opportunities that exist that help locals stay, and build a future that includes all of us. Mahalo.

CHAIR KAMA: Thank you for your testimony. Members, questions for the testifier? We'll start with Member Paltin, and continue with Member U'u-Hodgins.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. O'Donnell. Just clarifying, you own one short-term rental?

MR. O'DONNELL: No, I do not own any property. I just rent here, like many people. We struggle, and I get by with these jobs. Thousands of people I know would be losing immediately their jobs if this went through.

COUNCILMEMBER PALTIN: Okay. And just to clarify, are thousands also without a home?

MR. O'DONNELL: Yes. Yeah. As far as I know, the plan here is to hurt thousands of people until you hurt so many people that eventually, it'll help the people who aren't *(phonetic)* already hurting.

COUNCILMEMBER PALTIN: Thank you for your opinion.

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CHAIR KAMA: Member U'u-Hodgins?

VICE-CHAIR U'U HODGINS: Thank you, Chair. Thank you for your testimony. How many units do you manage?

MR. O'DONNELL: Ten.

VICE-CHAIR U'U HODGINS: Ten. How many owners own those ten units?

MR. O'DONNELL: Ten.

VICE-CHAIR U'U HODGINS: Ten...so that each owner owns one unit. Do you know if the owners of the units that you manage, do they plan on selling them if this bill goes through? Do they plan on doing long-term rentals? Do they plan on leaving them empty?

MR. O'DONNELL: They do not plan on selling them. They all use the units quite actively. So, they're here using the units with them and their families throughout the year, you know.

VICE-CHAIR U'U HODGINS: Okay.

MR. O'DONNELL: So, they just rent it on the times that they're not --

VICE-CHAIR U'U HODGINS: Okay.

MR. O'DONNELL: -- actively using them.

VICE-CHAIR U'U HODGINS: So, do you think that they're going to leave it empty then for when they come to visit once in a while?

MR. O'DONNELL: Yeah. That's what they all plan on doing, is keeping it for when they visit.

VICE-CHAIR U'U HODGINS: Okay. Thank you. Thanks, Chair.

CHAIR KAMA: You're welcome. Any other questions, Members? Seeing none. Staff?

MS. MCKINLEY: Chair, the next testifier is Hoai Thuong Ha, to be followed by Robin Knox, and then Pamela Vera, if anyone is here. Is Pamela Vera in the Chamber? Okay. Chair, the next testifier will be Nara Boone.

MS. VERA: Aloha, Chair and Councilmembers.

CHAIR KAMA: Aloha.

MS. VERA: My name is Pamela Vera. And while not raised...while not born here, I have lived and rented on Maui for the past 32 years. I have raised my daughters here. Both are proud graduates of Lahainaluna. As a self-employed bookkeeper, I've assisted many

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businesses that rely on tourism, including restaurants and STR property managers. I understand how interconnected our economy is. I also understand the numbers. Numbers don't lie. I'm here today in conditional support of Bill 9. While I agree that change is necessary, the bill in its current form doesn't fully address the complexity of the issue. If we truly want to make progress on housing, we need to move away from blame and emotion, and instead focus on practical, community-driven solutions. The division that we're seeing right now is real, but it's also an opportunity. The County and the community need to work together. We didn't get here overnight, and the situation wasn't caused by homeowners alone. The County helped to shape this landscape now, and it has the responsibility to now reshape it, with all of us sitting at that table. Simply converting STRs to LTRs won't make housing affordable. The financial reality is that most of these units have high mortgages and high HOA fees, some of those which have doubled recently. Even as long-term rentals, many of these will remain out of reach for local families today. I would suggest that the County form a review panel, not just of professionals, but of real community voices. Two of each, for example, lifelong renters, homeowners, local business owners, STR owners who live on island, mortgage professionals, realtors, and attorneys. Together, they can bring a balanced, reality-based insight that can help guide solutions property-by-property, not through a one-size-fits-all machete. In my opinion, there are naturally-occurring resort zones like Wailea, Kā'anapali, and Kapalua, and there are also residential zones, like . . .*(timer sounds)*. . . the area of Honokōwai to Nāpili. Let's focus on logical, reality-based conversions in these residential zones, areas that are best suited for long-term housing. One option worth exploring is the sunset approach, a clear and gradual shift away from certain uses, with fair timelines and support systems. An example might be the nonrenewal of the 167 STRHs at their three- or five-year renewal period. Finally, I want to leave you with a bit of hope. In the Mayor's presentation, we were told it would take seven years to rebuild affordable housing that Maui needs. We've also been told that it would take five years before wildfire lots could be cleared and rebuilding could begin. But here we are, less than two years later, and many homes are going up, including my daughter's in Wahikuli. It gives me hope, and it shows me what this community is capable of if we come together. We can't build it overnight, but we can start. We can build . . .*(timer sounds)*. . . we can adapt, and we can create momentum. Because if there's one thing I do know, it's that Maui can find a way. Maui Nō Ka 'Oi. It is a hard problem, but if we move forward with facts, compassion, and collaboration, we can make a real difference. Mahalo.

CHAIR KAMA: Thank you. Members, questions for the testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Vera, for your testimony. I just wanted to clarify, on your strategy plan. Have you consulted with a lawyer if that would be something legal for us to do...like go property-by-property, and phase out?

MS. VERA: I'm asking that we...I don't have all of that information right now, obviously, but I'm asking that why can't we get heads together, and think about this, and look at it instead of just taking the Minatoya list and macheting the whole thing? I think that there are logical, and just better ways to approach that.

COUNCILMEMBER PALTIN: Yeah. Just clarifying, you haven't consulted with a lawyer that...

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MS. VERA: No.

COUNCILMEMBER PALTIN: Because...I mean, I don't mind doing it like that.

MS. VERA: No, I would love to.

COUNCILMEMBER PALTIN: But I've heard that that wouldn't be legal. It would be like...

MS. VERA: To go property-by-property. Well, considering the...

COUNCILMEMBER PALTIN: Until after you phase it out, and then you could go by property-by-property, and change it to hotel uses.

MS. VERA: Considering the number of lawsuits that would take place if we just macheted the Minatoya list, I think that this is a much more reasonable approach, is to do the work first, look at those property...let's look at the numbers, the feasibility of actually, are they --

COUNCILMEMBER PALTIN: But you're...

MS. VERA: -- would they make financial sense?

COUNCILMEMBER PALTIN: To clarify, you're saying that without any kind of law degree or consulting lawyer?

MS. VERA: I have no law degree, and I have not yet paid to consult an attorney.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, to clarify, your recommendation is based on financial and logical advice, not legal advice?

MS. VERA: At this point, correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the assumption that you've made is that our County attorneys have not explored some of the recommendations that you're giving right now?

MS. VERA: I wasn't present to any of those conversations, so I wouldn't know that. I would hope that they would look at that, but I'm just trying to be a think tank in ways to get other --

COUNCILMEMBER RAWLINS-FERNANDEZ: Appreciate that.

MS. VERA: -- logical and responsible...

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COUNCILMEMBER RAWLINS-FERNANDEZ: And I'm sorry if I missed it. Did you say that you own any units on the Minatoya property...

MS. VERA: I own nothing. I am a renter, long-term renter.

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

MS. VERA: Thank you.

CHAIR KAMA: Thank you. Any other questions, Members? Seeing none. Thank you very much --

MS. VERA: Thank you.

CHAIR KAMA: -- for your testimony. Staff?

MS. MCKINLEY: Chair, the next testifier is Nara Boone, to be followed by Lisa Bryant, and then Shay Chan Hodges. *(pause)* Chair, we don't see Nara Boone. Next testifier is Lisa Bryant, to be followed by Shay Chan Hodges, and then Ruel Metcalf.

MS. BRYANT: Aloha. Sound check. Can you hear me?

CHAIR KAMA: I can hear you.

MS. BRYANT: Okay. Good. Sup bulleh. I'm joining from Wailuku, and I'm here by myself. Aloha, Chair, Vice-Chair, and Committee Members. My name is Lisa Bryant. I ask that you vote no on Bill 9. For me, this is not an either/or issue. It's not either you're for us, or you're against us. It's really complicated. I am part Hawaiian. I grew up in Kalihi. My mom was from Maui. Her parents were from here. I moved to Maui 38 years ago. At some point of every day, I remember August 8 and the fires, and I feel a knot in my na'au because it's still hard to accept. I know people who have lost their homes and loved ones. I have seen how strong and close-knit the people of Lāhainā are, and I hope they can rebuild their town how they like. I am for much of what Lāhainā Strong stands for. I have children and grandchildren who I would like to remain on Maui. They will need places to live that they can afford. I am for finding and building more houses for the people of Maui. And I am also for keeping the apartments on the Minatoya list as they are. I work in the industry. I am one of the 1,900 Maui residents on the presentation slide that was shown at the last hearing who will lose our jobs if this bill should pass. I know that's my kuleana, but it's a big deal for us, almost 2,000 Maui residents. The apartments on the Minatoya list are old, and the cost of maintaining them will be expensive. I don't know many people who can afford \$4,600 a month in rent or mortgage, plus assessments. I'm married. I work full-time. I have good credit and some savings, and I would not be able . . . *(timer sounds)* . . . to afford that. I'm concerned that this bill will sacrifice the jobs of 2,000 Maui residents, while not providing affordable places for people to live. In the coming weeks, when you're trying to figure out how to best serve the local people of Maui by addressing this housing crisis,

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please also remember the local people of Maui, like me, for whom this bill will create a lot of hardship. I ask you to vote no on Bill 9. Mahalo for your time.

CHAIR KAMA: Thank you. Members, questions for the testifier? Was your hand being raised, or you're adjusting your stringing your lei, Member Paltin?

COUNCILMEMBER PALTIN: I was just scratching my face. Sorry.

CHAIR KAMA: Okay. Okay. No questions for you, Lisa. Thank you very much for your testimony.

MS. BRYANT: Thank you.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Shay Chan Hodges, to be followed by Ruel Metcalf, and then Ian Chan Hodges. *(pause)*

CHAIR KAMA: Ms. Hodges, you are unmuted on our end. We see you on the call. *(pause)*

MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

MR. KRUEGER: Oh. We...we momentarily saw Ms. Hodges. Oh...

MS. CHAN HODGES: Can you hear me now?

CHAIR KAMA: Yes.

MS. CHAN HODGES: Oh, okay. I'm sorry. I hate Teams. . . .*(laughing)*. . . Aloha.

CHAIR KAMA: Aloha.

MS. CHAN HODGES: My name is Shay Chan Hodges. You can hear me now. My name is Shay Chan Hodges, and I am in full support of Bill 9. It's important that we be honest about the economic realities in our community. If you are in my generation or older, back in the '90s, as a young adult, you were able to rent a home on Maui pretty easily for a reasonable price. In the '90s and early 2000s, it was also possible, maybe with a little help, to purchase a home. By doing so, you were ensured that you had a stable living situation, and a mortgage that was comparable to, or less than, the rent at the time. Because of that mortgage, your housing costs were fixed until your home was paid off. That means that after factoring in inflation in today's dollars, the mortgages of people in their 50s and 60s are effectively less than what they paid when they first purchased their home decades ago. And that mortgage is likely one-fifth of what the average renter or new owner of an affordable home is paying today. That is not just grossly unfair and inequitable, it is unsustainable and dangerous for everyone. We already know that because of a lack of housing and high housing costs, crucial jobs like

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first responders, teachers, and various government workers are unfilled. Since the fires, it has become clear that a key component of resilience is neighbors who know each other, and who represent a diversity of ages and capabilities. When multiple younger generations of Maui residents are replaced by visitors, we undermine everyone's safety. While it is luck that determines many of our advantages, we, as individuals, determine what we do with that good fortune. If you are in my generation or older, depending on your privilege and power, you probably contributed to the current economic situation, whether passively or actively. It's time we recognize that past decisions, or indecision, have made it nearly impossible for the generations who have come after to simply . . . *(timer sounds)* . . . have a roof over their heads. Frankly, I'm baffled by opponents who claim that correcting the mistakes of the past will lead to economic ruin. Every economic indicator proves otherwise, as does the brilliance, commitment, and resilience of our young people. Over the last year, I have been humbled and inspired by the strength of the generations who face these overwhelming economic inequities...and yet, they're the ones doing the work to make a better future for all of us. They are truly our most valuable economic and community resource, but they can't do it alone. This bill represents a long overdue first step, demonstrating that we really do care about future generations on Maui. Mahalo.

CHAIR KAMA: Thank you. Members, questions for the testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Chan Hodges. I just wanted to clarify, when you said correcting mistakes, were you referring to the codification of the Minatoya list?

MS. CHAN HODGES: That would be one of them. I think letting tourism overrun our economy so that we are so dependent on it, which we saw during COVID when we had the worst unemployment in the country, that was a huge mistake...not diversifying, not supporting our young people all this time when we're always saying we care about the next generation. Not creating more jobs that people really want.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR KAMA: Thank you. Any others? Seeing none. Thank you so much. Staff?

MS. CHAN HODGES: Thank you.

MS. MCKINLEY: Chair, the next test supplier is Ruel Metcalf, to be followed by Ian Chan Hodges, and then Matt Tarasenko.

MR. METCALF: Good morning.

CHAIR KAMA: Good morning.

MR. METCALF: Thank you so much for having the opportunity to speak and to give you my opinion. I...I moved here 13 years ago, and we've lived here full-time on Maui, and have a short-term rental in Kihei. We live and...we clean and manage a one-bedroom, two-bath condo that provides the...the additional income, along with both of our

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retirements, to afford to live on the island. I'm only going to use facts that I know about due to our short-term rental. Our short-term rental, our HOA fees...HOA fees are \$827.11. Our taxes, property taxes, break down to \$730.33 a month. Our insurance runs about \$100 a month. That adds up to \$1,657.44 a month, and this is without paying a penny on the mortgage of \$2,500. The Minatoya list was submitted...or brought up in 2001, according to what I found. In my opinion, the solution has been at hand for the island since then. The Government would take the initiative...to take the funds that the STR...STRs make and generated by the G45, the TAT tax, and the MCTAT tax that every one of the STRs pay. And in March, our STR...our taxes for ours was \$1,299.57. Remember, this is a one-bedroom. The...Maui County and the State of Hawai'i already stated that they're willing to do without these 7,100--and I'm saying 7,100 . . . *(timer sounds)*. . . because it's just a number we're taking--7,100 long-term rentals. If the state and the County were to take the 7,100 rentals and use that money...because we...we average \$1,299.57, and multiply that by 7,100, that's \$9 million a month. The...the Lāhainā fires were 21 months ago. And if you would have taken the 21 months, you'd have \$193,765.88 [*sic*], you could have been putting people in homes already if you had of started when Lāhainā...if the people before y'all would have come along and started 21...when they first started the Minatoya list. And the thing about it is, you can come along, build rentals, buy rentals, buy stuff for rentals. . . . *(timer sounds)*. . . Could I have just a few more minutes?

CHAIR KAMA: That was your second. No.

MR. METCALF: Nope.

CHAIR KAMA: But we...we can see if anyone has any questions for you. Members, questions for the testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you. Just to clarify, you said you moved here 13 years ago. Is that when you purchased, or did you have it purchased prior to when you moved over here?

MR. METCALF: We purchased it prior...prior to the...the time they'd come up with the Minatoya list this last time. We...we purchased it --

COUNCILMEMBER PALTIN: What...what year?

MR. METCALF: -- three years ago.

COUNCILMEMBER PALTIN: Oh, three years ago.

MR. METCALF: Yes.

COUNCILMEMBER PALTIN: And what...what is the building that you own in?

MR. METCALF: I'd prefer not to say, if you don't mind.

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COUNCILMEMBER PALTIN: Okay. Yeah, no problem. And then, are you in the construction industry in Hawai'i at all?

MR. METCALF: No, I'm not. I...when I moved here 13 years ago, I had flipped houses in Texas.

COUNCILMEMBER PALTIN: So, I just...you know, the...the numbers and the figures that you're...it's just speculation from a layman's perspective that hasn't constructed housing here?

MR. METCALF: I'm sorry, I'm not quite understanding what you're saying.

COUNCILMEMBER PALTIN: I mean, in 2023, we paid \$40 million, which was just the insurance gap to rebuild 89 units. So, I don't see how your numbers jive with creating...like, what are those numbers based on?

MR. METCALF: My numbers are exactly set on what I pay tax.

COUNCILMEMBER PALTIN: No, no, about the creating the new housing.

MR. METCALF: The new housing? Like I said, if you...if you would have come along and if they would have started using that money the time they started, they had the Minatoya list when they started in 2001, they would have had over \$2.5 billion.

COUNCILMEMBER PALTIN: Okay.

MR. METCALF: And I'm just saying, you could even move now.

COUNCILMEMBER PALTIN: That's...

MR. METCALF: If you had \$9 million --

COUNCILMEMBER PALTIN: I don't --

MR. METCALF: -- a month --

COUNCILMEMBER PALTIN: -- agree, but --

MR. METCALF: -- you could go out and buy --

COUNCILMEMBER PALTIN: -- thank you for your --

MR. METCALF: -- 10 homes.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- testimony.

CHAIR KAMA: Thank you.

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MR. METCALF: And you could put people in those homes today.

CHAIR KAMA: Thank you, Member Paltin. Thank you very much, Mr. Ruel.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Member Rawlins-Fernandez has a question.

MR. METCALF: Was...oh, I'm sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to check with Staff. The...the timer. It was two minutes with a minute to close.

CHAIR KAMA: Yes, it was.

COUNCILMEMBER RAWLINS-FERNANDEZ: Was that two minutes? Did he have a minute to close? Okay. Just confirming. Mahalo.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: That was it.

MR. METCALF: Okay.

CHAIR KAMA: Thank you. Any other questions?

MR. METCALF: Thank you.

CHAIR KAMA: Thank you. Staff?

MS. MCKINLEY: Chair, the next testifier is Ian Chan Hodges, to be followed by Jenny (*phonetic*), and then Sonny Cave.

CHAIR KAMA: Good morning.

MR. CHAN HODGES: Good morning. Good morning, Chair Kama and Councilmembers. I'm frankly at a loss of words since the previous testimony before the recess. And also, I don't have any chance of being more articulate than my wife, who was two testifiers ago.

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

MR. CHAN HODGES: So, I've actually asked Brandon Maka'awa'awa to speak now on my behalf. He's both a cooler head than I am, and also a much taller head.

MR. MAKAWA'AWA: Aloha, Chair Kama, Councilmembers. As President of Na Po'e Kokua, a 30-year-old Maui-based nonprofit dedicated to housing assistance and advocacy for Native Hawaiians and low-income families, I urge you to pass Bill 9 to phase out STRs

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on the Minatoya list. My work with Na Po'e Kokua, inspired by some of its founding members, like Councilwoman Tasha Kama, drives my commitment so that Native Hawaiians can live on our ancestral land. This bill is a critical step towards that goal, addressing Maui's housing crisis and honoring the vision of Na Po'e Kokua, the helping people, for a better future for our keiki and mo'opuna. I'm going to speak from my heart. You know, this issue is pretty simple to me. We have a problem that has not been solved in decades. We have an opportunity to shift the narrative. We have an opportunity to make real change. There is a solution being proposed on the table that has come from the County. The community supports it. We all support it. I don't see how not doing this creates change. Every day we wait for change to happen. More and more of our people move away. Hawai'i is becoming less Hawai'i because of this situation. And I believe that . . . *(timer sounds)* . . . when given an opportunity like this, it is up to us to move the ball forward...not for us, not for the people sitting in this room, but for that baby and our future generations. We're not trying to leave our kids one fight. We're trying to leave them a foundation. That foundation is built on housing. I'm carrying on a kuleana started by our Chair and the kūpuna of Maui. I'm able to carry this kuleana because I have stable housing. I'm looking in the room and I'm looking at children, seeing who is going to be able to carry on my kuleana. That child might live in Lāhainā. If we don't give these kids an opportunity today, we're just passing the buck down the road to them. The fight got to stop here. . . . *(timer sounds)* . . . We got to leave them a foundation. Mahalo.

CHAIR KAMA: Thank you.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Members, questions for the testifier? Seeing none. Thank you so much. Staff?

MS. MCKINLEY: Chair, the next testifier is Jenny, to be followed by Sonny Cave, and then Matt Tarasenko. *(pause)* Chair, we don't see Jenny on the call. The next testifier is Sonny Cave, to be followed by Matt Tarasenko, to be...and then John Dunbar.

MR. CAVE: This is Sonny Cave. Can you hear me?

CHAIR KAMA: Yes.

MR. CAVE: Okay. Sabulleh *[sic]* and aloha, Chair Kama and Members of the Committee. My name is Sonny Cave. My wife and I own one condo unit at the Mā'alaea Kai condominium complex. We purchased it in 2013 as part-time residents who legally rent to guests. We are very environmentally-conscious and community-minded. We limit visitor occupancy to four guests. We have also installed water conservation features, and we only employ local residents to help us manage the condo. We previously submitted written testimony, and are here today to augment our opposition to Bill 9 as written. I'll focus my comments on three key points. One, STR bans, like Bill 9, have failed elsewhere, and lead to harmful consequences. Maui's proposed ban is quite broad-based, targeting over 7,000 units. The best comparisons to Maui are Lake Tahoe, Breckenridge, or Sedona, places that rely on tourism, and also faced affordable housing challenges. In these jurisdictions, broad STR bans only led to expensive litigation, much

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deeper community divisions, and yet did little to nothing to bring about actual improvement in housing stock. Two, Mā'alaea units were not designed or intended for primary workforce housing. Rather, they were originally built for visitors, and have a long history of transient use. Costs are also very high. Our annual ownership costs can be \$45,000 without a mortgage. Three, Bill 9 will worsen Maui's economic fragility at a particularly precarious and dangerous time. Since Bill 9 was introduced, tourism has already declined, as the word is out that Maui is anti-tourist. The UHERO's economic report warns of severe impacts, and that was before the added global uncertainty caused by the new tariff regimes. The County should not take such a monumental risk with potentially irreversible . . . *(timer sounds)*. . . adverse economic consequences. In closing, please consider a more surgical and compassionate path forward. Reject Bill 9 as currently written, or pare down the targeted list to remove properties like Mā'alaea, which were historically developed for tourists. Consider STR restrictions that reduce impact, like limits on occupancy, and water conservation measures. And then prioritize new housing solutions through subsidies, public-private partnerships, and creative fast-track building strategies. Please, balance the needs of housing with a healthy economy and social cohesion. That is the best way forward to honor all Maui residents, and address affordable housing needs. Mahalo for your service to Maui County.

CHAIR KAMA: Thank you. Members, questions for the testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Cave. Are you still on?

MR. CAVE: Yes, I am. Thank you.

COUNCILMEMBER PALTIN: Thank you. My clarifying question is, you know, those court cases that you mentioned? Are you a lawyer that you analyzed it from a legal perspective, or did you consult with a lawyer?

MR. CAVE: I am a lawyer by training, and I have read various information about these other jurisdictions, but have not conducted extensive research.

COUNCILMEMBER PALTIN: What is...what is your lawyer's specialty, land use in Hawai'i?

MR. CAVE: No. I went to law school specifically to study environmental and natural resources law at the University of Colorado, and I spent most of my career working as an in-house lawyer in the semiconductor industry, protecting employees and people all around the world from any harmful impacts that can be caused by industry.

COUNCILMEMBER PALTIN: Thank you. That's probably helpful for you guys' wastewater situation.

CHAIR KAMA: Thank you. Any other questions? Seeing none. Thank you very much, Mr. Cave. Staff?

MS. MCKINLEY: Chair, the next testifier --

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MR. CAVE: Thank you.

MS. MCKINLEY: -- is Matt Tarasenko, to be followed by John Dunbar, and then Tovio Tufuga.

MR. TARASENKO: Aloha, and good morning, everybody. Thank you for the opportunity to speak with you today. As a business owner of a real estate brokerage that manages vacation rentals in South Maui, I am here to oppose Bill 9. Not for the obvious reasons for those working within the hospitality industry, then being out of a job and risk losing their home and providing for their family, but also for the indirect effect of this bill that will have devastating effects to many other businesses, and the locals that are tied to these vacation rental properties that you are proposing to ban. We all agree that we need more affordable housing, but respectfully, passing this bill will not solve this problem. And as others have stated last Monday on both sides of this bill, this is about the people and our community. Many...some of the testimony from last Monday for those in favor of the bill stated that they feel vacation unit owners only use the benefits of what Maui offers without giving anything back to the community. My experience with our vacation rental owners and the guests that book them couldn't be further from that. Following the tragedy of the fire, we had many vacation rental owners that offered their places up at no charge to those impacted by this tragedy. It was those same owners and the guests that come to Maui year after year that donated towards relief efforts. And it was those same owners and guests that came to Maui that gave of their time and what they could, offering to assist in any way possible. While not owners live on island full time, they do give back to the community in many different ways, and donate their time and their money to many of our local nonprofits. Whether vacation rental owners live on Maui or on the mainland, they really do care about the people and the community here. If this legislation were to go through, this will not only have devastating financial effects on the locals that work within the . . . *(timer sounds)* . . . hospitality industry, but also those...the locals that are indirectly tied to the vacation rental industry. Small businesses, such as restaurants, activity providers, nail salons, retail stores, artists, tradespeople, landscapers, electricians, plumbers, AC contractors, et cetera, all would be examples of who would be greatly affected by this. Many locals' work within these small businesses would be greatly impacted. What about those locals? What are they to do when they have no income to pay for their rent or mortgage, and to provide for their family? For the small businesses that we use, and have used for many years, they would be out of work, despite having well-paid, consistent jobs for many, many years. There is no doubt that we all agree that we need more affordable housing on island, but this bill will not solve that problem, and will only create bigger issues for locals. In its current form, the properties affected by Bill 9 are not all equal. . . . *(timer sounds)* . . . It's not difficult to show that many of them from their original developer documents show that they were intended from the --

CHAIR KAMA: Thank you.

MR. TARASENKO: -- time that they were built to be --

CHAIR KAMA: Sir?

MR. TARASENKO: -- vacation-rentable --

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CHAIR KAMA: Your time is up.

MR. TARASENKO: -- without mentioning...

COUNCILMEMBER PALTIN: Oh, I...I'll have a question for him.

MR. TARASENKO: I ask you --

CHAIR KAMA: Okay.

MR. TARASENKO: -- to oppose Bill 9 --

CHAIR KAMA: Member Paltin has a question --

MR. TARASENKO: -- and come together.

CHAIR KAMA: -- for you. Because your time is up. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Tarasenko, for your testimony. I guess my clarifying question is, how many TVR, STRH...STRs?

MR. TARASENKO: I own two properties that, from their original time that they were built, stated in the developer documents that they were vacation-rentable. And sorry, before I did get cut off, I just lost track of time.

COUNCILMEMBER PALTIN: So, you --

MR. TARASENKO: But...but there are a number --

COUNCILMEMBER PALTIN: -- you purchased them...

MR. TARASENKO: -- of properties on that list that are...you know --

COUNCILMEMBER PALTIN: I...

MR. TARASENKO: -- were never --

COUNCILMEMBER PALTIN: Just clarifying --

MR. TARASENKO: -- intended for workforce housing.

COUNCILMEMBER PALTIN: -- that you purchased them from the time that they were built?

MR. TARASENKO: I did not purchase them from when they were built, no.

COUNCILMEMBER PALTIN: What...what year did you purchase?

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MR. TARASENKO: I'd have to go back, but it's been a while for them. You know, over the years, kind of bought and sold just different properties.

COUNCILMEMBER PALTIN: Like prior to the '90s?

MR. TARASENKO: No, not prior to '90s.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. TARASENKO: Yeah.

CHAIR KAMA: Member U'u-Hodgins?

VICE-CHAIR U'U HODGINS: Thank you, Chair. Thank you for your testimony. So, two buildings? Is that what you said, two buildings?

MR. TARASENKO: That I own, yes --

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: -- correct.

VICE-CHAIR U'U HODGINS: How many do you manage, how many units?

MR. TARASENKO: I manage about 80 properties in South Maui.

VICE-CHAIR U'U HODGINS: 80 units?

MR. TARASENKO: Yes.

VICE-CHAIR U'U HODGINS: Okay. And you own two of the buildings. How many units are in the buildings that you own?

MR. TARASENKO: One specifically, I think, about 440. It's a fairly big complex. And then the other would be, I think, about half of that.

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: Yeah.

VICE-CHAIR U'U HODGINS: 440 and then about 2...2...

MR. TARASENKO: You could call it 2...220-ish.

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: Yeah.

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VICE-CHAIR U'U HODGINS: And then, if this goes through, or something similar, what do you plan on doing with the units and the buildings?

MR. TARASENKO: I would just be keeping them for when family or friends come to visit.

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: Myself, I wouldn't be selling.

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: And...and we do have...like owners have stated just...you know, some said, you know, they would just keep it as well in that capacity.

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: And there are others --

VICE-CHAIR U'U HODGINS: For the other ones that you manage...

MR. TARASENKO: -- that have said that they would be forced to sell.

VICE-CHAIR U'U HODGINS: Okay.

MR. TARASENKO: You know, it's...it is a mix.

VICE-CHAIR U'U HODGINS: Okay. Thank you. Thanks, Chair.

CHAIR KAMA: Okay. Thank you. Any other questions, Members? Seeing none. Thank you so much, Mr. Tarenaski [sic]. Staff?

MS. MCKINLEY: Chair, the next testifier is John Dunbar, to be followed by Tovio Tufuga, and then Paul Carter. *(pause)* It doesn't look like John Dunbar is in the Chamber or online. So, going on to Tovio Tufuga, to be followed by Paul Carter, and then Charles Andrian *(phonetic)*. *(pause)* Chair --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- we can move on to Paul Carter, to be followed by Charles Andrian, and then Elexis Kalar.

CHAIR KAMA: Okay. Here we go.

MR. CARTER: Aloha kākou.

CHAIR KAMA: Aloha.

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MR. CARTER: This is always so difficult. I don't know why. Forty years since I first came to testify on the agricultural bills before the Council back then.

CHAIR KAMA: Could you please state your name for the record?

MR. CARTER: I'm sorry, Paul Carter. Born in California, living now in Waihe'e on a really beautiful piece of land where I have the great privilege to grow kalo and 'uala, and live in that valley full of mana. I wish I could speak a little bit better than I do, but I'll do my best here. Yeah, it's just listening to all these arguments, this side and that side, it's...of course, everyone has their...their right, their needs, their ideas. I think what's clear is that this bill, for some people, the ones who are being asked to convert--which I want to make clear, this is not a ban, right? People keep saying ban. This is not a ban on STRs, this bill, yeah?

CHAIR KAMA: Yeah.

MR. CARTER: Pardon? It's a...it's a conversion of some of the current units being used for short-term rentals. So, it's going to be painful for some of them, for sure, yeah? Difficult. And the problem is, yeah, there's no change that's not going to come with some pain. That's just the way it is. Seems like what everyone agrees is, we need change. You know, this can't go on like this, yeah? So, it's going to be painful for some. That's just the way it is. I don't think we can change that. We wish we could, yeah, it'd be sweet if justice could be done in a way that's no pain for anybody, but it's not going to be that way. . . .*(timer sounds)*. . . So, for me, you have to look at what is the history and the priority, yeah? And not what's necessarily was legally this way or that, yeah, but what's right, what we need, okay? And the fact is, if we pass this bill, which I am extremely in favor of, there are going to be units converted to long-term rental quickly. And that's my most...my biggest urging to you now, okay? I hear a lot of talk about compromise, but the thing is, all these thousands of people who have left Maui because they couldn't afford homes here, they don't have a home already over the last 15, 20, 30 years. And all the ones who, this year, if you don't make something available, they're going to have to leave. That's reality. That's not a fear...oh, will I be able . . .*(timer sounds)*. . . to pay my mortgage or not? So, please, I urge you, don't make...don't delay this anymore.

CHAIR KAMA: Thank you, Mr. Carter.

MR. CARTER: Pass this now.

CHAIR KAMA: Members, any questions for our testifier?

MR. CARTER: And one year, not five years. Thank you.

CHAIR KAMA: Seeing none. Thank you.

MR. CARTER: Sorry if I got a little angry.

CHAIR KAMA: We understand your passion. Staff, do you want to make your announcement?

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MS. MCKINLEY: I understand that we'll be taking a recess. The next three testifiers after the break are Charles Andrion, to be followed by Elexis Kalar, and then John Simpliciano.

CHAIR KAMA: Thank you. So, Members, it is 10:28. It is time for our morning recess. We'll reconvene at 10:40, and the three names that Ellen just called will be the next three out on the...on the queue. So, it is now 10:28, and recess until 10:40. . . .*(gavel)*. . .

RECESS: 10:28 a.m.

RECONVENE: 10:43 a.m.

CHAIR KAMA: . . .*(gavel)*. . . May the recessed HLU Committee meeting of June 9th come back to order. It is now 10:43 a.m. Staff, would you please call the next testifier on the list, please?

MS. MCKINLEY: Chair, the next testifier is Charles Andrion, to be followed by Elexis Kalar, and then John Simpliciano.

CHAIR KAMA: Mr. Andrion? *(pause)*

MS. MCKINLEY: Chair, the next testifier then would be Elexis Kalar, to be followed by John Simpliciano, and then Jacqueline Tavares.

CHAIR KAMA: Elexis Kalar?

MS. MCKINLEY: Chair, I...I see her online. We hadn't noticed that before. So --

CHAIR KAMA: Okay.

MS. MCKINLEY: -- give us a second, please.

MS. KALAR: Hello, everyone. Can you hear me?

CHAIR KAMA: Alexa [*sic*], yes, we can.

MS. KALAR: Oh, okay. Aloha, everybody. I am in strong support of Bill 9. I am a resident of Makawao, and have been...and have family that has been here for decades. The family...the fires were a beyond traumatic experience for our community. I lost my hanai aunty, and some of my best friends are still in FEMA housing. As a young person, my fiancé and I have not been able to find affordable housing. We have not been able to move out of our family home. We plan to start a family and begin our life, and we are unable to get a place of our own. Many of the units on the Minatoya list fit our needs. There's a lot of rhetoric around these units not being suitable for local families, and that we deserve better. Please do not tell me what is appropriate for me or my family to live in, or tell me what we can or cannot afford. Let me make that decision for myself. Furthermore, we cannot build our way out of this crisis. The process will take too long, and we don't have the time, as we saw from the presentation last week. We need action

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now. We don't have enough resources to sustain these STRs. We are a small island. Our island is already suffering from overdevelopment. Developing more will not only have environmental impacts, such as high waste, water, and energy usage, but also potentially damaging to ancestral land, and could disrupt iwi kūpuna. To develop more is not necessarily the answer. Although I am not Kānaka, I stand behind the preservation of Hawai'i and its beautiful, unique culture as an ally. We should prioritize Maui residents and families over developers, business owners, people who live off-island, and those who own multiple homes. To support Bill 9 is to protect the families who have been here for time immemorial, and those who have been here for decades. Mahalo. . . .*(timer sounds)*. . .

CHAIR KAMA: Thank you. Members, questions for Ms. Kalar? Seeing none. Thank you so much for your testimony.

MS. KALAR: Thank you.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is John Simpliciano, to be followed by Jacqueline Tavares, and then Jake Carton.

CHAIR KAMA: John Simpliciano. I don't see him.

MS. MCKINLEY: Chair, the next testifier then would be Jacqueline Tavares online, and...to be followed by Jake Carton, and then Ron Siliado.

CHAIR KAMA: Jacqueline Tavares.

MS. MCKINLEY: Jacqueline, you're unmuted on our end. If you could find the microphone icon and unmute yourself. *(pause)* It's in the top right corner of your screen. Sometimes you have to leave the meeting and then quickly rejoin. Chair, should we go on to the next testifier?

CHAIR KAMA: Yes, please.

MS. MCKINLEY: The next testifier is Jake Carton, to be followed by Ron Siliado, and then Carlos Lamas.

CHAIR KAMA: They're not here.

MS. MCKINLEY: Ron Siliado, are you in the Chamber or online? Please raise your hand if you're online or approach the podium. Chair, the next testifier is Carlos Lamas, to be followed by Stephen West. *(pause)* Mr. West, we've just unmuted you. If you...

CHAIR KAMA: We have someone in the Chamber.

MS. MCKINLEY: Oh, I'm sorry.

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CHAIR KAMA: Carlos?

MR. LAMAS: Yeah.

CHAIR KAMA: Yes.

MR. LAMAS: Aloha, Chair, Councilmembers. My name is Carlos Lamas. I'm a first aid and CPR instructor, and I own and operate a mobile first aid and CPR certification company here on Maui. I would like to call your attention to the Minatoya list. These are transient vacation...

MR. WEST: . . .*(inaudible)*. . .

CHAIR KAMA: You want to mute them, please?

MR. WEST: Hello?

CHAIR KAMA: Oh, Steve, we have a testifier, can you wait? Steve? Thank you. Continue, Mr. Lamas.

MR. LAMAS: Okay. I would like to call your attention to the Minatoya list. These are transient vacation rentals operating in the Apartment Zone, which means they are Apartment zoned. If you try to get one permit for a transient vacation rental in the Apartment Zone District today, you cannot. And why can't you? It's illegal. Because why? The Apartment Zone District is for the people who live and work here on island. It's the Apartment Zone District, not the transient vacation rental zone district. Could any one of these properties have gone through the conditional use permit process to potentially permit their transient vacation rental? Yes. Did they? No. Could any one of these properties have gone through the Change in Zoning process to potentially rezone their property? Yes. Did they? No. Since I'm talking about zoning and how it relates to transient vacation rentals, let me read you straight from today's zoning code. The same zoning code that Bill 9 proposes to amend, Chapter 19, Section 12.020, directly under the Apartment Zone District as it relates to transient vacation rentals. And I quote, "The Planning Director and the Director of Finance must maintain a publicly available list of all transient vacation rentals..." The Minatoya list. "The list is informational only, and is not a confirmation of zoning or allowable uses. Inclusion of a property on the list does not establish any right to operate a transient vacation rental unit, and no person may rely upon the list to establish the right to operate as a transient vacation rental unit." End quote. Let me read you today's zoning code one more time before I end my testimony. "The Planning Director and the Director of Finance must maintain a publicly available list of all transient vacation rentals." The Minatoya list. "The list is informational only, and is not a confirmation of zoning or allowable uses. Inclusion of a property on the list does not establish . . .*(timer sounds)*. . . any right to operate a transient vacation rental unit, and no person may rely upon the list to establish the right to operate as a transient vacation rental unit." I'm in strong support of Bill 9. Today's zoning code says it better than me. Sunset the Minatoya list. It's the right and legal thing to do. Aloha.

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CHAIR KAMA: Thank you, sir.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Members of the galley [sic], please. Any questions for our testifier? Thank you so much, Mr. Lamas. Chair...I mean...

MS. MCKINLEY: Chair, let's go to Stephen West, and then we can try --

CHAIR KAMA: Thank you.

MS. MCKINLEY: -- Jacqueline Tavares again, please. And then to be followed by Marnie Masuda-Cleveland.

CHAIR KAMA: Steve, you're on.

MR. WEST: Aloha, Councilmembers. Stephen West, Division Director, ILWU, Maui Division. ILWU is the state's largest private union. Maui Division is the largest division in the ILWU. We represent over 5,500 Members in the County of Maui and on Lānaʻi. We're here today to support Bill 9, which is phasing out transient vacation rentals in apartment zones. We have a desperate need for housing. When the...when the state has a problem of over 50 percent of all Hawaiians living outside the state, there's a problem. This is our top priority. I hope it is your top priority. We will support you if you support this bill. Stand behind me. Just some of these members are in the training today. We would be there, but this training is very important for our new leadership in this union. Support Bill 9. Who are we?

ILWU MEMBERS: ILWU.

MR. WEST: Who are we?

ILWU MEMBERS: ILWU.

MR. WEST: Pass Bill 9.

CHAIR KAMA: Members, any questions for Mr. West? Hey, Steve, you have a question from Member Paltin.

MR. WEST: Okay.

CHAIR KAMA: Member Paltin?

MR. WEST: Sorry.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. West. I just wanted to clarify on the...the training. Is that like, you know, in case of an emergency, the hotels take in...take in people?

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MR. WEST: Yes, they do. You know, just like after the fires, just after the fires, we had, you know, a number of our hotels that took in members of the community. And not just when we have fires, but when there's all sorts of emergencies, our hotels are...are standing by.

COUNCILMEMBER PALTIN: And...and are they set up for emergency to also take care of their residents? I mean the...their --

MR. WEST: Yeah.

COUNCILMEMBER PALTIN: -- visitors and the residents?

MR. WEST: 100 percent. The visitors that are staying in the hotels, as well as members of the community.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Thank you. Any other...Members? Seeing none. Thank you. Thank you, Steve. Ellen?

MR. WEST: Aloha.

MS. MCKINLEY: Chair, if Jacqueline Tavares is available to unmute, to be followed by Marnie Masuda-Cleveland, and Sharon Smith. *(pause)* Chair, it appears that Jacqueline Tavares is still unable to unmute, so we can go on to Marnie Masuda-Cleveland, or Sharon Smith.

CHAIR KAMA: Good morning.

MS. SMITH: Thank you. Aloha, Chair, Councilmembers. My name is Sharon Smith. I'm here today on behalf of my spouse, Don Barbieri, as well, asking you to approve Bill 9. We and our two cats are residents living in Wailea, in one of the condos just down the street from a complex on the Minatoya list that we keep hearing at all these meetings isn't suitable to live in. Two bedrooms, same vintage, and we love living there, and so will others looking for a one- or two-bedroom home to live in, if given the chance. Relative to these homes not being affordable to local people, ironically, we're hearing this from the actual employers of the STR properties, so maybe what we really need is to rethink the livable wages and full benefits they don't provide. If the STR industry can't afford to pay their workers enough to own or rent a two-bedroom place to live, maybe that industry needs to change, not the definition of housing. Relative to AOA fees and other costs, let's add to the conversation that one of the reasons fees are so high is deferred maintenance in many of these properties. We need these boards filled with people who live here, caring for long-term homes in real communities as these zones are intended, versus how decisions are impacting their investment or rental income. We suggest subsidizing these fees for certain resident-owners as part of the affordable housing plan until things stabilize. We need to stop people having to move away, and want all our neighbors to thrive, including the majority who work in an industry that we're constantly being told is critical to our economy, or it will collapse. The majority of people not having

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access to adequate housing or basic daily needs actually sounds like collapse to us. Where we live in Wailea, developments are approved that deplete our island's infrastructure, and are given exemptions for meager commitments they made initially for roads and workforce or affordable housing. Owners and managers of homes . . . *(timer sounds)* . . . they don't live in get more focus from our government than residents do in hotel zones. That should not be the case anywhere, but certainly not outside of hotel zones, such as apartment zones. Airbnb started in 2008, which coincides with things really going sideways here for our residents. The problem isn't not enough tourism. The problem is there will never be enough for some people. Let's get more homes back into residents' hands where they belong to begin with, and then let's move on to the rest of the community needs because there are many. Mahalo nui for the opportunity to share our thoughts.

CHAIR KAMA: Thank you. Members, any questions for the testifier? Oh, okay. Member U'u-Hodgins?

VICE-CHAIR U'U HODGINS: Thank you so much. We also hear about AOA fees and insurance. Would you mind, as a nonrenter of your space to others, sharing what --

MS. SMITH: Sure.

VICE-CHAIR U'U HODGINS: -- that is for you?

MS. SMITH: Yeah. We have a lot of experience in that regard. First of all, I will say, yes, insurance rates have absolutely gone up --

VICE-CHAIR U'U HODGINS: Yeah.

MS. SMITH: -- but that started...that was already going to happen. Our insurance rates actually here, compared to other locations on the mainland, on the continent, are...we're very low. We were actually shocked by that. And...and when we get these once-in-a-hundred-year storms that we've gotten many of over the past five years, we have endured flooding, and wind damage, and all sorts of things...and much of it was due to not maintaining the properties. To not...due...

VICE-CHAIR U'U HODGINS: Would you mind sharing the number, how much you pay for insurance monthly --

MS. SMITH: Oh, sure.

VICE-CHAIR U'U HODGINS: -- and your maintenance fees?

MS. SMITH: Well, right now, we have an assessment and we're paying, I think, an additional \$4,000 a month.

VICE-CHAIR U'U HODGINS: Okay.

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MS. SMITH: Plus what we were already paying, which was probably...it wasn't very much, actually --

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: -- in relative terms.

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: So, yeah. That's...that's . . . *(inaudible)*. . .

VICE-CHAIR U'U HODGINS: And that is for your maintenance fees for your unit, or just insurance?

MS. SMITH: Oh, no. That's just...

VICE-CHAIR U'U HODGINS: Okay. What about your maintenance fees?

MS. SMITH: Our maintenance fees run about \$1,500 a month.

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: We have the smallest complex...we have the smallest unit in our complex, so you --

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: -- pay by square footage.

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: So, yeah, it might be \$1,800 a month.

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: We actually live in a property that has been pretty well-maintained, but there's still a lot, so...it's old, you know?

VICE-CHAIR U'U HODGINS: Okay.

MS. SMITH: But, yeah. Deferred maintenance is a problem in these properties, and the decisions need to be made by people who look at them as long-term housing.

VICE-CHAIR U'U HODGINS: Okay. Insurance, \$4,000 extra a month, AOA fees \$1,500 --

MS. SMITH: Yeah.

VICE-CHAIR U'U HODGINS: -- by square foot. Okay. Thank you so much.

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MS. SMITH: You're welcome.

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

CHAIR KAMA: Okay. Thank you. Any others? Seeing none. Thank you so very much. Staff?

MS. MCKINLEY: Chair, we can try to return to Jacqueline Tavares one --

CHAIR KAMA: Yeah.

MS. MCKINLEY: -- last time for now, and then James Lumpkin, to be followed by Jim Walsh.
(pause) Chair, moving on to James Lumpkin --

CHAIR KAMA: I think he's coming.

MS. MCKINLEY: -- to be followed by Jim Walsh, and then Anna Nguyen.

CHAIR KAMA: Good morning.

MR. LUMPKIN: Hello, everyone. Thank you very much for being here today. Aloha kākou. I forgot I'm tall. Thank you. Always a little bit nervous on...on these kinds of things. I don't particularly enjoy coming and sharing this kind of thing, but it's all important for us all to be here and...and do this. I...I have seen everybody's testimony so far.

CHAIR KAMA: Could you state your...could you state your name, please? I'm sorry.

MR. LUMPKIN: Yo, guys, I'm James Lumpkin. I've been here for about 20 years. I moved here from Las Vegas, Nevada. I got hired for Pride of America. I saw Waihe'e Wetlands Refuge Project, and two months later, I said, that's the spirit of the place that I want to live, a place that fights for their water, rejuvenates the land, and is...is...and that project, I still don't think they have water, not adequate water. So, water, obviously, a big issue here. It's been a thread in my time on Maui. Participated with Nāpili Community Garden opening. I've helped several different organizations. I've been participating with Teran James Young Foundation recently with nonviolent communications in their project. I think they have written testimony in for...for support. Also, I'm here for support of Bill 9, to clarify. I see some commonalities...a minute and a half. I see some commonalities between the people that are opposed and the people that are for this bill. The...one of the commonalities that keeps coming up is the building's dilapidated, and old, and under-maintained, and it costs too much to maintain it. So, how were the prices inflated to what they are if the building's dilapidated, and old, and not worth what it is? How are we selling it for...how...how are the vacation rentals sending that cost to...to tourists? It doesn't make sense to me that the building's dilapidated. And in my opinion, I think the...the...the shoreline setbacks need to be imposed, and honestly, tear down the building, and tear down the seawall in front of it . . . (timer sounds). . . is my personal opinion. But housing...housing is not just a single-layer problem. There's...there's...there's costs involved that are around the board. You know, people don't make enough. So, if the...the...the pricing isn't supporting the base of people that

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are supporting the...the short-term rentals, then yeah, there's...there's just a market failure here that I heard somebody say, and I want to support that...that comment. So, the Minatoya list is a step forward towards getting housing affordable. It's not about this house, but I'm a renter. I'll probably never own. But if my rental costs can go down because somebody else in a better position can move into one of these houses, then I...I want other people in the community to be able to use these. And if there's 7,000 empty units all of a sudden, the price isn't going to be 1,500,000. The price isn't going to be 500,000. The price has to come down because the market can't support it. The...the...the locals can't afford it, and it's right...well, at least I won't be able to. But at some point, it'll trickle down and it'll all come together. Thank you all . . .*(timer sounds)*. . . very much.

CHAIR KAMA: Members, questions for our testifier? Seeing none. Thank you so very much, Mr. Lumpkin. Staff?

MS. MCKINLEY: Chair, we've put instructions in the chat for Ms. Tavares or anybody else that's having trouble if they need to rejoin the meeting or call in. The next testifier is Jim Walsh, to be followed by Anna Nguyen, and then James Van Bleringen *(phonetic)*. *(pause)*

CHAIR KAMA: I don't see anybody moving.

MS. MCKINLEY: Chair, the next testifier is Anne Nguyen online. *(pause)* She appears to have left the call. The next testifier is James Van Blarigan, to be followed by Peter Davis, and then Kelli Keahi. *(pause)*

CHAIR KAMA: I don't see Mr. Van Bergen *(phonetic)*.

MS. MCKINLEY: Chair, the next testifier would then be Peter Davis, to be followed by Kelli Keahi, and then Stan Franco.

CHAIR KAMA: I see Stan is here. Okay. Who's after Stan? You want to call the other two?

MS. MCKINLEY: Chair, the next testifier would be Charles Nahale, to be followed by Taytum Herrick, and then Brian Banks. *(pause)*

CHAIR KAMA: Okay. You're on, Stan.

MR. FRANCO: Good morning, Chair Kama and --

CHAIR KAMA: Good morning.

MR. FRANCO: -- Members of the Committee. My name is Stan Franco, and today I speak for myself. I support Bill 9 because I don't see any other solution for the housing crisis we have created. In 1971, I was hired by Mayor Elmer Cravalho to work in County government, and as was his habit, he held talk story sessions with members of his staff. I was at one of the talk story sessions when he shared his vision of tourism in Maui, and how it would help our residents move on the phasing out of jobs in sugar and

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pineapple to better-paying jobs in tourism. I remember him saying, and I paraphrase his words, that tourists would stay in their hotel areas--at the time Kā'anapali, and just starting Wailea--and the residents in their residential areas. That vision has changed to the point that tourists are staying in short-term rentals in residential, I have one in my own subdivision, and Apartment zone areas. After the Cravalho and Tavares administrations, no affordable housing has been created by direct action of our local government to bring all the development pieces together--land, water, financing, infrastructure, and government approvals. We have been totally reliant on developers to build affordable housings, which they say cannot properly be done. With this situation staring at you, the Maui County Council, you spent \$300,000 to create a plan to address our housing crisis. The plan was given to you on July 19, 2021, with a goal to build 5,000 homes, primarily for low- and middle-income wage earners, in five years, at a cost of \$1 billion. The Maui Comprehensive Affordable Housing Plan is still sitting on your shelves. So, here we are, short-term rentals in Apartment and Residentially-zoned areas, and no plan to build affordable housing for our local people. . . .*(timer sounds)*. . . The consequences are, one, we are leaving Maui because we do not have any hope to live a decent life here. Two, we are abandoning our ancestral lands--my family has been here since 1880--to find a safe and decent home for us and our children. Three, we are rejecting multiple jobs on Maui to pay for the cost of shelter and other necessities. Four, we are choosing to be present in our children's lives as they grow up. And five, we are failing the generations will follow us because we have done very little in the last 40 years to secure affordable homes for our people to rent or own. I am ashamed to admit that as an 81-year-old kūpuna, I have failed my children, grandchildren, and all I have come to love and cherish. I beg my fellow kūpunas and all the leaders of community...our community to stand up and . . .*(timer sounds)*. . . return to the vision of Elmer Cravalho--tourist areas for tourists, local areas for locals. Pass Bill 9.

CHAIR KAMA: Okay.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Thank you. Members...Member Paltin has a question for you, Stan.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Franco. So, just clarifying, you...you said you worked for Mayor Cravalho in 1971. Is that how long you've been working on housing for?

MR. FRANCO: . . .*(laughing)*. . .

CHAIR KAMA: Pretty much.

MR. FRANCO: No, actually, I started in 1986. Father Bob Turner and I developed a homeless shelter out in Pu'unēnē at the old Catholic church out there.

COUNCILMEMBER PALTIN: So, 19...--

MR. FRANCO: And so, I've been --

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COUNCILMEMBER PALTIN: -- since 1986.

MR. FRANCO: -- involved with homelessness and housing since 1986.

COUNCILMEMBER PALTIN: And...and so, then to clarify your assessment, do you think the housing condition for local residents have gotten better since 1971, since 1986 through to today?

MR. FRANCO: Definitely not. And that's why I think this is an important consideration for the Council to make on this Bill 9.

COUNCILMEMBER PALTIN: So, in...in 1971, when the Mayor at that time decided to diversify from sugar and pineapple to tourism, majority of your friends, people you knew, kids coming up were able to have a house to live in?

MR. FRANCO: Yes. I got my first house in 1975. It was an Arizumi home, 1,000 square foot. And so, it was built for me at the cost that I could afford. I was making, I think, around \$700 a month at the time, working for the County, so it was not much. But we did...we two...my wife working and myself, we could afford a home.

COUNCILMEMBER PALTIN: And...and the landscape that you noticed, were there a lot of people owning more than one home, or people that were speculating and making money off of homes?

MR. FRANCO: I didn't see that at that time. I think, you know, we on Maui were working together...the developers, the people that were living here. Homes were built for people. So, I didn't see multiple homes. I did not have multiple homes at that time in 1975, just one.

COUNCILMEMBER PALTIN: Thank you for that perspective. I wasn't born yet, but shortly after.

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

CHAIR KAMA: Thank you. Any other questions, Members? Seeing none. Thank you, Stan. Staff?

MS. MCKINLEY: Chair, we'd like to return to Anna Nguyen, who is now in the Chamber --

CHAIR KAMA: Oh, okay.

MS. MCKINLEY: -- to be followed by Charles Nahale, and then Taytum Herrick.

CHAIR KAMA: Okay.

MS. NGUYEN: Good morning, Councilmembers.

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CHAIR KAMA: Good morning.

MS. NGUYEN: My name is Anna Nguyen. I'm a high school student in Lāhainā, and a policy fellow intern at a nonprofit that promotes affordable housing. Affordable housing is deeply personal to me, as I'm sure it is for everyone in this room. The question is, how to ensure housing for future generations while protecting jobs. We all have a common concern for our neighbors, and that transcends parties and political ideologies. Three generations of my family have lived in Lāhainā, and we lost our home and business in the fire. I implore this Committee to consider four points. One, short-term rentals don't just employ people in the hospitality industry, they also provide jobs for other sectors impacted by tourism. Visitors who stay in short-term rentals, like those on the Minatoya list, like them because they're cheaper than high-priced hotels. So, those people won't stay in hotels if the Minatoya rentals get banned. They likely just won't come to Maui. Losing this business means losing jobs in restaurants, landscaping, and construction. It was also recently argued that there's no point in having a job if you have nowhere to rest your head at night. That point is valid, and I certainly agree. But the inverse of this would hurt just as many families. Having a home with no job to pay the bills is dangerous and unsustainable. Two, passing Bill 9 would, in a sense, encourage people to rent their condos illegally, cutting back on transient tax collection. The County would lose millions in tax revenue, which could be used to build affordable housing. Three, banning short-term rentals would likely crash the housing market, and wipe out housing equity for local residents. Families tend to use this equity to take out second mortgages, like to pay . . . *(timer sounds)* . . . for their kids' college tuition, or to cover an unexpected hospital bill. We don't want to see a more localized version of the 2008 crash in Maui, where countless families get foreclosed. Meanwhile, this gives mainland investors the chance to buy houses at lower prices in cash. And finally, four, by passing this bill, the County would be reneging on a law that's already been codified. Violating property rights on such a large scale would invite a massive lawsuit that would take up most of the County's resources. That time and money would be much better spent creating affordable housing. It's easy to blame short-term rentals like the Minatoya list for our housing crisis, but the truth is we need to tackle this issue more comprehensively. I urge you to consider a pragmatic approach to this problem. We can start by over...overhauling Title 19, our outdated zoning code that was enacted in 1960. It's so complicated. . . . *(timer sounds)* . . . May I finish?

CHAIR KAMA: Finish up, and...but did you submit that in writing?

MS. NGUYEN: I didn't.

CHAIR KAMA: Could you do that?

MS. NGUYEN: Sure.

CHAIR KAMA: Thank you.

MS. NGUYEN: It's so complicated...

COUNCILMEMBER PALTIN: Oh, wait.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Point of order. Sorry...

COUNCILMEMBER PALTIN: If you let her finish, you got to let everybody finish --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER PALTIN: -- and then...

COUNCILMEMBER COOK: May...Chair?

CHAIR KAMA: . . .*(inaudible)*. . . I'm sorry. Could you just submit your testimony in writing, and then we'll allow the Members to ask questions that might be able to sufficiently . . .*(inaudible)*. . .

MS. NGUYEN: Sure.

CHAIR KAMA: Any questions from our...

COUNCILMEMBER COOK: I do.

CHAIR KAMA: Oh, Member Cook?

COUNCILMEMBER COOK: Thank you for your...thank you for your testimony. It sounds like if we...or my clarifying question is, do you think there's a path forward using the money from the short-term rentals if we change the zoning to...to build? Do you think that we could build if we had the...utilizing the money from the short-term rentals?

MS. NGUYEN: Yes, definitely. I think there's an abundance of cash from transient tax collection, but I also think that using that money is not the only way forward to build affordable housing. Like I said, rewriting Title 19, which greatly slows down our Planning Department, would speed up the permit-granting process, therefore enabling affordable housing to be built.

CHAIR KAMA: That's right. Thank you. Member Fernandez-Fernandez, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha. Mahalo for your testimony today. So, to clarify, do you have experience in development and planning housing?

MS. NGUYEN: No, I'm still in high school, so we'll get there.

COUNCILMEMBER RAWLINS-FERNANDEZ: Just wanted to clarify.

MS. NGUYEN: Yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: My...my colleague was asking for your expert opinion on constructing homes quickly. I didn't think that was your background, but I just wanted to confirm. Mahalo. Mahalo, Chair.

CHAIR KAMA: You're welcome. Any other questions for our testifier? Seeing none. Thank you. Anna, please submit that in writing.

MS. NGUYEN: Yes, how would I submit that? Is there a link?

CHAIR KAMA: You can give it to her if you have it now ready, or if you wanted to take it home and...and...and brush it up, you could do that too. It's up to you.

MS. NGUYEN: Oh, sure. I can . . .*(inaudible)*. . .

CHAIR KAMA: Yeah. Okay. Thank you. Such wisdom from one so young. Staff?

MS. MCKINLEY: Chair, the next testifier is Charles Nahale, to be followed by Taytum Herrick, and then Brian Banks. *(pause)* Chair, I'm not sure if any of them are in the Chamber. Taytum Herrick, Brian Banks, Morea Mendoza.

CHAIR KAMA: Oh, I heard someone say they're here.

MS. MCKINLEY: Chair, it appears the next testifier would be Morea Mendoza, to be followed by Desiree Mendez, and then Stacey Alapai.

CHAIR KAMA: Okay. Good morning.

MS. MENDOZA: Aloha, County Council. Mahalo for the opportunity to speak today. My name is Morea Mendoza. I am the Director of Leadership and Operations at Pacific Birth Collective. We are a nonprofit organization dedicated to supporting women and their families during their childbearing years, and I am here to testify in support of Bill 9, and believe this measure is crucial for the wellness and stability of our community. On any given month, PBC serves close to 300 families in the prenatal period. Nearly two-thirds of those families are fire-affected families. Additionally, of my 16-woman team, one-quarter of the ladies that work for me are affected by the fires as well. I submitted written testimony, which outlines the connection between housing security, community support, and maternal and infant health. The research in my field consistently indicates that stress and anxiety during pregnancy are associated with complications that Maui's hospitals lack the ability--hospital, excuse me, very important point, our single hospital--lacks the ability to address. And the reason that I say all this is then when I ask families that we serve what are their greatest stressors, consistently, they report housing instability. Now, last week Monday, we heard from the Mayor's Office that building more housing won't be an adequate solution until our grandchildren's generation. So, not only are we failing to take action...so not only will failing to take action now impact the mothers and fathers that PBC currently serves, but also the children that are being born and their future children. Councilmembers, by saying yes to this bill, you have the opportunity to prioritize the immediate and essential needs of the people of Maui, and also the generations to come. I ask you to

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consider the decisions made here are . . .*(timer sounds)*. . . not only economic, but also impact the health of our families. So, I'd like to stand on a testimony I heard earlier today because it resonates with me so deeply as a woman of Maui and a mother. Let us leave a foundation, not a fight. This is just the first step in ensuring that families of this 'āina can thrive. Mahalo.

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you so very much.

MS. MENDOZA: Thank you.

CHAIR KAMA: Ellen?

MS. MCKINLEY: Chair, the next testifier is Desiree Mendez, to be followed by Stacey Alapai, and then Nicole [*sic*] Dourambeis.

COUNCILMEMBER LEE: Chair, how many member...how many more testifiers do we have?

COUNCILMEMBER RAWLINS-FERNANDEZ: 215.

CHAIR KAMA: Thank you, Chair.

COUNCILMEMBER LEE: Thank you...so that everybody knows.

CHAIR KAMA: Yeah.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KAMA: I was going to announce that at lunch. *(pause)* You may proceed.

MS. MENDEZ: Okay. Desiree Mendez. I'm here on my behalf and the community. The time is now. Hawaiian lands need to be in Hawaiian hands. Colonialism and greed is why we are here today. Money has filled outsider pockets while true descendants are pushed out year after year. The ones that own, how do you feel that many Hawaiians do not own or are homeless? When I say you hear locals cannot afford, who are you to judge? You are the one buying on stolen land. This is their home, not your gentrification playground. Look in their eyes, feel the mana. If you don't feel that, something's wrong. The yearning to have their keiki live and thrive in their own home is their right. In '95, I was able to rent a two-bedroom house--sorry--in Pakus. I was 15. Ask kids today, can they rent? Can my kids, can my grandkids own? No. Can they rent? That's the problem we are all faced with. Most of my class has moved off home. They've went to other places. They're born, raised, being forced away from home...enough already. As you worry about profit, and saying you might have to move, or this is what's going to happen, what do you think? Shame on you. All I hear is your own gains and losses. Do you think that all of this last year, we have not felt that? People of Lāhainā have not had homes. Me and my family have been homeless all last year. We all work three, four, five jobs, still trying to make time for our families. And these guys are just like, oh, well, you know, this is the losses. We've dealt with this for the past year. Nobody...a

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lot of us have slipped through the cracks. As I slept on the beach with many people, they had talked about being a homeless Hawaiian for 20 years. If that doesn't hurt you, I don't know what does. That should. I have stayed to fight for us, for everybody to have houses, for this not to be short-term rentals. There is something completely wrong when somebody's joking about being a homeless Hawaiian for the past 15 . . . *(timer sounds)* . . . years. When I would sit and take showers with fellow homeless people, we would have tourists go, oh, God, don't come over here. What do you think is happening in the community? If you are not out there in the community and feeling the hurt and pain of most of us, then you're the problem because you're not seeing how it feels to be where we are. So, what may happen or whatever, we have been living it this past year. It has been rough for most of us. We all know enough is enough. If you really care, the 'āina, the people are speaking. Are you listening? Maui, are you listening? Your kuleana is to the people. You should do the right thing. This gives us homes right away. When we're all...I have moms ask me, where is it safe to sleep? Where should I sleep in my car? I have a mama that moved back to Moloka'i. You know how many people are struggling already? So, I just please ask you, do the right thing. This will help us all have homes right now. Thank you.

CHAIR KAMA: Thank you. Members, any questions? Desiree, we have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Mendez, for your testimony. I just want to clarify what you said, that from '95 to now, you're seeing housing problems get worse and not better?

MS. MENDEZ: I mean, like for me to be able to rent, in Pakus, I had a two-bedroom house. I was 15. She's like, this is the youngest person I've ever rented to, but you have jobs, okay. So, I rented out...it was \$800. My kids, most of everybody's kids, we see they can't even afford that. Everybody's living with their families. And since Lāhainā, not having those homes, everybody's been...and then we're being told we can't stay with other people, like just...and being forced out. It's like you can't...you can't sleep in your car. Cops won't let you sleep in your car. Your jobs won't let you sleep there either. So, it's...you know, it's...for the community, it is...there's been a huge change from the '90s. We didn't have ziplines for tourists. It wasn't all just tourists in the '90s. You can ask everybody that was here, most of the kids don't...they didn't see that. We watched that happen, where Maui like sold out, and was like, tourists, tourists. There wasn't tours to Hana every day. That was like absurd to even hear about that. And now it's like there's tours to Hāna all the time.

COUNCILMEMBER PALTIN: Does any of...you mentioned you had three jobs. Do any of them involve the tourist industry?

MS. MENDEZ: Yes.

COUNCILMEMBER PALTIN: And so, you work three jobs in the tourist industry?

MS. MENDEZ: Three hotel jobs. Yes, ma'am.

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COUNCILMEMBER PALTIN: But you can't afford a place to rent?

MS. MENDEZ: Yeah, not when FEMA has tripled our rent. So, I sent my kids off-island to live with their nana on the Big Island. Where I stayed, I fought so we could...I could have my truck payment, and...and...and I would work. I'd be sleeping on the beach, go to work. And I have taken three months off right now just because, mentally, I'm having a hard time adjusting. So, the things that everybody has went through, I understand. And a lot of us didn't get that help because if you're from Lāhainā, right away. But I understand a lot of us got kicked out because the greed took over. And it was like, oh, FEMA's charging five grand for a two-bedroom. That's what your payment is. We didn't pay that in the '90s, you know. I was able to have a family. And most of us, the same...sustained it. And now it's like we're seeing everybody move off-island and leave. And I'm like, don't leave. We need to fight. Because otherwise this will take over.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

MS. MENDEZ: Thank you.

CHAIR KAMA: Thank you. Thank you very much. Staff?

MS. MCKINLEY: Chair, the next testifier is Stacey Alapai, to be followed by Nicola Dourambeis, and then Gayle...sorry, Gaye Nell Heck.

MS. ALAPAI: Aloha, Councilmembers. I'm usually up there a lot. This is actually my first time at this microphone. And so, I just kind of wanted to like mark that moment. And I'm here today in person because this is, I think, the first time I'm...I'm speaking to you in support of something. And it's...it marks, to me personally, a change in not just our community's priorities, but this Council's priorities, this County's priorities, our State's priorities, to put our people first, and listen to our people and the things that we need. And I hope I get to be here in support of a lot more things in the future. I hear a lot, and I've learned a lot in this last year, just watching this Council, listening to each of you, your discussions, and also speaking to members of our community, people who are not able to be here today because they are working one of their one, two, three, four, five jobs. And I just kind of want to highlight some of those stories of people who have lived in these Minatoya buildings, and watched them transition...watched them phase out from being long-term housing into short-term rental properties for outside investors to use this limited resource we have for profit. And that's...I've...I've been talking to people for the last few weeks, hearing these stories from them. I've...I encouraged them to submit written testimony. So, I hope that you're able to find those written testimonies in between all of the AI-generated fake testimony, and fake Hawaiian-impersonating people in our community. I really think that this should be a celebration, and something that we can mark as the turning point of our housing crisis to use what we currently have to house our people. I want to remind you of the presentation that was given on Monday from the County that most of these properties are not owned by residents. Not just not owned by out-of-state, they're out-of-state, the ones who are even in-state, that like, what?...10, 15 percent who are locally-owned, not all of them live on Maui. . . .*(timer sounds)*. . . Not all of them own a home here and live in it. So, we need to prioritize owner-occupancy. And just to be...I like to coach people to use their personal

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stories, and condos like these were what allowed me to get my foot in the door into the housing market. It's the reason why I'm a homeowner today. One of the many reasons of luck that had to fall into place for me to become a homeowner today, alongside all of the help from my family members, and the support of not just my family, but my husband's family. And these condos are a window of opportunity, your way to kick that toe right in the door, to squeak in, and have access to something that's yours for the first time. And so, I really just compel you to please, please pass this bill, and like give us back that hope. Restore our faith in not just this Council, but this County as a whole, to bring forth new, bold, innovative ideas, to use the things we have to solve the problems that we've been talking about since before I was even born. Mahalo.

CHAIR KAMA: Thank you. Members, any questions for our testifier? Oh, Member Rawlins-Fernandez has a question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Alapai. Mahalo for your testimony today. I want to clarify the point that you said about the testimonies received, AI-generated. How can you tell that they're AI-generated?

MS. ALAPAI: There are specific ones that I saw as I was combing through the thousands of pages of testimony that referred to bills that don't exist, policies that don't exist. And as somebody who like is chronically online, I can just kind of recognize when things are written by a machine, and not by a human being. And then there were also other testimonies that had obviously fake names, attempting to impersonate friends and members of our community.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. I appreciate that clarification. Mahalo, Chair.

CHAIR KAMA: You're welcome. Thank you very much, Stacey.

MS. ALAPAI: Mahalo.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Nicola Dourambeis, to be followed by Gaye Nell Heck, and then Cynthia Wright.

MS. DOURAMBEIS: Aloha. Can you hear me?

CHAIR KAMA: Yes.

MS. DOURAMBEIS: Okay. Aloha. My name is Nicola Dourambeis, and I'm speaking today in opposition to Bill 9. Unfortunately, I don't believe it will solve the housing crisis, and I do believe it will hurt local residents. I serve on the board of Kā'anapali Royal, and would like to share some information on our property to help inform your decision-making regarding this bill. There have been some claims that there are properties on the Minatoya list that were originally workforce housing, and later converted to short-term rentals. This is not the case with Kā'anapali Royal. Our

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complex was part of the original master-planned Kā'anapali Beach Resort development in the '70s and '80s, specifically designed as a tourist destination. Since receiving our Certificate of Occupancy, which explicitly references resort rentals, we've welcomed visitors as part of that vision. Kā'anapali Royal is located within the Kā'anapali Resort boundaries on the 16th fairway of the golf course. Our proximity to Whalers Village, and our location firmly within the resort area, ensures that short-term rentals stay within the designated tourism zone. We offer an alternative for families seeking apartment-style accommodations rather than hotel rooms, while helping reduce the pressure on residential neighborhoods and affordable housing areas. In response to Mayor Bissen's suggestion to rezone properties like ours to hotels, we did some research. According to the Real Property Tax Division, individual units are already assessed at their highest possible use, which means they are taxed at TVR rates unless classified as owner-occupied or long-term rentals. Ironically, switching to Hotel zoning could result in lower taxes. Additionally, we've been advised that the rezoning process would involve many layers of review that could take three to five years, and potentially cost upwards on half a million dollars . . .*(timer sounds)*. . . in consultant fees. More critically, it could bring significant unintended consequences. As noted by the former president of the Kā'anapali Operators Association, of which we are members, and I'm quoting, "the Mayor's suggestion to change zoning from Apartment to Hotel is unreasonable and incorrect. Maui has built out all existing Hotel-zoned lands except for our driving-range clubhouse lot, to my knowledge. Changing zoning to Hotel can mean an increase in density to hotel levels, ranging from 2 to 12 stories, and will, in my opinion, increase overtourism." For all these reasons, I urge you to vote no on Bill 9. Mahalo.

CHAIR KAMA: Thank you very much. Members, any questions for the testifier? We have a question for Member Rawlins-Fernandez, Nicola.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. DOURAMBEIS: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Miss...I'm sorry.

MS. DOURAMBEIS: Dourambeis. It's a hard one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, that is hard. Dourambeis. Mahalo for your testimony. I'm sorry, you said that you're the president of your folks' HOA at Kā'anapali Royal?

MS. DOURAMBEIS: I am a board member.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. A board member. And how long have you resided, or owned a unit?

MS. DOURAMBEIS: Ten years.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, in...in that time...because you're saying that it was primarily or exclusively short-term rental use, that there were owner-occupied use during that time?

MS. DOURAMBEIS: So, what I said was, we have vested property rights for resort rentals and owner-occupied use. It's within our Certificate of Occupancy, our master deed, and our existing bylaws.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that clarification. Mahalo, Chair.

CHAIR KAMA: Any other questions, Members? Seeing none. Thank you very much. Staff?

MS. DOURAMBEIS: Thank you.

MS. MCKINLEY: Chair, the next testifier is Gaye Nell Heck, to be followed by Cynthia Wright, and then Fred K. *(pause)* Ms. Heck, the little microphone icon button is in the upper right. Do you see it? Okay. You might briefly leave the meeting, and then click rejoin. If not, there is a phone number in the chat, and you can try to connect that way. Chair, should we proceed with Cynthia Wright --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- if she's ready? Ms. Wright, can you unmute? *(pause)* Okay. There's a microphone button in the top of your screen. *(pause)* Chair, should we go on to Fred?

CHAIR KAMA: Yes, please.

MS. MCKINLEY: Fred K., you have been enabled on our end. You need to find the camera and the microphone button and click on those. *(pause)*

CHAIR KAMA: Is he there?

MS. HECK: Okay. This is Gaye Heck. I have my microphone now, but I can wait.

CHAIR KAMA: Okay.

MS. MCKINLEY: Go ahead, please.

MS. HECK: For me to go ahead and testify?

CHAIR KAMA: Yes. Yes, please.

MS. HECK: Okay. My camera...I'm sorry, my camera button's not working, but my microphone is, so thank you. Good morning. My name is Gaye Nell Heck, and I'm an owner at Kā'anapali Royal, and have been part of the Maui community for over 22 years. We oppose the passage of Bill 9. These past few months, we've seen in our country what happens when a government takes a chainsaw, not a scalpel, where people are divided

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and they don't listen to each other. Maui has never been that place, and never should be. Everyone agrees that affordable housing is a problem that needs to be addressed. However, Bill 9 takes a chainsaw to the problem, not a scalpel, for the sweeping bill encompasses properties that were built as vacation resort rentals in resort areas, and does not solve the affordable housing crisis. The right of Kā'anapali Royal owners to operate a resort vacation rental is not a right granted by County ordinance, but is a property right that runs with the land, its deeds, covenants, and restrictions. This is evidenced by documents agreed to in 1978, public preliminary condominium report of Kā'anapali Royal issued by the State of Hawai'i. The State of Hawai'i granted rights to Kā'anapali Royal, including that the intended purpose and building use of Kā'anapali Royal apartments shall be occupied and used only as permanent or temporary residences or lodgings. And the deed from AMFAC to Kā'anapali Royal Associates granted Kā'anapali Royal owners the property right to operate resort vacation rentals. The covenant to operate vacation resort rentals is in all the deeds of the current Kā'anapali Royal owners, and is in the declaration of the horizontal property regime of Kā'anapali Royal, and the bylaws of the AOA. Kā'anapali Royal owner's property right is supported by Mr. Minatoya's legal opinion, which recognized that the right to operate a resort vacation rental in this instance was legal, but nonconforming, meaning that they didn't require new zoning or a code provision to continue as vacation rentals, and could not be taken away by government legislation. Mr. Minatoya's legal opinion is true today. The U.S. Constitution still prohibits taking away a private property right, and giving it to another private property owner. This is not permitted in our democracy. Kā'anapali Royal, as Nicola said, has always been part of the master-planned resort of the original Kā'anapali Resort, and always operated . . . *(timer sounds)*. . . as short-term rentals. We are near the Whalers Village. The Maui County Code identifies Kā'anapali as a planned resort destination area, and the Code further states that Kā'anapali is intended as a major tourist zone. The West Maui Plan also is a place where visitor-oriented activities and lodging should be located. Permitting Kā'anapali Royal to continue to offer short-term vacation rentals is consistent with Kā'anapali as a place where visitors come to stay, visit, eat, and play. In conclusion, I propose the following compromise. An amendment to Bill 9. In the words of a supporter of Bill 9 from the eComments, allow STRs to remain in the resort areas where they were always meant to be. Review each condo listed on the Minatoya list, allowing each condo located in resort areas to operate as a vacation resort rental. Review all 13,000 STRs in the County of Maui, and ban or revoke STR permits that operate in residential areas, not in resort areas. Wield a scalpel, and not a chainsaw. By doing so, Maui will be balancing the needs for tourists, and the needs . . . *(timer sounds)*. . . for its residents. Mahalo.

CHAIR KAMA: Thank you. Member Paltin has a question for you.

MS. HECK: Yes.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Heck. Did...are...are you a land-use attorney, or did you consult with one for that suggestion?

MS. HECK: No, I am an attorney.

COUNCILMEMBER PALTIN: You're a land-use attorney?

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MS. HECK: I'm not a land-use attorney, but I am an attorney who's...I've done real estate litigation and other things in my practice.

COUNCILMEMBER PALTIN: And then the other clarifying question I had was, when you mentioned that you've been a member of our community for how long, is that as...in the capacity of a full-time resident?

MS. HECK: No.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. HECK: A part-time resident, and then also a visitor. My parents started coming in 1980 to Kā'anapali, and rented at Kā'anapali Royal Apartments since that time. We have many friends, and Lāhainā United Methodist Church is one of our places that we worship.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Members, any other questions?

COUNCILMEMBER SUGIMURA: Chair? Chair?

CHAIR KAMA: Oh, Member Sugimura has a question for you.

COUNCILMEMBER SUGIMURA: Thank you.

MS. HECK: Yes.

COUNCILMEMBER SUGIMURA: If you could, could you submit your...what you read in testimony...written testimony?

MS. HECK: Yes. I did submit it in the eComments, but I'm more than happy to email it.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KAMA: Thank you. Yes. Oh, I'm sorry. Member Rawlins-Fernandez, did you have a question for our testifier?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Ms. Heck.

MS. HECK: . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, wait. . . .*(inaudible)*. . . No, Heck.

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MS. HECK: Yeah, it's Heck. It's...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. HECK: I...I married into that name, I will say. . . .*(laughing)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for your testimony. Did you actually read the opinion from Department of Corporation Counsel signed by Richard Minatoya?

MS. HECK: Yes, I did.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Because the summary that you provided wasn't really what it says. And then I understand your response to Member Paltin was that you are an attorney. So, as an --

MS. HECK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- attorney, you understand that legislation or laws can be changed at any time.

MS. HECK: Well, laws...laws can be changed. I would...I would kind of equate that to your deed in perpetuity you're trying to do. So, if you put it in the deeds, and in 40 years you want to change them, and they're in the deeds, it's a little bit different than getting an ordinance, or giving permits. And that's what I was kind of surprised, that there's still permits that haven't been revoked to the residential areas. I...I truly believe a compromise would be, allow resort areas to be where the visitors are, and let residential areas be where residents are. And it's really difficult to do the zoning change. So, that would be a compromise that I think would balance the tourism need for those that are supported by tourism and the residences. . . .*(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo...mahalo for that clarification. So, the...the question that I asked was referring to the part of your testimony where it said it can never be changed. So, you retracted that part.

MS. HECK: Yes, I believe...I believe that it is a property right that will be a taking that would have to result in just compensation, and you'd have to prove it's for public use because the U.S. Constitution 5th Amendment --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. HECK: -- right to property.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I mean, you're --

MS. HECK: So, I do believe . . .*(inaudible)*. . .

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- allowed to have your opinion. I was just asking for clarification because --

MS. HECK: Okay. Yes. I disagree with you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you're an attorney, and you know --

MS. HECK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that laws can change. Okay.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Yes. Seeing as no other Members have questions, thank you so very much. Staff?

MS. HECK: Mahalo. Thank you.

MS. MCKINLEY: Chair, the next testifier is Cynthia Wright, to be followed by Fred K, and then The Royal House of Hawai'i.

MS. WRIGHT: Aloha, Councilmembers, and thank you for the opportunity to speak today. My name is Cynthia Wright. I am a full-time Maui resident. I'm here today to speak in strong opposition to Bill 9 because this bill isn't just about regulations, it's about real people, real families, and real consequences. I work in the short-term rental industry, an industry that supports local families like mine. My job allows me to provide for my daughter and my granddaughter. If this bill passes, I may lose that job, and with it, my ability to continue living on the island I call home. This bill doesn't just affect me, it puts at risk the livelihoods of hundreds of Maui residents--cleaners, maintenance workers, small business owners, and property managers--all of whom depend on this industry to survive. These aren't faceless corporations, these are your neighbors, your constituents, and local families. We all agree, affordable housing is a critical need. I live with the same pressures and challenges, but this bill does not offer a balanced or realistic solution. It eliminates legal, tax-paying, long-established rentals without a clear plan to replace them with housing that working families can actually afford. We need a path forward that brings all stakeholders together, and considers the full impact of change. Let's protect local jobs while working toward a meaningful housing solution. I believe we can do both, but Bill 9, as written, is not the answer. Please, I respectfully ask you vote no on Bill 9. Thank you for your time, and for listening to the voices of the people who will be directly affected.

CHAIR KAMA: Thank you. Members, questions for the testifier? Seeing none. Thank you so very much, Cynthia. Staff?

MS. WRIGHT: Thank you.

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MS. MCKINLEY: Chair, the next testifier is Fred K, to be followed by The Royal House of Hawai'i, and then Alfredo Viasbon (*phonetic*).

MR. KILBY: Hello.

CHAIR KAMA: Hello.

MR. KILBY: Aloha, Chair, Vice-Chair --

CHAIR KAMA: Aloha.

MR. KILBY: -- and Committee Members. My name is Fred Kilby, and for over ten years now, I've owned short-term rental property in Maui County. I'm here today to express my deep concern and strong opposition to the proposed legislation. We've worked hard to be responsible and community-oriented owners. Our welcome package includes recommendations for locally-owned restaurants--such as Nalu's, Pā'ia Fish Market, and Amigo's--eco-responsible activities--such as whale watching, and snorkeling with Pacific Whale Foundation--and destinations like Haleakalā, Makawao, and the Maui aquarium. We want our guests to learn what Maui is all about. Our small business supports other local small businesses on Maui, as well as the larger economies of Maui County and Hawai'i. In the past 12 months, we've generated almost 12,000 in revenue for our cleaners--Lala's Services, a woman-owned business--21,000 in revenue for our management company--Rentals Maui, a locally-owned, family-owned business--6,000 in business for small repair and maintenance companies--such as Wake Up in Maui, Clear Choice Window Cleaning, Mike Gensler General Services, and Naka's Drapery. In addition, we contributed almost \$21,000 in property taxes, 5,000 in general excise taxes, 11,000 in transient accommodation taxes, and 3,200 in Maui's TA tax, all from the small, short-term rental business. Owning our complex has not been cheap. We faced huge costs. In the past 12 months, we've paid 23,000 in HOA fees, 12,000 in special assessments, massive increases in insurance after the fires. Our complex is more than 40 years old. These aren't luxuries. They are costs to ensure the property remains safe, functional, and insurable. Our STR income helps cover these costs while supporting local businesses like Steve's Plumbing, Maui Monkey Tree Service, Bowman Pest Control, Pacific Roofing, Mainline Plumbing, and Maui Irrigation and Landscape. . . .(*timer sounds*). . . Over the past 12 months, we have not made any profit. So, those who say we're taking huge amounts of money off the line...off the island, that's simply not true. We don't have front desks. We don't have employees. We don't have strikes or work stoppages. We are not a large international corporation that dictates salaries and conditions while shipping profits to offshore headquarters. We are an individually-owned property with codified property rights to rent out as short-term rentals. Our vacation rentals support the Maui middle class by networking with local business owners, who set their own prices to clean, manage, and maintain our individual units. With 1,500 homes for sale, and over 200 homes available for rent, and with every study done so far saying this legislation will do more harm than good, this is just plain bad legislation, and should be killed. Thank you for your time and your consideration.

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CHAIR KAMA: Thank you. Members, any questions for our testifier?
Seeing...Miss...Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Was it...I...I thought they called Mr. K, but did you say a different last name?

MR. KILBY: Yeah. The full last name is Kilby.

COUNCILMEMBER PALTIN: Sorry...

CHAIR KAMA: What was that again?

COUNCILMEMBER PALTIN: Yeah. Sorry, what?

MR. KILBY: The full last name is Kilby.

COUNCILMEMBER PALTIN: Kilme?

MR. KILBY: So, it's Fred Kilby. Yes.

COUNCILMEMBER PALTIN: Kilby, Kilby.

MR. KILBY: Correct.

COUNCILMEMBER PALTIN: And...and what was the unit that you had owned at?

MR. KILBY: I'm sorry, what was that again?

COUNCILMEMBER PALTIN: You said the unit you owned at, what was the name of that?

MR. KILBY: The name of the complex?

COUNCILMEMBER PALTIN: Yeah.

MR. KILBY: I'd prefer not to say, out of concern for the safety and security of my property.

COUNCILMEMBER PALTIN: Sure, no problem. How long have you owned the unit?

MR. KILBY: As I stated, we've had them for over ten years. And when we purchased them, they were purchased as vacation rentals.

COUNCILMEMBER PALTIN: And have you guys done all the maintenance in the past ten years? Or when you purchased it, was it in good maintenance?

MR. KILBY: We had them completely...we hired a local contractor, and had them completely refurbished.

COUNCILMEMBER PALTIN: I'm sorry, can you repeat?

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MR. KILBY: Certainly. I said when we purchased the units, we hired a local contractor, and had the properties completely refurbished. And we've spent about \$100,000 to upgrade them...new carpeting, flooring, walls, appliances, everything.

COUNCILMEMBER PALTIN: And...and you said you're a full-time resident here on Maui?

MR. KILBY: No, I'm not a full-time resident on Maui.

COUNCILMEMBER PALTIN: Okay. So ten years, complete refurbish, and all your pipes and everything are in good condition too?

MR. KILBY: That is the process that the association is going through now, and our pipes have been...been redone. Our units have had their stacks replaced.

COUNCILMEMBER PALTIN: Thank you.

MR. KILBY: And they're currently working on the roofing.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Kilby.

MR. KILBY: Thank you.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is The Royal Houses [sic] of Hawai'i, to be followed by...well, we do have a testifier that returned to the Chamber --

CHAIR KAMA: Okay.

MS. MCKINLEY: -- John Dunbar, if you'd like to call him after, and then --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- Alfredo Viasbon (*phonetic*).

CHAIR KAMA: Okay.

THE ROYAL HOUSE OF HAWAI'I: Okay. Going? Oh, okay. Yeah. . . .(*inaudible*). . . Honorable Members of the Senate [sic] Committee. I stand before you all today as an allodial land royal patent heir under Hewahewa, Helu 3237, Apana 2, and asserting that any attempts to pass bills, permits, or titles related to the land in Hawai'i are fundamentally flawed, and potentially illegal. The reason is simple. Every parcel of land in Hawai'i is held and is under allodial title royal patented by the Royal Government of Hawai'i. And this title lasts forever. Says it...and it says it in your TMK paperwork under legal info, giving you the royal patent, and who is a rightful owner of that land your house, or

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building, is illegally sitting on. As such, any efforts to create new land trusts or schemes that contradict the existing royal patented allodial titles would be a crime on an international level. This is because the Constitution of Kamehameha III and the laws of the Kingdom of Hawai'i, which supersede any subsequent attempts to alter or undermine them. It's perplexing to hear testimonies about waiting to create land trusts for regular people when in fact, the land is already held in perpetuity under royal patent allodial titles for specific ohana. These titles, established during the Mahele, provide a clear framework for governance and decision-making regarding the land. Given the historical context and the existing legal framework, it's evident that the Native Hawaiian people, with their royal patent allodial titles, would be the best suited to govern and decide what happens on their ancestral land. After all they have lived through from the challenges and effects of land mismanagement, and would likely prioritize sustainable and community-driven solutions, avoiding massive evictions. So, I demand and urge you to find each descendant and beneficiary of each palapala sila nui, AKA royal patent, which is already supposed to be done by right by law because I'm pretty sure the descendants of...of . . .*(timer sounds)*. . . descendants are very much alive and haven't been contacted, or just don't even know. Everyone in Hawai'i who are on a TMK or a leasehold grantor, and are illegal landowners whose houses don't even last in their ownership forever because the royal patents own them forever. I urge the Senate *[sic]* Committee to respect the existing legal framework and recognize the rights of the Native Hawaiians to their...our lands as established by the royal patents and the allodial...that are allodial titles. Any attempts to undermine these rights would be a continuation of the injustices that have plagued our islands before and since 1893. Follow Kamehameha III's laws, and contact the descendants of the royal patents as needed. Please correct me if I'm wrong. And mahalo for your attention to this critical matter. And please correct me if I'm wrong again.

CHAIR KAMA: Members, any questions for our testifier? Seeing none. Thank you so much. Staff, Mr. Dunbar is next?

MS. MCKINLEY: Chair, yes. We could call John Dunbar, to be followed by Alfredo Viasbon *(phonetic)*, and then Scott Lowry.

CHAIR KAMA: I think we'll go to lunch after Mr. Dunbar.

MR. DUNBAR: Good morning, Chair and Councilmembers.

CHAIR KAMA: Good morning.

MR. DUNBAR: Thank you for this opportunity for all of us to testify and bring input to the circumstances that are before us. Thank you. I'm not here to oppose or support the bill. I have something to say that's in between there. I think there's...there's middle ground, and opportunity for the County to work with the State concerning the primary issues, and the most important are water and land. And this is what's affecting the whole process here. I would like to say, first of all, I had an opportunity to...to read and to communicate with Pope Leo, who was born 41 miles from where I was, in Chicago. And he's actually a little bit younger than me, so I've learned a lot, with all due respect. . . .*(laughing)*. . . And the point is, I'm also a kama'aina. I arrived in Hawai'i in 1957 on

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a boat. I lived in a Quonset hut on O'ahu, and came to Maui and built my own home. I do have a vacation rental. It's a bed and breakfast. As my understanding is, I'm not affected by this bill. And...but I...I do, of course, feel that people who are not kama'āinas, or not residents of Hawai'i, that is kind of an issue to deal with. So, there's some...some ground to work with, and not fully opposing the bill or supporting it. Is the idea that perhaps there could be another tax for those that don't live on the island, that have the vacation rentals? But why turn away all these funds that could be applied to what our needs are, okay? And so, before I came here, I spoke with three individuals. One was the...the Mayor's Office. I had a good conversation with Zeke about the circumstances here. I wanted to be prepared to know what is done. I'm not an expert in all of this. However, I did learn a lot. Then I spoke with the...an individual from the Water Department, resource . . . *(timer sounds)*. . . management, and he's indicated, yeah, it's a problem to get the permits. And I can't understand why. The gentleman that spoke before testified there...there are perhaps mechanisms for ensuring that we have the water we need here. I urge all of the Councilmembers, and anyone else, to look at...go online and Google Singapore, and what they've done with their water and land shortages. It's absolutely amazing. I'd be willing to fly there at my own expense and pick up information that could help this County develop what we need in terms of water. Land loss. The last person I spoke with is a friend from San Francisco. He's a billionaire. He has 350 acres here. I've been communicating with him for five years with the notion that that land could be used for the people of Hawai'i. He's in agreement. Of course, he'd love to do market-value homes, but I told him, look, you need to embrace the people of Hawai'i first. So, what he did is he put in two wells, 16 . . . *(timer sounds)*. . . metered wells, \$6 million. He told me this morning, he's at his wit's end. He's finished. He's trying to get permitting to build. Okay. I'll open it up.

COUNCILMEMBER PALTIN: I have a question, Chair.

MR. DUNBAR: Any questions?

CHAIR KAMA: Thank you. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Dunbar. I...I wanted to clarify the part of your testimony when you said the nonresident owners of short-term rentals is what we should be looking at. Is...is that what you said?

MR. DUNBAR: Well, it...it occurred to me on my drive over here that if I would leave my bed and breakfast and go on a vacation, according to the County Planning Department, I have to shut down. Well, what does that do? I mean that's significant. I have to plan well a year in advance for the bookings, and ensure that I'm not gone during one of the times I have bookings there. So, that cuts out a significant amount of income that I could have. I'm not wealthy, by the way, and I work hard. I've...I've given jobs to hundreds --

COUNCILMEMBER PALTIN: I guess the point that I --

MR. DUNBAR: -- of people on the island. But anyway, the point...yes.

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COUNCILMEMBER PALTIN: -- wanted to clarify was that...

MR. DUNBAR: Is it...if there's a way, a means for perhaps using some of the tax money, or an additional tax if you're not living here, and...because it seems fair.

COUNCILMEMBER PALTIN: I...so, the point...the point that I wanted to clarify was, are you aware that I already tried to introduce an exemption for resident short-term rental owners, and it never saw the light of day? Like it didn't move forward. So, I...I feel like I tried what you said in a way that was legal, and it...it never happened. So, I...

MR. DUNBAR: And then...and then came the 3 percent tax, which I paid thousands and thousands of dollars in taxes, but I...I see the point for it. But I also...I'm very --

COUNCILMEMBER PALTIN: Can I clarify that --

MR. DUNBAR: -- disturbed at the notion that...

COUNCILMEMBER PALTIN: -- I tried to do what you said. and it didn't advance?

CHAIR KAMA: It didn't move the needle.

MR. DUNBAR: Right. I'd like to look into that also, and...and...and share some of the thoughts on it.

COUNCILMEMBER PALTIN: Check all the Granicus listings. I think it was about maybe three years ago.

MR. DUNBAR: Okay.

CHAIR KAMA: Thank you. Any other...Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, to clarify on that same point, your assumption is that more than 6 percent of the short-term rentals on the Minatoya list are owned by people who reside in Maui County?

MR. DUNBAR: I'm not...I'm not familiar with the figures. I know the Mayor brought it up when he had his Staff here that so many people in that lot of 6,000 are people who are not residents here.

COUNCILMEMBER RAWLINS-FERNANDEZ: 94 percent.

MR. DUNBAR: 94 percent.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. So, basically, that's a good majority of them, and so your recommendation to tax people differently, it...it would just be the 6 percent.

MR. DUNBAR: 6 percent is --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. DUNBAR: -- is significant, depending upon the tax and the amount of it.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, we're...we're basically doing what you're recommending because the owners of the STRs don't live here.

MR. DUNBAR: And the other...the other point I wanted to make is, I haven't been able to find the legal analysis, the opinion, with regard to what will happen if this bill is passed with those that do...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I don't think you'll find that because that would be confidential. If we're going to be sued, then that's not going to be made public.

CHAIR KAMA: Yeah.

MR. DUNBAR: Yeah. It should be something that we're aware of, to make decisions, even to testify if...if it's not an issue, and the legal opinion says, hey, we're doing something that's legal. But frankly, it is...it is an eminent domain issue and condemnation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. DUNBAR: But the other part of it is --

COUNCILMEMBER RAWLINS-FERNANDEZ: It's not.

MR. DUNBAR: -- it's bringing money in also.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's not, but I won't go back and --

MR. DUNBAR: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- forth with you.

MR. DUNBAR: All right.

COUNCILMEMBER RAWLINS-FERNANDEZ: You did clarify my question. You said that you own a Minatoya unit or you just have a B&B?

MR. DUNBAR: No, no, I live...I live in Ha'ikū. I'm on two acres, and I pay double the real property tax, and I do farm the land, over 51 percent of it. I have produce coming out of it. And...

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

CHAIR KAMA: Thank you. Member Cook?

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COUNCILMEMBER COOK: Thank you, sir. My brief clarifying question is, when you were mentioning about someone who had property and wells and whatnot, could you send that information to the...

MR. DUNBAR: Absolutely.

COUNCILMEMBER COOK: Yeah.

MR. DUNBAR: In fact, he asked if I could testify on his behalf to let the community know that...his name is Paul Biscotti (*phonetic*). You can look him up.

COUNCILMEMBER COOK: Okay. So...thank you.

MR. DUNBAR: And you may be familiar with who...who he is.

COUNCILMEMBER COOK: Thank you. That's my question.

MR. DUNBAR: Yeah. I don't have a problem with that.

COUNCILMEMBER COOK: If you could...clarifying question, if you could send that to the people. Is that a clarifying question?

CHAIR KAMA: The Committee. Thank you. Thank you, Mr. Cook.

MR. DUNBAR: Okay.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you so much, Mr. Dunbar.

MR. DUNBAR: Okay. You're welcome. Have a good day.

CHAIR KAMA: So, Members, it is now 12:04. We're cutting five minutes into your lunch, but you know, you all came back from break late, so I mean it's a wash. But...so, Ellen, could you please let the next three testifiers know who they are? Maybe you want to...maybe you want to go to five names, I guess, yeah?

MS. MCKINLEY: Yes, Chair. The next testifier is Alfredo Viasbon [*sic*], to be followed by Scott Lowry, to be followed by David Louie, and then Jen Mather, and Justin Spanko.

CHAIR KAMA: Okay. Okay. So, those are the next five testifiers we'll have after lunch. Keani, I want to ask you a favor. Could you tell us how many testifiers we had today, and tell us...

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm going to do public math? Okay.
... (*laughing*) ...

CHAIR KAMA: Well --

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COUNCILMEMBER RAWLINS-FERNANDEZ: Well, we started --

CHAIR KAMA: -- you were going to.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- with number 63. I think about a third of them did not answer, or were not signed on. And we ended on number 109. And everyone can do the math for themselves. . . .*(laughing)*. . .

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And there's a total of 216 currently signed up.

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: But...but when we start back up after we reconvene, we'll start with --

CHAIR KAMA: Number...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- number 112.

CHAIR KAMA: Yeah. Yeah. Thank you very much for that end of Committee report for recess. So, it is now 12:06, and we're now in recess for lunch until 1:30. The HLU Committee meeting is now in...

UNIDENTIFIED SPEAKER: 1:00...1:30?

CHAIR KAMA: 1:30. . . .*(gavel)*. . .

RECESS: 12:06 p.m.

RECONVENE: 1:33 p.m.

CHAIR KAMA: . . .*(gavel)*. . . May the recessed HLU Committee meeting of June 9th...18, 2025, come back to order. It is now 1:33 p.m. And Staff, can you please call the next testifier on the list?

MS. MCKINLEY: Chair, the next testifier is Alfredo Viasbon [*sic*], to be followed by Scott Lowry, and then David (*echoing*) Louie. (*pause*) Chair, we don't see Alfredo (*echoing*) Viasbon. Uh-oh. (*pause*)

CHAIR KAMA: You want to call the next one?

MS. MCKINLEY: The next testifier is Scott Lowry, to be followed by David Louie, and then Jen Mather.

MR. LOWRY: Hello. Can you hear me all right?

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CHAIR KAMA: Yes.

MR. LOWRY: Okay. My name is Scott Lowry, and I've lived on Maui full time for the past 11 years in my condo at Hale Kama'ole, which is on the Minatoya list. I do not support this bill. The problem that we're trying to solve is affordable housing. It's always been a problem, but now it's been exacerbated by the fires in Lāhainā. The reason for the long lead time in building affordable housing are that land is expensive, water isn't readily available, and there's a long construction time. But these things are all things that can be fixed by the County and State by number one, building affordable housing on County or State land. Two, implementing a long-term water equity program. The County Water Department stated, in its February 2025 report, Maui Island has more water than it needs to support future demands. That means we have enough water. We just need to get it to the right places on the island. *(echoing)* Number three, the County and State can implement processes for permitting and inspections that is more predictable for construction projects so that they can be properly planned and implemented. One area for improvement is getting a permit to dig a hole. But all of this takes agreement on the plan forward...lots of money, planning, and an execution to resolve this long-term issue. Now, properties on the Minatoya list were all built before 1980, and require significant and expensive maintenance now. My complex is in the midst of a \$13 million...50 to \$70,000. Most have insufficient parking. Mine has 216 spots for 189 units. An apartment complex would require another 189 parking slots, and there is nowhere to get those on my property because there...there is no on-street parking available. Contrary to those who oppose the bill, like me, other than parking and high maintenance, these units are livable. I've lived in mine for 11 years. . . .*(timer sounds)*. . . But most full-time residents on our property are retired, and usually just have a single car. Bill 9 would have the following effects. One, less money for County and State in taxes to fund long-term affordable housing needs and infrastructure. Two, higher unemployment for the island. Again, less money for County and State. Three, less money infusing the island from visitors, impacting local businesses. The Minatoya list properties would either go into disrepair or be purchased by outside investors at a lower price. Either way, the bill would not solve the affordable housing problem. What I suggest is for the long-term, commit to solving the affordable housing issue with long-term planning and funding of needed infrastructure, like water. In the short-term, the County should subsidize vacation rental units by \$2,000 a month for working families for TVR properties that commit to long-term rentals for five years. The \$6 million that was approved to promote tourism on Maui could have provided . . .*(timer sounds)*. . . affordable housing for 250 families for a year on this plan.

CHAIR KAMA: Thank you, Mr. Lowry.

MR. LOWRY: By doing these two things, we get affordable housing now and in the future.

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

MR. LOWRY: Let the TVR owners be a part of the solution.

CHAIR KAMA: Mr. Lowry?

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MR. LOWRY: You'll be amazed at the response.

CHAIR KAMA: Mr. Lowry, can you hear me?

MR. LOWRY: Yes?

CHAIR KAMA: Your time is up. And so --

MR. LOWRY: Okay. I'm done.

CHAIR KAMA: -- I'm going to ask Members for questions for you. And I saw Member Lee has a question. Member Rawlins-Fernandez has a question for you.

COUNCILMEMBER LEE: Mr. Lowry, I'm sorry, I didn't hear. You said if you do these two things. Can you repeat what those two things are to solve the affordable housing problem?

MR. LOWRY: There were three things.

COUNCILMEMBER LEE: Oh, three things.

MR. LOWRY: The first was...was building the affordable housing on County or State land, providing that by the County or State. That would reduce the cost. The second was implementing a long-term water equity program. Right now, there's enough water on the island, according to the Maui Water Department, their usage...their usage plan. It's just that we...we can't...we don't have it going to...to all the places it needs to go to, so some infrastructure has to be put in place for that. And then the third one is to...to shore up our processes for...basically for the permitting, to...to make it more...not necessarily faster, but more predictable as far as when we would expect to get a permit.

COUNCILMEMBER LEE: Okay. Thank you. Thanks.

CHAIR KAMA: Member Rawlins-Fernandez, you have a question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My question...aloha, Mr. Lowry. Mahalo for your testimony. Could you hear the two ringer? Could you hear the timer when it rang?

MR. LOWRY: I heard the second one. I didn't hear the first one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. That was my question.

MR. LOWRY: I thought...I thought --

COUNCILMEMBER RAWLINS-FERNANDEZ: I just wanted to make sure...

MR. LOWRY: -- I thought the second one was --

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COUNCILMEMBER RAWLINS-FERNANDEZ: The first one.

MR. LOWRY: -- yeah, I thought the second one was the first one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. You heard, Staff? Okay. All right. Mahalo. Mahalo, Chair. Oh, and I'm sorry. How many units did you say that you owned?

MR. LOWRY: I just own the one that I live in. That's all --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, at Kama'ole.

MR. LOWRY: -- I've ever owned here. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then...and you...you bought in the '90s, you said?

MR. LOWRY: No, I bought 11 years ago, and have lived here full-time ever since I bought.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And...and your realtor let you know that it was a unit that was on the Minatoya list?

MR. LOWRY: I don't...I don't recall. I wasn't...I was not concerned about it. I was just looking for a place that I wanted to live full-time, so I didn't...I have no idea.

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

CHAIR KAMA: Thank you. And Member Cook has a question for you, Mr. Lowry.

COUNCILMEMBER COOK: Thank you, Mr. Lowry. So, you live there full-time. Are you taxed as an owner-occupied? Do you have to...

MR. LOWRY: Yes.

COUNCILMEMBER COOK: Do you have to pay --

MR. LOWRY: Yes, owner-occupied.

COUNCILMEMBER COOK: -- the transient vacation tax?

MR. LOWRY: No. No. Owner-occupied.

COUNCILMEMBER COOK: Okay. Thank you, sir.

CHAIR KAMA: Okay. Very good. Any other questions, Members? Seeing none. Thank you very much, Mr. Lowry.

MR. LOWRY: Thank you.

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CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is David Louie, to be followed by Jen Mather, and then Justin Spanko.

MR. LOUIE: Good morning. Can you hear me?

CHAIR KAMA: Yes, we can hear you.

MR. LOUIE: This is...thank you, Chair and Members. This is David Louie. I'm an attorney here in Honolulu, Hawai'i. I served as the former Attorney General under General...under Governor Abercrombie from 2011 to 2014. I have substantial experience in dealing with constitutional law issues. I've defended the State in a long-running constitutional claim. I want to thank all of you for your attention that you're paying on this important issue, and I appreciate all the concerns of you, the Mayor, and everybody who's testified. I've submitted written testimony on June 6th. I have to tell you, I appreciate your concerns, but Bill 9 is problematic, and violates the Constitution...the Constitution of the United States and the Constitution of Hawai'i. These are fundamental constitutional rights that are vested rights of property owners that cannot be taken away by zoning ordinance, and that's going to be a huge problem for the County. The...the...the County wants to wipe out the Minatoya list, wants to wipe out lawful vested short-term rentals that have been going on since 1960 for decades, and you just can't do that, unfortunately. There have been three courts in Hawai'i that have spoken on this, and have ruled against what Maui County wants to do. The Hawai'i Court of Appeals, Intermediate Court of Appeals had ruled twice--once in 1997 and again in 2016--the...and said, you can't do that. It's a matter of constitutional dimension. The U.S. District Court, the Federal Court in Honolulu, enjoined the ordinance in Honolulu and said it's a matter of constitutional law. The change in 46-4 of the Hawai'i Revised Statutes does not change this because you're talking about fundamental constitutional rights. . . .(timer sounds). . . This is an unconstitutional taking that results in damage, and will create gigantic potential liabilities for the County of Maui in tens of millions, perhaps more. And I mean, UHERO itself predicts that condo prices will decline 20 to 40 percent, and that will be on the County...on the County as a liability for taking because the Hawai'i Constitution says taking or damage. And so, that's going to be hugely problematic. Therefore, because of these severe consequences to the budget, to the taxes, to the...to the liabilities of the County, I recommend that this bill is premature until the County can figure out how it's going to handle the compensation issues, and deal with all of the economic losses. And therefore we urge you, urge you...I speak on behalf of Airbnb, my client, but I am telling you as a constitutional lawyer, this is gigantically . . .(timer sounds). . . problematic, and I request that you hold the bill.

CHAIR KAMA: Thank you, Mr. Louie.

MR. LOUIE: Thank you.

CHAIR KAMA: Member...Chair Lee has a question for you.

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COUNCILMEMBER LEE: Yes.

CHAIR KAMA: So does Member Rawlins-Fernandez.

COUNCILMEMBER LEE: Hello, Mr. Louie.

MR. LOUIE: Hi.

COUNCILMEMBER LEE: Could you tell us which three cases went before the appeals court...or you said two cases before the appeals court, and then another one. Were...were those cases related to short-term rentals?

MR. LOUIE: The first case before the Intermediate Court of Appeals in 1997 was...was the Waikiki Marketplace case. It was not related to short-term rentals. However, in 2016 the Hawai'i Intermediate Court of Appeals affirmed the ruling, said that there were serious constitutional questions, and held that...that in the context of short-term rentals, there are vested rights of property owners. That's a 2016 case. I'll give you a citation in just one minute. That's the Ferris Trust case. Look at 138 Hawai'i 313.

COUNCILMEMBER LEE: Okay. And the third case?

MR. LOUIE: And then finally --

COUNCILMEMBER LEE: Yeah.

MR. LOUIE: -- the third case is the United States District Court case, which ruled in Hawai'i Legal Short-Term Rental Alliance versus City and County of Honolulu. I have to give you this Westlaw site, which is 2022 WL 7471692. That's a 2022 case, and that was Judge Derrick Watson who granted a preliminary injunction, and then later, a permanent injunction against the enforcement of the Honolulu ordinance that was restricting short-term rentals.

COUNCILMEMBER LEE: Okay. Thank you.

MR. LOUIE: So, those are the three cases in Hawai'i, I mean, and two of them are short-term rental cases.

COUNCILMEMBER LEE: Thank you.

CHAIR KAMA: Thank you, Chair. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Louie. Mahalo for your testimony. Did you disclose that you're a lobbyist for Airbnb?

MR. LOUIE: I...I mentioned that at the end of my testimony, that I represent Airbnb. Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. So, we will, I'm sure, hear about the cases that you cited from our own attorneys, and not from Airbnb's attorney. And then for that last case, the Honolulu case, a big part of that injunction was because it was a six-month phase-out, correct?

MR. LOUIE: I'm sorry. Say that again?

COUNCILMEMBER RAWLINS-FERNANDEZ: The change in the definition was six months.

MR. LOUIE: So, what happened, the...the court rules...

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, we won't have to discuss it. We'll go in deeper detail with our own attorneys in executive session. But appreciate your comments.

MR. LOUIE: I appreciate that. Let me just respond. If your attorneys are telling you you can get around the Constitution, I seriously disagree. You obviously have legal advice from your attorneys. I've worked with your attorneys, both with them and against them. But I seriously disagree if they're saying that you can walk away from this --

CHAIR KAMA: Thank you, Mr. Louie, for that.

MR. LOUIE: -- with no damage.

CHAIR KAMA: Members, any other questions for --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: -- the testifier? Seeing none. Thank you so much, Mr. Louie. Staff?

MR. LOUIE: Thank you.

MS. MCKINLEY: Chair, the next testifier is Jen Mather, to be followed by Justin Spanko, and then we'll go back to Nara Boone. *(pause)* Ms. Mather, if you could unmute yourself. You are unmuted on our end. If you go to the right top of your screen, there's a little microphone button. *(pause)* Would you like to testify? *(pause)* It looks like she's calling in, Chair. Should we go ahead and have Nara Boone testify now...or I'm sorry, Justin Spanko was next.

COUNCILMEMBER PALTIN: Can you give the call-in number? She said the microphone is grayed out on her screen.

MS. MCKINLEY: Ms. Mather, if you would like to leave the meeting and then immediately rejoin, that might work. And then I'll put the phone number in the chat as well.

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: She said cool.

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CHAIR KAMA: Did you call Nara Boone?

MS. MCKINLEY: Chair, I believe Justin Spanko is next.

CHAIR KAMA: Oh, okay.

MR. SPANKO: Hello?

CHAIR KAMA: Yes. Justin?

MR. SPANKO: Yes. My name...yes. My name is Justin Spanko. I'm the General Manager at Kā'anapali Royal. Thank you for allowing me the time to testify today, and I'm going to be speaking in opposition to Bill Number 9. Rather than kind of read off my paper here, I just wanted to zero in on one point in particular. Kā'anapali Royal is 105 units condominium. We have owner-occupied residents here, long-term renters, as well as short-term rentals. We are in Kā'anapali Beach Resort, so we're actually in the resort area, and our association pays resort fees monthly to the tune of a little over \$4,300 a month. And that's, of course, for the upkeep of the resort. And somebody can correct me if I'm wrong, but I've heard, you know, a lot of testimony over this, and I think we can all agree that we want visitors here in Maui to stay in designated areas, like resorts. We obviously don't want visitors in residential areas where they can potentially be taking up places that local residents should have, and I...I'm in agreement with that. But being in a resort, it's kind of my...my argument for this because it makes no sense if you want to have these visitors stay in resorts, but at the same time, you're telling properties in resorts that they cannot do short-term rentals. So, one of our biggest generators of income for our property is our parking revenue, and we charge a flat rate parking fee for all visitors that come here...\$154, no matter if they're staying one week, two weeks or whatever. Our owners and long-term renters pay that fee one time. So, if you're a renter here, and you've been here three years, you paid \$154 when you signed the lease, you never pay another fee. So, all of that is generated from short-term visitors, and that's to the tune of about 12 to 15,000 a month that goes into our operating expenses. So . . . *(timer sounds)* . . . by cutting out short-term rental, you now cut that out, and that takes a serious chunk out of our...our revenue, which in turn isn't penalizing our owners that do short-term rentals. What it's doing is penalizing the local staff who work here, which there's nine of us, so without that...that money, somebody's probably going to be losing their job, not to mention the jobs that are lost with the property management companies, their maintenance, and cleaning staff. So, I would just ask that we consider taking more of a common-sense approach to these short-term rentals, and allowing those folks in actual resort areas to be allowed to do these, and going after the illegal rentals, and the ones that are in residential areas, and...and kind of, you know, again, letting properties like Kā'anapali Royal operate within that...that resort structure. That's all I have. Thank you again for giving me the time to testify.

CHAIR KAMA: Thank you. Members, any questions for our testifier? We have a question from Member U'u Hodgins.

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VICE-CHAIR U’U HODGINS: Thank you, Mr. Spanko, for your testimony. You said that you folks pay 4,300 monthly resort fees, and is that for the entire complex? For your entire --

MR. SPANKO: Yes.

VICE-CHAIR U’U HODGINS: -- 120...okay.

MR. SPANKO: Well, 105 units, that’s what --

VICE-CHAIR U’U HODGINS: 105.

MR. SPANKO: -- we pay, yeah, as...as an actual association. Now, our owners may pay on top of that, but I just know what we pay as an association.

VICE-CHAIR U’U HODGINS: Okay. Thanks. Thanks, Chair.

CHAIR KAMA: Thank you. Members, any other questions for our testifier? Seeing none. Thank you very much, Mr. Spanko. Staff?

MR. SPANKO: Thank you.

MS. MCKINLEY: The next testifier is Jen Mather, to be followed by Nara Boone, and then Amanda Franta. Ms. Mather, you’re still muted on our end. Do you see the microphone button, are you able to...okay. Maybe you could try calling in on the...okay. Thank you. Chair, would you like Ms. Boone to testify in the meantime?

MS. BOONE: Sorry, I have to go to work. I came here on my break. If I could testify and just get on the road, that would be amazing.

CHAIR KAMA: Who’s next under this, Amanda?

MS. MCKINLEY: Nara Boone is next.

CHAIR KAMA: Oh, Nara.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ms. Mather, Ms. Boone is going to testify while we enable your phone number, so if Staff can enable her phone number, she’s going to testify through phone.

MS. BOONE: Aloha, everyone. My name is Nara Boone. I am with the Maui Housing Hui, but I am a long-time Maui resident. My family has been here since the ’70s. We have watched the changes that have happened in our community. When I went to Ha’ikū School in kindergarten and all throughout, there were one or two nonbrown faces in my classrooms. I went to May Day a few weeks ago there, and as the crowd started (*chanting*) e Hawai’i e ku’u one hanau e, I was the only one singing within 25 feet. The people that grew up singing that song every morning are gone. Ha’ikū School is 66 percent white, and this has nothing to do with race. This has to do with the audible absence of the people that were born here, and grew up here. And I feel like I’m in some

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bizarre alternate universe when people are saying, oh, this cost \$200,000, oh, this cost \$100,000. Oh, I have to go back to work because I have three jobs to pay my rent that has gone up exponentially in the last five years. Six years. I looked yesterday to see what was for sale. Houses that seven years ago sold for \$350,000 are now selling for 1.4 million. . . .*(timer sounds)*. . . Short-term rentals help jack up our prices. Short-term rentals take homes away from our people. The act and action of prioritizing tourism, and realtors, and luxury development instead of our people has got to stop. It has to. We cannot drill our way out of this. There is not enough water. Pu'u Kukui is half the water it was ten years ago. We cannot build our way out of this. Everyone should watch the Mayor's presentation, Matt Jachowski's presentation in particular. HOA fees will come down if you're not catering to tourists. If it's for local families to gather and barbecue and have parties. Rents will come down without short-term rentals. I . . .*(timer sounds)*. . . thank the Mayor for bringing this bill forward. I am in staunch support of Bill 9. It is time to turn your attention back to the people of this place, and not the dollar signs. Thank you.

CHAIR KAMA: Thank you.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Nara, Councilmember Cook has a question for you. Yes, go ahead, Mr. Cook.

COUNCILMEMBER COOK: Thank you, Chair. Thank you, Ms. Boone. So, all the kids at Ha'ikū School, do you think that most of them were born over there? Maybe some of their parents were born over there? . . .*(inaudible)*. . .

MS. BOONE: What I know is that they don't know the song.

COUNCILMEMBER COOK: Okay.

MS. BOONE: And this song was ingrained in us like the Pledge of Allegiance, and given more respect.

COUNCILMEMBER COOK: So...

MS. BOONE: And people were talking, and no one was singing around me.

COUNCILMEMBER COOK: So, I...I hear that message. I was just curious because it just sounded like...

MS. BOONE: This is gentrification, Tom. This is what is happening.

COUNCILMEMBER COOK: So...

MS. BOONE: This is before --

COUNCILMEMBER COOK: I...

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MS. BOONE: -- this is COVID making prices too high.

COUNCILMEMBER COOK: I've...I've...I've lived through it. That's my neighborhood. I understand. I feel it. Thank you for your testimony.

MS. BOONE: Thank you. I really need to...

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

MS. BOONE: Thank you.

CHAIR KAMA: Seeing none. Thank you. Staff?

MS. MCKINLEY: Chair, I don't --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- see --

CHAIR KAMA: Jen.

MS. MCKINLEY: -- which number Ms. Mather might be calling in on. Are you connected on the phone, Ms. Mather? Is it last four numbers 5635 or 0942?

MS. MATHER: 55...

COUNCILMEMBER PALTIN: 5596.

CHAIR KAMA: I thought I heard something.

COUNCILMEMBER RAWLINS-FERNANDEZ: We just heard you.

COUNCILMEMBER PALTIN: 5596.

MS. MATHER: Yeah, 5596.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, we hear you.

MS. MATHER: Can you hear me now? Okay. Cool, cool, cool. Yay, finally. Aloha, Council, Chair Kama, Honorable Committee Members. My name is Jen Mather. I reside in Waiuku, but my heart belongs to Lāhainā. My body is actually in Lāhainā as well today, testifying in support of Bill 9. Actually finding it difficult to say...or to find out what I wanted to say because other people have been super eloquent and moving about the issue. But I'm not totally unprepared. I think that those of us who know about this issue have been waiting for this conversation on this scale for many years. I found out about the Minatoya list in 2017, and then I was on the West Maui Community Plan update as an alaka'i in 2018. Became really concerned about the Minatoya list, and what it was doing to our community. Then Councilmember Paltin was the Chair of the

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Planning and Sustainable Land Use Committee. I believe she made some inquiries that may have resulted in the community listening plans...or community listening sessions that Planning Director McLean hosted. And those were about phasing out the Minatoya list, right? And we know who shows up to those. It wasn't us at that time. It wasn't the same people who have been activated within the last year and a half. We were too busy, right? We're still too busy. We have too many jobs. I still have too many jobs. You can see where I'm meeting today. I'm in the storage room. Maybe we didn't have enough education about the issue. We definitely didn't have enough advocacy from our own people, right, the people who are like cosmogonically (*phonetic*) connected, or generationally connected to this 'āina. But that tide has changed. We can clearly see, and we hear that amount of impassioned testimony...like Nora [sic], just a second ago. To have this Council pass this bill so we know the Mayor is going to sign it because people have done a huge, deep dive kine research to ensure that this isn't going to hurt us the way that the fear-mongering has promised us it will. And by the way, when the folks who own or manage these...these properties tell you that normal locals, right, normal locals aren't going to want to live in places they deem small, I lived in a plantation . . . (*timer sounds*). . . cottage that was maybe 365 square feet. There was four people, two cats, a guinea pig, a rabbit, two outdoor cats, one car...one car, one motorcycle. And we were happy. We were content. The only times we freaked out was when the fires were coming at us from the fields, right? So, I take offense when people keep telling me where I should choose to live, and where I don't want to live, and what I deserve. They have...they've used that language continually, right? That local people wouldn't want this, and that we deserve more. Do you know what local people deserve? To stay here, right? To remain on this 'āina. Not being forced to choose a concrete jungle far away with no connections. I was forced to choose that. I came back. Who wants that, right? So, I implore you all. Do not be afraid. Like the guy before Nora [sic], right. Fear. Be brave. We've got you. This is the way we house our people. I've said it before, and I'm going to say it again. We do not have a housing crisis, right? We have a usage crisis. We have an extraction crisis. And we have . . . (*timer sounds*). . . a foreign invasion crisis. And if we learn to use our --

CHAIR KAMA: Ms. Mather...

MS. MATHER: -- resources, and existing housing is one of them, we can be better.

CHAIR KAMA: The second bell just rang.

MS. MATHER: So, mahalo.

CHAIR KAMA: So, thank you.

MS. MATHER: Okay, cool. Thank you.

CHAIR KAMA: Any questions for Ms. Mather? Ms. Mather, Member Paltin has a question for you.

COUNCILMEMBER PALTIN: I was just checking if you could hear the bell because sometimes when I'm online I don't hear the bell.

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MS. MATHER: I heard the...the last bell. Yeah.

COUNCILMEMBER PALTIN: Not the first, you...you only heard the bell one time?

MS. MATHER: Yeah. But it could be because I was talking.

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

MS. MATHER: Try to talk fast.

COUNCILMEMBER PALTIN: Okay. Well, you're the second --

MS. MATHER: You know me --

COUNCILMEMBER PALTIN: -- one that only heard the second bell.

MS. MATHER: -- I going talk fast as much as I can before you tell me stop.

COUNCILMEMBER PALTIN: So, maybe, maybe not. I don't know. Okay. Thank you.

CHAIR KAMA: James, could we . . .*(inaudible)*. . .

MS. MATHER: Okay. Mahalo.

CHAIR KAMA: Okay. Any other questions for Ms. Mather, Members? Seeing none. Thank you, Jen. Staff?

MS. MCKINLEY: Chair, the next testifier is Amanda Franta, to be followed by Brandi Corpuz, and then Mrs. Padgett.

MS. FRANTA: Aloha, Chair, Vice-Chair, and Committee Members. Thank you for taking the time to listen. Oh --

CHAIR KAMA: Wait.

MS. FRANTA: -- can you hear me okay?

CHAIR KAMA: Who's next? Is it Brandi, or is it Amanda?

MS. MCKINLEY: Amanda Franta.

CHAIR KAMA: Okay. Hi, Amanda. Continue, please.

MS. FRANTA: Hi there. Okay. Aloha, Chair, Vice-Chair, and Committee Members. Thank you for taking the time to listen to our testimony today, and throughout the discussion on Bill 9. My name is Amanda Franta, and I'm born and raised here on Maui, and I strongly oppose Bill 9. I work for a property management company that manages

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short-term rentals, long-term rentals, FEMA properties, and more. Our company employs nearly 70 local residents here on Maui, and additionally, we work with and support over 130 local vendors for our cleaning and maintenance needs that our rentals have. Annually, we contract out roughly 2.7 million in repairs and maintenance through local vendors that our short-term rental properties require. In 2024, we paid out over \$2 million to locally-owned and operated cleaning companies. This industry has provided an opportunity for countless residents to create and run their own businesses from. Whether it's a professional cleaning company, local plumbing company, window washers, appliance technicians, and more, this industry not only supports thousands of local residents, it also has created an opportunity that may not have had...been there without vacation rentals to service. Many of these vendors solely rely on vacation rental property needs. It was mentioned in a presentation at the beginning of the hearing that 94 percent of lodging revenue from STRs are lost, as they are taken off island by a nonresident homeowner. But that is not true. Local management companies charge anywhere from 20 to 30 percent of that rental income to manage these properties. In addition to that are the separate cleaning fees and maintenance expenses that are collected and paid out here on Maui to local vendors. The UHERO report quotes staggering economic implications from this bill if it should pass...losses that will affect us as local residents. Losses for our schools, our infrastructure, our roads, our services, our Affordable Housing Fund. . . .*(timer sounds)*. . . The State and County revenue generated by vacation rentals on the Minatoya list is substantial. It's significant. And its loss would be devastating to Maui residents. And even with that sacrifice, this proposal does not guarantee housing for residents. In fact, many of our homeowners have already indicated that if this bill passes, they will continue to own these properties for personal use. Mayor Bissen is suggesting properties should apply to be rezoned to short-term use, which would protect County revenue streams in the future. But will it actually be achievable? What are the requirements, the process, the implications? Can this be done in a reasonable amount of time? It's a compromise that may make sense for properties that should remain as vacation rentals, but not with unreasonable requirements, and an endless timeline to achieve rezoning. I ask that you consider the impact this would have on Maui residents, and how many rely on this industry to support their families. We want new housing for our residents. We want opportunities to run our own local businesses . . .*(timer sounds)*. . . and to keep the profits here on Maui. Thank you.

CHAIR KAMA: Thank you, Ms. Franta. Members, any questions? We have a question from Chair Lee, and then Member Paltin.

COUNCILMEMBER LEE: Hello, Ms. Franta. I just wanted to check if you sent in your testimony to the Council. Did you provide written testimony?

MS. FRANTA: If I...yes.

COUNCILMEMBER LEE: You did? Okay. Thank you.

CHAIR KAMA: Member Paltin?

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Franta, for your testimony. I wanted to clarify the part you said that your property management company manages short-term rentals, long-term rentals, and FEMA housing?

MS. FRANTA: Yes.

COUNCILMEMBER PALTIN: Is that under Lima Charlie, your...your...your property management that manages the FEMA rentals?

MS. FRANTA: Yeah. We work with both Lima Charlie and Fedcology are the two companies we're contracted with.

COUNCILMEMBER PALTIN: And the difference between the management for Lima Charlie and Fedcology and the short-term rental properties, could you clarify that? Because I haven't heard good reviews about the way Lima Charlie and the other property management companies are handling our survivors. So, I...I just was wondering if you could clarify. Like what's the difference in your property management for our survivors and for our tourists?

MS. FRANTA: Well, it's limited with the FEMA properties because our lease agreements are with either Lima Charlie or Fedcology. So, we don't have any access to the actual tenants occupying the properties, whereas normally, we're very hands-on with our tenants, right? We have --

CHAIR KAMA: Yeah.

MS. FRANTA: -- one-on-one relationships with the property managers and them, and we can service them more directly. But because...

COUNCILMEMBER PALTIN: Or I mean like fixing like the electrical issues and like that. I mean, I get inbox full of complaints that electrical safety issues aren't being addressed by the property management company. So, I...I just don't understand.

MS. FRANTA: No, I mean...

COUNCILMEMBER PALTIN: Since a couple testifiers said that, I didn't even know they had on-island property management the way that my constituents talked to me.

MS. FRANTA: Well, I don't think all of them do. That's the problem. So, a lot of the properties that we're managing for FEMA were previously in our short-term rental program, so we had that existing relationship with the owners, and they wanted us to remain involved. The properties...the three companies that FEMA contracted out, they're located on the mainland, so they don't really have boots-on-the-ground operations here. So, they were leaning on local management companies, but I don't know if every single one of them is using an on-island property manager. We, of course, don't treat it any differently. You know, we...we manage it as a long-term property. We're...we're a licensed brokerage. We have a fiduciary duty to do so. But I don't know if all of them are being run through local property management companies. I can't speak to that.

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COUNCILMEMBER PALTIN: And is that legal, to not use on-island property management companies to manage properties?

MS. FRANTA: I...no, it's not. But...but perhaps they have a different solution for that, or maybe they're just working with a company that has a different standard. I...I can't really speak to that, except how we manage our own properties. And it's no different, other than I can't...we can't have one of the tenants reach out to us directly. They have to go through Fedcology, so it is cumbersome on them. And then, you know, it would be easier for them just to come through us, but there's a...there's a level of privacy that's remained intact with...so...

COUNCILMEMBER PALTIN: Thank you for that clarification.

CHAIR KAMA: Thank you.

MS. FRANTA: Sure.

CHAIR KAMA: I heard Chair [sic]. Somebody's calling? Okay. Any...

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

CHAIR KAMA: Yeah. Oh, Members, any other questions? If none, thank you very much, Ms. Franta.

MS. FRANTA: Okay. Thanks.

CHAIR KAMA: Go ahead.

MS. MCKINLEY: Chair, the next testifier is Brandi Corpuz, to be followed by Mrs. Padgett, and then Jackie Keefe. I'm not sure if any of them are here. *(pause)* Chair, moving on --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- I don't see Brandi Corpuz online or in the Chamber. Mrs. Padgett, I don't see online either.

CHAIR KAMA: She's right here in the Chamber.

MS. MCKINLEY: Okay. Great.

MRS. PADGETT: Aloha.

CHAIR KAMA: Aloha.

MRS. PADGETT: My name is Mrs. Padgett. I'm going to go real quick through this. I feel for the Council that this was clearly not researched prior to bringing and dumping in your lap. This is hotel- and timeshare-driven, in my opinion. Blame, divide, conquer, that's

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what the hotels and the elites like to do. The Minatoya is one item, but many of the condos in their declarations prior to 1989, that is their legal right. The Minatoya was just a clarification of what was already in those declarations. They did go through it. They were never hotels, and they were never timeshares, and they were never apartments. From 1989 until 2020, very little was changed on the tax situation and different categories until they started to do it in 2020. These apartments, for the 37 years, should have had the STVR. Prior to the fires in 2023, these apartments were given Apartment/STVR, and that is the first time they actually got their own classification from the tax department. Should have been done a long time ago, should have had a lot more taxes for 37 years. So, I look at this as part of an oversight (*phonetic*) of the government. Water is an issue, and very questionable. O'ahu has 1.1 million people. Maui has 1.4. All fluctuates with tourists, and O'ahu has a lot more than us. They asked the Water Department here, I know of about eight years ago, and called them to see if they could help them. They never got a call back. I bought my first condo in 1989. I purchased it with first-time homebuyers money. I worked six days a week, sometimes double shifts. I drove a 1976 . . . (*timer sounds*). . . 17-year-old car, and I made sure I drove from Kihei to Kā'anapali. When I could get a ride and we could carpool, we would. That's where the jobs were. There were no jobs, really, in South Maui...a few hotels. But you allowed the Planning Department, all these little condos were there prior to the ten timeshares, and hotels, and expansions of those hotels and timeshares in South Maui. That's when we started getting a problem in housing. Anyway, that's...the other thing is, is one of the reasons people are leaving Maui and retirees is because even with the...I work with the OHA program, and for first-time homebuyers, and it's very challenging. Nobody there is giving them financial advice. A lot of the people that are here that own condos, whether it's two, four, six...I can see a 20, 30, 40-year difference in age. So, if they have financially-invested their time, then okay, somebody needs to help everybody else.

CHAIR KAMA: Thank you, Mrs. Padgett. Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mrs. Padgett, for your testimony. I wasn't clear on the population number comparison of O'ahu and Maui. Was it supposed to be in relation to water? Because --

MRS. PADGETT: Yes. Because we have...

COUNCILMEMBER PALTIN: -- O'ahu has the Ko'olau mountain range and we have two...like is it called shield, shield volcanoes or something? And so, we don't have that mountain range --

MRS. PADGETT: We have more water --

COUNCILMEMBER PALTIN: -- to catch the water.

MRS. PADGETT: -- according to the Water Department on O'ahu...then Maui has more water available than O'ahu. If I'm wrong...

COUNCILMEMBER PALTIN: Oh. Because so much people live there and use all their water?

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MRS. PADGETT: Well, also, they're...they...the population is so much bigger. So, if they can provide water, and we're supposed to have more water here on Maui, then where's the issue? Where's the problem? Why do we not have more reservoirs? And if everybody went on on-demand systems, and not solar, or anything that contains a tank on all of Maui, then you would have no water tanks at all. You would have an on-demand system, and that would be the best.

COUNCILMEMBER PALTIN: Thank you. I...I don't think that's how topographically it works, but thanks.

MRS. PADGETT: No, that is.

CHAIR KAMA: Members, any other questions? Seeing none. Thank you. Staff?

MS. MCKINLEY: Chair, the next testifier is Jackie Keefe, to be followed by Stephen Thiele, and then Peter Aquino [sic]. *(pause)*

CHAIR KAMA: I don't see anybody.

MS. MCKINLEY: Chair, the next testifier is Stephen Thiele, online.

MR. THIELE: Aloha.

CHAIR KAMA: Aloha.

MR. THIELE: Can you hear me okay?

CHAIR KAMA: I can hear you.

MR. THIELE: Thank you. Thank you. Aloha, my name is Stephen Thiele. I am the Chair of the Owners Rezoning Committee at Kama'ole Sands. We oppose Bill 9 because it fails to address any exemptions for properties like Kama'ole Sands, which were always built for the purposes of supporting Hawai'i's tourist industry. Bill 9 does not address public statements made by Mayor Bissen that Minatoya list properties, which have always been used to support the tourist industry, and that operate in a similar fashion to resort hotel properties, should be allowed to continue their transient vacation use, and should be rezoned as Resort Hotel. A fulsome review of the governing documents of Kama'ole Sands has been provided to all Members of Council. Those documents show that Kama'ole Sands was not built as workforce housing, and therefore, Kama'ole Sands falls outside the purposes of this bill, which has been stated to convert workforce housing back to its original use. Rather, Kama'ole Sands was built as a luxury resort, and as disclosed and authorized by the State of Hawai'i, was marketed to people in several U.S. States and two Canadian provinces. This form of marketing and construction was common at the time for the building of resorts to support the tourist industry, rather than the building of hotels. Upon completion, units at Kama'ole Sands were employed in the tourist industry by Colony Resorts, and advertised in travel magazines. The property featured a restaurant and other tourist amenities, and

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included the sale of souvenir items. The AOA that governs Kama'ole Sands today was incorporated by Aston Hotels, a Hawai'i-based hotel company, showing that Kama'ole Sands was utilized to support Maui's tourist industry. Today, Castle Resorts and Hotels operates the dedicated 24-hour registration desk at Kam Sands, which requires all guests to be registered, including unit owners when they are on the property. Kam Sands essentially is representative of what commercial hotels today market as vacation clubs, with the exception that the individual units at Kama'ole Sands are directly owned . . . *(timer sounds)* . . . by individuals and not the hotel company. It was built at a time when the Kihei 701 plan was formulated to make Kihei an economic engine on Maui, to support the tourist industry. Wailea was later developed as a designated tourist community, and Kam Sands is actually considered, under the U.S. Census, to be part of Wailea. Exempting Kama'ole Sands from Bill 9 is sound because it will protect the 36 jobs of Castle Resort employees, and the jobs of dozens of others who support Castle Resorts in the operation of Kam Sands, for the...from the two dozen people employed by the AOA, and the several other employees who maintain Kam Sands. In closing, the Kama'ole Sands community has been consulted, and it overwhelmingly supports its continued use as a destination for transient vacationers. We trust that the Housing and Land Use Committee will take into consideration the views of the Kama'ole Sands community, and support retaining the ability of Kama'ole Sands unit owners to use their individual units for short-term and transient vacation use, and to protect the dozens of jobs . . . *(timer sounds)* . . . at Kam Sands, and dozens of indirect jobs that are supported by Kam Sands' unit --

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

MR. THIELE: -- owners, both at Kama'ole Sands, and within the town of Kihei. Thank you. Mahalo.

CHAIR KAMA: Members, any questions for the testifier? Member Paltin, did I see your hand up? Oh, okay, I just wanted to check.

COUNCILMEMBER PALTIN: Oh, no.

CHAIR KAMA: Okay. Thank you.

COUNCILMEMBER PALTIN: I just was --

CHAIR KAMA: Okay.

COUNCILMEMBER PALTIN: -- I don't know what I was doing.

CHAIR KAMA: . . . *(laughing)* . . . Okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. For clarification, are you talking about Kama'ole Sands?

MR. THIELE: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Kama'ole. Okay. Got it.

MR. THIELE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MR. THIELE: Thank you.

CHAIR KAMA: Okay. Thank you very much. Member...

MR. THIELE: I'm sorry, I have a bad tooth, and, you know, I often bite my cheekbone, and I have to speak very quickly for the three minutes, but thank you for clarifying that.

CHAIR KAMA: Thank you. Thank you, Mr. Thiele. Staff?

MS. MCKINLEY: Chair, the next testifier is Peter DeAquino, to be followed by Brett MacKinnon, and then Austin. *(pause)* Chair, I think we can move on to the next testifier, Brett MacKinnon, to be followed by Austin, and then Melissa McKim. *(pause)*

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

MS. MCKINLEY: Mr. MacKinnon, the microphone icon is in the upper right-hand portion of your screen. If you could click on that. *(pause)* He appears to have dropped off. Maybe he'll call in or reconnect. The next testifier is Austin, to be followed by Melissa McKim. *(pause)* Chair, I don't believe that Austin is in the meeting. Melissa McKim, you can go ahead and unmute yourself, please?

MR. MACKINNON: Let's see where our mute is. Can you hear me?

CHAIR KAMA: I can hear you.

MR. MACKINNON: Okay. . . .*(inaudible)*. . . Oh, okay. My name is Brett MacKinnon, and I have owned at Kapalua Bay Villa for 40 years. I'm strongly opposed to Bill 9 because it's not going to solve the housing affordability issue, but instead become a distraction from measures that will. Let's look at what most likely will happen if Bill 9, or something like it, is passed. One, many very well-financed lawsuits filed to contest it. Two, strong chance that a temporary injunction blocking it will be granted. Three, endless appeals through the court system, perhaps up to the U.S. Supreme Court. Four, major hit to the Maui economy. Five, thousands of jobs lost. Six, tax revenue cut by around 100 million. While not familiar with many of the individual properties on the so-called Minatoya list, I am familiar with Kapalua from my 40 years there to see one, Kapalua properties never were, and never will be, affordable or workforce housing. They were built as resort housing, and are just too costly, even if prices drop by 50 percent. Two, carrying costs from Kapalua properties will never be in the range of affordable housing, with excessive and increasing maintenance costs, astronomical HOA fees, and high property taxes, even as long-term rentals. Three, Bill 9...if Bill 9 is passed, the majority of Kapalua homes will become second homes that are typically only occupied for eight weeks or less per year. This will occur even if an empty homes tax is done, which will

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start yet another round of lawsuits. Who will be harmed by the STR ban? Maui residents who earn a living maintaining and managing STRs, part of the very workforce this bill is supposed to help. Over my 40 years on Maui, I have gotten to know many who see the bill as a threat to their livelihood. Two, Maui residents and businesses that provide services and goods to the visitors staying on ST...STRs. There are fewer customer days for second home stays than vacation visitor stays. The people of Maui will be affected one way or another . . .*(timer sounds)*. . . by the overall drop in . . .*(inaudible)*. . . activity. The people of Maui...four, the people of Maui will either have fewer government services, higher taxes, or both from the STR revenues. And ironically, five, the people in which...who need affordable housing, which will be delayed as this distraction plays out. Who will benefit from the STR ban? People who are purchasing second homes if prices drop. Attorneys participating in the endless plethora of lawsuits. Or three, the hotels, limiting STRs will reduce their competition. Thus, I respectfully ask you to defeat Bill 9, as it is not going to help solve the affordable housing, but instead, make things worse for many Maui residents. The controversy and inevitable lawsuits will be a distraction for measures that really help solve housing affordability. Delaying this to 2030 is simply kicking the can down the road, delaying real solutions. Thank you very much for your time.

CHAIR KAMA: Thank you. Members, questions for our testifier?

MR. MACKINNON: Sure.

CHAIR KAMA: Seeing none. There are no test...no questions from our Members, so thank you so much.

MR. MACKINNON: Okay. Thank you for the opportunity to speak.

CHAIR KAMA: You're welcome.

MS. MCKINLEY: Chair, the next testifier is Melissa McKim, to be followed by Misti Kotter, and then Olivia Kotter. *(pause)*

MS. MCKIM: Hello, can you all hear me?

CHAIR KAMA: Yes.

MS. MCKIM: Okay. Hello, Chair, Vice-Chair, and Councilmembers. Thank you for your service, and hearing our testimonies. I first want to acknowledge the housing crisis, and express my hope that our leaders and community can come together to find real solutions, ones that support local families without unintentionally harming other residents who are also working hard to survive here. My name is Melissa. I'm a Maui resident, a single mother of four with three children still at home. I personally own and manage two short-term rental properties that are our main source of income. I also work two other jobs. I oppose Bill 9. My kids have been raised here on Maui. They attend local schools, play sports in the community. We are fully invested in life here on Maui. Because of this work, I've been able to both support them, and stay present in their lives, and contribute to our community. I do a lot of the work myself in cleaning,

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. . .*(inaudible)*. . . and...and guest care, but I also rely on a team of local service providers who help with maintenance, repairs, and deep cleaning. These jobs support other working families here on island. I'm also in a unique position to educate my guests. I talk with them before and during their stay about respectful behavior, environmental care, and local culture. I include information on how to be good visitors, where to shop locally, where to eat, and how to support small businesses. Most of my guests follow those suggestions, and leave with a deeper understanding and love for Maui, thanks to that personal connection. I also want to share something I happened to look up since the last meeting. Both of my properties are in condo complexes that are on the Minatoya list. Both explicitly include short-term rentals in their original bylaws. One of the governing documents dates back to 1987, and states that units may be rented on a short-term or daily basis. And in the other one, it goes back as far as 1992 that I saw, stating that units may be used for transient lodging for under 30 days. These aren't recent changes. Short-term rentals have been a legal and intended use of these properties for decades. If this bill passes, it will wipe out not just my income, but . . .*(timer sounds)*. . . it will hurt those small businesses and service workers that myself and my guests support and rely on. I urge you to consider a path forward that allows responsible, locally-involved owners like me, to continue contributing to Maui in a positive way. Please do not pass this bill. Thank you for your time, and for your service.

CHAIR KAMA: Thank you. Thank you. Members, any questions --

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

CHAIR KAMA: -- for our testifier?

UNIDENTIFIED SPEAKER: I've talked. I'm going to listen right now.

CHAIR KAMA: Seeing none. Thank you. Thank you so much for your testimony --

MS. MCKIM: Thank you.

CHAIR KAMA: -- Melissa. Staff?

MS. MCKIM: Thank you.

MS. MCKINLEY: Chair, the next testifier is Misti Kotter, to be followed by Olivia Kotter, and then Johann Lall.

MS. M. KOTTER: Aloha. My name is Misti Kotter. I am born and raised in Lāhainā. I'm a fire survivor, and I work in the tourism industry in West Maui. I am testifying in strong support of this bill. This issue is a global issue, having impacts on long-term residents and the tourist destinations worldwide, but it's amplified here due to our limited amount of resources. If you are so worried about how this bill will negatively affect tourism and our economy, I ask, have you ever truly asked what we want, or are willing to sacrifice for a better way of life? Locals didn't ask to make tourism our main source of income, and while we are carrying this industry on our backs, we do not need STR owners to speak for us and lie about what we are willing to live in, or how it will completely

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decimate the tourist industry. After COVID, when we didn't have enough accommodations or car rentals, the tourists kept coming anyway. They slept on the beaches, and they rented U-Hauls, so let's not pretend that taking out 7,000 TVRs is going to stop tourists from coming. The worker shortage on the West Side isn't because people don't want to work, or people don't want to live in condos, it's because we don't want to commute two to three hours every day, if we can even find an option for housing to stay on-island. It's a slap in the face that short-term rental owners' argument is locals can't afford to live here, put them in workforce housing. We cannot build our way out of this issue, nor can we wait decades for it. To say this isn't meant for long-term housing, it won't work. Does it have a kitchen? Does it have a bathroom? Does it have a place to sleep in? Then I'll take that over a tent on the beach, sleeping in my car, or being forced to move away from my home. You obviously don't know how we've been having to live, especially since the fire. We have been more than patient, while being cast aside. We need to stop putting tourists and nonresidents over our community. Stop putting profits over people. If you want aloha here, you have to bring Kānaka home. Maui will not be Maui without its beautiful community. If you are in this space, and you care about this community, then listen . . . *(timer sounds)*. . . to what we are saying and asking for. If you can't do that, then do you actually love Maui and its people, or do you just love the scenery and the money you can make from it? Buying up multiple housing should never be a retirement plan. *(echoing)* This is about community, and you're either a part of it, or you're extracting from it. Mahalo.

CHAIR KAMA: Thank you, Misti.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Please. I'm sorry, but I didn't...I'm sorry, there was somebody else that...somebody's mic is on, and I didn't catch the last two sentences. So --

MS. M. KOTTER: Yeah.

CHAIR KAMA: -- would you mind repeating that for me?

MS. M. KOTTER: I said...of course. I said, buying up multiple houses should never be a retirement plan. This is about community, and you are either a part of it, or extracting from it.

CHAIR KAMA: Thank you.

MS. M. KOTTER: Mahalo.

CHAIR KAMA: Members, any questions for our testifier?

UNIDENTIFIED SPEAKER: Maybe you should say it one more time.

MS. M. KOTTER: . . . *(laughing)*. . . Mahalo.

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CHAIR KAMA: Okay. Thank you. Thank you, Misti. And I think the next testifier is Olivia Kotter?

MS. MCKINLEY: Yes. Olivia Kotter, to be followed by Johann Lall, and then MH.

MS. O. KOTTER: I thought I just deleted everything and freaked out. . . .*(laughing)*. . . Aloha, Chair. Aloha, Council. My name is Olivia Kotter. I'm in support of Bill 9. My wife and I lost everything in the Lāhainā fire, and I want to see residents of the West Side prioritized. My wife and her family were born and raised in Lāhainā, and I've been blessed, very blessed, to be welcomed into such a resilient, joyful, and diverse community. To those opposing the bill, wondering why you're met with anger and hurt, I want to let you know, people cannot heal, cannot thrive without housing. And you are the ones aiding in this oppression. You are on the wrong side of history. You state again and again how old and dilapidated these buildings are. Is that how you promote them to your guests? While you sit and list all the good you claim to do, all the...for others, please know that we are telling you how we need you to show up. You have the opportunity to show us the good you want to do for our community, not just tell us. The majority of the locals here live the struggle of the housing crisis, you just hear about it. You come to the stand, play the victim, ask for empathy...but unfortunately, we have no empathy because we can't understand what it's like to own multiple homes, let alone have housing security. Enough hoarding of resources. Listen to the ones that are stewarding this land. Thank you.

CHAIR KAMA: Members, any questions for our testifier? Seeing none. Thank you so much, Olivia. Staff?

MS. MCKINLEY: Chair, the next testifier is Johann Lall, to be followed by MH, and then Chris Clark.

MR. LALL: Johann Lall, testifying on my own behalf. So, I wanted to point out something that I think has been not mentioned by anyone, which is that the UHERO report said that the costs are about the same between Minatoya condos and non-Minatoya condos, and there's stuff like insurance costs and all of that, but it affects everyone across the board. At Kihei Shores, where I live, a two-bedroom, the AOA fee is over \$1,000, for three bedrooms, it's 1,500. So, that affects everyone. It would be great if the State would help, or if anyone would help so that people don't lose their housing, but it's not just Minatoya. Another thing I wanted to...to bring up is, there's a lot of talk about distinguishing between Minatoya condos that are suitable for housing, and ones that are supposedly not. I just want to say, these are all zoned Apartment, so the original intent was for them to be apartments. The only reason for this Minatoya opinion and all of this is because there was some weird language in the original zoning that allowed motel use. And so, if you say, well, it's designed to be a hotel, so we're going to let this one retain their status and allow STR, you're basically rewarding whoever built those, knowing that they're Apartment zoning with the things that are unique to hotels, and I think that's...it's rewarding the wrong thing. And there's...the intent of that zoning as Apartment is also important because the intent, I believe, was to have housing with resorts so that people could live close to work. I don't think the intent

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...*(timer sounds)*... on Maui was ever to have hotel zones. Is that my two or three minutes?

CHAIR KAMA: That's your two.

MR. LALL: Oh, I still have one minute.

CHAIR KAMA: You have another minute. Proceed.

MR. LALL: The...the intent was to have mixed use, I believe, always...otherwise, they wouldn't have put in Apartment zoning. It would have all been Hotel. And when people say things like resort areas versus residential areas or local areas, I think the word for that is actually segregation, or redlining...which I grew up mostly in Texas, and those are things that everyone knows about there. So, you know, another word is gentrification. But I think people need to be very careful about whether they use these kind of words when they may not intentionally mean it, but they're saying that certain people belong in certain places, and other people belong in other places, and that is unethical, and it is not considered acceptable anymore. The other final issue I want to bring up is taking. ...*(timer sounds)*... You can --

CHAIR KAMA: That's your two [*sic*] minutes, Johann.

MR. LALL: -- take as long as there's a reasonable return, so...

CHAIR KAMA: Questions for you from Member Cook. Member Cook?

COUNCILMEMBER COOK: Thank you, Mr. Lall, very much for your testimony. Kihei Shores was one of the places in our...my research that basically...I don't know if it was built for accommodations when they built the hotels. But could you clarify, did you...you rented there, or you owned there?

MR. LALL: I own.

COUNCILMEMBER COOK: And is...thank you. Is there many full-time residents there? Is it partial TVRs and partial owners? What's the makeup of the...

MR. LALL: It's not on the Minatoya list, and it's not Hotel zoned, so it's...it's all either owner-occupied, or it's part-time residents, or they are vacant, or they are long-term rentals. And I would say about maybe half, or maybe a little...a little over half the units are occupied at any given time, and a lot of them are just vacant.

COUNCILMEMBER COOK: So, they're not TVRs? They don't...

MR. LALL: No.

COUNCILMEMBER COOK: No short-term rentals?

MR. LALL: No. Maybe a few illegal ones.

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COUNCILMEMBER COOK: Okay. Thanks. Thank you for your testimony and taking the time. I really appreciate it. Aloha.

CHAIR KAMA: Thank you. Do any other...Member Sinenci has a question for you, John [sic].

COUNCILMEMBER SINENCI: Mahalo, Johann, for your testimony. What did you mean by taking?

MR. LALL: So, I learned about this from the previous cultural planner at the Planning Department is, that term...it goes back to a Supreme Court case about Penn Central Station, when I believe the State of New...or the City of New York restricted development of this railway station because it...it was historic, and the Supreme Court found that you can actually restrict use and reduce profits as long as the owner can derive some financial benefit, and I think that's kind of a...a universal thing. I think that Corporation Counsel are probably experts in that at this point, so...

COUNCILMEMBER SINENCI: And you're supportive of Bill 9, or...

MR. LALL: Yes --

COUNCILMEMBER SINENCI: Okay.

MR. LALL: -- I support Bill 9.

COUNCILMEMBER SINENCI: Thanks. Thanks, Chair.

CHAIR KAMA: Thank you. Members, any other questions for our testifier? Seeing none. Thank you. Staff?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't have a question for our testifier, but I have a --

CHAIR KAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- question for you, and for Staff.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Since those joining...testifying online have been having trouble with the first timer, the...hearing the first timer, could we do like maybe a two-minute sign, or like a color paper of some sort, to indicate that it's the two-minute warning? And then that way they don't...I mean I...I did see that you folks are doing a

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good job at like pausing the timer, so thank you for that. But I don't...you know, to not throw folks off, to try to help it be as easy as possible.

CHAIR KAMA: Go ahead.

COUNCILMEMBER PALTIN: I can hapai that kuleana. I'm just going to make two minutes, and then hold it up.

MR. KRUEGER: Chair, we...Staff is also leaving on the...the testifier camera in the Chamber. For online testifiers, they can also reference that, which will have their full time counting down from three minutes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Maybe it would have been good to let folks know about the...the timer. And then Member Paltin's going to also hold up a...you're going to make two minutes or one minute? Like one minute left, or two-minute mark?

COUNCILMEMBER PALTIN: I'll do one minute left.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. One minute left. So, for those testifying online, Member Paltin will hold up to her camera.

CHAIR KAMA: Do you have a fat pen? That would be a fat pen, right? Because when we see stuff online...

COUNCILMEMBER PALTIN: Maybe I'll use highlighter and outliner?

CHAIR KAMA: I think...I don't know, but...well, do the best that we can, and then maybe during the 3:00 break we can get a better sense of that. And thank you, at 2:40 in the afternoon. That should have been this morning, but nevertheless.

COUNCILMEMBER RAWLINS-FERNANDEZ: Someone just asked.

CHAIR KAMA: We'll do that...we'll do that for next meeting, too.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, e kala mai for taking up time --

CHAIR KAMA: No, no.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- from the testifiers.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Thank you. Staff?

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MS. MCKINLEY: Chair, the next testifier is MH, to be followed by Chris Clark, and then Steve Meyer. *(pause)* MH, we see you online. If you're having trouble unmuting, you could quickly leave and rejoin the meeting. *(pause)*

COUNCILMEMBER RAWLINS-FERNANDEZ: It looks like they may have left, Staff. I don't see the video anymore...the MH. Oh, there. They're back on again. Do you want me to let them in?

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. I let them in.

CHAIR KAMA: Admit. *(pause)* MH, are you back? Okay. I see.

MR. KRUEGER: Chair, we've readmitted MH.

CHAIR KAMA: Yes, I see.

MR. KRUEGER: But it might be likely that they're unable to unmute at this time. So, maybe we would recommend that they try calling in, and we can --

CHAIR KAMA: Okay.

MR. KRUEGER: -- be on the lookout for a phone number joining.

CHAIR KAMA: Okay. So, for those of you online, Member Paltin is going to give you a one-minute warning on her camera, and you'll probably be able to see it. That's just so that you don't get caught off guard that you were interrupted during your testimony. That's to let you know that you have one minute left. Okay. So, shall we continue with our testifiers?

MS. MCKINLEY: Chair, Chris Clark is on the line, if he could unmute. He or she.

CHAIR KAMA: Chris?

MR. CLARK: Hello, can you hear me?

CHAIR KAMA: Yes.

MR. CLARK: Sup bulleh.

COUNCILMEMBER PALTIN: Sup bulleh.

CHAIR KAMA: Sapuleh *(phonetic)*.

MR. CLARK: Aloha kākou. My name is Chris Clark. As a realtor and a real estate investor, I'm here to support Bill 9. Short-term rentals only about generating income and are...I believe are a detriment to the community. They prioritize profits, and increase cost of

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living for the community in the areas that they proliferate. In an effort to respect the Council's time, along with all the other testifiers that have been here today, and will be here today as well, we'll keep it short. But before I go, I'd like to echo the sentiments and the testimonies of all the other supporters that you have already heard today, especially the ones that might have impacted you in a way that you choose to support this bill. Mahalo.

CHAIR KAMA: Thank you, Mr. Clark. Members, any questions? Seeing none. Our next testifier, please?

MS. MCKINLEY: Chair, the next testifier would be MH if they were able to unmute, and then Steve Meyer, to be followed by Kuhio Lewis.

CHAIR KAMA: I see MH is your camera.

COUNCILMEMBER PALTIN: Here's the new one.

CHAIR KAMA: Aww, cute. Okay.

MS. MCKINLEY: Mr. Meyer, are you...Meyer, are you able to unmute?

MR. MEYER: Yes, thank you. Can you hear me okay?

CHAIR KAMA: Yes, we can, Mr. Meyer...Meyer.

MR. MEYER: Oh, great. All right. Good afternoon. Thank you all for going through this, also my second hearing here through it all, so I know it's a long day. My name is Steve Meyer. I am president of the Maui Sunset Time Interval Association. I'm also a former board member for the Maui Sunset AOA board, and our family has owned and had vacation rentals all the way back to 1978, three generations here at the Maui Sunset in Kihei. We're a family group here. We are opposed to the proposed legislation, as it would significantly disrupt the long-standing balances of uses in apartment zones by eliminating one legally-permitted use, short-term rentals, without assurance that future property owners will occupy these units as full-time residents. We are deeply invested in the well-being of the Maui community. We strive to create meaningful experiences for our guests in connecting with local restaurants and operators. We welcome...well, we just really try to keep the tourism dollars in Hawai'i and Maui. That's...that's what we love. We also directly support the island's workforce. Our condos and operations, especially on the time interval side, rely on trusted local partners, including Maui Linen, Aloha Automatic Housekeeping, Carbonaro CPA, and a network of independent contractors. These relationships are built on years of collaboration and mutual respect. Beyond our company, the Maui Sunset AOA, that's the...you know, the big complex there, 225 units, employ a full-time staff, including a property manager, maintenance crew, and front desk personnel. The broader support system includes insurance agents, real estate brokers, managing agents, accountants, attorneys, interior designers, and contractors, all of...who built their livelihoods here on Maui. It takes a lot to keep this \$250 million complex going. The Maui Sunset itself has a long and resilient history. When the original developer went bankrupt in the late 1970s, I think it was 1978, it was

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a timeshare and vacation rental model that preserved the property, that brought in people to . . . *(timer sounds)* . . . pay the dues, and keep it going. For 48 years, this mixed-use community has welcomed residents, timeshare owners, second homeowners, and guests seeking short, and mid-term, and long-term stay. During the COVID pandemic, we housed traveling nurses, essential workers. For the following 2023 Lāhainā fire, we hosted specialist aiding in the recovery. In the early weeks, especially the early weeks, we housed fire...people from the fire that had nowhere to go, displaced residents, and they...but they soon moved out to be closer to their own communities. These critical contributions would not have been possible under a 180-day minimum stay. We do short-term rental. Today, the uncertainty surrounding the legislation has already had a chilling effect. Over half a million dollars in planned modernization projects are on hold. Owners are understandably reluctant to invest in future without clarity on their future rights. I know I got to wrap up here. Again, we're against this Bill 9. We...we would like...we respectfully urge the Council to order . . . *(timer sounds)* . . . a more balanced, data-informed approach for future.

CHAIR KAMA: Thank you, Mr. Meyer.

MR. MEYER: Thank you.

CHAIR KAMA: Member U'u-Hodgins has a question for you, and Member Paltin.

MR. MEYER: Sure.

VICE-CHAIR U'U HODGINS: Thank you, Chair. Thank you, Mr. Meyer. Can you clarify how many units your...you folks own?

MR. MEYER: Our family? I mean, we have multiple...like I said, multiple generations. We're...like we have four.

VICE-CHAIR U'U HODGINS: Okay. Four units. And then if this bill, or something similar passes, what do you think you guys are going to do with those four units?

MR. MEYER: Like I said, we have an extensive family, so a lot of them would...would...would actually keep them as second homes.

VICE-CHAIR U'U HODGINS: Okay.

MR. MEYER: And then I also don't know if you've heard, we have the time intervals. That's about 43 units, the time interval association there. Those are two-week ownerships that we --

VICE-CHAIR U'U HODGINS: Okay.

MR. MEYER: -- also own a few in.

VICE-CHAIR U'U HODGINS: And then for Maui Sunset, can you please tell me how much you folks pay in insurance, and how much your AOA fees are?

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MR. MEYER: I don't know the exact insurance rates. I...I can tell you that they...they have gone up, and thank goodness, not as much as other properties. AOA dues for a one-bedroom condo are about 700 a month, and then two bedrooms are about...about 1,000 --

VICE-CHAIR U'U HODGINS: Okay.

MR. MEYER: -- and then plus...plus electricity, yeah.

VICE-CHAIR U'U HODGINS: Okay. Do you think you have a ballpark on insurance?

MR. MEYER: I...I...I --

VICE-CHAIR U'U HODGINS: It's okay if you don't.

MR. MEYER: -- don't, but...

VICE-CHAIR U'U HODGINS: Okay.

MR. MEYER: Yeah.

VICE-CHAIR U'U HODGINS: Thank you.

MR. MEYER: Sure.

CHAIR KAMA: Member Cook? Oh, who's next? Oh, okay. Go ahead. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Meyer, for your testimony. I wanted to clarify, you said, like within your family, those four units, you've owned it since the '70s when the property was constructed, like '74 or something like that?

MR. MEYER: Yes. Yeah, my grandfather was the...grandma and grandpa were the first people to ever buy a unit in '78 after the original hotel developer went bankrupt. It was supposed to be marketed to off-island, out-of-country people in '75, so...as the Maui like Tennis Club, or something like that.

COUNCILMEMBER PALTIN: Did...do you have, like, historical data, or data on how you...how it's changed over the time of renting out? Like I don't think there was Internet in '78. So, did they have like --

MR. MEYER: No.

COUNCILMEMBER PALTIN: -- travel agents? And then, like when...how did it evolve into what it is now? Like...do you know?

MR. MEYER: Oh, absolutely. We have...we have rental price lists, you know, for back then, the original marketing material that was sent out. In fact, they used a lot of travel

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agencies, which our...which our family still owns a travel agency, was the main way to get visitors to...to Hawai'i. Because you had to fly through O'ahu, of course, to...and then fly over here.

COUNCILMEMBER PALTIN: So, has...has your unit increased over time in the amount of rentals per year, or like how many visitors you have per year since like '78?

MR. MEYER: I would...you know, generally say...say yes. It's mostly people bought condos here as second homes as a...the marketing material was a...a...a tool to battle inflation, you know. Because interest rates were, what?...15 percent back in the late '70s and early '80s, so people would buy property, hoping they would appreciate to...to...to stave off inflation. But, yeah, the...the...the general makeup of the property, if...if...it's about 20 percent timeshare. It's always been about 5 percent resident, and then you've got a good 10 to 15 percent...well, it used to be second...second home. That's reduced quite a bit. Second home has gone down to about 5 percent, and then the rest are on short-term rental. So, you're at about 70 or 75 percent short-term rental.

COUNCILMEMBER PALTIN: So, the purchasing of a second home was to stave off inflation for whom?

MR. MEYER: For the...for the investors that...that...that bought it. They wanted a place to go to...to Hawai'i and...and be in Maui. This was back...back when Kihei, it was only the condo complexes in this resort zone, you know, Menehune Shores, Luana Kai, Maui Sunset, Maui Vista, Maui Hill, they...they were all built around the same time.

COUNCILMEMBER PALTIN: Thank you.

MR. MEYER: Sure.

CHAIR KAMA: Member Cook?

COUNCILMEMBER COOK: Thank you, Mr. Meyer. If...if someone was going to do a long-term rental in your facility, what would...what would your guesstimation be of the monthly rent?

MR. MEYER: That's...that's a great question. I think that currently, people have been marketing those. That I...there's not very many. You know, I'm...I'm...just ignoring costs, I think it would be like 3,000 to 3,500 for a one-bedroom and 5-plus for a two is what...just...just ballpark, just...and I could be making that up. I don't...I don't do long-term rentals, but that's what I've seen.

COUNCILMEMBER COOK: Thank you, sir.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you, Mr. Meyer. Staff?

MR. MEYER: Thank you.

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MS. MCKINLEY: Chair, I believe that the phone caller with the last four digits 2711 may be MH. If so, could you please unmute? Star-6.

COUNCILMEMBER PALTIN: Star-6 to unmute.

CHAIR KAMA: Star-6 to unmute, and pass it on. Okay.

MS. MCKINLEY: Chair, they're unmuted on our end. *(pause)* Chair, would you like me to move on?

CHAIR KAMA: Yeah.

MS. MCKINLEY: Kuhio Lewis --

CHAIR KAMA: Please.

MS. MCKINLEY: -- is in the Chamber --

CHAIR KAMA: Yes.

MS. MCKINLEY: -- to be followed by Martin Thompson --

CHAIR KAMA: Yeah.

MS. MCKINLEY: -- and then Kamanaoi'o Gomes.

CHAIR KAMA: Thank you.

MS. MH: Hello, can you hear me? I've done all of that. Can you hear me? Hi.

MS. MCKINLEY: Is that MH?

MS. MH: Yes.

CHAIR KAMA: Kuhio, can you wait?

MS. MH: Hello?

CHAIR KAMA: Thank you. Let's take MH before we lose her.

MS. MCKINLEY: Yes, we can hear you. Go ahead, please.

MS. MH: Okay. Thank you. Good afternoon, Committee Chair and Members. Thank you for the opportunity to speak today. I'm a full-time resident of Maui, and I own a one-bedroom . . . *(inaudible)*. . . complex. I oppose this bill. As many others have stated here, the repercussions from this bill, if it were to pass, would be devastating in many ways for thousands of residents. My unit cannot be rented at an affordable rate based on factual data. The monthly rental cost for this one-bedroom unit would include a

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mortgage note, condo fees--that's almost \$1,000--a special assessment for the increased insurance post-fire, property taxes based on long-term rental rates, and maintenance and repairs. The total monthly rental cost of this unit would be \$5,234 just to break even...no profit. This is in no way affordable based on the County's current published affordable sales and rent guidelines. It far exceeds the highest rental and purchase rates listed for a one-bedroom. Condo fees are typically increasing 5 to 10 percent each year, and unexpected capital projects on aging buildings happen, resulting in special assessments. This further pushes these units to be more unaffordable over time. In comparison to my unit, I would like to mention just one example of what is currently available for long-term housing. There's a lovely new apartment complex, Kaulana Mahina in Wailuku, that is pet-friendly, has keiki play areas, a pool and a fitness center, ample parking spaces for multiple vehicles per unit, unlike most of the STRs. It has 52 units, either available today or soon to be available. I confirmed this today with a phone call. There are affordable and market-rate units at this complex. In fact, the highest market rate for a three-bedroom unit is listed at 3,475 a month. Compare that to my one-bedroom unit that would cost over \$5,200 a month. Again, break-even costs, no profit. It puzzles me that there is not a waiting list at a place like this, rather 52 vacancies. Incidentally, I called another complex, and they too have some vacancies. I strongly oppose this bill, and would encourage you to support solutions for realistic long-term housing that are possible with County leadership that's focused and determined. Mahalo for listening to my testimony.

CHAIR KAMA: Thank you, MH. Members, any questions for the testifier? We have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you.

MS. MH: Sure.

COUNCILMEMBER PALTIN: I'm not sure what your name is, but there was one point in your testimony. I think you were going to say you had a one-bedroom at someplace, someplace, but it cut out.

MS. MH: No, it didn't cut out. I have a one-bedroom, and I'm not stating where I'm at.

COUNCILMEMBER PALTIN: Oh, okay. And you live full-time on Maui?

MS. MH: Yes, I do. I live full-time. I'm a full-time resident.

COUNCILMEMBER PALTIN: And were you testifying anonymously?

MS. MH: I am testifying anonymously. I feel very concerned with some of the overt aggression on the eComments that mentioned killing haoles. And so, I've decided, unfortunately...I wanted to go in person and do this testimony, but I feel, you know, it's...the aggression to influence others' free speech is unacceptable, and I wanted to say my piece, but I don't feel I can do that publicly. And it's a shame.

COUNCILMEMBER PALTIN: Thank you.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR KAMA: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for your testimony, Testifier. I just wanted to acknowledge that eComments has gotten out of control on both sides, as was brought up earlier in testimony, that AI-generated, and fake names and, you know, decorum in general. And so, I...Staff is working on that, and we will better manage our testimony mechanism. So, apologies to anyone that has felt intimidated. It's not our intention to create on...it's our intention to create a safe and welcoming space for everyone to testify. Mahalo, Chair.

CHAIR KAMA: Thank you, Member --

MS. MH: Thank you for that.

CHAIR KAMA: -- Rawlins-Fernandez. No other test...questions for our testifiers? Thank you, MH. Staff?

MS. MH: Thank you.

CHAIR KAMA: Okay.

MS. MCKINLEY: Chair, the next --

CHAIR KAMA: Inside the Chamber. Yeah.

MS. MCKINLEY: -- the next testifier is Kuhio Lewis, to be followed by Martin Thompson, and then Kamanao'i'o Gomes.

MR. LEWIS: Aloha, Chair --

CHAIR KAMA: Aloha.

MR. LEWIS: -- Kama, Councilmembers. I'm Kuhio Lewis, CEO for the Council for Native Hawaiian Advancement. I wasn't planning on being here in person, but I was listening to some of the testimony that was going on online, and felt compelled to come...to come in person. I think what our community is looking for right now is leadership, and so I'm here in person to extend our support for Bill 9. I'd like to first start by thanking the Council for their partnership over...over the last few years. You know, together, we've been able to support thousands of...of our residents. Fast forward two years, we're still supporting and housing many residents, hundreds of them. And it...it was because of the partnership, working together, that we were able to...to provide that support. I believe through this situation that you're facing now, we can work together to find solutions. We're committed to that. As we're all aware, thousands of

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families have already left Maui since the fire occurred, and hundreds are projected to leave it this year. More than half of our Native Hawaiian population is gone from our islands, and that trajectory is going to continue. And the primary reason...one of the primary reasons families are leaving is insufficient housing. And so, the trajectory is very clear. Our people are fighting to survive, and bold steps are required to reverse course. This bill is not perfect. A lot more will need to be done to address the housing situation, to address the needs of our community. Our testimony that we submitted, our written testimony, offers more specific amendments, or suggestions in how we can improvement...improve it. And I just want to thank the Council. This should have been addressed a long time ago. It shouldn't have had to be now. It should have been years ago. . . .*(timer sounds)*. . . And so, I give you the credit for the kuleana that you're taking, and commend you for the leadership roles that you have in this important moment of history. And I'll just conclude by reemphasizing that CNHA stands in support of Bill 9. Mahalo.

CHAIR KAMA: Members, any questions for our testifier? So, Kuhio, I have just one. I have your cell phone on my phone. So, if I call, will you answer?

MR. LEWIS: Absolutely.

CHAIR KAMA: Okay. Now you have a question. . . .*(laughing)*. . . Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: When I call, will you answer me, too?

MR. LEWIS: Absolutely.

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

MR. LEWIS: We're here to kako'o Maui.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . Mahalo, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Lewis. Mahalo for coming in person. It is more meaningful. Sorry, not to everyone online. It's meaningful online, and when you call in, too. But it's just it's nice to see you in person. My question is regarding the testimony that you have proposed amendments to the bill. Would you mind resending that...well, at least to me?

MR. LEWIS: Absolutely.

COUNCILMEMBER RAWLINS-FERNANDEZ: We've...we've...have gotten a lot of testimony, real and fake folks, and I want to make sure that I am able to review your proposals.

MR. LEWIS: Absolutely. I'll send it to everyone. Yeah.

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VICE-CHAIR U‘U HODGINS: Thanks.

CHAIR KAMA: Thank you.

VICE-CHAIR U‘U HODGINS: I was going to ask the same.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Cool.

CHAIR KAMA: You had a question, Member U‘u-Hodgins?

COUNCILMEMBER RAWLINS-FERNANDEZ: That was her question. Oh, but go ahead. You can...

CHAIR KAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I won’t speak for you. Sorry.

VICE-CHAIR U‘U HODGINS: I was going to just ask the same. Do you mind emailing it to the Committee specifically, and then they can send it to us?

MR. LEWIS: Absolutely.

VICE-CHAIR U‘U HODGINS: Or whatever works for you. But we get so many pieces of testimony, and I want to be able to highlight yours. Thank you.

MR. LEWIS: Will do.

COUNCILMEMBER RAWLINS-FERNANDEZ: And will you...will you answer when she calls too?

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

MR. LEWIS: I always do.

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

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

CHAIR KAMA: Member Sugimura has a question.

COUNCILMEMBER SUGIMURA: Yeah. So, as a clarifying question, since you brought it up, what are some of your suggestions?

MR. LEWIS: Part of it, in short, is doing a more phased approach. Some of it is...is working to consider an implementation where it’s phased, looking at areas where there will be less impact than others. Some of it is over...ensuring that any homes that are sold within the district going forward, that it’s very clear that there is a prohibition. So,

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there's certain things that...and...and I'm not the policy person, but those are the high-level things that we would suggest. Of course, it needs to be much more comprehensive than just...just this bill as well, in terms of how you tackle it. So, there's a multitude of things that we would recommend, even in addition to amending Bill 9.

COUNCILMEMBER SUGIMURA: Go, Kuhio, go. Thank you.

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

MR. LEWIS: Thank you. Mahalo, everyone.

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

CHAIR KAMA: Thank you for your testimony. Staff?

MS. MCKINLEY: Chair, the next testifier is Martin Thompson, to be followed by Kamanaoi'o Gomes, and then Wendi Anderson.

CHAIR KAMA: Oh, I'm sorry. Members, I lost track of time, and nobody called me. It's 3:00...It's 3:05, actually. So, can we take our ten-minute break now, and then we'll come back at 3:15? And we'll continue with the testifiers that Ellen had mentioned. Hey, you're out of step, Keani. You're out of step. No, no, no. No, no, no. . . .*(laughing)*. . . Okay. HLU is in recess until 3:15. . . .*(gavel)*. . .

RECESS: 3:05 p.m.

RECONVENE: 3:24 p.m.

CHAIR KAMA: . . .*(gavel)*. . . May the recessed HLU Committee meeting of June 18 come back to order. It is now 3:24 p.m. And Staff, shall we call the next testifier on the list?

MS. MCKINLEY: Chair, the next testifier is Martin Thompson, to be followed by Kamanaoi'o Gomes, and then Wendi Anderson. *(pause)*

CHAIR KAMA: Mr. Thompson? *(pause)*

MS. MCKINLEY: Mr. Thompson, you're muted...you're unmuted on our end. If you're unable to unmute, you could quickly leave the meeting and rejoin. *(pause)* Whoops.

CHAIR KAMA: Where'd he go? *(pause)*

MR. KRUEGER: Chair, it appears Mr. Thompson might be attempting to call in instead. So, we can be on the lookout for his phone number, and perhaps proceed to the next testifier for the time being.

CHAIR KAMA: Okay. Ellen?

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MS. MCKINLEY: Chair, the next testifier is Kamanao'i'o Gomes, to be followed by Wendi Anderson, and then Jessica Taguiped.

MR. GOMES: Aloha, kākou. Hey, sista, my name is Kamanao'i'o Gomes, okay? I'd just like to get that right. I like my name to be pronounced correctly. My real friends call me Kamana. Here to...in strong support of passing this bill. I support the Mayor on this. You know, it's frustrating to listen to all you guys who is opposed to this, right? You...ultimately, you're not supporting the Mayor. And on time when places like Lāhainā, you guys are forgetting what happened with Lāhainā. We're missing a lot. People are leaving here. A lot of my friends have left. Now it's even a financial issue. It's expensive to live here. That's why people are moving away. The cost of living is going. Now you take out housing. Let me tell you about these STRs. These STRs, right, they operate on a hotel room...on a hotel room rate. So, if the hotel prices go up, they can change the price of their STR. That's why they're protecting this financially. So, like, all I say about that is, you guys got to open your heart. And I...and if you guys are threatening litigation, how can you threaten the Council when this is...this is already established with the Minatoya already? You gonna have to fight the Minatoya ruling on that. You know, it's frustrating to hear you threaten people...like threaten the Council about that because I feel threatened about it. And I'm tired of watching my friends move away. You know, we want to live here. Every time I be venturing out, brah, I feel like a minority that...like I feel like...I feel like a huge minority when I go out, and I rub elbows with people like that. I barely see people that I know. You know what I mean? I...I don't...I'm hoping that even...I'm hoping that when it comes to passing on this bill or whatever, right, we can truly come to a place where people can move in, not where we got to be constantly going to court next to...to ask if we can do it, or get a...I think if you guys are so worried about your money, right, maybe you shouldn't go push litigation. . . .(timer sounds). . . Because if you get stuck in court, that's a lot of money you're going to have to spend, too. You guys are always complaining about money, right? And it goes to show, brah, you guys no respect Lāhainā though. That's how I feel. I feel like you no respect all us. You no respect that people lost their house. You no respect when you drive down the road and you see homeless guys, brah, sleeping on the side of the road, brah, or by the store. And you gotta get like, three, four, five, six, whatever how many houses like dat. I tell you, brah, one Hawaiian's dream is to own one house. Brah, I hope you guys can make it happen. And you say, oh, no can't live inside. Brah, I tell you, brah, when I was one baby, I was homeless. When I was one child, I was homeless. When I was one teenager, I was homeless, cuz. Okay. When I was one young adult, I was homeless. Brah, I was one fricken regular adult, I was homeless. No tell me we cannot live inside there, brah. You can tell the guy living down in his car, he can no live in one little box. Have some respect for the Hawaiians because I getting sick of coming over here . . .(timer sounds). . . and...and going in opposition to your opposition. And like I say, I support this bill. Let's make it happen.

CHAIR KAMA: Kamana'o [sic], I'm going to ask the Members if they have a question for you. Members, any questions for Mr. Kamanao'i'o Gomes?

MR. GOMES: Aloha, everybody.

CHAIR KAMA: No? Thank you. Ellen, next testifier, please.

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MS. MCKINLEY: Chair, I don't see Martin Thompson right now, so let's go on to Wendi Anderson, and then Jessica Taguiped, and...to be followed by Kai Nishiki. *(pause)* I don't see Wendi Anderson on Teams or in the Chamber, nor do I see Jessica Taguiped on Teams. Are you in the Chamber, Jessica? Chair, moving on to Kai Nishiki, to be followed by Kirsten, to be followed by Nalani Kaninau.

CHAIR KAMA: Kai's in the Chamber. Oh, Ellen.

MS. NISHIKI: Sorry, I got to set up my whole office over here, yeah. E kala mai. Can I give you . . .*(inaudible)*. . . Aloha, Chair, Councilmembers. Kai Nishiki, former chair of the West Maui CPAC, testifying on behalf of Maui Nui Resiliency Hui. We support Bill 9 as recommended by the West Maui Community Plan, with an illegally-defensible time frame and the creation of consistent zoning, allowing property owners to apply for a Change in Zoning with community oversight. According to the County's GIS system, of the 2,400 Minatoya properties in West Maui, 1,900 are located in the SLR-XA, and the remaining 500 units are likely to request a CIZ due to their resort location. All remaining 3,600 units outside of the SLR-XA are located in South Maui. Of the 1,900 West Maui units, where our housing needs are most critical, we should acknowledge there are at least four potential scenarios that could result after passage of this important legislation. Owners apply for a CIZ to Hotel, keep the units empty for personal use, sell the unit on the open market, or rent long-term. The division may not be equal. 1,900 divided by four could mean 475 potential rental units located in the SLR-XA. We support our residents' ability to live in these units until impacts are upon them. However, we feel it is of paramount importance that the County acknowledge the end of their useful life. This phase-out is a step in the right direction, but it is not a long-term solution for housing in West Maui. We urge the County and the community to focus this level of support to facilitate building affordable homes in the West Maui Community Plan area. There are 5,900 proposed housing units, none located in the SLR-XA, some fully-entitled, such as Pulelehua, which could be built before this phase-out even takes effect. CWRM has made it clear to the County that our municipal water can be used right now, however it is needed. Enforcement measures for conservation should be enacted immediately . . .*(timer sounds)*. . . to provide water for affordable housing. We cannot rely on another temporary housing Band-Aid. Also, please note that STRs on the shoreline are becoming economic liabilities for the County. While it is true that they contribute to our local economy through taxation, the negative economic impacts are well underway. Kahana Sunset is just one of many examples, and is already compromised, effectively condemned, with the State recommending removal from the shoreline. Investment property owners have profited very well for a long time. That privilege comes with great responsibility. We urge the Council to take additional action by establishing a coastal hazard tax for all SLR-XA units, reserved in a revolving fund for future structural removal. We are ready to assist in implementing these measures. Please support Bill 9, and also support long-term housing solutions for West Maui. Mahalo nui.

CHAIR KAMA: Thank you. Members...Kai, Member Paltin has a question for you, and Chair Lee following.

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Nishiki. I wanted to clarify, when you said you were the chair of the CPAC, did it come up about changing the community plan designation for these Apartment-zoned short-term rental properties to a different community plan designation?

MS. NISHIKI: There were...there was definitely discussion about it. For the most part, Members were not willing to change a lot of the designation. And in fact, there was some...there's two policies within the community plan that advocate for the phase-out of short-term rentals. That...that is clear. And then there's also a lot of policies and action items related to managed retreat, and not putting people in harm's way on the...on the shoreline.

COUNCILMEMBER PALTIN: So, no short-term rental Apartment zone designation was changed through the community plan process?

MS. NISHIKI: Not that I can recall.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Chair Lee?

COUNCILMEMBER LEE: Hello, Ms. Nishiki. Thank you for this...this proposal, and...and ideas that, you know, I think are...are well worth considering. And I...I like the idea of having a positive...you know, positive alternatives. And I'm looking forward to reading and going through this more closely. And I'll be probably calling you if I have any questions. But I just wanted to say hats off to you...you and Sarah. Thank you.

MS. NISHIKI: Thank you. And I can provide the specific data on the SLR-XA properties. We did a whole spreadsheet and stuff like that. So, mahalo nui.

CHAIR KAMA: Thank you.

MS. NISHIKI: But we support Bill 9, though.

CHAIR KAMA: Yeah. Thank you. Staff?

MS. MCKINLEY: Chair, returning to Martin Thompson, to be followed by Kirsten, and then Nalani Kaninau.

MR. THOMPSON: Can you hear me? *(echoing)*

MS. MCKINLEY: I see that you're joined twice. If you could mute one. *(echoing)*

MR. THOMPSON: Okay. Is that better? Can you hear me?

MS. MCKINLEY: Yes, we can hear you.

CHAIR KAMA: Yes.

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MS. MCKINLEY: We can't see you anymore, but we can hear you well.

MR. THOMPSON: Okay. Well, you know what? Not seeing me is probably a bonus for you. Okay. Can I...can I speak to the Committee?

CHAIR KAMA: Yes. Yes.

MR. THOMPSON: Thank you. My name is Martin Thompson. I'm the president of the Maui El Dorado Resort Association of Apartment Owners. The West Maui Community Plan designates two Minatoya list properties, including our property, as Resort Hotel, and specifically states they are primarily intended to serve visitors, including transient accommodations. For that reason, and after conducting public hearings regarding the Mayor's proposed TVR ban, the Planning Commission recommended to Council that these two Resort Hotel properties be excluded from the Mayor's proposed ban. Council approved the West Maui Community Plan on December 17th, 2021, so Council has previously validated the designation of our property as a resort hotel, primarily intended to serve visitors, including transient accommodations. I've addressed this issue in more detail in my June 17th letter emailed to Committee Members yesterday, and I urge Committee Members to read it carefully. That letter also includes three minor suggested amendments to the Committee's revised TVR bill, which I drafted to implement the Planning Commission's recommended exclusion of these two Resort Hotel properties without in any way adversely impacting the ban. I urge Committee Members to review these suggested amendments, and to send them to Maui Corporation Counsel for their review. I've also received a copy of the...the May 22nd, 2025 letter from the Director of Planning to your Committee, which confirms our property as one of the two Minatoya list properties which the Planning Commission has recommended be excluded from the Mayor's proposed ban. However, contrary to the Planning Commission's recommendation that the bill exclude these two Resort Hotel properties from the ban, the Director of Planning suggests that the most effective process for dealing with any property owners who wish to avoid the plan would be to require those properties to be rezoned for hotel use. However, while rezoning may perhaps be appropriate for most properties, that vetting process has already been exhaustively conducted for these two Resort Hotel properties, and their status as a Resort Hotel in the West Maui Community . . . *(timer sounds)* . . . Plan has already been approved by the County, so the rezoning process for these two properties would serve no purpose, and would be contrary to the Planning Commission's recommendation. The Planning Commission's recommendation to exclude these two resort properties from the ban means exactly what it says...namely, to exclude them, not rezone them. For these reasons, I respectfully request that this Committee amend the proposed TVR bill to exclude these two Resort Hotel properties from the proposed ban, as recommended by the Planning Commission. In addition, the...the Mayor has...has stated that bona fide hotels were not intended...were not his intention to be included in the ban, so the exclusion of these two previously-approved resort hotels is consistent with the Mayor's objective. Thank you.

CHAIR KAMA: We have questions from you...for you from Member Paltin.

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COUNCILMEMBER PALTIN: Thank you, Mr. Thompson. I've got a few questions. You said Maui El Dorado, and one other property. Do you know the name of the other property?

MR. THOMPSON: It's MKV, Maui Kā'anapali Villas. Although it's on the Minatoya list, it's called something else, but I think it's...it's the property listed right above ours. . . .(inaudible). . .

COUNCILMEMBER PALTIN: And then to clarify, you said that it has a community plan designation of hotel?

MR. THOMPSON: Yes. It's right in the Maui...if...if you look at the...at the West Maui Community Plan, and you look at the...you know, the color-coded areas, we are within...we are...we are designated as a Resort Hotel in the West Maui Community Plan. And so...

COUNCILMEMBER PALTIN: And then --

MR. THOMPSON: And then it specifically says --

COUNCILMEMBER PALTIN: -- the part where you --

MR. THOMPSON: -- in the plan...

COUNCILMEMBER PALTIN: -- said that the --

MR. THOMPSON: Pardon me?

COUNCILMEMBER PALTIN: -- the Planning Commission recommended those be excluded. Was that...when...when was that?

MR. THOMPSON: Well, they had the public hearings in June and July of last year in connection with the Mayor's proposed ban. And at the...at the end of the July meeting, they...they...they gave their oral decision, and...and that was to recommend that...that those two properties, which are designated in the community plan as Resort Hotel, primarily intended to serve visitors for transient accommodation purposes, that those two be excluded.

COUNCILMEMBER PALTIN: And...and...

MR. THOMPSON: And that's also included --

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. THOMPSON: -- in that letter I mentioned --

COUNCILMEMBER PALTIN: And then --

MR. THOMPSON: -- a couple of minutes ago, that --

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COUNCILMEMBER PALTIN: -- the other --

MR. THOMPSON: -- May 22nd letter from --

COUNCILMEMBER PALTIN: -- question --

MR. THOMPSON: -- the Director of Planning --

COUNCILMEMBER PALTIN: -- I had...

MR. THOMPSON: -- because what happened was the...the --

COUNCILMEMBER PALTIN: I...I...I got what you said there.

MR. THOMPSON: -- Commission obviously sent a letter --

CHAIR KAMA: I think you answered her question.

MR. THOMPSON: -- to the Director.

COUNCILMEMBER PALTIN: Yeah, I had one different question.

MR. THOMPSON: Okay. Yeah.

COUNCILMEMBER PALTIN: And you said that you're not going to proceed with Change in Zoning, but my understanding is if the zoning and the community plan designation doesn't align, then you can't do anything else with your property. And so, then I'm wondering why you're not going to pursue a Change in Zoning. Because it's...to me, like when I used to do Land Use Committee, it's worse if your zoning and your community plan designation doesn't align because you can't do...get permits and stuff. So, why wouldn't you want to change the zoning?

MR. THOMPSON: Well, currently...yes. Currently it...it does...you know, they are aligned because...because of the...the transient vacation rentals. But...and so, my point simply was...

COUNCILMEMBER PALTIN: The zoning and the community plan designation are aligned?

MR. THOMPSON: Well, because of the...because of the...the transient vacation rentals provision. Now, the...the...

COUNCILMEMBER PALTIN: No, alignment would be if the community plan designation is Hotel, then the zoning should be Hotel, that's alignment.

MR. THOMPSON: Well --

COUNCILMEMBER PALTIN: If it's different --

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MR. THOMPSON: -- first of all --

COUNCILMEMBER PALTIN: -- zoning...

MR. THOMPSON: -- we've been doing...we've been...we've been...sorry?

COUNCILMEMBER PALTIN: But...okay. Thank you.

MR. THOMPSON: We've been operating for 56 years --

COUNCILMEMBER PALTIN: I'll try...I'll try looking into it --

MR. THOMPSON: -- under...on that basis.

COUNCILMEMBER PALTIN: -- a little bit more on the side because there's legal stuff that's not apparent. Thank you.

MR. THOMPSON: Yeah. Well, so...so...but what I did was, I...I...I simply, I left the ban in place in the drafted...in the drafted bill --

COUNCILMEMBER PALTIN: Thank you.

MR. THOMPSON: -- but I just excluded the two properties that are designated in the community plan as resort hotels. That way, the zoning marries up with --

COUNCILMEMBER PALTIN: Thank you.

MR. THOMPSON: -- the community plan.

COUNCILMEMBER PALTIN: You...you answered --

MR. THOMPSON: So, they're exactly the same without changing...

COUNCILMEMBER PALTIN: -- my question. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Thompson.

COUNCILMEMBER PALTIN: Thank you, Mr. Thompson.

CHAIR KAMA: I think you've answered --

MR. THOMPSON: Okay.

CHAIR KAMA: -- Member Paltin's question. Any other questions --

MR. THOMPSON: Okay.

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CHAIR KAMA: -- Members? Oh, Chair Lee has a question.

COUNCILMEMBER LEE: I just wanted to get a clarification on what you mentioned about the Director of Planning. Did you say that --

MR. THOMPSON: Yes.

COUNCILMEMBER LEE: -- the Director of Planning recommended that you be exempted...exempt from this bill?

MR. THOMPSON: No.

COUNCILMEMBER LEE: No.

MR. THOMPSON: What I said...what I said is in that...that May 22nd letter, the Director of Planning...you see, I think what happened was this. The...your Committee sent some questions to the Director of Planning for clarification, and so one of those questions was, well, you said that the two...the properties that are designated as resort hotels should be excluded. Which properties are those? So, what you'll see in the first page or two of the response from the Director of Planning is, in response to your request, we confirm that, and then it listed four...the four or five properties. Because there's two issues...there's those that were exempted. One was those designated Resort Hotel, and you'll see those two are listed...and it specifically says Maui El Dorado, and the other one is MKV. And the other exemption that the Planning Commission recommended be excluded was situations where you had a property that was partially-zoned Hotel and partially-zoned Apartment. So, in those two cases, the...those...those were the two recommendations from the Planning Commission, that those two types of properties be excluded. And in that letter from the Director of Planning, she actually specifies those specific properties, and identifies the Maui El Dorado as one of them.

COUNCILMEMBER LEE: Thank you.

CHAIR KAMA: Thank you very much for your testimony. Staff?

MR. THOMPSON: Mahalo.

MS. MCKINLEY: Chair, the next testifier is Kirsten, to be followed by Nalani Kaninau, and then Goki. *(pause)* Chair, I don't believe that Kirsten is online, doesn't appear to be in the Chamber. Nalani Kaninau? *(pause)* Chair, moving on to Goki, to be followed by Roger Williams, and then Keoni DeFranco. *(pause)* Goki, you are unmuted on our end. *(pause)*

MR. KRUEGER: Chair, there's a phone number that's also raising their hand. It's the last four digits 0942. That might be Goki?

MS. KANINAU: Nalani Kaninau.

CHAIR KAMA: Oh, that's Nalani. Why don't we take Nalani?

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MS. MCKINLEY: Go ahead, please.

MS. KANINAU: Aloha, Chair and Committee Members. I'm Nalani Kaninau in strong support of Bill 9. One of the most impactful statements I heard was from Mayor Bissen, the opening statement, asking to quantify the value of our generational community. You know, I find we are hearing endless testimony about the doom and gloom theories of financial ruin for Maui, and financial ruin for the short-term rental owners, and that they say that if this bill passes, they may have to sell, or move back. I find these words to be fantastically rich and tone-deaf to our generational families already forced away, including one guy on the 9th meeting who worried about other transplants that were going to come and swoop in, and buy up all these properties. And Councilmember Paltin had to ask if he was talking about spoilage. And I...I almost had to laugh out loud because I wonder if they hear themselves. You know, testifiers and supporters of this bill speak fiercely about community and 'ohana, and our 'āina, and water. And I've heard so many of the younger generation expressing their mana so eloquently and passionately, and I'm so, so proud of them. I hope you're all here listening and hearing. This fight is about our generational residents and families. And my deepest heart's desire is for all of our generational community to be able to come home, and to live, and to thrive in their 'āina again. So, mahalo nui for all your patience in listening to this, but I hope you're . . . *(timer sounds)*. . . hearing that our community is fighting back, and we need your support. Thank you.

CHAIR KAMA: Thank you, Nalani. Members, any questions for our testifier? Seeing none. Thank you so much. Staff?

MS. MCKINLEY: Chair, the next --

MS. KANINAU: Mahalo.

MS. MCKINLEY: -- testifier is Goki, to be followed by Roger Williams, and then Keoni DeFranco.

UNIDENTIFIED SPEAKER: Oh, my God. Today. *(pause)*

MS. MCKINLEY: Goki, you are unmuted on our end. *(pause)* Sometimes it helps to quickly leave and rejoin the meeting. *(pause)* Chair, the next testifier is Roger Williams, who I do not see on Teams. The next testifier would be Keoni DeFranco. *(pause)* Chair, the next...oh. *(pause)*

MR. DEFRANCO: Aloha mai.

CHAIR KAMA: Aloha.

MR. DEFRANCO: Mahalo to the Chair and Council for creating space to hear all these testimonies. I know it's been a long day. Mahalo to my halau sister, Gretchen, that gave me an opportunity to share my mana'o as well. My name is Keoni. I traveled today from Waimanalo, O'ahu, to submit this testimony in person in strong support of Bill 9.

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I'm here as a representative of the Purple Mai'a Foundation and the Nation of Hawai'i. This is a matter of justice, survival, and restoring dignity to the people of this 'āina. The housing crisis facing our families is a direct result of prioritizing visitor profits over local people's right to live in our homeland. For decades, short-term rentals have been marketed as passive income, while actively displacing kūpuna, young families, and working-class residents. This is nothing less than legalized land dispossession. We must be clear. Continuing to allow thousands of STRs in Apartment zones is a form of structural violence. It commodifies our homes, fragments our communities, and accelerates the economic pressures driving Kānaka Maoli into houselessness and the diaspora. I say this as a diaspora Hawaiian whose mother was displaced. She was living on O'ahu when she moved, but her mother was from Maui County, from the Island of Moloka'i, and I spent my life fighting to get back to our land, to support our fight in moments like this, because this is where Kānaka must be for Hawai'i to stay Hawai'i. Hawai'i is not Hawai'i without Hawaiians. As someone deeply engaged in building 'āina-based economies and pu'uhonuas, I can tell you that we can have a thriving, locally-grounded economy without relying on STRs. It's critical to take this moment to diversify our economy, and invest in a more sustainable future for our keiki. We heavily regulate STRs on O'ahu, where I...where I live, and our economy has survived and continued. I currently rent out of a former STR . . . *(timer sounds)*. . . converted into long-term housing. We need to unlock our existing inventory to safely house our people. We need to support solutions, like community land trusts, that move power back into our community hands, and we need our elected leaders to follow their lead. Every day we delay action is another day an 'ohana struggles with insecure housing. We're losing our local families by the minute. There is no responsible tourism without housing justice. So, I urge this Council to act with the courage that this moment requires. Pass the STR phase-out, reclaim housing for our local people, and begin to repair the trust broken by decades of visitor-first policies, and keep Hawai'i Hawai'i. Mahalo.

CHAIR KAMA: Members, questions for the --

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: -- testifier? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify how you could afford that rent if the unit you're in used to be a short-term rental.

MR. DEFRANCO: Well, I started living at the pu'uhonua with Uncle Bumpy, and it allowed me to save us some money. He brought me home.

COUNCILMEMBER PALTIN: And...and so, you can afford it? It's not affordable, but you can afford it?

MR. DEFRANCO: It's not...yeah. I'm doing my best.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR KAMA: Any other questions, Members? Thank you so much, Mr. DeFranco.

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MR. DEFRANCO: Thank you. Staff?

MS. MCKINLEY: Chair, returning to Goki, if you're able to unmute? *(pause)* If not, could you please call in? We put the phone number and the meeting code in the chat. Chair, the next testifier is John Webb, to be followed by Karan Marsh, and then Noelani Ahia. *(pause)*

CHAIR KAMA: Who's next?

MS. MCKINLEY: Chair, is there John Webb in the Chamber? Okay. Then Karan Marsh on Teams. *(pause)* Karan is unmuted on our end.

MS. MARSH: Hello. Can you hear me?

CHAIR KAMA: Yes.

MS. MARSH: Okay. You can hear me?

CHAIR KAMA: Yes.

MS. MARSH: All right. I'm Karan Marsh. My husband Steve and I strongly oppose Bill 9 as it harms Maui residents, and does not solve the housing problem. Per the Maui community plan, in the 1970s, Maui County asked for and received Federal funds to attract tourists via these accommodations to strengthen the economics of this beautiful island via the Kihei 701 Plan. Since the '70s, the owners have legally stewarded our properties and promoted the aloha spirit, increasing island revenue by billions. The State approved the continued STR business license at our address. The State and County approved our condo purchase with the continued STR business. Bank of Hawai'i charges condotel mortgage rates. What compensation are you prepared to pay for this taking of our business? Last hearing, someone recommended increasing taxes on investment properties. Tenant, you need to protect such an increase, or protest such an increase, so your rent is not increased to cover that cost. If tenants want lower rent, counties need to lower the property taxes. Maui's 2026 operating budget sets aside almost \$67 million to bankroll Countywide residential projects and infrastructure. In 2019, Maui purchased an affordable housing plan, which documented new complexes with 6,371 affordable Maui homes. About 4,000 of those are almost done. If you eliminate legal STR condos, will you push visitors into illegal neighborhood STR homes? Counties must enforce developers to build affordable units, along with the other units. Commission [*sic*] Members, we have all wasted too much time, blood, sweat, and tears on Bill 9. Stop throwing good money after this bad idea. Spend your budget, finish the developments, convert malls, buildings, and unused . . . *(timer sounds)* . . . properties into living homes. If this measure goes through, we will move permanently into our condo. We will do our very best to support the current residents, which Bill 9 severely penalizes, as it turns a blind eye on Maui's small businesses. Proponents of Bill 9 wish remaining tourists to stay at the expensive hotels, which continue to pay slave wages to their employees. If you think STR profits go offshore, where would the profits for the

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long-term rentals go? By the way, there are rarely STR profits. Hotel profits go offshore. Thank you for this opportunity to oppose Bill 9.

CHAIR KAMA: Thank you. Members, any questions for the testifier? Seeing none. Thank you so much. Staff?

MS. MARSH: Thank you.

MS. MCKINLEY: Chair, I believe that one of the phone numbers that just called in with the last four digits, 3777 could be Goki. Is that you, Goki?

MR. GOKI: That's correct. That's me. Can you hear me?

CHAIR KAMA: Yes.

MR. GOKI: Good afternoon, Chair, Vice-Chair, and esteemed Members of the Committee. My name is Goki. I come to you today not just as a TVR owner, but as someone who holds deep love for the island and its people. It's from this place of love for Maui that I must respectfully share my heart and my opposition to Bill 9, a path I fear leads us away from the future we want. One of my deepest concerns is how this bill drives a wedge through our community, setting neighbor against neighbor. It threatens to dim the light of our diverse visitor industry, the one that welcomes middle-class families. These visitors support our local shops. We have a beautiful cultural exchange among our cultures. Where these families can no longer visit, a thread is torn from the vibrant fabric of Maui, weakening small local businesses and cultural connections that hold diverse cultures together. A study from the University of Hawai'i UHERO puts the weight of numbers to this heartbreak, forecasting a devastating blow to our island's economy and the loss of thousands of local jobs. It predicts a massive loss in County tax revenue, draining away very funds that could be the seeds for real affordable housing projects. For this heavy price, Bill 9 offers an empty promise. It's a mirage of affordable housing. The word affordable is completely absent from the bill itself. The home it targets carries crushing monthly costs, mocking any family in need of affordable housing on this island. We all know the story of the housing market. For every one local buyer, a hundred from mainland are waiting. These homes will not find their way to our people. They will be swept away by off-island investors, becoming...become silent monuments to a failed policy, and loss to our economy forever. This isn't speculation. It is the story the real estate market has been telling us for months. So, we must ask, who truly benefits? This bill harms those . . . *(timer sounds)* . . . whose livelihoods depend on rentals, without providing homes to those in need. It seems the primary beneficiaries are the large corporate interests, whose divisive tactics are harming Maui in the same way they have been detrimental across our country. So, Bill 9 threatens to waste our most sacred gift, time. While we are lost in the sea of these costly legal battles, the housing crisis will only get worse, forcing our families to leave the islands. I believe Bill 9 has served its purpose. It has forced us to have this vital conversation, but its simple answer to this is incapable of solving this complex problem. It is time to let this bill to rest. Let us take the lessons learned from it, and begin brave work of leading a new start for Maui's future. Let's work together on a bill that builds bridges, not walls, and creates a Maui where our children can truly afford to live, thrive, and coexist. For these reasons, I

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respectfully ask you to set aside Bill 9, and let's cooperate and build . . . *(timer sounds)*. . . building true, lasting solutions. I'm grateful for your --

CHAIR KAMA: Thank you, Goki --

MR. GOKI: -- time today, and listening from my heart today.

CHAIR KAMA: -- for your testimony. Members, any questions for our testifier? Seeing none. Thank you for your testimony, Goki. Staff?

MR. GOKI: Thank you.

MS. MCKINLEY: Chair, the next testifier is Noelani Ahia, to be followed by Dr. Kahala Johnson, and then Paul Belshoff. *(pause)*

MS. AHIA: Aloha mai kākou. 'O Noelani Ahia, ko'ū inoa. I wanted to first start by thanking the Mayor, and his team, and the Administration for bringing this bill forward, and to the Councilmembers who have been helping to support this bill. I also want to thank our lāhui and our kaiāulu, especially Lāhainā Strong, Maui Housing Hui, Stacey...all the folks that have been boots on the ground from the beginning, since the Lāhainā fires, and even pre-dating the Lāhainā fires, to make sure that our people can get in housing. I am in full and very strong support of Bill 9. I'm not going to hash out all the data, most of it was covered in the presentation. If you didn't see the presentation last week Monday, it's online, it's available, and everyone should watch it. I will comment a little bit about this concern about jobs being lost. I just wanted to mention that I believe at the moment, the County has 600 open positions, so if anyone's going to lose their job from STRs, come on over to the County, I'm sure they would appreciate the help. Also, there seems to be this thing about electricians and plumbers that are going to lose their jobs, but I'm pretty sure those units are still going to need electricians and plumbers, so I think that's being exaggerated a little bit. What I really want to talk about is settler colonialism as it relates to this bill. Language like colonizer, foreign...foreignizer *(phonetic)*...I made up a word. . . .*(laughing)*. . . Language like colonizer, foreigner, settlers, are not violent words. It's language that is used to describe the violence that Kānaka Maoli have been resisting and surviving for 130 years. We can't adequately describe the situation and the conditions we're in without language. The discrepancy in resources that the vacation rental owners and our people, the Kānaka Maoli, and our other local families are dealing with is so severe, the chasm is so great, people can't even seem to see what it is. . . .*(timer sounds)*. . . They don't recognize it. How many people in here have ever read the Apology Bill? Right on. If you've read this bill, you know that the United States admitted to illegally overthrowing the Hawaiian Kingdom. They took our entire country. So, when people stand up here and talk about a taking--hello, they took our whole country. Our people are dying on the streets because they took our country. And I am not exaggerating. I have been there. I have witnessed it. This is not a game for us. This is life or death. Everyone who's benefiting from short-term vacation rentals are benefiting from the fruit of the poisonous tree. We have to confront that. We have to confront all of the isms. Our classism. Our racism. . . .*(timer sounds)*. . . We have to confront our whiteness. Every single one of us. It's up to us so we can

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create the kind of future that we want, and the kind of community that will keep us together and keep us strong. Mahalo nui.

CHAIR KAMA: Thank you.

MS. AHIA: Aloha.

CHAIR KAMA: Thank you.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Members...any questions for the testifier, Members?

MS. AHIA: I have extra apology bills too --

CHAIR KAMA: Thank you.

MS. AHIA: -- if anybody wants.

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

CHAIR KAMA: Staff?

MS. AHIA: I keep them in my purse.

CHAIR KAMA: Members in the galley [sic], please restore decorum. That's her testimony. Oh, the Apology Bill.

MR. JOHNSON: Aloha. I am testifying in strong support of Bill 9. 'A'ohe o'u waimaka no ka po'e setala ho'opū kālā ma ku'u 'āina. I shed no tears for the paternalistic owning class and settlers who place profit over people on our lands. My name is Dr. Kahala Johnson. I'm a Co-Director of Maui Medic Healers Hui, who is a member of the Maui Grassroots Coalition. Maui Medics was organized as a first response to the 2023 fires, which devastated Lāhainā. As medics and healers, we know that housing is neither a luxury nor a commodity. Housing is the first aid medicine we need to treat the burns and scars inflicted by centuries of U.S. colonization, occupation, militarization, and imperialism in Hawai'i and the Pacific. The owning classes on Maui are waging a housing war against Kānaka 'ohana, working class families, and unsheltered communities. And that is not dramatic. I could cry about my third, fourth, fifth houses. That's drama, all right? Really? During Pride Month? Okay. Lāhainā is at the front lines, fighting against a long history of violence and oppression instituted by the occupying state, the plantation camps, and the tourist industries which have made Hawai'i unlivable for all but the rich. Our people are survivors and refugees of this housing war. There can be no excuses or exemptions to our lives, only housing justice for our people. There were no excuses and no exemptions made for iwi kūpuna being desecrated and removed from our 'āina. There are no excuses or exemptions made for the thousands of Kānaka waiting for Hawaiian homesteads. No exemptions made for the hundreds and thousands...of thousands of Kānaka living in the diaspora who want to return home.

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There are no exemptions made for my Sakada ancestors, who were forced to sweat blood for plantation masters. No excuses for my parents, who worked two to three jobs just to avoid eviction. No excuses for my siblings in Happy Valley, who live paycheck to paycheck away . . . *(timer sounds)* . . . from deep poverty. There are no excuses made for my unsheltered 'ohana, who get swept by MPD into cycles of depression. No excuses for my houseless aunty and her kids getting punished by three-strike policies at the shelter. No excuses for my uncle trying to get EBT benefits without an ID so he can live on the land of his mother. In this housing war against the unsheltered, the working class, and Kānaka Maoli, there can be no excuses, only justice for our people. The excuses end with us. We've collectively suffered the oppressive strategy of excuse and exempt for over 200 years prior to the fires at Lāhainā. The 200 years after the fires must be nothing less than justice for Lāhainā, justice for our community, and the end of a housing war which places property and profit over people. No tears for the owning class. Mahalo.

CHAIR KAMA: Thank you.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Members in the galley [sic], please...I'm going to ask you to please maintain decorum. So, Members, any questions for our testifier? I have a question for you, Dr. Kahala. What specialty do you have your PhD in?

MR. JOHNSON: Political science.

CHAIR KAMA: Thank you.

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

CHAIR KAMA: I figured that. Thank you. Okay. Staff?

MS. MCKINLEY: Chair, the next testifier is Paul Belshoff, to be followed by Lauren Palakiko, and then Mandy Trella. *(pause)* Chair, not seeing Paul Belshoff. Lauren Palakiko, are you here? *(pause)* Chair, moving on to Mandy Trella online, to be followed by Katie Austin, and then Bo.

CHAIR KAMA: Okay. *(pause)*

MS. MCKINLEY: Mandy, you're unmuted on our end. *(pause)* If the unmute button is not working, you could quickly leave and rejoin the meeting, or call in to the number in the chat.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR KAMA: Oh. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: While we're waiting for Ms. Trella --

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CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to get her audio working, I...I was...I know it's 4:10.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I...I...I was wondering if you...

CHAIR KAMA: I'm going to make the announcement after this.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MS. MCKINLEY: Chair, if we'd like to move on?

CHAIR KAMA: Yes. Yes, please.

MS. MCKINLEY: Katie Austin, to be followed by Bo, and then Lisa Darcy.

MS. AUSTIN: Aloha, Chair. Aloha, Council. My name is Katie Austin, testifying on my own behalf in strong support for Bill 9. I'd just like to start with this, and it's no disrespect to decorum. I'm a settler. I'm a transplant. And I'm not afraid of these words. I don't take offense when they're spoken. I think those words and histories need to be spoken more and more, and never censored. When opposition feel offended by hearing the truth of history or lived experiences told by Kānaka, I believe that that is their conscience reacting. They are offended because they are continuing to perpetuate injustice. They don't want to acknowledge their extraction and their profit over people mentality. They fail to acknowledge history, the mo'olelo of this place, and the culture, and its people. And they fail to not be an active understanding, listening, learning, and walking a better way on this 'āina. I'm not speaking on the economic impact here today, I'm speaking on a Kaiāulu impact. Not only is our community watching, but our entire State is watching what you folks will do with this bill. Our keiki are watching. Our keiki have watched their aunties, their uncles, their kūpuna, parents, and everyone they look up to fight for something so massive while going through the most traumatic times of their lives. They will be watching your decisions, and the implications of you not supporting our community runs deeper than your re-election possibilities. What it could do, should you choose not to vote for this bill, could show those keiki that fighting isn't worth it. It is what it is. Money always wins. Outside investors have power way greater than generational 'ohana. I will fight for everything to make sure that that doesn't happen, and that our keiki believe that that's not the truth. However, I believe, and I want to stand here and believe, looking at you all, that you don't want that either. You don't want to send that message to our keiki. I believe that you could stand proud in your decision to vote yes, and be the leaders that your community elected you to be, in the face of difficult decisions . . .*(timer sounds)*. . . standing up for what is right. I'd also like

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to just respond to the concerns about job loss. A reminder that there will be a reasonable phase-out period, giving folks years to prepare and pivot for a new career. Let's not forget, our community had to pivot overnight when thousands of jobs were lost in the fire, myself included. I've come before you folks many times before saying this, and I want to remind it again. Just because something has been going on for years does not mean we have to continue to allow it to happen as if it is at the detriment to our community. If it's been happening for years, it's just an excuse that fails to see the we, and just sees the I. And I think we are all sick and tired of listening to the opposition's I. I, I, I, when our community has come out in droves during the worst times of our lives, consistently speaking on the we for our collective. You're not sitting in those seats to protect investments, you're sitting in those seats to protect our . . . *(timer sounds)*. . . community, and I respectfully ask you to do so now because the entire State will be watching. And mahalo for the opportunity to provide testimony.

CHAIR KAMA: Thank you.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: . . . *(gavel)*. . . We'd like to be able to get through the meeting. An...and effective...Katie, I think we might have questions, so let me ask that. Members, we have questions for our testifier? Thank you, Katie. So, Members...

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

CHAIR KAMA: Thank you. Staff?

MS. MCKINLEY: Chair, perhaps we could try to return to Mandy Trella. I didn't see her call in, but I do see her still connected to the meeting. She would be followed by Bo, and then Lisa Darcy.

CHAIR KAMA: Okay.

MS. MCKINLEY: I think we can probably move on right now to Bo, to be followed by Lisa Darcy, and then Todd Lynam. *(pause)* Bo, you are unmuted on our end. *(pause)* Lisa Darcy, are you able to unmute and testify?

MS. DARCY: I am. And good afternoon.

MR. YUAN: Hello?

MS. DARCY: Aloha.

MR. YUAN: Oh, sorry. Aloha. Can you hear me?

MS. DARCY: Go ahead.

MR. YUAN: Sorry, because I cannot unmute myself, so I just left and rejoined again. Can you hear me now?

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CHAIR KAMA: Yes.

MS. MCKINLEY: We have Bo --

MR. YUAN: Okay.

MS. MCKINLEY: -- on the line now.

MR. YUAN: Thank you.

CHAIR KAMA: Oh, is that you, Bo?

MR. YUAN: Yeah. Aloha, everyone. Yeah, I'm...I'm Bo. I just leave and rejoin to...to unmute myself.

CHAIR KAMA: Okay.

MR. YUAN: Yeah. Aloha, everyone. Aloha, Chair, Councilmember.

CHAIR KAMA: Aloha.

MR. YUAN: My name is Bo Yuan. I'm a legal STR owner at Maui Kama'ole. I'm here to strongly oppose the proposed Bill 9. Maui Kama'ole has been operated as a vacation rental since the property was constructed in 1980s. Our property has been named as Maui Kama'ole Resort from the beginning. Our original County record bylaws specifically approved us for transient vacation rental use. Our transient vacation rental use are protected by the law. Maui Kama'ole is located in the Wailea under U.S. Census-designated place, surrounded by the resort hotels. We have two pools, two tennis courts, and a front desk. We operate it as a resort, not a residential complex. We respectfully request the Councilmembers to exclude Maui Kama'ole from this ban. Next, I would like to discuss the economic impact of this bill. Let me share some real numbers from my single STR unit. I pay 15,000 in property tax annually, 16,000 in GET and TAT tax, 28,000 to local cleaning and handyman service, 60,000 in mortgage interest to First Hawai'i [sic] Bank. So, total, from the single unit, I pay 125,000 per year. Multiply this number by 7,000 properties. We are talking about a billion dollars in annual economic impact. Our guest spends millions of dollars at the local business. This legislation would eliminate thousands of jobs, and slash the tax revenues. And the market already shows these policies won't work as now, condo price has dropped 20 percent due to this uncertainty from this Bill 9. Hundreds of properties on the Minatoya list sit unsold for over several months. But few local residents are able to buy at the reduced price. Why? . . .(timer sounds). . . Because even . . .(inaudible). . . drop, this property at a price of 700,000, with monthly HOA larger than 1,000, and remain unaffordable to local families regardless of the STR restrictions. Instead of destroying our economy while creating zero affordable housing, let's use the STR tax revenue to fund the purpose-built affordable housing. This preserves the job, and also the tax revenue, and actually addressing the housing needs. Here, I respectfully urge the County Councilmember to vote against this bill, and exclude Maui Kama'ole from any STR phase-out provision.

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Thank you for your time. Let's work together on the real solution that can support local families without eliminating the economic engine that employs thousands of the local families. Thank you for your time. Mahalo.

CHAIR KAMA: Thank you for your testimony. Members, do we have any questions for our testifier? Seeing none. Thank you. So, Members, it is 4:19. So, I've been approached by a Member of our Council to maybe go for an extra hour, until 5:30. Now, if that's okay with you all, but if you need to leave at 4:30, we understand that...but as long as we have a quorum. So, I just wanted to make that announcement. Hopefully, if you can all stay, or at least we have a good majority of people, we'll all stay until 5:30.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: I understand that sign language, Chair Lee. So, Chair Lee said, I have to go. I said, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And Member Johnson's raising his hand.

CHAIR KAMA: And Member Johnson? Oh, I didn't see you.

COUNCILMEMBER JOHNSON: Yes, Chair. Unfortunately, I have to leave --

CHAIR KAMA: Okay.

COUNCILMEMBER JOHNSON: -- at 4:30. I'm sorry.

CHAIR KAMA: Okay. No worries.

COUNCILMEMBER JOHNSON: I...I can listen to it. I'll listen to it --

CHAIR KAMA: Yeah.

COUNCILMEMBER JOHNSON: -- on Facebook Live streaming.

CHAIR KAMA: Yeah. Thank you. But, yeah, that was our hard-out day...day...time. So, I just want to respect your time, too. And thank you. And thank you for those Members who will stay until 5:30.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I appreciate that.

CHAIR KAMA: No, you're very welcome. Okay. So, we good? Okay. Ellen?

MS. MCKINLEY: Chair, the next testifier is Lisa Darcy, to be followed by Todd Lynam, and then Justin Huey.

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MS. DARCY: Good afternoon, Chair Kama and Councilmembers. My name is Lisa Darcy. I am a member of the Hawai'i Public Housing Authority Board, and the founder of the nonprofit Share Your Mana. Today, I am here to testify in my own voice through my own experiences. I support Bill 9. I stand in support of Lāhainā Strong. I urge this Council to take courageous steps. I don't usually talk about my personal beliefs, I usually talk about my work experiences. I'm going to share a little bit of both today. One is, I've never, since I've been very small, believed in owning land. I never understood the concept that I should own land. It's never made sense to me. It's...I can't wrap my head around owning multiple houses, or multiple pieces of land, where...where I know people are struggling, and where I know resources are...are...are--sorry, there's things popping up from this--and resources are limited. As many of you know, the work that I have done, it has been representative, and elevates the voices of many Hawaiians that are living in absolute despair and poverty. This Council has the historic opportunity to actually take bold steps, and steps which can be moderated, which can potentially provide more housing for individuals. I really encourage this Council to...to do whatever we need to do to give more . . .*(timer sounds)*. . . people opportunity to have safe housing. I need my one-minute--thank you--so that...so that more people can be housed. I cannot echo enough some of the previous testifiers speaking on behalf. I don't know where I come from. I don't know what my lineage is. I don't have anywhere to go back to. And the fact that there are some people in Hawai'i, some Hawaiians that still have that, we must absolutely just do our best to protect this culture, to protect the land, to protect people being able to stay safe. And our Mayor did say that it's very important that housing needs to be available for everyone. And I...I agree with the former testifier that said housing is first aid. Please be as courageous as you possibly can . . .*(timer sounds)*. . . to make some bold decisions. I so appreciate your time --

CHAIR KAMA: Thank you.

MS. DARCY: -- and all of your consideration.

CHAIR KAMA: Members, do we have any questions for our testifier? None? I...I have a question for you, Ms. Darcy. You...in your testimony, you said that you believed that we needed to provide more housing for individuals, and that housing should be for everyone. But also, in your opening statement, you said that you were a member of the Public Housing Authority Board. So, it's not that the agency...isn't that the agency that's responsible for the public housing on Maui, as well as the State of Hawai'i?

MS. DARCY: Yes. Shall I try to relate that to Bill 9? I'm...I'm...I'm confused.

CHAIR KAMA: I'm relating it because providing more housing for individuals is what we all should be doing. And I know that the State housing projects across our island have many empty vacant units in Pi'ihana, as well as Kahekili. And I just wanted to bring that up to your attention. But thank you for your testimony.

MS. DARCY: Thank you.

CHAIR KAMA: You're welcome. Ellen?

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MS. MCKINLEY: Chair, the next testifier is Todd Lynam, to be followed by Justin Huey, and then Lonnie Newman. *(pause)* Chair, maybe we could return to Mandy Trella.

CHAIR KAMA: Oh, okay. Yes. *(pause)* Do you see her on?

MS. MCKINLEY: She's on the meeting, but I don't see her video or her...unmuting.

CHAIR KAMA: Oh, there she is. I see her. Okay. We can see you Mandy, but can you hear us? You can't hear us. And we can't hear you. Okay.

MS. MCKINLEY: Mandy, could you please call in on the number in the chat with the meeting code?

CHAIR KAMA: Yeah.

MS. MCKINLEY: And Todd, you could try leaving the meeting and quickly rejoining, or you could call in as well. Chair, the next testifier would be Justin Huey, to be followed by Lonnie Newman, and Kristina Jennings.

CHAIR KAMA: It says he's here. No, this is from last week. So, he's not here. Is he online?

MR. LYNAM: All right.

CHAIR KAMA: Hey, Justin.

MR. LYNAM: Sweet. Okay.

CHAIR KAMA: No, that's Todd.

MR. LYNAM: Yeah. Yeah, sorry, I'm in the car. Okay. Thank you so much. I'll try to keep this quick. I got my baby crying in the back seat here. Yeah, appreciate your time. My wife and I--now she's crying more because she hears me--my wife and I moved to Maui in 2017. You know, basically, you know, my wife's a speech therapist, and Maui really needs more speech therapists. And we really loved it. And then in 2019, we moved to O'ahu. She was, you know, at UH. She got a degree in behavioral analyst. She works with kids with, you know, on the autism spectrum. Anyway, in 2017, we were fortunate enough to...we bought a unit at Pacific Shores, which is on the Minatoya list, for \$375,000. And I just wanted to mention that it was on the market for a year, and so we even got a reduction in price. So, anyway, like a lot of people here in Hawai'i, we basically, you know, joined tourism as a second job...like we rented out one of the bedrooms we had, and then we saved enough, and we were actually able to purchase a second unit. And...anyway, so basically, I was also on the board of Pacific Shores for a little bit. You know, I...I just wanted to say that the people I worked with the most and interacted with, you know, on board meetings and everything, it's mostly people who...you know, a lot of on-island, or people who do live...own something off-island, like they, you know, they vacation here and they basically subsidize it, so it's basically like a second home, you know. And they're just look in the break-even, or just make their

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vacation cheaper. And I...I understand there are initiatives underway to increase residential density, permits. There's a new, was it, Waikapu Country Town, I guess, new homes area. And from what I understand, I don't know, a brief research, there's a lot of water in Haleakala. I can't speak to the intricacies of that. But I do understand people, you know, are feeling a lot of pain and want to fix this quickly, but, like just to put morality aside . . . *(timer sounds)*. . . you know, you're basically...does that mean...am I out, or I have like one minute, or...

CHAIR KAMA: You do. You still have one minute. Yeah.

MR. LYNAM: Okay. Thanks. All right. So, the reality is...like, you know, we have a lot of money in these mortgages, and there...it's, you know, just not acceptable for us just to give that up. And so that's why, you know, we plan on going to court and joining those class-action lawsuits. And like the former Attorney General said, you know, there's lots of precedence, you know, on...on O'ahu. You know, he mentioned some of the cases, you know, like Waikiki Banyan versus City and County of O'ahu there's the...the one, he mentioned the...the, you know, the other one, Hawai'i Legal Short-Term Rental Alliance versus City and County, and then, you know, they mentioned vested property rights. So, you know, and our case is even stronger because, you know, we're codified in the law, and so, you know, terms like legacy use, you know, workforce intent, they don't override this. And like the Attorney General said, this is not going to be passed, and I...I...I just hope people do their research into this. And, you know, we've been...you know, I've consulted lawyers, I'm sure it's . . . *(timer sounds)*. *(inaudible)*. . . But I just hope you can find something that makes everyone happy and...and is legal. Thank you.

CHAIR KAMA: Thank you, Todd. We have a question from Member Paltin, and Member Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Lynam.

MR. LYNAM: Yeah.

COUNCILMEMBER PALTIN: Lynam?

MR. LYNAM: Yeah. Yeah.

COUNCILMEMBER PALTIN: I just wanted to clarify, you were speaking about the former Attorney General that's now a lobbyist for Airbnb.

MR. LYNAM: That's correct.

COUNCILMEMBER PALTIN: Okay. Just making that clear.

MR. LYNAM: Yeah, yeah. I...yeah, absolutely.

CHAIR KAMA: That's it? Okay.

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MR. LYNAM: Yeah, I mean, we got our own counsel, so, I mean, that's just, you know.

COUNCILMEMBER PALTIN: Thank you for that clarification.

CHAIR KAMA: Member Rawlins-Fernandez, your question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. That...my question was going to be the same, if he was referring to the Airbnb lobbyist in his testimony.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I got that clarification. Yes --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- he was referring to the Airbnb lobbyist. Mahalo, Chair.

CHAIR KAMA: Okay. You're welcome. Members, any other questions for our testifier? Seeing none. Thank you so much.

MR. LYNAM: All right. Thank you. Take care.

MS. MCKINLEY: Chair, I think we can return to Mandy Trella. I think she's calling in on the number with the --

CHAIR KAMA: Okay.

MS. MCKINLEY: -- last four digits 9966.

CHAIR KAMA: We see you.

MS. TRELLA: Yeah.

CHAIR KAMA: And we hear you.

MS. TRELLA: Great. Can you hear me?

CHAIR KAMA: Yes.

MS. TRELLA: Okay. I think I'm normally very tech-savvy. Sorry about that. Aloha, Chair and Councilmembers. My name is Mandy Trella, and I'm here to voice my unwavering support for Bill 9. As a real estate professional, I understand this position may not be very popular amongst my peers or my clients, and will negatively impact my business. However, my commitment to Maui's future far outweighs my personal costs. I'm in a unique position, having had a front-row seat to Maui's affordable housing struggles my entire life. You heard from my dad, Stan Franco, earlier today. Additionally, my mom works for HUD. Growing up between Kihei and Lāhainā over the past four decades, I've

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witnessed firsthand the profound transformation tourism and outside real estate investments have had on our island. Our neighborhoods have lost their sense of community, and our precious resources are consistently sold to the highest bidder. Every one of my childhood friends has left Maui, and all my high school friends who remained in Lāhainā lost their homes. Only three family members of my generation, including myself, have been able to purchase a home on Maui. These purchases happened before housing prices drastically increased, and none of us would be able to afford those homes today. All the family members that currently reside on Maui live in their childhood homes. Opponents of Bill 9 often claim that locals don't desire this type of housing, and that the solution lies solely in new construction. Yet, proposed affordable workforce housing developments almost exclusively consist of rental apartments. Developers argue they cannot afford to build single-family homes at low...at below-market rates. Opponents of Bill 9 have frequently cited high monthly HOA dues and special assessments as reasons why converting these STRs to long-term use is financially prohibitive. However, it is crucial to understand that these high costs are not exclusive to STR properties, but exist for all condos across Maui. Here's a snapshot of HOA monthly dues for the cheapest long-term two-bedroom units . . .*(timer sounds)*. . . actively for sale in Maui. Harbor Lights, 1,031. Kahului Ikena, 1,555. Kihei Shores, 961. Maui Lani Terraces, \$1,158. These issues highlight that Bill 9 is not a standalone solution, but a crucial piece of a larger puzzle. Additional concerted efforts will be essential to truly make Maui affordable for our local people once again. I recognize the immense difficulty of this decision, and do not envy you in this position. This isn't just about affordable housing, it's about preserving the very soul of our island. I urge you to be strong for Maui, to be Lāhainā strong. Thank you for your consideration.

CHAIR KAMA: Thank you, Mandy. Members, do we have any questions for our testifier?

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

CHAIR KAMA: Oh, okay. So, we don't have any...oh.

MS. TRELLA: Thank you.

CHAIR KAMA: Mandy, we have a question from Member U'u-Hodgins.

VICE-CHAIR U'U HODGINS: Thank you, Mandy, for your testimony. Would you mind emailing us your testimony to the Committee so we can have those numbers that you referenced?

MS. TRELLA: 100 percent. And that's just a very small amount. The...the list goes on and on.

VICE-CHAIR U'U HODGINS: Okay. Thank you so much.

MS. TRELLA: Yeah.

CHAIR KAMA: Thank you.

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MS. TRELLA: Thank you.

CHAIR KAMA: Members, any other questions? Your hand is up, Member Paltin. Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Trella, for your testimony. At one point, you had said this would negatively affect you. So, will it cause you to have to move?

MS. TRELLA: I will not have to move because of it. I definitely, like many other people, have to pivot in my career, and...and that's okay. You know, I think that is...it's worth it for the greater good of Maui.

COUNCILMEMBER PALTIN: I...I think Director Mitchell's looking for some good people if you want to pivot that direction.

MS. TRELLA: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Housing Department. Thank you.

CHAIR KAMA: Any other questions for our testifier? Seeing none. Thank you, Mandy. Staff?

MS. MCKINLEY: Chair, the next testifier is Justin Huey, to be followed by Lonnie Newman, and then Kristina Jennings. *(pause)* Chair, not seeing Justin Huey online or in the Chamber. Is Lonnie Newman here? *(pause)* Chair, moving on to Kristina Jennings in the Chamber.

CHAIR KAMA: She's coming down.

MS. JENNINGS: Sorry. Aloha, Madam Chair and Council. My name is Kristina Jennings, and I oppose Bill 9. This bill doesn't solve the root issue that has been present for decades, the lack of economic diversity and livable wages. It's a political distraction that pits local residents against each other instead of demanding accountability from those in power. The need for affordable housing and people working two to three jobs not able to afford to live on Maui is indeed a crisis, but affordable really comes down to how much you make. I manage short-term rentals for a living. It's not glamorous, but it pays the bills, and allows me to afford to live in a one-bedroom ohana for 2,500 a month. I wonder what would be affordable to me if I were making 245,000, like the Mayor. If this bill passes, my income would drop significantly, and could disappear entirely. It's heartbreaking that I might need to find one or two new jobs, and probably get a roommate at 47 years old. This is not a step forward for Maui, it's a step off a cliff. And I'm not the only one this would hurt. My vendors, including the suite cleaners, who need flexible hours to care for their children, and my maintenance people will have huge drops in their income. These are often born-and-raised folks who have worked hard to create businesses they're proud of. They shouldn't have to give up on a dream and go get a hotel job because of a political agenda. The real issue is wages and economic diversity. We all should be using this same passion and conviction to demand that our local government address the reason we all can't afford to live comfortably here.

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Numerous studies state that we need 80 to 120,000, just to make ends meet in Hawai'i. The average pay for Hawai'i teachers is 71,000. That's less than the national average, and about 45,000 less than they should make, considering the cost of living difference. That's a wage gap, not a housing one. Instead of facing these truths, and working toward economic diversity, and reducing the wage gap before removing thousands of well-paying jobs, the Mayor is shifting blame and responsibility onto STR owners. It's a cop-out, and an easy way to pass the buck to people who legally bought their properties, knowing that short-term renting was codified and allowed, and would help them offset the high cost of ownership. I know many think, and unfortunately celebrate, that this bill could cause people to sell at a loss or face foreclosure. True, but the prices would still be outside . . . *(timer sounds)* . . . the affordable range for most to purchase. Many of these STRs are oceanfront, or very near. It's basic economics in most any city that the closer you get to the water, the higher the prices for rent and purchase. It's not discrimination, it's demand. While we couldn't afford these foreclosed homes, investors could, and then we are right back here. If we can afford a 54 percent raise for the Mayor, why aren't we using taxes more strategically to subsidize rents for more people, build more truly affordable housing, and expand down payment programs? Why aren't we paying our teachers and State employees proper livable wages, and offering employers payroll rebates to incentivize higher pay? Yes, any of this is harder, but real solutions usually are, and that's what we elected you to do. I urge you to vote no on Bill 9, not because we don't need solutions, but because this isn't one.

CHAIR KAMA: Thank you. Members, any...Member U'u-Hodgins has a question for you.

VICE-CHAIR U'U HODGINS: Thank you for your testimony. Sorry if you mentioned it earlier, but how many units do you manage?

MS. JENNINGS: Oh, this is a fun one. So, I just left a larger company.

VICE-CHAIR U'U HODGINS: Okay.

MS. JENNINGS: And there, I personally had about 250 owners I worked with directly.

VICE-CHAIR U'U HODGINS: Wow, okay.

MS. JENNINGS: And I would say of those 250, only three owned more than one unit.

VICE-CHAIR U'U HODGINS: Oh, okay. Only three.

MS. JENNINGS: Yeah.

VICE-CHAIR U'U HODGINS: And now, when you manage the rentals, I'm assuming they're all aware of this bill. What do you think they're going to do with their units?

MS. JENNINGS: It just depends. You know, I've brought on, for that company, a couple hundred in the past few years, and...or a hundred-plus, let's not get crazy. And whenever there was a new sale, oftentimes in the past few years, they're barely eking by. I have to do like income analyses for them. And it's coming down to like a 1,000 or

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\$2,000 that they're like I'm going to be at a loss if we don't hit these numbers. So, those folks would likely have to sell.

VICE-CHAIR U'U HODGINS: Okay.

MS. JENNINGS: And then with litigation pending, they wouldn't be able to sell really well. So, it's going to be a mess.

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

MS. JENNINGS: And then the folks that...that do own outright, or owe less, so they could maybe afford to rent long-term, a lot of those folks would keep it because they come one to three months a year.

VICE-CHAIR U'U HODGINS: Okay.

MS. JENNINGS: Yeah.

VICE-CHAIR U'U HODGINS: Okay. Thank you. Thanks, Chair.

MS. JENNINGS: Um-hum. Yeah.

CHAIR KAMA: Any other questions, Members? Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha.

MS. JENNINGS: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony. I agree 100 percent that our teachers should be paid more, as well as our County employees. So, mahalo for that.

MS. JENNINGS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: You...in your testimony, you said that Bill 9 is because of a political agenda. I didn't understand what you meant by that.

MS. JENNINGS: It's...it's very targeting of something that is a hot-button item. And I can't say that I don't agree with part of the idea behind lessening the STRs, but to just take an ax to them, and...and pretty much say, screw the owners, good luck, is...is just drastic, and...and it seems just not thought out at all, and very reactionary. And of course, they came out right after the fires, and it was very emotionally-charged. So, it just doesn't feel thought out, and it's...it kind of really does just take all of the onus and throws it at these owners, and...and it treats them like they literally stole these...these properties. Yes, in the grand scheme of things, when we go crazy, it...it...it does feel that way, but they paid real money. They paid their life savings for these homes, and then we're just telling them, well, that's your fault because we're changing it now.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for expounding on that.

MS. JENNINGS: Um-hum.

COUNCILMEMBER RAWLINS-FERNANDEZ: You...you know that this was an issue from 1989, yeah? . . .*(laughing)*. . .

MS. JENNINGS: This is an issue probably before 1989.

COUNCILMEMBER RAWLINS-FERNANDEZ: Like before be...before that. Okay.

MS. JENNINGS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because you said after the fire. So, it wasn't just after the fire.

MS. JENNINGS: I agree. But we could have been slowly taking steps and, you know, doing things like, you know, at time of sale, then it doesn't transfer over, or making percentages allowed on properties instead of the whole property. We could have been doing, you know, small steps along the way. I don't know. Things that feel a little more legal, rather than a big hatchet, and then waiting for a bunch of lawsuits to come in.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And little things have been going on along the way.

MS. JENNINGS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And in response to Member U'u-Hodgins' question, I guess you said that they would hang on to the units --

MS. JENNINGS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- if it's investments, and they're not profiting off of it because they can't use it as a STR. So, why would they hang on to it?

MS. JENNINGS: It has nothing to do with investments. A lot of these are generational ownership, and people love coming here. And a good example of that is when that 2021 shift happened where, if you were on an STR property, all of a sudden you were STR by default taxed. We saw at least dozens of owners that had to rent that had never rented since ownership in, you know, the '70s or '80s. So, those folks, of course, they still want to come here. They've been coming for decades, so...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair.

CHAIR KAMA: You're welcome. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify, because what of...what you said.

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MS. JENNINGS: Sure.

COUNCILMEMBER PALTIN: I did propose that time of sale phase-out prior to the fire. It didn't pass. So, I mean like --

MS. JENNINGS: Yeah.

COUNCILMEMBER PALTIN: -- choke folks are saying, you should do this, do this, and I'm like, I...I thought we did, and it didn't work. Just saying, like deed restriction in perpetuity. Tried that, didn't work. Do this, do this, do that. Just...just clarifying, sorry.

MS. JENNINGS: Well, I'll probably get my knuckles whacked for saying that, but, you know, that...that feels just a little more legal.

COUNCILMEMBER PALTIN: I won't...I won't whack your knuckles, no way. I mean, I have a ruler, but it won't happen for me.

CHAIR KAMA: Thank you.

MS. JENNINGS: Perfect.

CHAIR KAMA: Thank you very much, Kristina.

MS. JENNINGS: Thank you.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Theresa O'Toole, to be followed by Thom Rogers, and then Emily Rogers. *(pause)* Mr. Rogers, you could go ahead.

MR. ROGERS: Aloha. Aloha, Chair and Councilmembers.

CHAIR KAMA: Aloha.

MR. ROGERS: My name's Thom Rogers. And I'm here today to strongly oppose Bill 9. I'm the General Manager of the Kuleana Club, a timeshare resort that's operated legally and continuously in West Maui and Honokōwai for over 50 years. We are one of many properties on the Minatoya list that fully comply with all zoning and...and tax regulations since day one. We strictly enforce TAT and GET tax compliance, whether a week is rented by the association or by an owner...individual owner. Kuleana is more than just a timeshare. It's a workplace, a local employer, a deeply-rooted part of the West Maui community. All of our units are deeded one week at a time to individual owners, with many featuring connecting doors between condos, like you would see in a hotel room. These units were designed specifically for short-term rental occupancy. The legal ownership structure of these condos would make them not capable of being used for long-term housing, and they're...nor are they structured to transition to that kind of

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use. We employ and contract with many individuals who have been part of our team for decades...for some of those, more than 25 years. Many of them, like myself, lost their homes in the Lāhainā fire. If this bill passes, they will lose their jobs as well, jobs that are the only remaining source of stability after an unimaginable loss. My wife and Emily are fire survivors. We lost our home and everything in it. After months and months of saving every dollar from our insurance payout, and generous help from our friends, family, and the community, everyone, we bought a modest condo in Nāpili Villas, not a rental or an investment, but our home. We waited for months on clarity on this bill, and when we decided we couldn't wait anymore, we decided to move forward, only now to face the possibility of losing everything again. If Bill 9 passes, both of us will lose our jobs. We'll no longer be able to afford our mortgage. Our property will lose a significant portion of its value, and we'll be left underwater, unable to sell or recover what little we have left. This bill will not produce housing, but will create financial devastation for local families like mine. The amendment to exempt legally operating timeshare . . . *(timer sounds)* . . . units is a step in the right direction, and we're grateful for that recognition, but even with that, we strongly oppose this bill as we feel it's too broad, too harmful, and would do too...to much real damage to real people. Please vote no on Bill 9. Aloha.

CHAIR KAMA: Thank you. Members, question from Mr. Rogers? Seeing none. Thank you --

MR. ROGERS: Thank you.

CHAIR KAMA: -- so much.

MS. MCKINLEY: Chair, the next testifier is Emily Rogers, to be followed by Bonnie *(phonetic)*, and then Gregory Wilson.

MS. ROGERS: Aloha, Chair and Councilmembers.

CHAIR KAMA: Aloha.

MS. ROGERS: My name is Emily Rogers. While I strongly agree we need a solution for housing, I'm here today to strongly oppose Bill 9. I'm a survivor of the Lāhainā fire. On August 8th, 2023, my husband Thom and I lost our home. Everything we had built, every position, every sense of normal. Since then, we've done everything we could to rebuild...emotionally, financially, and professionally. I own a small housekeeping company that serves vacation rentals throughout West Maui. These are not side jobs, they're our livelihood. And I'm not just here representing myself, I'm also here for the people who work with me, who are out today providing the exceptional...exceptional experience that is synonymous with Maui. They do not have the time or the voice to be here, but their jobs, their stability, and their futures are just as threatened by this bill as mine. Bill 9 feels like August 8th all over again. It's like someone is standing over dry grass with a lit match, and you, the Council, have a choice. Blow out that match or drop it, and watch everything we worked for to rebuild up...go up in flames again. After the fire, we held on to every dollar, every insurance settlement, gifts from our friends and community. We waited nine months for clarity. When nothing changed, we decided to put our life...we decided not to put our life on hold any longer. We bought a small

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condo...not a rental, not an investment, our home. Now we're told that might have been a mistake because if this bill passes, I will lose my job. If I lose my income, we won't be able to pay our mortgage, and with property values dropping, we'll be underwater and unable to sell. We will lose our home and everything we've held on to...our savings, insurance money, and community support will be gone again. We are not investors, we are not corporations, we are local people working who've had...who've already lost everything once. and are terrified to lose it again, this time to legislation. This bill won't guarantee housing, but it will destroy jobs. It will gut families like mine and devastate the people who make Maui what it is. Please oppose Bill 9, blow out the match. Mahalo.

CHAIR KAMA: Thank you. Members, questions? Member Cook?

COUNCILMEMBER COOK: Thank you. Rogers?

MS. ROGERS: Yes.

COUNCILMEMBER COOK: Ms. Rogers, thank you.

MS. ROGERS: Yes.

COUNCILMEMBER COOK: Thank you for your testimony. Where you're living now, is it some long-term rentals?

MS. ROGERS: It's...

COUNCILMEMBER COOK: For clarification.

MS. ROGERS: The...the association that we...the place we bought does not allow short-term rentals, so it's all long-term rentals.

COUNCILMEMBER COOK: Are they all fully occupied?

MS. ROGERS: No. When we bought, there was multiple on the market.

COUNCILMEMBER COOK: Okay.

MS. ROGERS: Yeah. And I don't know about...I'm not sure...we're new to the...to the complex, so I'm not sure about the other logistics of the ownership.

COUNCILMEMBER COOK: Thank you for your testimony, and your hard work.

MS. ROGERS: Yeah, thank you.

COUNCILMEMBER COOK: Aloha.

CHAIR KAMA: Members, any other questions for our testifier? Seeing none. Thank you so much, Emily.

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MS. ROGERS: Mahalo.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Bonnie, to be followed by Gregory Wilson, and then Arthur C. I don't see any of them online or in the Chamber. Chair, I think we can move on to Amy Del Rosario on Teams, to be followed by George Fulton, and then Bryant Ocasio. *(pause)* Amy, you are unmuted on our end. *(pause)* Amy, you could try brief...

MS. DEL ROSARIO: Hello?

MS. MCKINLEY: Oh, good.

CHAIR KAMA: Who's that?

MS. MCKINLEY: We hear you, Amy. Go ahead.

MS. DEL ROSARIO: Hi. Okay. Hi. My name is Amy Del Rosario, and I am in support of Bill 9. My husband and I currently live in Mā'alaea. We have a two-bedroom, two-bath condo here. And when we moved in...when we bought the place in October 2022...or sorry...yeah, October of 2022, we moved from a hotel condo...or a condo zoned as Hotel. It was run like a hotel. And we were looking for more of a community, and we really liked the Mā'alaea area. But we quickly learned that there isn't much of a community here. Soon after the Lāhainā fires happened, we were in a board meeting, and our board president announced that after consulting with legal counsel, that there was no way that they could legally prevent owners from renting to Lāhainā fire victims. The discrimination has gone completely off the charts since then. Just most recently, at a March board meeting this year, one of the other owners brought up this rumor that she heard, that locals were going to be moving into the area, and she was concerned. And this is an area...if we could sell, we would . . . *(timer sounds)*. . . but we can't. This is our entire...this is...we bought this with our entire savings. But I've never experienced such racism and discrimination in my life. I have been called out...and I am the only person of color who lives in a property of 80 units. There are only four that are occupied by residents. And so, this doesn't...I mean, everybody else has covered all of the economic stuff, but I just want to say that, you know, we've got, you know, guests coming and going. And when you tell the owners that their guests are being really rude, and...and just out of control, people partying all night, the owner's reply is simply . . . *(timer sounds)*. . . well, they're on vacation, they're having fun. So, I just want to say that I...I would like to have neighbors. I would like to have people --

CHAIR KAMA: Thank you, Ms. Del Rosio [sic].

MS. DEL ROSARIO: -- who care about the community.

CHAIR KAMA: Member Paltin --

MS. DEL ROSARIO: Thank you.

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CHAIR KAMA: -- has a question for you.

COUNCILMEMBER PALTIN: I...I just wanted to apologize. I was listening to your testimony, and I forgot to put up the one-minute left sign.

MS. DEL ROSARIO: That's okay. Sorry about that. I saw you put up the one minute, but then I saw the counter, and it said only seven seconds, so...

COUNCILMEMBER PALTIN: Yeah, I'm so sorry.

MS. DEL ROSARIO: No worries.

COUNCILMEMBER PALTIN: I did want to clarify. So, you live there, you're an owner, and the conversation was, can we stop other owners from renting long-term? And then they said, no, no can...you cannot stop other renters from renting long-term. And then that was disappointing to the people in the board?

MS. DEL ROSARIO: No. It's just apparently, after the Lāhainā fires, there were a number of owners who wanted to offer up their units--because like I said, we have 80 units in our property, and only four of them are occupied by residents, so the rest are mostly short-term rentals. And after the Lāhainā wildfires, there were some board members...or not board members, but some owners who were looking to rent to...or to put their units into the FEMA pool for the wildfire evacuees.

COUNCILMEMBER PALTIN: I got it. Thank you.

MS. DEL ROSARIO: And this got around, and some of the owners--yeah, were --

COUNCILMEMBER PALTIN: Now I understand.

MS. DEL ROSARIO: -- opposed to that. Yeah.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KAMA: Members, any other questions for our testifier? Oh, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just to clarify...mahalo for your testimony. Did you say you support Bill 9, or you don't support Bill 9?

MS. DEL ROSARIO: I support Bill 9.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Mahalo.

CHAIR KAMA: Yeah.

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

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COUNCILMEMBER RAWLINS-FERNANDEZ: She wants neighbors. Okay. Mahalo. Mahalo, Chair.

CHAIR KAMA: Members, any questions for our testifier? Seeing none. Thank you so very much, Amy. Staff?

MS. DEL ROSARIO: Thank you.

MS. MCKINLEY: Chair, the next testifier is George Fulton, to be followed by Bryant Ocasio, and then Patricia Char. *(pause)* Chair, I don't see a George Fulton or Bryant Ocasio online or in the Chamber. Patricia Char, it's your turn.

MS. CHAR: Hello. Good afternoon. My name is Patricia Char. I oppose application of Bill 9 to Wailea Ekahi III. This property was swept up in the anti-TVR wave, even though it is built in a hotel zone. The Planning Commission has recommended correctly that the Council exclude the entire Wailea Ekahi III from the proposed bill. The land on which my unit sits was zoned Hotel when Ekahi was built in 1976. In the early 1970s, the Hawai'i Real Estate Commission recognized the development as appropriate for hotel use, and allowed it to be marketed as such. The Mayor's May 22, 2025, letter, transmitted to you, Ms. Kama, as Chair, states Wailea Ekahi III, according to the zoning map, this property has approximate equal amounts zoned Hotel-1 and Apartment. To be precise, exact numbers are 55 within the Hotel zone, and 49 within the Apartment zone. A majority of units of this section of the planned development are in the Hotel zone. The letter suggests that the appropriate step is to go back to the Planning Commission for rezoning. But my condominium is built on the part of the property zoned Hotel at the time of construction in 1976, and it is still zoned Hotel today. Do you really want me to waste your time to come back to ask for a rezone of property that is Hotel to Hotel? I realize the need to address housing on Maui, but someone in the rush to convert TVRs might have missed this. Please help me correct it. I further note that Maui Code Section 19.32.040, existing Section 2, which is proposed in Bill 9 to be Section 1, seems to . . . *(timer sounds)* . . . exclude . . . *(inaudible)* . . . a planned development from the proposed TVR ban. I am not a stranger to the community. I am a former kama'aina trying to retain ties to home. My great-grandfather in the 1900s moved to the Kingdom of Hawai'i. I was raised on the islands, and played on beaches in Kihei and Wailea before the big hotels were there. Regardless of any decision on Bill 9, 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. Mahalo and aloha.

CHAIR KAMA: Thank you. Members, questions for our testifier? Seeing none. Thank you so much. Staff?

MS. MCKINLEY: Chair, the next testifier is Owen Kahahane, to be followed by Cliff K, and then John Carty. *(pause)* Chair, not seeing...

CHAIR KAMA: Owen Kahahane. No? You don't see him?

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MS. MCKINLEY: I don't see anyone in the Chambers responding to that name, and we don't see anyone online. I don't also see Cliff K or John Carty online. The next testifier would be Deborah Mader, and then...to be followed by Ali, and then Leni English. I think I need a moment to promote Deborah Mader.

CHAIR KAMA: Okay.

VICE-CHAIR U'U HODGINS: Chair?

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

VICE-CHAIR U'U HODGINS: Thank you, Chair. While we're waiting for the other testifiers, Leni English, that's my aunty, she just texted me. She's not going to be testifying today. She does support Bill 9, and she'll be sending us --

CHAIR KAMA: Okay.

VICE-CHAIR U'U HODGINS: -- testimony online.

CHAIR KAMA: Okay.

VICE-CHAIR U'U HODGINS: Thank you.

CHAIR KAMA: Thank you.

MS. MADER: Aloha, can you hear me?

CHAIR KAMA: Yes, we can.

MS. MADER: Thank you so much. My name is Deborah Mader, and I fully support Bill 9. My family was very lucky to own and live in an apartment at Koa Resort, which is on the Minatoya list. At that time, around 2010, it was an incredible mix of teachers, construction workers, small business owners like ourselves, retirees. Our large one-bedroom ground-level apartment had access to five acres of land, which was perfect for our family. At that time, only 3 of the 54 apartments were vacation rental. Today, there are 51 vacation rentals, owned mostly by folks who don't live on Maui. And because of all the flipping from owner to owner over the years of the investors, the prices of the apartments there, which was perfect for a family of four, has doubled, tripled, and even quadrupled since we lived there. Vrbo and companies like Airbnb put the TVRs on Maui, in my opinion, on steroids over the past 20 years, forcing us now to have this conversation about enforcing zonings on apartments. For folks that were complaining in previous testimony that they're unable to sell their units that are on the Minatoya list, I would ask, are you selling at a fair price, or are you selling at a deeply inflated price? If you cut your asking by a half, you would likely sell it. The issue is that the bottom line for a lot of these owners, again, which we used to be, is that they have high mortgages, and they overpaid for the apartment to begin with, and that...that sets their bottom line too high. Is that the kuleana of the Council to rectify or justify, or is the kuleana of the Council to recognize what the...the industries like Vrbo has done to our

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community and our housing, and work to correct previous misjudgments, such as what's happened with the Minatoya list? . . .*(timer sounds)*. . . Is it your kuleana to right the wrongs of the past? As a small business owner, we've seen many of coach...many of the coaches in our program that had to move off Maui, and it's really heartbreaking because of not being able to afford housing. If local families could afford housing, they would have money to do other things, such as fix up their home, pay for repairs, enroll their kids in soccer. And there's so many jobs available. When I looked at Indeed, and there was almost 200 hotel jobs available. I want to circle back quickly to the stats Matt Jachowski presented last week. Single-family home prices West Maui 2024, 1.9 million, 20 times what the average family earns. And this drastic increase, he stated, started about 25 years ago. Well, guess what? Vrbo launched in 1995, 30 years ago. And that's what's caused, I believe, the insane jump in TVRs on Maui. We need to enforce zoning on apartments. They're zoned for long-term rentals. We need to enforce that, please. For homes built . . .*(timer sounds)*. . . 2010 to 2023, West Maui, only 60 percent --

CHAIR KAMA: Thank you, Ms. Mader.

MS. MADER: -- 60 percent are owned by nonresidents.

CHAIR KAMA: Questions for the testifier?

MS. MADER: 60 percent of our new homes are owned by people who don't live here. I love you guys. Mahalo.

CHAIR KAMA: Thank you. Member Rawlins-Fernandez has a question for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Mader. Mahalo for your testimony.

MS. MADER: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I missed the complex that you bought in?

MS. MADER: It was Koa Resort in Kihei.

COUNCILMEMBER RAWLINS-FERNANDEZ: What...what year was that, approximately?

MS. MADER: Yeah. So, we bought in 2008. The price was in the mid-200s, if I recall. And we lived there, both as an owner-occupant, and then later as a renter, because we had more kids. And due to the influx of tourists, and more and more owners selling their units to off-island investors, the whole dynamic of the community and the whole culture changed. And instead of having, like, a teacher as your neighbor, you had somebody who comes in at 10:00-11:00 at night, loud, drinking, partying, all that stuff. And with us, with our babies and our young kids, after a couple years of that, we were like, oh, we can't do this anymore. And so, we moved out of the rental. My mother-in-law lived for a while. We sold our unit in 2016 for under \$300,000. So, it was, you know, a kind of a fair...I thought it was a fair deal. But now, that's...the same apartment, they're

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saying, would go for 6 to \$700,000. And these inflated costs, like we're doing this to ourselves. Humans are denying other humans the right to housing because we've decided, hey, let's commodify this. Let's, you know, turn housing into this profit-making instrument. And in my opinion, we're just wrecking our community. Like everyone...all these communities across the world, we're doing this to ourselves. And so, I think starting here and recapturing these apartments...and for those who bought high, and have a high mortgage, unfortunately, they...they may sell. But, you know, we bought a home. We saved up all of our money 20 years ago and bought like a tiny shack. And we ended up losing on that big time because we renovated, and then we tried to sell, and the...the market crashed, and then our whole town got flooded. And so, that happens. When you look at housing as a profit-making thing, you lose and you win. And so, we just took ourselves out of that whole equation. We said, we're not buying, we're not renting to vacation people, we're not renting to anyone, we're out. We going to have one home, we're going to live in that, and that's it. And I think if everyone...if other people had that mindset, hopefully, maybe our housing situation would improve.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that explanation, Ms. Mader. Mahalo, Chair.

CHAIR KAMA: You're welcome. Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Yeah. You said you sold in 2014 or 2016?

MS. MADER: I'm pretty sure it was 2016, yeah.

COUNCILMEMBER PALTIN: And...

MS. MADER: I think we sold for under 300,000 at that time.

COUNCILMEMBER PALTIN: Was it...do you know if it was before or after the codification of the Minatoya list?

MS. MADER: You know, I...I wasn't aware of the codification. When we bought, we knew that this apartment was zoned Apartment, although we had a permission to short-term rent it, was how it was presented to us by the realtor at that time. So, I always knew, oh, okay, there's something funky going on here. And then as time went on, I researched, and then I read about the Minatoya in 1989, all the things. And I was like, oh, you know, it's only a matter of time. Because I could see what was happening around me, and how everyone was jumping on this gravy train of vacation rental. And...and it was just spreading like so quick in that 154-unit complex at Koa Resort. And then...then you see it happening, like your teachers are leaving the island, your dentist is leaving the island, and you're like, hey, we've got a problem. So, that answer your question? I'm sorry.

COUNCILMEMBER PALTIN: Yes. Thank you.

CHAIR KAMA: Thank you. Members, any other questions? Seeing none. Thank you, Ms. Mader.

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MS. MADER: Mahalo.

CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, the next testifier is Ali, to be followed by Dave Jorgensen, and then Greg Rylsky. *(pause)*

MS. MILLER: Can you hear me?

CHAIR KAMA: Yes.

MS. MILLER: Okay. Aloha.

CHAIR KAMA: Aloha.

MS. MILLER: Aloha, Chair and Committee. Thank you all for...for being here. I know it's been a really long day, and I've been...I've been tuned in all day. So, I just want to thank you all for hanging in there. I got to listen to a lot of testimony today, and I will say probably a billionaire owning 350 acres or something like that is also part of the problem. But my name is Ali Miller, and I...I'm a resident here, and I currently work in regenerative agriculture, looking to support food sovereignty here in Maui, and I strongly support Bill 9. I'm going to try to keep this short because I know you've had a long day. You know, thousands of people were displaced during the August wildfires, and this bill is not a punishment. It's really a necessary correction. Maui cannot afford unchecked development. We don't have the water infrastructure or land to keep building without limits. So, this whole narrative of just build more housing just really ignores the fact that the island is already overburdened and under-resourced. Returning vacation rentals to long-term housing is a direct and immediate way to help residents now, and Maui has always been an island of producers. We need policies that support that identity, more land for farming, more water for food systems, and more job creation that restores rather than extracts. I just urge you all to...to support Bill 9, and help the community recover. And again, thank you so much for...for your time today.

CHAIR KAMA: Thank you. Members, questions?

COUNCILMEMBER PALTIN: Chair?

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: I just got informed that John Carty is the phone number 8733 whenever you guys want to circle back.

CHAIR KAMA: 8733, John Carty. Okay. Thank you for that. Appreciate that. But do we have any questions for our testifier, Members? Seeing none. Thank you so very much, Ms. Miller.

MS. MILLER: Thank you.

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CHAIR KAMA: Staff?

MS. MCKINLEY: Chair, I believe we could go ahead with John Carty, to be followed by Dave Jorgensen, and Greg Rylsky. I don't believe they're on the call.

CHAIR KAMA: Okay. John Carty?

MR. CARTY: So, can you guys hear me?

CHAIR KAMA: Yes.

MR. CARTY: Okay. Hey, I urge you to pass Bill 9. And I just wanted to...I'll be quick, but I just wanted to share that our community, the people that live here, need to be supported. And you as Councilmembers, I just feel that you owe it to the people of our community that make up the heart and soul of Maui to help provide one of the basic, most fundamental foundations of life, which is housing. And the people who purchase rental properties that were originally designed as residences are making a risky investment. And it's buyer beware. And it's more important that we take care of our community and...than outside investors. The majority of people who own these are people that are not part of our community. So, thank you for hearing my mana'o. I'm done.

CHAIR KAMA: Thank you, Mr. Carty. Members, any questions for our testifier? Seeing none. Thank you so very much for your testimony. Ellen?

MS. MCKINLEY: Chair, we could try Dave Jorgensen, and...to be followed by Greg Rylsky, and then Riley Bond. Oh, I do see Dave Jorgensen.

MR. JORGENSEN: Aloha, Chair. Aloha, Chair and Members.

CHAIR KAMA: I can hear you very faintly.

MR. JORGENSEN: . . .*(inaudible)*. . . Oh, God. I'll try and speak up. Can you hear me now?

CHAIR KAMA: A little better, but can you...

MR. JORGENSEN: Gosh. I mean, I'm on grandfather duty, and I'm in my truck and things don't seem to be working well. Can you hear me well enough to testify, or should I try again?

CHAIR KAMA: I can hear you now. We can hear you now.

MR. JORGENSEN: Okay. Thank you. Thank you, Chair, Members of the Committee, and Staff. My name's Dave Jorgensen. I'm here to testify on behalf of American Resort Development Association. I'm a registered lobbyist with ARDA Hawai'i. We have concerns about the bill as proposed initially. The main thing I want to testify about is timeshares are different than TVRs...than STRs. They're not rental properties. They're

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not short-term rentals. They are ownership interests. And the timeshare projects, and the timeshare units simply don't lend themselves to being rented out long-term. It...it just...it doesn't work. Our perception has been that they're kind of, as somebody testified about, I think it was Wailea Elua, but kind of caught up in the net. But we do appreciate the amendments that were proposed in CD1, to number one, have a phase-in period that is more reasonable than the original proposal, and then also, to exclude timeshares. Again, I don't want to belabor it. I know it's been a very long day, and I think you're coming up on the end of this day. I won't go through our position on the benefits of timeshare owners and what they do for Maui, how the timeshare owners and projects have helped with the recovery efforts. But I did...I'm glad...I was hoping to get in today so I don't have to carry over to another day. And I really appreciate all of your hard work and diligence in addressing . . . *(timer sounds)* . . . this issue. And I thank you for your time.

CHAIR KAMA: Thank you, Mr. Jorgensen. Members, any question for the testifier? Seeing none. Thank you, Mr. Jorgensen.

MR. JORGENSEN: Thank you. Aloha.

CHAIR KAMA: The next testifier? Aloha. Greg Rylsky, is that who that is?

MS. MCKINLEY: Yeah. Chair, the next testifier is Greg Rylsky, to be followed by Riley Bond, and Amy Ramos. I don't see Mr. Rylsky on the Teams call.

CHAIR KAMA: Yeah. I see Amy on Teams.

MS. MCKINLEY: Riley Bond, you can unmute if you're...

MS. BOND: Hi, can you hear me? Can you hear me?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. BOND: Okay. Sorry, I'm at the park with my kids...ironically, sandwiched between two Minatoya properties here at Honokōwai Beach Park. But I just wanted to speak a little bit to the whole, like preserving our neighborhood aspect of this conversation. I grew up between Honokōwai and Nāpili, rented, you know, Papakea, Paki Maui way back in the day. And then as of most recently, my kids and I rented a one-bedroom, one-bath unit in a regular residential neighborhood, in a regular apartment complex, up a very dinky pothole-filled road. And I was quite literally sandwiched in between short-term rentals. The unit directly next to me and the two units beneath me were Airbnb, Vrbo, short-term rentals. So, you know when you're at the airport and you hear the sound of all the suitcases dragging along the...you know, the ground? That was the soundtrack to my life. There was always people coming in and out all hours of the night. When people are on vacation, they want to let loose, they want to act a fool, they want to get drunk, they want to take, you know, longer showers. And there's...there were instances where people would break windows, and there wasn't...you know, at a hotel, you have security on...on staff, you have maintenance people on staff, you have housekeeping on staff to come and mitigate the issues that come with people wanting to party on vacation.

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And that's just not the case in these, again, because it's a neighborhood. Because short-term rental and transient vacationers don't belong there. And then, you know, I don't have a neighbor, I don't have someone to engage in reciprocity and, you know, like trading and community and all...and all those things. So, having grown up literally on this stretch of West Maui that is deeply affected by the gentrification due to the short-term rentals, I have seen it, how folks just got sandwiched and...and...and packed into Lāhainā, and then it burnt, you know? And so, like the fact that they're calling on job loss, July 10th, there's a Maui County job fair, 300 job openings, boom, you know? Like it's...the math isn't mathing, and it's . . . *(timer sounds)*. . . time to right the wrongs. So, thank you guys for your time, I appreciate you.

CHAIR KAMA: Thank you. Member Paltin has a question for you, Ms. Bond.

COUNCILMEMBER PALTIN: Thank you, Chair.

MS. BOND: Yes.

COUNCILMEMBER PALTIN: Thank you, Ms. Bond. While...while you could be 18, I was wondering if you could give us the time frame where these properties that you lived in...

MS. BOND: So, I was two years old when I moved here. So, it was like 2000 was the year. I'm 27 now. So, yeah, like 2000...2000, probably to 2005 was when we rented in like between Paki Maui and Papakea. And then we got into the low-income housing, also in Honokōwai, right by ABC Store, which again, is the same layout as a lot of these short-term rentals. So, for the folks to say that it's not able to accommodate families, like it absolutely is. Again, that building is also between two short-term rental buildings, so...

COUNCILMEMBER PALTIN: So, around 2000, 2005, you lived in Minatoya properties that were full of community? And then slowly, it was not full of community?

MS. BOND: Exactly, exactly. Yeah, the community was eroded, yeah, by transient vacationers.

COUNCILMEMBER PALTIN: Would you characterize it as walkable, livable?

MS. BOND: Yeah, absolutely.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. BOND: I...I walked...yeah, yeah. Thank you guys.

CHAIR KAMA: Thank you. Any other questions, Members? Seeing none. Ellen?

MS. MCKINLEY: Chair, the next testifier is Amy Ramos, to be followed by Sarah Ann, and then Anne Barber.

CHAIR KAMA: We can see you, Amy, but we can't hear you. *(pause)* Can you hear us, Amy? Okay. But we can't hear you.

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MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

MR. KRUEGER: Amy might be having that same issue where the mic is disabled.

CHAIR KAMA: Oh.

MR. KRUEGER: So, Amy, to fix that, you could attempt to leave and rejoin the meeting quickly, or you could call in using the call-in info that we have posted in the chat. *(pause)*

MS. MCKINLEY: Chair, if you like, we could call the next testifier while she's figuring that out. The next testifier would be Sarah Ann, to be followed by Ann Barber, and then Courtney Lazo. Chair, I don't see those individuals online, nor moving in the Chamber. The next testifier would be Mō'i Kawa'akoa.

COUNCILMEMBER PALTIN: Oh, did you say Courtney Lazo? Or...

CHAIR KAMA: Yeah.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR KAMA: Yeah, Courtney Lazo.

MS. MCKINLEY: Oh, yes. Beg your pardon.

CHAIR KAMA: Did you see her? It says here, she's . . . *(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, we were told Ms. Lazo left.

CHAIR KAMA: Oh, okay. So, Ms. Lazo's left.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, here's Ms. Kawa'akoa.

CHAIR KAMA: Ms. Kawa'akoa.

MS. KAWAAKOA: Thank you, Courtney [sic]. Okay. So, I was inspired to come here listening to Shane Albritton's testimony last week. And look, I stay last, I think. Aloha e lāhui.

CHAIR KAMA: Aloha.

MS. KAWAAKOA: The People's County Council. 'O Mō'i ko'u inoa, no Maui Nui a Kama mai au. 'O Hāmākualoa ko'u one hānau, 'o Haleakalā ka'u mauna, 'o Maliko ko'u kahakai. He kanaka kāko'o i ka po'e hune, and I testify today as a lineal descendant, disconnected through colonization. As a member of a stolen and occupied nation. As a houseless outreach advocate who walks daily with our most vulnerable. As a resident who was houseless for a month, and who now pays \$5,000 a month in rent. Committed

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to my kuleana to stay housed in my own homeland. I am here to urge you all to pass Bill 9. I support this bill because I believe in the kuleana of restoration. Not just for land, but for people. For families and for our future generations. Bill 9 is not just about short-term rentals. It's about long-term survival for those who have been systemically pushed to the margins. I speak for Lāhainā, who has lost so much more than just homes. For those whose homes were brought [sic] out from under them. Whose rents quadrupled overnight. Whose children sleep in tents, just minutes away from luxury condos that sit half...who sit half...empty half of the year. Who cannot say you care...you cannot say you care about housing crisis, and then protect 6,000-plus units that were never built . . .(timer sounds). . . for tourists in the first place. These STRs were Apartment zone for residents, not for profit. We've tried playing nice with the system. It is unjust that we have to beg, bargain, and hope for solutions that's in our people. We don't want handouts. We want our fair share and what was stolen from us. We deserve the right to thrive in our homelands. So, I ask you to vote, not with fear, but with mana and courage. Vote not for investors who don't even live here, but for the families struggling to stay. Vote for Lāhainā, vote for the lāhui. Pass Bill 9. Mahalo.

CHAIR KAMA: Mahalo for your testimony.

UNIDENTIFIED SPEAKERS: *(Applause)*

CHAIR KAMA: Members, do we have any questions for our testifier? Seeing none. Thank you. Okay. It's getting to that time. Are you ready for your drum roll, Keani? No? Okay. I'm just...okay. So, while Keani is getting the numbers, we are going to recess this meeting to June 23rd, 9:00 a.m. to 4:30. And my...my assumption is that we should complete all of our testimonies by next week on the 23rd. That's just my assumption. Because Keani, you're going to tell us how many testifiers we went through today and what the numbers were and how many we got left.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, I'm ready. So, we started with testifier number 63 and we heard from 69 testifiers, and our list is currently at 230 individuals signed up to testify.

CHAIR KAMA: And we have 50 more testimonies to hear from --

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

CHAIR KAMA: -- at this time. Thank you for that. But...yeah. But my assumption is that we'll probably get through all of them, hopefully by next week. And then June 24th is our evening meeting for those who couldn't come to that...to our meetings. But hopefully by that time, we can be in some form of deliberations. So, you'll all be getting your notices in the...in your emails from OCS Staff. So, other than that, Members, is there any questions that you might have?

MR. KRUEGER: Chair?

CHAIR KAMA: Yes.

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MR. KRUEGER: Apologies. Just...just for the record, so the body will be recessing to --

CHAIR KAMA: Yes.

MR. KRUEGER: -- June 23rd at 9:00 a.m. --

CHAIR KAMA: Yes.

MR. KRUEGER: -- using the same Microsoft --

CHAIR KAMA: Yes.

MR. KRUEGER: -- Teams connections for the meeting --

CHAIR KAMA: Yes.

MR. KRUEGER: -- for the online meeting, and then the same in-person location here in the Council Chamber?

CHAIR KAMA: Yes, all that you said. So, at this time, I am officially going to...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, real quick, Chair.

CHAIR KAMA: Yes, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I know you said we have 50 more.

CHAIR KAMA: About.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's not including all the folks --

CHAIR KAMA: That we passed.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- like the last few...

CHAIR KAMA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, yeah. That's on the list --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- but they had to leave and didn't --

CHAIR KAMA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- jump on.

CHAIR KAMA: So, we'll call them all back again.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, so maybe about like...

CHAIR KAMA: 70, 75 maybe.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or 80.

CHAIR KAMA: Yeah. But I think we'll get through them, I think.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KAMA: Yeah. So, the HLU Committee of June...the recessed Committee of...the recessed Committee from June 9th, and now June 23rd, is now in recess until June 23rd, 9:00 a.m., same space, same place. . . .*(gavel)*. . .

RECESS: 5:27 p.m.

hlu:min:250618min-r:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 145 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 14th day of July 2025, in Wailuku, Hawai'i



Daniel Schoenbeck