

CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE

Council of the County of Maui

MINUTES

June 2, 2021

Online via BlueJeans Link

CONVENE: 9:00 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Kelly Takaya King, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Gabe Johnson
Councilmember Alice L. Lee (out 12:40 p.m.)
Councilmember Michael J. Molina
Councilmember Tamara Paltin
Councilmember Yuki Lei K. Sugimura (out 12:30 p.m.)

NON-VOTING MEMBERS:

Councilmember Keani Rawlins-Fernandez

STAFF: David Raatz, Supervising Legislative Attorney
James Forrest, Legislative Attorney
Shelly Espeleta, Supervising Legislative Analyst
Nicole Siegel, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Rayna Yap, Committee Secretary
Lenora Dinneen, Office of Council Services Assistant Clerk

Axel Beers, Executive Assistant to Councilmember Kelly Takaya King

Davideane Sickels, Executive Assistant to Councilmember Tasha Kama

Evan Dust, Executive Assistant to Councilmember Tasha Kama
Sarah Freistat Pajimola, Executive Assistant to Councilmember Keani Rawlins-Fernandez

Mahina Poepoe, Executive Assistant to Councilmember Keani Rawlins-Fernandez

Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson

ADMIN.: Sananda Baz, Managing Director, Department of Management
Makale'a Ane, Environmental Coordinator, Mayor's Office of Climate Action, Sustainability, and Resilience
Alexander de Roode, Energy Commissioner, Mayor's Office of Climate Action, Sustainability, and Resilience

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Michele McLean, Planning Director, Department of Planning
Rowena Dagdag-Andaya, Director, Department of Public Works
Eric Nakagawa, Director, Department of Environmental
Management
Richelle Thomson, First Deputy Corporation Counsel,
Department of the Corporation Counsel
Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Keisa Liu
John Simpliciano, ILWU, Local 142
Nick Drance
Pamela Tumpap, Maui Chamber of Commerce
David Dorn
Madolin Wells
Ivan Lay
Mike Moran, Kihei Community Association
Dave Jorgensen for ARDA Hawaii
Jared Higashi, Hawai'i Lodging & Tourism Association
Junya Nakoa
Nancy Haag
Dick Mayer
Cara Flores, Hale Hawaii
Christopher Delaunay
Albert Perez, Maui Tomorrow
Jacob Adolpho
Jordan Hocker
Amber Coontz
John Blumer-Buell
Bruce U'u
Tom Bacon
Thomas Croly

PRESS: *Akaku: Maui Community Television, Inc.*
Kehau Cerizo, The Maui News

CHAIR KING: . . .*(gavel)*. . . and Environment Committee please come to order. It is 9:00 a.m. on Wednesday, June 2nd, 2021. It's hard to believe that half the year has gone by already. My name is Kelly King, I'm your Committee Chair today. And with us, we have Committee Vice-Chair Shane Sinenci. Aloha --

VICE-CHAIR SINENCI: Aloha...

CHAIR KING: -- kakahiaka and salaam.

VICE-CHAIR SINENCI: Salaam, Chair, and aloha kakahiaka kākou mai Maui Hikina.

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CHAIR KING: All right. Good to see you here this morning. Good morning to Council Chair Alice Lee. Salaam and aloha kakahiaka.

COUNCILMEMBER LEE: Salaam, Madam Chair. And to everyone, hope we have a wonderful meeting today. Thank you.

CHAIR KING: All right. Thanks for being here. Next we have Councilmember Gabe Johnson from the island of Lānaʻi. Salaam.

COUNCILMEMBER JOHNSON: Morning, Chair. Good morning, Councilmembers. Salaam, and I too am looking forward to a great meeting. Aloha.

CHAIR KING: Aloha. And we have Councilmember Mike Molina from...is it Haʻikū, Pāʻia, Makawao?

COUNCILMEMBER MOLINA: You got that right, Madam Chair. Aloha and salaam to you, my colleagues, and everyone else on this beautiful Wednesday, June 2nd.

CHAIR KING: All right. Aloha kakahiaka. And next we have all the way from West Maui, Councilmember Tamara Paltin. Salaam and aloha kakahiaka.

COUNCILMEMBER PALTIN: Salaam and aloha kakahiaka kākou mai Maui komohana.

CHAIR KING: All right. Thanks for being here. And we...and our last Committee...Voting Committee Member is Yuki Lei Sugimura from Upcountry. Salaam.

COUNCILMEMBER SUGIMURA: Good morning, everybody, salaam. And I'm in the County building, so beautiful morning to you.

CHAIR KING: All right. Looks like you got a lot of sun there. And our Non-Voting Member, Council Vice-Chair Keani Rawlins-Fernandez, thank you so much for joining us and for your contribution to today's meeting. Salaam.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Mai Molokaʻi Nui a Hina. And salaam kākou.

CHAIR KING: All right. Thank you. Thank you, Committee, it's great to have everybody here. And of course, Non-Voting Member Tasha Kama is welcome to join us if she chooses. Today from the Administration we will have the Director of Public...Department of Public Works, Rowena Dagdag-Andaya. Aloha, Ms. Andaya, if you're here. We have Eric Nakagawa, Director of the Department of Environmental Management. Aloha, Director Nakagawa. And Planning Director Michele McLean from the Department of Planning will be joining us a little bit later. We have from the Mayor's Office of Climate Action, Sustainability, and Resilience, Makale'a Ane and Alex de Roode. Aloha, good morning to both of you. And Richelle Thomson is our Deputy [sic] Corporation Counsel. Are you there, Ms. Thomson?

MS. THOMSON: Yes, I am.

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CHAIR KING: Oh.

MS. THOMSON: Thank you, Chair. Good morning.

CHAIR KING: Good morning. Salaam. Today our Committee Staff is Nicole Siegel, Legislative Analyst; Wilton Leauanae, Legislative Analyst, and he'll be timing the testifiers today. Then our Committee Secretary Rayna Yap; and Council Services Assistant Clerk Lei Dinneen; as well as Jean Pokipala, our other Committee Secretary. And I think she's going to be here if needed after...after lunch period. And our Legislative Attorney James Forrest. Aloha and good morning, Mr. Forrest. Okay. Members, we have one item on today's agenda, CARE-50, Moratorium on Visitor Accommodations Development. And we're going to go ahead and begin with public testimony. I want to remind folks too that we are taking public testimony on the agenda item. And today, the agenda item is a second moratorium bill that was provided by our Council Vice-Chair, and it addresses the other areas that the first bill didn't address. So thank you so much for taking that up, Vice-Chair, we...it was break-neck speed, so I really appreciate, you know, being able to talk about both of these within the same month. So right now, we're going to begin with public testimony. Oral testimony via phone or teleconference will be accepted. Testifiers wanting to provide video testimony should have joined the online meeting via the BlueJeans meeting link noted on today's agenda. And testifiers wanting to provide audio testimony should have participated via phone conference, also noted on today's agenda. Written testimony is highly encouraged using the eComment link listed for today's agenda on mauicounty.us/agendas. Instructions on how to submit testimony via eComment can also be found on mauicounty.us/ecomment. That's E-C-O-M-M-E-N-T. Moving on to oral testimony, oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. When testifying, please state your name, if you are testifying on behalf of an organization, or are a paid lobbyist. Please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with other testifiers or Councilmembers. If you're here to provide testimony, please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify.

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

CHAIR KING: Somebody's not muted. Once you are done testifying, you'll be asked to disconnect from the call. However, you are welcome to view the remainder of the meeting on *Akakū* channel 53, mauicounty.us, or Facebook Live. Participants who wish to view the meeting only without providing testimony, please disconnect at this time and instead view the meeting on *Akakū* channel 53, or visit mauicounty.us/agendas, or Facebook Live via the Maui County Council page. Only Councilmembers, Staff, and designated resource personnel will be connected to the video conference meeting once testimony concludes. I'll remind Committee Members, Administration, and the public to please be patient if we run into technological issues. And Members, I'd like to proceed with oral testimony at this time if there are no objections.

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COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KING: And Staff has been monitoring people joining today's meeting by phone and by video, and we will do our best to take up each person in an orderly fashion. Wilton, can you just go ahead and play the sound of the alarm so people know what they're listening for when their three minutes is up? Are you there, Wilton? . . .*(timer sounds)*. . . There we go. Okay, that's what it sounds like. . . .*(timer sounds)*. . . We're not trying to wake people up in the morning. Okay. So we're going to go ahead. And Mr. Leauanae, if you can call our first testifier and just mention who's next.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. LEAUANAE: Thank you, Chair. First testifier is Keisa Liu, followed by John Simpliciano.

CHAIR KING: Okay, Keisa.

MS. LIU: Aloha, Chair King, Vice-Chair Sinenci, and Councilmembers. My name is Keisa Liu, and I'm testifying in support of agenda item CARE-50. I'm actually in complete support of the moratorium of building additional visitor accommodations because I do believe that we're stuck in a cycle of more visitors are coming to the island, so vacation rentals are going to want...vacation rental owners are going to want to accommodate and profit off of the influx of tourists. Now, I believe that we do not have a healthy relationship with the tourism industry. In fact, I believe it's a bit toxic. And I really think that we need to take a step back, set some boundaries, and reevaluate our relationship. Ask ourselves, is it balanced? Are we, the people, reaping the same benefits? Do we feel like equal partners, or do we feel used and abused? Our quality of life, our environment, and our resources are at the mercy of the tourism industry, and it's time to do more to protect the residents of Maui County. This proposed bill is a demonstration of the power that you have as Councilmembers to protect the public's interests, and I'm happy to see it. And I want to thank the Council for continuing to push it forward. Now I would ask one last thing before I end my testimony today, and that's to please take the time during the moratorium if this does pass to investigate how we can regulate the amount of tourists that come into our islands by plane. Because the reality is, companies are building visitor accommodations in response to the demand. So as long as we have millions of visitors flying into our islands, the hotels are going to want to accommodate that. Profit from that. But if we can somehow slow the flow of tourists, it's not going to make good business sense to make additional accommodations for them. Mahalo for your time and allowing me to voice my thoughts and suggestions on this matter.

CHAIR KING: Mahalo, Ms. Liu. Any questions for our testifier? If not, thank you for being here. I appreciate your testimony, and they'll call our next testifier.

MR. LEAUANAE: Our next testifier is John Simpliciano, followed by Nick Drance.

MR. SIMPLICIANO: Aloha, good morning, Councilmembers. My name is John Simpliciano. I'm testifying on behalf of the ILWU Local 142. The ILWU Local 142 opposes proposed bill County Communication 21-232, which would place a moratorium on tourist

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accommodations. The COVID-19 pandemic caused a record unemployment throughout Hawai'i, and hit Maui County the hardest. At the height of the pandemic, Maui County exceeded 32 percent unemployment. And as of March 2021, the unemployment rate on Maui still near a record high, with 12.2 percent of the workforce unemployed. This means today there are still thousands of workers without jobs. And while the economy slowly recovering and some workers are returning back to work, going to take a few years before the economy may reach pre-pandemic levels. We understand the need for a sustainable and green Hawai'i. It's all our responsibility to protect our home and its natural resources and beauty, but we cannot do this at the expense of jobs and working families. We have not seen any adequate economic diversification proposals from the Maui County Council that would address the workforce and help working families. What we have seen, unfortunately, is an assault on the visitor industry that employs thousands of good paying jobs for local residents, many who are born and raised on Maui, Lāna'i, or Moloka'i. Instead, local residents are leaving in record numbers, which the...which is the last thing we want to see. This is their home, where their families live, where they went to school, and where they saw their children raised. And let's all be perfectly clear, this type of action is going to lead to more illegal vacation rentals throughout Maui County. Tourists are going to inundate residential neighborhoods, rental properties are going to be harder to find, and the cost of living is going to increase, making it harder for working families to get by. This proposal does not limit the amount of arriving flights into Maui County. Tourists are still going to arrive. We should put focus on keeping tourists in hotels, which also pay good wages to Maui residents, something vacation rentals fails to do. It's going to be on a particular economic sector, but doing so is not helping working families. The fact of the matter is, this is the last thing Maui Council should be considering. We need to ensure good paying jobs are available to all Maui residents. A moratorium on hotel construction and visitor accommodation would limit and reduce good paying jobs and hurt economic recovery. Workers are struggling, and we should make...you know, we shouldn't make it worse. Let's keep our families in Hawai'i and work on how to address an economy that works for them. For those reasons, we strongly oppose. Economic recovery should be paramount . . .(timer sounds). . . during this time.

CHAIR KING: Thank you for your testimony, Mr. Simpliciano. We have a couple questions for you. One from Chair Lee.

MR. SIMPLICIANO: Yes.

COUNCILMEMBER LEE: Thank you, Madam Chair. Mr. Simpliciano, how many, I mean, union workers do you represent in the hotel industry?

MR. SIMPLICIANO: More or so about within the range four to 5,000 members in Maui County.

COUNCILMEMBER LEE: Thank you.

MR. SIMPLICIANO: Thank you.

CHAIR KING: All right. Thank you, Chair Lee. Next we have a question from Councilmember

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Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. You...good morning, John. Thank you for showing up today. I just want to...I have a clarifying question for you. You mentioned good paying jobs about three times in your statements. Does ILWU have a stance on what is considered a good paying job?

MR. SIMPLICIANO: Well, you know, based on, you know, the living wages that's here in Maui County as well as Lānaʻi, you know, we represent our members to basically, you know, level it at that's where they can have...you know, basically they can balance the...how may I say this...you know, to be able to survive with whatever the cost of living here in Maui. And that's...

COUNCILMEMBER JOHNSON: So do you mean like...a good paying job would be like a survival wage?

MR. SIMPLICIANO: No. I mean, that's basically, you know, more in the range of living, you know, comfortably --

COUNCILMEMBER JOHNSON: Oh, okay.

MR. SIMPLICIANO: -- at this point. Yeah.

COUNCILMEMBER JOHNSON: So do you...would you say that having two jobs is not...is not a factor in finding that sweet spot of a good paying job?

MR. SIMPLICIANO: Well, it just depends on all...you know, an individual on how their finances are. You know, they can choose to do...go out and do two jobs if, you know, they want to attain certain levels in their finances. But again, you know, we want to have to where, you know, at one...say, one job, you know, like other unions say one job is enough, right?

COUNCILMEMBER JOHNSON: Uh-huh.

MR. SIMPLICIANO: So that's basically our stance on this . . .*(inaudible)*. . .

COUNCILMEMBER JOHNSON: Your stance is that, as well as for ILWU?

MR. SIMPLICIANO: That is correct.

COUNCILMEMBER JOHNSON: One job should be enough? Okay. Thank you. Thank you, Chair, I have no further questions.

CHAIR KING: Thank you, Member Johnson. Do you have a specific, Mr. Simpliciano, on, you know, what is a living wage? How much per hour or per year?

MR. SIMPLICIANO: I have no stat on that, unfortunately.

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CHAIR KING: You have no idea of that?

MR. SIMPLICIANO: It's...yeah, it just all . . .*(inaudible)*. . .

CHAIR KING: I'm asking for a living wage, so we thought that you might have an idea of what that is. We have a question from Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Simpliciano. Just following up on the question that was asked of you by Chair Lee with regards to your members. How many of your ILWU members that are employed by the hotels, how many of them are back to work since we've begun to recover economically?

MR. SIMPLICIANO: You know, unfortunately...

COUNCILMEMBER MOLINA: You have those numbers?

MR. SIMPLICIANO: Unfortunately, I don't have that numbers. You know, the occupancy for the hotels are climbing, so they're bringing back employees based on their specific needs. Unfortunately, we don't have an accurate number at this time.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Mr. Simpliciano. Thank you, Madam Chair.

CHAIR KING: All right. Thank you, Councilmember Molina. I think I saw Member Sugimura's hand up. You have a question?

COUNCILMEMBER SUGIMURA: Yes. Thank you. So Mr. Simpliciano, I also was going to ask about your members and Chair Lee's question, but...and about the living wages. I believe...then are you also including benefits that the union helps provide? Can you talk a little bit about that in terms of how it affects your, you know, members and their cost of living?

MR. SIMPLICIANO: Yeah. So basically, you know, the unions not only strive to provide, you know, a comfortable living wage, but to basically, you know, benefits. Medical benefits. It's a necessity, even during at the time of the height of the pandemic. We strived...we, the union, strived to provide continued medical, and that's one of the important things. And through the efforts of the union and the hotel working together hand in hand, we provided our members with medical throughout the pandemic, even up until now when they're still not back to work. And that's one thing that, you know, hotel...these hotels provides basically securing those benefits, securing their vacations in times where they couldn't collect unemployment benefits. You know, they provided the use of their vacation, their PTOs, so they were...they had a steady flow of income during this whole time. And we've all seen that. And, you know, our members were financially secure because they had all their benefits going for them as far as even with their medical benefit continued on. Even the use of PTO and vacations were used in times where they couldn't collect unemployment. So it kept them whole at this point.

COUNCILMEMBER SUGIMURA: As much as you could, you kept your employees whole,

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basically? Correct?

MR. SIMPLICIANO: That is correct.

COUNCILMEMBER SUGIMURA: Okay. Thank you. Thank you very much.

MR. SIMPLICIANO: Okay.

CHAIR KING: Thank you, Member Sugimura. We have a question from Council Vice-Chair Keani Rawlins-Fernandez.

MR. SIMPLICIANO: Hi.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Simpliciano. Mahalo for your testimony this morning. So my question to clarify your testimony is that...so this moratorium would maintain the status quo. So the same amount of jobs would be available. So how would this moratorium limit jobs when the existing hotels are not hiring back all ILWU workers yet?

MR. SIMPLICIANO: So at a meeting I had with one of our hotels, based on their sales report, the airlines are adding about 5,000 more seats rather than pre-pandemic levels. So we're seeing an influx of guests arriving in Maui within the next few months. I don't currently have that stat with me, and I couldn't verify that. However, that was shared throughout that meeting. So realizing that there are 5,000 more seats arriving in probably Maui County over the next few months, without adding on the infrastructure to accommodate this, now we beg the question, where are these people going to go? Because like on our statement, you know, these tourists are going to arrive. Whether we want them or not, they're still going to come. So basically, you know, we need this. You know, we should not put this moratorium into place so, you know, some of our hotels could expand and accommodation these arriving tourists. And now if the...you know, if the tourists are arriving much larger than pre-pandemic levels, then therefore, we should still provide accommodations through hotels, you know, expanding our hotels.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo for that response. That's very alarming. And the purpose of this moratorium is that we don't want 5,000 more tourists per day coming here. We already exceeded the amount in the Maui Island Plan. And so there's an assumption that you've made that adding these 5,000 seats is something that we would want. And two, that more tourists would equal more spending, and we've seen that that is not true, especially if they're not coming from Asian countries. A lot of the tourists that are coming from the U.S. are not the greatest return on investment visitors. And so, I guess, mahalo for that information. I think that helps to support the argument for this moratorium. Mahalo.

CHAIR KING: Thank you, Vice-Chair. Thank you for your answers, Mr. Simpliciano. We have another question from Chair Lee.

COUNCILMEMBER LEE: Mr. Simpliciano, for clarification, you said you had a meeting

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regarding this matter of more visitors coming due to more flights and probably cheap fares. Are you concerned that what will then happen is, if hotels are restricted from expanding, what's going to happen is more illegal short rentals will be popping up all over the place, a proliferation of those. As we have seen with the rental cars, where our local folks are renting their personal cars, they're going to start renting their homes to the tourists. Do you see that as a possibility?

MR. SIMPLICIANO: That is correct. That is very much correct.

COUNCILMEMBER LEE: Yeah. Okay, thank you.

MR. SIMPLICIANO: Thank you.

CHAIR KING: Okay, thank you, Chair Lee. And any other questions? I don't see any other questions, so we'll move on to our next testifier. Thank you for your testimony, Mr. Simpliciano.

MR. SIMPLICIANO: Thank you.

CHAIR KING: Oh, Mr. Simpliciano, before you go, can we get a letter...a formal letter...would you be able to provide us with that information that you don't have at this time, the...what your idea of a living wage is, and how many employees are back to work in the hotel industry? Those are the two things that you were asked that you didn't have an answer for.

MR. SIMPLICIANO: Yes. I'll...

CHAIR KING: . . .*(inaudible)*. . .

MR. SIMPLICIANO: Sure.

CHAIR KING: -- a letter and maybe we can get that information for the Committee.

MR. SIMPLICIANO: Will do. Thank you.

CHAIR KING: Okay. Next testifier.

MR. LEAUANAE: Next testifier is Nick Drance, followed by Pamela Tumpap.

CHAIR KING: Okay, Mr. Drance.

MR. DRANCE: Aloha, good morning. As far as illegal rentals go, the penalties for that are so huge, I think it probably scares anybody to anticipate that. This discussion on community...of Committee is good to shed light on the totality of the issue for all to see. I have a feeling that at some point this topic will get national press. People are tired of getting pushed around by Government and money interests. In terms of today's agenda, I think residents would like the moratorium to be established island-wide. It's right to put stiff penalties on violators. The Planning Commission should not be given

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special allowances, they repeatedly violate the public trust as it is. Nor should mention be made of exceptions allowed on SMA permits. Automatic repeal gives developers a timeline for their project management spreadsheets. It's right to link this moratorium to the maximum ratio of tourists to residents mandated in the Countywide plan, which is one tourist to every three residents. Here in South Kihei, home of the Maui Coast Hotel, it's about one to one. Linking it to the community plans may make it more enforceable. I don't know. The money people will fight hard against this, so enforceability is critically important. I see that written testimony about Section 4000.5 exceptions indicated that hotels older than 20 years should be excluded, as long as they did not increase the number of rooms by 50 percent. I'd like to ask for clarification on the intention of that clause today, and who it affects. What is so special about those hotels? Everyone is so careful to exclude projects already approved like the Maui Coast expansion, which is a debacle. I feel like the larger point being made here is who controls the island, developers or residents? What is the priority of County Government? Is it the health of Maui Nui? Councilmembers should go on record and share their views on what is the greatest good for all past, future, and present. What does that look like 20 years from now? Will we have regrets? Joni Mitchell wrote this in 1970, 51 years ago, we all know it. "Don't it always seem to go that you don't know what you've got until it's gone. They paved paradise and put up a parking lot." Are we at another hotel expansion, another luxury home, or another shopping center in Kihei. The Eagles song, "The Last Resort," tells of how man inevitably destroys the places he finds beautiful. In '76 they wrote, "call it paradise and kiss it goodbye." That was 45 years ago, and look what happened to California. Seems like everyone is kissing that place goodbye and coming here. Where will they go next after this paradise is destroyed? The need to fight for Maui seems so strange to me. Is this place not special enough? If it is not, where does such a special place exist? Let's end this charade that more development, more tourists, and more housing built for people who don't live here yet helps us. It doesn't. The king has no clothes. Let's admit that and do right. Mahalo.

CHAIR KING: Okay. Mahalo, Mr. Drance. I do have clothes on, but that...I'm sure I'm not the king you're talking about. . . .*(laughing)*. . . But thank you for your testimony. Seems like it's time for a concert. Any questions of our testifier, folks? Okay, if not, thank you very much for your wise words.

MR. DRANCE: You know, there's this song, the Eagles song. If you look on YouTube, somebody in the Philippines changed the words at the very end of the song and talked about Hawai'i specifically and Lāhainā and did such a great job, it's worth a listen. You can find it on YouTube.

CHAIR KING: Okay.

MR. DRANCE: You'll be surprised. You'll enjoy it. Aloha.

CHAIR KING: Aloha. Okay. Wilton, next testifier.

MR. LEAUANAE: Next testifier is Pamela Tumpap, followed by David Dorn.

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MS. TUMPAP: Aloha and salaam, Chair King, Vice-Chair Sinenci, and Members of the Climate Action, Resilience, and Environmental Committee. The Maui Chamber of Commerce is here again today to oppose this measure to place a moratorium on all new visitor accommodations across Maui County. We've provided testimony several times on the other proposed moratorium that was specifically for South and West Maui, and we stand by that testimony, but we also wanted to share some important points that economist Paul Brubaker made during our Business Matters radio show on June 1st. Here are some of the things he shared. While vacation rental numbers have grown, other lodging inventory has actually decreased in the last 30 years. Hotels and resorts in particular are already zoned in the areas where accommodations were planned. There are data and resources available to better understand how to manage specific issues, which seems to be a huge part of this bill, like traffic, infrastructure, the environment, and affordable housing and rentals. And ultimately, his key point is prohibition is not management. These points will explain why the Maui Chamber of Commerce does not support unilateral moratoriums. They are inflexible, and they are not a management tool. They do not actually change anything, they just put a stay on solving the actual problems. Yet, we can begin solving these challenges now, and we are already woefully behind in many of these areas, including affordable housing, and infrastructure, and the environment. We feel the Council should be looking at this holistically and using the data to address these community concerns. So for these reasons, we continue to oppose the proposed moratorium on visitor accommodations development. We ask that you work with experts like Paul Brubaker and review data before making a final decision on this. Mahalo for your time, and the opportunity to provide testimony.

CHAIR KING: Okay, thank you, Ms. Tumpap. We have a question for you from our Council Vice-Chair Rawlins-Fernandez.

MS. TUMPAP: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Pam. Mahalo, Chair King. Aloha, Ms. Tumpap.

MS. TUMPAP: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Just to clarify your testimony. So I agree with your comments about the moratorium putting a stay to maintain status quo, and it's not meant to be a management tool. The bill proposes to establish a temporary investigative group, a TIG, to come up with management tools, policy, to help us better manage and not violate the Maui Island Plan. So my question is, did you read the bill?

MS. TUMPAP: Yes. And what we would propose is that we do a TIG now before putting a moratorium in place. Moratoriums are very inflexible. We like the idea of bringing people together to explore, and we also believe that many of these issues as Paul shared, there's a lot of data on a lot of the concerns that are being addressed. And through a TIG, we can explore these before taking a...the measure of a moratorium that's inflexible.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response.

MS. TUMPAP: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: So the TIG . . . *(inaudible)* . . . maintain that.

MS. TUMPAP: We would like to see a TIG --

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

MS. TUMPAP: -- before the moratorium.

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

CHAIR KING: Thank you for your question, Council Vice-Chair. We have a question for you from Member Paltin.

MS. TUMPAP: Yes. Thank you. Aloha.

COUNCILMEMBER PALTIN: Thank you, Chair. And I continue my disclosure, I'm waiting for the Board of Ethics' opinion before participating, but I had a clarifying question if they do allow me to participate in the future. Can you explain what is meant by unilateral moratorium?

MS. TUMPAP: Basically, unilateral means it's very broad and extensive, and so it doesn't take into account different nuances and specifics. And so when you impose a moratorium, it has far-reaching impacts and that's why we oppose them. So we're absolutely opposed, unilaterally opposed to moratoriums like this because they're very broad.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. TUMPAP: You're welcome.

CHAIR KING: Okay. Thank you, Ms. Paltin. Member Sugimura, you have a question?

COUNCILMEMBER SUGIMURA: Oh, there. Yeah. So, Pam, can you submit your testimony? You always do a good job in terms of writing it out. So if you could submit your testimony.

MS. TUMPAP: Absolutely. I believe Amber's probably...either did or is working on it right now, but I'll check in with her right after this.

COUNCILMEMBER SUGIMURA: Thank you. I want to get your quote. Thank you.

MS. TUMPAP: Oh. Thank you.

CHAIR KING: Okay, any other questions? If not, thank you for your testimony, Ms. Tumpap.

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MS. TUMPAP: Thank you very much. Aloha.

CHAIR KING: Next testifier, please.

MR. LEAUANAE: Next testifier is David Dorn, followed by Madolin Wells.

MR. DORN: Good morning, Councilpersons and Committee Members. Salaam. My name is David Dorn, and I'm a co-founder of savekihei.org the community group and we support this proposed moratorium. This moratorium on hotel building is needed to help us manage the level of tourism on Maui, and this moratorium needs to be made island-wide. Maui has already exceeded its predetermined levels of sustainable tourism. There is now one tourist for every 2.4 locals on Maui. This is beyond the maximum one to three ratio that was set previously in the Maui Island Plan. Percentages; the maximum number of tourists allowed should be kept to less than 25 percent, but they have at times reached as high as 41 percent. This is far beyond the allowable number. Population growth; by 2045, there will be 300,000 people on Maui, including tourists, almost double what we have today, and we will have half the beaches. Scientists predict that sea level rise could cost Hawai'i up to 40 percent of its beaches by 2050, the study shows. This is a study by the University of Hawai'i School of Ocean and Earth Sciences in a story from CBS News. That means that by 2050, there will be twice as many people and around half as much beach, so the crowding will be four times worse. Or another way of looking at it, we'll have a quarter of the beach space for every person on Maui. Very disturbing. We have an overdependence on tourism, which we know. But we need to manage tourism. Tourism has to be managed and limited to stop the further degradation on Maui. This moratorium is the mechanism by which the County can manage levels of tourism, and it is the responsibility and legal obligation of the County to manage levels of tourism and protect the local population. Affordable housing; the building industry needs to focus on building affordable housing. We have a huge backlog of affordable housing that needs to be built. The construction industry needs to focus on building this. They can still maintain and renovate all of the existing visitor accommodations as well. Unions will tell you that COVID hurt them, but it did not. My business had to shut down during COVID to protect our kūpuna and safeguard our community. It's just what you do. So now the very least the construction industry can do in this tourism crisis is adapt to other types of construction. We are not asking them to stop working. I'm in the visitor industry, and we do not have enough workers to fill jobs. Business is booming, and almost all tourism-related jobs are hiring right now. And yes, I also kept paying our employees during shutdowns and slowdowns because they had proper jobs with unemployment insurance that they and us paid into. Please note that no one loses from a moratorium. The number of visitor industry jobs and other jobs remains constant. We need to protect the quality of life for Maui residents. This moratorium is essential to regain some control and restore our balance, and give us some time to reevaluate the impacts and complete our community plans. Please support this bill for a moratorium and help us restore the balance on our island, and please make this moratorium island-wide. Thank you.

CHAIR KING: Okay. Mahalo for your testimony, Mr. Dorn. We have a question from Councilmember Sugimura.

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MR. DORN: Yes.

COUNCILMEMBER SUGIMURA: Mr. Dorn, thank you very much for being here. And you mentioned in your testimony--this is a clarifying question--that you're in the visitor industry. So what kind of business do you have, and were you able to provide jobs during the pandemic?

MR. DORN: Well, it's...

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . . Thank you.

MR. DORN: I'm in the water sports industry and have a surf school. And we actually have, you know, full employee benefits. And we were shut down because the beaches closed where we operate. And, you know, we took that as just part of doing our part. And we managed as best we could, and we were able to pay all our employees through unemployment during that. And as soon as we were able to work again, we made space for them and paid for them and supported them. So we lost no employees during that time except for the ones that went to the mainland to be with family. And...but now we're back, and I can tell you the beaches are packed and, you know, you think it's counterintuitive that I wouldn't want to see less tourists, but I also have to live here on the island, and I don't want to see it destroyed, you know. I like to go to the beach on my day off, and it's getting bad down there. And...just go to the beach, you will see it. And we need to stop this, it's...

COUNCILMEMBER SUGIMURA: Thank you, Mr. Dorn.

MR. DORN: Sorry.

COUNCILMEMBER SUGIMURA: And continuation of your question --

MR. DORN: Yeah.

COUNCILMEMBER SUGIMURA: -- the question, so do you have a permit to do your surf lessons on County beaches, or do you use other beaches?

MR. DORN: Correct, County beaches. Yes, and I'm required to have a State permit as well. So we have to abide by two sets of rules, County rules and State rules, and...which we do. And the rules for the County operation of beach park permits are created from many, many years of community input and consensus and testifying before the County. And we've been in the process of promulgating these rules for quarter of a century. And they're pretty good, you know, we have a balance with the community. Restricted to certain areas, our conduct is controlled. But I can only speak for the, you know, people that have the permitted...you know, the legit businesses that have permits like myself probably operate in the similar way. Not like the recent debacle we saw at Lāhainā with people trashing the reef and all that sort of thing. That is another issue all together, but I'll happily talk to you about that some time.

COUNCILMEMBER SUGIMURA: Thank you.

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CHAIR KING: All right. Thank you, Member Sugimura. And just to clarify for listeners, the beach parks are County, but the actual water line is State. So you only need a permit if you have to cross over a County beach park to get on the beach to do your...to conduct your business. Thank you so much for being here, Mr. Dorn, and for your --

MR. DORN: Thank you.

CHAIR KING: -- advocacy for the community. Appreciate it. Wilton, next testifier.

MR. LEAUANAE: Thank you, Chair. The next testifier is Madolin Wells, followed by Ivan Lay.

CHAIR KING: Ms. Wells? Can you unmute yourself and...

MS. WELLS: Okay, can you hear me?

CHAIR KING: We can hear you. We...did you unmute your video so we can see you?

MS. WELLS: It's...

CHAIR KING: Okay. You don't have to if you don't want to. Oh, there we go. Now we can see you.

MS. WELLS: Oh, okay. Okay. Aloha, Councilmembers and community members and business interested people. I want to express my gratitude to Councilmember King for bringing this to the table and proposing it, and I'm speaking in support of CARE-50. I...who would ever have imagined that a global pandemic would provide the opportunity for Maui to rethink and review its visitor policies and over-reliance on tourism. I don't...I don't perceive a moratorium as being rigid at all or inflexible. It's a needed pause in order to allow time for reviewing and coming up with a plan, and being able to integrate and coordinate a lot of information without untrammelled, continuing...it's...to me, as just a local resident citizen, it feels like we're being overrun by a freight train that is not stopping, and nobody can even catch a breath. These...the first time I ever saw Maui in 1995, and came back to live here much later, it was heartbreaking. I mean, it was really, really heartbreaking. And so the, you know, other speakers have a lot more information and experience than I do, but I just want to say that the destruction of our local ecosystems, faltering infrastructure, negative impact on residents, lack of enough decent paying jobs, are all urgent factors that must be addressed. It isn't possible to do so without a pause in new resort building. What we have seen is the degradation of the tourist experience, as well as harmful impact on locals. We need quality over quantity. Many other resort islands and communities have done just that. For example, focusing on ecotourism so that visitors can learn about the culture and ecosystems and make a positive contribution during their stay. These are the kinds of visitors we could welcome, and they would spread their aloha and what they glean from their experience here to others that might want to come. We also need the opportunity to consider other income streams than the monopolistic hold tourism has here on Maui. No banking investor in their right mind would put all the eggs in one basket. Neither should Maui. Mahalo for your consideration. Thank you

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again, Kelly. And that's it.

CHAIR KING: Okay, thank you.

MS. WELLS: That's all I have to say.

CHAIR KING: Thank you, Ms. Wells. Appreciate your testimony. Any questions for our testifier? Okay. Appreciate you being here, and we'll call our next testifier.

MR. LEAUANAE: Next testifier is Ivan Lay, followed by Mike and initial M.

CHAIR KING: Okay, Mr. Lay.

MR. LAY: Aloha and good morning, Chair King and County Council. My name is Ivan Lay, and I'm not a paid lobbyist. I'm here in opposition of establishing a new chapter 20.41 Title 20 Environmental Protection Maui County Code declaring a moratorium on tourist accommodations. There are a lot of facts and data that need to be considered and questions that need to be answered prior to the implementation of a moratorium. The bill does not provide data, supported evidence by studies that visitor accommodations develop and related increase in tourism cause negative impacts on the environment. We need numbers of how many hotels are out there, how many...how much acreage, how many units are out there. We need answers like that before we can actually do a moratorium. And let's get prepared for more B&B and short-term rentals fully functional in our neighborhood. Maybe some classes for sharing our neighborhood with tourists, and if the Police can come up with some kind of code so when we call them, we can let them know that there's excessive noise next door or some tourist is speeding on the street. We are the number one destination in the world. We are the safest place to be away from COVID. They will come. Let's keep them in hotels that are not in our neighborhood. If they stay in a short-term rental or B&B, they go oh, this is so nice. I like it here. Maybe we have enough money to live here, let's go ahead and buy a house. And what does that do? Bumps up all the prices of our houses, and the houses that are available are sold to tourists that come here and stay at houses, not in hotels. If they're at a hotel, it's a vacation. It's...they go to places and they do things as a vacation. If they stay at a home, it becomes a home and possibly a stay vacation. I don't...this is not going to work, a moratorium. I mean, we have our Planning Commission, we have everybody that goes through every project and development that goes through. Why are we restricting them as far as filtering out the ones that are good and bad? That's all I have to say, but a moratorium is a bad idea. Let's keep the tourists in a tourist area, not in our neighborhood. Thank you.

CHAIR KING: Okay. Thank you for your testimony, Mr. Lay. Any questions for our testifier? If not...oh, we have one question from Council Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Lay. And mahalo for your testimony. Really quickly, so I think you may have today's bill confused with the previous one. This bill isn't connected to environmental impacts per se as it's connected to the exceeding the tourist-resident ratio that's codified in the Maui Island Plan. And so my question is, are you disputing that the current number of visitors and

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tourists that we see and receive daily to Maui Island is...it's not exceeding the ratio? Is that your dispute?

MR. LAY: So what I think you're saying right now is people have been kept home for a long time. They want to leave, they want to get out of their house, they want to fly somewhere, so that would be to Maui because that would be the number one destination. So you are seeing an excessive amount of people coming right now, but that...that's going to slow down because the tourists who are going to want to take trips are going to do it and it's going to slow down.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So you're saying that pre-pandemic, we weren't exceeding the number of visitors to Maui Island than what was stipulated in --

MR. LAY: I'm saying...

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Maui Island Plan?

MR. LAY: I'm saying that there's...you...accommodations have been put out there for the number of people that have been coming here.

COUNCILMEMBER RAWLINS-FERNANDEZ: All right. Mahalo, Mr. Lay. Mahalo, Chair.

CHAIR KING: Thank you, Council Vice-Chair. So Mr. Lay, just to...I think the clarification is that the data...we are looking at data from pre-pandemic from 2019, and that's where the numbers have been exceeding. And now we're back to those numbers and more. So we have been paying attention to the data, and that's where the moratorium is coming from. All right, thank you very much. Next testifier.

MR. LEAUANAE: Next testifier is Mike M., followed by Roxanne Arita.

CHAIR KING: Aloha, Mike M.

MR. MORAN: Good morning, Chair King and Committee Members. It's Mike Moran with the Kihei Community Association. Again, supporting the modified CARE-50. Again, we speak for...by our bylaws, we speak for South Maui; but obviously, this is expanding what the original bill was doing, and we get it, and we understand the statistics. We wanted to offer number one, a new statistic that we uncovered. And this came from the Maui Planning Commission, and it does apply to South Maui, but I think it fits in with the overall perspective. And what they had was the South Maui population in 2020 was 28,700. That was the population in South Maui, 28,700. The average daily number of visitors in South Maui in 2019 was 26,500. So if we look at those two numbers, I mean, we're looking at the disparity with the Maui Island Plan, what the Maui Island Plan calls for. But we can see in South Maui, it's even more egregious: 28,700 population; visitors to South Maui, 26,500. Now, grant it, this was in two different years, but we all know that, you know, it would be hard to get equivocal numbers, but we'll see what happens in 2021. What all the input we're getting is we already...we're already back to pre-pandemic in South Maui. I don't know that we have statistics on that yet, but I think that's what you're...the Council, the Committee is

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calling for, is time out. Let's hold back and check. We see a disaster here, we see some tragic numbers. So let's take a time out before we do more. So we're certainly in support of this modification, even though we're trying to speak from our...from our South Maui perspective. And hearing that there are available ways to manage things, such as the issues that we're finding...traffic, and a lack of infrastructure, and protecting natural resources. Well, if we have these available to us, have they been put in before? Obviously not. So it seems like if we know what these things are that weren't put in. So I think we need to take this pause to do it. So I'm trying to be brief here because I...every time I look at the list, the list is going . . .*(timer sounds)*. . . Okay, it wasn't brief at all, I was just...thank you for the opportunity.

CHAIR KING: Perfect timing, Mike. Thanks. A question from Chair Lee.

COUNCILMEMBER LEE: Hi, Mike. Thank you for participating in our meetings. We really appreciate your input. On the statistics, I wonder if you would know where we could find the breakdown of the 28,700 people, the resident population. How many of them were tourists at one time?

MR. MORAN: Well, we're taking statistics from the Planning Department, so I'm sure they could provide you where they got those statistics from. We just took them from what the Government offered. They're doing this, you know, preparation for our upcoming community plan, and they have that website We Are South Maui, so that's where we got this statistic from. And I'm sure Kate and her team would be happy to advise the Council the breakdown or how they arrived at that number.

COUNCILMEMBER LEE: Yeah. Because, you know, conceivably, a moratorium can put a pause on hotel accommodations, but we have a horrendous problem with people moving here. How do we control that? So if you have any ideas about that, let us know. Thank you.

MR. MORAN: You're welcome. And will do.

CHAIR KING: Thank you, Chair Lee. And we'll circle back with you. And hopefully we'll pass the moratorium, and we can start working on those things, Mr. Moran.

MR. MORAN: Aloha.

CHAIR KING: Looks like we have a question from Member Sugimura.

MR. MORAN: Yes, ma'am.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Moran, for testifying. So you said in your testimony that this moratorium then would pause the number of visitors, is that what you...visitor arrivals?

MR. MORAN: No. It would give the opportunity for you folks that are making the laws to have a pause to take a look at the situation. It seems like it's almost...a prior testimony used the term of a runaway train. It's almost like it's...but it's...this is a flying train. It's a

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runaway airplane train that we're having here, and we're hearing people, I'm taking the testifiers at their word, 5,000 more people coming. Flights are coming in. We see all of these advertisements by Hawaiian Air and Alaska Air that they're adding direct flights to Maui, bringing more people in. Apparently legally there's no way to stop that, but if we can legally stop providing more accommodations, that might...that's why we're taking this pause, as I understand it.

COUNCILMEMBER SUGIMURA: Okay, thank you. So you're not saying that this will stop visitors from coming, you're just saying, it'll allow us to look at visitors coming and what to do about it. Thank you.

MR. MORAN: You're welcome.

CHAIR KING: Okay. Sorry you didn't get to answer that last question, but thank you for being here, Mr. Moran. We'll move on to our next testifier.

MR. LEAUANAE: Thank you, Chair. Our next testifier is Dave Jorgensen, followed by Jared Higashi.

MR. JORGENSEN: Good morning. I actually...hadn't actually signed up to testify yet, but I will go ahead. I planned on testifying a little bit later. Good morning and salaam, Chair King, Committee Members, and Staff. My name is Dave Jorgensen. I'm an attorney in Wailuku, and I'm testifying on behalf of the American Resort Development Association of Hawai'i or ARDA Hawai'i. I'm a registered lobbyist. I'm here today to testify against the two proposed moratoria on visitor accommodations. ARDA Hawai'i believes there are inherent flaws in both bills. The proposed moratoria clearly purports to exercise the County's zoning power and materially involve planning programs and land use in prohibiting specific kinds of developments, which is a zoning power. These proposals are attempts to amend the zoning code contained in Chapter 19 of the County Code and regulate land use, and must be processed as such, including being reviewed by the Planning Commission under County Charter Section 8-8.4. The proposals also fail to substantially advance legitimate government objectives. There is no evidence that implementing these moratoria will have any effect whatsoever on carbon emission levels, climate change, or global warming as called for in 21-232.

CHAIR KING: Mr. Jorgensen --

MR. JORGENSEN: As the lawyer . . . *(inaudible)* . . .

CHAIR KING: -- can you limit your testimony to today's agenda, which has the bill...that's...the first bill's already been passed, so we're not testifying on that one.

MR. JORGENSEN: Okay. There is a lack of data to support either the claims made for either bill. As a lawyer, it's scary to hear another attorney say that we don't have data to support our position, but if you adopt it and we get sued, we're sure we'll be able to come up with the data later when we get to court. Both of the bills, and the new proposal before the Committee today, talk about how this...these moratoria will put a pause on visitor accommodations, on visitor arrivals, and there's no data before us to

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verify that. The proposed moratorium may also violate the rights of owners of property who do not require discretionary approval. As we've learned over the past couple weeks, short-term rental homes, bed and breakfasts, transient vacation rentals do not even require building permits because their accommodations must already have been built. The new bill appears to attempt to address this by prohibiting the development of any tourist accommodations anywhere on the island without regard for whether a building permit is necessary. This raises additional questions about what types of applications will be prohibited. For example, one of the limited exceptions is if two-thirds of this body agree that the proposed development would not increase tourist accommodations, requiring the applicant to prove there will be no such increase when these proposals . . . (timer sounds) . . . do not provide any evidence of the perceived problem. I'll wrap up.

CHAIR KING: Okay.

MR. JORGENSEN: It's even more problematic to hear that the Council has previously ignored the opinions of the current Corp. Counsel, and we trust that this bill has been reviewed by Corp. Counsel and their opinions will be addressed. ARDA Hawai'i opposes the proposed moratorium, and we thank you for the opportunity to speak today.

CHAIR KING: Okay. Thank you for your testimony, Mr. Jorgensen. We have a question from Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Jorgensen. Mahalo for your testimony this morning. So I just wanted to clarify, in your testimony you asserted that there isn't sufficient data. For this bill before us on the agenda, the data is provided by the Hawai'i Tourism Authority, as well as the State Department of...what is that, Economic Development and Tourism. And the data is the number of visitors coming to Maui Island daily, which exceeds the ratio that's stipulated in the Maui Island Plan. So for this...for this bill, not for the previous bill, what data are you talking about that is absent?

MR. JORGENSEN: Data including the effect that prohibiting any new development of properties on the entire island will stem the flow of visitors. As we all know, there are...and we've heard conflicting numbers, but thousands of illegal vacation rentals. Thousands of illegal short-term rentals. Those numbers are going to increase. That's the data we believe is out there without quantification. The lack of new hotels, the lack of new short-term rentals will stop new short-term rentals from being occupied. Where's the data, where's the evidence that it will stop visitors from coming? As we've heard from previous testifiers, there are neighborhoods where people are turning their homes into short-term rentals. People are going to do that more and more and more. And one of the prior testifiers said, well, the penalties are so high, nobody will do it. People do it all the time, regardless of the penalties. So what we're looking for, what I think should be important, is trying to quantify how will this actually stop visitors from coming here. If they can't find --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. JORGENSEN: -- a hotel, they will find a...they will go online, they will find a short-term

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rental they can occupy.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo, Mr. Jorgensen. So...sorry, there's like this feedback.

MR. JORGENSEN: Yeah, I'm having a lot of feedback.

CHAIR KING: Yeah, we're not having the feedback here, so go ahead. I'll mute myself and go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. So your assertion is then that the data that this bill is connected to is speculation, but what you're asserting is that there would be an abundance of illegal STRs, and that is not speculation. Is that what you're saying?

MR. JORGENSEN: No, I'm saying --

COUNCILMEMBER RAWLINS-FERNANDEZ: What you're claiming...

MR. JORGENSEN: -- that the data should support this bill. Sorry? Excuse me.

COUNCILMEMBER RAWLINS-FERNANDEZ: Go ahead.

MR. JORGENSEN: That the data, which should support this bill, would cover all areas. How many visitors are expected to come and confirming that, yes, it's speculation where they will stay. But we all know that they come and they stay. They find places. The human spirit is very industrious. People will provide accommodations. It's like the rental car, the way that came out the other day. Actually one of our employee's daughters is the girl that was on TV. She got industrious, she's renting out her own vehicles. Buying more vehicles to rent out to people. They will find a way. I'm saying how will doing a moratorium on allowing people to develop their property from the whole gamut, from hotels down to short-term rentals --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. JORGENSEN: -- how will that prevent --

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

CHAIR KING: . . .*(inaudible)*. . .

MR. JORGENSEN: -- short-term rentals from . . .*(inaudible)*. . .

CHAIR KING: I think you've answered the question.

MR. JORGENSEN: -- by putting a limit on...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Jorgensen. So the flaw in your

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argument is that renting out vehicles via Turo or any other car share is not illegal, but having a unpermitted STR is illegal, and come with \$20,000 initial fine, and then \$10,000 per day. So it's not the same. Mahalo, Mr. Jorgensen. Mahalo, Chair.

MR. JORGENSEN: But people will still do it. That's...the fact is, people will still do it, and do...are still doing it.

CHAIR KING: Thank you for your testimony, Mr. Jorgensen. Next testifier.

MR. LEAUANAE: Thank you, Chair. Next testifier is Jared Higashi, followed by Junya Nakoa.

MR. HIGASHI: Hi, good morning. Aloha and good morning, Chair King, Members of the Committee. My name is Jared Higashi. I am the VP of Government and Community Affairs for the Hawai'i Lodging and Tourism Association, testifying today on behalf of my President and CEO, Mufi Hannemann. The Hawai'i Lodging and Tourism Association respectfully stands in opposition to CARE-50. At its core, this proposed measure unfairly discriminates against a single industry that consistently contributes millions of dollars each year in State and County revenues. The proposed language of the measure cites several goals, including the lowering of carbon emissions, climate change mitigation, limiting global warming by limiting visitor --

CHAIR KING: Mr. Higashi --

MR. HIGASHI: -- accommodations.

CHAIR KING: -- I think you're on the wrong bill. So the bill you're discussing was already passed, and the testimony is being taken on the bill before you today.

MR. HIGASHI: Okay. Well, let me get to the point that restricting construction expansion or renovation would only harm other sectors of our economy, the construction and other trades that have survived the pandemic. Building permits of all types ultimately mean more projects, and by extension, more jobs for Maui residents. It would seem self-destructive to enact such limiting constraints of both the travel industry and the trades in Maui. which is historically the County most relied upon tourism for its economic well-being. This fact was made especially clear during the and throughout the pandemic that has left Hawai'i with the highest unemployment rate in the nation. For this reason amongst, you know, many other that have been stated prior, we do stand in opposition to this measure. Thank you very much.

CHAIR KING: Okay. Thank you for your testimony. We have a question from Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Higashi. Just a quick question, real simple. It's basically, when is enough? When is enough for the amount of tourists visiting the island. Do you guys have a cap? Is there a standard? Do you look at the Maui Plan and agree or disagree with that?

MR. HIGASHI: Well, I mean, I think things need to be revisited. Again, right, we talk about

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tourism and our economic well-being, especially throughout the state of Hawai'i. I mean, tourism is our...you know, still remains our bread and butter. Looking at how much revenues it brings in, how much local businesses tourism helps us, you know, I think that it's vital, and it will remain vital to our economy. So I...you know, I...our organization does not have a, you know, per se, a cap or, you know, we're not proposing anything along those lines, but again, we're thinking there should be a very fine balance as far as, you know, keeping tourism healthy so that we can keep our local people employed.

COUNCILMEMBER JOHNSON: Okay.

CHAIR KING: Did that --

COUNCILMEMBER JOHNSON: I think...

CHAIR KING: -- answer your question, Mr. Johnson?

COUNCILMEMBER JOHNSON: Yeah. Thank you, I have no further questions.

CHAIR KING: Okay.

MR. HIGASHI: Thank you.

CHAIR KING: We have a question from Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Higashi. Thank you for your --

MR. HIGASHI: Good morning.

COUNCILMEMBER MOLINA: -- input on this. Just a...you know, earlier we had a representative from the ILWU. And I'd asked if their members, since we're starting to show a recovery from the pandemic hotel-wise, as far as getting a number or percentage of their members going back to work. Do you have any data you can share with us, I guess, not only for Maui County, but statewide? I mean, the general question is, since we're now in an economic recovery, are the majority of hotel workers who were laid off during the pandemic, have they been rehired? Would you as...without getting into specific numbers, but in general, are most work...employees going back to work?

MR. HIGASHI: Yes, a fair number of our hotel employees statewide have been returning. I can say, you know, there are some departments where they may be lacking, but that, you know, includes like food and beverage, maybe events and conferences, just because those have not necessarily come back online. But, you know, speaking with some of our hoteliers, yes, absolutely, you know, they're bringing back a number of their employees just because we are seeing, you know, again, a return to a level of normalcy.

COUNCILMEMBER MOLINA: Okay. Thank you very much for that, Mr. Higashi. Thank you, Madam Chair.

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CHAIR KING: Thank you, Mr. Molina. Let's see. Do we have any other questions? If not, I just have a follow-up question, Mr. Higashi. You know, I've read that about 50 percent of the employees are coming back to the hotel industry, so it sounds like we're not at the most level yet. But there also have been some changes in the hotel industry that have deliberately kept people from coming back to work, such as not doing daily housecleaning in the rooms. And I know that because I've been...I've stayed in the hotel where they say they're not doing that anymore, so they don't need as many housekeepers. So is there an intent, do you know, that for the industry to eventually make those jobs available at 100 percent of what they were before the pandemic, or are they...and no one would fault them for trying to cut down on expenses, but it doesn't seem like there are a lot of people who are looking for work where there were no jobs. It sounds like there are a lot of people who just are choosing not to go back to work or are going into other industries. So can you comment on the hotel industries, maybe their intent on making the same jobs available as were before the pandemic? Because I think that has a lot to do with our unemployment.

MR. HIGASHI: I can't speak on behalf of each, you know, individual property. Of course I know that, you know, we talk about the visitor industry, we talk about our, you know, hotel employers, they care a lot for their employees. You know, that is seen throughout the pandemic where a lot of them had kept their health benefits afloat, you know, they still provided those kind of benefits. And so, they do have a deep care for their employees, and I do know that a lot of them want to see their employees come back to work. And in regards to the housekeeping, I know the CDC was still recommending that, you know, rooms don't necessary need to be cleaned daily, you know, as long as you offer the opportunity to the guest. However, on that line, I'm sure, you know, as we start to ramp up, as the pandemic...you know, start to get, you know, kind of around the corner on the pandemic, I'm sure a lot of our hotels will be, you know, looking at how do we kind of return again to that level of normalcy that we were pre-pandemic.

CHAIR KING: Okay. So...but you agree that the same number of jobs right now in the industry is not available as pre-pandemic because . . . *(inaudible)* . . .

MR. HIGASHI: Yeah, at this time it's not the same as pre-pandemic.

CHAIR KING: I didn't realize it was a CDC recommendation. That's really interesting, and thanks for that information.

MR. HIGASHI: Thank you, Chair King.

CHAIR KING: Okay, any other...we have a question from Vice-Chair Sinenci.

VICE-CHAIR SINENCI: Mahalo, Chair. And aloha, Mr. Higashi, for your testimony this morning. Just a clarification question. So the hotel industry, you guys, do you represent all the hotels on all the islands?

MR. HIGASHI: Correct. Yes, we're statewide, so we do have members on all the islands.

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VICE-CHAIR SINENCI: So...okay. So with that, I guess the...at the core of this legislation is our Maui Island Plan and the numbers. And so have you see other counties that have exceeded their visitor to resident ratios in their island plans?

MR. HIGASHI: I apologize that I don't have the...on top of head, the ratios per county. You know...

VICE-CHAIR SINENCI: It's established...and just to make that point, because I mean, that's at the core of this legislation, is that we've exceeded what was given to us in our Maui Island Plan. So these are some of the efforts that the County is doing so that we can address some of the issues that have been brought up because of us exceeding that number. Okay.

MR. HIGASHI: And I...

VICE-CHAIR SINENCI: Thank you for that.

MR. HIGASHI: I appreciate that, but I think again, the core of the...or the action, right, in regards to the measure is, you know, creating a moratorium. And I think it was stated earlier as well that inventory not necessarily...hasn't necessarily increased for, I don't know, the last near decade? And, you know, regardless of whether or not we have the inventory, visitors are still coming to Maui.

VICE-CHAIR SINENCI: Well, yeah, that's...yeah. Okay.

MR. HIGASHI: And so --

VICE-CHAIR SINENCI: Thank you.

MR. HIGASHI: -- we just don't want to see, you know --

VICE-CHAIR SINENCI: Mahalo.

MR. HIGASHI: -- the limitation, right, to you know, our tourism and resort areas --

VICE-CHAIR SINENCI: Mahalo.

MR. HIGASHI: -- to be able to, yeah, manage the tourists that are coming. Thank you. Thank you, Councilmember.

VICE-CHAIR SINENCI: Yeah. And I think, you know, we wanted to better manage. You know, there's other consequences to us having more visitors on the island, including all the things that we've been saying. So by putting a pause, our intent is trying to address a lot of the issues that it has...has come up in the last, you know, over these years, and now we're having to deal with them. Again, mahalo for your testimony.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you're muted.

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VICE-CHAIR SINENCI: You're muted.

MR. HIGASHI: Chair King, you're muted.

CHAIR KING: Sorry about that. I'm trying to cut down on feedback. We have a question from Council Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I saw Voting Member Sugimura with her hand up after mine, but she's a Voting Member so I can yield to the Voting Members.

CHAIR KING: Okay, I'm sorry, I didn't see your hand up. Go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I actually have a question for you, Chair, in that you're saying that people cannot testify on the bill that we...that was passed out of your Committee, but it is on your agenda. So I think so that's why people are still testifying, and that because of that, I think you should allow people to express their concerns --

CHAIR KING: . . .*(inaudible)*. . .

COUNCILMEMBER SUGIMURA: -- of that bill as it is on the agenda today.

CHAIR KING: I think the item is on the agenda, the CARE item, CARE-50. But what we have under CARE-50 today is the bill proposed by Member Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: So it says Councilmember Kelly Takaya King transmitting a proposed bill relating to a Moratorium on Building Permits for Visitor Accommodations. And so that's why people are testifying. Although, yes, you're right, there is Keani's bill listed also as item number two. So can you please get clarification, because I think people are reacting to what we publicly agendized and what we were transparent by doing that. So can you please get a reading from Corp. Counsel?

CHAIR KING: Yeah. Do we have someone from Corp. Counsel or OCS we can ask? Ms. Thomson.

MS. THOMSON: Thank you, Chair. Yes, I would say that both bills still are a part of this current record, so I would allow testimony on both.

CHAIR KING: Okay, but we've --

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: -- disposed of the first bill by passing it out of Committee, so it's no longer --

MS. THOMSON: Right.

CHAIR KING: -- part of the Committee.

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COUNCILMEMBER SUGIMURA: But I think you deferred the item and you kept this alive. Your action in the last meeting, correct?

CHAIR KING: Subject matter was alive, was kept on. The bill was passed, so --

COUNCILMEMBER SUGIMURA: Yes --

CHAIR KING: -- the bill doesn't need to be deferred --

COUNCILMEMBER SUGIMURA: -- but --

CHAIR KING: -- it was passed.

COUNCILMEMBER SUGIMURA: -- I'm just saying that people are testifying because what you agendized --

CHAIR KING: Right.

COUNCILMEMBER SUGIMURA: -- is the...

CHAIR KING: So let me clarify, if you would, Ms. Sugimura, with Ms. Thomson. So the...kind of like trying to separate out the subject matter from the actual bill, which is what we did, you know, when we referred this to two Committees. And somehow the subject matter in the IT Committee keeps referring to the bills, which was not the intent. So I think it's kind of a confusing issue of what people can testify or not. But I'll take your advice, Ms. Thomson. If you think that people should be able to testify on both bills, then, you know, they have the three minutes to do so. Is that what you're saying, that that should be allowed?

MS. THOMSON: Well, as you said, the original bill that you had proposed regarding Title 16 has been disposed of. But because the topic is quite broad and may ultimately go through many more changes, in terms of public testimony, the safest route is just to go ahead and allow testimony on the subject matter.

CHAIR KING: The subject matter. Okay.

MS. THOMSON: Including, you know, changes that may or may not happen in terms of the . . . *(audio interference)* . . .

CHAIR KING: I'm sorry, you cut off. In terms of what?

MS. THOMSON: Also in terms of there may be changes to this current bill proposed by Vice-Chair Rawlins-Fernandez. So the safest bet would be to just go ahead and allow public testimony on the entire topic.

COUNCILMEMBER SUGIMURA: Thank you for the clarification.

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CHAIR KING: Okay, not sure. Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I don't...it seems that whenever I speak there's feedback. Okay. So on the agenda, there is one agenda item, CARE-50. And so it would only be one three minutes. And I think it's very prudent of you, Chair, to let the testifiers know that, you know, I mean, even if Corp. Counsel says that they can testify on both bills, that if they're going to be testifying on the previous bill, that bill has been disposed of. And so they would be wasting their three minutes if they're going to testify on that first bill because it's the second bill that we're going to be discussing today. Mahalo, Chair.

CHAIR KING: Okay, thank you, Vice-Chair Rawlins-Fernandez. That's sort of the point I was trying to make. But...Chair Lee.

COUNCILMEMBER LEE: Yeah, Madam Chair. The reason why you're able, or the Vice-Chair was able to make this direct referral in the first place was because you retained the subject matter --

CHAIR KING: Right.

COUNCILMEMBER LEE: -- of your proposed moratorium. So because it's listed on this agenda, both of them, your moratorium and Vice-Chair's moratorium, that the public is...should be allowed to testify on both.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Whether it's disposed of or not --

CHAIR KING: Yeah, we're --

COUNCILMEMBER LEE: -- it's irrelevant.

CHAIR KING: -- going to go ahead and allow that, but just, you know, I mean, it was a good point that they have three minutes, so I was trying to get folks to focus on the issue at hand and speak to the discussion we're going to be having later on the actual bill.

COUNCILMEMBER LEE: Okay.

CHAIR KING: So any more questions? Vice-Chair Rawlins-Fernandez, you have another question for our testifier or should we...okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. I just have one quick question for Mr. Higashi. Mahalo for your testimony this morning.

MR. HIGASHI: Vice-Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: My question is regarding the part of your testimony where your concern was about renovations. So did you see the part in the

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bill that allows for renovations that don't exceed the current footprint? The structural footprint of the existing structure? Did you see that part in the bill?

MR. HIGASHI: I did, correct, yes. But I believe that it will also limit, right, the ability for a hotel or development to expand outside the footprint. Even if they aren't necessarily, you know, adding additional capacity, whether they're, you know, maybe increasing the size of their rooms, or they're adding additional infrastructure, that might just be something outside of the existing structural footprint. You know, it does limit one's ability to do so and create a renewed and, you know, more efficient product.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Higashi.

MR. HIGASHI: That's just my opinion. Mahalo, Vice-Chair.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Okay. Mahalo, Vice-Chair. You have a question, Chair Lee, for the testifier?

COUNCILMEMBER LEE: Oh, not for the testifier, I just wanted to know how many testifiers we have --

CHAIR KING: Okay.

COUNCILMEMBER LEE: -- still lined up.

CHAIR KING: Yeah, we have 27, and we're on number 10.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR KING: Ten. Any more questions for our testifier? If not, thank you for being here, Mr. Higashi.

MR. HIGASHI: Thank you.

CHAIR KING: And give our best to Mr. Mufi Hannemann.

MR. HIGASHI: I will, absolutely. Mahalo for this opportunity. Thank you.

CHAIR KING: Thank you. All right. Wilton, our next testifier.

MR. LEAUANAE: Next testifier is Junya Nakoa, followed by N. Haag.

CHAIR KING: N. Haag. Okay.

MR. NAKOA: Ho brah, that was a long one.

CHAIR KING: Aloha. Sorry about that.

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MR. NAKOA: Salaam. Salaam. Yeah. Okay. Like Keisa Liu said first thing, we the people, we should be...you guys should be...we should have more power than the tourists. Locals first, tourists after. I going start off with that. But kind of what make me mad was that the representative from ILWU, he was talking like he was talking for his members. But I going tell you right now, I'm not one paid lobbyist, but I'm lobbying for these people because I talk to them every time. I might say I get paid because they buy me beer. But I going tell you this, they all go work. They all go back work, brah. They all get plenty work. Some of them like that was said by you, Kelly, the housekeepers, they got to do choke work in less time, and then they only, like you said, they don't clean every day. You know, so it's the way the hotel is doing them is the problem. It's not the no more enough space or whatever or whatnot. My brother came from Honolulu for celebrate his son's graduation. Brah, I couldn't find one room over here for him, you know. So get plenty people. No plenty people, no more...yeah, get plenty people that taking up all the rooms. Get choke people. We live in Lāhainā. You guys try come hang out one day. Whoo, boy. I was at one way Wahikuli. Brah. Traffic. I can show shaka to everybody, usually you no can show shaka, they just zoom, zoom, zoom. But I can literally talk story if I wanted to because so much traffic, you know. So yeah, this...you need to have this moratorium. And then the reason why about the ILWU is all their workers say we need one break, you know, slow them down little bit and all that kind stuff because I also having a meetings with all the Kā'anapali supervisors or leaders, and they saying the same thing. They get plenty...they getting plenty people coming back. They like work with the community to make it better so it's awesome. You know what I mean? And what else. Yeah. Now, plenty people saying if they not going stay at the hotels, they're going to the short-term rentals. Brah. That comes to the Planning Department. So if you guys think, you know, do one TIG, well, check that Department out, okay. 'Cause they the ones who approves all this short-term rentals and all that kind stuff. And Alice Lee, I respect you choke, but you made a comment earlier like, oh, how we can stop them from moving over here. Stop building \$3 million homes that only they can afford. Build workforce housing that us locals like, you know, these haoles, the one from the mainland, they no like them. Only us locals like the kind housing that is workforce housing. So that way we can have stop . . . *(timer sounds)*. . . those buggahs from moving over. Yeah, mahalo guys, and thank you for all you guys do. And, yeah, the illegal...I going finish up. You know, we got to watch these short-term rentals like the ground...the Greg Brown one in Nāpili Bay. No let that buggah get them. Okay, shoot.

CHAIR KING: Okay. Thank you, Mr. Nakoa. Any questions for Junya, Members? Okay. So thank you so much for being here and your strong words as usual. We always appreciate hearing from you. And also, since you've been talking to folks on the ground, that's really helpful.

MR. NAKOA: Shakas.

CHAIR KING: Thank you so much. All right --

MR. NAKOA: Yes, sir.

CHAIR KING: -- next testifier.

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MR. LEAUANAE: Next testifier is N. Haag, followed by Dick Mayer.

CHAIR KING: Okay. The next testifier is listed on the list as N. H-A-A-G. If you're here, can you unmute yourself.

MS. HAAG: There. Let's see. I'm unmuted, but I don't know if my video's on.

CHAIR KING: It's not on yet.

MS. HAAG: Oh, okay.

CHAIR KING: There you are. Now we can see you.

MS. HAAG: Oh, okay, good.

CHAIR KING: And if you can give us your name, your affiliation.

MS. HAAG: Oh, okay. Thank you. Hello, I'm Nancy Haag, and thank you, Council, for having this under consideration this morning. Definitely I'm in favor of a moratorium for so many reasons. I live...I've lived in Kihei beginning in 1976, so I have seen the many, many changes over the years. And I do believe that we do have enough tourists coming to South Maui. I also believe that South Maui, and also probably Lāhainā, the west side, is the cash cow for Maui County. I think that in other places in our United States and elsewhere, coastal towns actually make decisions for themselves. But what I'm seeing is that the decisions for Maui County are being made, and a lot of times through the Planning Commission, whose people don't even live in Kihei. I don't know if even one of those Planning Commission people live in Kihei. It is time to take a pause. We don't need more tourists. Right now, yes, we do not have enough rental cars, but we will. They will get more rental cars because they wanted...they want to go back to where they were. It will take some time, but they'll do it. You know, one of the reasons there isn't the rental cars is there's not enough ships to put in the new cars. And so, you know, everything will just keep on going as it's been going and going and going for how many years now. Is it the right thing to do for our community? That's what we have to decide. Oh, we're just thinking about the construction workers. That's what I see the Planning Commission thinks. Because when I watch their programs and it says whoa, bring a lot of jobs, they light up. They just light up. Yes, we have to think about construction jobs, just as this man said. Well, how about if we put more energy into affordable homes in our communities because there is a housing crisis. In my neighborhood right now in Kihei, there are homes just being sold for cash. People are just buying it and people are being displaced. Many people. Then we have, of course as always, more and more people want to come to Maui. It's not because they stayed in a vacation rental in a neighborhood. It's just because we have a beautiful ocean and beaches and tropics and so forth. And if they can afford it, they like to come. And you know what? There's the baby boomer retirees. Oh, yeah, they're here every winter. Or they might like to just move here full-time. And especially as climate change happens, and it's not because of the construction industry, it's not really because of the tourism. Not saying it's just happening because of many reasons, we better get a plan for our

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coastal communities losing beaches. Yes, we have to think about that. That needs to be part of the discussion here because if we lose beaches, then we're going to have less beach for the community and the tourists. And why is Maui number one? Because Maui was exceptionally cool in the '80s and in the '70s and even in the '90s, you know, but it's becoming less nice, okay. But still people are going to find a way to get to the beach even if it is crowded. Do we want it to become like Waikiki? What are we doing? Let's stop. Let's stop and take a look, take a breath. And I agree with you, Kelly, and all the people that are for this. We need to do something because otherwise, the Planning Commission's going to give SMAs...oh, yes, oh, we'll give you a...oh, sure, because all they're thinking about is zoning and they can change a zoning. And they will do it if they can because they don't really care. I care about my island. I care about the whole island. I care about South Maui, and I am the one driving down the streets. I'm the one that can't get to their . . . *(timer sounds)* . . . traffic.

CHAIR KING: Did you have a closing statement you wanted to make, Ms. Haag?

MS. HAAG: Just please, let's take a pause and do the TIG. All right? Thank you.

CHAIR KING: All right. Thank you for your testimony. Any questions for our testifier? I have a quick question for you because I live in South Maui as well. And generally, this time of year is very slow in the past, and it doesn't seem to have slowed down. It seems to have sped up as far as number of tourists in our area. So you're finding that too? Okay, so . . . *(inaudible)* . . .

MS. HAAG: Well, one thing is Hawaiian Air expanded to Orlando, Florida; Dallas, Texas; and Long Beach, California. All read in the *Maui Now*. Okay? They're expanding their reach, and so we're getting tourists from areas we didn't used to. And now they've got a taste of Maui. Wow. Maybe they'll like to move here too. True.

CHAIR KING: Yeah, okay. Thank you for your testimony.

MS. HAAG: Get rid of the vacation rentals in all the neighborhoods. That's not cool either. Oh, and by the way, in Maui Meadows, there is a man that just gets paid to help people get...open up bed and breakfasts. And he goes and testifies at the Planning Commission for people that are from the mainland who are buying properties.

CHAIR KING: Okay, I appreciate that. I...we'll be taking that up in PSLU someday soon.

MS. HAAG: Thank you.

CHAIR KING: Thank you for your testimony.

MS. HAAG: Thank you very much.

CHAIR KING: All right. Next testifier.

MR. LEAUANAE: Next testifier is Dick Mayer, followed by Kara Flores.

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MR. MAYER: Good morning, can you hear me?

CHAIR KING: Yeah, we can. We can see you.

MR. MAYER: Thank you.

CHAIR KING: . . .*(inaudible)*. . .

MR. MAYER: Out in the fields. Couple of things. First, I would like to thank both Kelly King and Vice-Chair Rawlins-Fernandez for introducing these bills that we're looking at. With regard to the one that's on the agenda today for the whole island of Maui, I'd like to make two recommendations. One is that wherever the word tourist is used, that we use the word visitor instead. And the reason for that is that the Maui Island Plan speaks specifically about the visitor to resident ratio, it does not talk about tourist to resident ratio. So please, all the way through, when you talk about visitor accommodations, or number of visitors, it should refer to the word visitor. The second thing is where it refers to the Maui Island Plan, it says Maui Island Plan and it puts the year of 2012. Please indicate that this is a codified element of the Maui County Code under 2.80B, and that should be actually in the ordinance itself so that it has strength. Because this will be challenged in court, and it would be good to give as much basis for making the decisions you have. I also want to remind the Council...let's see where I'm at here. Don't have it in front of me now. Remind the Council that Maui Island Plan very specifically says that you, the Council, should cap the number of accommodations we have on the island and it gives very specific directions under the assumption that if we go over the one to three ratio, that that would be an obligation of the Council. So there's a part of the law that already says the words cap. It doesn't say encourage or anything like that, it actually used the word cap the number of things. As far as the illegal vacation rentals, we now have a very high penalty on those things, and the Planning Director has said to the Council that we probably only have maximum 200, probably more like 100 illegal vacation rentals. This is not a plague on the island, as some of the other testifiers are somehow indicating. With regard to hotel and what the moratorium might do, it's --

MS. SIEGEL: Mr. Mayer.

MR. MAYER: -- illegal vacation rentals. . . .*(inaudible)*. . .

MS. SIEGEL: Do you have the meeting playing in the background by chance?

MR. MAYER: Can you hear me? Can you hear me now?

MS. SIEGEL: Yeah, I'm hearing...

MR. MAYER: The moratorium...I do.

CHAIR KING: Nicole, we can hear him. I'm not sure...

MR. MAYER: Okay. Can you hear me?

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CHAIR KING: Yeah, we can hear you.

MS. SIEGEL: My apologies.

MR. MAYER: I got interrupted there. With regard to the hotels, there are several hotels that are making efforts, one is the one in Wailuku Hotel, Jonathan Starr's, another one is near the airport near Costco, was formally called the Windward, now called Kanahā. Those are all new hotels, and that's why I'm very happy that you're expanding from...away from the...just having West and South Maui because it really...the Maui Island Plan speaks the whole island, and this new ordinance addresses the entire island. I don't think we on Maui have a obligation to satisfy all the tourists who want to come here. And finally, I want to make a point what...somebody asked why...how this affects the environment. All the air traffic, these extra 5,000 people that they're going to be added now . . .*(timer sounds)*. . . are going to be flying here and causing lots and lots of problems, outside problems. And so what we need to do is think globally, but act locally. And I'm asking the Council to act locally to enforce a moratorium on any new additional...it doesn't affect any existing operation, but new additional hotel and other timeshare and other accommodations. Thank you.

CHAIR KING: Okay. Thank you, Mr. Mayer. Members, since Mr. Mayer has been so instrumental in the Maui Island Plan, are there any objections to having him as a resource later on when we get to discussion on the bill?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. If you're able to...and we can contact you, I'm not even sure if we're going to get to it before lunch because we have quite a few testifiers, but we can contact you before we go onto discussion if you're going to be available today, Mr. Mayer.

MR. MAYER: I hope to be. I have another appointment at 1:00, but I'll try to be here for your needs.

CHAIR KING: Okay. All right.

MR. MAYER: Thank you.

CHAIR KING: Thank you. Ms. Sugimura, do you have a burning question for Mr. Mayer?

COUNCILMEMBER SUGIMURA: Yeah, I have a question for Mr. Mayer. So I know that you testified the last time and have been a resource, so how is the Maui Island Plan ratio calculated? And you were there when it was done, but when you come back or...can you provide that data to us of how was this calculated in the Maui Island Plan?

MR. MAYER: I could do that.

COUNCILMEMBER SUGIMURA: . . .*(inaudible)*. . .

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MR. MAYER: I could answer that question now --

COUNCILMEMBER SUGIMURA: Oh.

MR. MAYER: -- because I may not possibly be available later. I'm not sure right now. At the time that we were preparing the plan around 2008-9 while the GPAC was meeting, the ratio at that time was around 28 percent. And what we were concerned about was that it may keep going up, and we were already concerned about the pressures on the community. And so we thought a ratio of 33 percent of the resident population would be probably an appropriate maximum. And so that's what we...

COUNCILMEMBER SUGIMURA: So...so...yeah. So that...Mr. Mayer, that's the number I'm wondering about. I understand the, you know, I think you provided that data before about the 28 percent. So how did you get to this 33 percent number, is my question.

MR. MAYER: That was the collective wisdom of the GPAC advisors, that we decided that would be an appropriate number to use. Then it went to the Planning Commission, they did not change that. And then it went to the Council Committee, and then to the full Council, all of them agreed that one to three would be an appropriate ratio. So it was something that was...the 25 members of the GPAC voted for that number, and then it went right through, as we thought that would be an appropriate number in a ratio to balance the situation here on Maui.

COUNCILMEMBER SUGIMURA: Okay. So that was kind of a good idea that got codified over time?

MR. MAYER: Because...the collective wisdom of the GPAC, the Planning Commission, and your Council.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Okay. Thank you, Mr. Mayer. Another question from Councilmember Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Madam Chair. As you know, there's a chance I may not be here for the afternoon session, so if I may ask Mr. Mayer a quick question. Good morning, Mr. Mayer. I'm going to pick your economics brain on a concept of supply and demand. Some folks who have expressed to me about instituting this moratorium, it could have an unintended consequences of increasing the cost of existing hotel rooms and other visitor accommodations. Would you agree with that? You know, I don't know. I guess that old adage of increasing supply will lessen demand and hopefully reduce price increases. I don't know. I question that, you know. So anyway, I just wanted to get your thoughts.

MR. MAYER: If the number of hotel rooms and vacation rentals and timeshares, et cetera, does not increase, and there is an increasing demand by people who want to come here, it's quite likely that all of those operations, hotels and others, would increase their rates. Now the question is, will the ILWU and Hotel Union 5 be able to negotiate with the managers and the owners of these properties to get better wages. In other words,

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if this is sort of...would be a windfall profit for the owners of all these hotel facilities. And so I would hope that this community will support the workers in all these places to be able to push for their fair living wage. I think we all know that many of the hotel workers are getting a wage that does not allow them to buy a house on Maui. And I would hope that if we can get a higher amount that the tourists are paying, then that will be a benefit for this community, if we can translate that into money going to the workers rather than just windfall profits for off-island international corporations.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Mayer. Thank you, Madam Chair.

CHAIR KING: Thank you, Member Molina. And, Mr. Mayer, we'll try to get you back when we get to discussion, and maybe you can share with us what, you know, the question I was trying to get from the ILWU representative, which is what is a living wage. We have a question from Chair Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. Good morning, Dick.

MR. MAYER: Good morning, Chair.

COUNCILMEMBER LEE: I was just wondering your thoughts on...as a resource person that you may not be able to come back, about the idea of having our State Representatives, our Governor, try and work out an arrangement with the airlines to limit seating coming to Maui. What do you think about that?

MR. MAYER: Well, I mean, I...the problem obviously is that it's state-to-state traffic, and I think the Federal Government, with the various laws that we have about regulating interstate travel and interstate traffic would probably make it very difficult for the State unilaterally to arrange that. The Federal Government perhaps could put some conditions down, but I would think it would be difficult. And I'm not the lawyer here, but I...from what I understand about the law, I would think it would be difficult for the State unilaterally to stop traffic coming in. So that's one reason why we on Maui have very limited ability to regulate what affects and hurts our island. One of them is providing accommodations. Unlike many places on the mainland where people can just travel across the state boundary, here on Maui, people have to fly here. And so what they do is almost every tourist who comes here makes an airplane reservation, round trip, and also makes a hotel reservation or a timeshare accommodation. So one of the ways that we can do regulate traffic coming here is by regulating the amount of space that we have to accommodate visitors. We already do this in an indirect way. We don't have campgrounds on Maui, for example. We already limited that type of tourist from coming to Maui. This would be just another type of limitation to control how the tourist industry affects...visitor industry affects our economy.

COUNCILMEMBER LEE: Okay. I can see your point, Dick, with regard to visitor accommodations, but not...the hotels have really, over the past 20, 30 years, have not grown exponentially. What has grown are the time...oh, not the timeshares, but the short-term rentals. And that's why we have so many...you know, you might say we only have 100, I would argue that there are way more than 100.

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MR. MAYER: Well...

COUNCILMEMBER LEE: And now, because the hotels will be limited in growth, we're going to get way more short...illegal short-term rentals. Because a lot of people who haven't been able to go back to work might have the opportunity to rent a room or rent their house and to make money that way, as they are now renting their cars. So that's my concern.

MR. MAYER: Yeah, I'm glad you brought that up because...

COUNCILMEMBER LEE: What do you think?

MR. MAYER: Yeah, I'm glad you brought that up because the short-term rental argument, we have to differentiate three categories. One is the illegal ones, which you're speaking of, and the Planning Director says we probably have 100, 200 of those. The second are the legal vacation rentals, where people actually go ahead and get a license for them, and they're legal. We have encouraged that. We can say let's not give any more out, that would be one way of controlling it. But the third group, and the...really the big one, and why the number of visitor accommodations has continued to go up, and why we're accommodating more visitors, are all of the units in condos that are under the Minatoya decision that are allowed and are legal vacation rentals, but they do not have to get a license. And one of the things that is a subject of this meeting, I would urge the Council to begin requiring all of those legal vacation rentals in condos to get a permit number that they would have to use when they advertise. And that would allow the State to get the GET tax, the TAT tax, and even income tax for all of those accommodations. That's where the . . . *(inaudible)*. . . although you're correct, the number of hotel rooms has gone down, but they were converted into timeshares in number of cases around the island, and the short-term ones as well. So we have not decreased the number of accommodations on the island, but we have decreased the number that are within hotels.

COUNCILMEMBER LEE: Yeah. Okay. Thanks, Dick.

CHAIR KING: Thank you. Well, we'll keep our fingers crossed that you're available for our continued discussion.

MR. MAYER: I hope so.

CHAIR KING: Thank you for being here, Dick.

MR. MAYER: I'll listen as long as I can, and I'll let you know whether I'll be here.

CHAIR KING: Well, yeah. And that permit issue was something that I proposed a couple of years ago, getting all that, you know, the Minatoya list having permit numbers. We're going to go next to our next testifier, and then we'll...after this we'll take a short break if Members are needing that. It's 10:42 right now, and we have Kara Flores standing by as our next testifier, and then we'll take a...we'll see what time it is, and then we'll take about a ten-minute break. Aloha, Ms. Flores, good to see you.

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MS. FLORES: Aloha.

CHAIR KING: Go ahead.

MS. FLORES: Thank you. Can you hear me?

CHAIR KING: We can. You might want to speak up a little bit.

MS. FLORES: Okay, I'll try to talk closer to my phone then.

CHAIR KING: Okay.

MS. FLORES: So I'm testifying on behalf of Hale Hawai'i and our supporters and group members. And I just wanted to testify in support of this resolution, and point out that the number one most detrimental thing to our environment here in Hawai'i is the tourism industry. You know, the biggest thing that we have contributing to climate change and everything else is the number of people who are flying in, you know, has a huge carbon footprint. It has a huge strain on our infrastructure and ecosystems. So as we have more and more visitors here, our impact on our future generations is a lot bigger. So there is very good reason to try and control the number of visitors here, and I think this is a move in the right direction. I think it's a first small step in a longer, bigger need for a lot more steps. There needs to be a lot more than, but I...we really appreciate that you're being brave and taking these kind of actions, and realizing there's a problem, and that we have too many visitors to our resident ratio, and we need to look at ways to control that. And if you look at other places, such as like the Maldives Islands and a lot of other places, they're starting to try go towards more sustainable and ecofriendly tourism. I think that is the way that we should be looking as well. And trying to do as many things as possible to reduce the number of visitors, to increase the quality of the visitors, and to reduce the impact those visitors have on our local environments, on the ocean, on our roads, on our water and sewage. And so I do think limiting the number of accommodations will probably increase the cost, and it will decrease the number of people who want to come here. As it becomes too costly to come, less people will come, which is a benefit to our community. I do think we need to look at policies that limit second home buying. We have a lot of people who buy second homes or vacation homes here, and they sit empty. And we have a lot of residents who do not have housing, so that's one thing I'd like to see done in the future, as well as a short-term visitor fee. I think an addition to these kind of policies would discourage people from coming here. Maybe they'll choose to go to, like, Mexico or like somewhere, which is fine. Because we have plenty of visitors, which we've now all seen with the pandemic, and at this point we're starting to have too many. So...and that's it. Thank you.

CHAIR KING: Okay. Thank you for your testimony. We have any questions for our testifier today? If not, thank you. Oh, we have a question from Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Real quick, Kara. I couldn't hear you that well. Could you tell me the name of the organization you're for?

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MS. FLORES: Oh, yeah. We're with Hale Hawai'i. We are a advocacy group to support and be a voice for underserved communities.

COUNCILMEMBER JOHNSON: Okay, great. Thank you so much. Aloha, Chair. I have no further questions.

CHAIR KING: Okay, thank you for that, Member Johnson. And we're going to right now take a short break. Let's see, it's 10:46, everybody be back by 11:00, give you a 15-minute break. And then we'll take up hopefully the rest of the testifiers. Okay? All right. Okay, if there's no objections then we'll...

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: The Committee meeting is now in recess. It's 10:47 and we'll be back at 11:00 a.m. . .*(gavel)*. . .

RECESS: 10:47 a.m.

RECONVENE: 11:00 a.m.

CHAIR KING: . . .*(gavel)*. . . All right. Back in session. Will the Climate Action, Resilience, and Environment Committee please reconvene. My name is Kelly Takaya King, Chair of the Committee. We have quorum right now to go ahead and start the meeting, and we're resuming with testimony. Our next testifier is John and Crystal Bloom *[sic]*, it looks like, followed by Christopher Delaunay with Pacific Resource Partnership. Okay, can you call on our first testifier, Wilton?

MR. LEAUANAE: Chair King, John and Crystal Bloom *[sic]* fell off the call.

CHAIR KING: Oh.

MR. LEAUANAE: We have Christopher Delaunay is on.

CHAIR KING: Okay. Followed by...can you just...

MR. LEAUANAE: Sorry, followed by Kira.

CHAIR KING: Okay.

MR. DELAUNAY: Okay, aloha. Aloha, Chair and Councilmembers. Chris Delaunay with Pacific Resource Partnership. I am a registered lobbyist with Pacific Resource Partnership. We are opposed to the moratorium that is up for discussion today, CARE-50, and we believe that's going to hurt Maui's economic recovery. Maui benefits tremendously from Real Property Tax revenue from visitor accommodations. And if this is taken away, who's going to pay for the County infrastructure projects, including affordable housing? So the burden is going to have to shift to the Maui residents to do so. And also, this will limit visitor...limiting visitor accommodations through a

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moratorium will limit the growth of other industries like construction, retail, restaurants, and many of our small businesses. These industries provide important employment opportunities for local residents, who depend on these jobs to survive and raise a family. We've also seen, from 2010 to 2019, there has been a decline in Hawai'i born...Hawai'i born residents, and an increase in U.S. citizen born and foreign-born residents on Maui. A moratorium will likely accelerate this trend, causing Hawai'i born residents and their families to leave Maui for more job opportunities and a better life elsewhere. And also, I question the intent of this bill, it's like how will this moratorium prevent tourists from coming? I mean, tourists are going to come via airplane, right? They're going to come to Maui. And aren't they going to come...they're going to come anyway and stay in local neighborhoods, you know, whether they're legal or illegal short-term rentals, or maybe even camping on private or public properties. You know, and people are still going to come to visit Maui. And as we heard before, I think the Federal Government ultimately has control over who comes and who doesn't, right? They control, I guess, the airline industry, not the counties and not the states. So anyway, I just don't see how this is going to prevent people from coming to Maui. You know, again, they're going to come and they're going to stay in the neighborhoods. And do we want them in the neighborhoods? Wouldn't it be better to have them at a resort or hotel where they can, you know, go to the pool, where they can go to the...you know, stay in that area. Kind of keep them confined in those areas more so than in our neighborhoods. So again, we are opposed to this moratorium, and thank you for this opportunity to testify.

CHAIR KING: Okay. Thank you for your testimony again, Mr. Delaunay. Any questions for our testifier? If not, I have one question for you, Mr. Delaunay. You said if this is taken away...you know, we're not proposing to take any existing hotels or accommodations away, so what were you referring to about taking away the property tax opportunity? Because that will still be there.

MR. DELAUNAY: Right. Growth...growth opportunities to get more revenue to build more infrastructure for affordable housing projects and so forth. You're going to hurt growth, and people are not going to stick around if there's no growth in Maui. We've already seen a trend where Maui...Hawai'i-born residents are leaving Maui. About 4,000 in the last ten years or so. And this is only going to accelerate that process.

CHAIR KING: And so having no other opportunities but tourism you don't think is a reason why people are leaving?

MR. DELAUNAY: I didn't say...I mean, it's always good to diversify. But tourism is a huge part of Maui's economy and economic health at this point in time. And to restrict further growth, that could impact business' opportunities to grow. I don't think it's the right move. I mean, we want to see our businesses thrive, especially our small businesses.

CHAIR KING: Okay. Well, I agree with you there. I guess we just disagree on how we're going to get there. Any other questions for our testifier? If not, next testifier, please, Wilton.

MR. LEAUNAE: Thank you, Chair. Next testifier is Kira (*phonetic*), followed by Albert Perez.

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CHAIR KING: Kira? Kira. Going once, going twice. Okay. Next testifier.

MR. LEAUANAE: Next testifier is Albert Perez, followed by Jacob Adolpho.

CHAIR KING: Okay. Mr. Perez, are you there? I see on the list that you're calling in by phone.

MR. PEREZ: Aloha. Councilmembers, can you hear me?

CHAIR KING: Yep, we can hear you.

MR. PEREZ: Okay. Sorry. I am driving, so I'm pulling over.

CHAIR KING: Thank you.

MR. PEREZ: One second. Okay. So anyway, I'm with Maui Tomorrow, and we support the proposed bill. We need to pause the increase of tourist accommodations and the related increase in tourism, and maintain the number of current tourist accommodation units until the Council passes legislation implementing recommendations presented by a Council-established Tourism Management Temporary Investigative Group. Nothing in this moratorium proposal would reduce the number of hotel jobs available. The existing hotels still have not hired back all their workers. Maui still has additional capacity with the existing hotels. And yes, the nature of this visitor industry is that it brings people here, and some of them decide to move here. That puts upward pressure on housing prices. This is an argument in favor of pausing the flying runaway train that is running us all over. If we wait until after a TIG to establish a moratorium, there'll be a rush of applications for visitor accommodations in the meantime, which would defeat the purpose of a moratorium and a TIG, which is for us to pause, take a breath, and assess the best course of action to implement the Maui Island Plan visitor industry to resident ratio. Fear of additional illegal short-term rentals should not be a reason to oppose this moratorium. Enforcement of the law against unpermitted short-term rentals is the solution, and assuming a lack of enforcement should not be public policy. The geographic extent of this moratorium should apply to the Island of Maui, otherwise visitor accommodation will...development will shift to areas outside West and South Maui. Finally, every Member of this Council voted in favor of the resolution to emphasize quality over quantity. The approval of the Maui Coast Hotel by the Maui Planning Commission showed the limitations of that resolution. The court of this moratorium should be consistent with the previous 9-0 vote of the Council, and consistent with moving our visitor industry to emphasize quality. Mahalo.

CHAIR KING: Okay. Mahalo, Mr. Perez. Any questions for our testifier? If not, we'll move to the next testifier.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Oh, you have a question for Mr. Perez?

COUNCILMEMBER SUGIMURA: I do.

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CHAIR KING: So Member --

COUNCILMEMBER SUGIMURA: Albert...thanks, Albert, for making the time, pulling on the side of the road to talk to us. So how do you propose stopping the visitors from coming?

MR. PEREZ: You know, that's at a different level of government than the County Council. So that is not something that we have the ability to do, but we can stop making it...just accommodating more of them.

COUNCILMEMBER SUGIMURA: Thank you. So we're...we don't have control over that, which is part of the objectives for the moratorium. Thank you.

MR. PEREZ: What we do have control over is the number of visitor accommodations here, and that's capped and supported by the Maui Island Plan.

COUNCILMEMBER SUGIMURA: Thank you.

MR. PEREZ: Thank you.

CHAIR KING: Okay. Thank you, Mr. Perez. All right. Next testifier?

MR. LEAUANAE: Next testifier is Jacob Adolpho, followed by Jordan Hocker.

MR. ADOLPHO: Aloha, *(audio interference)*. Can you guys hear me?

CHAIR KING: Well, we have a...we can see you, but you have a really bad connection. It might help if...it helps sometimes if you mute your video. Sometimes that helps the audio. Want to try that?

MR. ADOLPHO: Okay. Can you hear me now?

CHAIR KING: Yeah, now we can hear you better.

MR. ADOLPHO: Okay, great. Thank you. Thank you for the time today. I'd like to speak a little bit on the effects of the tourism, especially as it...as it relates to traditional and cultural practices here on the island. Just a quick background on this. I was able to...during the pandemic, to open up some salt pans in South Maui that I had not opened up before because of the impact of the visitors. During the pandemic, for about six months, I operated the salt pans in South Maui and produced a very large amount of pa'akai through these salt pans. When the visitors started to come back, they...the salt pans started to get an oily sheen over the top of them, which I took to be an impact from the sunscreen that they're wearing. I closed down the salt pans at that time, and because of the impact of visitors, I have...I have yet to fully harvest salt from those areas again. The second instance that I want to talk about is, I had the opportunity last week to gather some hau bark for the purpose of weaving. I was doing that in the Twin Falls Area. I was taking up a...a good amount of room because each one of the branches that I was stripping was about twenty feet long. I was away from where

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everybody was, and what had happened was there was a paid hiking guide that brought ten people directly into the center of where I was working. And when I asked him if he could move his people down, his exact words to me were that he does not need to move, that he has a...an agreement contract with the owners of the land, and that I need to adjust what I'm doing to fit his schedule and the wants of his people. Those two instances are...are just examples of...of many other impacts that we feel here, locally. We feel the impacts of the visitors and the...the increase of the visitors, and a...what seems to be a change in the attitude of the visitors. I would like to say that I am...I am supporting the...the movement of this...the movement of this moratorium. And that's it. Thank you.

CHAIR KING: Okay. Thank you, Mr. Adolpho. Any questions for our testifier? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you for sharing that, Mr. Adolpho. Do you know the name of the hiking company?

MR. ADOLPHO: Yes, I do.

COUNCILMEMBER SUGIMURA: Can you share with us?

MR. ADOLPHO: Sure. It's Hike Maui.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Okay. Any other questions for the testifier? All right. Seeing none. Thank you so much for being here, Mr. Adolpho, and good luck with the salt pans. Next testifier?

MR. LEAUANAE: Next testifier is Jordan Hocker, followed by Claire Apana.

MS. HOCKER: Aloha, CARE Committee, Committee Members. Thank you for hearing us today. I'm here to say I support the proposed legislation for a number of reasons. I really want to mirror the very valid points brought up by other testifiers in support of this, who have spent really, like, their free time dedicated to their research and the hours that it takes to find this sort of information and present it to you, who also were not paid to appear today. I just want to really mirror them. I'll speak specifically to unfettered growth and how it affects the environment. It really is just a simple matter of carrying capacity. You have too many people in one area, the natural resources will be eroded, carrying capacity will be exceeded. And while data for that is important, and can really come from a number of different sources, I think you only really need your eyes to see how much our coastal area has benefitted from a break in visitors. Hearing Mr. Adolpho's testimony about opening up salt pans and then that sheen that came once the visitors were here...I took my family to Baldwin at the Cove this weekend, and was like wow, it looks like an oil slick on the top of this water. But I digress. Essentially, as the data in the proposed legislation suggests, we've exceeded the carrying capacity regarding tourism, and need to find ways to come back into compliance with the Maui Island Plan. I'll use a very basic example of sand dune

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restoration, which was attempted on the North Shore. If even a few people consistently walk on a dune, it erodes the dune and inhibits the native species' ability to grow there. And they hold the dunes in place. They're incredibly important. And as you know, our beaches are disappearing due to sea level rise, short-sighted decisions in the past for beach hardening, and the erosion of our dune system. We're paying the price of that currently. I mean, there's literally structures threatening to fall into the water in West Maui. But the reason I bring this up is because the tourism industry literally relies on these environmental resources, of which they're not paying the cost of the degradation for. They rely on the environmental resources to sell the image of Maui to visitors. That's their bread and butter. And so without the natural resources and the beauty, people don't have a reason to come here and spend their money. Too many people equals an erosion of our natural resources. There's just no way around that. And as many have said, we have enough visitors, and we don't need to accommodate more and more. And what concerns me the most is, despite being heavily against any CARE-50 legislation, the visitor industry has never been able to communicate their plans to check their own growth, which leads me to believe they don't have one. And I'm deeply concerned by this. I hear that short-term rental explosion is a concern, and naturally that...that makes sense, it's logical. But I don't see how this bill in any way interferes with the enforcement of short-term vacation rentals, which require a permit to be approved, and therefore, we can absolutely control that. In regards to the placement of Hawaiian born people, or Hawai'i-born residents, tourism brings people who choose to move here. Albert Perez was absolutely right. That really is an issue that can be solved. I am a member of a Facebook group called Maui-bound, and it's really alarming the amount of people who are choosing to buy houses here right now. Maybe the industry which boasts employing so many people could pay people an actual living wage, and they'd stay here. We are at comparing [sic] capacity. Over-tourism is on our doorstep, and this moratorium allows us to develop strategies for sustainable land use, management of water resources, of which the hotels are major consumers. We can use this time to develop strategy and implementation that reduces visitor need for car rental, thus bringing up traffic congestion and reducing our carbon footprint in Maui County. We need this for our entire island. Please...as a Kula resident, please, the entire island. We just need time, and this moratorium will give us time . . . (*timer sounds*) . . . to figure out these issues. Thank you.

CHAIR KING: Perfect timing, speaking of time. Thank you for your testimony, Ms. Hocker. Any questions for our testifier today? We have a question from Councilmember Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Real...real quickly, when I...when I listen to a testifier who I...I agree with, I try to come at them with like the opposite side of the debate. But you...you killed it. I don't know, I don't have anything. So the only thing I'm asking is, can you send me the...your written testimony? That's all I wanted to say.

MS. HOCKER: I'd be happy to.

COUNCILMEMBER JOHNSON: All right. Thank you, Ms. Hocker. Thank you, Chair.

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CHAIR KING: Thank you, Ms. Hocker. And feel free to send it to the whole Committee, if you'd like. Okay. Any other questions? All right. Seeing none. We'll go to our next testifier.

MR. LEAUANAE: Next testifier is Claire Apana, followed by Amber Coontz.

CHAIR KING: Okay, Ms. Apana. Claire, are you there? I saw you earlier. Is she still on, Wilton?

MR. LEAUANAE: Yes, she is.

CHAIR KING: Oh, there she is. Okay. We see your room. Okay. We...if...maybe she's indisposed right now. We can go to Amber Coontz and come back to Claire Apana.

MS. COONTZ: Aloha.

CHAIR KING: Aloha.

MS. COONTZ: I'm going to try and do this quickly. I have a lot of data, and I'm pretty nervous. This is my first time joining a meeting. I just want to say mahalo to everybody for allowing me to give testimony. I am going to go over to my written testimony to help me out here. My name is Amber Coontz. I'm a resident of Lāhainā. I'm a part-time teacher with HIDOE and a part-time restaurant employee. I support this bill. I support a moratorium on all visitor and tourist accommodation for the...or yes, visitor and tourist accommodation for the following reasons: Maui's current infrastructure is inadequate to support pre-pandemic levels of tourism experienced prior to March 2020; waste and sewage treatment facilities and cesspools, roads and parking, medical facilities, and electrical grid and supply are all in need of updates to support Maui's current resident...resident and visitor population; Maui has severe droughts and water shortages that require residents to restrict water usage multiple times each year; Maui's near-shore roads are under excessive stress from coastal erosion and high traffic volume from residents and tourists; 66 percent of Maui County residents agree the island is being run for tourists at the expense of local people, that's according to the HTA resident sentiment survey 2020 highlights. Surveys from the HTA and local media...I believe, today local media just had another survey report from UH, showing that residents overwhelmingly agree pre-pandemic levels of tourism were too high, and are now too high again. Despite claims from government officials about regenerative or responsible tourism, Maui is already back to pre-pandemic visitor numbers, and this is not including international visitors that come from Europe, Canada...where else do they come from...of course, Australia, Asia. These visitors are still not here yet, and we've already hit pre-pandemic numbers for March, April, and May. I found these from the DBEDT visitor statistics. May 2021, Maui had 189,000 visitors; April '21, 164,000; March '21, 155,000. Even with these visitor numbers...we don't have the occupancy for May yet, but we do have occupancy for March and April, and hotel occupancy during these times...let's see here...sorry, there's so much data. According to HTA, April '21, hotel occupancy was 62 percent; March '21 was 49 percent. That's even with the pre-pandemic numbers matching what we had here during '21. Also, vacation rentals for that time, according to HTA, were at 70 percent for April, and March for 68 percent.

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I'm just wondering where all these people are staying if they're not staying in vacation rentals and hotels, but we're back to the same numbers, even without international arrivals or visitors here. Also, *Star Advertiser* had an article recently...the Hawai'i Department of Taxation showing that many of the legal vacation rentals are not paying TAT and GET. . . .(timer sounds). . . Oh. Sorry, I have so much. So much...there is so much data, and it's not easy to get in in three minutes. I apologize.

CHAIR KING: No, that's great. If you want to take a sentence or two to wrap up, you're welcome to do that. And I'm sure we'll have requests for you to send in your written testimony with all that wonderful data that you've collected.

MS. COONTZ: Thank you very much. So written testimony has been submitted. Also, I just wanted to say that I'm not anti-visitor or anti-tourism. I moved here in 2002 with a hotel, restaurant, tourism management degree. I've since gotten a master's in curriculum and instruction for teaching ESL. I am not anti-visitor or tourism, I am pro-sustainable management. I think that Maui should follow Palau's model. I have not been there, but they do have a model of decreasing visitor numbers while increasing visitor dollars. Maui has finite resources and finite space. It's not a smart business plan, and it's not even a...a possible business plan, for people to...or for businesses and tourism to say that we're always going to continue growth. That's not possible. So when...when are we going to start looking at options to increase spending and decrease visitors?

CHAIR KING: Okay. Thank you so much for your testimony, Ms. Coontz. And just to let you know, there is a sustainable tourism summit being planned by the Climate Action Advisory Committee, and they are planning to bring in an expert who had worked with Palau on their model. So I'm glad that you mentioned that. Any questions for our testifier? We're going to get...we're going to get her written testimony. So appreciate...yeah, I appreciate you doing all that work and getting all that data in one place. That's really helpful. Okay.

MS. COONTZ: Could I ask...could I ask one quick question, if I'm allowed?

CHAIR KING: You can try. I don't know if we can answer it, but go ahead.

MS. COONTZ: So one of the major points I didn't get to is we hear a lot about requests for data from people who are not supporting the bill, but my question is, where...what's the data...is there data about what kind of jobs and what the pay would be from these jobs for additional development. Because we hear about, you know...from the opposition, it's always about jobs. So are these \$10 an hour jobs, are these \$15 an hour jobs, are they casual hire jobs, are they full-time, do they have benefits? What --

CHAIR KING: Okay. Well, the answer to your question is...is all yes. But that was a question that...that we will be asking of the ILWU representative who testified, because he couldn't give us an answer on what a living wage was. And so we're going to ask that question formally.

MS. COONTZ: Okay. Thank you.

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CHAIR KING: Okay. Thank you, Ms. Coontz. All right. Wilton, next testifier.

MR. LEAUANAE: Chair, if it's okay with you, John and Crystal Bloom...Blumer-Buell are back on. Would you like them --

CHAIR KING: Sure.

MR. LEAUANAE: -- to testify before Claire Apana?

CHAIR KING: Okay, we'll put...we'll...we'll call them, and then we'll call Ms. Apana next.

MR. LEAUANAE: Thank you.

MR. BLUMER-BUELL: Hello, Chair. Can you hear me?

CHAIR KING: Yes, I can. I can hear you, John. I can't see you, but that's okay.

MR. BLUMER-BUELL: That's okay. I'll just be picture-less today. I called up because I supported your first moratorium, and mahalo, but, you know, the obvious thing is it's not helping Hāna. And just remember, everyone on this island tends to come to Hāna, so everything you do in Kihei, West Maui, it's affecting Hāna negatively. A little background: I helped to write a 1994 Hāna Committee Plan. I was a member of GPAC. Believe me, we looked at all the pros and cons. There's no argument. The...I'm sorry the...I wish ILWU and the others would come up with some facts. I mean, it reminds me of something I hear people say about garlic: too much is never enough. And that's what they're saying about tourism. Too much will never be enough. Too much will never be enough. And look, if your moratorium was for ten years, I'd support it. But it's not...you know, we had to call time out and...so I'm so glad that Dick Mayer has stayed involved. You know, that's excellent. Dick's a great resource. But I'll tell you a short story. In 19...mid-1980s on a Committee Association, I was on the board, we recognized over-tourism then. Hamoa Beach was overrun with tourists, and we knew it. We took pictures. We let people know. Dr. Milton Howell, a dear physician to many in Hāna, an old friend, him and I proposed a...a toll road for the Hāna Highway back in the mid-1980s. And it didn't catch on for a number of reasons, but the point is the Hāna Committee recognized all this back in the mid-'80s. Moloka'i, same thing, you know. So I'm just saying this is a good thing you're doing. You know, I think that's...I really wish these people that are arguing against it would have some facts, you know. And one of your earliest testifiers talked about some old songs by Joni Mitchell and others, the Eagles, and I'd like to mention one by Kris Kristofferson called "Love of Money". Love of money is the root of all evil. That's all that's going on here. That's from the Bible, it's not from Kris, it's not from me. But that's what's going on here. It's money over...over human values. And last thing, look, we're all humans, we're all here. The tourists are humans. They're looking for relief, for a good time, for something better. . . .(timer sounds). . . Let's all...you know, God bless us.

CHAIR KING: Okay. Thank you for your testimony, John. I appreciate it, and appreciate getting perspective from...from East Maui. Any questions for our testifier? Seeing

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none. Thank you for your testimony and, you know, thank you for...you yourself for being involved in GPAC, and for staying involved all these years, as well.

MR. BLUMER-BUELL: Mahalo. Thank you.

CHAIR KING: Oh, we have a...you have a question? Okay. We have a...we do have one question for you, John. Don't go away.

MR. BLUMER-BUELL: I'm still here.

CHAIR KING: Our Council Vice-Chair Rawlins-Fernandez has a question for you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make it quick. Mahalo for your testimony, Mr. Blumer-Buell. So in the current bill that's...that we'll be discussing today, it includes the creation of a Tourism Management Temporary Investigative Group, a TIG. And so I think everyone on this Council agrees about the impacts to East Maui, specifically Hāna. And so this TIG can address some of those impacts. Do you think that would be a good idea?

MR. BLUMER-BUELL: Yes. And let me give you a short example, Vice-Chair. At Kapueokahi, that's on the bay, we've had raw sewage going into that bay for fifty years. It's still...it's a disaster. Nothing's been done. And that's one of many issues that need to be looked at. That's just one. There's so many. So yes, a TIG would be good, TIG would be good. I hope it's not just County. Make it balanced...some people...I mean, I'd even serve on it if asked. But I'm just saying, you need people that have been, you know, that have been suffering to be on there too, you know. Not just people that have money interests or want to gloss things over, you know. There's an old saying: life is what's happening...what happens while you're busy making plans. And we've been busy making plans for 50 years, and look what's happened, you know. So God bless you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Blumer-Buell. Yeah, the voices of the directly impacted will definitely be included. Mahalo. Mahalo, Chair.

MR. BLUMER-BUELL: Good.

CHAIR KING: Mahalo, Vice-Chair. And Mahalo to you, Mr. Blumer-Buell. It looks...it's sounding like we can actually create a mix tape from all of the songs that have been mentioned in this meeting. Okay. Next testifier. I think we're going back to Claire Apana. Are you there, Claire? Oh, I don't see her. We'll keep her on the list. Hey there...oh, one more time, Claire Apana? We'll keep you on the list and go to the next testifier. Wilton, can you call the next testifier?

MR. LEAUANAE: Next testifier is Bruce U'u. He's currently the last one signed up.

CHAIR KING: Okay. Mr. U'u? Oh, sounds like maybe he dropped off as well. Bruce U'u? Okay. One more time for Claire Apana. Okay. Do we have any...anybody else signed up?

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MR. LEAUANAE: There are no other testifiers signed up.

CHAIR KING: Okay. If there's anybody here who wishes to testify who isn't signed up, please unmute yourself and speak up.

MR. U'U: Hi. Sorry. I'd like to testify.

CHAIR KING: Oh. Go ahead, Bruce U'u.

MR. U'U: Good morning, everybody. Yeah, computer issues. Thank you for allowing me to testify. My name is Bruce U'u, lifelong resident and representative for the Carpenters' Union on Maui. I support managing tourism, probably don't support the bill. I read in the newspaper that...again, I support management of tourism, and I support certain regulations in certain areas for tourism. I think we should go regulate beaches or commercial operators for that, for certain areas that we can utilize the beaches. And I guess, I...we should also look at...my whole thing is the plane's still coming every day. And like the car rentals, I think Councilmember Alice Lee brought up, people going be renting out the residential component to their houses like they're doing their cars. They're continuously coming here. And I'd rather have them in select areas where it was intended for them to go. I feel we should go after the illegal part-time rentals, at the same time take back the residential units that we lost, because at one time I...I thought was one to eight that were legal. And I could be wrong, but we got to get back that market, and this...starting of a process where we can regulate. There's no regulation in a short-term. There is no permits needed to create one short-term. Everybody going illegal. At one point...the biggest supporting right now...at one time, 8 percent of the total annual budget came from permitting fees, and that is a percentage. This is who it's going to affect, and it's going to affect the people I represent and myself in the construction industry. Any new...and it's going to affect the planners, the architects, the engineers, the people doing the EIS studies, the cultural specialists, the masons, laborers, carpenters, electricians, plumbers, glazers, plasterers, drywallers, rock builders, vendors, produce suppliers. That's...that's livable wages. We're not...and we're not talking about the increase of property taxes. We're not talking about the continued annual income through TAT or the fees that goes to affordable housing, whether it be cash or build out. It will affect a great number of workers who get paid the livable wage. And we...we are...we're going be losing a huge percentage, a big chunk of our market share that will decrease. And people will move, because they are moving. They in Vegas. We going to lose a bunch of workers, and a lot of them are born and raised here. We need to create more opportunities for our guys. And if you guys want to create a new area where you can create livable wage, call me up. I mean it too. But right now this would affect our membership . . .(timer sounds). . . for every construction worker in Maui County. Thank you.

CHAIR KING: Okay. Thank you for your testimony. Any questions for our testifier? Question from Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. U'u. Thank you for your passionate [*sic*] testimony. I...I really got to commend you, you came up with solutions, you didn't just shoot down the bill. So I don't agree with your solutions, but

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I still got to give you credit for that. So I just want to ask you a quick question. You know, we've heard from the hotel industry how hard the pandemic hit that industry. But I've also heard that the construction industry has...has had a boom during COVID. Now you're...you're the...you're in the Carpenters' Union. I'd like to hear from you with your...boots on the ground and your experience. Have you...have you...have your worker guys...have they...have they suffered under the pandemic, or are they back at work? How's that going in their...in their lives?

MR. U'U: I think kind of a two-part question. So a lot of our people, during the pandemic, their wives worked in the tourist-related industries like me. So a lot of them lost half...half of the...like my wife didn't work for a year. So it affected us. In the...in the construction sector, you brought up a good point because the increase of construction went into 'ohana units and single family units, or units on ag properties. That doesn't directly tie into the work we do, the bigger...the guys...the work that we do. So our construction in our, I guess, market share is going down right now. So a lot of the projects you see, like Maui Lu, they...they're making them smaller because it...the risk...the risk factors are high. So...and again, we depending on County funds and Federal funds, and I think that group could be managed. But we diminished the construction component down with new. We diminished the CIP work because of funds, unless you guys get something that I don't know about. We diminish that, you...you...we basically lose the three main sectors of our work. So the work opportunities right now that we have, we have a lot more jobs at the tail end or ending, and a lot less starting. And a lot of it is because the...people are scared to finance bigger projects right now as it is. So you guys might be curtailing construction, curtailing it just with the market right now. It's doing it itself. It's self-regulating as we speak.

COUNCILMEMBER JOHNSON: Okay. Let me just clarify, then, Mr. U'u. Are your...are your guys back to work right now?

MR. U'U: We got...we got a lot of people not working for us. So this is the slowest we've been in years, in years, right now.

COUNCILMEMBER JOHNSON: Do you have any numbers, or any data to back that up? Can we --

MR. U'U: Well, I'd say...I'd say...I say we got 30...30 percent not working right now, of 500 people. And it's going to get greater. I can't tell you what it...what happens next year. I wish I could. But doesn't look bright for us.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you, Mr. U'u. Thank you, Chair. I have no further questions.

CHAIR KING: Okay. Thank you, Mr. Johnson.

MR. U'U: Thank you, Councilmember.

CHAIR KING: Any other questions for our testifier? Mr. Sinenci. Mr. U'u, we have one more

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question from our Committee Vice-Chair.

MR. U'U: Thank you.

VICE-CHAIR SINENCI: Thank you, Chair. And aloha, Mr. U'u, for your testimony this afternoon, almost. So just clarifying, you mentioned there's about 500 construction workers on Maui that are out of work, and I know we've been seeing --

MR. U'U: No, just...I'm --

VICE-CHAIR SINENCI: Oh, just...go ahead.

MR. U'U: Just carpenters. Just the carpenters are 500. That's our group.

VICE-CHAIR SINENCI: Oh, just the carpenters?

MR. U'U: There's a bunch more.

VICE-CHAIR SINENCI: Okay. Because is the union doing anything about the...the projects bringing in workers from off-island. Because we're seeing a lot of the off-island workers also coming and taking up some of the Maui jobs.

MR. U'U: You...you know, good question. The bulk of the guys all from here because the cost is too expensive, yeah. And we...we take care of Lāna'i also, by the way. Maui County, right. So we take a lot of people to Lāna'i because there's only...only so much pay per...on Lāna'i. But the bulk is here. Would be about the same ratio as our guys on Maui working on O'ahu. Get certain people that work for certain companies, like I did for years. I worked with dredging, so I flew to Lāna'i. So the ratio, in comparison, from Maui people to...traveling islands, or O'ahu people to Maui, probably is the same, you know, as a ratio-wise.

VICE-CHAIR SINENCI: Oh. Oh. Okay. So you...so are you saying that --

MR. U'U: So normally...sorry.

VICE-CHAIR SINENCI: Some of those might be skilled workers, you're saying, that are coming in from...from the outer islands?

MR. U'U: I think...I think a lot of them are the superintendents that come here. But the workers, it's just a lot cheaper and more cost effective for them...for them for get them from here. Normally companies bring...some of the companies bring their core workers here, the core. But the bulk of them is here, like the dredgings, the Nordics, even the superintendents are from here on the union side. Or we tell them...we tell them this: hey, you can bring one guy for every so much guys that we give you. And that one guy might be one superintendent, you know. So we strive on 90 percent or more, including superintendents, come from this island, or Maui County, I would say, because we have a lot of Moloka'i people also working on Maui.

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VICE-CHAIR SINENCI: Okay. And then my second question was, you know, during our budget proceedings, you know, the Council did vote to put an additional 7.4 million into affordable homes projects, and...with the intent to help some of our local contractors, you know, with, whether it be land acquisition or infrastructure. Is...is this something that the...the industry could switch? You know, should this moratorium go through, and that we can focus more on affordable housing?

MR. U'U: You know what, in a perfect world, I would have to agree with you, but how long going last? And I agree, and we got to get...so our members got to work to qualify for earn the housing, but that's the best...I'll be honest, Councilmember, that's the best kind of projects we could always ask for, is to build affordable housing for our own people, you know. So I would agree with you. I'm hoping, if it big enough, I have no idea. Time will tell though.

VICE-CHAIR SINENCI: Okay. Mahalo, Mr. U'u. Thank you, Chair.

MR. U'U: Aloha.

CHAIR KING: Okay. We have another question from Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Hi, Bruce. Thank you for being here. So I just wanted to clarify. I thought...did you say you had 500 members, and that a certain percentage were not working, or did you say you have 500 members not working?

MR. U'U: No, no. We have 500 members, and my...my guesstimate is about 30 percent is currently laid off, so a lot of the apprenticeships. Just mind you that we not taking anyone new. And you know, summer's coming. And also, this is when we get the spike increase with people calling. Now, only speaking on behalf of the Carpenters' Union, not the mason, electrical, plumber, and so forth, right. So we dwindling down, we are not currently hiring, we get one hiring freeze, because again, our projections show that we're going to get slower.

COUNCILMEMBER SUGIMURA: Oh.

MR. U'U: That's what it is. That's the truth, right. So --

COUNCILMEMBER SUGIMURA: Oh.

MR. U'U: Not a good time at all. It's cyclical though.

COUNCILMEMBER SUGIMURA: You think this moratorium, then, would affect your members that are not working?

MR. U'U: You know, the money was brought up about the 7 million affordable housing, which I love, because I'm a proponent of affordable housing, but some of these hotels coming in 130 million, and then, you know, and they...they hire a lot of people. So I...you know, best case, you know, we do all affordable housing for everybody, we all good. How you get the financing to build it for everybody, good luck. I think we need to have

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some private investors coming in also, to balance...balance it out for people like us here.

COUNCILMEMBER SUGIMURA: Thank you, Bruce. Thank you, Chair.

MR. U'U: Thank you.

CHAIR KING: Thank you, Member Sugimura. So Bruce, I have one question for you because, you know, I've been hearing that the construction industry is so booming right now that construction materials are three or four times as much as they used to cost, if you could even find them. It's hard to find a contractor who's not busy. So...but it sounds like your...your union is a little bit different from what's happening in the rest of the construction industry.

MR. U'U: Good question. Thank you for that question, by the way. The contractors you speak about is the guys with the pickup trucks that going to the houses with two or three people that not...not paying livable wages, and they're not...they're not even getting any medical benefits. But they are in a boom, you're absolutely right. The cost for the...the cost of material expenditures was due to the...the mills shutting down during COVID. So the mills shut down, kind of like the rental cars, which, you know, the mills are shut down. Nobody was making material. You had the spike of house building that increased it, and I think they're price gouging, if you ask me. My two cents, but, yeah, yeah, I mean. But the small mom and pop, which is great for them, they are busy. But the bigger guys, they're not as busy.

CHAIR KING: Okay. Well, that's interesting because, you know, it just seems like if we're going to have this booming construction, like you said, we'd rather have it in affordable housing. And the 7 million that was talked about earlier is an additional 7 million on top of the 4 percent that was put into affordable housing, on top of the 12 million or so that was already in there. So on top of the four or five projects we have coming up that I know about in South Maui in affordable housing that we've approved, you know, I think there's a lot more going in in other areas as well. So I appreciate your support for affordable housing. And that's what we want to see you guys building, right, because those are homes for your guys. So, you know...so anyway. Thanks for...thanks for being here and for your support for affordable housing. I appreciate it.

MR. U'U: Thank you. Aloha. Thank you very much.

CHAIR KING: Okay. Next...I think we have one or two more testifiers who signed up.

MR. LEAUANAE: Yes. Next testifier signed up is Tom Bacon, followed by Tom Croly.

CHAIR KING: Okay. Mr. Bacon, and then we can...I'll...at the end of this, I'll call and see if Claire is still here. Mr. Bacon?

MR. BACON: Hi. I submitted written testimony in lieu of oral, as long as the comments section on the agenda page is where you submit written testimony; is that correct?

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CHAIR KING: Yeah, eComments.

MR. BACON: Yeah. Okay. So I...I could...I had...I'm off of doing...I could present it here though. If you give me just a second, I'll find it. You caught me off guard. I thought I was off the list.

CHAIR KING: You actually were, but then you came back on the list.

MR. BACON: Oh, okay. Yeah, I...my internet has been going in and out. So basically --

CHAIR KING: If you want you can...if you want you can just summarize for us.

MR. BACON: Okay. So the moratorium should be passed. And counter to what other people have said, this is not a prohibition. It's simply deferring further development for tourist accommodations to give enough time to determine whether or not the benefits outweigh the costs. It gives Maui leaders two years to plan the management of the over-tourism, which has shown its head in the last few years. And it's particularly bad and evident on the Hāna side, at least, this year. I don't know about your guys' side of the island. The lack of data is the precise reason this moratorium should be implemented. It's not a justification for continuing without a moratorium, as others have argued. It's why we need a moratorium: collect the data. The deferrals of two years won't result in any long-term impact, negative impact. But not having moratorium will cause a negative long-term impact, or certainly could. Illegal short-term rentals should be investigated and shut down effectively, rather than becoming a reason to dismiss a moratorium. For example, the only illegal STR I know of in the last few years was shut down after a single rental, proving it is possible and reasonable to enforce this. Also, you know, short-term rentals shouldn't include these vehicles that include beds, car-top tents, and sinks and showers. They're another way that hasn't been addressed, but that's how people are coming and doing a lot of damage here. Also, there should be no exclusions at all for this moratorium. The only thing that should be allowed is something that's already been approved and is going forward. If it hasn't broken ground in a substantial point, it should be deferred for two years. There shouldn't be any ability to start any project that expands footprint during the moratorium--footprint or bed space, I should say--during the moratorium. Thank you very much for what you're doing.

CHAIR KING: Okay. Thank you, Mr. Bacon. Any questions for the testifier? If not, I appreciate you coming back on and giving us your thoughts, Mr. Bacon. Have a great day. And we'll call on our --

MR. BACON: Thank you.

CHAIR KING: -- next testifier.

MR. LEAUANAE: Next testifier is Tom Croly.

MR. CROLY: Aloha, Committee. Aloha, Committee Chair King. Tom Croly, testifying on my own behalf. I want to tell you a brief story. North Face is a company that sells clothing

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for outdoor activities. They market themselves as an environmentally conscious company. Last year, Innovex, an oil services company, placed an order for 400 North Face jackets with the Innovex logo on the jacket. North Face refused that order, saying that putting the logo of a company associated with the oil industry was not consistent with the North Face values. Earlier this year, the Colorado Oil and Gas Association presented a customer appreciation award to the North Face company. They pointed out that almost all of North Face products are produced from polyester fabrics that are petroleum produced materials. The irony of this dichotomy between North Face's values and the products they sell couldn't be more apparent. I see a similar dichotomy between that...the many testifiers who are among the 50,000 new residents in Maui over the last 25 years, who are now saying the roads, the beaches, have gotten more crowded. Well, yeah, because you're here. Certainly, we know that there's more visitors. But is it the people who've moved here, or is it the visitors? I also see a dichotomy between the Council's actions in 2019 that created 1,700 new short-term rental vacation condos through real property tax policy, and is now saying, oh, we want to limit visitor accommodations. What do you think those people who you just doubled their taxes because you called them a short-term rental are going to do? Finally, I'm questioning the basis for the justification of this measure. This measure has defined visitor accommodations, but does not include second homes of part-time Maui residents. And it is those second homes and those part-time Maui residents that have pushed that ratio that you speak of beyond the three to one. We have more than 20,000 visitors a day that are staying in second homes, not short-term rentals, not permanent short-term rentals, in any way, shape, or form, and they are counted as visitors. Many of them are six-month residents. They come here from Canada and they stay six months. So you're counting them as part of this justification for exceeding the three to one ratio. I think you need to better break that out. This measure is being proposed as part of Chapter 20, Environmental Protection, and I don't believe that this measure has established a clear nexus between visitor accommodations and environmental impacts. It really needs to go through a vetting process before you can say that has been established. I do believe that Maui County should do more to help manage its growth, . . . *(timer sounds)*. . . do more for environmental protection, and compliance with laws. And I think you all know that no one, no one has done more to help with compliance with laws, and collection of proper tax revenues, than myself. But I don't think this measure is going to have the effect that you hope it will on environmental impacts. Thank you, Chair.

CHAIR KING: All right. Thank you for your testimony, Mr. Croly. Any questions? Okay. Seeing no questions. We'll thank you for your...oh, we have one last minute question from Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I know you're pretty good about this, but, Tom, you're going to submit your written testimony. You can just sent it --

MR. CROLY: Sure. I can --

COUNCILMEMBER SUGIMURA: Okay. Thanks.

MR. CROLY: I can send this in. I did write it out while we were...while I was watching the

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testimony today. Sure.

COUNCILMEMBER SUGIMURA: Thank you.

MR. CROLY: Good luck, everybody.

CHAIR KING: Okay. Thank you. And we'll make one last call to see if there are any other testifiers. Speak now, forever hold your peace. Okay. Members, it looks like we're at the end of our testifier list. Any objections to accepting written testimony and closing public testimony at this time?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR KING: Okay. So ordered.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR KING: All right. Well, we're also coming to the end of the three hours allotted for the morning session of this Committee. We could go into a brief discussion while we have Mr. Molina here, since he won't be here, available, after lunch. How much time do you have, Mr. Molina?

COUNCILMEMBER MOLINA: Madam Chair, I can stretch it. I can...1:00.

CHAIR KING: Okay. If everybody's okay with that --

COUNCILMEMBER SUGIMURA: Chair, I can't stay past 12:00, so...I have an appointment. Thank you.

**CARE-50: MORATORIUM ON VISITOR ACCOMMODATIONS
DEVELOPMENT(CC 21-232)**

CHAIR KING: Okay. So we can...we can start a discussion, see who can stay, and how long they can stay, on the proposed bill. And I'd like to give...with whatever few minutes we have, I'd like to give our Council Vice-Chair an opportunity to present the bill, and at least we can get through, hopefully, an initial round of questions. Would you like to share the bill and present your proposal? And also, I really want to thank you for stepping up and getting on this right away, because that was my intention of not filing the items. A lot of people were calling for expanded geography coverage for the moratorium. So thank you for doing that, and we'll turn the floor over to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll provide some opening comments. Okay. Would everyone mute, please? There's some feedback. Mahalo. Okay. Okay. So this bill is to complement our Committee Chair's bill from last week. As we heard in testimony, the airlines are looking at increasing 5,000 more seats per day. That is incredibly alarming. As another testifier correctly pointed out, the tourism

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industry and the Chamber of Commerce has yet to suggest a cap to control its own growth for its own good. So I'm left to assume that they must support unbridled growth, regardless of us continuing to violate the Maui Island Plan. If someone was wounded and started to bleed out, would we allow the person to lose pints of blood while we talk about how to heal the wound? No. That would be ridiculous. This moratorium is intended to stop the bleeding while we figure out how to heal the wound. For at least a decade before the pandemic reached our shores, the public had been audibly unhappy with the under-regulated growth of tourism accommodations in both transient zone areas, as well as in our neighborhood...residential neighborhoods. One testifier described it as a runaway freight train, and yes, that's what it feels like for so many. The continued development and availability of transient accommodations created space for tourists to temporarily stay while traveling here. And without natural accommodation caps, or regulated limitation of space...places to stay, what resulted was tourists counts soaring, while simultaneously, resident quality of life plummeted. Tourism is an extractive industry, that when left unchecked, causes negative impacts on the environment, overwhelms existing County infrastructure, and negatively impacts residents' quality of life. When the pandemic began, a large amount of the on-island rental vehicles were shipped away. Since that time, we have realized firsthand what limiting the supply of a tourist...tourism-related commodity does, as tourists are willing to rent at a premium to drive on our islands while staying here, which has been quite lucrative to the rental companies and residents alike. At the same time, limiting transient vehicles created a natural cap, wherein tourists that cannot find a vehicle to drive for the...for their stay rebooked their vacation for a later time when a car is available. What we gain from that experience is a foundational understanding that when we are given the opportunity to pause, step back, and take a breath, and examine what quality versus quantity can truly mean, it is clear that we have been unnecessarily overrun, and that less is more...has possibly never been more compelling or more important to harness than it is now. We all know that it's important for us, especially as legislators, to adhere to the laws that we create. The Maui Island Plan, adopted in 2012, codified in 2.80B Maui County Code, includes a policy calling for a daily visitor count not to exceed one-third of the residential population. Nearly a decade after passing that policy, Maui County now finds it...finds ourselves dramatically exceeding the codified visitor-resident ratio, with a daily visitor census, that according to the State of Hawai'i Department of Business, Economic Development, and Tourism, has grown from just over 46,000 in 2010 to nearly 70,000 in 2019, while resident population has remained constant, at approximately 150,000 over the same time period. The purpose of this ordinance is to establish a moratorium to comply with the Maui Island Plan by pausing the increase of transient accommodations, and the related increase in tourism, by limiting the development of new hotels, resorts, timeshares, short-term rentals, and transient vacation rentals on Maui Island for an interim period. This moratorium will maintain the number of current tourist accommodation units until we pass legislation addressing the findings and recommendations presented by the Council-established Tourism Management Temporary Investigative Group, or two years from enactment, whichever is sooner. Interim restrictions on new tourist accommodations will maintain the status quo, and allow us the time we need to adequately study and implement legislation relating to better management and regulation of the tourism industry's impact on our County's environment and residents' quality of life, and provide the County with clear policy direction for the day-to-day decision making to work toward

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resilience. If we do experience increased illegal short-term rentals, then we will locate them, fine them, and stop them from operating. This fear-mongering should not be the reason we not establish this moratorium. Lastly, we heard from one of our last testifiers that the market has already started to self-regulate with fewer projects coming down the pipeline. So essentially, this moratorium would not have much of an impact on the industry. And I'll share my screen now to go over some of the highlights and some of the changes that I worked with Corporation Counsel on. Okay. Sorry. One moment. Okay. Everyone can see and read it okay?

CHAIR KING: Yeah, I think we can see it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. So here in...so replacing tourism with transient, clarifying that it'll be for Maui here. So a Bill for an Ordinance Establishing a New Chapter, 20.41, Maui County Code, Declaring a Moratorium on Transient Accommodations on...oh, wrong one. Oh. Okay. Sorry. Apparently I'm sharing the wrong one. So let me get the current one.

CHAIR KING: Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But that part was correct. Okay.

CHAIR KING: Did you want to specify Maui Island, is that the intent?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, one of the intents. That's the one.

CHAIR KING: Okay. I don't know if you're trying to talk, but you're muted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR KING: Okay, great.

COUNCILMEMBER RAWLINS-FERNANDEZ: So the purpose of this ordinance is to establish a moratorium to comply with the Maui Island Plan by pausing the increase of transient accommodations and the related increase in tourism. So the moratorium will maintain the number of current tourist accommodation units until the Council passes legislation addressing the findings and recommendations that would be presented by the...a Council-established TIG. The Council believes interim restrictions on new tourist accommodations would maintain the status quo and allow County time to adequately study and implement legislation relating to better management and regulation of the tourism industry. And then a new Section 3 than what was posted on Granicus: The authority for this ordinance is Article--is that 8--of the Constitution of State of Hawai'i, the Charter of the County of Maui, as amended, and the authority granted to the County by Chapters 46.205, and 205A in HRS. So this is Chapter 20. As I stated earlier, a moratorium on transient accommodations on Maui Island, on Maui. The change from tourism accommodations to transient. Adding here, Chapter 2.80B of the Maui County Code. And then here, definitions; new transient accommodation means any structure intended to be used for transient accommodation, including hotels, timeshares, short-term rental homes, and transient vacation rental units, that is not

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in operation as a transient accommodation at the effective date of this ordinance, but excluding bed and breakfast homes. And that is intended to be...to catch...to be more inclusive with discretionary permits. Transient or transience means any visitor or person who owns, rents, or uses a lodging or dwelling unit, or a portion thereof, for less than 180 days, and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor. This definition shall not apply to non-paying guests of the family occupying the unit, and to patients or clients in healthcare facilities; full-time students; employees who receive room and/or board as part of their salaries or compensation; military personnel; low-income renters receiving rental subsistence from State or from the Government, whose rental periods are for the duration shorter than 60 days; or lodging provided by non-profit corporations or associations for religious, charitable, or education purposes, provided that no rental income is produced. And that definition can be found in Title 19. 20.41.030, new transient accommodation prohibited: new transient accommodations are prohibited in all zoning districts on the Island of Maui. No permits may be granted by any board, commission, or agency for new transient accommodations. And then exceptions: as we discussed last week, this Chapter does not apply to any new transient accommodations that has received its last discretionary approval prior to the effective date of the ordinance established in this Chapter, or that does not require any additional discretionary approvals prior to operation, as of the effective date of this ordinance, or to renovations or repairs of transient accommodations that do not increase the lodging capacity or expand structures beyond the boundaries of the existing structural footprint. Okay. I'm going to...the Council, upon request by the Director of Public Works or the Planning Director may, by resolution, approve two-thirds of the bill. Its members authorize a waiver of any provision of this Chapter. To qualify for the waiver, the Council must find that one, the proposed transient accommodation would not increase...would not increase...sorry...transient accommodations; and two, the proposed transient accommodation does not conflict with the purpose of this Chapter. Okay. And then the last section is 0.5...0...point 050, Term. The ordinance codified in this Chapter is repealed upon the enactment of legislation pursuant to Section 20.41.010, or Chapter 19.98, or two years from the effective date of the ordinance establishing this Chapter, whichever is sooner. Okay. And then, lastly...so I worked with Corporation Counsel on these edits. And so this is some of the feedback that they provided and I incorporated. The plan for today is discussion on the content of the bill, and then I would like to add a Title 19 component to the bill for additional enforcement. And I would have that sent to Council for the June 18th meeting, with a resolution to have it transmitted to the Maui Planning Commission for their review and recommendation. There's a 30-day public hearing...a 30-day notice for the public hearing requirement. And so they could...they would schedule it after that. And then we could receive their recommendations and take it up again in CARE Committee. And then if everyone agrees, we can pass it on two Reads. I have a projected timeline of that as well. And the reason I would send it to the Planning Commission is because I'm planning to add a Title 19 component to it.

CHAIR KING: Okay. And then what...can you go over...what's the 30-day public hearing? That's before the Planning Commission hears it, they need to do a public hearing?

COUNCILMEMBER RAWLINS-FERNANDEZ: That's correct. So the Planning Commission

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would need to do a 30-day notice.

CHAIR KING: Okay. And then they hold the public hearing. That does not count as their meeting. Then they would have a meeting after that to discuss the bill, or would they do that the same day?

COUNCILMEMBER RAWLINS-FERNANDEZ: I believe they could do it simultaneously.

CHAIR KING: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: But if that's incorrect, Corporation Counsel, please correct me.

CHAIR KING: Okay. Any comments from Corporation Counsel on what was just outlined as the intents? Ms. Thomson.

MS. THOMSON: Just to address the quick question on the public hearing. So once the public hearing is scheduled by the Maui Planning Commission, then they could take action on the same day following the closing of the hearing.

CHAIR KING: Oh, okay.

MS. THOMSON: Yeah. No comments on the proposal, but we're available for questions. Mike Hopper is also on the line.

CHAIR KING: Okay. Were you the one that consulted on the bill, Ms. Thomson, or was it Mike Hopper?

MS. THOMSON: Yes, both of us.

CHAIR KING: Oh, okay. Both of you. Okay. Great. Well, thank you...thank you for that. I think there was a question. Let's go...if we can go through...you know, and give everybody three minutes to ask questions. I'm going to start with Chair Lee because she's had her hand up. Go ahead.

COUNCILMEMBER LEE: Thank you. Thank you, Madam Chair. I have a question for Corp. Counsel. So my understanding that...is the bill, the way it is written now, is not legally defensible because other components have to be added in; is that correct?

CHAIR KING: You're asking Ms. Thomson?

COUNCILMEMBER LEE: Yeah, Corp. Counsel.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Thomson.

CHAIR KING: Ms. Thomson.

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COUNCILMEMBER LEE: Richelle Thomson.

CHAIR KING: Yeah, she's here.

MS. THOMSON: Thank you. Thank you for the question, Chair Lee. So in terms of the legal defensibility of the bill, or of any of the versions of the bill, my preference would be to answer those questions in executive session, since that would go to our defenses if challenged in court. So I...I'd like to reserve that for executive session if you'd like to get into more detail on that.

COUNCILMEMBER LEE: Okay. Are you saying that the way the bill is constructed now, it's very questionable whether it's legally defensible?

CHAIR KING: Ms. Thomson.

MS. THOMSON: Thank you. So that goes to the heart of what we would need to prove in court. So I don't want to get into saying yes or no at this point --

COUNCILMEMBER LEE: Okay.

MS. THOMSON: -- if the bill, as presently drafted, is bulletproof or not. But happy to go into the balancing in terms of areas of potential challenge and response in the strengths or weaknesses of the bill.

COUNCILMEMBER LEE: Okay. One last question. Does this bill...I know the Vice-Chair mentioned something about adding Title 19 in, but the way the bill is now, it tries to regulate, in a sense, Bill 19 [sic] and Bill...and Title 16 as well, right, with permits and approvals, the way the bill is right now. So it has to be changed to cover those situations.

CHAIR KING: Ms. Thomson.

MS. THOMSON: Thank you. And I believe that that was, like Councilmember Rawlins-Fernandez mentioned, is that she has...that she's intending --

COUNCILMEMBER LEE: Changes to Title 19, but what about Title 16?

MS. THOMSON: Right. So the...currently the Title 20 portion of this legislation would implicate types of...types of building permits and other approvals. And if the intention is also to add a Title 19 component, then that would address a broader range of approvals and permits that are zoning related, and also other permits that might be more of a...you know, building or other types of ministerial permits.

COUNCILMEMBER LEE: Okay. All right. Thank you. Appreciate the time, Madam Chair.

CHAIR KING: Thank you, Chair. You know, I was a little remiss in not allowing our departments to comment on the bill. So I'm going to go back to the...our resources

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here, starting with the Department of Public Works. Are you still on, Miss...Director Dagdag-Andaya?

MS. DAGDAG-ANDAYA: Hi, Chair. Yes, I'm still on.

CHAIR KING: Any comments you'd like to make?

MS. DAGDAG-ANDAYA: The only comment that I had after reading this revision is that Section under Exceptions, 20.41.050B, where Council, upon request by the Director of Public Works or the Planning Director may, by resolution, approve by two-thirds of its members to authorize a waiver. And for the Department, we were just wondering what the Council's expectation was of our Department in submitting any requests to the...to the Council. We wondered as well, if...you know, can the reso be filed by an applicant at the County Clerk's Office for it to be considered, or...I guess for the...yeah, for the Department, we're just concerned about, you know, are we now making a determination on whether or not a...an applicant qualifies for a waiver, or do we...can we just submit any request that an applicant makes to the Council?

CHAIR KING: Okay. I'll let our Council Vice-Chair answer that. I suspect it's...you know, I think there's some judgment call on whether something's frivolous or whether it's...it really...it really rises to the level of a waiver, but...was that...was that the intention, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So the question is if the Department of Public Works would be able to submit it to the Clerk's Office.

CHAIR KING: I think they're wondering what the expectation is of the...of their Department making those requests. Like, you know, it's basically, is it a judgment call, which I assume it would be, somewhat. But what...was that the intent?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And it has the (1) and (2), so to qualify for the waiver, the Council must find that, one, it wouldn't increase transient accommodations; and two, that it wouldn't conflict with the purpose of the Chapter.

CHAIR KING: Does that answer your question?

MS. DAGDAG-ANDAYA: Okay. Yeah, I guess...well, what happens is when an applicant submits a building permit application, and what we'll do is, you know, we'll review it. During the review, it...we can determine whether or not additional units are triggered or if it...does it meet the criteria in...about...well, I guess when we review the permit, we'll look to see if it's adding additional units, or if it expands beyond the boundaries of the existing structural footprint. At that time then, we will send a...like a letter back to the applicant saying that, you know, upon our review, the project does not, I guess, it doesn't meet the criteria in this ordinance. Therefore, you know, the Department, you know, we can't move forward in processing your application. If the applicant wants to request a...an exemption, you know, do we...can we send it to the Council, or do we need to make a determination whether or not it meets...it meets your criteria? I guess that...that's what the Staff is just wanting to know is, are they making that

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determination or are we just to send it to you so that you would make that determination?

CHAIR KING: Yeah. Ultimately, the Council's going to make the determination, so I think you're...you would use your best judgment on whether it would qualify. And if it doesn't, then, you know, there's no sense in sending it forward, if it doesn't meet those criteria.

MS. DAGDAG-ANDAYA: Okay.

CHAIR KING: So you know, you're...you have...you have another response, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. No. You...that's exactly the correct answer. But I guess I just wanted to ask, Director, if it's not clear enough for you, if you have a suggestion to make it clearer for your Department, I'm open to a suggestion.

MS. DAGDAG-ANDAYA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And if you don't have one now, it's also okay.

MS. DAGDAG-ANDAYA: Yeah, I don't have one right now. But I wonder, too...or, I mean, for that...when we did the sand mining moratorium, in that...in the language, in that bill's language, there was no...nothing in there that had stated upon request of the Director of Public Works, upon receipt of a grading permit application, you know, may send this to the County Council for approval. I wonder, can...would it be possible to, you know, take out that language: upon request by the Director of Public Works or the Planning Director? And is there a process for which an applicant can go directly to the County Clerk's Office to ask for a resolution?

CHAIR KING: . . .*(inaudible)*. . . without going through the Departments? That...the way it's written, it would go through the Departments. So if you have a suggestion, you know, go ahead...feel free to put something in writing and send it to the Committee if you have a suggestion for, you know, something that you think would be better language. I think that's what Member Rawlins-Fernandez was getting at, that we're...you know, we're exploring this with all the Departments right now, so if you have suggestions for changes...you know the intent now, so if you have a suggestion for a change that might improve the bill, we're open to that.

MS. DAGDAG-ANDAYA: Okay. Thank you.

CHAIR KING: Okay. And I think we have a question from Councilmember Molina.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair and Madam Director. So as I understand this, you're asking for a set of guidelines or criteria for you to make a discretionary approval. Say an applicant comes before you and they want to get a building permit while the moratorium was on so to help you make a

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discretionary decision whether to bring it to the Council, rather than potentially just take a shot in the dark and maybe, not to say waste the Council's time or your time, but this way it's easier...maybe easier for you to intercept it at your level, to consider the applicant's request, and if it meets these guidelines. So that way...I mean, I think I can see your point. So that way it doesn't waste the applicant's time and your time. Am I correct with that assessment?

MS. DAGDAG-ANDAYA: Yes, that's correct, Councilmember Molina. Because the permits that we administer are...primarily they're just ministerial, and they're reviewed against the Code, and there's no discretionary review involved. So that set of guidelines, you know, that would be helpful to us in making that determination, whether or not we send something to the Council for review and approval.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR KING: Okay, thanks. And then, you know, there's two bullet points in there that are sort of guidelines. So if you have...if you need extended guidance and you want to suggest something, then please feel free to send that in writing, Director. Okay. So no other questions, we'll go to Director Nakagawa from Department of Environmental Management. Are you still here, Eric? There you are. Okay. Comments on the bill?

MR. NAKAGAWA: No. No comments, just open to any questions any Members may have, or Chair, you might have.

CHAIR KING: Well, we appreciate you hanging around in our meeting. Does anybody have any questions? No. Okay. Well, you're off the hook. Thanks for being here, Eric. I hope it was interesting for you.

MR. NAKAGAWA: Yeah, very interesting. Thank you.

CHAIR KING: Okay. All right. Director McLean, are you on meeting? There you are. Okay. Any comments from Planning?

MS. MCLEAN: Thank you, Chair. I think that the changes that were presented today are an improvement and address some of the comments and concerns that we had, so I appreciate that. I followed along when they were presented, but I didn't catch all of them, but I do think that they caught most of our questions or concerns. One question we had for you though, assuming this passes, to make sure that we administer it as you are intending: It's not clear to us if we should not even accept applications, or if we should accept them and process them, but just not issue them.

CHAIR KING: Are you talking about applications for...as an exception?

MS. MCLEAN: No. If someone came in...this bill passes and someone says, I want to apply for a short-term rental home permit, the bill doesn't prohibit the acceptance of applications. So we could do that, I just, like I said, I want to...I want to make sure that we are administering it as you intend. Because it could say the Departments cannot accept applications for...because we could still accept them and process them,

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and just not issue them. I mean, we could issue denials, if they could be denied, I suppose.

CHAIR KING: Okay. So it's sort of the language...if we put in language saying not accept...not accept the applications, that would probably save everybody a lot of time, you know, and expense.

MS. MCLEAN: Yeah. Yeah, just...yeah. Because there might be someone who says, well, I'll go through the process and then, you know, when the moratorium's over, bam, you can issue my permit. But I don't know that that's what you're intending. So --

CHAIR KING: No, I don't think that's what we're intending, but I'll let Member Rawlins-Fernandez --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. You're correct. We can amend it so that acceptance is...isn't allowed either.

MS. MCLEAN: Okay. That makes it a lot clearer for us, so we'd appreciate that change.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your feedback.

MS. MCLEAN: And yeah, just in terms of the exceptions, the only kind of situation I could think of off the top of my head is like if someone wants to close down one operation--like they own a couple of vacation homes that one is being used for STRH, the other one isn't, and maybe they want to close one down and move it to another property--so it's not increasing the number of units. I mean, I...it...the parameters are really narrow, so I don't really see that there are going to be many occasions that would be brought to the Council for exceptions. But that was like one kind of scenario I could imagine that might come to you for approval. Because otherwise, it seems clear that just none of them will move forward. And...but I...it's nice to have the outlet in case there's some unforeseen circumstance that warrants Council's consideration.

CHAIR KING: Okay. So yeah, maybe you can comment on that, Member Rawlins-Fernandez, the idea of trading one operation for another. So you wouldn't...you wouldn't be increasing the overall footprint on the island, you'd just be changing.

COUNCILMEMBER RAWLINS-FERNANDEZ: I think in that hypothetical, it could work. But if we don't allow the Department to accept applications at all, then you won't know which ones would be acceptable.

MS. MCLEAN: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: So I don't...I...whichever you think for your Department would be easier for your folks --

MS. MCLEAN: I think it's --

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm a happy to make those --

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MS. MCLEAN: Yeah, I think just the one change to say that applications cannot be accepted. That would be...that would be very helpful. That will make it very clear. Yeah. And with that change, I don't think I have any other comments. Thank you.

CHAIR KING: Okay. Great. Thanks for that great input. That's really helpful. Any questions of the Department, Members? If not, we'll go to...oh. Director Dagdag --

MS. DAGDAG-ANDAYA: Chair, I had another question.

CHAIR KING: Okay.

MS. DAGDAG-ANDAYA: And I'm sorry. Under 20.41.020 Applicability, this Chapter applies to entitlement and discretionary approval. And like I mentioned earlier, building permits are generally ministerial. So would this...this wouldn't, then, apply to building permits.

CHAIR KING: I think as long as they're not for visitor or transient accommodations. But Member Rawlins-Fernandez, is that your understanding, too? Is that the intent, that --

COUNCILMEMBER RAWLINS-FERNANDEZ: No, it would apply to ministerial building permits.

MS. DAGDAG-ANDAYA: Oh, I'm sorry. It would apply.

CHAIR KING: For visitor accommodations, but not for...not for like home-building.

COUNCILMEMBER RAWLINS-FERNANDEZ: For all purposes. Oh, not for home, yeah.

CHAIR KING: Okay. So that's the...that's the intent, you know. And of course, if you want to talk about it more and, you know, have other language you want to propose, we're open to looking at that.

MS. DAGDAG-ANDAYA: All right. Thank you.

CHAIR KING: Okay. All right. We're going to go to...next to the Mayor's Office of Climate Action, Sustainability, and Resilience. Makale'a Ane, are you still on?

MR. DE ROODE: Aloha, Chair. This is Alex de Roode, here representing the Office.

CHAIR KING: Okay.

MR. DE ROODE: Hi.

CHAIR KING: Any comments on the bill?

MR. DE ROODE: No direct comments at the moment, but I'm here as a resource if you have any questions for me.

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CHAIR KING: Okay.

MR. DE ROODE: And we also have Management [sic] Director on the line, as well. He's available.

CHAIR KING: Oh, we do? Mr. Baz? I didn't see him.

MR. DE ROODE: Correct.

CHAIR KING: Okay.

MR. DE ROODE: I believe he's...I believe he's on.

CHAIR KING: Oh, there he is. Okay. I'll go to him next, then. Thank you. Thanks, Alex. I appreciate it. And you're going to be here in case we have questions a little bit later?

MR. DE ROODE: Sure. I can be available, yes.

CHAIR KING: Okay. Managing Director Sandy Baz, thanks for being with us. Do you have any comments? Unmute yourself.

MR. BAZ: My mute button disappeared for a second there. I had to find another version of it. Anyway, good afternoon, Chair, and thank you for allowing me to participate in today's meeting. You know, this is very important topic, very important discussion. As you know, you brought up the bill...previously in your Committee, a different bill, and then this bill as well. You know, it's something that...you know, there's two aspects of, I guess, my points today. One is, you know, as we discussed in the questions that came about from, especially Public Works and Planning, you know, the discretionary abilities that are in here is something that we try to actually prevent. You know, the Directors having the decision to, you know, be able to present something to Council or not, you know, we wouldn't know exactly when that would be. And so, you know, good criteria...and if it's strictly to...and I apologize. I don't have the new version of the bill, so if it changed, I apologize for that. But strictly to the Vice-Chair's discussion of those two points: the proposed development or use would not increase tourist accommodations, and the proposed development or use does not conflict with the purposes of this Chapter. In the example that was brought forward about, you know, changing from one location to another, I guess theoretically, in that...the application could be accepted for that and forwarded to the Council for review because it's not increasing the level of tourist accommodations, you know. So there's some discussion I think we need to continue to have on that piece of it. And I'm very encouraged Vice-Chair is going to be presenting additional language that would then have the discussion on Title 19. And also having the level of Planning Commission discussion on this item as well, I think is really important so we have a good understanding of, you know, what the intents are, and you know, what from the County, you know, perspective, we're doing. So that's one aspect of the discussion. And the other aspect comes from the Mayor, and you know, policy-based discussion on what this means. What this means for our community, what this means for, you know, the development, the tourism, you

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know, all the different aspects that have been discussed from the testimony today, and actually, for quite a long time. When the Mayor first became...came into office, one of the first things that he did was hired a tourism liaison and create a tourism task force. I forget the exact name of it. But they had...they came up with some very specific recommendations. And unfortunately, right...was right before COVID when they came out their report, and we haven't been able to implement a lot of the action items that they've discussed. But they're some of the same things that have been talked about for a long time, specifically a section of...on education of visitors, you know. We've talked about that many times, letting people know what it means to come to our community and be accepting of the culture and relationship that they need to have as visitors here, as guests here, versus just coming here and using it as a playground. We don't want to see that. We don't accept that. And it's been very concerning sometimes, the comments that are provided from visitors that make that statement, like oh, I paid lots of money to be here, I can do whatever I want to. That's not something we accept, and so something we've been working on. You know, the...lately the issue...it's come up on Hāna Highway is...has been something that has actually been quite a bit discussion, and Senator English has been working with us on different things. We are working with the State Department of Transportation on providing more signage. Right now, you know, tourists stop pretty much in the middle of the road sometimes, look at our wonderful beauty of our waterfalls, but that's...they're blocking traffic. They can't do that. So our Police Department has gone--in fact they were just out there the other day issuing citations. You know, we don't have manpower to be out there constantly, but we try our best to do...go out there. But the increased signage is something that will help. The discussion of a toll road, you know, came up, and that's come up over the years. Right now, under State law, that's not allowed. So that's something that we would need to discuss. We even...in fact, we were commenting on a bill...anyway, that's too much detail, but, yeah. So the main aspects were education, you know, the impact on our transportation system, you know, understanding of the culture and history. And we have been working with Kumu Hula on that, changing the mindset of the Hawaiian culture being something that's sold to being something that's encompassed as a part of our community. And in addition to --

CHAIR KING: So can we get...let's try to focus on the bill, get back to the bill --

MR. BAZ: So...so...yeah.

CHAIR KING: -- because we're getting into the weeds on solutions. And that's the whole purpose of the bill is to halt, put a pause so we can work on these solutions.

MR. BAZ: Yeah. So anyway, my point is...and vacation rentals was one of the big items that came up in that too. So I was getting to that point. Sorry it took me so long. But you know...and we have been working on significant enforcement. I...we haven't...we can't announce that yet right...we don't have the agreements in place yet, but we have been working on some pretty significant enhancement in enforcement, because one of the things that may be an unintended consequence of a bill like this, or the previous one, is the proliferation of illegal rentals. We definitely don't want to do that. And the whole reason why the whole short-term rental bills were put into place a long time ago was to make it so that people would do it in a legal manner, and it was controlled, and that

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we had a good environment to do that. And so it's...right now, the ability for us to control illegal rentals, you know, is being enhanced, but it's still going to be a challenge. So we're going to have to work on that. So we'd like to discuss more about that with you guys in the future.

CHAIR KING: Okay. Well, let me...can I just stop you there. Sorry, but I want to get other Committee Members a chance to ask questions. And so the bottom line is that the pause...you know, the idea of short-term rental enforcement has been around for several years, and I do believe the Planning Department is doing their best and has curtailed it somewhat. But I'm happy to hear that you're working on additional measures that could help with that. What we want is for some of this, you know, to go beyond just education of tourists, but actually look at solutions for capping the numbers that are coming here. And we hope that your...you know, that the Administration will be involved in the TIG. And we'll certainly have members of the community who have been on both sides of the issue, you know, the ones that are suffering the consequences of the attitudes you're talking about, and then the ones that, you know, are somehow afraid that this is a jobs issue. I personally don't see...I don't think most of our Members on the Council see it as a jobs issue because these are phantom jobs that haven't even been created yet, and we're just trying to...we're trying to...hoping that the jobs that we have right now in the tourism industry will get filled, because the last report I saw was only 50 percent of the workers had come back to the existing jobs. So we're not...we're...you know, we're just not buying that this is a future jobs issue...or I'm not, I should say. But what we want to do is, you know, we want...we all have made commitments to diversifying our economy, and we can't do that if we keep putting all of our eggs in the tourism basket. We can't get that...to that diversity if all we're doing is relying on tourism. And we continue to see that...you know, we put blinders on and we see that as the only option. And then we're also...you know, we're also sentencing our people as employees to average, low-income wages, because the average wage, we've heard is \$17 an hour, which, you cannot work for \$17 an hour and support a family. So those are some of the issues that we're dealing with, and we're hoping that the Administration will support this effort, because nobody here wants to shut down the tourism industry. Nobody wants to, you know, I mean, we've seen...we haven't seen a shutdown of construction. But what we want to do is to be working with the Administration in coming up with these solutions because I've been listening to this talk for a couple of years, well before the pandemic about, you know, needing to educate, and I saw the videos that the Visitor's Bureau put together. But there's been no real action to curtail the growing numbers of people that are coming here. So that's what these are about, and that's what we're asking for your support on is, let's put this pause button...let's press this pause button, let's work together on some real actions. Education is great, but education is about the tourists who already come here, you know. It doesn't stop people from coming here and stop people from renting the illegal short-term rentals and things like that. So there are...there are solutions, and I think we could spend all day talking about them, but what I'd rather do is stop the bleeding, like our...you know, our Council Vice-Chair said, and let's work on the healing solutions that...you know, going forward. So with that, I would...you --

MR. BAZ: Chair? Could I make one last statement? And then --

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CHAIR KING: Sure.

MR. BAZ: And then I'll stop.

CHAIR KING: Okay.

MR. BAZ: Yeah. Thank you. No, and we definitely will participate in the discussion. We'd like...we'd like to have this discussion. You know, we may or may not support the bill as is and all that, but we definitely want to support the discussion of it and moving forward. And as one of the testifiers, you know, so directly stated, this isn't necessarily just a land use issue that the County Council or Administration have control over. You know, the number of airline seats that have been proposed and are supposed to be coming in in July is actually significantly higher than 2019 numbers. And that is a huge concern for the Administration, and should be for the Council as well.

CHAIR KING: Yes.

MR. BAZ: But that's not something we have control over. So I think we need to truly look at what we can control, and how to address those things. And that's my final comment, Chair. So thank you.

CHAIR KING: Yeah. No, that's a...that's a great point. But I think we need that conversation to happen with Hawaiian Airlines, and I think we need to publicize the fact that we only have so much accommodation, you know, only so many beds on the island. So, you know, we got to...the education has to be to the...to the people on the mainland, the people that are coming here. We only...you know, we only have so much...and maybe one of the solutions is to fine the people that come here and stay in illegal rentals, because people do not like to get violation fines. And if we put that on the tourists as well as the people renting them then, you know, that might be a way of stopping people from coming here because they're not going to want to come here and get a fine, and they're not going to want to come here and not have a place to sleep. So, you know, those are some of the...I'm not saying that we're going to do that, but those are some of the solutions I think we can discuss together going forward. And just...this has become...I haven't seen a single person testifying against this bill who is not part of an association that's trying to grow. All of the residents that have come out have been supporting the moratorium because they're just, you know, frankly tired of all this...of all these people on the island. And they don't see a personal benefit. So that's kind of where...personally, where I'm at. I...and then...well, let me go ahead and see if any Members have any questions for the Administration while we have Director Baz here. Any Committee Members...Member Johnson.

COUNCILMEMBER JOHNSON: Good afternoon, Mr. Baz. It's so nice to see you. Okay. So I have a question off of your statements because you were talking about the importance of educating our tourists, and I appreciate that. Like what Councilmember Kelly King was mentioning, the education of the tourists is good and important. But have you reached out to the industries? Have you tried to educate the airline industry on what 5,000 seats would do to this community, in addition? Have you educated the building industry on what their impacts are? Have you educated any of the other sectors of the

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tourist industry, besides just the tourists? Thank you.

CHAIR KING: Director Baz.

MR. BAZ: Yeah. I know the Mayor has had discussions with the CEO of Hawaiian Airlines, you know. But it's not just Hawaiian Airlines, right? We're talking large, you know, multinational corporations that are selling as many seats on planes as they can to get here, and some very cheaply, you know. So that is, you know, definitely an issue. And we have had multiple discussions with the hotels about increasing, you know, their education with the residents...I mean, the visitors that come and their guests. But I think to a certain extent, the Chair's right, as the education needs to happen on the other side of things. You know, one thing that has happened that...actually Maui is...been having for a while, is that our visitor accommodation rates, the room rates, are the highest in the State, and they have always been the highest in the State. And that's because of the...of the demand, right. We're talking about a demand and supply issue. The demand is significantly higher than the supply already, and so that's how they can, you know, charge an average daily room rate of 4 or 500...I mean, you know, we're in a pandemic still, and they're still...the...I think the average daily room rate was nearing \$500 already a day. This is because the demand is so much higher than the supply. So increasing the supply even a little bit at this point isn't going to slow down demand. You know, we need to address the situation from that standpoint of, you know, how do we deal with the demand. And the demand is people that want to come to see our beautiful island. They want to experience the aloha that we're so well known for. They want to enjoy this beauty and this ambiance and this culture that is so attractive here. You know, I mean, if we were a crime-ridden, you know, manufacturing community, it wouldn't be, but we're not. We do take care of our resources. We do take care of our environment. We do take care of the people to the best extent possible. And that's shown in the demand. Sorry. I will have long answers, Councilmember Johnson.

CHAIR KING: Okay. Does that answer your question, Councilmember Johnson?

COUNCILMEMBER JOHNSON: I was...I was fishing for what kind of educating we're doing to the industry. It's the industry. The industry, to the industry, the industry. I appreciate your concern about the other folks, but this is the point that I'm trying to reach out to you, Mr. Baz, is can we get the industry to see what these...what the effects are? Because I mean, obviously the testifiers get it, and the lobbyists are understanding it. But I'm trying to see if we're reaching out to the industry to say what your effects are doing on our community. You know, you kill the goose with the golden egg. We've heard that expression a thousand times. So that's where I'm trying to reach with the question. A very short answer if you can. I know people are waiting for lunch, but that's all I was going for. Thank you.

MR. BAZ: The industry, general...the general managers of the hotels, we're in regular communication with. They understand. But that's not the problem. The problem is these mostly illegal short-term rentals that are bringing...that people are staying in that are not controlled.

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CHAIR KING: Okay. Well, we're...I think we're looking at it a larger problem headed our way with these 5,000 seats a day. And so let me just kind of go through and see. Member Molina, I know you have to leave soon. Do you have any questions of the Managing Director?

COUNCILMEMBER MOLINA: Not at this time. But just...just a comment, quick comment, just...you know, I think our community's feeling short changed with a return from doing more business promoting tourism. And the bottom line, it comes down to housing. Because Member Johnson referred to the golden goose. Well, what the golden goose is is our people, our next generation that need affordable housing. And people are frustrated. They're not seeing a good trade-off with tourism. What are we getting out of it, the residents, and especially our next generation who need housing? So that's what I see how this is festering, and I'm concerned that you're going to see, you know, more revolts in the community, like we had that sit out on the beach in Wailea. That, I think, is just the tip of the iceberg. And as more and more of our people get to be, I guess, with that feeling, that sense of being short-changed out of all of this...somebody's making the money out of the tourism, and the residents who need housing and other things, they're not getting it...or who are not making a livable wage out of all of this. So that's, like you mentioned, Chair, the bigger problem. So that's why we have to maybe consider tools like this, like a moratorium, a stop and pause to see what we want to do with tourism, and how our residents can benefit because, you know, the golden goose is we're losing our next generation elsewhere. They're taking their talents away. And it's going to just create a bigger, bigger socioeconomic gap between the haves and the have-nots. So anyway, I'll lay off my editorial at this point.

CHAIR KING: Okay. Well, very well-said, very well-said, Member Molina. Thank you for those comments. Committee Vice-Chair Sinenci, do you have any questions or comments you want to make while we have the Managing Director here?

VICE-CHAIR SINENCI: Not at...not at this time, Chair. Thank you.

CHAIR KING: Okay. Thank you. Member Paltin? I know you're a little reluctant to speak at this time, but any questions?

COUNCILMEMBER PALTIN: No. I'm just still waiting. I think next Wednesday is the decision, so --

CHAIR KING: Okay. Okay, great. So you know, I really appreciate you being here, Sandy, and we want to work together. We don't want to be on opposite sides of the Administration on this issue. And it really...and really, you know, we don't want the Administration to be on the opposite side of the people too. Because you heard the people coming out saying enough is enough. So I just...I want to just press the point that I hope we can move together on the moratoriums and then the solution, you know, putting the...together the TIG and finding solutions that work for our island. Member Rawlins-Fernandez, do you have any...or Non-Voting Member but, you know, you've been a great Member today and the last meeting. So do you have any questions or...for the Managing Director or any comments about the Administration's position?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, no, I . . . *(inaudible)*. . . questions for Managing Director Baz. Mahalo.

CHAIR KING: Okay. Great. All right. So thank you so much for...for your input. And please be...please be aware that we want to work together and, you know, we're excited about the --

MR. BAZ: Just let me say, the Mayor asked me specifically to be on the meeting today to participate.

CHAIR KING: Okay.

MR. BAZ: So that's a definite sign that, you know, we want to work with you.

CHAIR KING: Okay, great. Well thank him for us, and thank you for being here. And we'll dismiss our support. We also had a resource person, Dick Mayer, who looks like he may not be on the call anymore. Oh, Mr. Mayer. Yeah, so do you have any comments about the bill changes? I know you had some...in your testimony, you had some concerns, but I think those might have been answered by the changes that we...that Member Rawlins-Fernandez presented.

MR. MAYER: I...one concern is the word transient has been now substituted, rather than the word I suggested: visitor. And I want to make sure that that word is legally defensible, given the fact that the Maui Island Plan talks about visitor to resident. And I want to make sure that the word transient is...and if there is a reference in the County Code already to the word transient and how it's defined, that may be useful to be put into the document itself. Also, I'd like to see a...I don't have a copy of what was now proposed to be changed. If I could get somebody to email me that, that would be helpful if I'm going to be called back as a resource.

CHAIR KING: Okay. Well, your concerns are so noted. And let's see...oh, Vice-Chair Rawlins-Fernandez, do you have a comment or answer?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Mr. Mayer. Yeah, so in the Maui Island Plan, tourist, transient, and visitor are used interchangeably. And I did work with Corporation Counsel, and transient was Corporation Counsel's suggestion, which I like, because as you had suggested, it's a little more inclusive of not just those that stay for five days, but those that stay a little longer.

MR. MAYER: Is there any place where that word transient is actually defined legally? So often you have definitions --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. MAYER: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes, it's proposed in the bill.

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MR. MAYER: Okay. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: The definition is proposed in the --

CHAIR KING: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair. And then --

CHAIR KING: Oh, you have another --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And then it's also defined in Title 19, transient.

MR. MAYER: . . .*(inaudible)*. . .you.

CHAIR KING: Okay. Great. Thank you for those comments, Dick. And so the procedure from here, I think, is to defer the bill. The intention, you know...you want to go over your intention again, Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sure. Mahalo, Chair. I just wanted to make sure we addressed all of the Members' questions about the bill, and if the Members had any other suggestions they would like incorporated before I send it to the Planning Commission. So if we could have that discussion before we defer.

CHAIR KING: Any other Committee Members have any suggestions? And this will be...what goes to the Planning Commission will eventually come back, so it won't be the last version. We can always make changes later too, once we get it back. So...but anything now? I...you know, I had a couple of clarity issues, which your new version cleared up for me, so I have no concerns with sending this to the Planning Commission, other than just procedure. So the procedure, I believe, is for us to defer...for me to defer this issue, you will send it...a new version of the bill to the full Council for the June 18th meeting, and I'm hoping that we can waive procedure and pass it on the floor, because all we're passing is a resolution to send it to the Planning Commission. So that would be my intent as Chair of this Committee. If anybody else has any other...Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. I agree with you completely, Chair. I hope the Members...that was the intent of having the discussion today, so that the Members would be able to ask questions, you know, clarify intent, suggest any amendments, and also have an opportunity to talk to the Department, Corporation Counsel, with...if they had any concerns, so that at the June 18th meeting we would be able to take action on the floor that day to send it to the Maui Planning Commission. And it would just go to the Maui Planning Commission because this is...it would only impact Maui Island. And then, as I stated, it would...there would be a 30-day notice requirement for the public hearing, and as Corporation...Deputy Corporation Counsel Richelle Thomson stated, that they can take action at that public hearing that's noticed with the 30 days. So best case scenario I have for our timeline is that the Maui Planning Commission could hear the bill on July 20th, and then the CARE meeting after that is July 21st. And

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then at the August 6th meeting, we could have first reading, and August 20, we could have second reading. The worst case scenario, or the longest scenario, would be that the Maui Planning Commission would have up until September 7 to take it up, and then there's a CARE meeting on September 15th, and then first and second reading would be it.

CHAIR KING: Let's get --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

CHAIR KING: --Director McLean.

COUNCILMEMBER RAWLINS-FERNANDEZ: Director McLean.

MS. MCLEAN: I can't say for sure what availability there is on the Commission's calendars, and you have the dates off by a week. The Planning Commission meets on the second and fourth Tuesdays of each month. So the July meetings are the 13th and 27th. But that's neither here nor there. We'll get it scheduled as soon as we can, and transmit it back as soon as we can.

CHAIR KING: Okay. Great. And then the timing of it, I think, is good for the moratorium, the one that we passed out of our meeting, because it actually will give a little bit more time for South Maui. That was one of the things I was worried about, having two concurrent bills. But if that bill takes a couple more months to get through the system, then if we're not quite done with the South Maui Community Plan in two years, we will have a couple of extra months from this other moratorium bill to extend that period before we can pass something in our community plan. So that's specific to our community. The West Maui will, of course, be done prior to the two years. If it takes two years, I'm going to shoot myself because I worked...we're already far enough along, it should be done. So anyway, those are things that I considered as far as the timing of it. I think it's good to have this...the timing staggered a little bit. So any other questions? And if there aren't I'm going to just, you know...any objections to deferring this matter?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. So we'll go ahead and defer, and we can adjourn because we'll get a whole...we will get that new version, I think, probably with a...with a...with a new title sent to the Council as a first time proposal.

ACTION: DEFER PENDING FURTHER DISCUSSION. (Excused: AL, YLS)

CHAIR KING: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just real quick, the...so I have the Title 19 component, and it pretty much mirrors the Title 20.

CHAIR KING: Okay.

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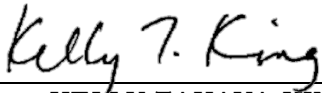
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COUNCILMEMBER RAWLINS-FERNANDEZ: So . . . *(inaudible)*. . . Yeah.

CHAIR KING: Okay. Great. Well, thank you so much again for stepping up and doing this as soon as possible. I mean, I don't think we could've done it any sooner. So we...I think we're on our way to, you know, stop the bleeding, and work on solutions, and get everybody involved in deciding how we want the future of Maui to be. And thank you so much for giving us this extra hour, Mr. Molina, so we didn't run out of quorum. And so if there's no other business, then we are adjourned for today. . . .*(gavel)*. . .

ADJOURN: 1:00 p.m.

APPROVED:



KELLY TAKAYA KING, Chair
Climate Action, Resilience,
Environment Committee

care:min:210602min:cs/bc

Transcribed by: Crystal Sakai &
Brenda Clark

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CERTIFICATION

I, Crystal Sakai, hereby certify that pages 1 through 42 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 30th day of June 2021, in Wailuku, Hawai'i

A handwritten signature in dark ink, appearing to read "Crystal Sakai", is written over a horizontal line.

Crystal Sakai

I, Brenda Clark, hereby certify that pages 42 through 78 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 30th day of June 2021, in Wailuku, Hawai'i

A handwritten signature in dark ink, appearing to read "Brenda Clark", is written over a horizontal line.

Brenda Clark