

# WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

## MINUTES

June 6, 2024

Online Via Teams

**CONVENE:** 9:07 a.m.

**PRESENT:** Councilmember Tom Cook, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair (In 9:10 a.m.)  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Nohelani U'u-Hodgins, Member

**STAFF:** Jarret Pascual, Legislative Analyst  
Paige Greco, Legislative Analyst  
Richard Mitchell, Legislative Attorney  
Jennifer Yamashita, Committee Secretary  
Lenora Dineen, Council Services Assistant Clerk

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Roxanne Morita, Council Aide, Lānaʻi Residency Area Office  
Bill Snipes, Council Aide, South Maui Residency Area Office  
Jade Rojas-Letisi, Council Aide, Makawao-Haʻikū-Pāʻia Residency Area Office  
Zhanell Lindo, Council Aide, Molokaʻi Residency Area Office

**ADMIN.:** Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation  
Counsel  
Jordan Molina, Director, Department of Public Works

**OTHERS:** Cynthia Stemmer  
Kellee Emmerich  
#2402  
Junya Nakoa  
Additional attendees (20)

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

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CHAIR COOK: . . .(gavel). . . Will the Water and Infrastructure Committee please come to order. It is June 6th, 2024. The time is now 9:07 a.m. May I please ask that all

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participants in the gallery and Members silence any noisemaking equipment or phones. I'm your Chair, Tom Cook. Members, per the Sunshine Law, please identify by name anyone who's in the room, vehicle, or workplace with you today, exclusive of minors. Before we begin, I'd like to ask the Department representatives who have joined online to please turn on their cameras when it's your turn to speak. We would greatly appreciate it. Now, I'd like to introduce the Committee Members, starting with Committee Vice-Chair Yuki Lei Sugimura, who isn't here yet. She was...will be attending. Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and buenos días to everyone.

CHAIR COOK: And Tasha Member, I mean Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka and buenos días kākou.

CHAIR COOK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. Buenos días to all of you. There's no testifiers at the Lāna'i District Office, and I'm here and ready to work. Mahalo.

CHAIR COOK: Councilmember Alice Lee.

COUNCILMEMBER LEE: Buenos días, Chair. I am Spanish. My grandmother was born in Spain, but I know like five words in Spanish. My grandmother always used to chase me and say ándale, ándale, Alicia . . . (*laughing*). . . .

CHAIR COOK: And good morning, Councilmember Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Good morning, buenos días, everyone.

CHAIR COOK: And Councilmember Shane Sinenci, good morning.

COUNCILMEMBER SINENCI: Aloha, Chair and buenos días. I'm here at my home office by myself, and there's no testifiers in Hāna, Chair.

CHAIR COOK: From the Director of Public Works, we're going to have Director Jordan Molina. Buenos días, Mr. Molina. While we're --

UNIDENTIFIED SPEAKER: I don't see any.

CHAIR COOK: -- while we're waiting for him, we're going to greet Member Sugimura, good morning and buenos días.

VICE-CHAIR SUGIMURA: Good morning, Chair. And looking forward to a productive meeting, and here's Keani Rawlins-Fernandez also. She's waving to you.

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CHAIR COOK: My sincere apology for missing my colleague, that is normally sitting adjacent to me. Good morning and buenos días, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, mai hopohopo, Chair Cook. There are currently no testifiers at the Moloka'i District Office. I am at my home residence in my home office, alone here. And I understand that we are shooting for completing this meeting at 9:30 for Chair Alicia. Ándale, ándale yeah, Chair. . . .  
*(laughing)* . . .

CHAIR COOK: We will be as thorough and prompt as we can. And Member Kama, is there anyone with you in your office this morning?

COUNCILMEMBER KAMA: I am in my home office alone. Thank you, Chair.

CHAIR COOK: Thank you all. From OCS our Committee Staff, we have Jarret Pascual, and we also have Paige Greco, Yvette Bouthillier, Jennifer Yamashita, Remi Mitchell, and Lei Dineen. Please see the last page of the agenda for information on meeting connectivity. Good morning, everyone, and thank you for joining today's WAI Committee. We have one item on today's agenda and that is WAI-23 which relates to a bill on the temporary structures and uses. Members, because we only have one item scheduled today, is there any objections, I would like to take testimony after receiving the opening remarks on WAI-23.

COUNCILMEMBERS: No objections.

**ITEM 23: BILL 87 (2024), RELATING TO TEMPORARY STRUCTURES AND USES**

CHAIR COOK: Thank you, Members. Members, WAI-23 is Bill 87 that amends Chapter 16.25 of the County Code, also known as the County Building Code, relating to temporary structures and uses. Bill 87's purpose is to allow the use of temporary structures in Lāhainā within the August 2023 wildfire burn zone area for up to five years. At this time, I would like to ask Councilmember Paltin, the introducer of this Bill, to please provide any opening remarks.

COUNCILMEMBER PALTIN: Thank you, Chair. This Bill came about when our office began to receive complaints about the duration of the temporary dwelling structure timeframe, which is 180 days. You know, after people had been moving so much in each shelter and new location, they...they just wanted a...a longer time period where they can get everything together. And upon looking into the legislation, we discovered that this legislation already had existed in the Code. It wasn't anything that was created specifically in response to the wildfire. And so, it...it made sense to our office to extend it up to five years in alignment with other interim housing projects like Ka La'i Ola and Kilohana and...and that it was meant to only be in the burn zone because then that would make it be more of a response to the wildfire which, you know, we've never seen something of that magnitude here in Maui County. So, that was kind of the premise of it, to just make it in alignment with other interim housing opportunities and make it

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more specific to this particular disaster. I did mention about it last night to good response from the Lāhainā Community meeting at the Civic Gym. One other issue that had come up from a few of the community members in attendance is that with the 4LEAF system already, ten...ten residents have gotten permits to build their new permanent dwelling structure to replace their former house. However for the temporary dwelling structure permit at this time 4LEAF doesn't process temporary dwelling structures and so it needs to go through the regular County process. Former Public Works Chief Earl Kukahiko brought up to me that when he tried to apply for it, he was quoted six to eight months going through the regular process to try and get this temporary dwelling structure. So, in its current form going through that process, it's not a great solution for our West Maui residents that they can get their permanent dwelling structure permit months and months ahead of a temporary dwelling structure permit. And then when they get it, it only lasts for 180 days, and then they'd have to go about renewing it. So, just trying to make it be something that our West Maui residents can utilize to...to better move forward. Thank you, Chair.

COUNCILMEMBER LEE: I have a clarifying question.

CHAIR COOK: Okay. Chair Lee.

COUNCILMEMBER LEE: Member Paltin, I...I'm sorry I didn't hear the part, the ten residents got permits for permanent dwellings or temporary dwellings?

COUNCILMEMBER PALTIN: Permanent dwellings through the 4LEAF expedited permitting process. They have a number in the queue in review right now and a number waiting to get into review. But that was the update as of yesterday from the 4LEAF representative that they have, to date, issued ten permits from—for rebuilding.

COUNCILMEMBER LEE: Okay. Ten out of how many; do you know?

COUNCILMEMBER PALTIN: Shoot. So, the slide deck that she had was the results as of Tuesday not Wednesday and I think she said they had about 80 applicants. They're getting about ten walk-ins per day, 20 to 30 calls per day. There's a few little kinks to work out, like one of the residents said they live in the burn zone, their house didn't burn down, and they wanted to build an ADU to house some of their family members who did lot...lose a house. And there was confusion because 4LEAF was like, oh, if your house didn't burn down we can't help you and then it's like well, but they're in the burn zone and they're trying to be a solution and so there is a little bit of kinks to be worked out because, you know, I—the goal is to get people in some kind of longer lasting shelter sooner than staying in the hotels or paying high rent to strangers and things like that.

COUNCILMEMBER LEE: Thank you. Thank you for the opportunity to get clarification.

CHAIR COOK: Good. Thank you. Director Molina, before we begin our discussion...actually, Director Molina, do you have your opening comments? Good morning. Buenos días.

MR. MOLINA: Hi. Good morning. Jordan Molina, Director with Public Works. Yeah. So,

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comments on the Bill. The Bill proposes to amend the County Building Code in the Maui County Code related to temporary structures. What's important to point out is that this temporary structure provision in the County Code was never intended for dwellings. Previously, this was what we used to permit tents and things for like events, very temporary in nature. Structures that we don't have habitation occurring overnight that we need to be concerned about life safety to the same degree. What allows temp structures to be used for dwellings is the emergency proclamation. And those rules enacted under the emergency proclamation. So, it's not entirely clear to me and maybe Corp. Counsel needs to chime in about how we would, without the proclamation which I think which is the intent of this just to have make sure that...that's reconciled between what the emergency proc is enabling and what would be allowed without the proc in place if this ordinance were to pass. The...the proc does establish a lot more rigor for these temporary structural process because they are dwellings and because we'll have people living in them and that life safety concern. So, it's...it's...it's the intent is a bit different from what's in the code versus how we're doing these temp dwellings for the survivors. And I'll just...I'll just leave it at that as far as making...making sure Council aware of the nuances between these various provisions. Thank you.

CHAIR COOK: So, Director, is that something that...that's why we're having the hearing? Could it be...could you help us come up with a definition for this to be separate from the Code, so as not to change the temporary code as it's written and as it's intended and structure this so that it is focused more towards this emergency that were occur...that's occurring in both Lāhainā and Kula?

MR. MOLINA: Yeah, you know, first thing, we weren't consulted very much before this hearing. so I don't have a good recommendation to give you at the moment but happy to work with the Committee to develop a structure that works best to accomplish the objective here. I don't suspect that the emergency proc goes away anytime soon because we...we rely on it for operational capabilities to respond and...and so, yeah, at this point, I don't see these things going away anytime soon. And just from a practical matter, our biggest concern with these temp structures is whether we're going to actually be able to shut them down when we need to.

CHAIR COOK: I couldn't hear that. Could you repeat it?

MR. MOLINA: If we get to the position of having to shut down these temporary structures, i.e., kick people off or out of these things, we don't quite know how that's going to go. And we're not going to, we don't expect a strong appetite for that. So, that's just a lingering concern out there as far as kind of the pace of the rebuilds, the challenges with the rebuilds. You know, we think...I mean we anticipate that these temp structures are going to be out there longer than we suspect may be difficult to get them converted into permanent units just because of all the challenges we're facing with the rebuilds. Thank you.

CHAIR COOK: So, Chair has a friendly amendment to address that, and hopefully, you can help refine it during today's discussion to make this Bill work for the benefit of the Department and the public. Do you have any other comments before we continue?

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MR. MOLINA: No, that's all. Thank you, Chair.

CHAIR COOK: Thank you, Director Molina. Before we start a discussion, let's see if any would like to provide testimony.

MS. GRECO: Chair, there's nobody that's indicated they'd like to testify at this time. If there's a remote participant, please raise your hand. If you're by phone, please do star five to raise your hand, and if you're in Chamber, please come down to the podium. I see one person online named Cynthia. If they would like to testify, we're enabling you now.

CHAIR COOK: So, I'll...I'll make the opening statement for testimony. Okay. Anyone wanting to testimony [sic], please sign up in the Chamber, join online, or call in to the phone number noted on today's agenda. Written testimony is encouraged and can be submitted via eComment at [mauicounty.us/agendas](http://mauicounty.us/agendas). For online testifiers, please click the raise your hand button. For those calling in, please follow the prompts, via phone-star five to raise and lower your hand and star six to mute and unmute. Staff will enable your microphone and video when it is your turn to testify. 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. You can view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Decorum will be maintained throughout this meeting; breeching decorum includes anything that disrupts the orderly management of the meeting. Violation of decorum may result in being removed from the meeting. At this time, I would like to open public testimony for WAI-23. Staff, please...please call the first testifier.

MS. GRECO: The first testifier is Cynthia Stemmer to be followed by the person calling in with the phone number ending in 1459. Cynthia, you are unmuted on our end, please unmute on your end.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. STEMMER: Hi. Can you hear me? Hi. Good morning. My name is Cynthia Stemmer Denny. I'm a landscape architect and a planner. I did live on Front Street for ten years and I was actually pretty active in the County. One thing I do notice is that the definition of a temporary structure needs...it's very broad. If we could make it more specific as to physical characteristics of what that is. I think people are having a hard time figuring out what a temporary structure means. You know, people are talking about RVs, they're talking about things with wheels, then they're talking about things with slab, concrete slabs, foundations, sizes. Maybe that's part of the confusion when Mr. Molina was saying you know, you might be able to have a...a problem removing these temporary structures. I can see that happening. I mean, once people get something built on their property, they need to know what the duration is. And for Councilmember Paltin to have brought this up I think is an excellent idea but once people start building everything temporary then when do they take it off and have the permanent structure. I think that...that's something to consider if you...if you can. Otherwise, I definitely think it's a good idea. Thank you for hearing my testimony.

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CHAIR COOK: Thank you for your testimony. Members, any clarifying questions for the testifier? Seeing none. Thank you very much. Staff.

MS. STEMMER: Thank you.

MS. GRECO: The next testifier is the individual calling in with the phone number ending in 1459 to be followed by the individual calling in with the number ending in 2402.

MS. EMMERICH: Hello.

CHAIR COOK: Hello.

MS. EMMERICH: Oh, hi. My name is Kellee Emmerich. I lived on Lahainaluna Road. My daughter and her family lived in Wahikuli, and we all lost our homes. We were in the hotel for eight months. We've purchased a property in Ukumehame, which is on the West side and we're building a solid wood structure, temporary structure tiny house. And I'd like to ask that, as you're considering this that it wouldn't just be in the burn zone. We wanted to stay on the West side, and we did the best we could because it's our community. So, as you're considering this, I'm hoping you'll consider not just the burn zone but also all of West side. Think that's it. Having a secure place to live I think supersedes the concern of what we're going to do at the end to convert it back to permanent. And that's pretty much all I wanted to say.

CHAIR COOK: Thank you. Members, any clarifying questions for the testifier? Thank you very much.

MS. EMMERICH: Thank you.

MS. GRECO: Chair, the next testifier is the individual calling in with the phone number ending in 2402. Please press star six to unmute on your end.

#2402: Am I ready to go?

CHAIR COOK: Yes. Welcome.

#2402: Okay. Thank...thank you very much. I...I don't know if my comments at this meeting are appropriate. I really wanted to talk about water as a subject matter. Is that okay?

CHAIR COOK: No, today is really the temporary structures as a result of the wildfires.

#2402: That's it. Okay. I will end my conversation then. Thank you.

CHAIR COOK: Thank you for your call in.

MS. GRECO: Chair, the next—Chair, the next testifier is the person calling in with the phone number ending in 6421. Please press star six to unmute.

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MR. NAKOA: Howzit. You guys hear me?

CHAIR COOK: Yes.

MR. NAKOA: Oh yeah. Yessah. Okay. I when go, my name Junya Nakoa. I know you guys can tell that's me already. You guys can tell that's me already. But what you call I when attend the meeting last night at the Civic Center and, you know, the Mayor was talking about all kind stuff like, you know, all this temporary housing gotta be taken down, and all da kine stuff and all worried about, you know, where we going put em. I heard Jordan Molina saying all the same thing, too. But, you know, the meeting with the State, the guys, and the FEMA guys, they all was saying that...that the temporary homes that they going build up here above...above Wahikuli that they can go ahead and put em, you know, take em into their permanent site. So, you guys stay small kine confusing us right now, yeah. So, like I was telling everybody last night you guys gotta learn how to work with each other. I told you, I think I said the same thing at the last test...the last time I when testify. You guys gotta get you guys act together because the people of Lāhainā we stay getting screwed. We don't know whether to go right, left, up, down, diagonal, all kine damn bloody angles. So, try figure something out, Cook. I know this is your, this is your...this is your Committee so, fix this damn thing 'cause we...we getting tired. We've been trying to build temporary homes since August, and we've been getting nothing but red tapes, like I said last night. I get my Nakoa family we get land out here in Kahana. We like put people on em. We get, you know, my daughter, she still no more one house, you know, and she had fricken 18 people living in her house. You know, so ask the community. We...we busting our 'ōkoles ova hea. We get we get one group that actually building homes, you know, temporary homes and putting them on people's lots. Figure it out, Jordan Molina, Wendy Taomoto, Mayor Bissen, because we getting screwed. We getting tired. It's ova 10 months, and all we...we still seem like we stay in the beginning of the...of the, this whole this whole crisis it's like we neva do shit. Oh sorry. I don't know. Sorry, my bad, I apologize. But we frustrated, again nothing happening. Maybe I gotta go do what all the guys...other guys...the guys just go build em, and then da kine eh go ask for one after-the-fact permit because I guess that's the only way da damn thing works. And yeah, so sick and tired . . . *(timer sounds)* . . . of this crap, you know, what I mean. We...we tired, we burnt out. I know you guys are too. Thank you guys for the vote yesterday for Haleakalā, you know, mahalo...mahalo...mahalo. I hope the damn Mayor going support us with that and come out publicly and say the same thing. But yeah, please this temporary housing gotta get going, gotta get it going, you know, what I mean, it's sickening. Okay.

CHAIR COOK: Junya.

MR. NAKOA: Mahalo. Sorry.

CHAIR COOK: Thank you for your testimony. Clarifying questions, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Nakoa. My clarifying question is when you were saying that the FEMA and the State temporary houses is going to be



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used longer. I just wanted to clarify, is that in relationship to the Town Hall that we had and invited Chair Watson of DHHL? Where we were talking about the Ka La'i Ola 450 modular structures that if DHHL wanted to keep them afterwards that they could possibly house beneficiaries. And for the Kilohana that it's possible that FEMA could sell or give them to families that wanted to move those temporary structures onto their lots. Is...is that what you meant?

MR. NAKOA: Hundred percent correct. That is what I...I heard from the DHS guy and Kali Watson, yeah.

COUNCILMEMBER PALTIN: And so, is your question, if those are temporary dwelling structures at Ka La'i Ola and Kilohana, how are they then allowed to convert and continue into permanent structures but temporary dwelling structures that residents built aren't given the same consideration?

MR. NAKOA: Yessah. Thank you, Tamara, for making that clear because according to what I heard Jordan say and according to what was said at that Town Hall kind of conflicting, yeah. So, I don't know I just getting lost.

COUNCILMEMBER PALTIN: Okay. So, basically, you want the County, the State, and the Federal Government to be on the same page and equity amongst everyone that builds temporary dwelling structures or modular structures?

MR. NAKOA: Yeah. 10-4. Like I have been saying for years, tired of everybody, all three of em pointing fingers at each other. Just get together and work together. And like I said last night I when I when coach yeah, I putting together one all-star team that when that was all challenging each other all year, and now they gotta work together so for one weekend. So, if you guys can State, County, and Federal can get together, come on, man. Let's go. If these kids can do em you fricken adults can do em too.

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Thank you, sir. Staff, do we have additional testifiers?

MS. GRECO: Chair, it does not appear that anyone else has signed up to testify at this time. Would you like me to do a last call?

CHAIR COOK: Yes, last call for testifiers.

MS. GRECO: Yeah, last call. If you're in the Chamber and you'd like to testify, please come to the podium. If you're on Teams, please raise your hand. Chair, there's nobody else that has indicated they wanted to testify.

CHAIR COOK: Members, seeing there no more individuals wishing to testify without objection I will now close oral testimony. As a reminder, written testimony will continue to be accepted into the record.

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COUNCILMEMBERS: No objections.

**. . .CLOSE PUBLIC TESTIMONY. . .**

CHAIR COOK: Members, I'm proposing two rounds of three-minute questions per Member. Are there any objections? Thank you, Members. I would now like to open the floor for questions and discussion. Vice-Chair Sugimura.

VICE-CHAIR SUGIMURA: I...I believe that Junya Nakoia brought up a very valid point. And...and bringing in what the community hears versus what we think we know, right. So, Director Molina, I...I would like to ask you to strengthen this...this Bill and knowing what the testifier said and what Member Paltin is trying to achieve. I think I heard you say that the emergency proclamation allows certain actions to be taken and is it correct that's how DHS, Hawaiian Homelands, or the Kilohana project which are temporary structures are operating because of the emergency proclamation. And what route do you see would be a better route to take forward so we can get rid of this confusion. Because I think we all stand by what Member Paltin is saying and we're just trying to get there. I appreciate this proposed legislation but if it's not the right vehicle because the emergency proclamation will get lifted. What do you propose?

MR. MOLINA: Thank you, Chair. Thank you, Member Sugimura. I guess first thing it's important to make sure we understand the framework under which we're operating. The State and Feds have exemptions under the existing building code. They don't need County permits. That's the policy enacted by the County. So, they are operating under that authority. They also have additional authorities through the Governor's proclamation, which effectively suspend HRS 46, which is all the County authorities. So, there's a, you know, there's various provisions of law at play when we talk about what's going on in Lāhainā. In...in the interest of expediency, the State and Feds are choosing to proceed without permits for those temporary structures. They are trying to plan ahead so that those structures are built in a way that can meet County building codes, but at this time they are more or less operating independently on that effort. So, we're waiting to see how that shakes out. I don't even think they have the actual units yet that they're going to be putting down because that's still a bid process that they'll have to go through at least on the FEMA side. I am not as familiar with the State's project at this time as far as what their plan is for their structures. So, you got to recognize that State and FEMA operate on different level than normal residences by mechanism of our building code.

VICE-CHAIR SUGIMURA: Oh, so interesting.

MR. MOLINA: Uhm.

VICE-CHAIR SUGIMURA: Go ahead.

MR. MOLINA: Yeah. So, maybe I'll stop there and let the next question be prompted.

VICE-CHAIR SUGIMURA: Because I...I...I think that we're trying to get to the same place, but

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we need your help because, yeah. I mean...

MR. MOLINA: So, our...our push from the beginning . . .*(timer sounds)*. . . has been to get people back in permanent housing. We...we, yeah...so, I mean, I always say that's the most ideal situation to get out of this whole temporary interim scenario. So, we pushed hard on the infrastructure side to be ready for those permanent rebuilds. Now, this economic challenges with those rebuilds but, you know, in my opinion, I think the effort is better spent boosting those support programs to get those permanent structures built than exhausting the effort to figure out the temporary situation. Now that's also challenging because a lot of our survivors are renters, right. So, they're going to be reliant on property owners or, yeah property owners whether it be private or public entities, to develop some kind of housing for them to have a bit of access to. So, yeah, that...that's a whole 'nother aspect to this challenge that we got to try and figure out strategies for as well. The Bill itself, I mean, I think I think it's under clear what the intention is...is to allow this just additional duration for this temporary internal housing scenario. I think that's something that can be accommodated easily to make sure any future proclamations are in alignment and I...I suspect we're going to be needing these procs for within that five years given...just given the overall situation with housing. And I'll just stop right there.

VICE-CHAIR SUGIMURA: Okay. Thank you. I went over my time a lot. Thank you.

CHAIR COOK: Thank you. Member Kama.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Yes, Ms. Rawlins-Fernandez. Member.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Before we continue, I understand that the timer rang but I did not hear it. So, oh okay, Member Kama didn't hear it either. So, if you want to do a test run so that, you know, we can hear the timer when it sounds.

CHAIR COOK: I think that's very appropriate. Staff, could you please do a test run and confirm that our remote Members can hear the timer. . . .*(timer sounds)*. . . I have two thumbs up, so that works. Let's try and book that as a...

COUNCILMEMBER RAWLINS-FERNANDEZ: Three, there were three. Three thumbs.

CHAIR COOK: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Sinenci too.

CHAIR COOK: So, Staff, maybe we can have that as the norm. Thank you. Okay. So, continuing --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

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CHAIR COOK: -- with Member Kama. Do you have some questions for the Director?

COUNCILMEMBER KAMA: Thank you, Chair. So, what I heard with a few of our testimonies that we had was that they're concerned about the definition of the word, temporary structure. What does that mean? What does that look like? So, and I think what Junya said about the confusion, I can see how much confusion can go on about. And then someone else mentioned that the legislation says only in the burn zone, but since she . . . *(inaudible)*. . . they're starting to build a temporary structure outside of the burn zone, so that is something I took notes on. And then the big issue is what happens after; right, what are we going to do with all these structures because I can see how we have issues with abandoned vehicles, are we going to have abandoned houses. So, I can see how that, but I think that's still things that we all collectively need to...need to figure out and need to work on. So, my question to you, Mr. Molina, is so knowing this is what people are thinking and testifying on and some of these things that we're looking at too and to avoid the confusion. The confusion just adds more stress onto people's lives. We have gone through enough hoops and circles, and have to jump through things, slide through things, whatever. It's...it's too much it's really getting to be, but the fact that they're still there hanging on, holding on tight to whatever it is that's keeping them sane in this in this crisis. So, and I think Member Sugimura asked to help us to help you so we can help our people. What does that look like to you?

MR. MOLINA: Okay. Couple things going on there. I guess let's start with the...gosh, yeah, the...the what do we do with these materials once they're done. You know, that creates a whole waste issue again, right, which is in part why we...we've focused on the permanent rebuild so we don't have to create, you know, create waste along the way with these temporary situations. So, that is still an issue to be worked though, that's one of the reasons there was reluctance to facilitate RVs coming in...in mass because of the concern about where these things are going to end up afterwards and how we're going to manage that situation. Initially, and okay, so shifting gears to outside the burn zone. In the very beginning the temp structure rules we adopted in the emergency proclamation were primarily for outside the burn zone. Because like I mentioned, within the burn zone, the focus was rebuild permanent. So that was where the focus was there. Outside the burn zone we had a lot of agencies, landowners, individuals wanting to support housing so they just started launching their own projects 'Ohana Hope Village being the most visible one, and so that prompted the need to put some framework around these projects, mainly putting the protections . . . *(timer sounds)*. . . up for the people that have been living there because they have no say about how these things are being built. Regarding the definition of temp structures, so within the emergency proc, we do define the temporary structures to include but not limited to structures used for housing, schools, medical facilities, financial institutions, and food distribution sites, and that they've been approved under the rules by the Office of Recovery. So, there's that process for the temp. Then once we started getting cleanups done in Lāhainā, then we, you know, started to grapple with the temp situation in the burn zone with the individual owners wanting their temp structures for themselves. So, we are still trying to finalize that. One of the biggest issues right now is the wastewater scenario because not everybody has sewer. It is critical that we don't allow a wastewater catastrophe to

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occur. So, that's been a...a hard line we've been trying to maintain. The other concern is just about the safety of these structures. From a building code standpoint our biggest hazard is wind. We don't need a whole bunch of structures blowing around should we get a windstorm or hurricane come through. So, that's where, you know, from...from Public Works standpoint of the concern with health and safety is where we got—we get a little nervous by having these things out in mass with these kind of lax standards for this prolonged period of time, right, because any summer we can have two, three, five hurricanes roll through without notice or very little notice. I'll stop there because I know there was a lot that Member Kama was asking for and, you know, happy to continue with the conversation. Thank you.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR COOK: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Okay. Just before I start off, I don't want anyone to be taking anything I say personally but it's...it's really frustrating and I'm...I'm not trying to dump on Jordan because I know he's been in it from...from day one, working non-stop. So, but basically the Mayor—paragraph five of the Mayor's 8th EP includes a 180-day limit on temporary structures used for habitation that it expires in about a week. If this passes, if this legislation would pass, would the Mayor consider changing the 180-day limit to whatever it passes to? But, you know, from...from a public standpoint of who we're supposed to represent, it's just super frustrating because these...these issues are coming up that why even go ahead with a temporary dwelling structure if it's going to take eight months to get the permit it's only going to last six months. We know that everybody wants to return to Lāhainā and then to make it for outside of the burn zone and then, you know, we see the people across King's Cathedral just shooting ahead and then legislation is made for them and then the State and the Feds exempt themselves but they're not helping everybody. You have to fall into a specific bucket to get help from the State and the Feds. You can be FEMA ineligible and they're creating 450 units. If you're FEMA eligible, they're creating 169 units, and then people with the means and the property it's not going to take six months for some people to rebuild their house. They don't want to live on the beach if they have their own property. So, it's just, you know, I know it's not...not Jordan's fault but...but the appearance from the public from our residents of what they're living through is this is untenable. And, you know, housing is a mental health aspect for people that have been through a lot. They just...they want to be able to live on their own property without being told you know you cannot smoke a cigarette, or you cannot have your dog, or you cannot do this, you cannot have visitors over, oh the pool is not for you, or dropping down to one meal a day but there's no kitchen in the place that you live, you know, all these things is not right and that certain entities with the powers that they have are exempted from the things that people who have no power are exempted from are not exempted from it just is like a big soup of junk, big junk toxic soup of frustration. So, I mean I guess the main question is has there been talk with the Mayor about extending the dwelling . . .(timer sounds). . . for his emergency proclamation?

CHAIR COOK: Director.

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MR. MOLINA: No, because I don't think anybody really expected these procs to go away anytime soon. Yeah, they're only good for 60 days at a time but generally they continue until they're needed. I will...I do have a suggestion that I think will help the ordinance to bridge this gap is I think if you just add the language that any temp structure permitted under the emergency proclamation can persist for those five years. I think that would make it clear that we're talking about those that are approved under the proc and giving those ones that get approval under the proc this additional duration to exist should the proc not be continued within that timeframe.

CHAIR COOK: Thank you, Director. Member Paltin.

COUNCILMEMBER PALTIN: I...I heard the buzzer. Thank you.

CHAIR COOK: Okay. Thank you. Member Johnson, questions for the Director?

COUNCILMEMBER JOHNSON: Sure. Thank you, Chair. You know, it's...it's a tragedy that we have so many other examples that we can look at for devastation. FEMA just...FEMA just left New Orleans 20 years after Hurricane Katrina, they just left and that...that hurricane wiped out New Orleans 20 years ago. So, for us to look at like these 60 days short emergency procs we should really at like other disasters. It's not going to take overnight to fix this problem. It's going to take these five years and...and then some if we look at some of the other examples. So, I would love that we could extend it or just get some kind of confirmation from the Admin that this...this is something that they're looking at because the anxiety people feel with this, you know, short-term emergency procs can...can add more stress than we don't want to add any more stress to them. So, I know Director Molina spoke a little bit on that if he wants anything else to add. But my other question, because I'm limited on time is, do you—I know sometimes we talk about indemnification, do you feel that we—that there needs to have any indemnification language in there? And then the last thing is...is when you first did opening remarks, Director Molina, you said maybe we should get Corporation Counsel to speak on this Bill. Does that—did you want to maybe narrow down what you exactly wanted them to speak on? Thank you. Thank you, Chair.

MR. MOLINA: Yeah, so I was speaking particularly to understanding how the proc and the Code work with each other when there's a proclamation in effect suspending laws, i.e., suspending the County Code. So, just to make sure that Council understands the mechanisms by which those hand off of authority need to happen between the Code and the emergency proc. But I think, you know, through the conversation, I think the...the way to address that is with my recommendation where you guys can basically point to this process occurring under the emergency proc and allow that specific activity which are these temp structures for dwellings that we review in a permit under this framework in the proc that those permits are...are allowed to continue for that five-year duration. So, I...I think that might clear up the—or provide a clearer bridge between how you would utilize what's in the Code and what's...what the proc is allowing for. Thank you.

COUNCILMEMBER JOHNSON: Thank you. And then in...in regards to the indemnification,

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do you think is that necessary, not necessary? Because of all the things we just talked about.

MR. MOLINA: We...we feel comfortable enough with the framework in the temp on the emergency proclamation rules . . .*(timer sounds)*. . . and not have to ask for indemnifications.

COUNCILMEMBER JOHNSON: Director, I think that my time's up. I just want to make the point that when we make legislation and you're here speaking to your concerns, that's how good legislation is made. So thank you for joining and actually, you know, giving us suggestions for the bill that's really important. So, please continue and thank you so much. Thank you, Chair.

CHAIR COOK: Thank you. Member Rawlins...Member Rawlins-Fernandez, questions for the Director?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Director Molina, for working through this with us and...and for all the work that you and the working group have been doing. My question is not for the Director. My question is for you, Chair, and maybe I missed it, but earlier, I heard you say that you had a friendly amendment that might be able to make this work. Did you share what that is yet? Did I miss it?

CHAIR COOK: Not yet. Basically, well my two amendments that I would like to propose during discussion is one, clarification that this is separate from the existing code for a temporary...temporary permit to enable the Departments to manage and enforce temporary permits the way that they're currently defined and addressed. I think it's important and helpful for the Department to have this discussion and what we're addressing which is a unique special circumstance separate from that. In the Bill, the way it's stated, it is...it's incorporating this into the temporary permit process. So, they can work on that, but that was one aspect. The other addendum I would like to propose, and it comes into play with one of the testifiers is for this it's currently for housing that is in the burn area, and I would like to adapt this to be housing for people, victims of the burn area who have secured property outside to enable them to utilize this, to build their homes now. And the testifier who testified about having property in Ukumehame happens to be a daughter of a friend of mine and they brought me up to speed on it. She's hāpai. Anyway, they have property. They want to build, but they haven't been able to utilize any of the functionality of being able to have a emergency permit even though they have land, they have money, and he's a builder. So, that's my two friendly amendments in preview.

MR. MOLINA: Chair, if I may shed some clarity, too, on that. For the Committee's awareness, the Committee Chair did reach out initially about this, and I...I did convey concern about two...two aspects is, one, putting event-specific code language in the County Code where we're only talking about this Lāhainā incident under the regular proc...or the regular building code. And the second part was about—that it would apply to any temp structure, not necessarily those under the emergency proc that we're talking about today. But I . . .*(timer sounds)*. . . think the language that I, you know, you guys helped

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me come to during this discussion where it's tying it back to the emergency proc and those structures that are enabled under the emergency proc is a clean way to do it. And then I would even suggest that...that's probably an appropriate measure for any sort of disaster we encounter in the future that if we have a scenario where we have to accommodate temp housing under the proc that, you know, that duration, this five-year duration is likely going to be appropriate in most all cases. Unless, you know, a bunch of houses fall out of the sky soon. We're probably going to be challenged with these temporary housing situations with any emergency. So, not to say you have to do it but, yeah, you could. It could be applicable beyond just our Lāhainā situation right now. Then, I just want to speak to the outside the burn zone issue. So, as I mentioned earlier the temp process was established particularly for outside the burn zone because at the time we couldn't do anything in the burn zone because of all the debris. So, we...we have issued many temporary structures for individual property owners outside the burn zone. I believe the testifier was speaking to her being able to do permanent rebuilds under a disaster permit outside the burn zone. So, that's a little different scenario because right now our disaster permits were targeted for those burn zone properties directly. So, we have been working with Mayor and Office of Recovery to find the framework for this situation where a survivor also owns property or has access to property outside the burn zone and wants to shift their rebuild to that non-burn zone property. So, we are trying to figure out, work through what that eligibility criteria is, because at first it was as simple as, oh, yeah, I own two properties, but the first one we encountered was, no, it's not the same person the husband owns the burn zone lot, the wife owns the non-burn zone lot. So, we had to break down from the first attempt. So, there needs to be more effort to kind of craft all those scenarios that we would allow people to be eligible to use their expedited permit outside of the burn zone. Because we could have family member situation, trust ownership, et cetera, et cetera. So, we just want to make sure that we are prioritizing the survivors, you know, first over any other persons just trying to take advantage of the expedited process. Thank you.

CHAIR COOK: Thank you, sir.

MR. MOLINA: Okay.

CHAIR COOK: Member Rawlins-Fernandez.

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

CHAIR COOK: Member Rawlins-Fernandez, would you now like your minutes?

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(laughing)*. . . No, I...I...I really appreciate that. I just didn't want to ask questions that, you know, you had already discussed with Director Molina, you know, and came up with some kind of solution for and then that way we can just jump forward to, you know, discussing, you know, potential solutions to the...the gaps or the problems that we're hearing, and, you know, safeguarding against potential abuse, which is always the trickiest thing. And I know the public is frustrated with Government because of that. But, you know, we see, you know, the...the attempts at trying to find a loophole when we're trying to help specific people and other



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people are trying to take advantage of the policies that are not meant for them. And so, sorry, I...so much nuance. I appreciate us, you know, thoroughly discussing it. So, mahalo, Director and mahalo, Chair.

CHAIR COOK: Thank you. Chair Lee, questions for the Director?

COUNCILMEMBER LEE: Yeah. Thank you. Good morning, Jordan. My concern is that the County...not necessarily you but the County in general and even the Council, tends to be too rigid with regard to the Code and...and ordinances. Mainly because we can't always anticipate every single possibility, every single nuance and variance that could happen. But in this case, I don't think we have that luxury. I think that it's really obvious that the people who suffered in Lāhainā are going through trauma, not only having to do with their physical health, but their mental health and I think this is growing and a major concern of ours. So...so, that as we move forward and try to create law and ordinances to help with the situation, expedite permits and so forth, we...we cannot continue to worry about what could happen, every little thing that could happen. We have to focus on what's important and that is getting them shelter as soon as possible. And for the life of me I cannot understand, and it's not your fault, I cannot understand why permanent housing is not a top, top, top priority because this would solve everything. But in the meantime, we cannot be worried about every little thing with regard to a...a temporary permit or a permit for temporary housing. I mean, we cannot control hurricanes and whatnot. So, we just have to move forward with what we have. And I'm getting kind of concerned, I don't know if you've gone—come up with this...this has come up in your conversations, but can people afford insurance to cover these even these temporary homes? My understanding is that a lot of people, a lot of companies don't want to insure properties in Lāhainā, even Maui, not even the State of Hawai'i. Have you heard about that, Jordan?

MR. MOLINA: I have not been involved on the insurance side of things. In...in...in yeah, the extent is to really just related to the debris. But I have heard in other municipalities like Florida and whatnot where major insurance and I believe California had experienced similar where major insurance providers backed out because they felt the area was uninsurable. I have not heard directly any sort of conversations regarding that with Lāhainā, but I mean I would suspect there are companies that have that perspective. And I do not know what the insurance . . . *(timer sounds)*. . . parameters look like for these temporary structures.

COUNCILMEMBER LEE: Okay.

MR. MOLINA: We are --

COUNCILMEMBER LEE: But my time, my time is up.

MR. MOLINA: -- because we are issuing these temporary permits, I don't know how insurance companies view that. And they're temporary because we're not doing the full code reviews that we do with typical permits. So, it's already a lax process from a health and safety standpoint. And just to kind of, yeah, highlight the struggle that you mentioned

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of balancing because really what we're talking about is individual rights or privileges versus public health and safety.

COUNCILMEMBER LEE: Exactly.

MR. MOLINA: And --

COUNCILMEMBER LEE: Thank you.

MR. MOLINA: -- the concern we have is not creating an incident within an incident by having these quick and easy structures all over Lāhainā that we may potentially be cleaning up again while we're still trying to clean up from the fire.

COUNCILMEMBER LEE: Yes...yes, I agree with that, but I also believe that we shouldn't be reinventing the wheel because we have tons of examples throughout the country that we can be following in terms of what happens to the temporary structures at the end, how do we recycle them. I...I think those are secondary concerns. The first concern is getting them shelter. Thank you.

CHAIR COOK: Thank you, Chair Lee. Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Thank you, Director Molina, for being with us today and answering our questions. I know this isn't an easy subject and I know you guys have been doing your best trying to figure everything out. And there's just all these things to do that requires everybody's help, so thank you so much. My question is regarding how do we know when the five years are up? Are we going—how do we track this? So, if it's--oh, does he...he just disappeared from my screen. Did he disappear from everybody else's screen? Yeah, he's disappeared.

COUNCILMEMBER LEE: Maybe he's tired.

COUNCILMEMBER U'U-HODGINS: Chair Lee scared him. He left. . . .*(laughing)*. . .

MR. PASCUAL: Chair, Staff is noting that it looks like Director Molina has disconnected from the meeting.

COUNCILMEMBER U'U-HODGINS: Okay. I'll wait for a second.

COUNCILMEMBER RAWLINS-FERNANDEZ: He went to go work on our amendments already. . . .*(laughing)*. . .

MR. PASCUAL: We're letting him back in now.

COUNCILMEMBER RAWLINS-FERNANDEZ: He's bringing solutions.

MR. MOLINA: Sorry about that.

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CHAIR COOK: Are you reaching out to him, Staff?

COUNCILMEMBER U'U-HODGINS: Okay, I can hear you now, Director Molina. Thank you so much. My question is...is tracking. So, when we know our five years are up, are we going to have like a MAPPS flag and then what do we do from there? And I'll ask my second question. Maybe you can help me too. How do we connect these temporary structures to water, sewer, and electricity? And then how does that impact their permanent structure when they're ready to build?

MR. MOLINA: Yeah. So, all these are issued permits in MAPPS, which we can enter in those expiration dates, so we'll know once these permits "expire." Under the emergency proc...well, the mechanism we've set up is allowing their contractors, their plumbing contractor, their electrical contractor to certify the installations on behalf of the owners. And so we're relying on those professional certifications on those installations as a way to expedite the process. When it comes to the permanent rebuild, they're just going to have to plan a...plan accordingly on their site as far as how they work around their temporary structure while they're doing their permanent rebuild. So, let me know if there's other things to comment on. Thank you.

COUNCILMEMBER U'U-HODGINS: Okay. So, I guess it's going to depend on what the structure...like, let's say water, and they have a temporary structure, and it's like a studio-like structure, and you have the automatic water hose, the kitchen sink, the lavatory sink, the bath, and the shower. And they have a regular 5/8's meter that needs to be taken into consideration when they permit their structure if they don't remove it first. Or do they have to show the removal of the permit to get their access to their existing fixtures on their property?

MR. MOLINA: We're going to have to still kind of work through those nuances.

COUNCILMEMBER U'U-HODGINS: Oh.

MR. MOLINA: As far as how we're going to treat those temporary. Generally, the thought is that the temporary would be displaced once the permanents go up.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. MOLINA: And so you have a net...net zero impact on the service. Even in the interim, if they have to keep that temporary structure up, as long as they're within their meter capacity in the case of the meter, you know, then they should be able to still get service and then it's just a matter of their on-site layout of their structures and their utilities.

COUNCILMEMBER U'U-HODGINS: Okay. Okay. And the connection to sewer as well? . . .  
*(timer sounds)*. . .

MR. MOLINA: Yeah. So, they're going to have a permanent connection from the County service line. And then so, everything on site will just have to be at the owner's discretion and as far as how they plan and coordinate their rebuild.

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COUNCILMEMBER U‘U-HODGINS: Okay. Can I ask one more quick question? Can we be allowed to use these temporary structures for permanent ADU structures in the if...if it’s allowed by building code? And by zoning code?

MR. MOLINA: What will like—most likely happen is they’ll have to obtain after-the-fact permits because there’s no inspections occurring of these structures.

COUNCILMEMBER U‘U-HODGINS: Okay.

MR. MOLINA: Of the temp process.

COUNCILMEMBER U‘U-HODGINS: As long as there a path—there’s a pathway to figure that out, then I guess we have five years to help you figure out how you’re going to do that as well. So, looking forward to working with you on that.

MR. MOLINA: Yeah. In that case it’s really going to be contingent on their design professional being willing to stamp and certify those units as being compliant with the building code.

COUNCILMEMBER U‘U-HODGINS: Okay...okay. Thank you. Thank you, Chair.

CHAIR COOK: Thank you. Member Sinenci, you have questions for the Director?

COUNCILMEMBER SINENCI: Yes. Thank you, Chair. And mahalo, Director Molina for answering our questions. Did I hear you right? Your main concern is just more of the flimsy tent structures?

MR. MOLINA: I mean they’re all kind of a concern if they’re not built to building code because --

COUNCILMEMBER SINENCI: I mean, I was --

MR. MOLINA: -- the extent to which there, you know, designed to withstand the wind loads that we experience here with Hawai‘i particularly with the hurricane threats and things of that nature.

COUNCILMEMBER SINENCI: Yeah. And I was just looking at some of the...the modular units near King’s Cathedral. So, I mean if...if something like that is able to put--I mean would...would you have a concern for those modular units versus tent structures?

MR. MOLINA: Not at this time because of the rigor we applied with the fire reviews and the architectural certifications for compliance and the anchoring. So, we’re okay with those in a temporary condition. To take those into a permanent condition, again, like I mentioned it’s going to be contingent on the design professional that they utilized certifying that those things can meet in a permanent setting the requirements of the building code.

COUNCILMEMBER SINENCI: Yeah. Okay. Right. Okay. Thank you. Thank you, Chair.

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CHAIR COOK: Thank you. Vice-Chair Sugimura, questions for the Director?

VICE-CHAIR SUGIMURA: Yeah. These—this is such an important discussion, right. Because the longer we talk, I'm learning more, and I...I really would like to know if you or Member Paltin could work with the Department and come up with a proposed bill that can be more thought through. Because the more discussion, the more questions the Members have and...and what Member...Director Molina is sharing it could be something very good. But right now it's...it's too vague or it needs to pull in clearer depth based upon the emergency proclamation, what is really happening, Office of Recovery, what are they doing. And it branches out to exactly that Hope—is it called Hope Village? The one across First Assembly. It's...it's going to have implications broader than only the burn zone. I mean, I was going to add in here, could you also include Upcountry because we have, you know, we have fire victims too, but I know everybody's been focusing on West Maui, rightfully so. But, you know, we have...we have people Upcountry that maybe could utilize this also. So, I really would like you to take this back, work it through, and maybe propose something encompassing, you know, what all the Members are talking about, and you can talk about it until you know the end of this meeting. But I hope you come back with a stronger bill working with the Department and the Office of Recovery.

CHAIR COOK: Well, thank you for your comments. I think that's why this is in Committee to be discussed. And it is...it is a big topic. It's a...it's a...it's a necessary topic that we address it in a timely manner, but it is also a topic that spreads into many different aspects. I'll make my comment about it near the end, but I wanted everybody to be able to make comment. I hear that and I think it's an appropriate comment and thank you for making it.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR COOK: Member Paltin.

MR. PASCUAL: Sorry, Chair. Director Molina did have his hand up --

CHAIR COOK: Okay.

MR. PASCUAL: -- if you want to speak to that.

CHAIR COOK: Director Molina, please.

MR. MOLINA: Yeah. Thank you. I just wanted to respond a bit to say that this is very nuance, very complicated, and what...what Member Paltin presented today was just one aspect of the duration. And I...I think it's worthwhile to address that issue today if the body feels it's prepared to, as opposed to trapping itself in all the nuances that is involved here. Because yeah, the...the duration question is an important question by itself independent of all these other—these situations that we're talking about. But I would...I would add that I think it...it would be appropriate to expand it beyond the burn zone

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for several reasons: one, you know, all our burn zone properties . . .*(timer sounds)*. . . only a minority are homeowners right so we don't quite know what those second property owners plan to do. We have a lot of survivors in Central Maui that may need access to temp structures outside the burn zone. So, and...and of course, the Kula scenario too, so that might be appropriate to have it be expanded to...could be . . .*(inaudible)*. . . any temporary structure that's authorized under the proc and not just necessarily burn zone properties. And I think if you tie it back to, like I mentioned earlier that this five-year extension is tied to those approvals under the emergency proc, I think that's a good strategy for addressing the duration concern at this time. And I'm happy to work through some of the other...the other matters we talked about today. Thank you.

CHAIR COOK: Thank you, Director. That's very constructive. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I was—I would like to ask if our OCS Staff can summarize the recommendations that Director Molina had made to this Bill as a CD1 version.

MR. MITCHELL: Chair, this is Remi. I think I can summarize what I've heard so far.

CHAIR COOK: Please.

MR. ROWE: And Chair, this is...this is Caleb. I've actually tried to wordsmith some stuff if that's helpful as well. But Remi can go.

MR. MITCHELL: Thank you, Chair. So, what we've heard is the language should be revised in the CD1 version to something like the following: except temporary structures used exclusively for human habitation within the burn zone of the August 23...2023 wildfires that are built in accordance with the rules for temporary structures under a Mayoral Emergency Proclamation must be permitted for up to five years from the date the structure is permitted.

COUNCILMEMBER PALTIN: And if we could get any feedback on that proposed CD1 version from our Corporation Counsel and Director.

CHAIR COOK: Mr. Rowe and then Mr. Molina.

MR. ROWE: Yeah. So, the...the thing that I had drafted together was almost identical except it wasn't limited to the burn zone. It was applicable to any temporary structure that had been permitted pursuant to a emergency declaration. So, what I had was replacing the underlying language was—with, except where a temporary structure inclusive of...inclusive of those used as dwellings which has been permitted pursuant to a proclamation of a State of Emergency or local State of Emergency under Section 127A-14 Hawaii Revised Statutes must be permitted for up to five years after the issuance of a permit.

CHAIR COOK: Director Molina.

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MR. MOLINA: Yeah. Thank you. Yeah. I would say that the Corp. Counsel version addresses two...two aspects that I was going to comment on as just one about the . . . *(inaudible)*. . . for those temp structures outside the burn zone. So, like of course, one of the testifier's examples. And then the second part was just limiting it just to dwellings because we have processed temp structures for...I know we've been working with Kaiser for one, for example for a medical facility. So, there are beyond just your dwellings, other temp structures we've had to accommodate that may be appropriate to also apply the duration this might be a duration to as well. Thank you.

CHAIR COOK: Thank you, both. Member Paltin, did that answer your questions?

COUNCILMEMBER PALTIN: Yeah. My preference would be to be able to move forward today and, you know, . . . *(timer sounds)*. . . that's about it.

CHAIR COOK: No, you can continue if that was basically your comment.

COUNCILMEMBER PALTIN: Yeah, that was basically my comment. You know, so...so like how Director Molina said there's maybe 80 percent of our population was renters and 20 percent homeowners, and those homeowners really just want to go back to their property. They don't want to be imposing on the hotels, or imposing on other people, paying a rent and a mortgage, and trying to hold on to their property. They don't want to live with all those rules being imposed upon them. They just...they just simply want to go home. And if they're able to build their permanent home and still have a few more years of the temporary dwelling structure, knowing my community I...I imagine they would reach out to other survivors and house them, you know, at a at a reasonable price, not a gouging price so that they can recover some of their original...you know, be able to pay their mortgages and their bills based on everything what they lost. You know, I...I appreciate Member Cook's 3.5 years to either give them a chance to figure out in that last one and a half years if they're going to try and go for a pathway to permanency or as a heads up, you know, that you have a year and a half left and start to think about making plans without forcing them to have that type of anxiety that Member Johnson was talking about. But I think this is something that more of the issues that our residents bring up needs to be addressed in this way. This is just one tiny issue that they've been trying to say isn't working for them the way that it was originally proposed. And so, I think we need more...more of these kinds of things where we hear so much feedback that this was meant to be some sort of solution and it's not working. And so what can we do to make it be better without compromising the things or trying to address the things that the Director and Corp. Counsel are saying as well. You know, like when we went to Japan, we seen that, you know, just because you have one disaster, it doesn't preclude another and another disaster, so I'm very cognizant about his concerns about wind and...and the durability of the structures. But let's not forget that our ZAED only enforces based on complaint and nearly every neighborhood in my household has illegal structures that are not compliant with wind ratings. So, I mean, let's not fool ourselves that we're living in safe neighborhoods of totally permitted houses.

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CHAIR COOK: Thank you, Member Paltin. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I think a lot of the...my questions have been answered right now. Thank you.

CHAIR COOK: Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I have a clarifying question for either...either any of our resources, I guess. So, outside of the burn zone, if they qualify under the emergency proclamation, does that ensure that it is a fire survivor or what is the safeguard in place to ensure that it's a fire survivor? Or is it just your Department filtering that out?

CHAIR COOK: Director.

MR. MOLINA: Yeah. Thank you. No, Office of Recovery is directly involved on the Housing RSF, Ms. Taomoto and her team of reviewing the temp proposals. The...the framework that had initially been developed was we were not scrutinizing these projects on the initial approval. Just for purpose of expediency and because I don't think we...we were really prepared to be screening all these projects at the time. But upon the renewal process is when we would verify, you know, the units being used by survivors to try and catch any abusers that might be trying to take advantage.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, we...we don't...you're not—there's no recommendation from any of our resources or our Legislative Attorney, Corp. Counsel to put in that safeguard, to ensure that it is? I...I...I understand the expediency, you know, getting...getting them out quickly. So I...I...I can, you know, go along with that, but I just...I also know there's a, you know, always that, a lot...a lot of abuse that happens.

CHAIR COOK: Mr. Rowe, you have your hand up?

VICE-CHAIR SUGIMURA: Can't hear you.

CHAIR COOK: You're muted.

MR. ROWE: Sorry about that. I think one of the safeguards is, you know, we are limiting it to ones that have been permitted pursuant to a proclamation. And I think another safeguard that we have is under 108.5 of that section, it does give the Director authorization to terminate the permit for temporary structure at any time. So, if it's found that there has been an abuse, the Director does have authority to terminate the permit.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Rowe. And sorry, I want to retract what I said earlier that there's not a lot of abuse that happens but there are abuse that—attempts at abuse that are caught. Like when I introduced the long-term rental intervention . . .*(timer sounds)*. . . and classification. Thankfully, you know, our Real



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Property Tax Division is super on it and prevented, you know the...the attempted abuse of that policy. Mahalo, Chair.

CHAIR COOK: Thank you. Chair Lee, you have additional questions?

COUNCILMEMBER LEE: No, Chair, but I am ready to pass an amendment extending the period for permitting.

CHAIR COOK: Okay. So, during discussion after...after questions. Or you want to do that now?

COUNCILMEMBER LEE: Oh, no...no...no, well, after discussion. But, you know, I'm just saying that if there's any question about whether we should do more work first before voting or vote now and continue to do work, I pick the latter. Thank you.

CHAIR COOK: Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: I don't have any questions, but it looks like Remi is trying to say something.

CHAIR COOK: Mr. Mitchell.

MR. MITCHELL: Thank you, Chair. Thank you, Member U'u-Hodgins. Pardon me for looking so eager to summarize what we're hearing so far. If I could just summarize what I think I've heard from Corporation Counsel and the discussion.

CHAIR COOK: Please.

MR. MITCHELL: What we have so far is, except temporary structures used exclusively as a dwelling unit by residents displaced by the August 2023 wildfires that are built in accordance with the rules for temporary structures under a Mayoral Emergency Proclamation must be permitted for up to five years from the date the structure is permitted.

COUNCILMEMBER PALTIN: I like it.

VICE-CHAIR SUGIMURA: Can you write it in chat?

CHAIR COOK: Member U'u-Hodgins, do you have an additional question?

COUNCILMEMBER U'U-HODGINS: I do not. And I do look forward to this body and Admin working together to make logical changes so that people can be housed and not necessarily...I can appreciate this, that we change the language on the burn zone, but so many people have been waiting for permits for far too long, and you constantly say it. We all know it and I look forward to making changes to make it make sense so our people can continuously be housed.

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CHAIR COOK: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Could...could Richard Mitchell I cannot, I can't call him Remi all the time. Could you put it in chat? Did you say Mayoral Emergency Proclamation? Only.

MR. MITCHELL: It's in the chat, Member Sugimura.

VICE-CHAIR SUGIMURA: Oh, it is.

CHAIR COOK: Mr. Rowe, you have your hand up.

MR. ROWE: Yeah. I just wanted to address a couple of things. One, Director Molina had mentioned concern that there are these temporary structures that aren't used exclusively for habitation so we might want to remove the language for it being used exclusively for habitation and have it be inclusive of dwellings. And also whether or not we want to limit it to the burn zone or if we kind of want to make this more general so it would apply to other potential emergencies.

CHAIR COOK: Thank you. Director Molina, comment?

MR. MOLINA: No...no, I'm in agreement. Yeah. Just the concern about whether we want to address other temp structures besides just the dwellings and then I...I think the...Mr. Mitchell's language does expand it beyond just the burn zone. But it did just still constrain it to this event, the August 2023 wildfires which, you know, I don't have a strong opinion one way or the other if you keep it confined to this event versus opening it up any future disaster scenario. Thank you.

CHAIR COOK: Mr. Rowe.

MR. ROWE: I...I can put some language in the chat if you would like, Chair.

VICE-CHAIR SUGIMURA: Please.

CHAIR COOK: Yes. Thank you. As I see your hand still up?

MR. ROWE: Sorry, I did not mean for it to still be up. . . .*(laughing)* . . .

CHAIR COOK: I was give—I was acknowledging the hand. Thank you. Members, any further discussion before Chair makes his comment? Member Paltin.

COUNCILMEMBER PALTIN: Is Caleb's version the one that's under the WAI Committee heading?

MR. PASCUAL: Apologies, Member Paltin, our Legislative Attorney beat me to the amended language. That's just a copy of what Mr. Mitchell posted in chat. Sorry.

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COUNCILMEMBER PALTIN: And then it seems that chat had been turned off for this meeting. Is that why we cannot see Deputy Corp. Counsel Rowe's suggestion?

MR. PASCUAL: Staff has reenabled chat for right now, so Mr. Rowe is able to type in his...the proposed language in chat. Thank you.

COUNCILMEMBER PALTIN: Oh, I see.

MR. ROWE: Yep. I'm just still typing, sorry.

COUNCILMEMBER PALTIN: Oh, I see. Okay, so we're just waiting to see that.

CHAIR COOK: Thank you, Members. With the body's permission I would like to say state I—what Member Paltin had indicated. I have a proposal and I'd like the Director's comment on it. Leaving it the five years but at three...and having it at three-and-a-half years with the renewal to give the—both the Department the opportunity to review the how many and the status of them and also for the people to be able to get sort of a heads up of how well they're conforming and what they're going to need to do at the termination of this temporary. So, that they have time to work on it and so that the Department isn't faced with however many hundreds or however many number of people there are that they have to go and visit and instruct that the temporary use is over. So, Director, do you have any comment on having three-and-a-half years—five years, but at three-and-a-half years having an opportunity for extension or comment?

MR. MOLINA: Yeah. I think that's a good strategy to keep it top of mind for both the Department and the applicant that, you know, these are temporary, there is a duration. And at that three-and-a-half years, let's check in and talk about where we're going with these structures, where they're going to be at with their permanent as opposed to just letting it go the five years and then having that conversation once we're out of compliance so to speak. So, I...I would support that suggestion. Thank you.

CHAIR COOK: So, with the Members' support I would ask Staff to add that in. Any discussion, Members?

COUNCILMEMBER LEE: Just with clarification, Chair. The person receiving the permit has the permit for five years. But at three-and-a-half years of that five years the...the Department will check in with them to see if their plans have changed or there's any need for any kind of extension. And so, when you talk about an extension at three-and-a-half years, you talking about people would know already that they want to extend it beyond the five years?

CHAIR COOK: No, for clari...thank you for asking for the clarification. My...my proposal is that it's a three-and-a-half years with an extension to five years. So, at three-and-a-half years, there's a formal threshold, a milestone where it's...they—it's checked on.

COUNCILMEMBER LEE: Okay.

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CHAIR COOK: But it's an automatic renewal up to five years, it's non-negotiable if they're meeting all of the criteria, and it's up to five years until it terminates.

COUNCILMEMBER LEE: Okay.

CHAIR COOK: Director.

COUNCILMEMBER LEE: That's kind of confusing.

CHAIR COOK: I'm asking, Director, does that work for the Department? It gives...it gives the formality of the inspection. But it also...it also assures people that it is a five-year extension.

MR. MOLINA: Yes. It is a little, I mean there's definitely more nuance. So, I think what...what it would be in effect is, you would get a three-and-a-half-year duration and that the property owner would be entitled to that additional year and a half extension for a total of five years. I think that's kind of to...to more simply explain it that's...that's what Member Cook would be proposing. It's kind of this two-step approval where that initial three-and-a-half years is automatic, and you're entitled to that additional one and a half years for a total of five, but there would be this renewal process at the three-and-a-half-year mark.

CHAIR COOK: Chair Lee.

COUNCILMEMBER LEE: I honestly want to support that because theoretically I think that's a good idea. But in reality, I think we have so many different types of inspectors who have different interpretations of everything and that's why we're always bogged down, you know, with permits, with lots of things. And I think that would be kind of dangerous and...and not really in the best interest of the property owner or the owner of the permit—permitted temporary use house. Because you're subjecting them to, you know, the arbitrary interpretation of somebody and so, you know, I'd rather them have five years set. But, you know, maybe if the Department wants to check on them to see if everything is okay, you know, that...that's something I could accept. Thank you.

CHAIR COOK: Thank...thank you for your comments. I see Member Paltin's hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm...I'm generally supportive of that language. You know, we have the situations that we have. I just wanted to point out that with allowing for these temporary dwelling structures outside of the burn zone, they will be for...for wildfire survivors, they will be allowed in...in some areas where it wouldn't, there would be no path to permanency. Is that correct? Like say you have an agricultural property that has its first farm dwelling, second farm dwelling, farm labor dwellings up to the five acres that they're allowed, and now they're building a temporary dwelling structure that would be above and beyond, so there would be no pathway to permanency for certain otherwise zonings. I mean, I wouldn't...I wouldn't approve a temporary dwelling structure in heavy industrial because at a base level...I mean I guess if unless the heavy industrial wasn't occurring. But there's certain properties that there would

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be no pathway to permanency. So it's not that it can always happen, is that correct, Director Molina?

MR. MOLINA: That's correct. Under the temp structure rules Planning has been being has been very lax in allowing these things wherein districts where they're probably not appropriate. Prime example is 'Ohana Hope Village, that's on ag-zoned land. I don't think there is any path for that project to become permanent in any regard. So, yeah, you do have that scenario outside the burn zone where --

COUNCILMEMBER PALTIN: And so...

MR. MOLINA: -- these temp structures may not be able to become permanent.

COUNCILMEMBER PALTIN: So, I...I think, you know, in the interest of transparency and to let our residents know like this is a kind of it...it could be there you may have a pathway to permanency but essentially, it's a stopgap measure as a result of this huge disaster, but you know we'll have to reassess in three-and-a-half years. We'll have to reassess in five years, but I think the sooner that they know and if the...the County treats everybody, you know, same depending on their own particular circumstances I...I support them. I support the three-and-a-half-year check-in so that people have at least a year and a half to know what they're dealing with. I don't want to spring on anybody like, hey, you're going to have to tear this down in a year and a half or, hey, maybe you can, you know, just giving them that heads up and that time after what all everyone's been through, I think it...it makes sense. I'll yield to Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Member Paltin. So, I have a question for your amendment, Chair. Are you going to do the check-in at 3.5 years for dwellings? So, I ask because like you—DSA can give a CO for and with 3.5 years and then they can go out and do their miscellaneous inspection and then allow the CO to continue for another year and a half. But you wouldn't necessarily get a CO for a structure you're not inhabiting. You would get a building permit. And this is allowing us to go beyond dwellings. So, let's say you wanted a storage unit which you wouldn't need a CO. I don't know if you would want DSA to go and do...I mean up to them...but a inspection on a storage unit unless they remove their straps or something, the hurricane straps and their anchoring. But are you envisioning this related to dwellings only? And they would use the CO as a tracking system? And would you have DSA inspectors or any other inspectors check for storage units or any other non-dwelling units?

CHAIR COOK: I think that my...my feeling is that dwelling structures that are being allowed to be done under this criteria are going to hopefully be registered and monitored by the Departments. They're going to be flagged as, this is a temporary structure due to this criteria.

COUNCILMEMBER U'U-HODGINS: Uh-huh.

CHAIR COOK: And then at the three-and-a-half years they're going to have a list and they're going to basically be able to communicate and...and...and weigh in on that. The intent

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isn't to be creating a major work effort for the Departments. It's creating an opportunity for the Departments and the people who are utilizing this to have at a time, a point in time and know that they're going to have a communication and then because at the end of five years, if there's no mechanism for there to be an inspection or a communication at the end of five years people are going to be going along it might be their kids, it might be who knows what.

COUNCILMEMBER U'U-HODGINS: Yes, I understand that. So, what does that communication look like to you? Is that an inspection with the CO and a miscellaneous inspection with the CO? Or is that an email?

CHAIR COOK: I would I'm leaving that basically up to the Department because I'm not, I'm not qualified to basically make that call.

COUNCILMEMBER U'U-HODGINS: Okay.

CHAIR COOK: So, I would be reaching out to the Director and hoping that what they define and what they determine from our legislation works within their capacity and within their framework of what they want to do.

COUNCILMEMBER U'U-HODGINS: Okay.

CHAIR COOK: And not creating an excess work.

COUNCILMEMBER U'U-HODGINS: Okay. Because the way you described it earlier, where you have the automatic allowance of the 3.5 years with an extension of 1.5 after some sort of inspection, that looks like the CO with a miscellaneous inspection to carry on for additional year and a half in their certificate of occupancy. But if that's not the case because then you are adding additional workload to DSA and they're already short. And I don't disagree with your premise, but I'm just trying to understand how this is going to be enforceable and logical. So, if it's a check-in at 3.5 years where MAPPS they can maybe automate an email at three-and-a-half years and they can time it where it alerts the landowner or whoever that a FYI in a year and a half this is going to happen, take this opportunity to do so and you can they can craft that message and they can have an automatic email sent out. But if it's going to be three-and-a-half years with another year and a half and they're going to have to inspect, then they're going to have to take inspectors out there, and they have to use some sort of mechanism to continue the dwelling to be allowed if...if it's not...if it's beyond just a dwelling. But if the communication is an email and that can be automated, that might be easier. But I'm asking you for whatever you think, and then they can help enforce.

CHAIR COOK: I opt for the very simple one because it isn't...and really its...Director, do you have a comment? And I'm...I'm not trying to punt. I'm just saying that I...I don't like all the work and the inspections --

COUNCILMEMBER U'U-HODGINS: Yeah.

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CHAIR COOK: -- and the bureaucracy, but I'd like to give the Department the tool so that they...they can say we came, we...we...we notified you of this.

COUNCILMEMBER U'U-HODGINS: Sure, absolutely.

CHAIR COOK: That's the main intent.

COUNCILMEMBER U'U-HODGINS: Okay. Director Molina --

CHAIR COOK: Director Molina.

COUNCILMEMBER U'U-HODGINS: --would you guys be able to create like an automated email to notify those people that have gone through this process in three-and-a-half years that they have a year and a half to come to compliance and find a pathway to permanency if necessary? Or would you guys prefer to do a three-and-a-half-year CO, do a...do a miscellaneous inspection, and then allow a year-and-a-half extension for their temp CO?

MR. MOLINA: Yeah. So, what I was envisioning for this process would be a simple request from the applicant to extend for that additional year and a half.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. MOLINA: The notices could be prompted by the MAPPS System and --

COUNCILMEMBER U'U-HODGINS: Perfect.

MR. MOLINA: -- when the expiration hit. And that we would schedule inspections, you know, at...at our discretion if we suspect there's non-compliance under the original approvals because that's something we could inspect at any time, not necessarily that we would tag it to the renewal because we want to allow that renewal to be an easy process for these people.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. MOLINA: So, I think it can be handled simply in that...in that aspect. Thank you.

COUNCILMEMBER U'U-HODGINS: Okay. That makes sense. But I just wanted to understand your thought process so that they...it can be made clear to whoever uses this process, here's what you can expect.

CHAIR COOK: Thank you very much --

COUNCILMEMBER U'U-HODGINS: Thank you.

CHAIR COOK: -- for the clarification and that's exactly what we're striving for in the meeting. So, I'm really happy with the way everybody's weighed in and the way that this is

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evolved. Thank you. Member Sugimura.

VICE-CHAIR SUGIMURA: You're taking everybody in line, or are we just raising our hands? What is the preference?

CHAIR COOK: Actually, I should ask Mr. Sinenci, Member Sinenci, if he has comment since we did go down the line the first time, but I didn't complete.

COUNCILMEMBER SINENCI: Mahalo, Chair. No questions.

CHAIR COOK: Thank you. So, we're back to the beginning.

VICE-CHAIR SUGIMURA: All right. Great. This is very productive. I am...I see where Corp. Counsel what they have included in the chat and I...I like that it's also inclusive of State and County EPs. And so, I...I would like us to consider his, Mr. Rowe's recommendation that's in chat. And we all talk about, and I would like to hear the Director, the 'Ohana Hope Village, which is, you know, right here in our in our community, but I think it's for some of the fire survivors also. So, how would this be included in that discussion? Or is it not qualified for this?

MR. MOLINA: No. So, the way...if we're going based off the latest chat entry from Deputy Corp. Counsel Rowe and we're talking about this three-and-a-half-year renewal, it would be applicable to all these temporary structures --

VICE-CHAIR SUGIMURA: Oh.

MR. MOLINA: -- that get permitted under the emergency proclamation. Which I...I think is appropriate. Thank you.

VICE-CHAIR SUGIMURA: You said, appropriate? Is that what you said?

MR. MOLINA: Yeah. I think that framework of having these structures check in to, you know, understand what the path forward is before the permits expire is a good approach. Thank you.

VICE-CHAIR SUGIMURA: Okay. I have one more question for you. One of the things that you said is that we need to ensure that the structures that are going up will not get blown away by some kind of emergency. So, are we on the same...are we on a path that you feel comfortable?

MR. MOLINA: Yeah. So, one of the requirements we established under the emergency proclamation rules is the anchoring requirement that the architect has to certify. And that's a way to ensure that these structures can withstand some winds because under the regular framework in the building code we have language that speaks to removing those structures when severe weather is anticipated. Because, again, they aren't intended to be dwellings under the regular code. So, we did put that additional requirement to make sure they have that anchoring so we can update that concern



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about windstorms, you know, of impacting --

VICE-CHAIR SUGIMURA: Oh, okay.

MR. MOLINA: -- all these temporary structures. Thank you.

VICE-CHAIR SUGIMURA: Okay. So, your concerns that you said for safety are...are being addressed through the EPs? Correct?

MR. MOLINA: That is correct.

VICE-CHAIR SUGIMURA: Okay.

MR. MOLINA: We feel comfortable with that framework we developed.

VICE-CHAIR SUGIMURA: Okay. Thank you. Thank you for now.

CHAIR COOK: Member Paltin.

COUNCILMEMBER PALTIN: I guess my next question would be for Legislative Attorney, Mr. Mitchell. Is this in the chat that we're seeing right now incorporating Members, Chair Cook's amendment?

MR. MITCHELL: Thank you, Chair. Thank you, Member Paltin. I've attempted to capture Chair Cook's language as well as Deputy Corporation Counsel Rowe's language. So, the last entry in the chat attempts to capture both those comments.

COUNCILMEMBER PALTIN: I...I had thought Member [sic] Molina didn't want to tie himself to an inspection at three-and-a-half years. He thought that he could inspect the property at any time for compliance with the original temporary dwelling structure application. But that the temporary dwelling structure permit holder would apply for an extension, and at that time, they would be informed if there is a pathway to permanency. I'm sorry, I...I might have missed a step there. Is that correct, Director Molina? You didn't want the three-and-a-half years to cause you to then must inspect the permitted structure; is that correct?

MR. MOLINA: That's correct. I didn't—I don't think we need to require the inspection as part of that renewal process.

COUNCILMEMBER PALTIN: But you wanted them after three-and-a-half years to apply for an extension and at that time you would let them know if they if it was possible even to get to permanency?

MR. MOLINA: Yeah. And even to just to check in overall on what their situation might be.

COUNCILMEMBER PALTIN: Oh, if they're still using it in accordance with what their original application was?

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MR. MOLINA: Correct. And to give us time, like I said, before expirations happen and we get into the enforcement stage to, you know, have...have that opportunity where they have to come and talk to us and we can check in to see, you know, what...what is it looking like with this temp structure going forward for that particular property.

COUNCILMEMBER PALTIN: Do you think it's important if a temporary dwelling structure is permitted in an area where there is no path to permanency that you let them know that upfront?

MR. MOLINA: Yeah. That's going to be kind of...I guess the assumption is people aren't trying to just live in these forever that they are working to get to permanency already. And if they're not then we'll have that reality check at the three-and-a-half years of like, you know, reminder you can't live in this forever, so you guys got to think about, you know, what your plan is going to be

COUNCILMEMBER PALTIN: Well, you know, I...I believe there was a...a bill that passed at the State Legislature this last legislative session that required County's to allow ADUs in a variety of different circumstances. And so, you know, if there is a pathway to permanency for a temporary dwelling structure and the desire of the permit owner or land owner to then go to permanency, I...I would say we shouldn't forget that we are still in a housing crisis and not to make busy work of taking down a structure, applying for an ADU, and rebuilding a structure, per se. If...if we could be a little bit more efficient and if an ADU is allowed and then allow for a pathway to permanency if it's an allowable use on that property. Are we opposed to doing that? Because prior to the fire we were in a housing crisis, we're in a housing crisis now and for the foreseeable future I think, you know, regardless, I mean, there...there may be other issues such as lack of water or sewer capacity that would prevent them from becoming permanent. But if there isn't something that's preventing folks from becoming permanent, I would...I would like to allow for it. I don't know how...

MR. MOLINA: Yeah. So, that's where I think I would put up the wall on this subject matter and say, let's come back to talk about the challenges with permanent permit process to talk through what the strategies or policy changes that might be needed to facilitate your concern. But for today's purpose of allowing these temps to exist for the five years, I think I'm comfortable with your guy's recommendations on how to structure that, and then we can continue the conversation on how we potentially get some of these temp structures converted to permanent. And you brought up the...the key points. It's not really a building code thing. We can build whatever you want as long as it's safe. It's zoning that talks about what...what we'd like it to look like or feel like and water and sewer as far as capacity to support these things on a permanent basis. Thank you.

COUNCILMEMBER PALTIN: Yeah. And...and I guess to like to your point there's so much unknowns in...in what will come back, what won't come back, how it comes back and the capacity of water for what does come back and how soon it comes back. So, I...I can appreciate what you're saying. I...I guess maybe and...and not to legislate it but to just say I think it would be helpful if the Administration, in working through these

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temporary dwelling structure permits, has a number of disclaimers that says, you know, what the nuance that we're discussing here and there may not be any pathway to permanency for this temporary dwelling structure. But there may be depending on, you know, certain circumstances of zoning, water, and sewer availability and that, you know, the purpose of what we're doing this for is just to house our people and...and try to work through the rebuild process. I would love to see that kind of just, you know, instruction to our residents because a lot of times we're asking them to come to these meetings, we're asking them to give this feedback and they don't know what the end goal is, you know, they're just doing the things that we're asking them to do. So, just a little bit of explanation on the front end and it's not something I want to legislate but just to say those types of things like, you know, there's no guarantee that there is a pathway to permanency. It depends on sewer, water, and zoning, and the reason that we're doing this change is, you know, to give people a little bit of breathing space to...to focus on their permanent rebuilds or permanent living situation.

MR. MOLINA: Yeah. Chair, if I may respond with just some comments as far as...

CHAIR COOK: Please, Director.

MR. MOLINA: Just to remind like yeah, we're...we're very early in this process. So, we are cognizant that we...we don't know everything yet and we don't have all the answers. But that's definitely something we will be working through. As I mentioned, these initial permits are only for initial issuance is only I think it's six-months right now. So, there's already going to be this renewal process we have to engage with these project developers, or, you know, owners on...on those renewals and then we can, you know, we'll continue to have those conversations with them as far as you know like I said what their permanent plan is whether it be converting the temp into a permanent or just developing a permanent. I do know Planning is very anxious with all these temp structures out there so I'm sure there'll be wanting to get some clarity about what happens with them because they are definitely stepping out of their comfort zone by accommodating these temp structures kind of, you know, wherever they're being requested but thank you.

COUNCILMEMBER PALTIN: And will you also review the revised language that Mr. Mitchell typed in the chat? I think...I'm not sure if he meant more that or more than 30 additional months there in the last line.

MR. MOLINA: Yeah. Except for that change, I have no objections. Thank you.

COUNCILMEMBER PALTIN: More than 30 additional months? Okay. All right, well I'm good then.

CHAIR COOK: Good. So, Members, if...if we're pretty much done with discussion, Chair would propose we take a ten-minute break and give time for this to be typed up and distributed so that we can all review what this distills down to. So, we're in agreement? Okay. So, let's make it 13 minutes. 11:15 we will reconvene.

MR. PASCUAL: Chair, could you gavel out, please.

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CHAIR COOK: . . .*(gavel)*. . .

**RECESS: 11:02 a.m.**

**RECONVENE: 11:21 a.m.**

CHAIR COOK: . . .*(gavel)*. . . Greeting, Members we are back in session. It's 11:21. Seeing that there's no further discussion, we'll move on to decision-making. Members in agreement? Now, the Chair would like to entertain a motion to recommend passage of Bill 87 on first reading. We will also include any nonsubstantive revisions for purposes of clarity and consistency.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER PALTIN: Second.

CHAIR COOK: Moved by Member Rawlins-Fernandez.

MR. PASCUAL: Committee Member Kama.

CHAIR COOK: Oh, sorry. By Member Kama and seconded by Member Paltin.

COUNCILMEMBER PALTIN: I move to amend the main motion to say in the beginning, "Except that temporary structures, inclusive of those used as dwelling units permitted under a state of State or Local emergency proclamation under Section 127A-14, Hawaii Revised Statutes, must be permitted initially for 42 months after which the property owner may apply for an automatic permit extension for no more than 18 additional months from the date of the initial permit expiration."

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR COOK: Moved by Member Paltin. Seconded by Member Hodgins... U'u-Hodgins.

COUNCILMEMBER PALTIN: Discussion.

CHAIR COOK: Discussion.

COUNCILMEMBER PALTIN: Thank you, Chair. I really would like to thank all of our resources and you folks, my colleagues for taking the time to work on this legislation with the Department and the attorneys to make it be better than what it initially was and to accomplish a number of things that was brought up. This is just one-half of the battle. The other second half for this particular item is to get it to be part of the expedited process so it doesn't take six to eight months to wait for a permit for a temporary dwelling structure. But, you know, we're—good thing is that we're making progress.

CHAIR COOK: Any other further discussion?

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MR. PASCUAL: Chair, Member Kama, and Member Sugimura had their hand up.

CHAIR COOK: Okay. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. And yes, thank you, Member Paltin. I think that, you know, this is what collaboration looks like, right. That we can all bring something forth and we can talk about it and discuss it and then include the Administration in terms of what their thoughts are and then bringing it all together to come out with a really great piece of legislation. So, I...I too am very happy with this and I'm proud of the way we worked things out. I just hope we can just keep doing this as we continue to move on. Thank you, Chair.

CHAIR COOK: Thank you, Member Kama. Member Sugimura, did you have your hand up?

VICE-CHAIR SUGIMURA: Yep. Thank you. Well said and thank you, Chair, and also everybody who's contributed towards the solution. I look forward to continuing this discussion because of the, you know, this is one small of a larger group of problems that had become exposed. I appreciate the Members expanding this so it's not only for Lāhainā, because of my Upcountry residents who got impacted also and sometimes we forget, you know, that there's this other parts but I think many people have been impacted in very different ways. So, appreciate this in general. Thanks.

CHAIR COOK: Thank you. Members, any further discussion? Member Rawlins-Fernandez, I see you. I didn't see your hand but I'm acknowledging you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Fully support, Chair. Mahalo, Member Paltin for bringing this forward for our consideration. Mahalo, Director Molina for working through it with us to come up with language that we can pass out today because our, you know, residents cannot wait. Every day is another day that families are leaving. And so, mahalo, Member Paltin for, you know, always acting with such urgency. And I echo Member Kama's sentiments of, you know, we work best when we work together. So, I love it. Mahalo.

CHAIR COOK: Thank you, all. So, are we ready for a vote? Do we need a roll call? No. Okay. All those in favor raise your hand, say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, you have eight ayes, zeros noes, and one excused, Chair Lee. Motion...motion to amend passes. And you are back to the main motion as amended.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Lee**

**MOTION CARRIED.**

**ACTION: APPROVE AMENDMENT.**

CHAIR COOK: So, vote...

COUNCILMEMBER PALTIN: I have no further discussion.

CHAIR COOK: No further discussion. All those in favor of the main motion as amended.

MR. PASCUAL: Member Kama has her hand up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

COUNCILMEMBER KAMA: No, I was voting.

MR. PASCUAL: Apologies.

COUNCILMEMBER KAMA: I was voting. I was reading your lips, Tom.

CHAIR COOK: Okay.

MR. PASCUAL: Chair, nine ayes, zero noes. Main motion as amended passes.

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

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: Recommending FIRST READING of Bill 87, CD1 (2024).**

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, Chair Lee’s back?

COUNCILMEMBER PALTIN: Yeah, she just walked in.

CHAIR COOK: Okay. So...

COUNCILMEMBER PALTIN: Good job, everyone.

CHAIR COOK: Thank you, Members. And thank you, Director Molina for being here this morning. This will move on for the full Council’s consideration. I am extremely grateful and happy with everybody. Today was a fun meeting. I thought we had constructive interactive dialogue and hopefully the Director isn’t—feels empowered through this legislation too off...too often I think that they just sort of inherit what we want them to do, whereas today we have him—gave him the opportunity to tell us how he wanted it. Hey, handsome. There’s little director. Thank you very much, Jordan or...okay, Members, this concludes today’s Water and Infrastructure Committee meeting. Thank you everybody for being here and for your participation. The time is now 11:28 a.m. This meeting is now adjourned. . . .(gavel). . .

**ADJOURN: 11:28 a.m.**

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APPROVED:



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TOM COOK, Chair  
Water and Infrastructure Committee

wai:min:240606:jay/cvk

Transcribed by: Cheryl von Kugler



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CERTIFICATION

I, Cheryl von Kugler, hereby certify that pages 1 through 40 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 18th day of June 2024, in Wailuku, Hawai'i



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Cheryl von Kugler