

County Clerk

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From: suzette montalvo <sumontalvo296@gmail.com>
Sent: Friday, November 19, 2021 2:05 PM
To: County Clerk
Subject: Section 2.80B.070

2021 NOV 29 AM 9:18

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Aloha Chair Lee and Councilmembers,

My name is Suzette Felicilda a multi-generation member of Mala, Lahaina. I have attended many council meetings on this subject and I support to adopt the updated West Maui Community Plan. I've seen growth over many years here in Lahaina and the entire West Maui. I agree we need to lay down the foundations and I do wish to give our future generations opportunities to decide the growth of West Maui. We need our future generations to have options. If we take everything at this moment, where is their room for their growth. Thank you for your time.

Suzette Felicilda
Kanaka Maoli
Mala, Lahaina

Sent from my iPhone

County Clerk

From: Jeff and Sue Anderson <smander@pacbell.net>
Sent: Sunday, November 28, 2021 10:41 AM
To: County Clerk
Subject: County Council Testimony re First Reading of A BILL TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN

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Aloha Councilmembers,

This testimony is regarding the 12/3/2021 agenda item for the First Reading of A BILL TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN. Note that there doesn't appear to be a bill identifier in the agenda.

I want to say a big THANK YOU to the folks who participated in creating the new West Maui Plan, especially the volunteer CPAC committee members. I sat in on a few of their many long meetings they held over literally years. The committee put in lot of work and the plan is quite an accomplishment. I admire their passion and commitment to reviewing every aspect and to upholding key values that should serve us well in the future. The plan's focus on avoiding sprawl by locating new development near existing infrastructure, employment and services is great. I'm especially fond of the new "Areas of Stability".

You will likely get lots of feedback spurred on by self-interested groups and individuals suggesting last minute changes. Please resist the urge to make any big changes to the plan. Making big changes would shift the plan from a community crafted and supported effort to one built and owned by the County Council. It would devalue many thousand hours of effort, much of it by unpaid volunteers, to get the plan to this point. Overriding the plan would also discourage community members from participating in similar future efforts.

Please approve the West Maui Community Plan as-is or with minimal changes.

Jeff Anderson, Lahaina

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From: Gordon Firestein <gfirestein@seapact.com>
Sent: Monday, November 29, 2021 10:57 AM
To: County Clerk
Subject: West Maui Community Plan

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

Aloha, Councilmembers,

I am delighted that the West Maui Community Plan is before you now for final approval.

This represents the culmination of countless hours of community meetings and official hearings. I participated in some of them, but the CPAC members attended all of them! What a fantastic contribution to the community. I am confident the plan represents the desires of the vast majority of West Maui residents, especially when it comes to the challenging issues of where to locate affordable housing and which areas should be protected from future development.

You can be sure that adopting the plan as presented is the right thing to do.

Sincerely,

Gordon Firestein
Launiupoko

County Clerk

From: Gary <gary@ALOHAAKU.COM>
Sent: Tuesday, November 30, 2021 2:39 PM
To: County Clerk
Subject: Testimony on Bill 148 - Amendment request for Proposed TA Moratorium

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

Aloha Councilmember Kelly King, Chair Lee, other Council Members, and Staff,

My husband, Gary Passon, and I have been following the Transient Accommodations Moratorium bill. We believe it comes up on Friday for a second reading.

While there are many good and acceptable elements of the bill, there is a part that was recently added that directly and punitively affects a very small set of people that still have **in-process STRH permits**. It appears this fundamental change was made to Section 2 was without getting MPC and/or community input. We would appreciate your giving some additional consideration to this proposed addition to the bill.

What has been added is a block on allowing in-process STRH permits to be granted by the planning department during the moratorium.

We are asking that an Amendment to the TAM is made to exempt any in-process STRH permit applications that have been in process prior to 12/3/2021 to allow for them to continue to be processed and if approved granted in a timely manner.

The current wording in the TAM is extremely unfair to the few families (we believe approx. 16 of them) that have been working inside the Planning Department system for a long time (in some cases up to 4 years). In all cases, the applicants have spent significant monies, time, and effort to prepare the property to meet the *very stringent requirements* already needed to get these permits.

In full disclosure, my husband Gary Passon and I are **awaiting a permit for a STRH application that has been in-process for 3+ years**. This is on a property we acquired in Jan 2017 and our application went in **BEFORE** the 5 years waiting period was introduced.

We ask that the Council allow these few in-process permits be allowed to continue.

Mahalo for your consideration,

Charlene Schulenburg and Gary Passon

Cell (808) 446-4310

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December 1, 2021

RE: Bill 148

Moratorium on Transient Accommodations

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2021 DEC -1 PM 12: 53

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Aloha Maui County Council Members:

I am writing this letter in support of the proposed moratorium on visitor accommodations on Maui. This moratorium is a crucial step toward remediating the current unregulated over-tourism we are seeing here.

The Maui Island Plan suggests limiting the number of visitors to approximately 1/3 the number of residents in order to preserve our environment, infrastructure, and quality of life for residents—all of which would improve the visitor experience as well.

The year 2019 was already a year of uncontrolled growth, fueled by the tourism industry. Promises were made by leaders during the early part of the pandemic to improve on the tourism experience for both visitors and residents. Residents were promised that the goal would be to decrease the number of tourists while protecting the islands. Since October of 2020, those promises have been completely forgotten by our leaders, who proudly announce that the goal of reaching 2019 numbers has been met and now exceeded.

The current volume of tourists we were seeing pre-pandemic and now, in 2021, during the pandemic, is a threat to the health, safety and quality of life of the residents of Maui, our environment and wildlife. Our island resources are very limited. Our inadequate sewage treatment, water, and landfills are not meant for this level of use. We just finished months of a of a severe water shortage, yet only Upcountry residents were affected, not tourists. While my family's yard dried up and died due to not watering it, the hotels are literally sucking up water as if there is no restriction. While sewage is discharged into our oceans, tourists are overcrowding our beaches and cruelly abusing our wildlife (I am thinking about honu and dolphins right now). Our fishing industry is endangered by the abuse the ocean environment is experiencing.

On Maui, tourists do not stay in the tourist areas, but drive all over the island, causing huge traffic congestion—and this is despite the rental car shortage. Tourists don't even think twice about using up resources meant for residents, such as UHauls! I have seen horrific pictures of the road to Hana being blocked by tourists who choose to park on the road, blocking traffic, because of lack of parking.

Residents are literally being told that we do not count and that the tourism industry is all-powerful. Our mayor has not showed any support of controlling tourism, including vetoing the last proposed moratorium for south and west Maui and vetoing the affordable housing bill. He goes out of his way to please the big money brought in by the tourism industry and mainland investors. He has made it clear that residents are second class citizens to tourists. It is the responsibility of government officials to ensure that there is adequate affordable housing for those who are essential to making our community work (health care professionals, teachers, police, social workers, restaurant workers, grocery/retail workers and yes, workers in tourism), not to incentivize nonresidents' profiting off tourism.

Residents here sacrifice a great deal financially to live here and deserve to be able to enjoy the beaches, hikes and parks. Instead, there is no room for residents on any of these. The majority of residents here do not depend at all on the tourist industry—yet all of us are made to sacrifice for it. For me, it is about more than a financial sacrifice, as this is not only my birthplace but also that of my ancestors. Hardworking residents are trying not to be chased out by greedy leaders who put short-term profit first.

Our economy needs to be diversified. Our children need to be taught skills that will help them to succeed in society, rather than just to serve tourists. We need a moratorium on future visitor accommodations while solutions can be implemented, including leadership that supports resident lives over the tourism industry.

I appreciate the members of the Maui County Council greatly. With few exceptions, you are the leaders who put residents and the 'aina first.

Mahalo Piha,

Kai Duponte

Kai Duponte, MSW

County Clerk

From: Kaaz <rbjyz@gmail.com>
Sent: Wednesday, December 1, 2021 1:24 PM
To: County Clerk; Mike J. Molina; Shane M. Sinenci; Tasha A. Kama; Alice L. Lee; Yukilei Sugimura; Kelly King; Keani N. Rawlins; Gabe Johnson
Subject: Moratorium on Transient Accommodations, Bill 148

Some people who received this message don't often get email from rbjyz@gmail.com. [Learn why this is important](#)
Aloha Maui County Council Members:

We are writing this letter in support of the proposed moratorium on transient visitor accommodations on Maui. We support this moratorium as an initial step toward remediating the current unregulated over-tourism we are experiencing on Maui.

In accordance with the Maui County Plan, the goal for visitors to Maui has been to limit the number of visitors to approximately 1/3 the number of residents in order to preserve our environment, infrastructure, quality of life and all that makes Maui such a beautiful and popular tourist destination.

The current volume of tourists we were seeing pre-pandemic and now, in 2021, during the pandemic, is a threat to the health, safety and quality of life of the residents of Maui, our environment and wildlife.

These huge numbers of tourists are consuming and using scarce resources with few restrictions and controls. Maui's sewage treatment injection wells are inadequate to properly treat the sewage produced by our residents, let alone thousands of tourists. This results in inadequately treated sewage discharging into our oceans, killing coral, infecting people and ocean life, alike.

Due to climate change and global warming, Maui is experiencing a major drought that is predicted to get worse, not better. Tourists not only consume water, but the resorts and hotels and golf courses consume massive amounts of water in a wasteful manner to maintain the illusion of a green and lush Maui in areas that have traditionally been dry and sunny, not lush and green.

Traffic on our highways is terrible, particularly on the road to Hana, and East Maui is being overwhelmed by tourist traffic. All of Maui is being overwhelmed by traffic. The exhaust from the thousands of cars is ruining the clarity of air, threatening our health and consuming fossil fuels that contribute to the acidification and destruction of our oceans. Toxic sunscreen further pollutes the ocean, killing and bleaching the coral on which we depend to create reefs that help control our sea levels, provide a haven for fish, and support a sustainable fishing industry.

Tourists crowd our beaches, and tour boats crowd our oceans disturbing the quality of life for both residents and existing wildlife. Noise from tour boat engines affects the already struggling whale, honu and dolphin populations. Despite Federal and state regulations and guidelines, tourists on our beaches and in our coastal waters have been seen disturbing spinner dolphin pods and honu which are trying to bask and sleep during the day causing them illness and harm. 25% of Maui's coral reefs are damaged and destroyed both directly and indirectly by tourism. The ocean water is often oily and poisoned by excessive use of cancer causing sunscreen. Molokini is a great example of how tourism disturbs the overall marine environment. During the pandemic, the fish and oceanic predator population returned to its normal ecological balance. Now it is once again disturbed, as shown in a recent study.

Rents and the cost of housing are sky high due to short term transient tourist rentals (TVRs). Many residents of Maui can no longer afford to live here. Eliminating TVRs will decrease rents and improve the quality of residential neighborhoods. Please don't authorize the building of what we have too much of already.

These are but a few of the consequences of the unregulated rampant over-tourism we are once again experiencing. I thank you in advance for your support of this moratorium on transient tourist accommodations. Maui is literally being "loved to death" by excess tourism, and we are in danger of sacrificing our island, it's rich cultural heritage, environmental beauty and diversity on the altar of tourism. Once the island is destroyed, tourism will decrease and we will literally have destroyed that which is currently supporting us. Now is our chance to limit tourism and begin to diversify our economy.

Sincerely,

Joy and Rob Kaaz
Kihei residents

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2021 DEC - 1 PM 1:35

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**Testimony for Maui County Council
Meeting of December 3, 2021**

Aloha, Committee members.

My name is Sarah Hofstadter. I am a full-time, permanent resident of Kihei and a steering team member of the HALE Hawai'i community group. I am writing to express my strong **support** for the proposed **visitor accommodations moratorium** (Agenda Item M.2, **Bill No. 148**).

It is no secret that Maui County residents, especially on the island of Maui, are increasingly voicing strenuous objections to the uncontrolled growth of tourism. One down side of our excessive economic reliance on tourism was evident during the height of the pandemic, when so many residents were financially devastated. As long as our economy is so tightly tied to tourism, any major disruption to the global economy in the future will have the same effect.

And now that visitors are back, the contrast between current conditions and the relative peace and quiet we enjoyed when we were "closed" has thrown into sharp relief the other down sides of overtourism: traffic, overcrowding, food shortages, overuse of our natural resources, abuse of wildlife, and an excessive number of expensive rescue operations attributable to poor judgment and disregard of warnings by visitors.

Enough is enough. Maui residents are getting fed up with the double standard that allows crowds of visitors to degrade our quality of life, while resident-oriented recreational facilities and gatherings are still subject to closures and limitations. We are facing severe drought conditions; farmers are fighting over water rights and Upcountry residents are letting their gardens die to conserve water, yet our resort areas are green and lush. We have a looming problem with adequate sewage processing facilities, and other aspects of our island infrastructure are seriously in need of repair; visitors add to these problems, but do nothing to help solve them. We are in desperate need of affordable housing, yet we continue to commit an excess share of our construction resources to visitor accommodations and luxury second homes for rich mainlanders.

The Maui Island Plan, which was adopted in 2012 and is supposed to have the force and effect of law, specifies in section 4.2.3.a that we are to "Promote a desirable island population by striving to not exceed an island-wide visitor population of roughly 33 percent of the resident population." That provision has NEVER been enforced. Now is the time to start. Let's not wait until a cherished kupuna in East Maui dies unnecessarily because visitor traffic on the road to Hana made it impossible for an ambulance to get through in time.

Of course, neither Maui County nor the State of Hawai'i has the legal authority to directly control the number of visitors who come here. **Thus, the ONLY legal tool we have to regulate tourist numbers is our ability to limit the accommodations available to them.** If visitors cannot book lodgings, they will not come, and reducing visitor demand is the only way we have to influence the number of incoming flights. As the detailed discussion below clearly illustrates, **we already have MORE than enough hotel rooms and vacation condos to house the number of visitors Maui's infrastructure can properly handle, and MORE than enough to house a number of visitors equal to 33% of our resident population.** Building yet more capacity would only add to our existing problems.

The population of the County of Maui is just over 168,000. (<https://worldpopulationreview.com/us-counties/hi/maui-county-population>) That means that under the one-visitor-to-three-residents ratio, our daily visitor count should not exceed about 56,000 per day. Yet in July 2021, we had an average daily visitor census of 76,195 – some 20,000 *more* visitors than called for under the Maui County Plan. (<https://www.hawaii-tourism-authority.org/media/7924/july-2021-visitor-statistics-press-release.pdf>) Obviously, we already have more visitors than we want, and more importantly, more than our island's infrastructure and carrying capacity can handle.

Moreover, we already have approximately 21,400 visitor accommodations units on Maui, each of which will presumably house from two to four people. (See illustration below, from <https://www.hawaii-tourism-authority.org/media/8208/202-visitor-plant-inventory-report-1-11.pdf>.) Assuming an average occupancy of three visitors per unit, we *already* have enough rooms to handle 64,000 visitors – 8,000 *more* than called for by the Maui County Plan. And that figure does not include two developments in Kihei which will not be affected by the moratorium – the Maui Bay Villas by Hilton Grand Vacations timeshare on the former Maui Lu site, and the expansion of the Maui Coast Hotel.

It is worth noting that even at the 2021 peak of visitor numbers in July, Maui hotels had an occupancy rate of less than 82 percent. (<https://maui-now.com/2021/08/23/occupancy-at-81-7-for-maui-county-hotels-in-july-2021/>) In other words, *our existing hotel rooms are not full.*

The opposition to the proposed moratorium has been groundless and deceptive. Why do the hotels need to expand, when they are not operating at full capacity now, and even more visitor accommodations are already set to open before the proposed moratorium could take effect? If the visitor lodging industry really needs more revenue, they can raise rates instead. As for construction workers, if they need jobs, they can get them from building affordable housing for residents, including their own ohanas and friends, instead of additional/expanded visitor accommodations. Construction union opposition to the moratorium bills is very short-sighted and narrow-minded, and does not reflect a commitment to the long-term well-being of the workers and their community.

The tourism pause necessitated by the pandemic gave us the perspective to see that we **MUST** diversify our economy, both to insulate it against future emergencies and to preserve residents' quality of life, as well as Maui's infrastructure and ecosystems. Let's not waste the present opportunity to build on that insight with actual policy changes. Let's not succumb to the pressure for tourism growth, when what we need is better tourism management. **Let's not build any more of what we have too much of already.** Instead, let's focus Maui's workforce and investment resources on the things we really **NEED** and **DON'T** have: affordable housing, updated infrastructure, more local food production, and a better future for our keiki, with good-paying jobs that enable them to stay on island.

Mahalo nui for your attention. - Sarah Hofstadter, Kihei resident and HALE Hawai'i Steering Team member

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County Clerk

From: Amber C. <ambercoontz@gmail.com>
Sent: Wednesday, December 1, 2021 11:28 PM
To: County Clerk
Subject: A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI

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

Aloha Maui County Councilmembers,

I'm writing testimony in SUPPORT of BILL 148, A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI.

Over-tourism and overdevelopment in Maui County are responsible for Maui's housing shortage for full-time residents. Residents can't find long-term rentals because owners prefer to earn short-term rental income legally and illegally from transient accommodation. Residents can't afford to buy homes because over-tourism and overdevelopment have inflated land and housing prices in Maui County.

Maui County has a shortage of teachers, doctors/nurses/healthcare workers, and skilled trades people due to the high cost and low availability of housing. The housing shortage has also contributed to hospitality/tourism worker shortages in the last several years.

Maui County doesn't need more jobs, despite the disingenuous claims made by tourism and real estate development lobbyists. Maui County needs to create more housing options by incentivizing home owners to rent to long-term residents that can fill the current worker shortages in essential sectors like healthcare, skilled trades, and education.

Building new transient accommodation will not solve the housing shortage and will not provide residents with high wage, full-time employment. Union construction workers should be retrained to update Maui's outdated and overburdened infrastructure. Roads, sewage treatment, coastal erosion, outdated electric and internet infrastructure, medical facilities, and public schools are all in dire need of repair to support the existing resident and tourist populations. How can a state that hosts 10 million visitors per year be in such a state of disrepair? How is building more transient accommodation going to fix the housing shortage and infrastructure that's already overburdened by too many visitors?

How is building more transient accommodation going to stop rampant illegal commercial activities operating with impunity at county and state beaches, harbors, and near shore waters? County and state agencies already claim they can't keep up with enforcing existing laws for commercial activities on public land. How will more tourists and more tourist accommodation fix this problem?

Maui's median household income is approximately \$80,000 per year. Half of Maui's households earn \$80,000 or less while the median home price is almost \$1 million. One bedroom apartment rentals are \$1,800-\$2,500 per month, not including utilities. The residents who work in hospitality jobs for \$20-25 per hour can't afford to pay rent and pay for essential needs like clothes, food, transportation, and medical care. Tourism is not creating high-paying employment and Maui can't build it's way out of this mess.

There are already too many visitors here for limited land and resources. On any given day, there are approximately 50,000-75,000 tourists on Maui in addition to the resident population of approximately 160,000. Maui has a finite amount of natural resources, land, and infrastructure to support the existing over-tourism numbers. Why would Maui

need to build more transient accommodation when the County Charter clearly states visitor numbers should not exceed approximately 30% of the resident population?

Visitors should be staying in the existing hotels and resorts and legal, short-term vacation rentals. There is absolutely no need for additional transient accommodation in Maui County. State and county agencies already cannot enforce existing tax and zoning laws for transient accommodation violations. How is building more accommodation and bringing more visitors going to solve this problem?

Stop building, stop new developments, and stop bringing more visitors. Maui County must raise taxes on existing transient accommodation, provide tax incentives for owners of long-term rentals, and create training and recruitment programs for residents to fill job vacancies in essential sectors. Residents with full-time employment in education, healthcare, skilled trades, and other professional jobs can contribute to Maui's tax base and island economy. More development from out of state and foreign corporations that exploit tax loopholes will not solve Maui's over-tourism issues. More low-wage service jobs will not solve Maui's over-tourism issues. Doubling down on a failed strategy is not the answer. We don't need even more of something that isn't working in the first place. The status quo is failing Hawaii residents and enriching exploitative industries that profit off of local residents and Maui's natural resources. Please pass Bill 148 to show Maui residents you support effective and meaningful policies to limit the current over-tourism levels that are not economically or environmentally sustainable.

Mahalo,
Amber Coontz
Lahaina, 96761

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LOCAL #1 HI, IUBAC



International Union of Bricklayers and Allied Craftworkers Local #1 of Hawaii

2251 North School Street, Honolulu, HI 96819
Phone: (808) 841-8822 • Fax: (808) 777-3456

December 3, 2021

The Honorable Alice L. Lee, Chair
The Honorable Keani Rawlins-Fernandez, Vice-Chair
Maui County Council
200 South High Street, Eighth Floor
Wailuku, Hawai'i 96793

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Statement of Local 1 in STRONG OPPOSITION to Bill 148 Moratorium on New Transient Accommodations on Maui

Dear Chair Lee, Vice Chair Rawlins-Fernandez, and Members:

The International Union of Bricklayers and Allied Crafts, Local 1, writes to strongly oppose Bill 148, which proposes a moratorium on new transient accommodations on Maui.

Our members would be dramatically and detrimentally affected by the proposed moratorium. Due to the discerning nature of Maui's visitors, hotel construction and renovations typically involve a substantial amount of high-quality, high-finish stone, marble, terrazzo, and tile work – the type of work that our well-equipped contractors and well-trained members perform. Hotel construction and renovation work provides our members with living wage jobs so they can support their families on Maui County.

If the proposed moratorium were to pass, our members and contractors would find it nearly impossible to find stable and economically-sustaining work opportunities in Maui County. While the moratorium purports to only be in effect for a few years, if our Maui members are forced to move away from the island, it will be much more difficult for them to return home afterwards even if hotel construction were to be permitted again. If local contractors close up shop and are unable to open back up after the moratorium expires, the void will be filled by mainland contractors which would further harm the local economy.

With the tourism industry in a tenuous position due to the COVID-19 pandemic and with an uncertain future ahead for the local construction industry due to the state of the global economy, we are extremely concerned by this proposal. **Thus, we must respectfully urge the Council to reject this very problematic moratorium proposal.**

However, if the Council decides to proceed forward on this problematic proposal, we would request that language be added to address projects which have already submitted completed applications to be allowed to proceed. For projects which have submitted applications, in many cases, our contractors have at that point already provided pricing information and assessed manpower requirements. Prohibiting projects with completed applications from moving forward would be an even more difficult blow for our membership, many of whom have been waiting for job opportunities so they can provide for their families.

Thank you for the opportunity to testify on this matter.

County Clerk

From: Joyce Naruse <jnaruse@ilwulocal142.org>
Sent: Thursday, December 2, 2021 8:56 AM
To: County Clerk
Subject: Statement of ILWU Local 142 On County Communication 21-543
Attachments: Statement of ILWU Re County Communication 21-543.pdf

You don't often get email from jnaruse@ilwulocal142.org. [Learn why this is important](#)

Good morning. Attached are signed statements from members working at the Grand Wailea Resort regarding County Communication 21-543.

Joyce Naruse

Division Clerk

ILWU Local 142 – Maui

896 Lower Main Street | Wailuku, HI 96793

Main: (808) 244-9191 | Fax: (808) 244-7870

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ILWU 142 Hawaii

International Longshore & Warehouse Union

This electronic message transmission contains information from the ILWU that may be proprietary, confidential and/or privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, be aware that any disclosure, copying or distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify the sender immediately by replying to the address listed in the "From:" field.

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

Dear Maui County Council:

As a member of the ILWU Local 142 and an employee of the Grand Wailea Resort, I strongly oppose Bill 148. Bill 148 will negatively impact myself, fellow co-workers and all working families in Maui County.

As you know, we are living during a very uncertain and turbulent time. The Covid-19 pandemic wiped out thousands of jobs on Maui and many of us are just starting to return back to our jobs. This is the wrong time to limit job growth on Maui when workers are struggling to find good employment. I strongly urge you to vote against Bill 148 in its current form and support the proposed amendment by the Grand Wailea Resort which clarifies Section 2 by stating:

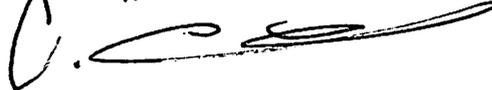
“Section 2. This Ordinance takes effect on approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that has received from the Department of Planning a written notice of application completeness and acceptance, or received its final discretionary approval prior to the effective date” of the moratorium.”

Ultimately, we need to focus on job growth and healing our hospitality industry that has been negatively impacted by the COVID-19 pandemic. This is the wrong time to implement a moratorium on new transient accommodations on Maui – in particular the proposed Grand Wailea Resort renovations and addition which would stimulate our local economy.

Please do not hurt local families. Workers need good-paying jobs on Maui.

Thank you for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Andrion', with a long horizontal flourish extending to the right.

Charles Andrion

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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“Section 2. This Ordinance takes effect on approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that has received from the Department of Planning a written notice of application completeness and acceptance, or received its final discretionary approval prior to the effective date” of the moratorium.”

Ultimately, we need to focus on job growth and healing our hospitality industry that has been negatively impacted by the COVID-19 pandemic. This is the wrong time to implement a moratorium on new transient accommodations on Maui – in particular the proposed Grand Wailea Resort renovations and addition which would stimulate our local economy.

Please do not hurt local families. Workers need good-paying jobs on Maui.

Thank you for your consideration of this testimony.

Sincerely,


Eliza Barzman
Housekeeping

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

Dear Maui County Council:

As a member of the ILWU Local 142 and an employee of the Grand Wailea Resort, I strongly oppose Bill 148. Bill 148 will negatively impact myself, fellow co-workers and all working families in Maui County.

As you know, we are living during a very uncertain and turbulent time. The Covid-19 pandemic wiped out thousands of jobs on Maui and many of us are just starting to return back to our jobs. This is the wrong time to limit job growth on Maui when workers are struggling to find good employment. I strongly urge you to vote against Bill 148 in its current form and support the proposed amendment by the Grand Wailea Resort which clarifies Section 2 by stating:

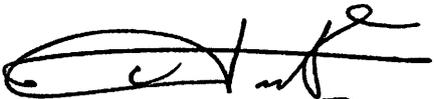
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Ultimately, we need to focus on job growth and healing our hospitality industry that has been negatively impacted by the COVID-19 pandemic. This is the wrong time to implement a moratorium on new transient accommodations on Maui – in particular the proposed Grand Wailea Resort renovations and addition which would stimulate our local economy.

Please do not hurt local families. Workers need good-paying jobs on Maui!

Thank you for your consideration of this testimony.

Sincerely,


Emmanuel A. Baltaran
Honuhoupiu

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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Please do not hurt local families. Workers need good-paying jobs on Maui.

Thank you for your consideration of this testimony.

Sincerely,


MARISSA V. BUSTA
CAUNDEY

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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Thank you for your consideration of this testimony.

Sincerely,

Edna P. Gabanting
EDNA P. GABANTING
Housekeeping

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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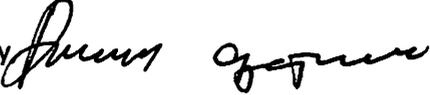
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Thank you for your consideration of this testimony.

Sincerely, 
Diana M. Castillo
H SKP.

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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Thank you for your consideration of this testimony.

Sincerely,

MARIANO CASTILLO
HOUSEKEEPING

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Thank you for your consideration of this testimony.

Sincerely,



DUSTIN DORONIO
GDR

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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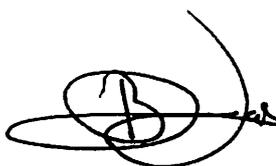
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Thank you for your consideration of this testimony.

Sincerely,


BEN GARCIA
ENG'G.

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Thank you for your consideration of this testimony.

Sincerely,

Dionicio Burman Jr

J E R

Huma Hama

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Thank you for your consideration of this testimony.

Sincerely,

Lucia Guzman
Lucia Guzman
Stewarding

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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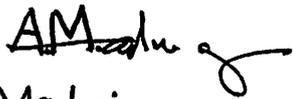
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Thank you for your consideration of this testimony.

Sincerely,


Almie T. Madriaga
SPA Department

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Thank you for your consideration of this testimony.

Sincerely,

Henry C. Dardasan
Henry C. Dardasan
Housekeeping

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Sincerely,

MYLA O'NEILL
O'Neill GOR - department

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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Thank you for your consideration of this testimony.

Sincerely,


Ligaya Parilla
Laundry

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-543

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Thank you for your consideration of this testimony.

Sincerely, 

NICK SADO
Housekeeping

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Thank you for your consideration of this testimony.

Sincerely,


WARREN B. ULEP
HOUSEKEEPING

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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Thank you for your consideration of this testimony.

Sincerely,


Benedicto Valdez
Landscaping

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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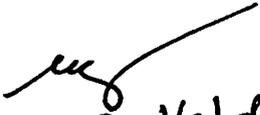
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Thank you for your consideration of this testimony.

Sincerely,


Evelyn C. Valdez
HS kp.

December 2, 2021

Maui County Council
Kalana O Maui Building, 8th Floor
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Friday, December 3, 2021; 9:00 a.m.

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As you know, we are living during a very uncertain and turbulent time. The Covid-19 pandemic wiped out thousands of jobs on Maui and many of us are just starting to return back to our jobs. This is the wrong time to limit job growth on Maui when workers are struggling to find good employment. I strongly urge you to vote against Bill 148 in its current form and support the proposed amendment by the Grand Wailea Resort which clarifies Section 2 by stating:

"Section 2. This Ordinance takes effect on approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that has received from the Department of Planning a written notice of application completeness and acceptance, or received its final discretionary approval prior to the effective date" of the moratorium."

Ultimately, we need to focus on job growth and healing our hospitality industry that has been negatively impacted by the COVID-19 pandemic. This is the wrong time to implement a moratorium on new transient accommodations on Maui – in particular the proposed Grand Wailea Resort renovations and addition which would stimulate our local economy.

Please do not hurt local families. Workers need good-paying jobs on Maui!

Thank you for your consideration of this testimony.

Sincerely,

R. Valdez
Remedios R. Valdez
House Keeping

County Clerk

RECEIVED

From: Michelle Sigmund <michelles@leisinc.com>
Sent: Thursday, December 2, 2021 9:00 AM
To: County Clerk
Cc: Michelle Sigmund; Stephen Leis
Subject: Written Testimony - Bill 148 (Dorvin D. Leis Co., Inc.)
Importance: High

2021 DEC -2 AM 9:07

OFFICE OF THE
COUNTY CLERK

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

Aloha,

This message is from Stephen Leis, President of Dorvin D. Leis Co., Inc. which is a Maui-based mechanical contractor who have employed thousands of Maui residents over our 50+ years on the island.

Dear Council Members,

As a long-time Maui-resident, with deep ties to the community, we understand the community's concerns with balancing the quality of life and need for economic stability. This need for economic stability also presents itself in our business as a long-time Maui-based contractor, who employ hundreds of Maui residents at any given time that allow them to provide for their families. We are sensitive to overgrowth on Maui, but we do not advocate for that balance to be forced through a 2 year moratorium whose restrictions will continue well past the 2 year mark. The initial investment of capital and resources required just in the due diligence period for large hotel developments span multiple years, and this moratorium may avert Developers to other communities where they will spend their development, construction, and operating budgets in benefit of the communities in which they reside. Growth needs to be managed, but we feel there is a better way within the various planning committees and regulatory bodies to accomplish this task already, without impacting Maui's future developments.

If this passes, we ask that the Council consider amending the language in Section 2 of the Bill to allow an exemption for developments who have already submitted complete applications that meet all requirements and are awaiting final review.

Thank you for your time, consideration, and hard work.

Stephen Leis

Thanks,
MS



Michelle Sigmund
CFO
Dorvin D. Leis Co., Inc.
202 Lalo Street, Kahului, HI 96732-2924
Office: 808.270.0120
Cell: 808.987.7488
Fax: 808.871.6828

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2021 DEC -2 PM 3: 33



December 2, 2021

OFFICE OF THE
COUNTY CLERK

Council of the County of Maui

Councilmember Alice L. Lee, Council Chair

Councilmember Keani Rawlins-Fernandez, Council Vice-Chair

RE: BILL 148 – "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI"

Hearing date and time: Friday, December 3, 2021, at 9:00 a.m.

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and Honorable Councilmembers,

I am writing on behalf of Grand Wailea to comment on Bill 148, the proposed moratorium for new visitor accommodations on Maui.

In October 2018, Grand Wailea began what has become a more than three-year review of a request for permission to move forward with the resort's first major renovation and expansion since it opened 30 years ago. The project includes 137 guest rooms, new pool amenities, expanded pool decks, infrastructure upgrades, and other improvements to the iconic property.

Conversations with community members have guided the scope of Grand Wailea's enhancement plans. Since the review process began, there has been a significant reduction in the number of new rooms being proposed, the chapel will be preserved, and a new floor of parking has been eliminated. There has also been careful planning to minimize potential impact on cultural resources.

Grand Wailea is currently awaiting a Maui Planning Commission hearing where commissioners will vote on the project's final discretionary approval.

Economist Paul Brewbaker estimates Grand Wailea's enhancement plans would provide a significant boost to Maui's economy and tax base for four years during construction and continuing after the expanded resort starts welcoming guests. 215 construction jobs will be created each year over four years, generating \$46 million in earnings and \$7 million in new state taxes. 245 permanent tourism jobs will be added on Maui, equating to \$12 million in earnings per year and \$2 million in state taxes. These jobs will be in key areas, including management, food and beverage, accounting and at the front desk.

The expansion will add \$650,000 per year in property taxes paid to the County of Maui, amounting to a 12.4% increase to the current \$5.2 million. It will also increase Grand Wailea's annual contributions to more than \$20 million in Transient Accommodations Tax revenue for the state.

On this Council's referral of Bill 148 to the Maui Planning Commission, commissioners explicitly noted the investment of time and resources that go into complex permitting and planning applications to the County. In response, the Planning Commission voted to modify Section 2 to exempt from the moratorium any projects that have "filed" applications with the County authority that will determine the project's final discretionary approval.

Before voting in favor of passage on the first reading, Councilmembers amended Section 2 to read:

Section 2. This Ordinance takes effect on approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that is properly filed with the County that has received its final discretionary approval prior to the effective date.

In adopting the current version of Section 2, we understand it may have been the intent of Councilmember's to prevent what some fear will be a rush to file new permit applications on the eve of the moratorium becoming law.

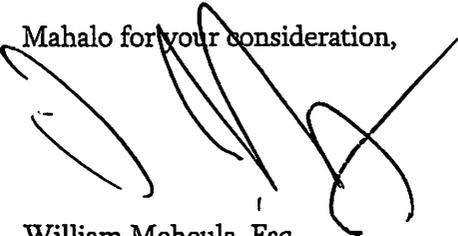
Grand Wailea respectfully asks Councilmembers to consider a minor but important change, as shown below with inserted language underlined.

Section 2. This Ordinance takes effect on approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that has received from the Department of Planning a written notice of application completeness and acceptance, or received its final discretionary approval prior to the effective date.

Councilmembers can rest assured, given the limited scope of the proposed change, such an amendment will not result in a mass of new applications that will evade the moratorium. A review of publicly available information about new visitor accommodations projects with complete applications awaiting final discretionary approval appears to be limited to one: Grand Wailea's enhancement plans, which has been "complete" for more than two years and is in the final stage of its final discretionary approval.

Please know that Grand Wailea is committed to achieving a sustainable tourism future where visitors are redirected to the parts of the island where tourism was intended and envisioned by the Maui Island Plan. The resort also stands ready to work together with the Council to minimize the impacts of visitors through thoughtful planning and conservation efforts that will, likewise, maximize the benefits of tourism for local communities and families.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'William Meheula', written over the text 'Mahalo for your consideration,'.

William Meheula, Esq.

Sullivan Meheula Lee
A Limited Liability Law Partnership

Counsel for Grand Wailea

County Clerk

RECEIVED

From: Angela Leone <angie@coconutcondos.com>
Sent: Thursday, December 2, 2021 1:54 PM
To: County Clerk
Subject: Opposition to Moratorium on Transient Accommodations

2021 DEC -2 PM 3: 33

OFFICE OF THE
COUNTY CLERK

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

Dear Maui County Councilmembers,

On behalf of Maui PRMA, the Vacation Rental Trade Council under the Maui Chamber of Commerce, we would like to **express our opposition to the proposed moratorium on transient accommodations, Bill 148 establishing chapter 19.98.**

PRMA, the Professional Rental Management Association, is a coalition of professional property management companies representing over 1600 **legally zoned condominium vacation rental units throughout Maui**. Our members are licensed in the State of Hawaii, engaged in the management of legal vacation rental properties, primarily condominiums, and comply with real estate license law and code of ethics. Our companies represent 216 years in business, employing nearly 200 employees and over 300 independent contractors and vendors.

The visitor industry supports so many other small businesses, contributing to our island's overall economic health. When this industry is stifled and suffers, jobs are lost and that creates broad waves of negative impacts that ripple throughout our community. When our industry was shut down during COVID, West Maui in particular saw unemployment rates in the 50%+ range with food lines that were 2-3 hours long. **Changes to our industry affect our local community, especially in the areas where many of the tourism related employees live and reside (West/South Maui).**

Ultimately, this will not stop visitors from traveling to Maui. We believe it will have other negative impacts such as reduced industry revenue and increased costs for guests, which could potentially lead to stays in illegal units at a time when we are trying to support legal vacation rentals and shut down illegal operations. The council and planning office have spent so much time and effort in establishing rules, permitting and oversight for legal vacation rentals. We would support continued efforts in allowing permitted transient accommodations to apply and operate in order to continue to collect GET & TAT revenue and reduce the number of illegal operators. **If there is no means for homeowners interested in pursuing legal permits, we run the risk of creating more illegal operators. At the end of the two years, this moratorium may create a bigger problem than when it started.**

On behalf of PRMA, we ask that you please focus your attention on the Maui Nui Destination Management Action Plan (DMAP) for the islands of Maui, Molokai, and Lanai. We would prefer to see the Council focus on efforts to support the DMAP and further this work instead of looking for ways to punish property owners and potentially inadvertently create more illegal vacation rentals.

We welcome any discussion with you or a member of your administration and can be contacted at Mauiprma@gmail.com.

Mahalo,

John Kevan
Angela Leone
Co-Founders of Maui Professional Rental Management Association (Maui PRMA)

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE MAUI COUNTY COUNCIL
MEETING ON DECEMBER 3, 2021 AT 9:00 AM

BILL NO. 141 (2021)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the County Council:

The Department of Hawaiian Home Lands (DHHL) submits testimony in **strong support** of this bill.

The availability of water is one of the key barriers DHHL faces in the development and delivery of homesteads across Hawai'i. By adding DHHL projects to the list of projects that are exempt from the requirements of the Water Availability ordinance (14.12.030, Maui County Code), you will empower the County and DHHL to work cooperatively to provide much needed housing in the County. This will be a meaningful step in helping DHHL and the County to faithfully implement the Hawaiian Homes Commission Act, a Constitutional mandate and a condition of statehood.

DHHL supports the language that is before the Council that was passed at your previous meeting. We would be happy to answer any questions.

Thank you for your consideration of our testimony.

Me ke aloha,

William J. Ailā, Jr., Chairman
Hawaiian Homes Commission

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2021 DEC -2 PM 1:00

OFFICE OF THE
COUNTY CLERK

ORDINANCE NO. _____

BILL NO. 141 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI COUNTY CODE, EXEMPTING DEVELOPMENT BY THE DEPARTMENT OF HAWAIIAN HOME LANDS UNDER THE HAWAIIAN HOMES COMMISSION ACT FROM THE WATER AVAILABILITY POLICY

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to exempt development by the Department of Hawaiian Home Lands under the Hawaiian Homes Commission Act from the Water Availability Policy.

SECTION 2. Section 14.12.030, Maui County Code, is amended to read as follows:

“14.12.030 Exemptions. This chapter [shall] does not apply to:

A. Building permits as described in chapter 18.28 [of this code,] or other ministerial construction permits that do not require new or additional water services;

B. Subdivisions that do not require water service, such as[, but not limited to,] family subdivisions as defined in section 18.20.280 [of this code], consolidations and concurrent re-subdivisions that do not create additional developable lots, road widening lots, utility lots, or easements for access or utility purposes;

C. Subdivisions that will not be regulated as a public water system [pursuant to] under department of health rules, [provided] except that this exemption [shall] does not apply to any subsequent subdivision of any of the resulting parcels;

D. Infill development, [provided] except that this exemption [shall] does not apply to any subsequent development or subdivision of any resulting parcels;

E. Residential workforce housing units developed by a qualified housing provider [pursuant to] under chapter 2.96 [of this

code,] and are within the service area of the department's central or west Maui water system;

F. Residential development projects with [one hundred] 100 percent affordable housing units and are within the service area of the department's central or west Maui water system; [or]

G. Public or quasi-public development projects as defined in section 19.04.040 [of this code] and related subdivisions that are within the service area of the department's central or west Maui water system[.]; or

H. Development by the department of Hawaiian home lands under the Hawaiian Homes Commission Act, provided that exemptions for industrial, business, hotel and resort, or other commercial use projects designed and intended to generate revenues as authorized by the Hawaiian Homes Commission Act be approved by the council."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JENNIFER M.P.E. OANA

Department of the Corporation Counsel
County of Maui

paf:kmatt:21-349b

DIGEST

ORDINANCE NO. _____
BILL NO. 141 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI
COUNTY CODE, EXEMPTING DEVELOPMENT BY THE DEPARTMENT OF
HAWAIIAN HOME LANDS UNDER THE HAWAIIAN HOMES COMMISSION ACT
FROM THE WATER AVAILABILITY POLICY

This bill proposes to amend Section 14.12.030, Maui County Code, exempting development by Department of Hawaiian Home Lands from the Water Availability Policy.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 141 (2021) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 19th day of November, 2021,
by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Kelly T. King,
Michael J. Molina, Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K.
Sugimura, Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair
Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 23rd of November, 2021.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.

From: Tcroly <tcroly@maui.net>
Sent: Thursday, December 2, 2021 3:28 PM
To: County Clerk
Subject: Testimony for Bill148

2021 DEC -2 PM 3: 41

OFFICE OF THE
COUNTY CLERK

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

Transient accommodations moratorium

Aloha Council members

I was disappointed to see that a fundamental change was made to Section 2 of the transient accommodation moratorium at first reading that would result in the suspension of the processing of all current Short Term Rental Home permit applications, some of which have been in the system for more than three years. I am hoping that you might consider further amending this ordinance out of fairness to these permit applicants.

I would suggest an additional exemption be added to section 19.98.040 to read:
F. Any Short Term Rental Home permit application submitted prior to December 3, 2021.

When this moratorium was reviewed by the Maui Planning commission, Corporation Council made very clear that the moratorium would not apply to permit applicants who had already submitted their applications. In their discussion and comments, the Maui Planning Commission strongly supported this provision of the proposed moratorium ordinance. Then, when the moratorium was discussed in Council committee, this provision, protecting current applicants, remained. Then suddenly at first reading it was changed, without allowing the public or the administration to comment on the affect of such a change.

When the amendment to Section 2 was proposed, Council member King asked if the Planning Director was available to comment on how many permits were in process. I don't know what hotel, timeshare or condo permits are in process, but I do know that the County's kiva system currently shows 16 STRH permits in process. One of these applications dates back to 2017, five date back to 2018, one from 2019, one from 2020 and seven from 2021. While I don't expect that all of the applications will be granted, it seems unfair to these applicants to suspend any further processing of their permit applications for which they have already spent allot of money, time and effort in the process.

I asked the Planning Director how she intended to treat these open STRH applications with respect from the moratorium. She said that she had expected to continue processing them, until last week's amendment to section 2. She said that if that amendment stands, these applications would be suspended and no further processing would take place until the moratorium had ended. So even if these applications did meet all the requirements, they still would not be ready to grant at the end of the moratorium, because only then would the department's processing resume. It would seem far better to allow the department to dispose of all of these applications by either granting or denying them and only begin accepting any new applications after the moratorium would end.

In July, the Council reduced the caps that apply to STRH permits in each community plan district and reduced those caps to the existing number of permits (or less) while allowing the applications that had been submitted by July 1, 2021 to be processed. Telling those same applicants, some of whom have been waiting many months for the department to even begin processing their applications, that now, after accepting their application fees that they will have to wait an additional two years to have their permit applications processed is just plain bad faith on the part of the County.

Council member Rawlins-Fernandez made a further amendment to the purpose of the moratorium to say that a cap on all transient accommodations in each community plan district would need to be established to end the moratorium. Similar to the caps already established for STRHs and B&Bs. It would seem that the Council has already done this for STRHs and has included the current applications in those caps. That being the case, the question might be, why would this moratorium apply to any STRH?

I respectfully ask that you amend the transient accommodation moratorium to add an exemption in 19.98.040 to include:

F. Any Short Term Rental Home permit application submitted prior to December 3, 2021.

Tom Croly
submitted on my own behalf