

## County Clerk

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**From:** Debbie Arakaki <debbie@debbiearakaki.com>  
**Sent:** Tuesday, April 16, 2024 5:28 PM  
**To:** County Clerk  
**Subject:** In support of Bill 71

2024 APR 17 AM 8:32

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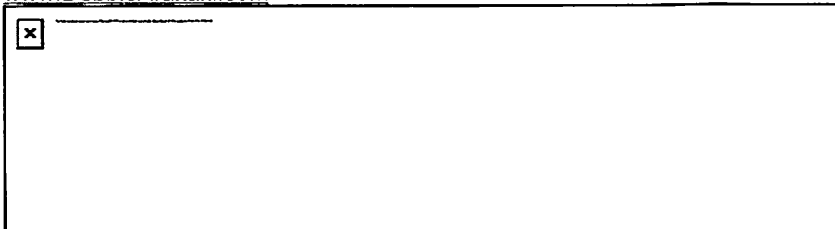
Dear Council Members,

I am writing in support of the amendments to the county code definitions of title 19.30A.050. This is to amend the definition of the farm dwellings allowed on Agriculture zoned lands. One of the two dwellings to now be changed from 1000 sf to 1500 sf in size.

Re: COUNTY COMMUNICATIONS: CC 24-13 COUNCILMEMBER JOHNSON, transmitting a proposed amendment to Bill 42, CD1, FD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF 'FARM' AND 'FARM LABOR DWELLING' IN THE COMPREHENSIVE ZONING ORDINANCE"

We appreciate the consideration.

**Debbie Arakaki**  
**COMPASS** | Founding Broker  
808-283-7214  
[www.DebbieArakaki.com](http://www.DebbieArakaki.com)



**County Clerk**

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**From:** Michele Moore <michelemoore@live.com>  
**Sent:** Tuesday, April 16, 2024 5:34 PM  
**To:** County Clerk  
**Subject:** In support of Bill 71

2024 APR 17 AM 8:32

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Dear Council Members,

I am writing in support of the amendments to the county code definitions of title 19.30A.050. This is to amend the definition of the farm dwellings allowed on Agriculture zoned lands. One of the two dwellings to now be changed from 1000 sf to 1500 sf in size.

Re: COUNTY COMMUNICATIONS: CC 24-13 COUNCILMEMBER JOHNSON, transmitting a proposed amendment to Bill 42, CD1, FD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING THE DEFINITIONS OF 'FARM' AND 'FARM LABOR DWELLING' IN THE COMPREHENSIVE ZONING ORDINANCE"

We appreciate the consideration.

Kenneth and Michele Moore  
425-223-1989

## County Clerk

**From:** Laura L. McDowell  
**Sent:** Wednesday, April 17, 2024 10:15 AM  
**To:** County Clerk  
**Cc:** Nohe M. Uu-Hodgins  
**Subject:** FW: Bill 71

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2024 APR 17 PM 12:34

OFFICE OF THE  
COUNTY CLERK

Aloha Clerks office,

On behalf of CM U'u-Hodgins, may I please ask if you could add Mr. Weaver's testimony relating to Bill 71?

Laura

**From:** Seth Weaver <sweave13@gmail.com>  
**Sent:** Monday, April 15, 2024 11:25 AM  
**To:** Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>  
**Cc:** Susan S. Clements <Susan.Clements@mauicounty.us>  
**Subject:** Bill 71

 Some people who received this message don't often get email from [sweave13@gmail.com](mailto:sweave13@gmail.com). [Learn why this is important](#)  
Councilmember U'u-Hodgins,

Writing to you today to encourage your support of Bill 71 listed on this upcoming agenda for Council on April 19. This bill would further facilitate and increase access to our critical housing market. It seems there exists widespread community support for this bill along with a necessity to focus on closing the housing crisis gap and a vote for this bill would be a benefit to our collective situation.

Furthermore, this bill would continue to protect our precious agricultural lands by persisting to mandate that 51 percent of agricultural lands remain in production as defined by code. By allowing increased housing opportunities on these lands we facilitate the demand for multigenerational families to continue to work those lands and stay together as a family and as a more reasonable economic situation thereby offsetting offsite housing. It's a win-win for our county and our community as a whole.

I look forward to your support of this critical bill on Friday and/or any suggestions or amendments you might have prior that could be worked into the final language for passage on the 19th.

Mahalo for your consideration.

Seth Weaver

## County Clerk

**From:** Jack Roden <jack@islandsothebysrealty.com>  
**Sent:** Wednesday, April 17, 2024 12:17 PM  
**To:** County Clerk  
**Cc:** Jordan Helle; Yukilei Sugimura  
**Subject:** 19.30A.050 Permitted uses - Bill 71 - Public Testimony

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2024 APR 17 PM 12:50

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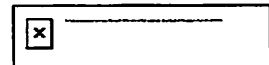
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Aloha, Ladies and Gentlemen,

I hope that you are all happy and healthy.

Please vote to approve Bill 71, which would increase the maximum allowable square footage of the AG accessory dwelling to 1,500 sqft. At a time when we desperately need more housing options for West Maui residents, this bill, if approved, will make landowners, not the county, fiscally responsible for providing more housing. This small measure will positively affect homes, housing, and tax revenue.

Best regards from down the road,



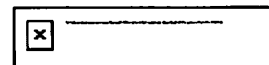
**Jack Roden | Maui HI.**

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 [808 205-5201](tel:8082055201)

 [jack@islandsothebysrealty.com](mailto:jack@islandsothebysrealty.com)

 [searchmaui.homes](https://searchmaui.homes)



## County Clerk

RECEIVED

**From:** Paul Brown <pbrownmaui@gmail.com>  
**Sent:** Wednesday, April 17, 2024 12:49 PM  
**To:** County Clerk  
**Subject:** Testimony in support of Bill 71

2024 APR 17 PM 12: 50

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Aloha,

Thank you to all who have worked diligently to get this legislation written and heard.

I am writing in support of Bill 71 and feel that it will have a tremendous positive impact for our Maui families who live on agricultural property. Below are some of my supporting points as well as responses to some of the concerns that have been raised as the proposed change made its way through the legislative process.

1. Maui is in desperate need of housing and this small change will allow many local families to create additional space for their family members or a renter.
2. The change does not burden the already overworked Planning Department with any additional workload or enforcement responsibility.
3. I understand that the primary use of ag lands is not for housing, this change will have no real negative impact for those lands and will greatly enhance the wellbeing of families living on the property. An addition of 500 square feet to the size of an ohana will not prevent farming from taking place. At the same time, preventing 500 square feet from being added won't increase the chance of the land being farmed.
4. Some have objected to the idea that the change could provide space that could be rented out. Historically, most farmers have taken in boarders or renters to either help with the farm work or to provide rental income that will help them succeed as farmers. Today, more than ever, farming or raising animals is insanely expensive. I can't see any fault with an owner renting out a room so that they can purchase plants, fertilizer, farming equipment, etc...I realize that there is opportunity for owners to create farm worker dwellings but the cost and requirements make it prohibitive for the vast majority to either afford to build a farm worker dwelling or to qualify. Adding a little more space to their existing ohana is much more realistic.
5. When the Council heard this matter prior to it being forwarded to the Planning Commission for review, one Councilmember asked "what is the rush, why do we have to push this through so fast?". The change was originally proposed in 2018 after legislation was enacted that allowed additional ADU's on residential lots. Many in the ag community asked why they couldn't add dwellings on their large ag lots and the response from the Planning Department was that the State regulates the number of dwellings on ag and the County regulates the size of the ohana. The Planning Department suggested that an increase to the ohana size may be a good alternative. Since then the change has been discussed ad nauseum. This change, which will cost the County nothing, create no additional work for regulation or enforcement, and will benefit families and farmers, has taken over five years to be reviewed, discussed, changed and is now finally on the brink of passing. It has not been rushed.
6. The community understands and generally supports the efforts to keep agricultural lands from becoming luxury estates. I support those efforts. But please don't mire down changes that will help the vast majority of ag land owners who are good stewards of the land and want to do the right thing with onerous restrictions that are almost impossible to enforce.
7. There were comments from some of the Planning Commission raising concern that some of the support that they received was from realtors. The Council will probably receive a lot of supporting testimony from professionals in the real estate industry. Please don't utilize that as an argument for the Bill not being passed. 1. Part of the reason for realtors' knowledge and support, is that it is their job to monitor legislation that affects land use so that they may better serve their clients - their clients include farmers also. 2. Farmers generally don't generally have time to follow legislative efforts or provide testimony - they are too busy farming and trying to survive!!

My personal story is that my family and I live on a three acre agricultural parcel. My dream is to turn the parcel into a productive ag forest, growing food for my family, neighbors, and community. We are restricted by the fact that our only water source is catchment but we are slowly adding trees, raising poultry for meat and eggs, and harvesting wild boar for our family and families in need. We are a family of four living in a two bedroom, one bath, 1000 square foot dwelling, certainly manageable but a little challenging with a teen son and daughter, and no room to spare when our family comes to stay. We aren't in a position to build a main dwelling on the property but our plan for the future is that after our children attend college and return home to raise their own families, we will someday be able to build the main dwelling to house them and continue to improve the land with their help. It would be a true blessing to our family to be able to add 500 square feet to our home.

Mahalo!

Paul Brown

## County Clerk

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**From:** Rae Ariel <raeariel@gmail.com>  
**Sent:** Thursday, April 18, 2024 8:06 AM  
**To:** County Clerk  
**Subject:** Testimony for passing Bill 71 4/19/24

2024 APR 18 AM 8:10

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To Whom This May Concern:

I am a home owner on 4 acres of agricultural land in Kula. My partner and I have been building/cultivating a farm planting all native trees, an orchard, and now would like to move into vegetables, as well. We often talk about building another dwelling to have housing for local residents that is helpful for them because the rent can be lower if they contribute to the farm. And, this would be helpful to us because we are 60 years old and the labor is very hard work.

It has not seemed worth putting so much financial resources into another dwelling only for it to be 1000sq.ft. If we build a dwelling, we want to be able to house a family or at least 4 adults.

I think passing this bill is very important for the continuation of agricultural land being used for farming purposes.

Aloha,  
Rae Ariel  
Kamehameiki Road, Kula

**County Clerk**

RECEIVED

**From:** Tyr 808 <dominicchiesa@gmail.com>  
**Sent:** Thursday, April 18, 2024 10:56 AM  
**To:** County Clerk  
**Subject:** Testimony in Support of Maui Bill 71

2024 APR 18 AM 11: 28

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COUNTY CLERK

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To whom it may concern,

I am writing to express my strong support for Maui Bill 71, which aims to provide tax incentives to property owners who rent to wildfire victims. As a concerned member of our community, I believe that this bill is a crucial step toward addressing the housing crisis faced by those displaced by the August fires.

The devastating wildfire on August 8th left many families without homes, and the subsequent housing shortage has exacerbated their plight. With nearly 6,300 people still living in hotel rooms or Airbnbs more than four months after the fires, urgent action is needed to find suitable housing solutions.

Maui Mayor Richard Bissen's proposal offers tax exemptions to short-term rental owners who choose to rent long-term to displaced residents. By incentivizing property owners to convert short-term rentals into long-term units, we can increase the housing inventory available to fire survivors. This approach not only benefits those directly affected by the disaster but also contributes to the overall stability of our community.

Furthermore, I commend County Council member Tamara Paltin for putting forward an amendment that prevents landlords with long-term renters from evicting existing tenants to take advantage of the property tax incentives. This ensures that the benefits of Maui Bill 71 are directed toward those who truly need assistance.

In conclusion, I urge the Maui County Council to pass Maui Bill 71 swiftly. By supporting this legislation, we can provide much-needed relief to wildfire victims and create a more resilient and compassionate community.

Thank you for your attention to this critical matter.

Sincerely,

Dominic Chiesa

1115 Kamehameiki Rd

Kula, HI 96790



**County Clerk**

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**From:** Olivia Chiesa <oliviachiesa808@gmail.com>  
**Sent:** Thursday, April 18, 2024 11:41 AM  
**To:** County Clerk  
**Subject:** Testimony for passing Bill 71

2024 APR 18 PM 1:13

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Aloha,

I am writing to express my support for passing Bill 71. I live on ag land in Kula and have an old Ohana in need of renovation. Being able to increase the size of a dwelling from 1000 square feet to 1500 square feet would make it easier for a local family to live comfortably.

I have two children and I would love to have another family who wants to contribute to our farm live on our property in a suitable dwelling. Or be able to house multiple adults at a reasonable rate in exchange for help on the property.

We love the open space on our property. We have planted natives and orchards and look forward to planting more edibles. We are currently majorly struggling with the deer problem!

Increasing the size of a dwelling would not take away from our ag land usage but actually help to promote it.

Thanks  
Olivia Thompson

Kamehameiki rd., Kula.

Sent from my iPhone

Maui County Council  
Meeting on April 19, 2024, 9:00am  
Open Testimony for Agenda Item E, "Resolution 24-82"

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2024 APR 18 PM 2:40

Aloha. Thank you for recognizing April as child abuse prevention month in Maui County

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COUNTY CLERK

My name is Karen Worthington, and I am a mother and registered voter in Kula with one daughter at King Kekaulike High School and one who graduated from there. My testimony is informed by my roles as a mother, a volunteer in our community, my work as a children's policy attorney, and my service as a Ho'oikaika Partner and a board member of social service agencies.

I am a certified child welfare law specialist, which is a fancy way of saying that my career has focused on policies, laws, and systems that interact with families at risk of child abuse or neglect and families in which abuse or neglect has happened.

Resolution 24-82 says that "the County of Maui has a moral obligation and shared responsibility to protect every child from abuse, neglect, maltreatment, or exploitation and to protect and to support all County of Maui children and their families."

My testimony focuses on what it looks like for you, as council members, and all of us, as a community, to carry out this kuleana to support and protect families and children.

The first thing we can do is learn about the problem of child abuse and neglect. Adults of every income level and every race and ethnicity abuse and neglect children. There are groups of children who are more at risk of abuse or neglect, but victims are not limited to those groups.

#### *What is Abuse or Neglect?*

Hawai'i defines abuse and neglect in statute, and those definitions are comprehensive and a bit technical (HRS §587A-4). At its core, child maltreatment occurs when a parent or caregiver acts in a way that psychologically or physically harms a child, or fails to provide for a child's physical, psychological, medical, and educational well-being if the parent is able to do so.

If a physical act such as a slap, shove, hard pinch, or twisting of an ear or arm would be an assault if you did it to your neighbor, then it's abuse if you do it to your child. Hawai'i has an exception for parents and caregivers to use force that is reasonably related to safeguarding or promoting a child's welfare, including preventing or punishing misconduct, so some of these acts that are assaults when done to any other adult are legal against your own child (HRS §703-309). Unfortunately, Hawai'i's exception is contrary to an overwhelming body of evidence demonstrating that physical punishment increases the risks of negative social, developmental, and health outcomes for children. Furthermore, no study has found that physical punishment enhances social, developmental, or health outcomes (American Academy of Pediatrics and Physical punishment of children: lessons from 20 years of research).

Neglect can be a confusing category because it is often based on poverty or conditions beyond a parent's control. Some kinds of neglect are easier to spot—for example, if I want to stay out all night with my friends every Saturday and instead of finding a reliable babysitter, I leave my children at home with the 8-year-old in charge of the toddler and baby, that is neglect. But if I have to go to work on

Saturday and my mom, who usually watches the kids, has Covid and I can't find or afford anyone else, so I leave my kids home for 12 hours to keep my job, is that neglect? Or is that a lack of a safety net?

#### *How Many Maui County Children are Abused or Neglected?*

140 Maui County children were confirmed victims of abuse or neglect in state fiscal year 2022, and 140 children were in foster care in Maui County that year (Hawai'i Data Booklet APSR 2024, Figure 19). While those numbers are the same, they are not all the same children. Forty-five percent of the Maui children in foster care were younger than age six, and 18% of all children in foster care in Hawai'i were in Maui County.

Child Welfare Services (CWS) confirmations of child abuse or neglect do not reflect how widespread child maltreatment is. In state fiscal year 2022, CWS received reports of abuse or neglect for about 1.5% of Maui's children—522 children. (Hawai'i Data Booklet APSR 2024, Figure 6). Only a fraction of child abuse and neglect incidents are reported to CWS.

#### *What Types of Child Abuse Occur in Hawai'i?*

In Hawai'i, 14% of child abuse victims have experienced neglect, and 71% have experienced "threatened harm," which means "any reasonably foreseeable substantial risk of harm to a child." (Hawai'i Data Booklet APSR 2024, Figure 15). The state Department of Human Services (DHS) does not provide more details about what types of risks fall into that large category.

The most common family conditions and parent behaviors related to abuse and neglect that DHS documents are

- inability to cope with parenting responsibility (present in 70% of cases).
- unacceptable child-rearing method (present in 67% of cases).
- drug abuse (present in 35% of cases).
- physical abuse of spouse/fighting (present in 18% of cases).
- chronic family violence (present in 19% of cases).

(Hawai'i Data Booklet APSR 2024, Figure 4).

#### *Childhood Abuse and Neglect Affect A Person's Health Forever*

For many children, abuse and neglect have a lifelong effect. A study by the Kaiser Foundation in the 1990s, which is one of the largest studies conducted on child abuse and neglect, found that Adverse Childhood Experiences, or ACEs, have a significant impact on health incomes across a victim's lifetime. (<https://www.cdc.gov/violenceprevention/aces/about.html>) Five of the ten ACEs in the original study were measures of abuse or neglect. Other ACEs were measures of challenges in the household, including whether the mother was treated violently or a parent abused substances.

The ACEs study found a direct connection between childhood adversity and adult health. The more ACEs a child has, the greater their risk for disease conditions such as heart disease, cancer, chronic lung disease, skeletal fractures, liver disease, and overall poor health. Children who suffer from abuse or neglect are more likely, as teens and adults, to engage in unhealthy behaviors such as smoking, alcohol or drug abuse, overeating, or risky sexual activities.

The ACEs study findings have been bolstered by other research and are thought to be conservative estimates of the impact of childhood adversity.

#### *Protective Factors Mitigate Risk Factors*

ACEs are risk factors, not predictors of bad outcomes. Protective Factors are positive conditions or qualities that reduce or eliminate risks in families and communities and increase the health and well-being of children and families. They buffer families from stressors and help parents find resources, supports, or coping strategies that allow them to parent effectively, even under stress. Increasing Protective Factors and reducing risk factors in our community and families are strategies to reduce child abuse and neglect and to help children heal after adverse experiences.

#### *We Can Prevent Child Abuse and Neglect*

The good news is that child abuse and neglect are preventable. Maui County can increase Protective Factors in families and our community by funding and otherwise supporting government and non-profit organizations that strengthen families.

For example, Maui County can continue to host or support free community events with activities for keiki and resources and information for parents. Ho’oikaika Partnership hosted one at the Botanical Gardens on April 6, and several events have been held on the west side since the Lahaina fire. Events like these promote all 6 Protective Factors:

- Social Connections
- Parental Resilience
- Concrete Supports in Times of Need
- Nurturing and Attachment
- Knowledge of Parenting and Child Development
- Social and Emotional Competence in Children

(<https://www.hooikaikapartnership.com/protective-factors/>)

#### *Increase Concrete Supports to Prevent Child Abuse and Neglect*

Maui County can do more to promote the Protective Factor “Concrete Support in times of need.” Nowadays, with increased prices of basics like diapers, eggs, and cereal, and a lack of affordable housing or childcare, families need concrete supports more than ever.

Extensive research documents the benefits to child well-being, children’s outcomes, and the reduction in child maltreatment when families receive the concrete support they need (<https://www.chapinhall.org/project/a-key-connection-economic-stability-and-family-well-being/>). Here are examples of concrete supports that Maui County could implement that would greatly reduce child abuse and neglect reports and confirmations:

- Increase access to reliable free or low-cost childcare.
  - “Each additional month that mothers who are low income receive a child care subsidy is associated with a 16% decrease in the odds of a neglect report and a 14% decrease in the odds of a physical abuse report.”
- Assist with daily living expenses such as food, gas, and diapers.

- Increases in participation in Supplemental Nutrition Assistance Program (SNAP) and more generous SNAP benefits lead to fewer child maltreatment reports and confirmations, smaller CWS caseloads, and fewer foster care placements.
- Increase housing security and stability.
  - Children in CWS-involved families who face housing instability and receive housing vouchers paired with case management spend less time in foster care, have a higher rate of returning home, and have fewer instances of confirmed maltreatment than children in families facing housing instability who do not receive these supports.
- Support a county or state paid family leave program to prevent ACEs.

(<https://www.chapinhall.org/project/a-key-connection-economic-stability-and-family-well-being/>).

Ho'oikaika Partnership provides system navigation services to connect families with concrete supports (<https://www.hooikaikapartnership.com/navigation-services/>). The navigator, Heidi Allencastre, grew up on Maui and uses her experiences as a parent and an expert in community resources to serve as a "guide by the side," walking with families through challenging times and helping them get the support they need. Between August and December 2023, Heidi provided support to 66 Lahaina and Upcountry families.

I applaud you for recognizing April as Child Abuse Prevention Month. Ho'oikaika Partnership, with its county-wide reach and large network of partners, is available as a resource to support your work of supporting families.

If you would like additional information, please contact me at [karen@karenworthington.com](mailto:karen@karenworthington.com).

Sincerely,



Karen Worthington, J.D.  
Parent, Maui Resident, Ho'oikaika Partner, Child Welfare Law Specialist



April 19, 2024

Council Chair Alice Lee  
and Members of the Maui County Council  
200 South High Street, Council Chamber  
Wailuku, Hawaii 96793

Aloha Council Chair Lee and Councilmembers:

My comments today are on behalf of the Realtors Association of Maui, regarding Bill 71, the purpose of which is to set the square footage for one of two farm dwellings at 1,500 square feet developable area.

I realize I'm late to the dance on this matter, with the Bill having gone through Council Committee, Planning Commissions and back to the Council, but this is the first time I'm seeing the proposed Bill 71 in my capacity with RAM.

Accordingly, in light of the fact that the County is in desperate need of housing and we're looking for new opportunities to secure housing, I didn't want an opportunity to pass us by.

Proposed Bill 71 will allow two farm dwellings one with no more than 1500 sq. ft.; why not set an overall square footage limit of developable area, instead of limiting the number of units?

For example, if we remove the number of dwelling units in the proposed bill and tie the dwelling units to square footage, you could allow the property owner to build 2, 3, 4 or maybe even 5 units, if development standards, easements, setbacks and lot size permits.

So, if we use 2,500 sq. ft as the maximum square footage of developable area, the property owner could develop one unit of 1,500 sq. ft. and 2 units of 500 sq. ft.; or 3 units of 500 sq. ft. and one of 1,000 sq. ft., ecteria.

So hopefully you get the idea.

This will obviously create more housing, hopefully more farm labor opportunities and possibly create affordable housing at the same time.

It's my understanding that the AG Working Group had suggested this idea to Planning, but received some resistance. I think it's worth another shot since we are in such desperate need for housing.

441 Ala Makani St. Kahului, HI 96732  
Office: 808-243-8585 • Direct: 808-856-6871  
Gary@RAMaui.com • www.RAMaui.com



Proposed Bill 71 as currently written:

"19.30A.050 Permitted uses.

1. [Two] On the island of Moloka'i, two farm dwellings per lot, one of which must not exceed one thousand square feet of maximum developable area. On the islands of Lana'i and Maui, two farm dwellings per lot, one of which must not exceed one thousand five hundred square feet of developable area.

2. One farm labor dwelling per five acres of lot area. On the island of Maui, the owner or lessee of the lot must meet at least two of the following three criteria:"

Proposed Revision to Bill 71:

"B. Accessory Uses

1. [Two] On the island of Moloka'i, Two farm dwellings per lot, one of which must not exceed one thousand square feet of maximum developable area. On the islands of Lana'i and Maui, farm dwellings per lot must not exceed twenty-five hundred square feet of developable area.

2. One farm labor dwelling per five acres of lot area. On the island of Maui, the owner or lessee of the lot must meet at least two of the following three criteria:"

Thank you for your consideration of our request. Should you have any questions please contact me at 808 586-6871 or [gary@ramauai.com](mailto:gary@ramauai.com)

Sincerely,



Gary Saldana