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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

January 29, 2024

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
HB 1838, RELATING TO ZONING  
House Committee on Housing  
Wednesday, January 31, 2024  
10:00 a.m.  
Conference Room 312  
Via Videoconference**

Dear Chair Evslyn and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 1838, Relating to Zoning. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council and Vice Chair of the Housing & Intergovernmental Relations Committee.

I wholeheartedly support the intent of HB 1838, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 1838. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov).

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:slr

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

Council Chair  
Alice L. Lee



Director of Council Services  
Traci N. T. Fujita, Esq.

Vice-Chair  
Yuki Lei K. Sugimura

Deputy Director of Council Services  
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COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 30, 2024

COMMITTEE ON HOUSING  
Senator Luke Evslin, Chair  
Senator Micah Aiu, Vice Chair  
Wednesday, January 31, 2024  
10:00 AM

### **SUBJECT: STRONG SUPPORT OF HB1838, RELATING TO ZONING**

Aloha e Chair Evslin, Vice-Chair Aiu, and honorable committee members,

Mahalo for this opportunity to testify in *strong support* of HB1838, which would allow counties to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time. Also, a big mahalo to Chair Evslin, for co-chairing the Lahaina Wildfire Interim Working Group on Shelter, which developed and introduced this legislation.

As acknowledged in 6A of the Shelter Working Group's summary of findings, "the primary challenge to securing permanent housing for displaced families is the lack of available housing stock." In 1C of its findings, it recognizes that "Maui and Kaua'i have lost existing housing stock, likely due to out-of-state owners leaving units vacant and converting housing stock to vacation rentals. The impact of short-term rentals is most significant on Kaua'i and Maui, with 15% of the housing stock consisting of vacation rentals and many of the units highly concentrated in certain towns, including Lahaina."

There are over 2,200 units in Lahaina currently used as transient vacation rental units in the apartment zoned district alone. Many of which were once workforce and long-term housing units. This bill will help our county return many of these units back to our full-time residents.

The following are proposed amendments that I believe will better clarify the legislature's intention regarding transient vacation rental units.

- 1) On page 6, line 16, add "Each county has the authority to define transient vacation rental units in their zoning code."
- 2) On page 6, line 20, add "Nonconforming transient vacation rental units will not be considered residential use as provided in the section."
- 3) In the alternative, the committee could consider defining transient vacation rental unit itself, for example: "Transient vacation rental" means a dwelling or lodging located in the State let by an owner, operator, or lessee for compensation or fees, including club fees, for one hundred eighty days or less per rental. Transient vacation rental does not include any facility owned or used by a government agency or a tenement home, group home, group residence, group living arrangement, boarding house, or rooming house certified pursuant to section 445-94."

It is critical to our county that the legislature affirm that it does not recognize transient vacation rentals as residential use. It is commercial use. Mahalo for the opportunity to testify in *strong support* of HB1838.

Me ke aloha,



Keani Rawlins-Fernandez  
Councilmember

# Keep It Kailua

## *Preserving Kailua's Character*

January 29, 2024

To:

COMMITTEE ON HOUSING

Rep. Luke A. Evslin, Chair, Rep. Micah P.K. Aiu, Vice Chair

### **SUPPORT HB1838 RELATING TO COUNTY ZONING**

We strongly support **HB1838** and ask your committees to pass the measure.

Allowing the counties the authority to enact ordinances to amortize or phase out permitted, nonconforming, or otherwise allowed short-term rentals in any zoning classification is fair and reasonable.

As our Governor has stated; "52% of all short-term rentals in Hawaii are owned by non-state residents, and 27% of short-term rental owners own 20 or more units". These lodging business do not belong in residential zoned neighborhoods and are taking long-term housing opportunities away from Hawaii's residents.

Hawaii State Statute §46-4 County zoning already allows these short-term rental businesses to be phased-out in commercial, industrial, resort, and apartment zoned areas over a reasonable period of time. We firmly believe residential zoned neighborhoods should be included. In addition, our legal team adamantly believes this law is constitutional, otherwise the long established Hawaii State Statute §46-4 would've been appealed.

Thank you for your consideration.

### **Keep it Kailua**

*Keep It Kailua is a grassroots community group founded in 2004 whose purpose is to retain Kailua's family-oriented residential character and quality of life.*

*Keep It Kailua's goals are to:*

- *Protect residential zoning and promote permanent residency in our neighborhoods*
- *Preserve and enhance scenic, civic, recreational and cultural features that define Kailua's sense of place*
- *Protect water resources essential to the health of the environment*
- *Preserve trees and maintain open green space*
- *Promote walking and the use of non-motorized bicycles as alternatives to automobile transportation within and around the town*
- *Promote businesses that serve the residential community*
- *Support other community groups with similar goals*

*Please visit us at [www.keepitkailua.com](http://www.keepitkailua.com)*

*Or like us on <https://www.facebook.com/keepitkailua/>*



The House of Representatives  
The Thirty-Second Legislature  
Regular Session of 2024

To: Committee on Housing

Date: January 31, 2024

Place: Conference Room 312 - Via Video Conference  
Hawaii State Capitol  
415 South Beretania Street

**RE: HB 1838 Relating to Zoning**

Rep. Luke Evslin, Chair & Rep. Micah Aui, Vice Chair and the Representatives of the Committee On Housing,

Rental By Owners Awareness Association (RBOAA) fully supports compliance with State taxation laws and County zoning regulations.

RBOAA **Opposes** HB 1838 and would like to offer the offer the following:

This Bill would give Hawaii counties the authority to enact ordinances to amortize or phase out “*nonconforming, or otherwise allowed short-term rentals*” in any zoning classification.

This Bill is not to stop illegally operating short-term rentals - this Bill goes after operators who are in full compliance of the law, operating legally within their particular location, either by their nonconforming use certificate or by being legally entitled to operate by zone. Again, this Bill is not a regulatory act to eliminate an illegal use - it is focused on those who have fully complied with all aspects of regulation to be in compliance.

This Bill is not necessary. Short term rentals have operated legally in Hawaii for decades. STR's are not new. What is new, is the counties now want to do away with short term rentals in people's homes and individual operators. These are what are known as "mom and pop" operations. There was volumes of testimony last year when HB 84 was proposed, that if this Bill were to pass:

**It would cause tremendous hardship on people who have operated legally.**

They have held up their responsibility to operate legally, and now the county wants to make what was legal - illegal.

There are many people, on all islands, who rely upon their ability to be able to rent short term to make extra money to pay their expenses. They should have a right to continue to be able to rely upon that income.

A recent economic study was published stating that over the past two years of inflation, the average family has suffered the real loss of \$7,400 of spending value. The inflation our country and state have experienced is significant and compounding that with additional loss of income that people could depend on from short term rentals will be a real hardship.

3550 L. Honoapiliani Rd, #215 PMB 453, Lahaina,

**These are legally operating short term rentals. These folks have complied with all the requirements of the laws. They have held up their end of what was required of them.** Please do not pass this Bill and allow the counties to destroy what hard working, legally operating people have come to rely upon for income.

Thank you for the opportunity to testify.

Sincerely,

Alicia Humiston, President  
Rentals by Owner Awareness Association



Testimony of **Lahaina Strong**  
Before the Committee on  
**Housing and Judiciary & Hawaiian Affairs**

In Consideration of House Bill No. 1838  
**Zoning; Counties; Single-family Transient Vacation Rental Units;  
Nonconforming Uses**

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

We are writing on behalf of Lahaina Strong, an organization that was initially formed in 2018 following the Hurricane Lane fire in Lahaina and re-energized last year after the devastating Lahaina fires on August 8. Our organization is the largest grassroots, Lahaina-based community organization, with over 20,000 supporters, engaged in providing support and assistance to the victims of these disasters.

**Lahaina Strong stands in support of HB1838 with amendments**, allowing counties to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time, as recommended by the House of Representatives shelter working group.

We propose the following amendments to enhance the bill and suggest two key modifications:

1. Clarify TVR Definition: Grant each county the authority to define TVR within its jurisdiction or define it as a rental for 180 days or less.
2. Modify the last section to state, "Nonconforming TVR units shall not be categorized as residential use under this section."

Lahaina Strong has been at the forefront of relief and advocacy efforts, including initiating the "Fishing for Housing" camp, which has been in operation for over eleven weeks along Kaanapali Beach, highlighting the need for dignified housing for Lahaina fire victims. Our organization has been working closely with the affected community to



address pressing issues, and we appreciate the legislature's consideration of measures that align with our organization's goals and demands.

In Lahaina, 25% of housing units were listed as short-term rentals, according to the University of Hawaii Economic Research Organization. To the south of Lahaina, that percentage jumps to 41.8%. To the north, it jumps to 87%.

There is a housing emergency on the island of Maui. Giving the counties the clear authority to phase out vacation rental uses has been identified as a key policy tool for helping Maui residents find dignified housing in the wake of the wildfires.

This is a critical step in providing stability and security to those who have already endured so much. We urge the legislature to pass HB1838 to provide much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Courtney Lazo, Jordan Ruidas & Pa'ele Kiakona  
Lahaina Strong



Housing Hawai'i's Future  
PO Box 3043  
Honolulu, HI 96802-3043

January 31, 2024

TO: Chair Evslin, Vice Chair Aiu and members of the Hawai'i State House Housing Committee  
RE: HB 1838

Dear Chair and Committee Members,

My name is Sterling Higa, and I serve as executive director of Housing Hawai'i's Future, a nonprofit creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

**We support HB 1838.**

STRs use our limited housing inventory for business purposes rather than meeting our long-term housing needs.

The counties should build more housing, and they should also have the authority to phase out the use of housing as STRs over time.

Thank you,

A handwritten signature in cursive script that reads "Sterling Higa".

Sterling Higa  
Executive Director  
Housing Hawai'i's Future  
[sterling@hawaiisfuture.org](mailto:sterling@hawaiisfuture.org)  
+1 (808) 782-7868

# Hawaii Financial Services

Est. 2003

House of Representatives  
The Thirty-Second Legislature

January 30, 2024

Rep. Luke A. Evslin, Chair, Rep. Micah P.K. Aiu, Vice Chair, and the members of the House Committee on Housing

## RE: Testimony in Support of HB1838

Aloha Chair Evslin, Vice Chair Aiu and esteemed members of the House Committee on Housing,

I am a resident of the Lāhainā community and small business owner who lost her 24 year mortgage brokerage in the Lāhainā Fire on August 8, 2023. I am writing to express my support for HB1838. Testimony in Support of Bill HB1838 which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lāhainā, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lāhainā community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

'O au iho nō me ka 'oia'i'o,

*Tera Lyn Ha'akeoohonua Paleka*

**Tera L.H. Paleka**, CMPS  
Certified Mortgage Planning Specialist™  
Principle Broker In Charge

Proud Member Of:



Office (808) 667-LOAN | Cellular (808) 870-3653 | eFax (808) 442-1217  
727 Waine'e Street, Suite 107, Lāhainā Maui Hawaii 96761

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Website: [www.HawaiiFinancialServices.com](http://www.HawaiiFinancialServices.com)

Company NMLS#: 1566069 | Individual NMLS#: 357949



Jan. 31, 2024, 10 a.m.  
Hawaii State Capitol  
Conference Room 312 and Videoconference

**To: House Committee on Housing**

**Luke Evslin, Chair**  
**Micah Aiu, Vice-Chair**

**From: Grassroot Institute of Hawaii**

**Ted Kefalas, Director of Strategic Campaigns**

RE: HB1838 — RELATING TO ZONING

Aloha Chair Evslin, Vice-Chair Aiu and members of the Committee,

The Grassroot Institute of Hawaii would like to offer its comments on [HB1838](#), which would amend Section 46-4 of the Hawaii Revised Statutes to allow the counties to phase out non-conforming single-family transient vacation units in areas of any zoning classification over a reasonable period of time.

First of all, the removal of short-term rental units from Hawaii's tourism sector could harm the economy as a whole and generate legal challenges under the takings clause of the Fifth Amendment, as well as perhaps the Eighth Amendment, which has to do with excessive penalties or fines.

A 2020 study commissioned by the Hawaii Tourism Authority found that STRs added \$6 billion to the state's economy and sustained 46,000 jobs.<sup>1</sup> The survey also found that "30% respondents reported that if there was not a home and vacation rental option during their recent stay in Hawaii, they would not have made the trip."

Thus, the removal of STRs from the vacation unit inventory could have a cascading effect, causing damage to other tourist-focused businesses, such as car rental agencies, restaurants and tour operators, as well grocery and other retail outlets and workers employed in cleaning, repairing and maintaining the STR units.

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<sup>1</sup> "[Hawaii's Home and Vacation Rental Market: Impact and Outlook](#)," prepared for the Hawaii Tourism Authority by JLL's Hotels & Hospitality Group, April 20, 2020, p. 10.

As for possible legal challenges, the U.S. Supreme Court has in recent years indicated its willingness to uphold property rights against state and local government regulations. In *Tyler v. Hennepin County*<sup>2</sup> and *Timbs v. Indiana*,<sup>3</sup> the Court sided with property owners on Fifth Amendment and Eighth Amendment grounds, respectively.

If the committee decides to move this bill forward, we recommend that it add this wording at the end of the proposed change to the section:

“except that any county that phases out single-family transient vacation units must provide just compensation to the owners of such units.”

That is, it would now read:

Neither this section nor any ordinance enacted pursuant to this section shall prohibit the continued lawful use of any building or premises for any trade, industrial, residential, agricultural, or other purpose for which the building or premises is used at the time this section or the ordinance takes effect; provided that a zoning ordinance may provide for elimination of nonconforming uses as the uses are discontinued, or for the amortization or phasing out of nonconforming uses or signs over a reasonable period of time in commercial, industrial, resort, and apartment zoned areas only[.]; provided further that a zoning ordinance may provide for the amortization or phasing out of nonconforming single-family transient vacation rental units over a reasonable period of time in an area of any zoning classification, except that any county that phases out single-family transient vacation units must provide just compensation to the owners of such units.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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<sup>2</sup> [“Tyler v. Hennepin County, Minnesota, et al.”](#) Supreme Court of the United States, May 25, 2023.

<sup>3</sup> [“Timbs v. Indiana,”](#) Supreme Court of the United States, Feb. 20, 2019.

January 31, 2024

**The Honorable Luke A. Evslin, Chair**

House Committee on Housing

State Capitol, Conference Room 312 & Videoconference

**RE: House Bill 1838, Relating to Zoning**

**HEARING: Wednesday, January 31, 2024, at 10:00 a.m.**

Aloha Chair Evslin, Vice Chair Aiu, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR **opposes** House Bill 1838, which allows counties to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.

This proposal would grant the counties the power to phase out short-term rentals ("STRs") which carries the risk of a significant reduction in tax revenue for the state. Based on total estimated transient accommodation tax ("TAT") revenues, STRs generated \$132.6 million in TAT revenues excluding General Excise Tax revenues in 2018. It was also estimated that STRs would generate \$102.4 million in TAT revenues in 2023.<sup>1</sup>

Additionally, this measure could be challenged as impacting vested rights and taking principles. "Under the United States and Hawaii Constitutions, preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate."<sup>2</sup>

Finally, short-term rentals over 30 days are not only for vacationers and are also needed by Hawai'i residents as a housing option. These types of rentals are essential for various situations, including families temporarily displaced due to home damage; homeowners undergoing significant renovations; neighbor island residents seeking medical care on O'ahu; visiting family members; and travelling professionals such as healthcare, construction, and other workers engaged in projects across the islands.

For the foregoing reasons, the Hawai'i Association of REALTORS® opposes this measure. Mahalo for the opportunity to testify.

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<sup>1</sup> JLL Prepared for the Hawaii Tourism Authority. Hawaii's Home and Vacation Rental Market: Impact and Outlook (April 20, 2020). <https://www.hawaiitourismauthority.org/media/5370/impact-of-home-rental-market-on-hawaii-2019.pdf>

<sup>2</sup> *Robert D. Ferris Trust v. Planning Comm'n of the Cnty. of Kaua'i*, 378 P.3d 1023, 138 Haw. 307 (Haw. Ct. App. 2016)



January 31, 2024

TO: Chair Luke A. Evslin  
Vice Chair Micah P.K. Aiu  
Members of the House Committee on Housing

FR: Alex April  
Airbnb Public Policy, Hawai'i

RE: **HB1838 RELATING TO ZONING - COMMENTS**

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Mahalo for the opportunity to comment on HB1838, related to county zoning. We've worked closely with the State of Hawaii and local governments in Honolulu, Kauai, Big Island and Maui to develop short-term rental policies that allow home sharing to continue to support the state's tourism industry and provide accommodations for visitors, including transient workers, students, and residents displaced by natural disasters.

Given the historical role short-term rentals have played in supporting the state's visitor economy, we write to express our concerns with HB1838, including:

1. Impact on State Revenue: According to the Hawaii Tourism Authority, the short-term rental industry generated \$132.6 million in TAT revenue alone in 2018. In 2022, Airbnb hosts generated approximately \$77M in GET and TAT to the State of Hawai'i. Total GET and TAT revenue is substantially higher when factoring tax revenue from other platforms and independent hosts. If passed, HB 1838 would significantly reduce the state's ability to make ends meet under the current budget.
2. Airbnb is a willing partner to counties: Airbnb has MOUs with Honolulu, Maui, and Kauai to support their enforcement of short-term rental rules. For example, pursuant to our MOU, Kauai has consistently worked with Airbnb to issue takedown requests. On Maui, Airbnb removed more than 1,300 listings that did not comply with the terms of the MOU in February 2022. HB 1838 does not reflect the progress of short-term rental policy on the local level. The bill does not take into account the hard work and collaboration of notice-and-takedown tools, the important work of the MOUs, and the multi-year discussion on short-term rental policy.

Additionally, in the days after the wildfires in Maui fire last August, Airbnb and Airbnb.org worked closely with the Governor's office and the Department of Human Services (DHS) to help provide temporary housing for displaced residents. In total, we connected over 2,200 displaced residents to emergency temporary housing immediately following the fire.



Since then, we have continued to work with DHS to encourage Hosts on Airbnb to offer their home to displaced residents on a longer-term basis, many for stays of up to a year.

We remain committed to working with you on fair and reasonable solutions that protect the rights of Hosts and preserve the significant benefits that short-term rentals provide to Hawai'i communities.

Mahalo for the consideration of our comments.





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January 30, 2024

HOUSE COMMITTEE ON HOUSING  
Rep. Luke Evslin, Chair, Rep. Micah Aiu, Vice Chair

HEARING DATE: Wednesday, January 31, 2024  
TIME: 10:00 a.m.  
PLACE: Conference Room 312

Re: TESTIMONY ON BEHALF OF AIRBNB OPPOSING  
HOUSE BILL NO. 1838

Dear Chair Evslin, Vice Chair Aiu and Committee Members:

We write on behalf of our client, Airbnb, in opposition to House Bill No. 1838 (“**HB 1838**”). We are concerned that this bill is unconstitutional and has the potential to result in substantial future legal action. The stated purpose of the proposed amendment in HB 1838 is to allow the Counties to amortize or phase out nonconforming single-family transient vacation rental units in residential areas. Although this may appear to be an innocuous delegation of authority, the proposed changes implanted would conflict with existing constitutional rights that have been explicitly recognized by courts in the State of Hawaii. As discussed more fully below, such changes would potentially cause numerous unintended consequences, which could ultimately lead to a deprivation of vested rights of existing, residential homeowners. The end result of such impacts would likely be substantial litigation. For these reasons, we would strongly urge that the Committee not pass this bill.

**A. Section 46-4 of the Hawai‘i Revised Statutes Reflects the State’s Statutory Codification of Property Rights Arising from the Hawai‘i and United States Constitutions.**

As currently enacted, Section 46-4(a) of the Hawai‘i Revised Statutes (“**HRS**”) protects the property rights of residential homeowners, which are vested in owners by both the Hawai‘i and United States Constitutions.

Specifically, the language of Section 46-4(a) makes clear that existing uses which were permissible at the time of the enactment of the statute shall not be impacted by subsequent governmental acts, providing:

Neither this section nor any ordinance enacted pursuant to this section shall prohibit the continued lawful use of any building or premises for any . . . purpose for which the building or premises is used at the time this section or the ordinance takes effect.

The effect of this provision was to provide that a county was precluded from passing a law that discontinues any previously lawful use of any property. Additionally, the statute limited counties' passing of zoning ordinances that provided for the elimination of nonconforming uses or for the amortization or phasing out of nonconforming uses solely to commercial, industrial, resort, and apartment-zoned areas only. The statute further confirms that, "In no event shall such amortization or phasing out of nonconforming uses apply to any existing building or premises used for **residential** (single-family or duplex) or agricultural uses." (emphasis added).<sup>1</sup>

In interpreting Section 46-4, it is important to look to the history of its passage.<sup>2</sup> The Legislature noted property owners' protections arising from the Hawai'i and federal Takings Clauses and passed the language that would limit the counties' ability to adopt zoning ordinances that "prohibit the continuance of the lawful use of any building or premises for any trade, industry, residential, agricultural or other purpose for which such building or premises is used at the time . . . such ordinance takes effect."<sup>3</sup>

In 1980, the Legislature amended Section 46-4 and added the above-cited language to prohibit the counties from phasing out "any existing building or premises used for residential or agricultural purposes."<sup>4</sup> As the 1980 House Journal confirms, this amendment was intended "to restrict the areas where the counties are allowed to amortize or phase out non-conforming uses to non-residentially zoned areas."<sup>5</sup>

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<sup>1</sup> Haw. Rev. Stat. § 46-4.

<sup>2</sup> Hawai'i law expressly recognizes that a statute's legislative history is relevant to ascertain its "true meaning." H.R.S. § 1-15.

<sup>3</sup> Act 234, Hawai'i Session Laws 1957, § 6.

<sup>4</sup> 1979 Hawai'i Senate Journal (Special Committee Reports) at 1235.

<sup>5</sup> 1980 Hawai'i House Journal (Standing Committee Reports) at 1676–77 (noting the amendment "restricts the counties from amortizing or phasing out existing buildings or premises used for residential or agricultural purposes.").

The intent and effect of Section 46-4(a) are clear: counties may not phase out the continued lawful use of any property used for residential purposes. Courts have enforced that limitation in a variety of contexts to ensure that property uses lawful under preexisting zoning ordinances receive grandfathering protection.<sup>6</sup>

**B. HB 1838 Could Result in Violations of the State and Federal Constitutions by Impairing Existing Vested Rights and by Enacting an Unconstitutional Special Law**

It is incontrovertible that the Hawai‘i State Legislature has a duty to pass laws that are consistent with and effectuate the protections of the Hawai‘i and Federal Constitutions.<sup>7</sup> Passage of this bill would conflict with the Legislature’s obligations to adopt laws consistent with constitutional principles. Amending HRS § 46-4 through HB 1838 would not change the underlying constitutional protections that the statute codifies. Furthermore, the Legislature’s authority to adopt laws does not authorize it to redefine constitutional requirements.<sup>8</sup> Such a change could, thus, result in substantial litigation which would be time-consuming, costly, and harmful to Hawai‘i’s residential landowners.

**1. HB 1838 would impair existing vested rights in violation of existing State and federal constitutional protections.**

As noted, one of the fundamental purposes of HRS § 46-4 is to protect the uses that lawfully existed prior to the effective date of a zoning restriction. Such protection has its foundation in principles arising from protections in both the United States and Hawai‘i constitutions. The Fifth Amendment to the United States Constitution prohibits “private property [from] be[ing] taken for public use, without just compensation.” U.S. Const. amend. V. Similarly, the Hawai‘i Constitution states that “[p]rivate property shall not be taken or damaged for public use without just compensation.” Haw. Const. art. I, § 20. Furthermore, the Hawai‘i Constitution provides even broader protection than its federal counterpart, as it prohibits not just takings, but also mere

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<sup>6</sup> See, e.g., *Waikiki Marketplace Inv. Co.*, 86 Haw. at 354.

<sup>7</sup> “[E]very enactment of the Legislature is presumptively constitutional.” *Schwab v. Ariyoshi*, 58 Haw. 25, 31, 564 P.2d 135, 139 (1977) (citing *State v. Kahalewai*, 56 Haw. 481, 541 P.2d 1020 (1975)); cf. *League of Women Voters of Honolulu v. State*, 150 Hawai‘i 182, 194, 499 P.3d 382, 394 (2021) (“[I]f the Legislature could alter the meaning of the Hawai‘i Constitution through its own rules of procedure, theoretically, there would be no need to go through the formality of amending the Hawai‘i Constitution. See *Mason’s Manual [of Legislative Procedure]* (2010 ed.) § 12, ¶ 1 (‘A legislative body cannot make a rule which evades or avoids the effect of a rule prescribed by the constitution governing it, and it cannot do by indirection what it cannot directly do.’).”).

<sup>8</sup> *Sierra Club v. Dep’t of Transp. of State of Hawai‘i*, 120 Hawai‘i 181,196, 202 P.3d 1226, 1241 (2009), as amended (May 13, 2009).

“damage” to property interests.<sup>9</sup> As such, “[w]hen applying the Hawai‘i Constitution, Hawai‘i courts may interpret it to afford greater protection than provided by the U.S. Constitution.”<sup>10</sup>

Both Hawai‘i and federal litigation has recognized the principle that all preexisting uses of land are protected, including nonconforming uses. “Under the United States and Hawai‘i Constitutions, ‘preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate.’”<sup>11</sup> Significantly, even preexisting nonconforming uses are protected from subsequent restrictive zoning regulations.<sup>12</sup> As the Hawai‘i Intermediate Court of Appeals has recently stated, “The statutory protection of lawfully existing uses and structures ‘prior to the effective date of a zoning restriction is grounded in constitutional law.’”<sup>13</sup>

The Ninth Circuit has similarly recognized that the right to continue a preexisting lawful use is constitutional in nature. “A provision permitting continuance of a nonconforming use is ordinarily included in zoning ordinances because of the hardship and doubtful constitutionality of compelling the immediate discontinuance of nonconforming uses.”<sup>14</sup>

It is important to note that Section 1 of HB 1838, explaining the bill’s motivation, contains an incorrect statement of law in stating:

Though short-term vacation rentals are resort uses, because they operate in residential areas, the courts have overturned county ordinances to phase out short-term vacation rental uses....<sup>15</sup>

Contrary to the text of HB 1838, courts in Hawai‘i and across the United States have repeatedly reaffirmed that short-term rentals are a fundamentally residential use. Most recently, the Hawaii Federal District Court held that short-term rentals of 30-89 days were “residential uses” because the property was being “used” for “ordinary living activities.”<sup>16</sup> The court further recognized that residential owners have such vested rights and that limitations would likely violate constitutional takings principles in holding that the County ordinance likely violated both Section

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<sup>9</sup> See, e.g., *Cnty. of Hawai‘i v. C & J Coupe Family Ltd. P’ship*, 119 Hawai‘i 352, 382, 198 P.3d 615, 645 (2008).

<sup>10</sup> *Id.* (citing *Hawai‘i Hous. Auth. v. Lyman*, 68 Hawai‘i 55, 704 P.2d 888 (1985)).

<sup>11</sup> *Ferris Trust v. Planning Comm’n of Kaua‘i*, 138 Hawai‘i 307, 312, 378 P.3d 1023, 1028 (Ct. App. 2016) (internal citations omitted).

<sup>12</sup> *Young v. Planning Comm’n*, 89 Hawai‘i 400, 410, 974 P.2d 40, 50 (1999) (internal citations omitted)

<sup>13</sup> *Ferris Trust*, 138 Hawai‘i at 312, 378 P.3d at 1028 (internal citations omitted); *Waikiki Marketplace v. Zoning Bd. Of Appeals*, 86 Hawai‘i 343, 353, 949 P.2d 183, 193 (Ct. App. 1997) (citing the due process clauses of the United States and Hawai‘i Constitutions).

<sup>14</sup> *League to Save Lake Tahoe v. Crystal Enterprises*, 685 F.2d 1142, 1145 (9th Cir. 1982).

<sup>15</sup> See HB 1838, § 2

<sup>16</sup> *Hawai‘i Legal Short-Term Rental All. v. City & Cnty. of Honolulu*, No. 22-CV-247-DKW-RT, 2022 WL 7471692, at \*7-8 (D. Haw. Oct. 13, 2022).

46-4(a)) and the Takings Clause of the Hawai‘i and Federal constitutions.<sup>17</sup> As to Section 46-4(a), the court recognized that short-term rentals are a residential use of property, and counties therefore were required to provide grandfathering protection.<sup>18</sup> But the court did not stop there. Recognizing that Section 46-4(a)’s statutory protection was grounded in constitutional principles, it also found the ordinance likely violated the Takings Clause. The court stated:

The Takings Clause, made applicable to the States by the Fourteenth Amendment, provides that private property shall not “be taken for public use, without just compensation.” U.S. Const. amend. V. 21 . . . In the present case, 30–89-day rentals in non-Resort districts are a vested property right protected by takings principles. Plaintiff has articulated its vested entitlement to this property right on the basis of equitable reliance principles: . . . Here, there is no question that there has, in that Ordinance 22-7 outlaws the rentals in question within 180 days and without providing any process to compensate or accommodate nonconforming uses. In this light, Ordinance 22-7 likely violates the Takings Clause.<sup>19</sup>

Accordingly, the Hawaii Federal District Court enjoined the City and County of Honolulu from enforcing certain provisions of an ordinance that prohibited the previously lawful rental of one’s residence for 31–89 days because it effected an unconstitutional taking.<sup>20</sup> Further, just last month, the Hawai‘i Federal District Court permanently enjoined enforcement of that very same Honolulu ordinance.<sup>21</sup>

Ultimately, the passage of HB 1838 would inevitably lead to continued improper attempts to regulate existing vested uses of residential property are protected. As such, we would urge that the bill be held as it would not accomplish any legitimate governmental objective and would ultimately lead to substantial and unnecessary litigation.

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<sup>17</sup> *Id.* at 10 (“In the present case, 30–89-day rentals in non-Resort districts are a vested property right protected by takings principles.”)

<sup>18</sup> *Id.* at \*5-8.

<sup>19</sup> *Id.*, 2022 WL 7471692, at \*6-7.

<sup>20</sup> *Id.*; see also Hawai‘i Legal Short-Term Rental, 2023 WL 8850247.

<sup>21</sup> Hawai‘i Legal Short-Term Rental All. v. City & Cnty. of Honolulu, No. 22-CV-00247-DKW-RT, 2023 WL 8850247, at \*1 (D. Haw. Dec. 21, 2023).

## 2. **HB 1838 would violate the General Laws Provision of the Hawai‘i State Constitution.**

In addition to conflicts with vested rights, HB 1838 could be challenged pursuant to Article XI, section 5 of the Hawai‘i Constitution, which provides that the power of the legislature “shall be exercised **only by general laws**,” rather than by special laws.<sup>22</sup> The Hawai‘i Supreme Court has held that in order to be a general law, a statute “must apply uniformly” to a particular class.<sup>23</sup> The Hawai‘i Attorney General has similarly opined that “[a] law is a special, not a general, law if it operates upon and affects only a fraction of persons or a portion of the property encompassed by a classification, granting privileges to some and not others.”<sup>24</sup>

HB 1838 is an unconstitutional “special law” because affects only a fraction of the class of residential property: the proposed law expressly carves out nonconforming single-family transient vacation rental units and leaves them outside the scope of the preemption provision, while other properties, including other residential uses of property, remain protected. This intent to distinguish vacation rentals from other residential uses of property could not be clearer from the proposed language: “In no event shall such amortization or phasing out of nonconforming uses apply to any existing building or premises used for residential (single—family or duplex) or agricultural uses [--] **other than nonconforming transient vacation rental units** as provided in this subsection.” (emphasis added).

There is no question that vacation rental units represent a residential use of property regardless of the rental period. As the US District Court for the District of Hawai‘i recently recognized, “appellate courts of at least nineteen states have decided that even rental stays of less than 30 days—nightly, weekend, or weeklong stays—constitute **residential uses** or purposes.”<sup>25</sup> Similarly, other courts have recently recognized that a “[a] ‘residential building’ is used for human habitation without regard to length of occupancy” and “[i]t is possible to reside somewhere for a night, a week, or a lifetime.”<sup>26</sup> The proposed bill flies in the face of established law by excluding vacation rentals from the protection from amortization expressly afforded to residential uses in HRS 46-4. The legislature must either give vacation rentals the same protection as other residential uses or else allow phasing out of all residential uses of property – a drastic result that is surely not intended by HB 1838.

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<sup>22</sup> Haw. Const. Art. XI, § 5 (emphasis added).

<sup>23</sup> *Sierra Club v. Dep’t of Transp. of State of Hawai‘i*, 120 Hawai‘i 181, 214, 202 P.3d 1226, 1259 (2009), as amended (May 13, 2009).

<sup>24</sup> Att. Gen. Op. 07-2.

<sup>25</sup> See *Hawai‘i Legal Short-Term Rental All. v. City & Cnty. of Honolulu, et. al*, No. 22-CV-247-DKW-RT, 2022 WL 7471692 at \*16 (D. Haw. Oct. 13, 2022) (emphasis added).

<sup>26</sup> *Keen v. City of Manhattan Beach*, 292 Cal. Rptr. 3d 366, 370 (2022) (accord).

Given that HB 1838 fails to apply uniformly to residential property, it is inconsistent with the Hawai'i State Constitution's general laws provision. Importantly, the Hawai'i Supreme Court has not hesitated to declare statutes that violate the provision as unconstitutional.<sup>27</sup> As such, HB 1838 would be the target of significant litigation around the State.

**C. Conclusion**

For the reasons set forth herein, we have significant concerns about the proposed changes in HB 1838 and would strongly recommend that the Committee hold this bill.

Very truly yours,



DAVID M. LOUIE  
JOSEPH A. STEWART  
for  
KOBAYASHI, SUGITA & GODA, LLP

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<sup>27</sup> See *Sierra Club*, 120 Hawai'i at 214, 202 P.3d at 1259.



**Hawai'i YIMBY**  
Honolulu, HI 96814  
hawaiiyimby.com  
admin@hawaiiyimby.com

Wednesday, January 31, 2024

House Committee on Housing  
Hawai'i State Capitol  
Honolulu, HI 96813

**RE: SUPPORT for HB 1838 - RELATING TO ZONING**

Aloha Chair Evslin, Vice Chair Aiu, and Members of the Committee,

On behalf of Hawai'i YIMBY, I'm writing to support HB 1838, which could be a critical step forward in addressing our housing shortage by reprioritizing our existing housing stock. We understand that short-term rentals play an important role in a diverse and healthy housing market, however we are at a point where the imbalance between the financial gains from participating in the short-term rental market greatly outweighs the ethical incentives to house Hawai'i's residents. As we work to get more housing built, we should be effectively using existing housing stock to slow the effects of the housing crisis.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. Our members are deeply concerned about Hawai'i's chronic and worsening housing shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'aina out to the mainland or into homelessness every single year.

We urge your support for this bill. Thank you for the opportunity to testify.

Sincerely,

Damien Waikoloa

Co-Lead, Hawai'i YIMBY





**HB-1838**

Submitted on: 1/31/2024 8:50:55 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amy Ramos	Kihei Oasis Vacation Rental-Maui	Oppose	Remotely Via Zoom

Comments:

Aloha,

My name is Amy Ramos. I'm submitting testimony to oppose this bill to allow Maui County to be able to phase out existing and STRH businesses that are operating legally, collecting taxes, and contributing to the economy of Maui.

My legally permitted STRH business, Kihei Oasis Vacation Rental, has been supporting my family of five since June 2013. I have operated without any complaints from my neighbors. My property taxes on my property for a 1485 sq ft home built in 2001 is nearing \$17,000.00 for 2022.

In 2023, I have collected all the proper GET/TAT/MTAT taxes, amounting to;

GET: \$11,245.6

TAT: \$27,703.28

MTAT: \$ 7,874.94

Total: \$46,823.83

You should all know that I personally check in each of my guests and see them twice a week to maintain a high standard. I have not received any complaints from my neighbors over ten and half years.

If I lose my permit, the county and state will lose the tax money, I will lose my job, all the small business I refer my guests to will lose business, and so on. I will end up selling my house and another wealthy off island person will probably buy it AND it will never be an affordable option for renter.

Please consider that if this horrible bill passes, you are creating a Pro-hotel move, all owned by off island companies, and gutting thousands of small businesses creating a healthy maui population of on island residents.

Mahalo for reading my words.

Amy Ramos

Kihei Oasis Vacation Rental

Maui county has already passed strigent permitting laws regarding STR on Maui, and also set a moratorium for no future STRs to be built. These properties are not affordable options for renting residents. Future affordable buildings should be created away form the ocean and centered around long term housing.

**HB-1838**

Submitted on: 1/29/2024 2:51:34 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stuart Simmons	Individual	Support	Written Testimony Only

Comments:

Dear Rep. Luke A. Evslin, Chair, & Rep. Micah P.K. Aiu, Vice Chair;

**I strongly support HB1838**

I agree with Governor Green that vacation rentals (less than 180 days) are not appropriate for residential-zoned neighborhoods. The Counties should have the ability to sunset their use in residential neighborhoods.

Thank you!

Stu Simmons

Oahu Resident

**HB-1838**

Submitted on: 1/29/2024 3:40:53 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Zhantell Lindo	Individual	Support	Written Testimony Only

Comments:

Aloha and mahalo for the opportunity to support HB1838; allowing counties to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.

Thank you for your time and consideration.

with aloha

Zhantell Dudoit Lindo - Molokai, Hawaii

**HB-1838**

Submitted on: 1/29/2024 5:12:17 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tim Moore	Individual	Support	Written Testimony Only

Comments:

Please help us control rental costs and availability by better control of STR. Our workforce housing has disappeared to become STR. We beg for your help and consideration. Aloha

**HB-1838**

Submitted on: 1/29/2024 5:15:43 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Aloha

I support HB 1838,

Mahalo,

**HB-1838**

Submitted on: 1/29/2024 5:22:24 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
'Alihilani Katoa	Individual	Support	Written Testimony Only

Comments:

Aloha pumehana,

My name is 'Alihilani and I am a constituent of Oahu whom has ancestral ties to Maui. I support HB1838 as vacation rentals should not exist while families and residents of Lahaina are still unhoused. The priority should be housing Lahaina residents who lost everything in the recent tragedy, not tourists.

People over profit. Let Lahaina community leaders lead.

Mahalo,

'Alihilani

**HB-1838**

Submitted on: 1/29/2024 5:25:42 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kitch Richie Jackson	Individual	Support	Written Testimony Only

Comments:

No more vacation rentals, please phase them out. We need homes for local residents. There are so many hotels that visitors can stay in. Please 🙏



**HB-1838**

Submitted on: 1/29/2024 6:06:54 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
dale chappell	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Dale Ann Chappell

**HB-1838**

Submitted on: 1/29/2024 6:11:13 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jody Mountain	Individual	Support	Written Testimony Only

Comments:

To Chair Nakashima, Vice Chair Sayama, and the members of the House Committee on Consumer Protection & Commerce,

I am writing as a concerned member of the Maui community to express my support for HB2165, which aims to protect tenants by prohibiting landlords from charging rental rates that exceed pre-defined levels.

It is crucial to emphasize the urgent need for enhanced protections for all tenants on Maui, considering the surge in rents and the secondary wave of evictions and instability post-recent disasters.

Establishing a rental cap reflecting housing prices before the August 8 fires is a sensible approach. This ensures compliance with Governor Green's emergency order, which prohibited rent increases from August 9, 2023, onwards.

In conclusion, I firmly believe that HB2165 represents a vital step in addressing the challenges faced by our community after recent disasters. I implore the legislature to pass this bill promptly to provide essential relief and support to all renters in Maui County.

Mahalo for your attention and unwavering commitment to our community's well-being.

Sincerely,

Jody Mountain



Testimony in Support of Bill HB1838  
To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

As we have seen within our community on the West side the urgent need for housing is our top priority. TVR have taken over our neighborhoods, these were units that were originally intended for our working class community. With the numbers shared below there was nowhere to live even before the fire.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

After the wildfires most places left to rent are north of Lahaina, and with 87% being short-term rentals that is unacceptable. I have spoken with many tourists throughout the time of our occupation of Ka'anapali beach with Lahaina Strong. TVR's have been phased out of cities and tourist towns throughout the world. The places that benefit the most are vacation destinations where locals have been priced out of living. Not only will this help with our immediate housing crisis, but years after being phased out rent goes down, and families can return to where they are from.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond. Mahalo for your attention and commitment to the well-being of our community.

Sincerely,  
Katie Austin

**HB-1838**

Submitted on: 1/29/2024 6:38:54 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ashlie McGuire	Individual	Support	Written Testimony Only

Comments:

I support this bill

**HB-1838**

Submitted on: 1/29/2024 6:51:03 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kelley Porter	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Mahalo, Kelley Lehua Porter

**HB-1838**

Submitted on: 1/29/2024 6:58:15 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
De Andre Makakoa	Individual	Support	Remotely Via Zoom

Comments:

**Subject: Compelling Advocacy for HB1838 – A Call to Reclaim Home Ground**

**To Chair Evslin, Vice Chair Aiu, and the Esteemed Members of the House Committee on Housing,**

**As a father and resolute member of the Lahaina community, I write this message laden with neither defeat nor distress but brimming with an unwavering resolve. I stand before you in staunch support of HB1838, a legislative initiative granting counties the power to diligently phase out nonconforming single-family transient vacation rental units.**

**Our beloved Maui finds itself amidst a housing conundrum of extreme proportions — in Lahaina alone, a striking 25% of homes serve as short-term rentals. This figure rises alarmingly as one traverses north and south, leaving in its wake a scarcity of long-term dwellings for residents who call this island home.**

**In the lingering shadows of the recent wildfires, our community's wounds are yet unhealed; the demand for stable, affordable housing has never been more critical. HB1838 offers a salve, a ray of hope — it is a crucial measure that aligns the interests of our counties with the pressing need to prioritize residents over transient stays.**

**By supporting HB1838, this legislative body has the opportunity to make a defining impact, to reforge the landscape of Maui's housing into one that reveres the dignity of every island resident. I urge swift passage of this bill, with the confidence that through it, we may fortify the foundations of our community.**

**Mahalo for considering this testimony, rooted in passion and the pursuit of a flourishing Lahaina for families to grow, thrive, and find sanctuary.**

Sincerely,

**De Andre Makakoa**

**HB-1838**

Submitted on: 1/29/2024 7:13:23 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Andrew Isoda  
Lahaina, Mau'i



**HB-1838**

Submitted on: 1/29/2024 7:17:28 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Penny Lee	Individual	Oppose	Written Testimony Only

Comments:

With this bill they are trying to legislatively weasel themselves out of judgements they already lost. The district judge already stated that the existing law is very clear on protecting property rights. But they actually think they can just change that very law and undermine the judge's ruling and any future challenges by people like you and me, the people who own property in this state. They are trying to take away our fundamental property ownership rights and hand the tourism accommodation market exclusively to large corporate hotels and resorts. In the process they are trying all kinds of angles like raising our TAT taxes to 25% (why not 99% or 125%?) or trying to classify stays in private homes under 180 days as non-residential uses, or just look at other recent bills and you will find all kinds of other shenanigans. Unfortunately those over the top careless regulations have real damaging effects on local residents trying to make a living in this state. On the Big Island the resort and commercial zoning is very limited and concentrated in very few areas and very much in corporate developers ownership. Several districts on the Big Island, the largest island, have no resort zoning and also no hotels. This means that almost every locally owned vacation rental requires a NUC to operate and are the only visitor accommodations in those areas. This is clearly a violation of fair government practices.

When owners purchased real estate fee simple in Hawaii State, they entered a contract purchasing a bundle of property rights protected by the laws of the State of Hawaii and the United States. These are not rights that can easily be reneged on later and taken away. The number one economy in Hawaii is tourism. Owners purchased Real Estate in Hawaii at a premium, with the expectation to participate in the tourism economy in Hawaii and have been relying on the financial income for many years. The legislators can not just rewrite select property rights out of the existing laws. The current laws are very clear on protecting those very same property rights. The legislature is trying to pretend that vacation rental owners do not have any property rights.

**HB-1838**

Submitted on: 1/29/2024 7:41:10 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan Ching Harbin	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Mahalo,

Susan Ching Harbin

**HB-1838**

Submitted on: 1/29/2024 8:08:50 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Henry	Individual	Oppose	Remotely Via Zoom

Comments:

Please accept my Unyielding Opposition to this Proposed Bill HB1838 which is an Egregious Violation of our US Constitutional and Hawaiian rights.

I am writing to express my unwavering and unequivocal opposition to the proposed legislation detailed in the document labeled as SECTION 1 and SECTION 2. The bill's pursuit of empowering counties to enact zoning ordinances for the amortization or phasing out of nonconforming single-family transient vacation rental units constitutes a blatant and egregious violation of constitutional and Hawaiian rights.

1. **\*\*Violation of Property Rights:\*\***

The bill's proposal allowing counties to phase out nonconforming single-family transient vacation rental units in residential areas is a direct infringement on property rights guaranteed under the Fifth Amendment of the United States Constitution and Article I, Section 20 of the Hawaii State Constitution. These provisions protect individuals from the government's uncompensated taking of private property, and this proposed legislation violates this fundamental right.

2. **\*\*Erosion of Equal Protection:\*\***

This proposal to allow counties the ability to re-zone previously LEGALLY ZONED properties is illegal and cannot even be considered. This bill is alarming and shows a blatant disregard for the law and our basic constitutional rights, and attempts to allow our county government to circumvent the US Constitution and Hawaiian Constitution by proposing them to subjectively and arbitrarily allow our property rights to be stripped from us. This proposal violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 3 of the Hawaii State Constitution. By allowing counties to selectively and arbitrarily enact this dangerous zoning ordinance that will shut down the legally permitted vacation rental business of our Hawaiian Citizens, violates the constitutional right that all individuals must be treated equally, and not arbitrarily under the law.

3. **\*\*Violation on Due Process:\*\***

The bill's provisions fail to afford property owners due process as mandated by the Fourteenth Amendment to the United States Constitution and Article I, Section 5 of the Hawaii State

Constitution. Depriving property owners of their lawful right to utilize their properties without fair and just legal proceedings violates the foundational principles of due process.

4. **\*\*Violation of Takings Clause:\*\***

This proposed legislation violates the Takings Clause of the Fifth Amendment to the United States Constitution and Article I, Section 20 of the Hawaii State Constitution. By enabling counties to phase out nonconforming single-family transient vacation rental units without just compensation, the bill violates the constitutional protection against the government's unjust deprivation of private property.

In light of these egregious constitutional violations of the United States Constitutional and Hawaiian rights necessitate an immediate and unambiguous rejection of this dangerous and illegal legislative proposal.

Mahalo for stopping this illegal proposition of HB1838.

Respectfully,

Robert Henry

**HB-1838**

Submitted on: 1/29/2024 8:15:46 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Madison Furlong	Individual	Support	Written Testimony Only

Comments:

I think it is extremely important to prioritize housing for residents over tourism, especially during this recovery time after many people have lost everything

**HB-1838**

Submitted on: 1/29/2024 8:16:09 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cordia Wan	Individual	Support	Written Testimony Only

Comments:

I support this bill as a concerned Maui resident. This is a first step but by no means is it sufficient. We need to take steps to phase out even conforming short term rentals. Most times these rental owners are off island residents, some may even own multiple short term rentals. They are people who come purchase property and drive both our property values and our rental market up, and create an unhealthy and unsustainable market, pushing our local residents out. If short term rentals are disallowed, many of these investment buyers would not be able to continue owning these properties, nor will we continue to have future off island residents come purchase property for the sole purpose of renting them out short term. It will start to rebalance into a healthy housing market, they will be forced to rent out long term, or sell. Many cities around the world in similar situations have already taken the step to first ban the platforms that make such rentals easy: airbnb.com for example. By getting rid of the platform, it makes it difficult for people to market and collect payment. We need to take aggressive and drastic steps to ban short term rentals, to make it difficult for them to exist. We have plenty of hotels to sustain our tourism. Short term rentals contribute to overtourism. Our housing is dominated by owners who don't live here, and since the pandemic, also people who can afford to rent here but don't contribute to our work force. This cannot continue.

**HB-1838**

Submitted on: 1/29/2024 9:18:39 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Hall	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

I write this letter with the deepest concern and unwavering opposition to the proposed legislation outlined in HB1838z

This bill, proposing legislation to unilaterally grant counties the authority to enact zoning ordinances for the amortization or phasing out of nonconforming single-family transient vacation rental units, poses a grave threat to our constitutionally protected property rights of homeowners and the legal rights of Hawaiian Citizens. The implications of this proposed legislation are so far-reaching and over regulated and violate countless laws and legal protections that we have as protected citizens.

The proposed bill is a severe violation of our property rights, by authorizing counties to phase out nonconforming single-family transient vacation rental units, infringes upon the fundamental property rights protected by both the United States Constitution and the Hawaii State Constitution. Specifically, this encroachment contradicts the Takings Clause of the Fifth Amendment, which prohibits the government from taking private property for public use without just compensation. Moreover, Article I, Section 5 of the Hawaii State Constitution guarantees property owners due process and equal protection, both of which are jeopardized by this illegal proposed legislation.

Contravention of Established Legal Precedents is clearly a violation of precedence and law. The bill's attempt to eliminate or phase out nonconforming uses in residential zones shows a clear disregard for established legal Hawaiian precedents. Notably, the Supreme Court of Hawaii, in cases such as City and County of Honolulu v. Bonded Investment Co., has consistently recognized the vested property rights of homeowners under existing zoning regulations. The proposed legislation, if enacted, would set a dangerous precedent by undermining these well-established legal doctrines.

The House of Representatives Shelter Working Group's recommendation to grant counties authority to phase out vacation rental uses as a response to the wildfires neglects the constitutional rights of property owners affected by these tragic events. This legislative approach lacks nuance and shifts the governmental responsibilities to over-burdened homeowners who have faced unforeseen challenges in their community. Lack of Consideration for surviving property owners in the Aftermath of Natural Disasters is a severe and unduly heavy burden on

homeowners and is not the answer to solving emergency situations. Prevention and not Punishment is the key.

Inequitable Treatment Under Zoning Powers is a grave concern as the proposed amendments to Section 46-4 of the Hawaii Revised Statutes grant counties over reaching and unchecked sweeping zoning powers that allow arbitrary and inequitable property selection thereby rendering this proposal wholly illegal.

By allowing for the amortization or phasing out of nonconforming single-family transient vacation rental units, the bill provides counties with unchecked authority that will lead to abuse of powers and to inconsistent and unjust treatment of property all owners. This arbitrary and selective enforcement undermines the very essence of fair and equal protections under the law.

Severe Economic Hardship:

This proposed legislation overlooks the economic ramifications for property owners who rely on short-term vacation rentals for income. By disregarding the immeasurable economic implications and failing to provide just compensation for the phased-out units, this bill threatens the financial well-being of property owners, leading to severe and irrecoverable economic hardship unduly placed on citizens of the very county that they rely on for protection.

In conclusion, I vehemently oppose the proposed bill in any form. The numerous egregious violations of property rights, contravention of legal precedents, and lack of consideration for generational economic hardship on our Ohana demands a complete stop of this illegal proposed legislation. I implore you to consider the far-reaching and devastating consequences for our Ohana and uphold the constitutional rights of homeowners and all Hawaiians.

Mahalo for Immediately Stopping HB1838 from progressing any further.

Lisa Hall



**HB-1838**

Submitted on: 1/29/2024 9:22:34 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deb Black	Individual	Oppose	Remotely Via Zoom

Comments:

Urgent Opposition to Proposed Bill HB1838 as it is an Extreme Violation of All Property Owners' Rights. This proposed legislation outlined in the document labeled as SECTION 1 and SECTION 2 has so many proposed violations of our constitutional and legal property rights. This bill, seeks to empower counties to enact re-zoning ordinances for the amortization or phasing out of nonconforming single-family transient vacation rental units, raises grave concerns and egregious violations of property owners' rights within the legal framework of Hawaii.

This bill's potential to retroactively phase out nonconforming single-family transient vacation rental units represents a clear violation of established constitutional and statutory Hawaiian and United States Citizens Fundamental rights. The Supreme Court of Hawaii, in the case of City and County of Honolulu v. Bonded Investment Co., held that property owners possess vested rights in the use of their property under existing zoning laws. The proposed legislation, by retroactively altering these rights, directly contravenes this legal precedent and compromises the foundational principle of vested property rights.

Moreover, the bill violates our due process rights enshrined in both the Hawaii State Constitution and the United States Constitution. The Hawaii Supreme Court, in the case of Lualualei v. City and County of Honolulu, emphasized the importance of notice and an opportunity to be heard before governmental actions that significantly impact property rights. The proposed legislation, by failing to ensure these procedural safeguards, violates serious compliance rights with established legal principles and precedence.

The potential economic repercussions for property owners stemming from the proposed legislation are immeasurable and deeply troubling that this would ever be considered as it violates the Takings Clause of the United States Constitution and Article I, Section 20 of the Hawaii State Constitution. The courts have consistently held that regulatory actions resulting in a substantial diminution of property value without just compensation constitute a taking under constitutional law. This bill will so severely impact our property values and the inevitable and unrecoverable economic losses for property owners are direct violations of our constitutional rights that ensure property protections.

Furthermore, the bill's disregard for contractual agreements between property owners and their investment partners violates contractual rights. Article I, Section 10 of the Hawaii State Constitution prohibits the impairment of contracts by legislative action. Property owners, having

entered into agreements with tenants in good faith, could assert that the proposed legislation interferes with existing contractual rights, potentially violating this constitutional prohibition.

I strongly urge you to reconsider your support for this bill, given its specific and detailed violations of property owners' rights under established legal doctrines and constitutional provisions. The legal landscape in Hawaii, coupled with the specific precedents outlined, should guide the legislative process to always ensure the protection of property owners' rights.

Mahalo for your immediate attention to immediately stopping this bill. I trust that your commitment to upholding the rule of law and preserving property owners' rights will guide your decision-making process and stop HB1838.

Mahalo Nui Loa. Deb Black

**HB-1838**

Submitted on: 1/29/2024 9:26:22 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cardenas Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cardenas Pintor

**HB-1838**

Submitted on: 1/29/2024 9:26:46 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Annie Franzenburg	Individual	Support	Written Testimony Only

Comments:

Please continue to support the Lahaina community with passing HB1838, as we must increase housing units available for local workers. After loosing thousands of homes and apartments, West Maui needs residential housing more than ever. Many educators are unable to continue to teach the children due to lack of inventory and astronomical rental rates; the most efficient solution is to convert STRs to longterm housing. We still have over 5000 residents actively searching for a primary home. West Maui is not a "vacation" destination- it is currently the site of toxic debris removal. Please put safety first and limit number of people, vehicles and unnecessary traffic into West Maui.

The risk of another evacuation debacle looms as West Maui truly only has one road in and one road out of our fragile coastline. Whether it be fire, another natural distaster or an accident on the road, the people (residents and visitors) are at high risk of being stranded by any number of unforeseen circumstances. Since the fire on August 8, I have watched my community of 25 years dissipate. The basic services available to us (dentist, medical supplies, fresh produce, clothing) no longer exist in the vicinity. These essential needs now require a minimum drive of one hour each way. Our roads cannot tolerate any extra commuting right now.

By banning the STRs from residential areas, Maui will be able to support its own people again. Once we are able to resume a sustainable toursim, I feel the safest way to transport visitors from the Kahului Airport to West Maui would be to bus them into Ka'anapali and eliminate rental cars all together. Let the visitor industry dominate the Hotels and let the residents have the condos north of Kekaa Drive.

**HB-1838**

Submitted on: 1/29/2024 9:31:04 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara C Griffiths	Individual	Support	Written Testimony Only

Comments:

Phasing out short term rentals, especially those on the Monatoya list in west Maui, is necessary not only to house the still displaced residents of Lahaina but to stabilize the exorbitant long term rents and put an end to our housing crisis. Put our local residents first. Please. For once.

Respectfully,

Tamara Griffiths

Lahaina, HI

**HB-1838**

Submitted on: 1/29/2024 9:49:38 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rebecca Storrs	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Legislators,

I write with an uncompromising stance against the proposed legislation outlined in House Bill 1838, recognizing its severe implications for property rights and constitutional protections. The bill's attempt to grant counties the authority to enact zoning ordinances for the amortization or phasing out of nonconforming single-family transient vacation rental units is not only deeply troubling but, presents clear and unconstitutional violations that demand immediate rectification.

There are so many Blatant Constitutional Violations within this proposed bill.

This proposed legislation, by enabling counties to phase out nonconforming single-family transient vacation rental units without just compensation, unquestionably violates three Takings Clause of the Fifth Amendment to the United States Constitution. The government's confiscation of private property without proper compensation is a direct violation of the constitutional safeguards designed to protect property owners. This legislative proposal disregards foundational constitutional principles and inherent protections.

This bill proposes an Erosion of Vested Property Rights in our Hawaiian properties.

This bill violates our existing vested property rights, as recognized by the Supreme Court of Hawaii in cases such as City and County of Honolulu v. Bonded Investment Co., is deeply concerning. Property owners have relied on established zoning regulations, and any attempt to retroactively phase out nonconforming uses undermines the legitimate expectations and investments of property owners. The erosion of these vested rights constitutes an egregious violation of constitutional protections and threatens the stability of property ownership and sets the state and counties up for extremely expensive and inevitable lawsuits.

Procedural Due Process Violations:

The proposed legislation's failure to provide property owners with adequate notice and a meaningful opportunity to be heard violates fundamental principles of procedural due process enshrined in both the United States Constitution and the Hawaii State Constitution. Property owners are entitled to fair and transparent procedures when their rights are at stake. The bill's disregard for these procedural safeguards is not only unconstitutional but also fundamentally

unjust retroactively changing the legal use of our properties after obtaining ownership of our property rights.

#### Equal Protection Under the Constitution Violated.

Granting counties unchecked authority to selectively and arbitrarily create new and revoke established zoning ordinances directly violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution AND Article I, Section 3 of the Hawaii State Constitution. This legislation creates a scenario where property owners may be treated disparately based on subjective criteria VIOLATING the fundamental principle that all individuals must be treated equally under the law.

#### Unconstitutional Impairment of Contracts.

The proposed legislation infringes upon the contractual agreements made between property owners and the county and their established zoning regulations at the time of property purchase. The county holds a legal obligation to uphold and safeguard the zoning ordinance in effect when prospective property owners acquired their properties. This violation undermines the established property rights that were part of the significant financial investment made by homeowners, often totaling hundreds of thousands or even millions of dollars. Article I, Section 10 of the Hawaii State Constitution prohibits the impairment of contracts by legislative action. Property owners entered into agreements with tenants in good faith, and any attempt to prematurely phase out these rental units interferes with existing contractual obligations, constituting a clear violation of constitutional protections.

In summary, I adamantly oppose the proposed bill given its blatant violations of fundamental constitutional rights and violation legal precedence.

The blatant disregard for property rights, erosion of vested rights, procedural due process violations, unequal treatment, and violation of contracts demand an immediate stop of this dangerous and illegal legislative proposal.

I urge you, as a representative of the people, to stand against these unconstitutional encroachments and uphold the rights of property owners and all Hawaiians. Mahalo for your immediate disposal of HB1838.

Respectfully, Rebecca Stors

**HB-1838**

Submitted on: 1/29/2024 10:40:53 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gretchen Losano	Individual	Support	Written Testimony Only

Comments:

Please support HB1838. Phase out vacation rentals! It's insane that we even have tourists in west Maui living their best lives while locals are having to move to the continent after the fire. Even worse is seeing these people staying in NEIGHBORHOODS. Tourists belong in hotels, not neighborhoods that were built for our communities. Community is all we have left, please protect us.

Mahalo



**HB-1838**

Submitted on: 1/29/2024 11:17:35 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katrina Ahia	Individual	Support	Written Testimony Only

Comments:

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

It is very important that you prioritize homes for families over profits for individuals. If families have no place to live, we will have no community, and you will have no workers.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Katrina Ahia

**HB-1838**

Submitted on: 1/29/2024 11:21:59 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carlos Lamas	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Carlos Lamas, a resident of Lahaina, and I support HB1838, particularly for its focus on responsibly regulating nonconforming single-family transient vacation rental units. This bill empowers local governance to address community impacts of these rentals, balancing the interests of residents and the need for sustainable tourism, while ensuring fair transition and respect for existing residential and agricultural uses.

I believe this bill is a crucial step in the right direction, reflecting a deep understanding of the challenges we face and offering practical, considerate solutions.

Mahalo for considering my support for HB1838.

**HB-1838**

Submitted on: 1/29/2024 11:39:05 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
carol lee kamekona	Individual	Support	Written Testimony Only

Comments:

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a resident of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Carol Lee Kamekona

**HB-1838**

Submitted on: 1/30/2024 12:07:58 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Martine Aceves-Foster	Individual	Oppose	Remotely Via Zoom

Comments:

Good afternoon, Chair and Committee Members:

Thank you for allowing me to speak on HB 1838.

My name is Martine Aceves-Foster. I've lived in Hawaii for 36 years. I raised my children here in Hawaii, taught for 26 years in the UH community college system, and my former husband and I bought our home here in Hawaii. After the divorce, I chose to stay in the home I love, amongst my good neighbors. I've owned my home for 22 years.

I rent mostly short term one of the extra bedrooms my sons used to occupy. Many of my guests have been students, nurses, medical interns on rotations, and former Hawaii residents returning to visit family and friends. I've enjoyed providing a home for my guests and, in the process, I've found it a little easier to pay my bills.

As a single divorced retiree, I see HB 1838 as a blunt tool.

Hawaii's housing problem will not be solved by forcing some homeowners to give up their homes in order for others to have them.

I would like to see a bill that limits whole unit STRs to resort areas while allowing individuals and couples who reside in their home to supplement their income by renting a room or two in their own home.

Please, vote against HB 1838. Please, create legislation that helps all of Hawaii's residents thrive *in* Hawaii. Mahalo.

**HB-1838**

Submitted on: 1/30/2024 2:09:46 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Testimony in SUPPORT of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Keala Fung

**HB-1838**

Submitted on: 1/30/2024 5:20:23 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon K. I'i	Individual	Support	In Person

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

My name is Shannon K. I'i a long time generational kupa of Lahaina directly affected by the August 8th "wildfire" writing as a highly concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In our hometown of Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north which is honestly mind boggling. We have been a housing crisis for years but specifically facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires. As someone living in NCS through the Red Cross in the hotel it is a completely demoralizing, degrading, and inhuman experience to be in. Constantly checking in like I have a PO officer behind my back and questions being asked that trigger me because it's actively wanting us to leave our hometown. I will never surrender to that. This is our home and it needs to be protected and so do our people.

This proposed legislation is a critical step in providing stability and security to us who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to our Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community it does not go unseen and we appreciate your effort to make changes to strengthen our lahui.

Mahalo nui,

Shannon K. I'i

**HB-1838**

Submitted on: 1/30/2024 6:50:28 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lelaine Lau	Individual	Support	Written Testimony Only

Comments:

It is unconscionable, what has been allowed to happen in these islands. In the biggest picture - how those in power, mostly foreigners, have engaged in or supported or furthered activities which have racial impacts, and are pushing Kanaka Oiwi into diaspora.

If ever there was a time to enact legislation that offers some measure of protection to residents, ESPECIALLY those displaced by the fire, which is, or should be, your moral duty, it is NOW.

For too long, colonizers have been allowed free reign, and are never held accountable for the damage they have done here to the community. That so many STRs in Hawaii are owned by out of state "investors", ahem, vultures, is abominable. That the power structure here continues to use the record 2019 tourism numbers which were only achievable because of so many illegal STRs is disgusting. These vultures are directly forcing Kanaka into diaspora.

Estimates are of 14000 STRs in Maui.

That is 14000 units lost to local families who can no longer stay here, all because out of state greedsters want to make money. That it has been allowed to happen for as long as it has, with zero action from state legislators, definitely sends a foul message about which constituents you pander to.

I fully support ANY AND ALL measures to get the STR situation under control. Continuing to allow this puts you in the position of supporting a genocide, an erasure of Kanaka Oiwi.

**KEEP HAWAIIAN LANDS IN HAWAIIAN HANDS!**

**HB-1838**

Submitted on: 1/30/2024 6:58:37 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sandra Lundborg	Individual	Support	Written Testimony Only

Comments:

Aloha. I am writing in support to place a ban on short term vacation rentals. Short term rentals exacerbate our housing shortage and change the fabric of neighborhoods. Many STR's hire people under the table. The industry sprouted up quickly and is largely unregulated. There are plenty of hotel rooms for tourists. Keep visitors in hotels, pay taxes and keep people employed legally. Keep Maui neighborhoods for Maui residents.

Sincerely,

Sandra Lundborg



**HB-1838**

Submitted on: 1/30/2024 7:08:34 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leonard Nakoa III	Individual	Support	Remotely Via Zoom

Comments:

I am in support of the bill

**HB-1838**

Submitted on: 1/30/2024 7:18:30 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jill Paulin	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1838 because it is NOT the right time to give the counties more authority in the short-term rental industry. I am a Hawai'i resident, over 55 that owns 1 unit to subsidize my retirement income. No other industry has been hurt with continued changes in regulation like the short-term rental industry. We know the hotels would like us to all go away, but more and more travelers prefer short-term rentals over hotels. If they cannot stay in one, they will simply go somewhere else. My short-term rental houses temporary military, visiting family members, traveling nurses and other contractors requiring affordable, furnished housing. You will create a whole set of new housing problems if you give the Counties authority to phase-out short-term rentals. You will also force those of us needing this income to be "priced out of paradise". Please oppose this Bill that will do much more harm than good.

Mahalo,

Jill Paulin

Haleiwa, HI

**HB-1838**

Submitted on: 1/30/2024 7:22:31 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Virginia Kamohalii-Dew	Individual	Support	Written Testimony Only

Comments:

I am writing to express my strong support for Bill HB1838, which aims to phase out short term rentals in our communities. This bill is of utmost importance for the well-being and sustainability of our local communities, as it directly addresses the issue of excessive short term rentals that have been negatively impacting our neighborhoods. Residents must deal with visitors that take advantage of the community's they call home. Many showcasing belligerent disregard for the neighborhoods their visiting. Driving recklessly, public intoxication, urinating in yards, loud parties next to family homes and much more.

The prevalence of short term rentals in some communities, with up to a 40% area coverage, has led to various adverse effects. One of the most significant consequences is the limited availability of long-term housing options for local residents. The escalating number of short term rentals has not only driven up housing prices but has also restricted the opportunity for locals to purchase affordable, long-term homes in their own neighborhoods.

By phasing out short term rentals, we can provide a chance for our residents to secure housing stability and build stronger communities. This bill offers a solution to the housing crisis faced by many locals, enabling them to have a fair shot at purchasing a long-term home. It is essential to prioritize the needs of our residents and ensure that they have the chance to live and thrive in the communities they call home.

Several states have already taken steps to ban or regulate short term rentals, recognizing the detrimental impact they can have on local housing markets and communities. For instance, California, Oregon, and Vermont have implemented restrictions on short term rentals, with successful outcomes that have contributed to the welfare of their communities. By learning from these examples, we can take appropriate action to protect the interests of our residents and safeguard the long-term stability of our neighborhoods.

In conclusion, I urge you to consider the benefits that Bill HB1838 can bring to our communities in Hawaii. By phasing out short term rentals, we can create a more balanced housing market that prioritizes the needs of our residents

**HB-1838**

Submitted on: 1/30/2024 7:27:22 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
robin knox	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

Please note that this is not just a factor in Lahaina , but County wide in MAui County. We do not have a housing shortage, we have occupation of a large number of dwellings with transient vacation rentals...the Minatoya list.

**HB-1838**

Submitted on: 1/30/2024 7:35:23 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lorena Martinez	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,  
Lorena Martinez  
Resident of West Maui

**HB-1838**

Submitted on: 1/30/2024 7:43:21 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sara Patton	Individual	Support	Written Testimony Only

Comments:

I am a concerned member of the Maui community writing to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

**HB-1838**

Submitted on: 1/30/2024 7:45:40 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Shizuma	Individual	Support	Written Testimony Only

Comments:

I am in strong support of this bill. Each county in Hawaii is unique and has its own set of challenges and needs that counties know would know how best to address for the betterment of their communities. The amoritization or phasing out of non-conforming uses, specifically short-term rentals in residential areas will provide much needed housing, not just for the victims of the Lahaina wildfire, but for the people of Hawaii. This inventory could be pivotal in rebuilding communities and improving the health of our people and wellbeing of our neighborhoods, as they are returned to its intended use as residential housing. Having neighborhoods filled with families, instead of short-term visitors, will rebuild our communities, strengthen our social systems, and utilize our resources (such as parks, city facilities, and neighborhood boards) in the way they were intended to be used. This will help Hawaii become the family-oriented Hawaii we remember and want for the people of Hawaii.

Mahalo for your time and consideration.

**HB-1838**

Submitted on: 1/30/2024 7:53:55 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tina ah puck	Individual	Support	Written Testimony Only

Comments:

Please support this bill. It needs to be easier for Hawaii residents to live in Hawaii. Transient vacation rentals need to be limited immediately.



**HB-1838**

Submitted on: 1/30/2024 7:56:11 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
michelle	Individual	Support	Written Testimony Only

Comments:

I am in agreement with bill HB1838

**HB-1838**

Submitted on: 1/30/2024 8:00:32 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eric Balinbin	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Eric Balinbin

**HB-1838**

Submitted on: 1/30/2024 8:10:09 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brittany Fleck	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Brittany Fleck

**HB-1838**

Submitted on: 1/30/2024 8:18:44 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Fleck	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Charles Fleck

**HB-1838**

Submitted on: 1/30/2024 8:25:43 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Courtney ruidas	Individual	Support	Written Testimony Only

Comments:

I am in support of bill HB1838. As a resident of Lahaina, families affected by the fires are in dire need of dignified housing and I strongly believe that this bill could be a stepping stone in the right direction. Non-conforming vacation rentals need to be phased out during these trying times.

**HB-1838**

Submitted on: 1/30/2024 8:26:22 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Airabella Molina	Individual	Support	Written Testimony Only

Comments:

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Airabella Molina

**HB-1838**

Submitted on: 1/30/2024 8:27:41 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tarsis Rich	Individual	Support	Written Testimony Only

Comments:

Support bill HB1838.

**HB-1838**

Submitted on: 1/30/2024 8:42:34 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I support giving counties the authority to amortize non-conforming uses that are harming the community



**HB-1838**

Submitted on: 1/30/2024 8:45:01 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

To Chair Nakashima, Vice Chair Sayama, and the members of the House Committee on Consumer Protection & Commerce,

I am writing as a concerned member of the Maui community to express my support for HB2165, which aims to protect tenants by prohibiting landlords from charging rental rates that exceed pre-defined levels.

It is crucial to emphasize the urgent need for enhanced protections for all tenants on Maui, considering the surge in rents and the secondary wave of evictions and instability post-recent disasters.

Establishing a rental cap reflecting housing prices before the August 8 fires is a sensible approach. This ensures compliance with Governor Green's emergency order, which prohibited rent increases from August 9, 2023, onwards.

In conclusion, I firmly believe that HB2165 represents a vital step in addressing the challenges faced by our community after recent disasters. I implore the legislature to pass this bill promptly to provide essential relief and support to all renters in Maui County.

me ke aloha ‘āina,

Nanea Lo

**HB-1838**

Submitted on: 1/30/2024 8:47:36 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
kai nishiki	Individual	Support	Remotely Via Zoom

Comments:

Get rid of all STRs by any means necessary. Neighborhoods are for neighbors.

Support with amendments proposed by Maui County Councilmember Keani Rawlins-Fernandez.

**HB-1838**

Submitted on: 1/30/2024 8:48:52 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Delyon	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely, Elizabeth DeLyon

**HB-1838**

Submitted on: 1/30/2024 8:50:33 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Riley Bond	Individual	Support	Written Testimony Only

Comments:

Aloha,

I write to you today with an urgent plea in support of House Bill 1838 (HB1838), a legislative measure that holds the key to preserving the affordability and sanctity of our community for the generations to come.

As a concerned resident, I believe that the passing of HB1838 is not just a matter of zoning regulations; it is an essential step toward ensuring that our children and grandchildren have the opportunity to afford to live in the community they call home. The encroachment of nonconforming single-family transient vacation rental units has not only altered the landscape of our neighborhoods but has also threatened the very essence of what makes our community a desirable place to live.

HB1838's provision, allowing counties to enact zoning ordinances to amortize or phase out these nonconforming units over a reasonable period of time, is a lifeline for our future generations. By taking decisive action, we not only protect the affordability of housing but also uphold the values and character that make our community unique and welcoming.

Our community is facing a critical juncture where the decisions we make today will resonate through the lives of those who come after us. The passing of HB1838 is an investment in the future, ensuring that our children can afford to build their lives here, fostering a sense of continuity and connection with the place they call home. Your support for this measure is an investment in the affordability, stability, and integrity of our community.

Thank you,

Riley Bond

**HB-1838**

Submitted on: 1/30/2024 8:57:15 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jillian Marohnic	Individual	Oppose	Written Testimony Only

Comments:

You are singling out our legal business and deciding to eliminate it. Hard to believe that this can be done in a free economy. We have been building our reputation and reach for over 25 years on our vacation rental business, and have plans to pass it on to our daughter who is already working for us. It isn't right for you to harm one class of hard-working citizens to benefit others who have not planned ahead or prepared enough for their future. We are not a socialist country who coddle the less ambitious -- we are a capitalistic country who allow the hard workers to benefit according to their effort. I strongly oppose your interference in our means of making a living. We have followed all your laws and paid your exorbitant taxes while watching you do nothing to curb those who operate illegally. You might be surprised at how much more housing there might be available if you simply enforce the current laws. Do not be surprised, on the other hand, if you face a class action law suit should this bill pass.

**HB-1838**

Submitted on: 1/30/2024 8:59:39 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nathan Eggen	Individual	Oppose	Written Testimony Only

Comments:

I oppose the passage of HB1838. HB1838 is in conflict with Hawaii and Federal Law.

See, e.g., Waikiki Marketplace Inv. Co. v. Chair of Zoning Bd. of Appeals, 86 Hawai‘i 343, 353 (App. 1997) (“[T]he right of a property owner to the continued existence of uses and structures which lawfully existed prior to the effective date of a zoning restriction is grounded in constitutional law”) and, Ferris Tr. v. Planning Comm'n of Kaua‘i, 138 Hawai‘i 307, 312, 378 P.3d 1023, 1028 (App. 2016) (“Under the United States and Hawai‘i Constitutions, preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate)

You cannot take away the existitng rights of property owners and it will be a constitution taking if you do.

**HB-1838**

Submitted on: 1/30/2024 8:59:41 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Adrian Soucek	Individual	Oppose	Written Testimony Only

Comments:

Aloha!

I oppose this bill HB1838. Preventing residents from participating in the largest economic industry in the State is ill advised. I understand that the hope is to expand the available housing to residents but this is an overreach that will have dire consequences for many Hawaii families already struggling to stay on the 'aina. Please do not enact such a sweeping bill without actually understanding the potential damages to the residents.

With aloha,

Adrian Soucek

PO Box 1599

Kapaau, HI 96755

**HB-1838**

Submitted on: 1/30/2024 9:03:00 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
mary drayer	Individual	Support	Written Testimony Only

Comments:

submitting testimony in SUPPORT of HB 1838



**HB-1838**

Submitted on: 1/30/2024 9:13:31 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hela Oliger	Individual	Oppose	Written Testimony Only

Comments:

The government has not provided solutions to other financial burdens that residents in these areas are facing, such as food shortages, high cost of education, increasing utility prices, all which are controlled by the government. Our home is located in Kailua, and we are able to satisfy the requirements currently set forth by the local government while being able to house workers at the various military bases and hospitals nearby. The government has a misconception, as evident in some of the statements the governor has made, as to what demographic of people are renting the transient accommodations. No one has reached out to the home owners and asked who these individuals are that are staying in our rental units. I can GUARANTEE you that the individuals staying in the rental units are spending money at businesses locally owned by people in the community rather than shoveling all the money to large corporations found in these designated 'zones' such as Cheesecake factory, Louis Vuitton, Macy's (to name a few). By allowing people to stay in residentially zoned areas, they are able to experience the culture of Hawaii, emerse themselves in the community, and contribute to the profits seen by local business owners, and indirectly by homeowners who may be paying high childcare costs.

**HB-1838**

Submitted on: 1/30/2024 9:28:18 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joshua Montgomery	Individual	Oppose	Remotely Via Zoom

Comments:

**Joshua Montgomery  
75-1097 Keopu Mauka Dr.  
Holualoa, HI 96725**

**Jan 30, 2024**

**To the Honorable Members of the Hawai‘i State Legislature,**

**Subject: Urgent Appeal to Vote Against Changes to Nonconforming Use Regulations**

**Dear Legislators,**

**I am proud coffee farmer from the Big Island, and a concerned homeowner deeply invested in the well-being of our local community. I am deeply concerned about HB1838 and the way it threatens the longstanding principle of nonconforming use permits—a cornerstone of our public policy that has safeguarded homeowners for decades.**

**The essence of nonconforming use permits is not merely a legal formality; it represents a fundamental assurance to homeowners. This assurance states that when regulations evolve, those whose properties do not conform to new standards due to pre-existing conditions are allowed to continue their use without facing retroactive penalties. This protection has been a significant factor in quelling opposition to new policies. It enables our county governments to implement necessary changes to codes with much less friction than they would otherwise face.**

**However, HB1838 strips away these protections and poses a severe threat to homeowners. As someone who has been reassured by the concept of being "grandfathered in" under certain regulations, I find the removal of these protections not only unsettling but also a betrayal of the trust homeowners have placed in our legislative system.**

**Consider the ramifications of such a change. If county governments are empowered to alter permitting rules and subsequently require all homeowners to conform to these new standards, the consequences are dire. Homeowners could be forced into expensive modifications like window replacements, attic insulation, structural modifications and other costly renovations. Failing to comply could lead to punitive measures including fines,**

**liens, and even foreclosure. The financial burden and stress this could impose on families are enormous, particularly for those in our community who are already struggling.**

**The bill in question grants excessive power to counties, enabling them to enact retroactive changes on property use. Such an action is not only unjust but also destabilizes the very foundation of homeownership. People invest in homes with the understanding that their use and enjoyment of the property are protected by laws that won't be arbitrarily or retroactively altered. Removing these protections shatters this fundamental trust.**

**As a coffee farmer, I understand the value of nurturing and protecting what we have cultivated. Our homes, much like our crops, are investments of time, resources, and love. They should be afforded the same protection against unpredictable and detrimental changes. This proposed measure, if passed, will not only affect current homeowners but will also deter potential homeowners who might view the volatile regulatory environment as too risky an investment.**

**In light of these concerns, I implore you, as our elected representatives, to consider the long-term implications of this legislative change. Upholding the principle of nonconforming use permits is not just about maintaining the status quo; it's about preserving trust, stability, and fairness in our community. It's about ensuring that homeowners are not unduly penalized for changes they had no hand in making.**

**I urge you to vote against this measure and stand with the countless homeowners who deserve to know that their rights and properties are securely protected from retroactive regulatory changes. Your decision will have a lasting impact on the lives of many, and I trust that you will make a choice that upholds the values and interests of the people you represent.**

**Thank you for your time and consideration.**

**Sincerely,**

**Joshua Montgomery  
joshua.montgomery@middlebrow.com**

**HB-1838**

Submitted on: 1/30/2024 9:28:44 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Heh	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1838 because it is NOT the right time to give the counties more authority in the short-term rental industry. I am a Hawai'i resident, over 55 that owns 1 unit to subsidize my retirement income. No other industry has been hurt with continued changes in regulation like the short-term rental industry. We know the hotels would like us to all go away, but more and more travelers prefer short-term rentals over hotels. If they cannot stay in one, they will simply go somewhere else. My short-term rental houses temporary military, visiting family members, traveling nurses and other contractors requiring affordable, furnished housing. You will create a whole set of new housing problems if you give the Counties authority to phase-out short-term rentals. You will also force those of us needing this income to be "priced out of paradise". Please oppose this Bill that will do WAY more harm than good.

**HB-1838**

Submitted on: 1/30/2024 9:37:41 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kris Adair	Individual	Oppose	Remotely Via Zoom

Comments:

**Dear Hawaii State Legislature,**

**I am writing to express my deep concerns regarding House Bill 1838 (HB1838), a proposal which, if passed, could significantly impact homeowners like myself in Hawaii. My name is Kris Adair, and I am a proud resident of the Big Island. The essence of my concern revolves around the provision in HB1838 that allows counties to retroactively remove non-conforming use protections. These protections are not just abstract legal terms for my family and me; they are the foundation of our livelihood and the security of our home.**

**For years, my family has been providing accommodations to visitors in Hawaii. This activity is not only a source of income for us but also a way we share the Aloha spirit with those who come to experience our islands' unique culture and beauty. The income generated from this venture is vital for us. It helps us pay for our housing and meet our financial obligations. Without this income, we would face significant financial challenges, potentially jeopardizing our ability to maintain our home.**

**The retroactive removal of non-conforming use protections, as proposed in HB1838, poses a direct threat to this stability. Homeowners, like myself, have made decisions based on the existing rules and protections. We have invested time, effort, and resources under the assurance that our rights to use our property would be respected. The retroactive nature of this bill undermines this trust and creates an environment of uncertainty and instability.**

**Our homes are more than just physical structures; they are places of safety, comfort, and memories. The ability to rely on consistent and fair rules from our county is essential. We, as homeowners, deserve to feel secure in our investments and decisions. Changing the rules retroactively is not just a matter of legal technicalities; it affects real people, real lives, and the very essence of what makes our communities stable and thriving.**

**I understand the need for regulations and the importance of planning for the future of our beautiful state. However, I urge you to consider the profound impact that HB1838 could have on families like mine. We seek a balance that allows us to maintain our livelihoods while contributing positively to our communities.**

**I respectfully request that the Legislature reconsider the provisions of HB1838, particularly the retroactive removal of non-conforming use protections. Let us work together to find solutions that protect the interests of all stakeholders in Hawaii.**

**Thank you for your attention to this matter.**

**Sincerely,**

**Kris Adair**

**HB-1838**

Submitted on: 1/30/2024 9:44:58 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mali Hawes	Individual	Oppose	Written Testimony Only

Comments:

Stop with the 'illegal takings'!

Stop warring on the citizen residents of Hawaii. You know, LOCALS.

We have the right to use our properties in our own best interests and benefit directly from our state's only industry, tourism.

The money we generate through STR stays in Hawaii. Stays local.

Stop favoring the global corporations that own the hotels and take their profits out of state.

Kill HB1838 now.

**HB-1838**

Submitted on: 1/30/2024 9:53:30 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raechel Jacox	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Legislators,

I hope this letter finds you well. My name is Racehel Jacox, a proud resident of Hawaii and a housekeeper in the vacation rental industry. Today, I write to express my deep concerns regarding House Bill 1838, a piece of legislation that, if passed, will have far-reaching and detrimental effects on many lives and livelihoods here in our beloved state.

Living in Hawaii, the dream of owning a home often seems unattainable due to the high cost of living. For me, and many like me, the aspiration to own a vacation rental property isn't just a business venture; it's a path to affording a home in the place we love. The vacation rental industry doesn't just provide a unique and personalized experience for our visitors; it's a vital source of income for over 600 housekeepers on the Big Island alone, myself included. Our jobs in this sector pay more than twice what we would earn in the hotel industry, highlighting the significant role vacation rentals play in our local economy.

However, the introduction of HB1838 poses a grave threat to this delicate ecosystem. This bill empowers counties to retroactively change regulations, thereby jeopardizing the rights of homeowners and destabilizing the vacation rental market. The implications are severe: homeowners, unable to comply with the new, retrospectively applied rules, may be forced to cease renting. The experience in Oahu serves as a cautionary tale, where similar regulations led to properties being left vacant for most of the year, rather than being sold or rented long-term.

The passage of HB1838 isn't just a concern for property owners; its ripple effects will profoundly impact housekeepers, maintenance workers, and on-site hosts. These are hardworking individuals who rely heavily on the tourism industry. Diminishing the vacation rental market means stripping away their means to a decent livelihood.



I urge you to consider the broader impact of this legislation. The proposed bill is more than a regulatory change; it's a step toward the brink for many of us who depend on the vibrancy and inclusivity of Hawaii's tourism and hospitality sector. While property rights are indeed important, the human element – the lives, dreams, and daily bread of hundreds of residents – is paramount.

I respectfully request that you oppose HB1838. Let us work together to find a balanced approach that supports both sustainable tourism and the rights and dreams of Hawaii's residents.

Thank you for your time and consideration.

Sincerely,

Raechel Jacox

**HB-1838**

Submitted on: 1/30/2024 9:59:29 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Wilkinson	Individual	Oppose	Written Testimony Only

Comments:

My husband and I are full-time Hawaii residents. We have raised four boys, the youngest two are both active duty military. When our children or other family aren't staying with us, we rent two rooms in our home to keep up with ever-rising cost of property taxes and general living expenses, including medical insurance. These costs will quickly become unmanageable if my county phases out short term rentals on my island, which they promised not to do in 2018, but now have indicated they would like to do. I live in my home, pay taxes and am a good neighbor. Please don't allow counties to push residents from their homes by eliminating their ability to supplement their income by renting a room part time.

**HB-1838**

Submitted on: 1/30/2024 10:07:07 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lillie mcafee	Individual	Oppose	Written Testimony Only

Comments:

Please DO NOT PASS this very punitive bill. Why do you want to punish hard-working, tax-paying citizens who are simply trying make ends meet by renting to good people who cannot afford hotel rates (just the parking fee is unbelievably expensive—up to \$160 a day!). These folks abide by all the rules, respect the land, the neighborhoods, and Hawaiian residents—they are grateful and appreciate being able to visit Hawaii just the same as rich tourists who can stay in hotels?

**HB-1838**

Submitted on: 1/30/2024 10:20:50 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kehau Lucas	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a **critical** step in providing **stability and security** to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our local community so that we may endure despite these challenges.

Aloha ‘Āina,  
Kēhau Lucas

**HB-1838**

Submitted on: 1/30/2024 10:40:35 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nani	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Nani Be

**HB-1838**

Submitted on: 1/30/2024 10:52:41 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aimee Agnew	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1838. Counties should not have power to phase out short term rentals by zoning. Counties have hurt locals and created chaos with dramatic changes to STR laws. Taking away steady jobs and sources of income. DPP is overwhelmed and unorganized. 100% Government overreach.

**HB-1838**

Submitted on: 1/30/2024 10:54:38 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Gonzales	Individual	Oppose	Written Testimony Only

Comments:

This will be a disaster to allow this kind of zoning to be handled by the counties. Residents of Hawaii are getting the brunt of all the miss managing of the government. You will have no funds to operate if you do not stop trying to eliminate the traveling public be it for vacations or remote working. Oahu is in short supply to being able to staff their hospitals. Doctors are hard to find without waiting weeks. Retired people need to rent investments or parts of their houses to stay here. Every young adult that relocates is going where things are affordable without working 2 jobs. Please do not pass this bill . Jennifer Gonzales

**HB-1838**

Submitted on: 1/30/2024 10:55:31 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mitch Maxwell	Individual	Oppose	Written Testimony Only

Comments:

This is another terrible bill that gives the counties too much authority over legal TVU owners, and usurps property rights. It will be definitely be met with lawsuits if it passes. With all of the indictments and bribery scandals against DPP staff in the last couple of years, is this really the time to give them more power? The Lahaina fire aftermath has shown us the need for short-term rentals, and owners who rent their units pay a ton of taxes that we need!



**HB-1838**

Submitted on: 1/30/2024 10:56:22 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jason Agnew	Individual	Oppose	Written Testimony Only

Comments:

I do oppose HB1838. Counties should not have power to phase out short term rentals by zoning. Counties have hurt locals and created chaos with dramatic changes to STR laws. Taking away steady jobs and sources of income. DPP is overwhelmed and unorganized. 100% Government overreach.

**HB-1838**

Submitted on: 1/30/2024 10:57:59 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Randall Moss	Individual	Oppose	Written Testimony Only

Comments:

I 100% oppose HB1838. Counties should not have power to phase out short term rentals by zoning. Counties have hurt locals and created chaos with dramatic changes to STR laws. Taking away steady jobs and sources of income. DPP is overwhelmed and unorganized. Government overreach.

**HB-1838**

Submitted on: 1/30/2024 10:59:17 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharon Moss	Individual	Oppose	Written Testimony Only

Comments:

We oppose HB1838. Counties should not have power to phase out short term rentals by zoning. Counties have hurt locals and created chaos with dramatic changes to STR laws. Taking away steady jobs and sources of income. DPP is overwhelmed and unorganized. Government overreach.

**HB-1838**

Submitted on: 1/30/2024 11:01:51 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alana Reis	Individual	Support	Written Testimony Only

Comments:

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I support the granting of counties the authority to phase out nonconforming single-family transient vacation rentals over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

We must house our people first. Hospitality and monetary gain from visitors comes after; it must, or we will lose so much more than dollars.

Mahalo for the opportunity to testify

Alana Reis, Aliamanu resident, O‘ahu

**HB-1838**

Submitted on: 1/30/2024 11:08:53 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bryan Vukelich	Halepuna Real Estate Hawaii	Oppose	Written Testimony Only

Comments:

I am strongly opposed to this proposal. First, it is unconstitutional. Secondly, it will have a profoundly negative financial impact on thousands of innocent individuals and will also have a negative financial impact on the state. Thirdly, it is simply unfair. Why is there no attempt to reduce the number of hotel rooms across Hawaii?

**HB-1838**

Submitted on: 1/30/2024 11:10:46 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ezgi Green	Individual	Support	Written Testimony Only

Comments:

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the O'ahu community to inform you about my support for HB1838, which gives counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we face a housing emergency in Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is critical in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Me ke aloha pumehana,

Ezgi Green

**HB-1838**

Submitted on: 1/30/2024 12:04:28 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jodi Robinson	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill to provide much needed relief, protection, and support for our Lahaina community.

**HB-1838**

Submitted on: 1/30/2024 12:30:01 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Angel Wannemacher	Individual	Oppose	Written Testimony Only

Comments:

I oppose as short-term rentals play a crucial role in accommodating not only tourists but also essential workers like healthcare professionals, contractors, and construction workers. Additionally, it should emphasize the broader economic impact, providing income for cleaners, handymen, gardeners, and others in the community.



**HB-1838**

Submitted on: 1/30/2024 12:30:58 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jay S	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

Speaking from my perspective as a local property manager and business owner, I find myself strongly opposed to Bill 1838. If passed, this legislation will have far-reaching consequences that extend beyond the simple parameters of business operations. It will impact the livelihoods of thousands of STR operators, including maintenance personnel, cleaners, and managers like myself, who depend on this source of income to provide for their needs and those of their families.

The economic implications of this bill could be even more severe, potentially leading to job losses on a wider scale. Thousands of individuals who are currently employed in related sectors may find themselves without a source of income, which would undeniably have a devastating impact on our local economy and community.

There seems to be a prevalent misunderstanding regarding the concept of short-term rentals in our community. The current zoning regulations have considerably reduced the number of buildings that are permitted to engage in short-term rental operations. These buildings predominantly operate as small studios, with many being less than 300 square feet. Some of these studios are equipped with mini fridges, while others only have a small kitchenette. Such living arrangements are absolutely not feasible for families or for individuals seeking long-term accommodation.

On the island of Oahu, excluding what is referred to as "hotel units", there are only 2,750 short-term rentals available. It's essential to understand that phasing out these short-term rentals will not improve Hawaii's housing situation, nor will it contribute positively to the island's economy. The only entities that will benefit from this are mainland corporations, such as the hotel operator continuously building properties which the state permits, instead of more affordable housing with less restrictions and lower income qualifications. These corporations have firmly established their presence in our region. Reducing local rentals will only strengthen their dominance. We need to urge the state to support locals - the local operators, and the local homeowners who have been here for generations. The prosperity of our families depends on this.

**HB-1838**

Submitted on: 1/30/2024 12:52:23 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thuy Huynh	Individual	Oppose	Written Testimony Only

Comments:

I am strongly oppose to this bill. I don't believe this is the time to give counties more authority over zoning. The DPP is currently understaffed and overwhelmed, and efforts to streamline registration and renewal process have been continually dealyed. As a result, we are being burdened with additional fees and must invest in more time to operate our our short-term rentals. Furthermore, enforcement is not working, and many illegal STR are still operating without any fines or punishment. Excluding “hotel units”, Oahu only has 2,750 short-term rentals. This is barely enough for our friends, family, traveling nurses and other contractors that need affordable housing. This state has one of highest cost of living so many residents, including ourselves, rely on the short-term rental unit we own to provide us with extra income that is needed to live here.

**HB-1838**

Submitted on: 1/30/2024 12:56:05 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donna Bowles	Individual	Oppose	Written Testimony Only

Comments:

Short-term rentals play a crucial role in accommodating not only tourists but also essential workers like healthcare professionals, contractors, and construction workers. Additionally, it should emphasize the broader economic impact, providing income for cleaners, handymen, gardeners, and others in the community.

For the price that owners would need monthly to break even, most residents wouldn't be able to afford. I think it's wrong for the State to tell homeowners what to do with their properties, within reason. The tax revenue loss would be substantial too.

**HB-1838**

Submitted on: 1/30/2024 12:57:33 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
G Rand	Individual	Oppose	Written Testimony Only

Comments:

Please, please; Vote NO to This Bill is loaded with inaccurate bias, and its suggestions seem to be out of the mouths of the Hotel Industry's puppet masters. This is not the answer to a problem here in Hawaii. As a Hawaii Property Manager for 45 years and in touch with hundreds of law abiding citizens, we do NOT want this Bill.

Name: Sharlyn Foo

Testifying as: Individual

In strong opposition

Testimony:

HB 1838 is wrong .

Just wanted to pass along some info to be helpful in defense of NUCs.

Oahu has around 800 total on island Honolulu city and county has been smart to limit certificates unlike Maui .I realize since Lahaina needs to deal with their lack of housing. Passing this bill will only hurt residents on other islands . On Oahu 80% of stas are owned by locals which allows them to afford to live here .

There are a total of 114 NUCs in residential zoning on entire island of OAHU. I have not been part of housing market in over 30 years . I don't think taking away my NUCs will help with the housing shortage of over 15,000 units needed. Once again my family has lived up to all rules and regulations and paid all taxes and fees Increasing property taxes , increasing fees have really hurt us already Please stop targeting legal vacation rentals. The problem is enforcing against illegal rentals Let counties prove they can enforce before giving them any more authority.

Mahalo

**HB-1838**

Submitted on: 1/30/2024 1:49:06 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tiare lawrence	Individual	Support	Remotely Via Zoom

Comments:

Aloha

mahalo for the opportunity to testify on HB1838 to phase out short term vacation rentals. I am from Lahaina and my entire family are impacted by the Lahaina fires. My sister, brother, and step father are currently living in a hotel and is unable to secure long term housing in West Maui.

Hawaii has a severe housing crisis statewide. We need bold leadership to find ways legislatively to increase housing inventory and to discourage out of state investors from buying up more homes. With over 5000 residents currently displaced by the fires i highly encourage this legislative body to do everything in its power to help secure more housing inventory for local residents. Phasing out short term rentals is the right thing to do.

mahalo

tiare Lawrence

**HB-1838**

Submitted on: 1/30/2024 1:55:16 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Allison Daniel	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Allison Daniel

**HB-1838**

Submitted on: 1/30/2024 4:02:47 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nicki Tedesco	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Nicki Tedesco



**HB-1838**

Submitted on: 1/30/2024 4:03:10 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

**HB-1838**

Submitted on: 1/30/2024 4:16:04 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aaron Kaplan	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to this bill. I believe that this bill will NOT resolve the housing shortage caused by the Maui's fire. There are more than adequate housing in Maui for all the remaining victims of the fires if more short-term vacation owners would rent their units to these individuals. Allowing ALL hawaii counties the authority to rezone any area of short-term rentals is a huge overreach the legislature is using to justify housing for people affected by the Maui's fires. It is also grossly unfair to short-term vacation owners of the other island who need to earn additional income from their vacational rentals to support themselves and their family. Vacational rentals also bolster local businesses and restaurants, create employment opportunities (cleaning services, landscaping, contractors, etc), and generate millions in tax revenues each year that can be used for local affordable housing funds. Let's not scapegoat vacational owners again for a housing crisis that we did not create.

**HB-1838**

Submitted on: 1/30/2024 4:36:59 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maria Heh	Individual	Oppose	Written Testimony Only

Comments:

For the Love of God, a practical and effective solution to address the root cause of the housing issue on the island lies in the vast number of VACANT homes. Surprisingly, these homes are predominantly owned by off-island investors. These vacant properties represent a significant percentage, 20% to be precise, of the total housing inventory available on the island. To put it into perspective, there are over 34,000 homes that are currently sitting vacant. These vacant homes could be leveraged to address the current issue of housing, offering a viable solution to the pressing need for urgent housing. However, this is not being looked into or discussed. As thousands of luxury vacant homes sit empty, the attention is put into short-term operators who contribute to daily, monthly rentals for our locals.

**HB-1838**

Submitted on: 1/30/2024 5:09:06 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kapulei Flores	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of HB1838 that would allow for phasing out more transient vacation rental units to hopefully increase housing options for those who need a home and those who have lost theirs in the fires.

Mahalo

**HB-1838**

Submitted on: 1/30/2024 5:31:31 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eileen Lacerte	Individual	Oppose	Written Testimony Only

Comments:

As a professional deeply immersed in the real estate sector, I have closely followed the ongoing discussions surrounding HB1838, particularly concerning the vacation rental market. It's become increasingly clear through numerous hearings that there's a significant disconnect between legislative actions and the real concerns voiced by property owners. A recurring theme that I've observed is the reluctance of many homeowners to engage in short-term rentals. Ideally, these individuals would prefer to lease their properties on a long-term basis, avoiding the challenges associated with transient tourist accommodations.

However, a critical obstacle prompts these owners to opt for short-term rentals: the stringent and protracted eviction laws in our state. The current legal framework makes it exceedingly difficult and time-consuming to evict non-compliant tenants, often extending beyond a year. This situation places property owners in a precarious financial position, as they are compelled to fulfill mortgage obligations without corresponding rental income, all while their properties risk being damaged.

This predicament is the primary reason I have chosen not to invest in long-term rental properties within this state. Instead, I have directed my investments toward regions where eviction laws are more balanced and efficient. In these areas, the mere possibility of swift eviction acts as a deterrent, ensuring that tenants adhere to their rental agreements. This stark contrast in tenant behavior underlines the importance of revisiting and reforming our eviction laws to create a fairer, more sustainable environment for both property owners and tenants.

With that said, this Bill won't hold up to a person's property rights or the Constitution.

**HB-1838**

Submitted on: 1/30/2024 5:56:18 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andreea Grigore	Gather Vacations	Oppose	Written Testimony Only

Comments:

Aloha council members,

My name is Andreea Grigore and I am the CEO of Gather Vacations Inc DBA Elite Pacific Vacations. My company supports over 50 local property managers and employees, whose livelihoods would be impacted should this bill move forward. I am therefore writing to you today in opposition to HB 1838.

As a local resident, I understand the challenges of affordable housing, however I believe that HB1838 is not the right solution to this problem and could create more harm than good. In fact, HB1838 has the potential to exacerbate the already critical shortage of affordable housing here in Hawaii. Many local homeowners are either directly supported by the income from short-term vacation rentals to supplement their livelihoods, and be able to afford their mortgage. Many local residents are indirectly supported by the income of STVRs because of the many jobs this industry creates across all the Hawaiian islands (my company being a prime example).

Implementing blanket restrictions on vacation rentals is simply not the answer, and I urge you to explore alternative solutions and more balanced approach that addresses the concerns raised in this bill, while protecting the interests of homeowners and preserving the vitality of our local economy.

Mahalo for considering my testimony on this important issue.

Sincerely,

Andreea Grigore

**HB-1838**

Submitted on: 1/30/2024 5:59:25 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely, Pahnelopi McKenzie

**HB-1838**

Submitted on: 1/30/2024 6:03:30 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Carvalho	Individual	Oppose	Written Testimony Only

Comments:

We understand that Maui is in a very different situation than the rest of the state.  
The other Islands should be able rent 30 days or more at least.

Please do not take away our rights as home owners and residents of the State of Hawaii to follow the law that is already in place.  
Mahalo, Barbara Carvalho.



**HB-1838**

Submitted on: 1/30/2024 7:30:55 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
LISA ISODA	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

Lisa Isoda  
Lahaina, Maui

**HB-1838**

Submitted on: 1/30/2024 9:09:47 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
M. Llanes	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Hawai'i community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely,

MeleLani Llanes

**HB-1838**

Submitted on: 1/30/2024 9:10:13 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
karin omahony	Individual	Oppose	Remotely Via Zoom

Comments:

Oppose HB1838

On the surface it may appear that taking away individual citizen's property rights by outlawing short term rentals is a solution to the complicated housing problem, it is not. I know many homeowners on Oahu, Hawaii Island, Maui and Kauai who only are able to keep their own home by supplementing their income with short term rentals. If you deny them this existing right, they will have to sell their homes and move away. The homes will not sell to those facing the low/moderate income housing shortage, but instead will sell to people from the mainland who can afford our housing prices. It will not reduce housing prices as the homes always sell, just not to local people unless they're allowed to subsidize their incomes by renting part of their home short term.

This is just another short sighted bill, punishing individual citizens who have found away to afford the high cost of living and reward for the hotels (who send most of their money out of state anyway.). It will not solve the housing problem, but the hotels will be happy. And local folks will also suffer when their family comes to town to visit. There will be nowhere to stay except the hotels with their \$500 -\$700/night Kama'aina rates.

The housing problem needs to be solved, but this bill HB1838, won't solve it and instead will hurt a whole other group of Hawaii residents.

Thank you

30 January 2024

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned Citizen to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on all Islands. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Me ka aloha pumehana,  
Tristen Daniel

**HB-1838**

Submitted on: 1/30/2024 9:54:05 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tonic Bille	Individual	Oppose	Written Testimony Only

Comments:

With Bill 1838, the State now seeks to remove the exception provided in the Zoning Enabling Act (46.4)

**HB-1838**

Submitted on: 1/30/2024 10:07:11 PM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kiley Adolpho	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of Bill HB1838

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

Sincerely, Kiley Adolpho

**HB-1838**

Submitted on: 1/31/2024 12:28:53 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
susan walczak-pol	Individual	Support	Written Testimony Only

Comments:

I am writing as a concerned member of the Maui community to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, we are facing a housing emergency on Maui. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our community.

**HB-1838**

Submitted on: 1/31/2024 1:25:34 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alice Abellanida	Individual	Support	Written Testimony Only

Comments:

I support this bill.



**HB-1838**

Submitted on: 1/31/2024 5:39:12 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristen Young	Individual	Support	Written Testimony Only

Comments:

To Chair Evslin, Vice Chair Aiu, and the members of the House Committee on Housing,

I am writing to express my support for HB1838, which grants counties the authority to phase out nonconforming single-family transient vacation rental units over a reasonable period.

In Lahaina, where 25% of housing units are listed as short-term rentals, and percentages soar to 41.8% to the south and 87% to the north, Maui is facing a housing emergency. Providing clear authority to counties for phasing out vacation rental uses is crucial for helping residents find dignified housing, especially in the aftermath of recent wildfires.

This proposed legislation is a critical step in providing stability and security to those who have already endured significant challenges. I urge the legislature to pass HB1838 to offer much-needed relief and support to the Lahaina community and beyond.

Mahalo for your attention and commitment to the well-being of our communities.

Sincerely,  
Kristen Young  
Honolulu resident

**HB-1838**

Submitted on: 1/31/2024 8:08:15 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lauren Taijeron	Individual	Support	Written Testimony Only

Comments:

Please support and vote yes on HB 1838. We will not forget that Lahaina used to be a wetland and it wasn't until greedy colonizers took and redirected the water that it was vulnerable to fires such as the ones that displaced and killed hundreds of people. We must ensure and it all of our responsibilities to ensure that Lahaina stays Lahaina and its residents remain! Again, please support HB 1838.

**HB-1838**

Submitted on: 1/31/2024 8:41:19 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lori Apo	Individual	Support	Written Testimony Only

Comments:

West Maui is flooded with short term rentals and relocating Lahaina residents who work on the West Side will flood the already clogged traffic flow for them to get to work.

**HB-1838**

Submitted on: 1/31/2024 8:48:59 AM

Testimony for HSG on 1/31/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Liz Lees	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.