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David Y. Ige
Governor

John De Fries
President and Chief Executive Officer

Statement of
JOHN DE FRIES

Hawai'i Tourism Authority
before the
COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

February 4, 2022
3:00 p.m.
State Capitol
via videoconference

In consideration of
SENATE BILL NO. 3333
RELATING TO TRANSIENT VACATION UNITS

Aloha Chair Wakai, Vice Chair Misalucha, and members of the Committee on Energy, Economic Development, and Tourism.

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to offer comments on SB3333, which authorizes any person to commence a civil action in district court on that person's own behalf against any owner of a dwelling unit if the owner advertises, solicits, offers, or provides the dwelling unit as a transient vacation unit and the owner is not authorized by the applicable county to provide the unit as a transient vacation unit.

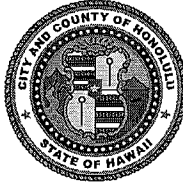
Our community-driven Destination Management Action Plans across Hawai'i clearly articulate a desire to manage visitor accommodations – specifically, taking steps to limit and regulate illegal short-term vacation rentals in neighborhoods and other sensitive areas in our communities. We are supportive of state and county efforts to advance that priority.

We appreciate the opportunity to provide these comments on SB3333. Mahalo.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR
EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 4, 2022

The Honorable Glenn Wakai, Chair
and Members of the Committee on
Economic Development and Tourism
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Wakai and Committee Members:

**Subject: Senate Bill No. 3333
Relating to Transient Vacation Units**

The Mayor Rick Blangiardi administration is in **strong support** of Senate Bill No. 3333, which would authorize any person to commence a civil action in district court on that person's own behalf against any owner of a dwelling unit if the owner advertises, solicits, offers, or provides the dwelling unit as a transient vacation unit and the owner is not authorized by the applicable county to provide the unit as a transient vacation unit.

The Blangiardi administration is working with the Honolulu City Council on a bill (Bill No. 41) to amend the City's short-term vacation rental ordinance. The proposed amendments would prohibit any new bed and breakfast (B&B), and short-term rental (STR) units in residential zoned property on Oahu. The Bill would also allow new B&B and STR units in or near Resort and Apartment (A-1 and A-2) zoned lands in Waikiki, Ko Olina, Kuilima and Makaha. The idea is to locate visitors in areas where there is existing infrastructure and amenities to support their needs.

Senate Bill No. 3333 would allow frustrated neighbors an opportunity to address operators of illegal transient vacation units in their neighborhoods. It would also provide much needed help in our enforcement efforts.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida
Director

SB-3333

Submitted on: 2/1/2022 4:14:19 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chuck Prentss	Testifying for Keep It Kailua (KIK)	Support	No

Comments:

Support. This will be very helpful in our enforcement of short term rentals in our residential communitied.



February 3, 2022

Committee Chair Wakai
Senate Committee on Energy, Economic Development and Tourism
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Wakai and Members of the Committee:

We are writing in strong opposition to SB3333, which would encourage residents in the State of Hawaii to spy on their neighbors and sue them for alleged wrongdoing with little to no evidence.

SB3333 creates an unprecedented private right of action, allowing anyone to file a civil lawsuit to enjoin and seek damages in connection with ineligible transient vacation rental units. This is an ill-conceived and fatally flawed law. It runs afoul of basic constitutional standing jurisprudence by allowing anyone to file a suit, even if they have not suffered any conceivable harm or injury-in-fact. Moreover, it would transform Hawaii state courts into local administrators, forcing the judicial system to adjudicate a flood of non-justiciable allegations in contravention of the separation of powers doctrine.

From a practical perspective, the law provides no threshold for evidence required by the plaintiff before taking legal action against their neighbor. This is alarming, as it means that neighbors can sue neighbors, subjecting them to potentially onerous legal fees with no requirement on the aggrieved party to have evidence prior to taking the legal action.

Instead of relying on the typical legal or regulatory agencies that typically enforce laws, the bill allows civilians to deputize themselves to prove their case against their neighbors. One can easily foresee overzealous neighbors not only scouring social media and other online sources, but peering through binoculars into the homes of their neighbors, or going through the trash in efforts to “prove” that their neighbor is engaging in illegal short-term rental activity.

Absent clear guidelines, this bill will lead to gross violations of personal property, invasions of privacy, and frivolous litigation. Furthermore, it could lead to unsafe situations if neighbors choose to confront their neighbors with potentially false allegations.

Of note, Airbnb and Expedia have struck agreements with the counties of Kauai, Maui, and Honolulu to support compliance. Both the Kauai and Maui systems are currently up and operating. Seeing as meaningful compliance tools are currently in place, it would be most appropriate for government regulators to enforce short-term rental laws – rather than by pitting neighbor against neighbor with almost no rules, training or other guidelines in place.

At minimum, defendants in civil actions brought pursuant to this reckless and ill-advised law should be allowed to seek attorneys' fees and any other applicable damages from their accusers if the complaints are determined to be meritless and false.

We urge you to oppose SB3333.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Middlebrook", with a long horizontal flourish extending to the right.

Matt Middlebrook
Airbnb Public Policy, Hawaii



The Senate
The Thirty-First Legislature
Regular Session of 2022

To: Committee Energy, Economic Development and Tourism

Date: February 3, 2022

Place: Conference Room 224 - Via Video Conference
Hawaii State Capitol

RE: **SB 3333** Transient Vacation Units; Rentals; Counties; Private Civil Suits

Senator Glenn Wakai, Chair & Senator Bennette E. Misalucha, Vice Chair and Members of the Committee On Energy, Economic Development and Tourism

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

RBOAA **opposes** SB 3333 for the following reasons.

This Bill creates a new law that will allow any person to commence a civil lawsuit against any owner of a dwelling that advertises, solicits, offers, or provides the dwelling as a transient vacation unit and is not authorized to do so by the county where the unit is located.

The Bill provides that the plaintiff would file a Complaint in civil court seeking that the court issue an Order “to pay to the plaintiff damages not to exceed \$25,000 plus attorneys' fees,” from the owner of the TVR.

Transient Vacation Rentals are regulated by each county pursuant to zone and permit or licensing. If a Transient Vacation Rental is not in compliance with those regulations it is a violation of county ordinance. Each county enforces their own code violations and has their own fining process.

In a civil lawsuit a plaintiff must have been damaged in order to seek, as noted in the proposed Bill, “damages” and be paid “\$25,000.” No such damage takes place by *observing* a TVR operating out of zone or without permit/license. If such civil lawsuits were to be allowed it is likely that it would overburden the courts with plaintiffs showing photos and videos as the Bill identifies as “evidence.” Even still, a photo does not prove that a transaction or activity of STR has taken place.

Further, this Bill proposes to treat Transient Vacation Unit owners differently than any other business who might incur a violation. Transient Vacation Rental owners who are in violation of county regulations should be treated similar to any other business that must comply with zoning and permit/licensing.

Thank you for the opportunity to offer testimony.

Sincerely,

Alicia Humiston, President
Rentals by Owner Awareness Association



February 3, 2022

LATE

Chair Glenn Wakai, Vice Chair Bennette E. Misalucha
and Members of the Senate Committee on
Energy, Economic Development, and Tourism
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, Hawaii 96813

Committee on Energy, Economic Development, and Tourism

Date: Friday, February 4, 2022

Time: 3:00 p.m.

Place: VIA VIDEOCONFERENCE

Conference Room 224

State Capitol

415 S. Beretania Street

Testimony of Jerry Gibson Re S.B. No.3333

Aloha Chair Wakai, Vice Chair Misalucha and Members of the
Senate Committee on Energy, Economic Development, and Tourism:

Thank you for this opportunity to provide testimony.

The Hawaii Hotel Alliance (“HHA”) strongly supports S.B. No. 3333. S.B. No. 3333 can be an effective enforcement tool to eliminate the rampant proliferation of illegal short-term rentals.

The City and County of Honolulu adopted on June 25, 2019 Ordinance 19-18 which made the following finding: “Based on on-line advertising, there are an estimated 8,000 to 10,000 short-term rentals available at any given time on Oahu, far exceeding the number of permitted units as currently provided under the Land Use Ordinance.” At the time of that finding, there were and continues to be less than 900 permitted units in the City and County of Honolulu.

Today, the data show that the number of illegal short-term rentals has not been reduced on Oahu despite the adoption of Ordinance 19-18 on June 25, 2019. Enforcement is urgently required to remove the blight which illegal short-term rentals inflict on the quality of life in our neighborhoods. S.B. No. 3333 can be such an enforcement tool.

We underscore our belief that eradicating illegal short-term rentals through sound regulatory enforcement provisions will help our economy and community as shown below:

- **Affordable housing units are critical to the economy.** S.B. No. 3333 serves to address affordable housing which is critical to the economy of the City and County of Honolulu. Mayor Blangiardi has stated: “We have a housing crisis that, more than anything, the short-term vacation rentals have really impacted...and taken a lot of units off the market that could be available to local people”. The illegal short-term rental units on Oahu reduce affordable housing for Hawaii residents, displace locals from their communities, and contribute to the high costs of living in Hawaii. Indeed, San Francisco – another city with high housing costs (and at one time a proliferation of short-term rentals) – estimated that removing a single housing unit from the market has a negative economic impact of \$250,000-\$300,000 per year (more than the estimated economic benefit of visitor spending, host income, and hotel tax associated with the unit).¹ Here, too, the economic harms associated with higher housing costs are likely to be severe and to produce a net negative economic impact on our economy.
- **Visitors to alternative lodging accommodations spend less than hotel visitors.** Visitors staying in illegal short-term rentals spend less than hotel visitors. Pre-COVID data indicate that the number of visitors staying in hotels is going down, while the number of visitors staying in short-term rentals is increasing—despite Honolulu having established a finite, zoning-determined legal short-term rental inventory.² At the same time, Hawaii Tourism Authority data show a state-wide trend in increasing visitor arrivals but decreasing visitor spending. On Oahu, based on pre-COVID data, average visitor daily spending *decreased* by 10.5% in April 2019 compared to April 2018, notwithstanding that visitor arrivals *increased* by 8.7% (with total visitor days increasing by 10.4%). In other words, more visitors and more illegal short-term rentals do not mean more visitor spending.

¹ Office of the Comptroller – Office of Economic Analysis, City and County of San Francisco, “Amending the Regulation of Short-Term Residential Rentals: Economic Impact Report” (May 18, 2015):

https://sfcontroller.org/sites/default/files/FileCenter/Documents/6458-150295_economic_impact_final.pdf?documentid=6457

² <https://www.staradvertiser.com/2019/05/21/hawaii-news/hawaii-hotel-room-rates-increase-but-demand-wanes/>

- **Uncontrolled visitor growth overburdens natural resources and infrastructure.** Public infrastructure – including thoroughfares and roads – in our residential neighborhoods is not designed for the influx of visitors brought by illegal short-term rentals. S.B. No. 3333 underscores the premise, as stated by DPP Director Dean Uchida, that short-term rentals "are not consistent with the land uses that are intended for our residential zoned areas" and that hotel-like uses in a residential zoned district are "disruptive to the character and fabric of our residential neighborhoods". S.B. No. 3333 is consistent with the position stated by The Star Advertiser editorial dated August 27, 2021 which states: "But heavily outweighing those arguments (economic gains of illegal short-term rentals) is the city's responsibility to see to it that neighborhoods remain properly zoned, and that housing units are used for homes".
- **Visitors who stay in illegal rentals would likely still come to Hawaii if the illegal rentals did not exist.** Data indicate that only about 2% of respondents surveyed would have decided not to take a trip, and fewer than 7% of respondents would not have used an alternative paid accommodation (*e.g.*, would have decided not to come or would have stayed with friends or family for free), if online platform services did not exist.³
- **Illegal rentals hurt the legal tourism industry.** The hospitality industry is a major driver of Hawaii's economy. Hotels state-wide are seeing lower occupancy rates, due in part to the influx of illegal short-term rentals. Hotels do not displace long-term renters or destroy the character of our residential communities. Hotels care for and give back to the communities they are in, abide by security and safety rules and laws, and pay appropriate wages, benefits, and taxes. When hotels add supply, they spend tens or even hundreds of millions of dollars creating legal units in hotel resort districts capable of handling the influx of visitors. Creating more hotel supply, upgrading existing stock, and staffing hotels creates memorable visitor experiences and sustainable, living wage jobs for locals. Allowing illegal short-term rentals to compete with hotels on an unfair playing field makes it more difficult for hotels to reinvest, create desirable jobs, and give back to their communities and could have a significant adverse ripple effect across Hawaii's economy.

In sum, illegal short-term rentals have continued to operate unchecked in Hawaii for far too long, by seeking out enforcement loopholes wherever possible. Those located in residential zoned districts have progressively squeezed local people out of areas where

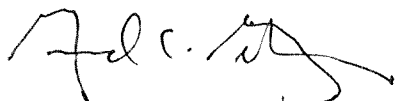
³ Daniel Adams Guttentag, "Why tourists choose Airbnb: A motivation-based segmentation study underpinned by innovation concepts" (2016): https://uwspace.uwaterloo.ca/bitstream/handle/10012/10684/Guttentag_Daniel.pdf

Chair Glenn Wakai, Vice Chair Bennette E. Misalucha
and Members of the Senate Committee on
Energy, Economic Development, and Tourism
February 3, 2022
Page 4

they lived before, further away from where they work, and in some cases onto the streets. Allowing illegal short-term rental operators to consume the existing supply of residential units and to run “illegal hotels” in our residential neighborhoods hurts residents and degrades the experience of all visitors to Oahu. In the long term, this will irreparably damage the quality of our tourism product, result in fewer return visitors, and cause significant damage to our economy.

HHA urges adoption of S.B. No. 3333 to strengthen the enforcement of elimination of illegal short-term rentals.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read "Gerard C. Gibson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gerard C. Gibson
President
Hawaii Hotel Alliance

SB-3333

Submitted on: 2/1/2022 5:04:11 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristina Anderson	Individual	Oppose	No

Comments:

I am a resident of South Kona and am adamantly opposed to measures that create a citizen enforcement class such as this bill does. This is reminiscent of the anti- abortion legislation in TX, which authorizes citizens to sue and recover an award and attorney's fees for ratting out on their fellow citizens seeking abortions, or even someone helping them to obtain an abortion.

SB 3333 is a badly written, poorly conceived attempt to pit residents angainst each other. If vacation rentals are operating illegally, let the counties do their own enforcement.

Please vote NO!

SB-3333

Submitted on: 2/1/2022 5:45:46 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Brazwell	Individual	Oppose	No

Comments:

Please Oppose SB 3333

This is a bill that will pit neighbor against neighbor with no evidence of wrong doing . The courts could be filled with frivolous lawsuits. Is Texas our new role model for how to write bills that are as onerous an dispeccable as possible?

What is the goal for this bill, except to separate and divide us? It will encourage neighbors to spy on neighbors for material rewards; I find this reprehensible. What I have always loved about Hawaii is the fact that we are diverse and we value our differences. Now you are wanting to take these differences and create civil lawsuits from them. You are proposing to change the culture, not just a law! This is a sad day that a bill like this would even be considered. Please oppose SB 3333.

SB-3333

Submitted on: 2/1/2022 7:31:39 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lois Crozer	Individual	Oppose	No

Comments:

I'm totally disgusted that this is even up for discussion. I vehemently oppose this bill because we should encourage neighborliness not incentivize this kind of action. If the DPP had done it's job all these years regarding STR and other housing issues, this wouldn't even be an issue! Please stop this crazy backlash and go to the real problems.

SB-3333

Submitted on: 2/1/2022 11:01:20 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Adam Rose	Individual	Oppose	No

Comments:

I whole heartily oppose Senate Bill 3333. This bill would be extremely detrimental should it advance, ultimately enabling people to take TVU owners to court without proper evidence. This would create a slippery slope that could be applied to many situations and could promote pitting neighbors against one another.

SB-3333

Submitted on: 2/2/2022 4:52:06 AM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lillie mcafee	Individual	Oppose	No

Comments:

NO ON HB 1847. THIS IS AMERICA. DON'T DO THIS!

SB-3333

Submitted on: 2/2/2022 9:19:44 AM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Roney deYoung	Individual	Oppose	No

Comments:

The state is abdicating the governments responsibility to enforce property use laws by pitting citizens against each other.

I object for three reasons:

- 1) Enforcement of Zoning and land use is a county jurisdiction, not state.
- 2) Abdicating goverment responsibiity, while taking the TAT Revenue and GET revenue, is wrong.
- 3) This legislation weaponizes property use of citizen against citizen and is a blanket for all locations.

The hotel industry has lobbied heavily, converted hotel rooms to "Vacation Clubs" to avoid taxes and eliminating daily room service for weekly, reducing jobs and income locally.

This legislation is wrong, and will create battles among neighbors and tie up the courts. STVRs can be responsibly managed and benefit the community. It is the governments job to find a way at the county level to manage them.

SB-3333

Submitted on: 2/2/2022 9:28:53 AM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Penny Lee	Individual	Oppose	No

Comments:

Bad idea. This will bog down the courts with bogus lawsuits. By the way, the neighbors they sue can counter sue. Hawaii needs to step up and properly regulate vacation rentals. Ignoring reality for many years is what got us here. Pinning neighbors against neighbors is not the answer.

SB-3333

Submitted on: 2/2/2022 9:42:46 AM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
eddie baladad	Individual	Oppose	No

Comments:

After reading SB3333 like the bill HB1847, I am absolutely appalled and disturbed that such a bill is even being considered to be heard. This bill SB3333 is aimed at dividing neighbors. Never mind about what this bill SB3333 is really aimed at doing in which I wholeheartedly and strongly opposed, but the fact that such a bill encouraging and authorizing one neighbor to commence civil actions against another neighbor just because his neighbor is utilizing a spare room to accommodate someone to make an honest extra buck for his family absolutely brings cold chills to my spine. If this body passes this atrocious bill SB3333, what will they not consider and pass?

My name is Georgietta Chock, and I am testifying AGAINST Bill SB 3333. After learning about this bill, I had to wonder whether I was still living in Hawaii or was I in Florida or New York or in some other GOP State that's taking away everyone's right to exit and now our own elected officials are becoming like those on the mainland. What's next? Will you be taking away our VOTING RIGHTS as well?

To those that have signed onto this bill - I don't know how you can you look yourselves in the mirror by pitting neighbors against each other. Where is the Aloha spirit?

As stated recently by the Star/Advertiser Editor – Transient Vacation units are not the problem – MONSTER HOMES are the real issue here in Hawaii, especially on Oahu. Also,

...What about the illegal fireworks brought in through our ports?

...what about the E-Guns or Taser that are being approved? Why?

...what about streets signs that are either missing, broken or are unreadable?

...what about all the illegal parking caused by long-term renters or homeowners with 5 or more cars that end up on our neighborhood streets blocking entrance and exists that go unticketed by HPD?

...what about homes that are unkept and filled with trash lowering the value of our homes on Oahu?

What the City Council, House and Senate are doing is a total disgrace and is destroying Hawaii and it's tourist industry or what's left of it!

SB-3333

Submitted on: 2/2/2022 1:21:11 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Edward Jones	Individual	Oppose	Yes

Comments:

In Honolulu C&C we have a Department of Planning and Permitting that performs this function.

The perceived issue to resolve is lack of response from the DPP. I believe this will be resolved with appropriations and rulemaking of the existing ordinance LUO 19-18.

To avoid duplication of this enforcement body, to achieve standing, it should be a requirement for the plaintiff to first exhaust all administrative remedies with the DPP. In other words, the complaint should without jeopardizing homeowner or guest rights, identify at least one piece of evidence of violation.

The complaint then follows the established complaint process. Success in the complaint process is a timely formal response from the DPP. It is a finding of violation OR that the evidence lacks merit.

If there is a failure, a lack of response, then the complaint would then have standing for a Petition for Writ of Mandamus to compel the DPP to respond to the complaint.

Absent action by the DPP, when the time period stated by the court has tolled, then standing is then achieved for citizen civil action.

Monetary damages should be \$25,000, or the actual damages sustained by the plaintiff, whatever is less (plus attorney fees approved by the court).

Mahalo for your consideration

Edward Jones

SB-3333

Submitted on: 2/2/2022 2:14:16 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mike Jackson	Individual	Oppose	No

Comments:

I am **opposed** to this Bill. It is very much subject to misuse, abuse, and misunderstanding.

It promotes a neighbor vs neighbor atmosphere.

SB-3333

Submitted on: 2/2/2022 4:13:22 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Chang	Individual	Oppose	No

Comments:

Each county already has regulations and fining for non-compliance of short term vacation rentals. This Bill proposes in addition to the county taking action against a violator, that anyone who *observes* a county code violation may also file a civil lawsuit and seek \$25,000. Allowing for civil suits for county code violations sets a very bad precedent and is a quick pathway for clogging the courts with litigation where the plaintiff is a *witness rather than an aggrieved party*.

Additionally, this Bill singles out only short term vacation rental businesses for lawsuits in civil court. Singling out only one type of business for exposure to civil suits is discriminatory. To avoid discriminatory treatment, civil lawsuits for county code violations would have to be allowed against *all* businesses.

I respectfully request SB3333 be deferred.

SB-3333

Submitted on: 2/2/2022 8:10:48 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Martine Aceves-Foster	Individual	Oppose	Yes

Comments:

Aloha! My name is Martine Aceves-Foster. Thank you chair and members for allowing me to speak.

I oppose this bill because it encourages vigilantism. It'll poison our neighborhoods by deputizing citizens to sue their neighbors for hosting STRs, whether the claim is true or false. This bill could even tear ohana apart if a family member files a citizen suit against a relative.

SB 3333 even offers a bounty of \$25,000 to individuals who take their neighbors and relatives to court. For someone who could really use an extra \$25,000, that's powerful motive to do harm. Theoretically, a person could even stay at a STR and then sue the owner. This bill robs our island home of **Aloha**.

And what if an individual files a wrongful, defamatory lawsuit against a neighbor or relative? Both the plaintiff and the defendant will be stuck with big legal bills at the end.

This is an insidious bill. *Instead*, it makes far more sense for the Counties to:

- Reestablish the MOU w/Expedia & Airbnb, so the county Departments of Planning & Permitting have access to the information that will allow the DPPs to effectively monitor STRs.
- Fund the Departments of Planning & Permitting, so they can hire the personnel and acquire the equipment needed to monitor STRs and enforce the laws efficiently.

This would be a far less adversarial way to monitor STRs. **Please, don't pass legislation that will create an *uncivil* society by deputizing citizens to do the enforcement that *government officials* should be doing.**

Please, preserve peace, privacy & Aloha in our neighborhoods.

Mahalo.

SB-3333

Submitted on: 2/2/2022 10:01:03 PM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark R. Hagadone, Ph.D., FACFE	Individual	Oppose	No

Comments:

Honorable Senator Keith-Agaran

This is a poorly written, ill-conceived Bill which, if passed, will do little to extend the warm Aloha of our neighborhoods and neighbors toward each other. It will create anger, chaos and bad sediment among our neighbors, by encouraging neighbors or their attorney representatives, to litigate and testify against one another without proper, forensically defensible, evidence.

This type of situation could easily lead to many circumstances which would promote pitting neighbors against one another, using video surveillance of questionable forensic reliability to attempt to profile strangers in the neighborhoods as transient visitors or worse. It will feed hatred and retribution among neighbors within neighborhoods. It's little more than "drive by" profiling of individuals and residents living in our community fostering xenophobia and cultural bigotry.

We don't want this in our community. This is not Hawaii. This is not Aloha. This is not helping our Kupuna, our neighborhoods or our economy. This is a punitive, self-serving, mob mentality approach to important issues involving property rights of all Hawaiian Citizens.

I encourage you to kill this bill in committee.

Sincerely,

Mark R. Hagadone, Ph.D., FACFE

Past Neighborhood Board Member, Kaimuki Neighborhood Board

Neighborhood Watch Captain Maunalani Heights

Resident of Kaimuki for 50 years, Graduate of Kalani High School and the University of Hawaii

SB-3333

Submitted on: 2/3/2022 6:21:36 AM

Testimony for EET on 2/4/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Terry Lodge	Individual	Oppose	Yes

Comments:

Distinguished Delegates,

Please accept my testimony opposing SB333: *Authorizing any person to commence a civil action in district court on that person's own behalf against any owner of a dwelling unit if the owner advertises, solicits, offers, or provides the dwelling unit as a transient vacation unit and the owner is not authorized by the applicable county to provide the unit as a transient vacation unit.*

Let's consider the "Pandora's box" we're about to open?

In a covid world rot with political and racial divides, we on this beautiful island have managed to separate ourselves from some of the chaos we see happening in other parts of the country. We have maintained our aloha (in most cases) and have yet to see any newsworthy examples of anger or violence. Ladies and gentlemen, what do you think will happen if we give a *pass* and an *excuse* to anyone who decides they don't like their neighbor? The opportunity for slander, revenge, hate and violence will be imminent! This is NOT the way to police the laws that you have put in place to eradicate crime. This will only bring more crime, increase needless 911 dispatch for both police and fire, and bog down our judicial system.

My request in this testimony is for more time to generate alternative action plans. Plans that involve a positive approach to reach complicity.

The counties have the tools for enforcement and it's working. Let them do their job.

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

Chairperson Tarnas and Members of the Committee,

Thank you for the opportunity to testify on Bill HB 1847.

I oppose this bill.

This bill has many issues specially the unconstitutional violation of peoples' rights. By allowing government to interfere with individual properties thought its own citizens. Empowering citizens to file a civil suit against each other by regulating who can be there and what they can do while on site is a monumental constitutional violation.

It's a double-edged sword because it becomes a property rights issue as well. How can my neighbors decide the number of tenants, guests, or family that can stay in my property? We understand Short-term rentals have nuances in certain neighborhoods. Whereas in some, they're a welcome part of the culture, (Resort and mix use condominiums). I can't imagine this law being enforced in a condominium or any neighborhood at all.

Incentivizing the no so friendly neighbors to stalk and possibly harass property owners, their family, and guests; would create a dysfunctional dynamic in our neighborhoods and buildings. This goes 100% against the aloha spirit and our culture.

I think it comes down to private property owners' rights. The neighbors have no business telling a property owner who they can rent to, or for how long. Just Imagine if the city or neighbors try to enforce Bill 1847 on the crack houses around Oahu with 5 cars in the yard, in total disrepair, or the hoarder home piled full of rubbish with about 7 family members who have friends coming and going. Or the neighborhood garage party house that throws one every weekend, or that guy on the block that has 6 cars parked on the street. Will this bill empower us citizens to commence a civil action in district court on our own behalf against any owner of a dwelling in similar situation like the examples above, that clearly disturb neighborhoods and property values as well?

Using vacation rentals is a convenient excuse to infringe on property owners' rights. The stories of tourists partying and parking all over is a false narrative that has been used to create an emotional response from locals against their fellow neighbor. Explain the difference between my neighbor renting his house to a "long term" tenant that happens to be "that guy" who ends up having friends over to party all the time and takes up all the street parking, and smokes and plays loud music pass midnight.

The only difference is you would have to put up with them for at least a year and the city's landlord tenant code would protect them from being evicted. It is hard to conclude and believe that tourists are even responsible for these fallacious stories.

There are many non-residents who want to vacation on Oahu and don't want to stay in hotels or be in the tourist zones. If you eliminate these popular vacation rentals, some will just buy a house or condo and use it as a second home, which is worse, because most of the year it will be vacant, exacerbating the housing shortage. They can also allow family and "friends" to use it with no oversight, regulation, or taxation, because it will either

be free, or cash under the table. Just like how Hawaii cannot legally restrict the number of visitors, the State cannot tell people that they cannot have personal guests visiting or "house sitting" when they are absent.

Zoning has restricted the amount of housing to less than the demand, which benefits current property owners with high values, and makes it more expensive to buy and rent.

I've lived in areas populated by locals, and they're much more of a mess than the areas with lots of STRs like Kailua. Has anyone ventured to Waipahu and seen a garage rented out to a family? I'd prefer STRs any day.

The thing that bothers me is that someone is telling locals here a lie. The lie is that vacation rentals make housing inaccessible for locals. Not true at all. The median home price in Honolulu grew at a faster pace before Airbnb or VRBO existed. The reason why locals can't afford homes now is that homes in a tropical area with demand from North America and Asia are simply going to be expensive with vacation rentals or not.

The city is doing the locals here a disservice by making STRs the villain. Or, possibly they're doing the bidding of the hotel lobby. Instead of spending years creating STR unenforceable laws, they should be focused on developing affordable housing for locals. Without more affordable housing, the supply will always be too low, and housing will continue to be out of reach for locals.

Kind Regards,

Valarie F. Leal.