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Josh Green, M.D.
Governor

John De Fries
President and Chief Executive Officer

Statement of
JOHN DE FRIES
Hawai'i Tourism Authority
before the
COMMITTEE ON WATER & LAND

Tuesday, February 14, 2023
8:30 a.m.
State Capitol Conference Room 430 & Videoconference

In consideration of
HOUSE BILL NO. 84 HD1
RELATING TO COUNTIES

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee on Water & Land,

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to offer comments in support of the intent of HB84 HD1, which makes explicit the counties' authority to manage short-term vacation rentals.

While the number of visitors to Hawai'i has increased over the years, there have been no major increases to the number of traditional units which include hotel, condo hotel and timeshare units in the past decade. From 2009 to 2019, the state experienced an increase in visitor arrivals from 6 million to over 10 million, a 59.5% increase in arrivals without a corresponding increase in accommodations. We believe these additional visitors likely stayed in non-traditional units, including short-term vacation rentals.

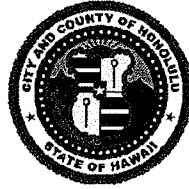
Our community-driven Destination Management Action Plans across Hawai'i clearly articulate a desire to manage visitor accommodations – specifically, taking steps to limit and regulate short-term vacation rentals in neighborhoods and other sensitive areas in our communities. We are supportive of state and county efforts to advance that priority, and we support the intent of this measure to make explicit the counties' authority to consider and implement management actions of short-term vacation rentals.

HTA stands ready to assist the counties in their efforts to manage short-term vacation rentals, and we appreciate this opportunity to provide these comments in support of the intent of HB84 HD1. Mahalo.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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February 14, 2023

The Honorable Linda Ichiyama, Chair
and Members of the Committee on Water & Land
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Ichiyama and Committee Members:

**Subject: House Bill No. 84, HD 1
Relating to Counties**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 84, HD 1, which would make explicit the counties' authority to amortize or phase out permitted, nonconforming, or otherwise allowed short-term rentals in any zoning classification.

HRS 46-4 directs the counties to adopt long-range general plans and comprehensive zoning ordinances to guide the overall development of their lands and protect their communities from problems that would arise from the mixing of incompatible land use activities. To aid the counties in doing this, HRS 46-4 empowers the counties to regulate "the areas in which residential uses may be regulated or prohibited"; the "areas in which particular uses may be subjected to special restrictions"; the "areas within which agriculture, [...] industry, trade, and business may be conducted"; and "uses for which buildings and structures may not be used." The inability to phase-out short-term rentals and other nonconforming uses undermines the comprehensive zoning regulations adopted by the counties and forces community members to endure the impacts of out-of-place land use activities without end. Short-term rentals raise particular concerns for the City and County of Honolulu.

Since the adoption of its first long-range General Plan, the City has sought to enforce zoning policies that keep the cost of resident housing low, reduce speculation in the City's housing market, support the visitor industry in Waikiki as the local economic engine for the City, and establish a pattern of population distribution that allows its people to live and work in harmony. Short-term rentals and other non-traditional visitor accommodations have disrupted the orderly scheme of development within the City, reducing the availability of long-term housing for its residents and throwing its

The Honorable Linda Ichiyama, Chair
and Members of the Committee on Water & Land
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neighborhoods into calamity. Short-term rental guests do not use homes like normal residents and disrupt cohesiveness and quietude of neighborhoods. The counties must be allowed to eliminate short-term rentals from residential and agricultural zoned lands in order to restore peace to their neighborhoods as well as ensure the future productivity of agricultural lands.

Provisions in HRS § 46-4 that appear to prohibit the counties from phasing-out land uses in residential and agricultural areas may have been adopted based on unwarranted concerns related to the “vested rights” doctrine. In August, 2022, the United States Court of Appeals for the Third Circuit reviewed a takings challenge to a New Jersey law that restricted previously-lawful short-term rentals. The Third Circuit Court upheld the law and found that no taking occurred because the owners of short-term rental properties retained significant economically beneficial uses of their properties despite not being able to rent their homes short-term. The DPP believes that the Third Circuit Court correctly decided this issue, and, that like property owners in New Jersey, the owners of residential and agricultural property in Hawaii will retain significant economically beneficial uses of their property even if they are not allowed to rent their homes short-term.

We support the passage of House Bill No. 84, HD 1, and further encourages the Committee on Water and Land to consider amending HRS § 46-4 to expressly allow the counties to phase out non-conforming uses in all zoning districts.

Very truly yours,



Dawn Takeuchi Apuna
Director

Keep It Kailua

Preserving Kailua's Character

February 14, 2023

To: COMMITTEE ON WATER & LAND (Chair Rep. Linda Ichiyama, Vice Chair Rep. Mahina Poepoe, Rep. Cory M. Chun, Rep. Dee Morikawa, Rep. Sonny Ganaden, Rep. Gregg Takayama, Rep. Mark J. Hashem, Rep. Kanani Souza)

SUPPORT HB84 HD1 (RELATING TO COUNTIES)

We strongly support **HB84 HD1** and ask your committee 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.

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

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



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February 10, 2023

HOUSE COMMITTEE ON WATER & LAND
Rep. Linda Ichiyama, Chair, Rep. Mahina Poepoe, Vice Chair

HEARING DATE: Tuesday, February 14, 2023
TIME: 9:30 AM
PLACE: Conference Room 430

Re: TESTIMONY ON BEHALF OF AIRBNB OPPOSING
HOUSE BILL NO. 84

Dear Chair Ichiyama, Vice Chair Poepoe and Committee Members:

We write on behalf of our client, Airbnb, in opposition to House Bill No. 84 HD1 (“**HB 84 HD1**”). We are concerned that this bill is flawed and has the potential to result in substantial legal issues. The stated purpose of the proposed amendment in HB 84 HD1 is to enable the Counties to eliminate or amortize land uses and structures that are used for residential or agricultural purposes. Although this may appear to be an innocuous delegation of authority, the proposed changes could conflict with constitutional rights as well as existing state statutes. As discussed more fully below, such changes would potentially cause numerous unintended consequences. Furthermore, to the extent that these changes ultimately lead to a deprivation of vested rights of existing, residential homeowners, they would likely result in substantial litigation. For these reasons, we would strongly urge that the Committee not pass this bill.

A. Short-Term Rentals Are a Fundamental Residential Use.

As touched on above, HB 84 HD1 would amend provisions of Section 46-4(a) of the Hawai‘i Revised Statutes (“HRS”) to “make explicit the counties’ authority to enact ordinances allowing for the amortization, or phasing out, of permitted, nonconforming, or otherwise allowed short—term rentals in any zoning classification.” *See* Haw. H.B. No. 84, § 1. Specifically, immediately following Section 46-4’s prohibition against the amortization of existing lawful uses in residential-zoned districts, H.B. No. 84 would add that a county may nevertheless, “provide for

the amortization or phasing out of permitted, nonconforming, or otherwise allowed short—term rentals over a reasonable period of time in an area of any zoning classification.” *Id.*, § 2.

H.B. No. 84 HDI’s differentiation between rentals of an unspecified amount of days or less and other residential uses raises significant legal concerns. It would allow Counties to adopt zoning ordinances going forward that could unreasonably interfere with the right to use and enjoy one’s property by unduly restricting the owner’s ability to offer their residential property for unspecified periods of days. Although the House Committee on Housing amended House Bill No. 84 and created an HD1, the amendments were limited and did not address critical flaws in the bill. Previously, H.B. No. 84 allowed the Counties to regulate rentals of up to 180 days or less. The HD1 deleted the 180 day limit but did not replace it with any specific number of days. Thus, the final version of this bill could be any possible number of days. However, such an open-ended regulation could contravene important federal and state Constitutional rights as well as be in conflict with other existing statutes, thus creating unintended consequences and leading to litigation.

At a high level, the duration of use of a residential dwelling does not change the fundamental nature of such use. As recently recognized by the Hawai‘i Federal District Court in *Hawai‘i Legal Short-Term Rental All. v. City & Cnty. of Honolulu, et. al.*, “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.”¹ 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.”²

As a fundamental residential use, property owners in Hawai‘i have, for decades, relied on the protections enshrined in Section 46-4 to offer short-term rentals to their guests. And these fundamental protections—which, as described below, are “grounded” in the Hawai‘i and United States Constitutions—should not be dismissed or undermined. To do so would not only implicate important constitutional protections, it would potentially drive significant litigation around the State.

B. 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.

¹ 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).

² *Keen v. City of Manhattan Beach*, 292 Cal. Rptr. 3d 366, 370 (2022).

As currently enacted, Section 46-4(a) of the Hawai‘i Revised Statutes (“**HRS**”) protects property rights of residential homeowners that are vested in owners by 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 act, 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.³ 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.”⁴

In looking at the intent of Section 46-4, it is important to look to the history of its passage. 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.”⁵

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.”⁶ As the 1980 House Journal confirms, this amendment was intended “to

³ The only exception was an allowance for changes in commercial, industrial, resort, and apartment-zoned areas: “[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. 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.” Haw. Rev. Stat. § 46-4(a).

⁴ Haw. Rev. Stat. § 46-4.

⁵ Act 234, Hawai‘i Session Laws 1957, § 6.

⁶ 1979 Hawai‘i Senate Journal (Special Committee Reports) at 1235.

restrict the areas where the counties are allowed to amortize or phase out non-conforming uses to non-residentially zoned areas.”⁷

Importantly, all actions of the Hawai‘i State Legislature regarding this statute have recognized the importance of protecting the rights of residential owner and preexisting nonconforming uses.

C. HB 84 HD1 could 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 provides, in part, “[N]or shall private property be taken for public use, without just compensation.” U.S. Const. amend. V. Similarly, the Hawai‘i Constitution states, “Private property shall not be taken or damaged for public use without just compensation.” Haw. Const. art. I, § 20. Of significance, the Hawai‘i Constitution has broader protection as it contemplates not just takings, but also “damage” to property interests.⁸ As such, the Hawai‘i Supreme Court has stated, “When applying the Hawai‘i Constitution, Hawai‘i courts may interpret it to afford greater protection than provided by the U.S. Constitution.”⁹

Both Hawai‘i and federal litigation has recognized the principle that preexisting uses of land are protected. “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.’”¹⁰ Even preexisting nonconforming uses are protected from subsequent restrictive zoning regulations.¹¹ 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.’”¹²

⁷ 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.”).

⁸ *See, e.g., Cnty. of Hawaii v. C & J Coupe Family Ltd. P’ship*, 119 Hawaii 352, 382, 198 P.3d 615, 645 (2008).

⁹ *Id.* (citing *Hawaii Hous. Auth. v. Lyman*, 68 Haw. 55, 704 P.2d 888 (1985)).

¹⁰ *Ferris Trust v. Planning Comm’n of Kaua‘i*, 138 Hawaii 307, 312, 378 P.3d 1023, 1028 (Ct. App. 2016) (internal citations omitted).

¹¹ *Young v. Planning Comm’n*, 89 Hawaii 400, 410, 974 P.2d 40, 50 (1999) (internal citations omitted)

¹² *Ferris Trust*, 138 Hawaii at 312, 378 P.3d at 1028 (internal citations omitted); *Waikiki Marketplace v. Zoning Bd. Of Appeals*, 86 Hawaii 343, 353, 949 P.2d 183, 193 (Ct. App. 1997) (citing the due process clauses of the United States and Hawai‘i Constitutions).

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.”¹³

Recent litigation in Hawai‘i over ordinances designed to restrict the duration of rentals has also resulted in the Hawai‘i Federal District Court’s recognizing that residential owners have such vested rights and that limitations would likely violate constitutional takings principles.¹⁴

It is axiomatic that the Hawai‘i State Legislature has a duty to pass laws that are consistent with and effectuate the protections of the Hawai‘i State Constitution.¹⁵ Passage of this bill, which courts have already indicated will likely lead to further action impacting vested rights and could be in violation of takings principles, would not be consistent with the Legislature’s obligations to make sound decisions consistent with constitutional principles. Amending HRS § 46-4 through HB 84 HD1 would not change the underlying constitutional protections that the statute codifies. Such a change could, thus, result in substantial litigation which will be time-consuming, costly, and harmful to Hawai‘i’s residential landowners.

D. HB 84 HD1 potentially conflicts with existing statutes, including the Residential Landlord-Tenant Code, which would create unintended consequences.

One of the unintended consequences of the proposed language in HB 84 HD1 is that it would arguably lead to governmental actions which conflict with existing provisions in State law, such as Chapter 521, the Residential Landlord-Tenant Code. An example of such a conflict would be to compare the language of HB 84 HD1 with that of HRS §§ 521-22, which set forth the applicable term of permissible rental agreements for residential dwellings in the State of Hawai‘i and provides, “The landlord and tenant may agree in writing to any period as the term of the rental agreement. In the absence of such agreement, the tenancy shall be month to month or, in the case of boarders, week to week.”

¹³ *League to Save Lake Tahoe v. Crystal Enterprises*, 685 F.2d 1142, 1145 (9th Cir. 1982).

¹⁴ *Hawaii Legal Short-Term Rental All. v. City & Cnty. of Honolulu*, No. 22-CV-247-DKW-RT, 2022 WL 7471692, at *10 (D. Haw. Oct. 13, 2022) (“In the present case, 30–89-day rentals in non-Resort districts are a vested property right protected by takings principles.”)

¹⁵ “[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 Hawaii 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.’).”)

To the extent that subsequent ordinances which contradict this provision are enforced, there will be questions about enforcement, including whether a landlord is potentially subject to penalties for having a month-to-month tenancy or whether tenants' rights are now limited in that tenants would be automatically bound to longer-term tenancies consistent with the then-proscribed zoning regulation for the property. While it appears that HB 84 HD1 seeks to regulate transient vacation rentals, subsequent zoning changes may adversely affect legitimate existing residential uses, such as persons traveling to Hawai'i for work, military families in transition, and persons traveling for medical care. Such conflicts would likely result in significant questions about their enforceability and inevitably lead to litigation to resolve such issues.

It should be noted that the Hawai'i State Constitution and HRS § 50-15 expressly provide that "any conflict between the State provisions [in HRS § 46-4] and the county zoning ordinances is resolved in favor of the State statutes, by virtue of the supremacy provisions in article VIII, section 6 of the Hawai'i Constitution and HRS § 50-15."¹⁶ As such, to the extent that a County ordinance is in conflict with a State statute, the State statute would control.

E. Conclusion

For the reasons set forth herein, we have significant concerns about the proposed changes in HB 84 HD1 and would strongly recommend that the Committee hold this bill.

Very truly yours,



DAVID M. LOUIE, ESQ.

for

KOBAYASHI SUGITA & GODA, LLP

¹⁶ *Save Sunset Beach Coal. v. City & Cty. of Honolulu*, 102 Hawaii 465, 481, 78 P.3d 1, 17 (2003) ("Thus, if an ordinance truly conflicts with Hawai'i statutory law that is of statewide concern, then it is necessarily invalid because it violates article VIII, section 6 of the Hawai'i Constitution and HRS §§ 50-15—the state's supremacy provisions." *Id.* (quoting *Richardson v. City & County of Honolulu*, 76 Hawaii 46, 66, 868 P.2d 1193, 1213 (1994)).

HB-84-HD-1

Submitted on: 2/10/2023 12:38:16 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bob Beaudry	Ocean Breeze Hideaway	Oppose	Written Testimony Only

Comments:

For 24 years, my wife and I have been operating our vacation rental business, consisting of a bed and breakfast in our home and an oceanfront condo. We have never had any complaints from our neighbors in all that time.

We specifically oppose the section of this bill authorizing the counties to eliminate or phase out short-term rentals. If this were to happen, then 24 years of our hard work could be sacrificed at the county's whim. If you are so concerned about the impact of short-term rentals, why not go after the big time shares and hotels? When you go after small business owners like us, you heavily impact individuals like ourselves (in our 80's) while doing virtually nothing to reduce problems related to tourism and the huge corporations that profit off it. It is these giant short term rentals that have a much greater impact on traffic, shoreline degradation, and our precious reefs. It is not us who are the problem. Please get your priorities straight.

It is, I know, much easier to pick on the small guys, but this really amounts to bullying and in this case, elder abuse.

HB-84-HD-1

Submitted on: 2/11/2023 9:24:55 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sandra L Davis	Lezarde Travel LLC, a Hawaii Company	Oppose	Written Testimony Only

Comments:

We strongly oppose House Bill 84 which would allow the County Boards of Hawaii the authority to enact ordinances to amortize or phase out “permitted, nonconforming, or otherwise allowed short-term rentals” in any zoning classification. This legislation would strip the certainty of continued operations away from responsible short-term rental owners across Hawaii. As a couple who have operated one legal, tax paying short term vacation rental on the Big Island of Hawaii since 2012, we are shocked and worried about this legislation that could undo overnight everything we have worked so hard to build.

Allowing the Counties to renege on the promises made that we would be “grandfathered in” and allowed to run our business as long as we renewed our license annually, followed all the rules and paid all our taxes is simply wrong. This kind of regulation and governance has a very personal impact on people and causes people to lose trust and faith in the promises of those elected to serve our communities.. Owning a home is, for the most part, a very personal decision with great impact on the homeowner's quality of life, and economic well being We choose to operate a small "business" that provides opportunity to people, also often of modest means, to enjoy these communities and spend their hard-earned money while visiting them, or housing people who have come to study here, visit ohana here, work on short term jobs here - to be a part of the vital life of Hawaii. (Almost) no one in the vacation rental business is getting rich - often breaking even or slightly above is the best one can do when dealing with booking fees, cleaning fees, and of course, confiscatory and discriminatory taxes, which have to be paid even in areas like Lower Puna where there are virtually no county services.

Every time the state or county opens its mouth on the subject of vacation rentals, there are small-time owners losing sleep and worrying that their dream is being taken from them by people who won't even take the time to know who they are and don't care, who harbor resentment against them for their small vision and small dream. The county boards listen to those who give them money, money which we owners can give only in modest amounts. Those who control large businesses seek to keep others from enjoying the economic opportunity we have and use the offices of unbridled local governance to do so at every turn. They have theirs and push the councils to make sure they keep it and that others cannot gain anything for themselves.

The other reason the owners are not sleeping is that the state legislature and county boards make it clear that anyone outside their own tight social network is not welcome in the community. The stink-eye towards us is always present from the government, and the elite, who while they seek to maximize money extracted per tourist, wish to keep them in limited places, and isolate them

from the reality of the Hawaiian islands. The ugliness of this lack of Aloha, in a place that claims to be sacred, that claims welcome and inclusion as some of its greatest goals, is deeply disturbing to the mind and soul of those who came here because we really believe that. What have we done to deserve this? Other than make it possible for those who aren't rich to enjoy this place, or work in it, employing local people, patronizing local businesses, and paying exorbitant tax burden that supports the county and state.

Stealing people's livelihood and dreams will not house a single resident of this State. It will result in more unemployment and hundreds of unseen stories of people selling their homes and moving away. And businesses closing down or shrinking due to further reduced economic activity. Maybe those who are truly rich will snap up the properties, but they won't be making them into affordable housing - they will be selling them for top dollar or tearing them down in order to have fewer neighbors.

We have repeatedly heard the allegation that STVR's "reduce the availability of housing for residents". Is there a single, peer-reviewed and published study that demonstrates a statistically significant linkage, or is this simply a means to divert attention from such issues as the failure of Hawaii State and County to enforce reasonable landlord rights?

It seems to be the policy of the Hawaii County and State governments to put excessive taxes on non-fulltime resident property owners and business, and to blame the problems of poor governance on those who have no voice in it, and, like this proposal, to discourage economic development which benefits many residents, by playing on their prejudices. Now with this Bill it would make it possible for the Counties to take back all the promises they have made and erase years of work with one stroke of the pen.

What if any incentives has the county or state government put in place to encourage the building of permanent housing? What restrictive regulations and taxes on builders and property owners have been relieved to make building permanent housing in Hawaii more attractive?. My research and talks with others have not identified any. It would seem there is far more opportunity to make a difference in those areas than by further vilifying STVR owners and operators.

It is easy to seek people to blame for any situation. It is harder to look in the mirror and accept one's own responsibility for a situation that has been growing for many years. It's easy to blame those who can only wield a single vote (or no vote) in their defense, to the benefit of those who contribute money to your political ambitions. But trying to deflect responsibility for the housing crisis onto a few people working hard to get by and live their dreams is the worst sort of political manipulation, using the misinformed envy of many against the few for the benefit of the very few. If you want to fix the housing crisis, make it easier and cheaper to build, and more possible to make a fair living in long term rentals. The market will take care of the solution on its own.

Mahalo for your kokua.

Mark Benson and Sandy Davis

Lezarde Travel, LLC, a (proud) Hawaii Company

HB-84-HD-1

Submitted on: 2/11/2023 5:50:36 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tien Doan	Lahaina Sun Villa	Oppose	Written Testimony Only

Comments:

- Short-term rentals have a significant impact on families and the local economy. By providing lodging to visitors, they support families and stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses.
- Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui county operating budget.
- Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.
- During times of inflation and rising prices, short-term rentals provide essential economic support for local families and the broader community.
- They are not only a valuable option for mainland visitors but also for local families traveling within the state.
- Short-term rental owners and operators are committed to responsible practices and fair regulations. They support a balanced approach to addressing challenges and a collaborative approach with local stakeholders.
- Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.

- HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses and renting their homes to visitors, traveling nurses, and other essential workers.
- If passed, this bill could take away property rights guaranteed to owners when they purchased their homes. The outcome could be devastating for responsible property owners who could lose their businesses.
- I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses, and the decision-making process should not move forward without giving due consideration to the input from the community.

HB-84-HD-1

Submitted on: 2/11/2023 6:29:46 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Larsen-Jeyte	Experience Volcano Hawai'i a 501c3	Oppose	Remotely Via Zoom

Comments:

The vast majority of short term rentals in Volcano operate legally, including properties with Non-conforming Use Certificates. Short term rentals directly benefit local rural Volcano residents, providing better than living wages for local families, restaurants, stores and art galleries. Jobs from multi-national hotels do not. **This Bill could take away Hawaii County constituent's ability to make a living wage.**

Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties. Please let Hawaii County figure out its own parameters as our Island has many rural areas such as Volcano which need to accommodate overnight guests visiting Hawaii Volcanoes National Park. Our second home cottages, local restaurants, stores and galleries depend on visitors ability to stay a night or two or three in place without traveling back to Kona or Hilo.

HB-84-HD-1

Submitted on: 2/11/2023 7:15:53 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Adams	David M W Adams Inc	Oppose	Written Testimony Only

Comments:

I respectfully oppose HB84. I own a vacation rental property in Wailea. Over the ten years that I have owned it, it has allowed hundreds of guests a more affordable means to visit Maui. There are not enough hotel rooms available to accommodate the tourism demand at this time.

I understand that some owners may be irresponsible, or not paying their taxes, but if that is happening, there should be harsh penalties for those owners, rather than shutting down the industry altogether.

I thank you for considering my submission.

Yours truly,

David Adams

HB-84-HD-1

Submitted on: 2/12/2023 11:53:13 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy Sjodin	Seas The Day O22	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to provide our perspective on the proposed changes in HB84.

My wife and I first visited the Big Island during our Honeymoon in 2016 and were blown away by the biodiversity and hospitality of this fantastic island. Our stay at the Fairmont Orchid was a wonderful experience which we will not forget. A few years later, we returned to the Mauna Lani are with my wife's sister and her then husband, but this time stayed in the Fairways condo association. The grounds were impeccable, the unit was well appointed, and we had a wonderful time. The availability of this short term vacation rental, and the access it provided to the Mauna Lani Beach Club, won us over. From that point on, we knew we had to make the area our home away from home.

Unfortunately, in 2019, both my wife's father and mother passed away from their battles with cancer. It was a very rough time for our family and it reinforced the idea that time together as a family was important above all else. That next summer, after COVID had turned our world upside down again, and while preparing to sell their home in Idaho, we were presented with a once in a lifetime opportunity to purchase a condo in the Golf Villas association.

We purchased the unit without ever having visited and the process was very smooth. As soon as we had the keys, we started renovations and put in nearly \$100k replacing the floors, painting, installing new counter tops, and bringing in all new furniture. The place really is our home away from home, with an inviting and calming atmosphere where our children can make memories which last a lifetime.

To offset the costs of ownership, such as HOA dues, property taxes, and utilities, we operate the unit as a short term vacation rental (STVR). In fact, over half of the units in the association are run in a similar manner. This not only allows us to keep the unit available for our use multiple times a year to bond as a family, but it also enables numerous other families to experience the

aloha of the Big Island where they otherwise would not be able to afford to do so. Since our first visit to the Fairmont Orchid in 2016 the price for the same stay has more than tripled and has priced us out, along with many others in the working middle class of this great country.

In addition to offsetting the costs of ownership for us, the STVR brings in tourists from around the world which put their financial resources into the area by dining at the nearby restaurants and supporting the local shopping and tourist-focused businesses. In addition to supporting the local community, the General Excise and Transient Accommodation Taxes provide nearly \$20k yearly in revenue to the state from our unit alone.

We understand the responsibility we have been given to maintain the peaceful and remarkable experience which is the Big Island and do not take that responsibility lightly. We work with a wonderful cohost who lives nearby and is able to respond to our guests' needs, and who does not look the other way when it comes to those that may break the rules. Ensuring the community ambiance is not degraded is a top priority. Our guests have resoundingly voiced their satisfaction with our home with 5-star reviews across the board.

My fear with the language in this House Bill is homes like ours will be out of reach for many when the STVR income is no longer possible and we'll be forced to sell our home away from home, a place where we planned to make lifelong memories as our family grows. By universally granting the individual county's wholesale removal the short term vacation rental strategy from nearly purpose-built communities, the reality is only large conglomerates (Marriott, Hilton, etc.) will further their reach into consumer's pockets and drive out personality and individuality from the area. This will result in lower income to the state and counties through the reduced collection of taxes from the STVRs and will reduce the flow of cash into the communities when families have to stay home or find less expensive places to travel to

In my opinion, the existing STVR program in Hawaii County adequately regulates the use of homes like ours as a short term rental and additional restrictions and governmental power will only stifle the industry and push home owners away from the Hawaiian Islands. We look forward to hearing our lawmakers have decided to support the working families of this great country by cutting off the long arm of the hospitality industry lobbyists who only serve themselves and their shareholders.

HB-84-HD-1

Submitted on: 2/12/2023 4:53:16 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay Summers	A&J Management Team LLC	Oppose	Written Testimony Only

Comments:

We, the property managers of A&J Management Team LLC strongly oppose bill 84.

HB-84-HD-1

Submitted on: 2/12/2023 9:24:00 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
vicky Poland	Rainbow Inn	Oppose	Written Testimony Only

Comments:

Aloha respectd members of the House.

My name is Vicky Poland, My husband Grant and I are the current owners of Rainbow Inn Aiea. It is a Non Conforming use Bed and breakfast License # 90/BB-0038. We wishe to oppose bill *4 for the following reasons. #1 We serve the local community as our guest frequent local businesses instead of hotels where the profits go out of state or overseas. # 2. Many of our guests are visiting Ohana, be it partents, grandparents or grandchildren. # 3. We are also an alternative for military folks, neighbor Island folks and local staycationers. Especially good for families. # 4 We are a small business paying all applicable taxes with very little impact on the big hotel corporations but a very big impact on our ability to pay our motgage and the increasing expenses needed to maintain a home here on Oahu. Lastly. Rainbow Inn has been in operation for over 30 years with zero complaints. We have some guests that have been coming here through all three owners.

Please reject Bill 84. Mahalo Vicky

February 12, 2023

Chairwoman Linda Ichiyama
Hawaii House of Representatives
Committee on Water and Land
415 S Beretania St.
Honolulu, HI 96813

Re: House Bill 84

Rep. Ichiyama,

The housing market in Hawaii has been plagued by a lack of inventory for more than two decades. Simply put, housing supply is not keeping up with demand. This is driving prices higher and creating a housing crisis.

The cause isn't a mystery. There is one and only one root cause to this problem. Hawaii is not building enough new housing.

Why? Talk to any licensed builder they will tell you. The regulatory process in Hawaii is too complex, takes too long, is too uncertain and creates too much risk. It is the regulatory bodies - specifically the County governments - who have caused this crisis. When permits are denied, prices soar. It is as simple as that.

In the face of this crisis, however, the responsible parties aren't standing up to take responsibility. Instead they are trying to scapegoat local families and taking away what, in some cases, is their only source of income: renting a spare room or an ohana to visitors.

Here on the Big Island more than 7,500 families depend on vacation rental income. Seven Thousand Five Hundred. These families have worked out a way to overcome the steep cost of housing and participate in our primary industry - tourism - not as wage slaves but as capital owners. These families host guests in a spare room, in an ohana or in some cases in a yurt or a treehouse. They use the money from hosting guests to make ends meet. Without it they will lose their homes, their farms and their livelihood.

On the Big Island we don't have the fancy jobs that exist in Honolulu. There are no fat military supply contracts or highrise construction jobs. We don't have any high class law firms or luxury car lots. We don't have a never ending federal transportation gravy train. Our primary industry is tourism followed distantly by growing coffee and macadamia nuts. That's it.

On the Big Island our government has created an environment where it is nearly impossible to build a new housing development. Between a permitting department that is more than two years behind and a building review process that involves dozens of bureaucrats on each permit

they've created a kafkaesque and byzantine system that puts Hawaii County dead last in the United States for ease of construction. Dead last.

Please don't give them more power. They will simply misuse it and abuse it. Our affordable housing programs are already plagued by corruption. Just last year our affordable housing office found that one of its members had embezzled more than \$11,000,000 in public funds.

House Bill 84 will give Hawaii County and the special interests who pay for our elections even more power over our local economy. And they will use that power to benefit themselves. That is the last thing we need.

The only thing protecting the citizens of the Big Island from corruption and overreach by local government is State and Federal law. Please don't take these protections away from us.

Sincerely,

Joshua Montgomery
President
The Ohana Aina Association
75-1097 Keopu Mauka Dr.
Holualoa, HI 96725
(785) 840 6155

HB-84-HD-1

Submitted on: 2/12/2023 11:11:53 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jack Miller	Hilo Homes	Oppose	Remotely Via Zoom

Comments:

Dear Sirs,

I have been involved in short term rentals in Hawaii since 1990. Responsible short-term rental owners should be allowed to continue to operate their businesses without interference. The taxes that we pay help support the counties and state of Hawaii. There is no legitimate reason to change the existing ordinances.

Mahalo for your consideration.

Jack Miller / Hilo Homes

HB-84-HD-1

Submitted on: 2/13/2023 4:03:07 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John M Kevan	Maui Paradise Properties	Oppose	Written Testimony Only

Comments:

I am noting in this message a number of reasons this is another BAD bill that in the long run will only take away more jobs and continue to force our kids to move off island. We manage 300 LEGAL short term rentals that provide support for over 80 company employees and their families and hundreds of downstream hard working Hawaiians (contractors, cleaning companies, activity companies etc). Quit making Short Term Rentals (legal by zoning, grandfathering, and hundreds of already county and state meetings) your whipping boy.

- Short-term rentals have a significant impact on families and the local economy. By providing lodging to visitors, they support families and stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses.
- Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui county operating budget.
- Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.
- During times of inflation and rising prices, short-term rentals provide essential economic support for local families and the broader community.
- They are not only a valuable option for mainland visitors but also for local families traveling within the state.
- Short-term rental owners and operators are committed to responsible practices and fair regulations. They support a balanced approach to addressing challenges and a collaborative approach with local stakeholders.
- Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.
- HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses and renting their homes to visitors, traveling nurses, and other essential workers.
- If passed, this bill could take away property rights guaranteed to owners when they purchased their homes. The outcome could be devastating for responsible property owners who could lose their businesses.

- Hotel market is continuing on its downtrend in value to travelers and no longer meets the needs of many of them. Your supported revenue stream from Hotels will be decreasing over time and assuming that killing vacation rentals will change that shows a lack of understanding the market.
- I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses, and the decision-making process should not move forward without giving due consideration to the input from the community.

John Kevan

Maui Paradise Properties



The House of Representatives
The Thirty-Second Legislature
Regular Session of 2023

To: Committee on Water and Land

Date: February 14, 2023

Place: Conference Room 430 - Via Video Conference
Hawaii State Capitol
415 South Beretania Street

RE: **HB 84, HD1 Relating to Counties**

Rep. Linda Ichiyama, Chair & Rep. Mahina Poepoe, Vice Chair and the Representatives of the Committee On Water & Land

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

RBOAA **Opposes** HB 84, HD1 and would like to offer the offer the following:

Allowing the counties to change property use would damage property owners who have relied on the current laws to protect their usage.

We believe that HB 84 would be unconstitutional as preexisting uses of land are protected. The passage of the bill could lead to litigation

HB 84 would conflict with existing provisions in Chapter 521, the Residential Landlord-Tenant Code.

Thank you for the opportunity to testify.

Sincerely,

Alicia Humiston, President
Rentals by Owner Awareness Association

HB-84-HD-1

Submitted on: 2/13/2023 9:45:52 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Ramos	Kihei Oasis	Oppose	In Person

Comments:

To the Legislature of the State of Hawaii,

I adamantly oppose the proposed State Bill 84. As a responsible and licensed short-term rental operator, my family of five depends on our right to continue legally renting our home to maintain our life here in Hawaii. There are few ways in which local families can make enough money to afford the high cost of living here in Hawaii. I have been operating legally since 2013 by a permit that needs to be renewed every 5 years. The permit is ONLY renewed if I have no neighbor complaints, and I maintain all the requirements required by my permit. It seems every year I'm testifying to either the County or the State to fight for the Mom and Pop operators, such as myself, that are constantly cast out to sea in lieu of the Hotel Giants, the main consumers of our island resources, owned by off island companies.

We live on the most remote islands in the world, and the State and County should be handing out awards for ANY small business that maintains high quality standards AND who contributes by paying ALL their taxes while maintaining some kind of quality of life to reside in the islands.

Provisions need to stay in place so the Counties can not just TAKE legal operating businesses, such as mine, away.

Please sink this bill.

Mahalo for reading my testimony,

Amy Ramos

Kihei Oasis Vacation Rental, Kihei, Maui Hawaii

HB-84-HD-1

Submitted on: 2/13/2023 11:06:28 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy Sosner	Private Homes Hawaii	Oppose	Written Testimony Only

Comments:

Aloha, I'd like to submit the following statement in opposition to the proposed HB Bill 84 as it relates specifically to the granting of authority to the Counties (especially Honolulu) to "phasing-out permitted, non-conforming or otherwise allowed short-term rentals in any zoning classification".

In reviewing the list of the more than 800 transient vacation rentals that are permitted in Honolulu, most are located in Waikiki, close to the Resort-zoned area. The remainder are so few and far between it would seem to have little impact on residential communities. It is my belief that the communities are impacted far greater, by the illegal rental activity that continues despite the current laws.

Those in possession of TVU licenses either have had them since inception or likely have purchased homes for that reason and therefore, paid a premium for the asset. To grant powers to the Counties to phase out such licenses seems an overreach of owners property rights and would likely be subject to legal challenges, should the Counties attempt to invoke their newly gained powers (and they will).

I am concerned that the State would "grant power to act liberally in favor of the county exercising them" in that the plan to "ensure the greatest benefit to the State as a whole" often falls to the influence and pressure of local 'special interest' groups. It seems a system of checks and balances between State and County would be to the better benefit of the State as a whole, and thereby, its citizens.

Specific to short term rental activity, The City & County of Honolulu has not acted in good faith in my opinion, as it relates to the hearings and subsequent passing of Bills 89 (2019) and Bill 41 (2022). It seems the majority of the Honolulu community is an agreement to enforce rules against illegal short-term rental activity and yet this activity persists in many neighborhoods with no end in site. We operate a legal, short term vacation rental business highly impacted by the lack of enforcement that has date back 20+ years. Additional ordinances do not solve the issues as the Department of Planning has not been able to act in accordance with the law. To give them additional powers addresses a problem that doesn't exist in my opinion. People who have been acting responsibly, fairly and legally will be penalized while the real problem (illegal rentals) will continue. Respectfully, this is not right and this part of the proposed bill should be reassessed.

Finally, I believe that a handful of well-run, legal vacation rentals around Oahu is not a bad thing - to accommodate not only vacation renters, who often become homeowners themselves, but the many returning Kamaaina that prefer not to stay in hotels when visiting.

Thank you for your consideration and on-going service.



2/13/2023

Honorable Chair Ichiyama and Members
Committee on Water and Land
415 South Beretania Street
Honolulu HI 96813

RE: HB-84, Oppose

Aloha e Committee,

Thank you for taking the time to review this bill and take testimony.

We believe in a managed hospitality industry for Maui. However we see issues with this measure removing the property rights for existing properties operating with this use.

The State should be considering data driven decisions, fact based decisions, when it comes to legislation that could affect the livelihood of thousands of its constituents, and affect property rights. In Maui County alone there are over 13000 properties doing legal short term rental use.

Maui County’s operating budget has increased to over 1 Billion dollars in its current fiscal year. Most of the county’s revenue comes from the short term rental classification, and the small businesses doing this use. The county of Maui has long had a strategy of taxing the Short Term Rental Classification in order to keep taxes low for the residents. A big part of this strategy is the assessments of these properties done by the assessment division.

If you look at this table of the top 30 real property tax revenue generating legal visitor accommodations in Maui county, you can see that the assessment of many short term rentals result in a higher rate and tax revenue than many of our hotel properties.

TOP REVENUE GENERATING SHORT TERM RENTAL AND HOTEL PROPERTY, MAUI COUNTY

		TOTAL ASSESSED VALUE	AVE. PROPERTY TAX REVENUE	AVE. ASSESSMENT PER UNIT	AVE. TAX REVENUE PER UNIT	
PROJECT PROPERTY						

M A U I
VACATION RENTAL
 ASSOCIATION

1	WAILEA BEACH VILLAS	474,547,900	5,623,393	4,943,207	58,577	Largest Ave/Unit
2	KAPALUA BAY CONDO	487,731,400	5,779,617	4,601,240	54,525	
3	WAILEA POINT I, II, III	360,302,000	4,269,579	3,498,078	41,452	
4	HOOLEI	398,574,400	4,723,107	3,267,003	38,714	
5	KAANAPALI ALII	657,716,900	7,793,945	2,391,698	28,342	
6	WAILEA ELUA I, II	354,432,200	4,200,022	2,286,659	27,097	
7	HONUA KAI	1,179,135,500	13,972,756	1,602,086	18,985	Largest by Total Rev.
8	PUAMANA	296,446,000	3,512,885	1,585,273	18,785	
9	KAPALUA BAY VILLAS	175,535,500	2,080,096	1,244,933	14,752	
10	WAILEA EKAHI I, II, III	245,631,400	2,910,732	1,175,270	13,927	
11	MAUI KAMAOLE I, II, III	226,794,000	2,687,509	944,975	11,198	
12	PALMS AT WAILEA I	139,192,700	1,649,433	927,951	10,996	
13	WAILEA EKOLU	135,207,100	1,602,204	913,561	10,826	
14	KEA LANI	410,022,500	4,817,764	911,161	10,706	Largest ave/unit hotel
15	THE RIDGE	139,597,000	1,654,224	867,062	10,275	
16	MANELE BAY HOTEL	195,762,900	2,300,214	829,504	9,747	
17	GRAND WAILEA	621,756,100	7,305,634	797,123	9,366	Largest Hotel by Total rev
18	KAPALUA GOLF VILLAS	146,211,800	1,732,610	786,085	9,315	
19	FOUR SEASONS	297,937,400	3,500,764	784,046	9,213	
20	GRAND CHAMP VILLAS	142,419,600	1,687,672	757,551	8,977	
21	PAPAKEA	238,776,500	2,829,502	655,979	7,773	
22	KAMAOLE SANDS	278,724,700	3,302,888	633,465	7,507	
23	ANDAZ	205,360,300	2,412,984	635,790	7,471	
24	HALE KAAPALI	161,065,400	1,908,625	624,284	7,398	
25	SHERATON	296,801,600	3,487,419	584,255	6,865	
26	ROYAL LAHAINA	254,303,200	2,988,063	580,601	6,822	

M A U I
VACATION RENTAL
 A S S O C I A T I O N

27	HYATT	386,224,700	4,538,140	479,187	5,630	
28	WAILEA BEACH MARRIOTT	238,336,000	2,800,448	438,118	5,148	
29	WESTIN MAUI	292,717,300	3,439,428	385,662	4,532	
30	RITZ CARLTON	163,362,000	1,919,504	350,562	4,119	
	Source: Maui County Real Prop Tax	Legend:		=STR		=Hotel

One of the tools used by the assessment division is the fact that the short term rental properties are sold more frequently on the **real estate** market and then these **sales** are factored into the taxable value of the properties. Thus the assessed values in the short term rental class are some of the top real property tax valued properties on the island, generating most of the tax revenue for the county.

The assessed values of properties are affected by the use designated to these properties. **Decisions that this body makes that affect the property values, can also negatively affect the bottom line for real property tax in Maui.** Any decline in revenue in the short term rental class could result in an increase in taxes for residents.

If you look at Puamana for example, that is the 8th largest revenue generating property (for properties classified as short term rental or hotel). The measure seeks to change the use for this property which will affect the \$296,000,000 million in assessment value that results in the collective real property tax of about \$1.6 million. This property has had this legal use since 1970. In a year where we have relied upon the short term rental class to bear increases to fund our over a billion dollar operating budget, it is baffling for the State to make these kinds of changes related to the legal use of property, without a proper study as to the economic repercussions for the state, and discussion and input from property owners, and the small businesses that they support, as well as a formal market analysis of the impact.

At the very least the State should be making data driven decisions. Where is the study that shows how much revenue these properties raise in TAT for the State, or the amount of jobs and taxes that would be at stake with a measure like this? This kind of removal of property rights puts the state at risk of lawsuits.



Maui County has had laws and regulations in place that closely regulate our short term rentals, and there is strict enforcement of these rules, keeping the illegal rentals numbers very low. In the January 2023 report there were 25 complaints, which resulted in 3 notices of warnings and 0 notices of violations. The vacation rental industry is highly regulated and enforced in Maui County. The community leverages the existing legal operations for benefits to the community.

Our visitor industry benefits from the diversity vacation rentals offer. Having a short term rental is one of the only ways local residents can have direct participation in the hospitality and accommodations sector. There are thousands of small businesses in Maui that benefit from this legal established use in the county. The properties in this district accommodating our visitors are an important legitimate part of our hospitality industry. The guests that seek out these experiences and want more local authentic culture are the educated guests Maui wants.

This kind of measure has raised a red flag with the county real property tax division. County of Maui Real Property Tax Administrator Marcy Martin indicated in a letter to Jacky Takakura of the County of Maui Planning Department on June 6, 2022 that there are concerns with legislation that attempt to change property rights of existing property owners in visitor accommodations and short term rental classification.

Martin states “If a property with TVR or timeshare entitlements loses their entitlements, assessed values and classification could be impacted. For example, classification would change from short term rental to a lower tax rate classification. **This bill could reduce real property tax revenue. The impact cannot be measured without a market analysis of impacted properties.**”

This year the county approved over \$1.07 billion dollars for their FY2022 budget. For the first time in Maui’s history we are going over 1 billion dollars. This will be more than a \$200 Million increase, or 27% over last fiscal year. The county funds most of those dollars in real property tax revenue. In all, the county will raise \$430 Million in property tax revenue this fiscal year.

The **short term classification will raise \$160 Million in RPT tax this fiscal year, 12% more than last year.** This was an increase of \$17 Million in tax dollars, the highest increase in all the tax classifications. This year short term rentals represent 37% of the real property tax revenue, and 15% of the county of Maui’s entire operating budget. **What this demonstrates is that the county depends on**



the tax revenues of properties like the ones operating in the districts that would be affected by this measure.

Much of the increases in revenue in property taxes overall came from the increase in values of properties. Total assessments rose \$4 Billion overall in Maui County in fiscal year 2022-2023. Increases in assessed values were 5% overall in the short term classification. Short term rentals will contribute \$12.1 Million in revenue to the Affordable Housing Fund, the largest contribution of all the classifications, and the largest contribution to date. Over the last 5 years the **short term rental classification has generated \$31.5 million dollars for the affordable housing fund.**

The legal short term rentals in Maui County are a significant and beneficial part of our hospitality industry, and have been for many years. It does not make sense for the State to create laws that would shut down legal operating small businesses without doing plenty of research first.

Gutting funding categories for the State and Counties county does not make good fiduciary sense given the current budget. Changing the property rights of owners without explicit notice to property owners for comment is problematic and should not be the way our State makes changes.

Please vote no on this bill.

Thank you for considering my testimony. If you have any questions or clarifications please feel free to contact me.

Best,

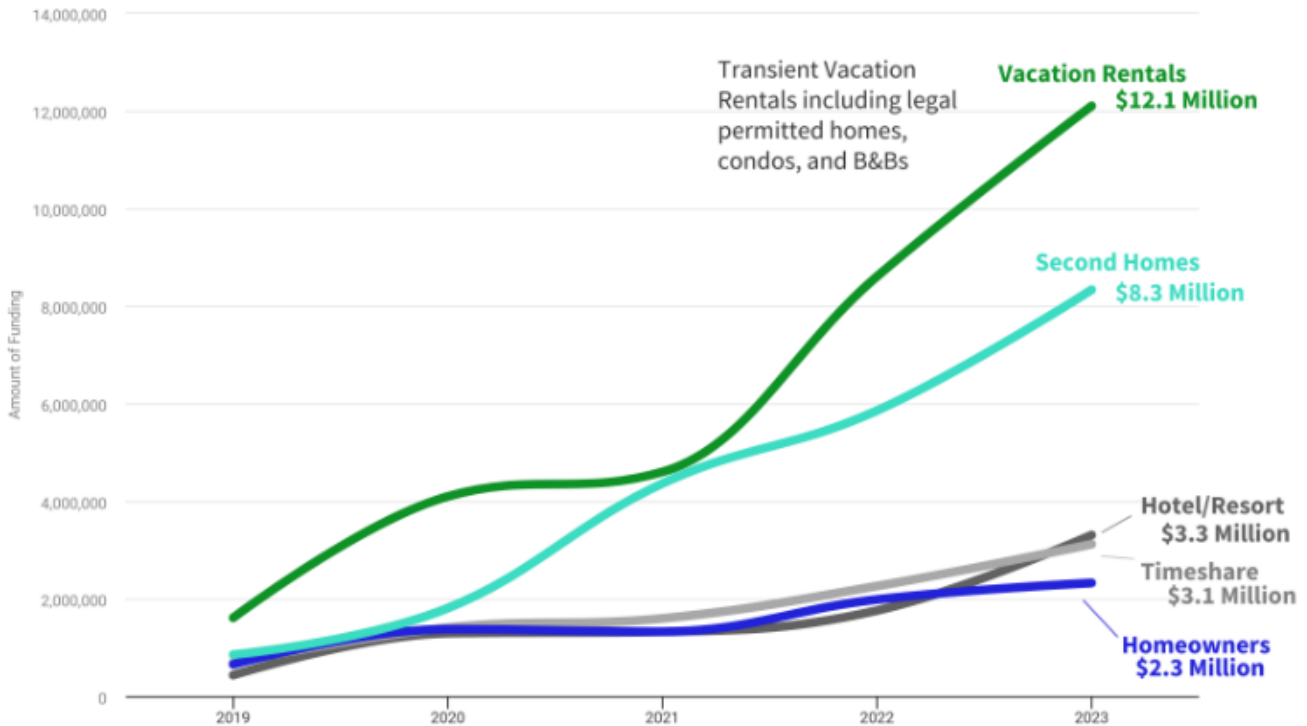
Jen Russo

Executive Director

Maui Vacation Rental Association

Who Pays for Maui's Affordable Housing Fund?

FY2019-2023
Review



Vacation Rentals have contributed a total of \$31.5 million from 2019-2023

Second Homes have contributed a total of \$12.3 million from 2019-2023

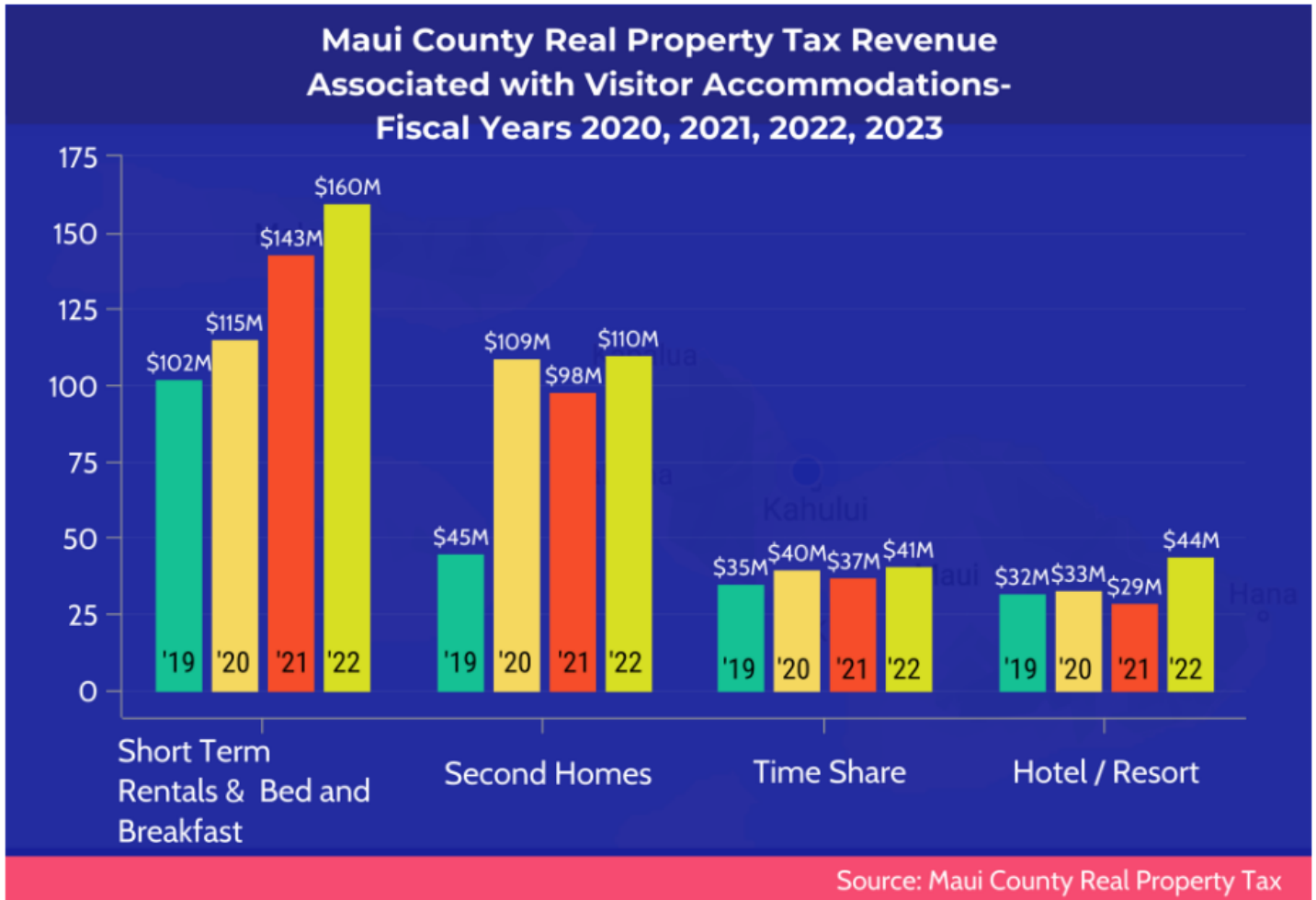
Timeshares have contributed a total of \$9 million from 2019-2023

Homeowners have contributed a total of \$8.3 million from 2019-2023

Hotel/Resorts have contributed a total of \$4.8 million from 2019-2023

Source: Maui County Real Property Tax

The Short Term Rental classification is the largest contributor to the affordable housing fund. The short term rentals have raised more for affordable housing over the past 5 years than the other categories combined.



The County of Maui has a 5 year upward trend in Real Property Tax Revenue generated from Vacation Rentals



Vacation Rental Enforcement Quarterly Report

Date of report: October 6, 2022

The Department of Planning issues quarterly reports on transient vacation rental (TVR) enforcement. This report is for the period July 1 to September 30, 2022, and provides data for advertisements, requests for service, notices of warning and violation, and fines assessed and collected for illegal vacation rental activity in Maui County. Online ads, as confirmed by a vendor already doing research for the latest RFP, number between 20 and 25,000 for the island of Maui. Through agreements with Airbnb and Expedia, all advertisements without a correct TMK will be removed from the platform. Those average around 66 ads for Expedia and 339 for Airbnb whether they are legally allowed to operate or not.

# Ads	# RFS	# NOW	# NOV	Fines Assessed	Fines Collected	RFS Pending	RFS Closed
*NA	24	7	0	0	\$31,000	0	24

Vacation Rental Enforcement Quarterly Report

Date of report: January 31, 2023

The Department of Planning issues quarterly reports on transient vacation rental (TVR) enforcement. This report is for the period from October 1 to December 31, 2022, and provides data for advertisements, COM Connect (SCF) complaints received, notices of warning (NOW) and violation (NOV), and fines assessed and collected for illegal vacation rental activity in Maui County. Through agreements with Airbnb and Expedia, all advertisements without a correct TMK are also removed from those platforms. An average of approximately 120 each month are being removed from both hosting platforms for incorrect TMK entry, whether advertisers were legally allowed to operate or not.

# Ads	# SCF	# NOW	# NOV	Fines Assessed	Fines Collected	# SCF Closed	# PZ-E Pending
*NA	25	3	0	0	0	12	6

The Planning Department posts Quarterly reports on their enforcement of illegal vacation rentals. Violators initial fines start at \$20,000, with daily fines at \$10,000 per day. The Planning Department has a third party contractor to find violators as well as the Zoning and Enforcement Division. You can find their quarterly reports at <https://www.mauicounty.gov/121/Planning-Department>

HB-84-HD-1

Submitted on: 2/13/2023 1:14:22 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Henghold	The Viewhouse in Lanikai	Oppose	Written Testimony Only

Comments:

I am writing to express my strongest possible opposition to HB84 HD1.

We have legally owned and operated our business since May of 2003, when we purchased our home. We are law abiding citizens and taxpayers and have contributed significantly in a positive way to the economy of this wonderful state. We have invested tremendously in the renovation and maintenance of our property and regularly employ local contractors, painters, handymen, housekeepers, and gardeners. We have guests from all over the world who come to our property precisely because of its idyllic setting in Lanikai and amenities that cannot be found elsewhere on the island. In fact, we have had numerous guests who have returned up tp 15 times, and only come back here due to our special property. Our guests contribute significantly to the local economy with shopping and dining and other tourism-related activities. In addition, we have never had a complaint from our neighbors, and operate the property with the utmost concern for the harmony of the local community.

There are so few legal, licensed short-term rentals on the island. Why after so many years has this now been recognized as a problem? The loss of our (and other like) business/es would greatly affect the value of our home and be a blow to our way of life and ability to make a living, and would also greatly impact the lives of so many others who support these businesses. We implore you to consider all the hard-working people behind these businesses whose life and livelihood are in your hands.

Respectfully submitted,

Michelle Henghold

HB-84-HD-1

Submitted on: 2/13/2023 1:22:49 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Billy J Dirksen	Ali'i Resorts, LLC	Oppose	Written Testimony Only

Comments:

I am a resident of Maui and Co-owner of a 50-person property management company caring for 180 permitted and properly zoned vacation rentals on Maui. I am asking that you oppose HB 84 which threatens the livelihood of our employees and countless vendors businesses like ours work with.

Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.

Threatening this supporting income stream is threatening Maui families that depend on the short-term rental business to meet their family needs.

I urge the Hawaii State Legislature to consider the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses, and the decision-making process should not move forward without giving due consideration to the input from the community.

Billy Dirksen

General Manager & Co-owner

Ali'i Resorts, LLC

HB-84-HD-1

Submitted on: 2/13/2023 1:49:03 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christina Gomez	808 Buddha llc	Oppose	Written Testimony Only

Comments:

I Christina Gomez owner of 808 Buddha LLC HAVE BEEN in business since 2018. I have a registered NUC STVR PERMIT. I am opposed to HB 84 MY business where I have invested all my money into my STVR. I pay a lot of taxes every year to the state of Hawaii and this would hurt my entire business if this law is passed. You could potentially put me out of business, as well as many other permitted homeowners. Please take a moment and see how this will effect small business owners especially the ones who pay their state taxes and are doing the right thing. Mahalo

HB-84-HD-1

Submitted on: 2/13/2023 2:18:07 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Klassen	Kona Coast Property Management	Oppose	Written Testimony Only

Comments:

As a taxpayer and business manager in Hawaii County, I am extremely alarmed by the State wanting to add more restrictions on property owner rights. Hawaii County along with other counties have already addressed vacation rentals by zoning and registrations. Providing additional uncertainty in property rights will just set up legal challenges and the waste of more taxpayer monies. Many of the Hawaii Island properties that are zoned resort have been vacation rentals since inception in the late sixties or early seventies such as Casa de Emdeko, Kona Pacific or Kona Reef to name a few. Where these condo hotels were purpose built for vacation rentals or time shares. The County should not be able to rezone or eliminate these complexes' ability to operate for their intended use by just enacting an amortization period.

Please spend your time on figuring out how to assist the building and zoning departments in restructuring their permit processes to assist local people in building more housing. By addressing these issues, you will satisfy the housing shortage and continue earning almost 18% in GE, TA and County TA taxes which support the State and County's infrastructure projects.

HB-84-HD-1

Submitted on: 2/13/2023 3:17:31 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Cuthbertson	Destination Residences Hawaii	Oppose	Written Testimony Only

Comments:

I am writing on behalf of over 1,000 homeowners across Maui, Kauai and Hawaii Island in opposition to this bill as currently proposed. Our company represents residential properties with vacation rental rights vested by hotel zoning classification. By granting Counties the explicit right to change vested property right by zoning ordinance, the State of Hawaii is unlawfully compromising historical decisions made by elected officials and planning and zoning departments. We have experienced a continued backlash against short-term rentals that has resulted in a broad inclusion of hotel-zoned vacation rental properties as a part of the short-term rental problem. We fully embrace safeguards against non-permitted short-term rentals and enhanced scrutiny of permitted short-term rentals, policing these challenges is good for our island communities and residents. However, certain areas of each island have been specifically designed, approved, and designated for tourist accommodations. The use rights and real estate values in these areas are well understood by the community at large. We have experienced a growth in activist County Council members who disregard the decades of planning, purpose, and investment made in these designated areas and we feel it is a dangerous precedent to explicitly create a roadmap for County leaders to unwind previously established rules and regulations governing use rights for certain properties. What is clearly evident to our company is that there is more fear, uncertainty, and doubt among our county leaders than knowledge and understanding of the real issues. We are always willing to volunteer our support and expertise to assist our island neighbors. As drafted, we believe this bill creates a significant risk of litigation by real estate owners and abuse by county leaders. Mahalo for the opportunity to provide comment and we appreciate the difficult task you have in evaluating this dynamic subject. Regards- Michael Cuthbertson



HAWAI'I LODGING & TOURISM
A S S O C I A T I O N

Testimony of
Mufi Hannemann
President & CEO
Hawai'i Lodging & Tourism Association

House Committee on Water & Land
House Bill 84, HD1
February 14, 2023

Chair Ichiyama and members of the Committee, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest and oldest private sector visitor industry organization.

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers—has long prioritized the regulation of short-term rentals across our state. STRs have had myriad negative impacts on our community ranging from limiting our housing inventory, stressing community utilities, and generally disrupting local neighborhoods.

With the various counties proposing and passing new legislation in order to achieve further regulation of these units, we appreciate the Legislature's renewed focus on the regulation of STRs and the intent of this measure which would make the counties' authority explicit in state law. As they pass further legislation regulating STRs, this will make clear their jurisdiction and help to avoid future litigation.

For these reasons, HLTA supports House Bill 84, HD1.

Mahalo for the opportunity to offer these comments.

HB-84-HD-1

Submitted on: 2/13/2023 5:52:33 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
TIFFANY LYNNE BURBIDGE	Vertigo Associates	Oppose	Written Testimony Only

Comments:

We have a family farm with hundreds of fruit trees of many exotic varieties that most people are not familiar with. When the expenses become so high we could no longer pay our bills without renting our private home. We try and rent to families so they can experience a unique setting on the acreage of fruit trees and have a family experience, unlike anything they have ever had before. These experiences are priceless to adults and children who return to their homes with lifetime memories. Children eating Starfruit, Cream Apples fresh avocados and bananas, and papaya off the trees, along with lemons, limes, oranges, and many many other exotic fruits the experiences these people have is incomparable to anything they have ever had or likely ever will have on any vacation anywhere in the World. We provide the most unique experiences imaginably. No hotel, motel, or Airbnb can provide what we are providing as we have invested our family inheritance to make this experience available to our guests.

To take this opportunity away from Kauai visitors would be a travesty! Our place is not like any other rental we are aware of on this Island. We have all of what we mentioned plus close Beach proximity at the same time. Rare combination. Please don't take away our income and the possibility of providing this option to people. I am 82 years old and my wife of 59 years is 80 we need this income to support our property as well as sustain our lives.

HB-84-HD-1

Submitted on: 2/13/2023 8:10:24 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ALEXANDER KAMINER	Maui Paradise Properties	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly appose this bill for the reasons of absolute trust in the company and its kuleana to the aina.

The owner, John Kevan and I are working on creating programs, affiliated with the office of Hawaiian Affairs and locals to pay back from the profit rendred by the industry to finance and build future businesses not related to tourism.

One of them, Hawaiian Mythology Animation projects, colectivly funded and produced, internship programs, interactive classes to teach the kids about the future of self sustainability and growth, the restoration of the heiaus, specifically Moku'ula.

It would be detremental to our success if this bill passes and we lose sponsorship options ultered by the limited legal vacation rental spots.

Mahalo for you support.

Owau iho no,

Alexander Kaminer

Samuel Bendennoun
Live Haleiwa LLC
66-465 Pikai St
Haleiwa HI 96712

February 13th

Dear Representative:

I am writing to express the opposition of the Hawaii House Bill 84.

When Bill 41 passed regarding illegal short-term rentals it allowed the county to levy fines against anyone renting out their home as a short-term rental in the effort to put a stop to a much-needed unregulated market. I understand your intent with this legislation as it helped restore balance to the residential neighborhoods and helped address concerns over a shortage of affordable housing shortage. I believe this significantly helped and impacted the industry in a positive manner. When the industry was unregulated, a lot of residences started renting out their homes irresponsibly and with out care of the impact to the local community. This has now been put to a stop and I am sure it has already helped restore the balance in the shortage of affordable housing.

Legally licensed vacation rentals operate responsively; they are regulated and heavily taxed. They are far and few, 71 on the north shore with 30 being a Turtle Bay alone. Since they are and have been licensed for a good amount of time and have always operated under the local laws, why break up a good business model. These legal short-term rentals allow for unique experiences to locals and visitors alike. They create job security in their communities, they help support local businesses and most importantly its revenue is most often kept here in Hawaii for it to benefit and stimulate the local economy.

Please vote against this legislation, as I strongly believe that the Hawaii residents who have obtained these NCU permits did so in a legal and responsible manner. They should not have their permits taken away as they operate under a strict code of conduct and continue to operate as they were intended to by the courts.

Thank you for your time and consideration.

Sincerely,

Samuel Bendennoun

HB-84-HD-1

Submitted on: 2/14/2023 7:17:26 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Heh	Friends of Kuilima	Oppose	Written Testimony Only

Comments:

The Friends of Kuilima represents hundreds of "legal" STR's.

We oppose HB84 as it removes important checks and balances between our State and County-level oversight statutes. Those operating with legal non-conforming certificates and/ or short-term rental permits should not have their livelihoods at stake every time a new City/ County Council is elected. It's no secret that the biggest campaign donors for our local politicians are the hotels.

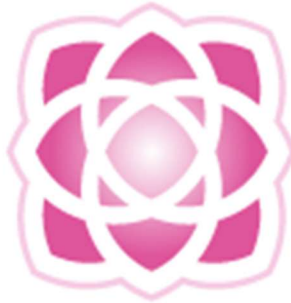
There is no other local industry that has been targeted and politically hassled as much as legal short-term rental operators. HB84 will only put this hard-working group at more risk.

Short-term rentals are an important component of the State's ability to provide housing on the islands. That's especially true for the N.Shore where the economy depends on visitor dollars being spent here. We accommodate traveling nurses, family visiting loved ones, contractors and other non-vacationers that need affordable housing to help support our island's needs. Giving full authority to the Counties will only jeopardize this.

The North Shore would not be the same without this "institution" that offers affordable accommodation to surfers and surf enthusiasts of all ages. Why should we and other responsible NUC holders be targeted?

State oversight is in place for a reason. It provides a backbone or safety net so that there is some continuity in zoning laws. Please show your support for those of us that have been operating legally, paying our taxes, hiring living-wage employees, and providing Aloha to our visitors.

Mahalo, Mike Heh 808-382-4515



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON
WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
TUESDAY, FEBRUARY 14, 2023 AT 8:30 A.M.

To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land

OPPOSE HB84 RELATING TO COUNTIES

The Maui Chamber of Commerce **OPPOSES HB84** which makes explicit the counties' authority to enact ordinances to amortize or phase out permitted, nonconforming, or otherwise allowed short-term rentals in any zoning classification. The measure includes swapping, bartering, or exchange of a residential dwelling, or portion thereof, in definition of "short-term rental" for this purpose.

The Chamber is concerned that this bill is flawed and has the potential to result in substantial legal issues. Although the stated purpose of this measure may appear to be an innocuous delegation of authority, the proposed changes could conflict with constitutional rights as well as existing state statutes. Such changes would potentially cause numerous unintended consequences. Furthermore, to the extent that these changes ultimately lead to a deprivation of vested rights of existing, residential homeowners, they would likely result in substantial litigation.

As a fundamental residential use, property owners in Hawai'i have, for decades, relied on the protections enshrined in HRS Section 46-4 to offer short-term rentals to their guests. And these fundamental protections—which, as described below, are "grounded" in the Hawai'i and United States Constitutions—should not be dismissed or undermined. To do so would not only implicate important constitutional protections, it would potentially drive significant litigation around the State.

Both Hawai'i and federal litigation has recognized the principle that preexisting uses of land are protected. "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.'*" Even preexisting nonconforming uses are protected from subsequent restrictive zoning regulations. 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.'*"

For these reasons, we **oppose HB84**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

HB-84-HD-1

Submitted on: 2/14/2023 8:30:02 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg W. Kugle, Esq.	Hawaii Legal Short Term Rental Alliance	Oppose	Written Testimony Only

Comments:

HILSTRA opposes any amendment of HRS 46-4. The amendment is intended to affect pending federal court litigation. The amendment seeks to allow the counties to enact ordinances which will nonetheless violate Hawaii and U.S. Constitutional protections of private property.

HB-84-HD-1

Submitted on: 2/14/2023 10:13:23 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Grogan	Ha'le Kiana BnB	Oppose	Written Testimony Only

Comments:

Re: HB 84

I oppose any more restrictive legislation against my home business.

I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses.

Legislation like this is a great boon for the large multi-national corporations by removing competition while at the same time, it destroys locally-owned family businesses. This further widens the gap between the rich and the poor.

The outcome of passing HB84 could be devastating for responsible property owners who could lose their family businesses.

HB-84-HD-1

Submitted on: 2/10/2023 11:37:57 AM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
deirdre lozica	property owner	Oppose	Written Testimony Only

Comments:

My name is Deirdre. I am an STR Host, and I share my home and welcome guests to Maui. Please protect the rights of Hosts like me who share their homes to supplement our income.

We purchased our condo in the Minatoya district at the Maui Vista as a way to establish ourselves as part of the Kihei community and to have a home on Maui. We rent our condo on short term rental platforms when it is not used by us. This in turn employs local residents by a hiring local, family-run cleaning company who cleans vacation rentals only. Without having our legal STRs as clients, this family business would not have the income they do now.

As Hosts, we depend on this income for our livelihood, and especially as the costs of living on the island continue to increase. Without the ability to host, many of us will face further economic hardship and the uncertainty that comes with it.

As you discuss and draft regulations that will impact us, please support our right to share our homes. We help bring wide-ranging benefits to the local community, including distributing visitor spending to local small businesses and increasing tax revenues for the County. We need to work together to establish fair, balanced rules that preserve the economic benefits of short-term rentals while protecting the integrity of neighborhoods.

Also, if the intent is to open more affordable "homes" for local residents, then our property (and many others like ours in Kihei) is not the type of home that would accomplish this goal. Our complex was designed and built to house short-term rentals. We have parking for 1 car, no storage for residents and high (and ever increasing) HOA fees, currently around \$700 per month. My 600 SF unit is not suitable for affordable housing by any means. At most, our unit can house 2 people, and the mortgage on the condo if we were to sell in the current market, the mortgage payment would be \$2900/month, plus property taxes and the HOA fees. This does not seem to be affordable in my estimation. Too, our complex is ageing and is starting to need costly repairs which present themselves by way of special assessments.

Lastly, As a STR property, I pay a much higher property tax rate than I would if my condo became permanent housing. The County would lose the extra revenue generated by my STR. Too, the County & State will lose the GE and TAT income that my property generates.

Maui County has recently imposed a 3% tourism tax on STR. "Maui County's revenue from its new tax for this year will go toward affordable housing, open space, cultural programs, and

tourism management and enforcement." To phase out STR condos in the Minatoya district seems counterproductive to accomplish the goal of bringing in extra revenue to support more affordable housing.

The legislature needs to consider this substantial loss of revenue that will occur by phasing out my ability to rent short term.

HB-84-HD-1

Submitted on: 2/10/2023 11:50:10 AM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lillie mcafee	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE HB 84--WE WERE PROMISED THAT NUC PROPERTIES WERE GRANDFATHERED IN AND COULD NOT BE CHANGED OR REVOKED.

HB-84-HD-1

Submitted on: 2/10/2023 11:54:56 AM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Curran	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill because it has the potential of punishing legal, permitted, and licensed owners of rental units that have been contributing to the economic well-being of the county as well as furnishing large amounts of tax dollars that are used to enhance the entire infrastructure.

I would suggest that this bill be limited to unlicensed and unpermitted units that do not contribute to the economic well-being of any and all countries.

Respectfully,

Robert Curran

HB-84-HD-1

Submitted on: 2/10/2023 12:07:25 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander Todorov	Individual	Oppose	Written Testimony Only

Comments:

Strongly opposing HB84

HB-84-HD-1

Submitted on: 2/10/2023 12:14:21 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tony Albertoni	Individual	Oppose	Written Testimony Only

Comments:

HB84 is bad legislations for a number of reasons. 1) it allows you to backtrack on your own stringent guidelines on legal, no conforming TVRs that were set in place for owners to rent their houses. 2) it nullifies the hundreds of hours that I have put in to make sure I am following your guidelines. 3) it makes all the trips I have made out to Hawaii to make this place conforming and a pleasant vacation spot for guests a complete waste of time. 4) it robs many vacationers of a unique type of vacation--those who want quiet, unspoiled places. 5) it seemingly infringes on rights that we are guaranteed by the laws that we have been following. Thank you for voting NO on HB84. *****Tony Albertoni

HB-84-HD-1

Submitted on: 2/10/2023 12:21:22 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Petritz	Individual	Oppose	Written Testimony Only

Comments:

Oppose the Bill and even the idea of it.

Is nothing going to be grandfathered in? Does this mean you are going to go after a restaurant like Buzz's in Kailua for example.

Don't target simply 1 thing, vacation rentals.

HB-84-HD-1

Submitted on: 2/10/2023 12:28:48 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Caron	Individual	Oppose	Remotely Via Zoom

Comments:

This bill would take rights away from legitimate people who provide a valuable service (short-term rentals) which support the tourism industry in Hawaii. We depend on our ability to provide this service and maintain our income from it. We register, pay high taxes, and follow all rules, so why is this even being considered? It feels like the intent is to only allow hotels in Hawaii, yet so many tourists prefer the option of a home with a kitchen or other amenities, and they should have that option. This bill feels like a hostile attack on short-term rental owners and their livelihoods. Hawaii relies so heavily on tourism, and yet is becoming too strict and over-regulating compared with other states who rely much less on tourism. Are you trying to drive away homeowners who provide this service? Because it feels that way to us.

HB-84-HD-1

Submitted on: 2/10/2023 12:41:51 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Albert Morgan	Individual	Oppose	In Person

Comments:

Aloha,

I oppose HB 84.

I am a Native Hawaiian. I inherited property on Kauai from my parents who inherited the property from my grandmother. She acquired the property in 1934. It's always been in the family. Over the years it's become difficult to keep up with the property taxes as real estate values in the neighborhood were getting high. Renting it out to high value guests, mainly tourists, has provided the funds to keep the property. This bill is a threat to our continued ownership of our heritage & liberty.

Mahalo,

Albert Morgan

HB-84-HD-1

Submitted on: 2/10/2023 12:42:56 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
MARY MORRIS	Individual	Oppose	Written Testimony Only

Comments:

I am a long time property owner in South Kohala in the County of Hawaii. We bought our first home in 2005. Before owning, I first came to Hawaii in 1972. Now I am a 72 year old senior citizen. We purchased our current home in 2010. The only way that we can afford the \$55,000 per year property taxes is if I can operate it as a STVR during the months that we are not here. I was among the first to get our NUC STVR permit. We have always had and continue to have , good relationships with the neighbors because they are my neighbors. I have 96 5 star reviews on VRBO. That is 100% 5 star reviews. I come to the home a lot. It is our second home, I have a wonderful manager, staff and support group living along the street.

If you change the rules, if you try to remove NUC STVR's from our area and take this opportunity away from us, we will not be able to keep our home. We bought it as our dream home and it is our place for retirement, and that is still a few years out. We love the neighborhhod, maintain ties with many people on the steet and take great care to keep our guests and our neighbors happy. I have about eight familes who return to vacation here almost every year and they too respect and love the area. They treasure the freedom to stay in a home with their loved ones and to participate in the community by going to the famers markets, the fish market, spas, golf courses, and the local cafes. They bring in a great deal of income. Big Island has always been a hospitable and loving place. Please continue to let people come and live our life "as a local", even if it is only for one or two weeks. The county of Hawaii already has many laws and restrictions in place for NUC STVR. And we have always abided by them. Those of us who love our homes, but who can't afford them full-time just yet, should be supported by the County. I collect and submit a great deal TAT/GET money and I provide very good income for quite a few workers who take care of my home weekly. My home is such that it is not "keeping local people out of the long term rental market." If we have to sell it because it can't be an STVR, and we can't move over full time just yet, then someone from the mainland or overseas will buy it and it will sit empty for over half of the year. Please let the compliant NUC STRVs continue to operate on the island. Thank you.

HB-84-HD-1

Submitted on: 2/10/2023 1:02:04 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Ochsenbein	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I am asking that you vote NO on HB84 HD1. I am the owner of a property with a Nonconforming Use Certificate on Oahu. I paid a great deal more than the value of the condo next door to be allowed to rent legally. There are less than 800 NUC's on Oahu. Each of those properties has done everything legally and by the book since the certificates were issued back in 89/90. If this bill is being proposed as a solution to the housing crisis, it would be more prudent to fix a broken permitting system. My neighbor has been waiting over 8 months just to build a rock wall to secure the street side of his property. The people of this great state want less government over-reach, not more. The hotels are more likely pushing this agenda. That money goes back to some big corporation. Permitted short-term rentals are part of a "mom and pop" business and keep many of us from leaving for the mainland like so many of our ohana have already done.

Mahalo nui loa for your consideration

HB-84-HD-1

Submitted on: 2/10/2023 1:02:27 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharon Ellis	Individual	Oppose	Written Testimony Only

Comments:

While I understand the housing issue for residents on the island, many of the currently permitted short-term rentals are in locations specific to visitors and would be far too expensive to be long-term housing, which is why many current owners rent out their properties. Making currently permitted short-term rentals vulnerable to a new restriction at any time, creates far too much uncertainty to current owners, and would result in a housing market flooded with empty properties that no one can afford to buy which does nothing to resolve the issue, but will put many residents out of business who are involved in the short-term rental industry (managers, cleaners, repairs and tradespeople etc). In addition, the State and County would lose millions in TAT and applicable property taxes, to the further detriment of island residents.

I would respectfully submit that currently permitted short-term rentals NOT be subjected to a phaseout process as it would do nothing to address the targeted concerns, and would adversely impact many local residents' ability to earn an income on the island.

thank you.

HB-84-HD-1

Submitted on: 2/10/2023 1:05:42 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Enass Rickards	Individual	Oppose	Written Testimony Only

Comments:

We have had a successful rental for over 5 years. Our guests have enjoyed our oceanfront property with their families and we have abided by all of the rules and paid of the fees necessary. This is our income property that supports our livelihood. Please do not impose further restrictions on our livelihood.

HB-84-HD-1

Submitted on: 2/10/2023 1:10:13 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Fritts	Individual	Oppose	Written Testimony Only

Comments:

To Hawaii House of Representatives,

I am Kama'aina and have lived in Hawaii, since I was five years old, over 50 years.

I am a disabled widow of a US Navy Veteran. We bought our home in 2003 and I continue to live here.

I am strongly opposed to HB 84. The only way I've been able to make ends meet is to do short term rentals. I've been able to manage with the 30 day minimum, but a 90 day minimum is completely unreasonable.

i'd also like to say that the DPP should be going after outside investors buying up properties, not Kama'ainas trying to make ends meet.

I also believe the mayor is emboldened to the hotel industry, and is why he's trying to push this through. We are just, I know we don't have big time lobbyists.

Thank you for your consideration

Aloha,

Cynthia Fritts

HB-84-HD-1

Submitted on: 2/10/2023 1:16:00 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie R	Individual	Oppose	Written Testimony Only

Comments:

Aloha Members of Hawaii House of Representatives,

I am wrtiing in opposition of HB84. I would respectfully ask that you discontinue this assault on short term rentals that have been operating in legal zones for many, many years. Many of these properties have been built in very clear tourist areas and/or in planned communities that have been built around this specific idea. While I commend the state and counties for researching other means of income for our islands (other than tourism), the fact of the matter is that a significant amount of the taxes generated for the state of Hawaii come from tourism dollars - and more specifically STRs.

And while I don't believe that discussions about affordable housing and short term rentals should ever be lumped together or have an effect on one another, it's quite clear that most of the funds for the establishment of affordable housing, is coming from the revenue generated by STR taxes. Why does the state continue to "bite the hand that feeds the islands"???

Me ka mahalo!

HB-84-HD-1

Submitted on: 2/10/2023 1:32:35 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rae-Marie May	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB84 as a vacation rental owner on the north shore of Kauai. There is a hotel lobby which has been trying for years to have a visitor accommodation monopoly in the islands. Counties have areas zoned specifically for vacation rentals, and this bill would give them undue power to dissolve these zoning areas thereby eliminating legal vacation rentals completely. Vacation Rentals are a vital part of the state's economy, hugely contributing to the State and County budgets via TAT, GET, and Property Taxes. Please vote NO on HB84.

HB-84-HD-1

Submitted on: 2/10/2023 1:33:03 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Jacob Steimel	Individual	Oppose	Written Testimony Only

Comments:

Hi there! I am writing to oppose this measure that I believe will have a negative effect on the state of Hawaii at large. Actions such as this will lead to a significant erosion of Hawaii's tax revenues. As we all know tax dollars from tourism comprise by far the largest source of the state's tax income. In addition to the tax revenue, Hawaii visitors contribute nearly \$20 BILLION in spending each and every year. This measure would also negatively affect the roughly 250,000 Hawaiian citizens whose jobs depend on tourism. Further, this measure will have no appreciable effect on affordable housing issues as the properties that are currently permitted for STR are primarily oceanfront and are not suitable/feasible to serve as local housing given acquisition and maintenance costs. Finally, the state (and counties) would be exposing themselves to significant liability for the homeowner lawsuits that would no doubt follow any efforts to curtail homeowner rights. Mahalo for your time and attention!

HB-84-HD-1

Submitted on: 2/10/2023 2:10:50 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pam Brown	Individual	Oppose	Written Testimony Only

Comments:

As the owner of a short term property vacation rental in Hawaii, I am in direct opposition to the proposed HB 84. My STR provides income directly to several Maui residents in the form of property management and maintenance. I have invested a lot of time and money into my property and it does not seem just to change the zoning arbitrarily post purchase. The proposed bill would be devastating to our financial wellbeing as well as to the residents our STR employs. For these reasons, I vehemently oppose HB 84.

Heather Kimble
Council Chair
Hawaii County Government
Re: HB 84

February 10, 2023

Ms. Kimball,

I am a small business owner in Hilo for over 30 years. I have raised a family here. 4 children to be exact. I have had to add rooms on my home 3 times for my growing family. Now, as I approach 60 years old, My 4 children have moved off island for college or career opportunities.

I now have a 5 bedroom 3 .5 bath home that is basically vacant. It is a simple home, but it is my home.

I own Alpha K-9 Kennels and offer dog and cat boarding for island residents. I also own Fancy fruit farm that we planted to help support our 4 children. I own the Royal Palm cottage that was built in 2019.

I converted a music room in to a 650 square foot 1 bed room cottage with the best view on my 8.5 acre property. I needed to increase my income to put my 2 daughters thru UH Manoa. \$34,000 a year tuition only. NO HOUSING. Housing is ADDITIONAL. That is \$306,000 for 9 years of education in Manoa. 2 children. Oldest daughter switched from engineering to Architecture 1 year in so we were responsible for the extra year.

How is a single parent supposed to pay for these expenses without a short term rental in the home I currently live in?

We put back money into the economy of Hawaii. Our guests do the same.

We both Eat at local restaurants, shop at farmers markets, buy souvenirs.

I live here. Pay all of my TA taxes and GE taxes. It is my main address and only address.

I think home owners should CONTINUE to have short term rentals to subsidize the high cost of living in Hawaii.

Changing the laws would be detrimental to home owners and will affect the population of the islands. Being of part Hawaiian decent, If HB84 goes through, all of our children will need to move stateside where the cost of living is less.

I vote NO to HB 84. It is the ONLY right thing to do.

Thank you,

Laurel Smithson
Alpha K-9 Kennels
808-963-6000 Office/Fax
808-987-3798 Cell

HB-84-HD-1

Submitted on: 2/10/2023 2:36:50 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Kovach	Individual	Oppose	Written Testimony Only

Comments:

"As owners of a short term property vacation rental in Hawaii we are in direct opposition of HB 84. We have been a part of Maui for over 25 years and years ago decided to invest for future retirement on the incredible island. We assured that the property we purchased was zoned as Hotel for stability as a rental in our investment. Until our retirement date, we directly rely on income from the property to afford the costs otherwise it cannot be sustained. Every since we purchased the property, we have supported the local economy with goods and services during a full renovation along with local jobs for ongoing maintenance of the property. Please consider our strong opposition to the bill HB 84."

HB-84-HD-1

Submitted on: 2/10/2023 2:42:30 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
MARK BARBANELL	Individual	Support	Written Testimony Only

Comments:

My name is Mark Barbanell. I own and operate River Estate on the island of Kauai. I have one of the very first vacation rentals placed on the internet in 1995 and been operating ever since. I have also lived on Kauai for 53 years in a notoriously local area, Wainiha Valley. I can only speak for myself.

As an owner of a vacation rental I know they are cared for better than a long term rental. I have never had one complaining but there have been plenty of complaints about the neighborhood.

To me this is something brought by political pressure by the hotel industry. They have lost market share because TOURISTS DO NOT LIKE HORELS MUCH ANYMORE COMPARED TO STAYING IN HOUSES.

All the nonsense about vacation rentals being a blight is nonsense. Our neighborhoods are not like they were years ago. Everyone is busy. There's no difference in a vacation rental or a residence with local residents in them as far as impact. In fact the vacation rentals impact less and bring in money to the local economy as well as providing jobs.

This is a form of racism. Most vacation rentals are owned by people with money and are homes that would NEVER be used in a long term rental usage. Me? I could never afford to have my homes in short term rentals.

Kauai has been clamping down hard for years now. There is no reason to put any of us established businesses out of business.

More needs to be added to this simple bill to protect the owners who live in Hawaii and who's business the rentals are.

Bottom line is that Vacation rentals have less impact than long term rentals. No junk card, no unkept yards. Sure different people come in but they are looked after and there are rules.

Eliminating places in the community to stay and enjoy the real experience is short sighted and of obvious bias which is out in the open now.

Go create a bill about Turo car rentals in neighborhoods and clogging the highways with no oning restrictions. That is real commercial in a residential one but hey it doesn't affect the hotels no does it?

Do a search on my name and business. Then read the reviews of my place. Then look up the police reports of the neighborhood. And you want to shut us down?

You people are confused and beholden to money from the hotel lobby. Crooks. This is just another attempt to put us out of business. And after 26 years too. Gee thanks. Another winner.

Sincerely,

Mark Barbanell

River Estaate

HB-84-HD-1

Submitted on: 2/10/2023 2:43:00 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
SHERRY R BLANCHARD	Individual	Oppose	Written Testimony Only

Comments:

I oppose Bill HB84

In the HB84 bill, the counties will be given the right to change at anytime the zoning for short term rentals. Many short term rentals are located within areas currently zoned for renting out as a hotel would. This bill would be detrimental not only to the property owner making a living but to the island as a whole. The large amount of taxes paid every year to the counties from the current short term rental program will be eliminated as well as tourism revenues in general.

HB-84-HD-1

Submitted on: 2/10/2023 2:51:20 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Fred Batkin	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HP 84. I bought my property under the understanding that I could rent it under the current short term rental rules as well as short term rentals with an NUC. I conform to all the current rules and laws and feel it is unfair to change the rental laws after the fact. The new law will severely impact my income as well as prevent visitors who come to Hawaii to support the economy.

HB-84-HD-1

Submitted on: 2/10/2023 2:55:33 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Lombard	Individual	Oppose	Written Testimony Only

Comments:

February 10, 2023

House Bill 84

To the members of The Hawaii House Committee on Water & Land,

We are writing to you today to express our distress about the proposed bill that would give Hawaii counties the authority to enact ordinances to amortize or phase out “permitted, nonconforming, or otherwise allowed short-term rentals” in any zoning classification.

By way of introduction, we are owners of a short-term vacation rental on Maui at the Maui Vista. We have owned our unit for more than 20 years. It has been a vacation rental all of this time. We have remodeled the unit and kept it in excellent condition. We live on Hawaii Island in Keaau and, although we have a professional management company as required, we frequently visit the condo and assure that it is well cared for and well stocked for our guests.

Our unit is very popular and is usually well-booked. For example, in 2023, there are only 40 nights that are not booked by guests and 23 of those are booked by us for a bathroom remodel and for deep cleaning and resupplying. Many of our guests return year after year; in 2022, 199 nights were booked by returning guests. We purposely keep our rates low to make a Maui vacation affordable to our chosen market which includes many retired couples and many teachers (as Nancy once was).

Our guests contribute to the economy in the ways you all know and understand: They rent cars, go to restaurants, buy food and “trinkets and trash” to take home, pay TAT and GET taxes, and help us pay the salaries of our managers, housecleaners, repair people, and the various professionals we hire for jobs like replacing the hot water heater (nothing wrong with it but the AOA rules require replacement when the warranty expires).

How do you plan to replace this income and keep people who currently work in the tourist industry employed? And, if they are not employed, how are they going to pay their bills?

If one of the results of this bill result is supposed to be the provision of affordable housing, my mother would have said “you are barking up the wrong tree.” Even without the ever-increasing property tax burden placed on STVRs, the cost to rent a one-bedroom unit such as ours (and for the owners to meet their financial obligations) is not insignificant. Consider: dues are \$700 a month, insurance (our excess liability just increased by 33% and our HO increased by 20%), assessments (we had a \$1990 assessment in 2020 and a \$2656 assessment in 2022), maintenance and replacements, (we run at least \$150 a month figuring in such items as a new hot water tank, new air conditioners, microwave, and TV – all purchased on Maui), and the afore-mentioned property tax. And we don’t have a mortgage payment.

What are the chances that these newly-available former STVRs are going to be affordable? Somewhere between slim and none, we expect.

It may be that you expect those guests who become displaced from their STVRs to move to hotels. According to “The Beat of Hawaii,” the average hotel rate per night on Maui in August 2021 was \$596 a night; the average rate for STVRs in July 2021 was \$282. And the Maui News in August of 2022 reported an average room rate in Wailea at \$1022.25 a night.

That begs the question: How many people who regularly stayed at STVRs will switch to hotels at that average cost? Even if they can afford it. One of our frequent guests, currently an executive at a multi-state property-casualty insurance company, called me from Maui recently. She and her husband were staying at one of the large resorts in Wailea (average cost \$913 a night) because her son had planned to be married on Maui at the beginning of the pandemic. He moved the date and still it wasn’t safe so he cancelled. She had already paid for her accommodations and the resort would not refund her money so she and her husband came to Maui and stayed at the resort.

It would not be an exaggeration to say they hated it. Too much concrete, too many wild-and-running-around-the-pool people, too small a room, too crowded. You get the picture. For them (and they are by no means poor) it’s a STVR or it’s not Maui.

Another example: one of my friends is well-to-do. She and her husband own a trailer park, a beach home on the Oregon Coast, and a Home in Portland. But they have not always been in such comfortable circumstances. When they first went to Maui, 25 years ago, they stayed in a short-term vacation rental. The second time they went to Maui, same thing, just a more upscale STVR. The last time? The Marriott at Wailea. She has been following the press on the many attempts to eliminate less-wealthy visitors and replace them with fewer visitors who are able to pay the high rates at hotels. She will not be one of those more acceptable, wealthy visitors. She is offended by the elitist attitude. She and her husband will go to Europe instead.

There may be more people than you expect with this same belief.

Please think this through.

Aloha,

Nancy and Stafford Lombard

Keaau, Hawaii 96749

HB-84-HD-1

Submitted on: 2/10/2023 3:36:01 PM

Testimony for WAL on 2/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary Montgomery	Individual	Oppose	Written Testimony Only

Comments:

I strenuously oppose HB 84. Proposals to disallow short term rentals already in existence runs counter to American norms. As a business, short term rentals provide accomodations to our visitors, provide a "lot" of income to our state and county, employs a lot of people, (grounds keepers, cleaners, tradesmen, managers, etc.), not to mention the money the tourist spend in our economy. To restrict this would serve no purpose. Gary Montgomery, owner Maui Kamaole

HB-84-HD-1

Submitted on: 2/10/2023 3:48:23 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet Iliahi Curtis	Home owner	Oppose	Written Testimony Only

Comments:

Aloha Kākou,

I am a Local Hawaiian that lives on Island and also owns Legal permitted STVR NUC in the State and County of Hawaii on the Puna Coast. Our area is Lava Zone 2 and we have NO Hotels nor resorts in are in area nor does Section 8 Housing is allowed in our area. We already have to pay high insurance for our homes and also the cost of Commersial insurance and taxes. We supply local jobs such as cleaners, garderners, maintenace, coconut trimmers, contractors, managers, hot tub cleaners, painters etc. These jobs help our local economy and for locals that cant get jobs close to home as our area is remote and prices of gas and food are at the highest in history in our state and county.

We paid a high price to get our Legal permit went thru the whole permitting process back in 2018 for our STVR NUC and pay for the renewals yearly. We pay the TAT, GE and Local County TAT taxes monthly as well as buy local supplies, goods in our local area. Our Guest eat at local restaurants, buy local groceries and goods, buy gas and go to farmers market to help our lcoally owned business stay upfloat in this chalenging economy. We are barely making ends meet as it is due to many disasters that have afflicted our County such as lava, severe storms and COVID 19 shutdowns.

Please do not punish the already permitted STVR NUC non hosted owners have already gotten their permits and continue to do business to local economy as there are not much jobs as it is in our state. We dont take away from Hotels or resorts as they do not exist in area and they dont plan on coming due to the Lava Zone and high risk factors.

Malama Pono,

Tim and Iliahi Curtis

Big Island of Hawaii

HB-84-HD-1

Submitted on: 2/10/2023 3:56:00 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tonic Bille	Individual	Oppose	Written Testimony Only

Comments:

The State of Hawaii collects millions in Transient, Excise, employment and other taxes and fees from STR owners and their visitors

TVR owners pay out millions to many thousand state residents who perform services ranging from property management, cleaning, landscape maintenance and contractors fixing plumbing, electrical and other problems.

The impact from the loss of the STR sector, however could, be only the tip of the economic iceberg. Passing HB 84 is likely to draw the attention of the national and international news and travel media. The negative exposure of Hawaii's image will reverberate (throw back) throughout the tourism industry and by extension the entire economy of the state. Even the Hotel industry has a big stake in the outcome of this issue. Many visitors stay a couple of nights in hotels, before or after their vacation rental stay. There are many families wanting to be together in a house, not in several hotel rooms for the duration of their vacation.

PERMITTING & REGULATIONS ARE THE SOLUTION.

Are there too many Vacation rentals in Hawaii state. If so should they not be controlled or regulated?

No one disputes the need for control and regulation. Vacation rental owners welcome enforcement.

Regulating them through a permitting process, is the logical course to pursue. Banishing them from the islands puts the entire state's economy and image at risk.

Take hundreds of thousands visitors away and a huge number of businesses that depend on these tourists will face financial crisis and job cuts, like it did during the Pandemic.

Hawaiian Airlines stand to lose hundreds of thousands of long-haul and inter-island passengers.

Car rental companies depend on Vacation Rental tourists for about 80% of their business.

Thank you for listening to me...

Tonic Bille

808-262-8286

HB-84-HD-1

Submitted on: 2/10/2023 4:41:01 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Allen Moore	Individual	Oppose	Written Testimony Only

Comments:

This bill,if passed, will effectively strip hundreds of millions if not billions of \$\$ from Hawaii's economy. Not only will the state loose hundreds of millions of \$\$ in TAT and GET but will close down thousands of small businesses that contribute mightily to the local economies. To shut down hosted rentals will impact almost 100% of the LOCALS who run them. Shutting down people who do hosted rentals will not contribute any affordable housing solutions.

HB-84-HD-1

Submitted on: 2/10/2023 4:46:53 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dianne Moore	Individual	Oppose	Written Testimony Only

Comments:

To shut down hosted rentals will impact almost 100% of the LOCALS who run them. Shutting down people who do hosted rentals will not contribute any affordable housing solutions. This bill, if passed, will effectively strip hundreds of millions if not billions of \$\$ from Hawaii's economy. Not only will the state lose hundreds of millions of \$\$ in TAT and GET but will close down thousands of small businesses that contribute mightily to the local economies.

HB-84-HD-1

Submitted on: 2/10/2023 5:06:18 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Sir/madam ,

As a permitted and Tax paying Bed and Breakfast owner operating in hawaii county I strongly oppose this ordnance. I am retired and the Bed and Breakfast on my lot is they way I pay the mortgage and school fees for my children and is my only income . I have been operating for 10 years without complaint , and pay my GET TAT AND MCTAT every month .

the reason I oppose is that it creates uncertainty with me being able to book the property as most guest book 6 months in advance and I need to be able to honor there bookings and continue my business in good standing.

'please let law abiding conforming and permitted properties continue to operate and earn a living .

all the best Paul Gotel

HB-84-HD-1

Submitted on: 2/10/2023 5:13:54 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Boothby	Individual	Oppose	Written Testimony Only

Comments:

Rights of individual property owners are a fundamental right of US Citizens. This right is now under attack by the promoters of this bill, HB84. This represents government overreach infringing the rights of property owners on all the islands in the State of Hawaii, and appears to be driven by the interests of a few (namely the hotel industry). Please do not allow counties to take away the rights of private property owners. Vote no and make sure this "bill" ends up in the trash heap where it belongs.

Thank you!

--David Boothby

HB-84-HD-1

Submitted on: 2/10/2023 6:24:05 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tram Truong	Individual	Oppose	Written Testimony Only

Comments:

I, Tram Truong oppose the HB84 HD1 because I own a short term rental. I want to help the local economy. Thank you for your understanding.

HB-84-HD-1

Submitted on: 2/10/2023 10:50:03 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Meetay Moonay	Individual	Oppose	Written Testimony Only

Comments:

HB54 =
Government . . .
OF the people
BY the hotels
FOR the Hotels.

That's right - screw the little guys in order to send ALL the business to the Mega Hotel businesses.

HB-84-HD-1

Submitted on: 2/11/2023 5:33:44 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Weber	Individual	Oppose	Written Testimony Only

Comments:

I am respectfully asking you to vote against this measure. Owners of approved short-term rentals in areas zoned as such, purchased property at prices that reflected the ability to rent these properties. Allowing counties to re-zone established short term rentals will likely greatly reduce these property values. Our property is mainly rented by couples on their honeymoon or anniversaries, many coming to Hawaii for the first time. We offer an affordable alternative to the much higher rates offered by corporate owned hotels and resorts. Allowing counties to re-zone and eliminate short-term rentals will only benefit these corporations. The state of Hawaii and the county of Maui earned over \$43,000 in tax revenue from our three rental properties last year. If they were to be re-zoned as long term rentals, locals would likely not be able to afford what we would have to charge in rent just to pay our mortgage and association dues. (So if the reason this bill is being proposed is to benefit locals, it is a smokescreen. The beneficiaries of this bill are the corporations) Most likely we would be forced to sell and purchase rental properties in a state where the tax revenue is desired and supported.

In the end, it is inherently unfair to allow us to purchase a property in an area zoned and primarily used for short-term rentals, collect taxes on the purchase of the property, collect years of GE/TAT/MCTAT/Income taxes and then turn around and rezone the area and devalue our property. Not to mention force us to rethink our retirement plans which include living in Hawaii part-time. All of this to allow corporate hotels and resorts to be able to have less competition and charge even higher rates. Mahalo for listening. Steve and Gail Weber

HB-84-HD-1

Submitted on: 2/11/2023 6:14:23 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
peter popov	Individual	Oppose	Written Testimony Only

Comments:

Dear legislators,

HB 84, if it passes, would have a detrimental effect on the economy of the islands and would be an assault on the investement that individuals have made in Hawaiian real estate. Without the ability to rent our property on VRBO or Airbnbn, we would not be able to afford the very high cost of the monhtly maintenance. This would affect all investors in vacation real estate. It is utterly unfair for for legislators to enable counties to changes these rental rules.

Best,

Peter

HB-84-HD-1

Submitted on: 2/11/2023 6:33:32 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
SUSAN L WELTON	Individual	Oppose	Remotely Via Zoom

Comments:

Being an owner of a legal non-confirming vacation rental, I am quite upset. We have done all that was requested of us and paid all of our taxes. To try to remove this income to those of us who have complied is outrageous who, exactly, is behind this move?

what is your reason for trying to make this change ?

HB-84-HD-1

Submitted on: 2/11/2023 7:05:23 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Dockins	Individual	Oppose	Remotely Via Zoom

Comments:

I believe the policies allowing or not allowing short term rentals should be governed by the state and not individual counties. County officials could be swayed or bias and could predujice those decisions. Short term rentals extend substantial taxes and revenues to the state and county and leaving those economics up individual county officials would not be prudent.

HB-84-HD-1

Submitted on: 2/11/2023 7:19:54 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Farrah Larson	Individual	Oppose	Written Testimony Only

Comments:

I'm giving testimony to oppose HB84 which is a violation of our property rights. In addition, as a valid NUC holder within a resort zone, my condo has been operating legally for many years. We provide accommodations on the North Shore where it can be difficult to procure affordable accommodations. We are making Hawaii equitable to a diverse group of travelers that include short term workers, locals and vacationers. In addition, we provide sustainable work for many locals and our guests spend their money within the community which many locals rely on. Finally, we provide almost 18% in dot tax revenue to the jurisdiction which helps provide funds to improve our beautiful state. I respectfully request that you vote no on HB84, thank you.

Robert and Kathryn Fitts
76-6309 Haku Pl
Kailua-Kona, HI 96740
fittsfam@bobfitts.com

RE: HB 84

To Whom It May Concern:

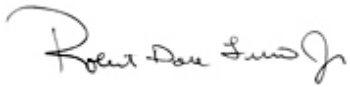
We are writing in opposition to HB 84. We are long term Kailua-Kona residents, now in our late 60's. We have two STVR, One with a properly permitted (a long and arduous process!) NUC, the other in resort zoning.

In our aging years, we depend on this income! We also are funders for multiple companies and individuals in management, cleaning, maintenance, repairs. etc by having these properties as STVRs.

Our homes have noise sensors, and follow all rules and regulations set up by the state and county, including the multiple taxes that must be paid, which amount for considerable revenue for State and County.

Thank you for your consideration.

Sincerely,

Handwritten signature of Robert Fitts in cursive script.Handwritten signature of Kathryn Fitts in cursive script.

HB-84-HD-1

Submitted on: 2/11/2023 7:58:32 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Gonzales	ROBA	Oppose	Written Testimony Only

Comments:

This bill is giving Hawaii City and counties too much power. No one liked the governor having the sole power to shut down the state this will be as bad. Giving this much power to one group that does not have a good track record and does not do anything on a scheduled time line is not in the best interest of the people of Hawaii. This state is crying for better government not more rules and regulations and fines. Thank you for your time. Jennifer Gonzales

HB-84-HD-1

Submitted on: 2/11/2023 7:59:43 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary A Bodine	Individual	Oppose	Written Testimony Only

Comments:

My name is Gary Bodine. I own unit K-212 which is a permitted condominium in the Greens at Waikioloa condominium complex. I went through the STVR process and optainted a valid permit several years ago and oppose HB 84. I find it very unfair for permitted STVRs to constantly be in fear of losing there permitted status. We completed all of the requiremets and should not be constantly subjected to ongoing efforts to eliminate or modify our permits. This legislation contains the loosely interpreted, following verbage, "otherwise allowed short-term rentals" in any zoning classification." when referring to the affected Short Term Vacation Rentals. I ask that you vote against this poorly drafter legislation.

Sincerly,

Gary Bodine

HB-84-HD-1

Submitted on: 2/11/2023 8:04:10 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jon Chaudhari	Individual	Oppose	Written Testimony Only

Comments:

We vehemently oppose HB 84. We purchased a property on Maui in 2017 and conduct short-term rentals, a permitted use under the zoning classification. While we appreciate and understand Hawaii, like many markets worldwide, is looking for solutions to a housing affordability crisis, we believe HB 84 is counter intuitive as it would remove many of the economic drivers for the state and county (primarily the taxes generated but also the many jobs that include rental property management, cleaning, maintenance & repair, etc). Instead we propose the state and county focus on long term solutions which should include the development of housing that is restricted to resident-occupied owners or renters, a model that has been successful in other markets worldwide. Maui County approves expansion of the Maui Coast Hotel without any requirement for that owner to create affordable housing for residents, and now looks to clawback zoning from individual property owners conducting a permitted use as a solution to the issue that property and other hotels have enabled? Smells like near-sighted politics to us. We look forward to more long-term and sustainable options from elected representatives.

HB-84-HD-1

Submitted on: 2/11/2023 8:39:06 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Grafe	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to HB84. While I generally like more local control, I believe this proposed law is more harmful than helpful. A person's property should continue to be protected by Federal and Hawaii State law against a "taking" by local authorities. These protections have a long history and should not be changed because of current fads which may be of short duration but can cause a lot of financial damage, especially for seniors. Short term rentals allow many people to finance and pay for property in Hawaii (which we all know is extremely expensive) for their future retirement, for their children and grandchildren and to provide cash flow for their living expenses. The condo complex where I live is a home for senior couples and widowed seniors while also being a home for deceased owners children and grandchildren and it is a great location for short term vacation rentals. The income from the rentals is extremely important to most of the owners. This area has been zoned for vacation rentals for many decades. A change in the zoning would have a catastrophic impact on the value of the property. People need assurance of long term zoning to make investments for their futures.

If HB84 is passed, it is very likely that it will lead to numerous lawsuits and local disruptions. Since we are a state of islands, we should provide certain basic protections of property ownership for owners no matter which county (island) is their place of residence or land ownership. For example, a person could own houses or condos on two or more islands and have them treated differently with sudden zoning changes. Investment in a property for your residence or for income purposes needs the certainty of law.

Thank you for your consideration.

Regards,

Karen Grafe

2619 S. Kihei Rd. A-202

Kihei, HI 96753

HB-84-HD-1

Submitted on: 2/11/2023 9:05:12 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jill Noelani Sturdevant	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill, and am strongly in favor of short and medium term TAR s. Our rental is not hosted, yet we live up the hill. It is a family run small busines, and my daughter and i do everything involved. We are proud od our small house and the experience we are offering. Renting part of the year enables us to take care of the old house and gardens, fix things, host Ohana. I have faithfully paid property and TAR taxes since 2013. Currently the tax percentage of every rental stay is nearly 18%, for our humble rental this is between \$350 and 400 dollars a month. The guests who stay with us are respectful and light on the neighborhood and environs. The guests spend lots of money in our nearby small town and Hilo, instead of in a resort complex. Our house is in an area that surely would be considered for a vacation node status.

I see this bill as a huge takeaway for families and small local businesses which in turn benefit the local economy. The amount of taxes, including higher property taxes and nearly 18% TAR taxes certainly could be used to benefit issues relating to long term housing needs. I, like many property owners, am not willing to long term rent my house, for many reasons. We are very proud of our small house and yard which we rent as a TAR part of the year, and we have faithfully paid state and county taxes since 2013 in order to do this. Thank you for listening to all the local residents who will be impacted severely by this bill should it pass. Noelani Sturdevant

HB-84-HD-1

Submitted on: 2/11/2023 9:08:02 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenell Wedding	Individual	Oppose	Written Testimony Only

Comments:

My STVR is located in the small community of Pahoia where many businesses are struggling to survive and depend on tourism for their livelihood. There are no hotels or resorts in our area and even if there were the guests who stay in our home would not be able to afford them. The majority of our guests are families from other islands or the mainland coming to visit their ohana. The remainder are families looking for an affordable way to enjoy our island and its abounding beauty. They support our community by eating out, going on excursions, shopping in local stores..... We also employ local housekeepers, yard maintenance, home repair contractors.....

My husband and I jumped through all of the hoops including rebuilding our perfectly good lanai because the county did not have record of it being permitted. That project took over a year to permit and cost over \$10,000 in materials with us doing all the labor because this was not an anticipated expense. I do not believe any of the STVR owners in the Puna district are getting rich running vacation rentals. They do it to supplement their income and make it feasible to live in our beautiful state. Please support those who support our community, many businesses will be affected if STVR's are eliminated. Many families who stay in STVR's will find other places to vacation that are more affordable and we all loose.

Mahalo for looking at the whole picture and you will realize STVR's benefit our community in many ways.

February 11, 2023

Aloha Hawaii State Legislators,

I oppose HB84 as it removes important checks and balances between our State and County-level oversight statutes. Those operating with legal non-conforming certificates and/ or short-term rental permits should not have their livelihoods at stake every time a new City/ County Council is elected. It's no secret that the biggest campaign donors for our local politicians are the hotels.

There is no other local industry that has been targeted and politically hassled as much as legal short-term rental operators. HB84 will only put this hard-working group at more risk.

Short-term rentals are an important component of the State's ability to provide housing on the islands. We accommodate traveling nurses, family visiting loved ones, contractors and other non-vacationers that need affordable housing to help support our island's needs. Giving full authority to the Counties will only jeopardize this.

I own a non-conforming use property (NUC) and am also a neighbor to a North Shore property that operates several NUCs. I have never had an issue but would simply contact the Owner if I did. She has operated her decades-old family business with integrity and thoughtfulness for her neighbors. The North Shore would not be the same without this "institution" that offers affordable accommodation to surfers and surf enthusiasts of all ages. Why should she and other responsible NUC holders be targeted?

State oversight is in place for a reason. It provides a backbone or safety net so that there is some continuity in zoning laws. Please show your support for those of us that have been operating legally, paying our taxes, hiring living-wage employees, and providing Aloha to our visitors.

Mahalo,

Jill Paulin
Haleiwa, HI

HB-84-HD-1

Submitted on: 2/11/2023 9:25:55 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Kribel	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 84 and the continued government over reach. Our fundamental rights are being taken away.

There are so many other issues that should take priority. There are homeless people living on both sides of us, they really do care if we STR our condo. We pay our taxes and are not seeing any support from our officials.

the housing crisis is not from STR's. Do you really think that not allowing an 850 sq' condo to be rented is a solution.

Give people a choice, why are you forcing tourists to stay in expensive hotels. What is the hotel industry providing so they obtain this privileged position.

Bill 84 I'll hurt so many people that rely on rental income as well as all the support people who provide needed services.

Do not pass.

HB-84-HD-1

Submitted on: 2/11/2023 9:39:06 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
George Fulton	Individual	Oppose	Written Testimony Only

Comments:

Aloha, Representatives. My wife Linda and I have owned a short term rental at the Maui Kamaole complex since 2003. It is an important source of retirement income for us. We also intend to pass it on to our four children as their inheritance. This bill would allow counties to phase out short term rentals, which in turn not only ends an important source of income for people like us but harms the fair market value of such properties. We understand the need for affordable income housing for local workers but the solution is to build new housing not limit existing (and very expensive maintenance) housing such as ours. Mahalo for allowing us to testify. Sincerely, George and Linda Fulton (MK J120)

Haythem Abid
Ashley Tate

February 11, 2023

Committee on Water & Land
Hearing Tuesday 14, 2023
Time: 8:30 a.m

Re: TESTIMONY OPPOSING HOUSE BILL NO. 84

Dear Chair, Vice-Chair, and Members of the Committee:

We respectfully urge the committee to oppose this bill and ensure that current property owners in Hawaii who are lawfully allowed to offer their properties for short term rental are protected from any changes to the current zoning.

My wife and I own two investment properties on Kauai. Both properties are in a VDA (Visitor Destination Area). We worked very hard and saved aggressively so we could one day have something that would allow us to retire. We decided to invest in Kauai because we fell in love with the island and enjoy going there for vacations. We also researched the zoning and made sure that we would be allowed to rent our condos to short term vacationers legally. We wanted to be certain that these were investments we could rely on for income presently and in the future. We made tremendous sacrifices to make this happen. We did not inherit any money or win the lottery to do so. It was hard earned money that could vanish if HB84 passes. I personally came to The United States as an immigrant with \$600 dollars in my wallet. I received a scholarship to play tennis for UCLA and then started a career in finance and tennis coaching and consulting. Where I come from, Tunisia, you are never certain that your investments are safe. That's why I immigrated to The United States where I am now a U.S. citizen. I believe and I always believed in THE AMERICAN DREAM. For me, The United States is one of the very few places in the world where the ideals of democracy, equality, rights, opportunity and liberty are still alive. I worked very hard and still believe that I can invest anywhere in The United States with certainty as long as I am following the law. This is something that I am very proud of as an American citizen. However, this legislation (Bill No. 84) would strip the certainty of continued operations away from responsible short-term rental owners like my wife and me across Hawaii. We are now told that the laws upon which we based our investments could be changed. Changing the zoning or phasing out permits to owners who were previously allowed to provide short term accommodations and, relying on the laws that allowed short term rentals, invested in Hawaii, will cause properties values to decline, and, in turn, owners to lose their investments and income, as in our case. Additionally, there are many small businesses that rely on the short term rental market, including housekeeping, maintenance, painting, restaurants, etc. Our business supports those businesses and the owners and their families. This Legislation defies the American Dream and the Constitution of the United States.

As mentioned in the AIRBNB testimony before the Committee on Housing on February 1, 2023, and with which we agree,

“As a fundamental residential use, property owners in Hawai‘i have, for decades, relied on the protections enshrined in Section 46-4 to offer short-term rentals to their guests. And these fundamental protections—which, as described below, are “grounded” in the Hawai‘i and United States Constitutions—should not be dismissed or undermined. To do so would not only implicate important constitutional protections, it would potentially drive significant litigation around the State.”

“As currently enacted, Section 46-4(a) of the Hawai‘i Revised Statutes (“HRS”) protects property rights of residential homeowners that are vested in owners by 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 act, 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.”

Again, we respectfully urge the committee to oppose this bill and ensure that current owners who are lawfully allowed to offer their properties for short term rental are protected from any changes to the current zoning. Any adverse changes to the rights of property owners to offer their properties for short term rental consistent with the laws and ordinances as they are today will lead to massive litigation across the State. Owners are not going to concede to having their rights taken away and simply give up their investments, nor to the counties having the power to change the laws and take away property rights at their discretion at any time. Property owners are entitled to rely on the rights they have acquired in their properties, without fear of those rights disappearing or being subject to the whims, and possible corruption, of the county government. There can be no question that this legislation is intended to take from property owners their property rights and to place those rights, and all the power that comes with controlling those rights, in the hands of the government. This would be an unfair and unconstitutional taking, and it will not withstand scrutiny.

Sincerely,



Haythem Abid

Ashley Tate

310-906-8525

2.11.22

David Woodham
60 Lana Street
Paia, HI 96779

STVR permit number - STPHT 2013/0019
TMK - 2260020220000

Opposed to HB84

Our family strongly agrees with limiting the number of STVR's as neighborhoods become negatively impacted so thank you for implementing this ordinance.

However.....

Please do not be short sighted in recognizing the value of STVR's on the island of Maui if regulated. Our property provides an opportunity for travelers (mostly families) looking for a non hotel experience. They would not come to Maui if they did not have the opportunity as they are not the type of traveler to stay in a hotel. It is imperative to give travelers other options. The local economy depends on these travelers.

Our property, if taken out of the STVR pool, will never become a long term rental helping to relieve the affordable housing crisis for several reasons. Our property is short termed as a rental so our family can continue using it which we have done for over 20 years. We are happy to do our part by paying the designated property taxes and also happy to provide an experience for the families that rent it.

We also employ locals for property management and house keeping.

On a personal level, we are retired and rely on this income plus we use our property 5 times per year. There are no windows of opportunity to rent this long term.

We have traveled to Maui for over 35 years with our family and acquired this property in 2003.

It seems that the power to rescind or restrict STVR's already exists so why is this bill being crafted?

Original the Haiku district was slated for 85 permits, that number was reduced to 55 because of public pressure to STVR's - this reduction has not lead to any recordable or significant change in work force housing.

In conclusion.....work force and affordable housing is a very important and complicated issue. There is no data that supports that removing STVR's produces more work force housing. We think the focus should be on creating new work force housing and not eliminating STRV's. This does not solve the problem.

Thank you for your time and attention.

David

HB-84-HD-1

Submitted on: 2/11/2023 9:49:53 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert R. Ellison	Individual	Oppose	Written Testimony Only

Comments:

Here we go again.

HB48 is just one more attack on small business at the behest of the campaign contributing hotel industry. Wouldn't it save a lot of time and taxpayer money if the State Legislature and the City & County Council's just dissolved themselves and let the hotel industry vote directly and pass the bills they are writing for you?

You constantly blame short term rentals for overwhelming local neighborhood beaches, hiking trails, etc., when it is social media that is disbursing all those Mustang convertibles and Jeeps from Waikiki hotels to Kailua Beach Park, the Pillbox Hike and other areas that never used to be crowded.

If you really want to halt the growth of over-tourism, put a moratorium on all new visitor accomodations, which would really mean on new hotels and time shares that keep getting added to the "resort" areas. There is no need to give the proven incompet and corrupt Honolulu DPP more power to arbitrarily disrupt legally operating businesses.

HB-84-HD-1

Submitted on: 2/11/2023 10:10:21 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald Payne	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to the passage of this bill HB84

HB-84-HD-1

Submitted on: 2/11/2023 11:11:03 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Trout	Individual	Oppose	Written Testimony Only

Comments:

As owners of a short term vacation rental in Hawaii we are in direct opposition to HB84. As Maui residents we rely on income from properties that we have worked hard on and invested in. This bill would be devastating to our financial well being and would eliminate the many jobs that our properties provide for other Maui residents. Please consider our strong opposition to HB 84.

Thank you for your time

HB-84-HD-1

Submitted on: 2/11/2023 11:42:25 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Francis	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to HB84. I am and have been since 2004, a responsible homeowner and host. When I purchased my condo in 2004, I did so because Princeville is a neighborhood that allows short term rentals. The majority of properties in Princeville are short term rentals. Short term rentals provide the county many job opportunities from housekeeping, to window/lanai cleaning, to service industries such as appliance sales and repairs, keeps the hardware stores & big box stores open, auto repair & sales, rental car co.'s, grocery stores, hotels, resorts, retail, medical/health care, etc. Even local homeowners would struggle to live comfortably if it were not for the steady job opportunities that tourism & short term rentals bring to the islands. Like many homeowners, in order to maintain the high costs of maintenance and homeowner assoc. dues, for our homes it is necessary to supplement those costs with revenue coming in from short term rental income. Which generates lots of tax money for the county & state, to maintain roads, infrastructure, landscape, parks, etc.

I live full time in another beautiful resort community and with the restrictions of short term rentals, the city has lost millions of yearly dollars to improve our infrastructure, roads, beaches, parks, community recreation center, etc. This does not stop tourism and with the popularity of these resort areas, these community resort areas need more maintenance than ever.

Many of us vacation home owners plan to retire to our vacation homes, it is part of our retirement plan, which over the last 40 years, retirement becomes threatened due to the high costs of EVERYTHING, except our retirement income does not change. Those of us who are self employed feel the need to continue to work into our 70's due to inflation. We need to rent our vacation homes more than ever, so retirement is no longer a dream but a reality.

Sincerely,

Pamela Francis

HB-84-HD-1

Submitted on: 2/11/2023 12:17:54 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Othmar Klay	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

A family vacation on Hawaii is the dream of all Adults raising children. Since Covid-19, Hawaii has become one of the most expensive state, when not the most expensive. No more affordable for the middle class, when Hotel rooms go for \$600 to \$1200 a night.

Now the Legislators want to abolish the affordable short term rentals. Let me warn you: With it, you will kill the tourist trade. You will have enormous problem finding workers, because people will flee the State of Hawaii and move to Las Vegas, which already has the biggest assembly of Hawaiians. Your Traditions will suffer because you open the door for the super rich.

We do have a small Condo on Maui and can only afford it, because of short term rental. The cost of living and Taxes to maintain it are extremely high. If HB84 is put in place you force us short term renters to sell and say Good Bye to Hawaii and so will Thousands others.

Mahalo,

Othmar Klay

HB-84-HD-1

Submitted on: 2/11/2023 12:59:41 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen M Pahinui	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Chair Ichiyama and Committee Members -

I am in very strong support of this bill. The North Shore has suffered under the weight of illegal vacation rentals for nearly 30 years. We have little affordable housing and almost no long-term rentals. We need affordable housing for our community. So many have moved away. We need to stop the drain and support our local residents. Community first.

Mālama pono,

Kathleen M. Pahinui

Waialua Resident

HB-84-HD-1

Submitted on: 2/11/2023 1:09:05 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cherie Tsukamoto	Individual	Oppose	Written Testimony Only

Comments:

I vehemently oppose HB Bill 84 which will strip owners of legal vacation rentals in resort-zoned neighborhoods of their private property rights. This is government overreach and completely not in keeping with legal use under current zoning laws. Please oppose HB 84.

HB-84-HD-1

Submitted on: 2/11/2023 1:12:20 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Audrey Antone	Individual	Oppose	Written Testimony Only

Comments:

Aloha and thank you for your time. As a legal vacation rental owner on the island of Maui and as a lifelong 70 year old Maui resident I strongly oppose HB 84. First of all I do not understand who is submitting this bill or why they are doing so. I pay almost 12 thousand dollars a year in property taxes and collect and remit 17.25 percent in taxes to the state and county from my guests. I do not believe the 44 legal vacation rentals in all of paia and haiku would take away long term rentals from families. The property taxes we pay;(just in this area) is 44 times 12 thousand dollars per year (528 thousand dollars) per year. (2 million 2 hundred forty four thousand dollars total in Maui county if all legal strh homes in Maui county pay their property taxes every year) plus the 17.25 percent taxes we collect and remit should be building workforce apartments in Maui county. Please do not allow anyone to influence you to shut us down. It makes no sense!! Sincerely Audrey Antone. Owner Hale Malio. Haiku Maui Hawaii. I work very hard at providing our visitors a wonderful experience and have spent many years perfecting this service. It would be such a shame to eliminate this worldwide experience!!

HB-84-HD-1

Submitted on: 2/11/2023 1:14:41 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elen Stoops	Individual	Oppose	Written Testimony Only

Comments:

I am an owner of a legal vacation rental in a condominium complex on Maui which is in the Hotel Zone.

I oppose this measure. Thank you for the opportunity to provide comment.

HB-84-HD-1

Submitted on: 2/11/2023 1:21:21 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cara Birkholz	Individual	Oppose	Written Testimony Only

Comments:

We are Maui residents and also own several legal vacation rentals. While I appreciate the Counties and the State wanting to reign in illegal vacation rentals, I believe they already have the means to identify and shut down the illegals.

This new legislation is very vague and opens the possibility to shut down and severely impact the property value of LEGAL vacation rentals here on Maui. This in turn threatens my livelihood and that of my cleaners and various businesses that depend on income from those staying in vacation rentals.

I absolutely appreciate the need for affordable long-term housing for Hawaii residents in all parts of the State, but would argue that these buildings that have been legal vacation rentals for decades are not suitable for long-term rentals or even owner occupancy. For the most part on Maui they are 40+ years old with expensive plumbing and building maintenance expenses coming up. Add to that that they don't have enough parking or storage to suit for long-term rentals.

Please do NOT pass this piece of legislation.

Cara & Sig Birkholz, Kihei

HB-84-HD-1

Submitted on: 2/11/2023 1:30:01 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James (Kimo) Walz	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern:

We have recently become aware of the proposal regarding short-term rentals. My wife and I have two short-term rentals that are listed as approved on the Minatoya list for short-term renting. We also have GET and TA tax number accounts that are paid up and current. We are requesting that HB84 be struck down.

We purchased these condos because they were approved as short-term rentals. If a decision is made to rezone these, we are prepared to use litigation as our means to respond to a decision of this sort. Naturally, we would hope it does not come to this, however, we felt the need to let you know of our stance and our willingness to fight this if need be. Here are the reasons we would resist any rezoning of our properties:

- When we purchased both of our properties, we were required to get investment loans at higher rates in order to get the needed financing.
- We would not have considered these investments if they had not previously been approved as short-term rentals.
- We put 30% down, therefore, we have a significant investment in our properties.
- We are current with our GET/TA taxes.
- Our guests provide additional revenues to Maui and also to the tax base.
- We take pride in offering superior services to our guests and use every means to represent our beautiful island of Maui.

We hope you understand our position and will not allow rezoning.

Very Respectfully,

Jim (Kimo) & Laurie Walz

808.707.9411

HB-84-HD-1

Submitted on: 2/11/2023 1:33:09 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Walters	Individual	Oppose	Written Testimony Only

Comments:

As a property owner in Maui I urge you to vote against HB 84. This would negatively impact Hawaii's tourism revenue and local property owners. It would put vacation rentals in the hands of big business and not individual small business owners.

Please vote NO on HB84.

Carol Walters

HB-84-HD-1

Submitted on: 2/11/2023 1:40:56 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
SharLyn Foo	Individual	Oppose	Written Testimony Only

Comments:

State Legislators,

I strongly oppose bill 84. My family vacation rental business has been doing the right things for decades, since 1986 .This will desimate our income and legacy . There are inly 780 or so NUC units not TMKs on the entire island of Oahu. Only 113 units in residential areas. These units have never had any impact on housing or neighborhoods or hotels. This also does nothing to enforce illegal people.

You will encourage more going under ground. .that DPP cannot regulate

The counties continue to punish legal rentals because they know who we are.

This is punative and targeted specifically to the legal NUC holders and constitutes the (taking) of rights and ability to make a living.

Giving the counties this type of far reaching authority does nothing for enforcement of illegal players DPP is in complete disarray already

Bill 89 and 41 gives authority to enforce . So making everything illegal is the answer? so no need to try? By law DPP must implament enforement measures that they have been given. So making everything illegal lets them off the hook to enforce anything . Also takes away all checks and balances and washes the states hands of all. and takes away any checks and balances .

The powerful hotel lobbyists represents interests mostly out side of our state. And it is known that they would like to build more hotels to monopolize where people can stay. Where will visiting families stay who cannot afford expensive hotels ? Hotels mission statement is to eliminate all vacation rentals

Please listen to your local constituents and help not hurt.

SharLyn Foo

HB-84-HD-1

Submitted on: 2/11/2023 1:49:20 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Croly	Individual	Oppose	Written Testimony Only

Comments:

I write in opposition of this misguided measure. To be clear, this measure is about taking away short term rental rights from LEGAL short term rentals. The properties affected on the island of Maui include more than 100 condominium complexes with more than 8000 condo units that were built in the 1960's, 70's and 80's specifically as visitor accommodations. When these units were sold, the right to rent them short term was part of the deal. In contrast to this measure, the Counties must be fully RESTRICTED from amortizing short term rental uses of these LEGAL short term rental units.

It is hard to begin explaining just how misguided this measure is. But let's start with the importance of these short term rentals to the economy of Hawaii. In Maui County these existing non conforming condo units contribute more than 30% of Maui County's real property tax base (far more than all hotel properties combined) And just a couple years ago, Maui County placed the higher short term rental tax rate on units that were not making short term rental uses, but were allowed to under the existing non conforming use basis. The State receives a significant part of its TAT revenues from these individually owned condominium units.

Amortizing existing LEGAL short term rentals will only create more illegal short term rentals, such as is the case on the Island of Oahu, where some buildings in Waikiki are actually populated by some units where short term rental is allowed and others where it is not and the City and County fail to effectively enforce.

This measure should die right here in its first hearing.

HB-84-HD-1

Submitted on: 2/11/2023 1:50:29 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
donna evett	Individual	Oppose	Written Testimony Only

Comments:

I am a hosted vacation rental. I have 2 on my property, 1 attached to my residence, and another separate building. My husband and I are in our 70's, retired, and depend on the income from these rentals to meet our day to day necessary expenses. Without them, our Social Security would not cover these. We pay the Hawaiian government GE and TA taxes on these rentals. Do not take income away from the little guy. You will drive many of us off of the island if you do so. Don't let the greed of the hotels take us over. We have as much right to offer accommodations to visitors as they do. Please listen to our plea. Mahalo.

HB-84-HD-1

Submitted on: 2/11/2023 2:47:13 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alicia hill	Individual	Oppose	Written Testimony Only

Comments:

To state legislature:

This bill 84 is not clear... you are giving control over to the county. With that control they will shut down the legal. They will be allowed to go to ALL zoning. And can shut down all legal vacation. With bill 41 passing and nothing being done. They will try to shut down everything and making it a hardship for the legal rentals. And taking their property rights away. Please Do Not Pass this...this is egregious and punitive absolutely unfair.

HB-84-HD-1

Submitted on: 2/11/2023 2:47:58 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Horen	Individual	Oppose	Written Testimony Only

Comments:

My name is robert horen, I am 69 years old, and I have lived in Hana maui for 37 years. I have raised both of my children here, and both live on Maui. I would testify in person, but we will be traveling on the 14th. We have successfully ran our vacation rental for over 15 yrs with no complaints. The rental helps support a yard service, a handy man, a cleaning person, and of course my wife and I. It is part of our retirement plan as we are self employed and have no pensions. I strongly oppose any bill that will jeperdise our ability to the continued use of our rental. Thank you for your time to read our thoughts and feelings. Aloha

House of Representatives
The Thirty-Second Legislature
Regular Session of 2023

To: Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair

Date: February 14, 2023

Time: 8:30 a.m.

Place: Conference Room 430
Hawaii State Capitol

RE: House Bill 84 HD1, Relating to Counties

Chair Ichiyama, Vice Chair Poepoe and Members of the Committees:

I am writing today to **OPPOSE** this bill.

While I fully appreciate the challenges the counties face in protecting residential areas and housing for residents, and while I fully appreciate the hotel owners would like to reduce their competition, this measure is not the solution.

The counties have adequate tools to manage illegal and unlicensed vacation rentals, but this bill is not aimed at illegal or unpermitted vacation rentals.

- Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui County operating budget.
- Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax, incidentally, the highest transient accommodation tax rate in the United States.
- The bill proposes to allow counties to change the zoning affecting all types of non-hotel vacation rentals, whether legal, conforming, or permitted non-conforming in a range of zoning classifications. In all circumstances, this would equate to a government taking and therefore property owners would be entitled to just compensation.

The operation of vacation rentals has been legal in Hawaii since the 1960's and to adopt a law which eliminates a legal activity would be a material breach of public trust in the State government.

Owners purchased these properties with the legal right to provide lawful vacation rental as provided by approved zoning for such activity. To strip away the right to conduct a legal operation would impose economic hardship on the owners who rightfully would be entitled to recompense from the government.

There have been many similar bills to this over the past ten years and all of them have failed to pass because they contravene the Constitution. This one does as well.

Thank you for the opportunity to testify on this measure.

Sincerely,

Neal Halstead
Kihei, Maui

HB-84-HD-1

Submitted on: 2/11/2023 3:01:51 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael A Pytlinski	Individual	Oppose	Written Testimony Only

Comments:

Aloha – I would like to share with you my contributions to the benefit of Maui as a short-term vacation rental (STR) business. I have been licensed by the State of Hawaii as a vacation rental business since 2005. I provide Maui and the State of Hawaii with tax revenue (TA & GE) by being a STR. I also contribute directly to other Maui businesses. Because of my vacation rentals a fellow neighbor of Lahaina was able to create his own family owned and run cleaning service. He is able to care for his family (Providing his two children the ability to go to college). We recommend many guests to other Maui businesses providing them the ability to operate and provide many additional jobs for Maui residences. We send lots of business to Maui Vans/Aloha Rent A Car (Maui owned business), Maui Adventures Cruises, many local restaurants, and numerous attractions (Farmer Markets, Artisan Craft Fairs, museums, etc). This contributes to additional Maui and State of Hawaii tax revenues and creates and maintains many local jobs. Please recognize and continue to allow the legal STRs to operate and be a part of our beautiful county and State. Mahalo Nui Loa

HB-84-HD-1

Submitted on: 2/11/2023 3:05:14 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Neff	Individual	Oppose	Written Testimony Only

Comments:

Aloha State Legislature Committee Chair:

Re: HB84 Testimony to oppose bill

I am Pamela Neff, a Maui County resident since 1987. In 1992, my husband and I purchased our home in the Kihei area. It was our dream to spend the rest of our lives on Maui, as we love the island and its people. We remodeled our home with the expectation of using the upstairs as a 500 sq. ft. bed and breakfast cottage for two guests to help us financially as we transitioned into retirement. We felt this would result in the least impact for our neighborhood and community. In 2009, we applied for a license, and it was approved. For the last 14 years, we have hosted visitors, of which include people with family or friends who live here, people celebrating milestones in their lives, and people from all over the world. We have paid all of our taxes, and fulfilled our obligations to the State and County to be licensed and approved. We have never had a complaint from neighbors, in fact, they refer us to their family and friends. We promote local businesses to our visitors, supporting healthy sustainability. We support aloha and Hawaiian culture. If it were not for the additional income from the bed and breakfast rental, we would not be able to reside here, or continue our generous community service commitments. Therefore, we strongly desire for the committee chair and its members to oppose HB84 as it stands.

Thank you for your consideration in this matter.

Pamela Neff

143 Hoano Pl.

Kihei, HI 96753

HB-84-HD-1

Submitted on: 2/11/2023 3:13:35 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ralph Gray	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I stongly appose bill HB84. My extended family is mixed with Hawaiian, Caucasian, Tahitian, Portuguese and Filipino. We have been vacation renting on Oahu since the 1930's. We were the first hotels shall we say. Prior to the hotels being built on Oahu, people stayed at homes. Over the years vacation rentals became a business for some and a way to pay bills and to continue to live on Oahu for others. I know of hundreds of families that have small vacation rentals to help feed there families from Makaha to Kaneohe and Hawaii Kai. Please allow the people of Hawaii to utilize there properties for 30 day vacation rentals. This is the rule we purchased our homes with. I have the right to rent to one party every thirty days. To take that away from me is basically making it so we cant afford our homes. Its condemnation with out compensation. If you want to make a new rule where new homes cant be vacation rented, well thats different. Buyers willknow they are buying the home with out that right. But to change the rule for existitng homes where we paid for the home knowing we could rent ounce a month is like stealing from the owner. I think a better method of reducing vacation rentals is to create a task force that makes usre you pay your taxes, makes sure you only rent ounce a month and allows rentals as long as they follow the rules, like no loud noises after 9pm or before 8am and there must be parking on site for the renters, etc... Tax the vacation rentals to provide funds for the City & County, not just the state. This puts money into infrastrucure and helps pay for the tourists and what they utilize. I am for taxing and managment. I am not for making it illegal. By making it illegal, it will just go underground and become ugly. Lets make it safe for all and fair for all. I pay my taxes, I own my property, I maintain my home, and is should have the right to rent to whom I want. I also should have to follow guidlines so its safe, fair and managed correctly. By making vacation rentals illegal, you make it so locals cant stay at the beach. This will make it so only rich people will buy the homes and only stay there ounce in a while. Vacation rentals allow locals to rent homes on the beaches that are allmost private. My whole family rented a home on Kailua Beach and got to enjoy a week together. We could have never stayed there and enjoyed that beach if it wasnt for vacation rentals. We would have had to drive into Kailua each day, causing traffic and then leavin each day. By having the rental, we parked are cars and hung out for 7 days. We shopped in Kailua and brought business to markets and shops. We also use private bathrooms, not the parks or the bushes ion the beaches. Vacation rentals have a lot of benifits, you need to look deeper to see. Every tourist that leaves Waikiki and drives to kailua or Lanikai, has to park there car, when they need to go to the bathroom, if they are in Lanikai, they go in the bushes or worse in the water. Vacation rentals provide toilets, those guests dont polute our lands and ocean. These are simple things, but know one talsk about it. Please allow the people of Hawaii to

vacation rent there homes. Maybe make a rule where the owners of vacation rentals must have an on Oahu manager or be a local resident. This will help bring more jobs to Oahu and keep things more organized. Mahalo for listening and trying to understand, that vacation rentals are good for Hawaii as long as they are managed correctly. Ahui Ho!

HB-84-HD-1

Submitted on: 2/11/2023 4:02:29 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richie Zeng	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I strongly oppose Hawaii Bill 84. As it's currently written, it would grant City & County of Honolulu the authority to phase-out any **currently legal** short-term rentals in any zoning classification. This infringes on owners' property rights and puts too much power into the hands of a small number of people in the DPP without any checks and balances.

1) There have already been several bills introduced to control STRs. Bill 89(2019) was supposed to give the DPP the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority (and a massive budget from taxpayer dollars) to enforce, and there hasn't been time to see how effective Bill 41 is. There is no reason to accelerate the passing of Bill 48 at this time until we at least see how effective Bill 41 is.

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not. The profits from multi-national hotels ultimately leave the local community, instead going to mainland/foreign investors and shareholders.

3) The State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

I thank you for the time in reading my written testimony.

Best regards,

Richie Zeng

HB-84-HD-1

Submitted on: 2/11/2023 4:05:35 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joonhae Ahn	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I strongly oppose Hawaii Bill 84. As it's currently written, it would grant City & County of Honolulu the authority to phase-out any currently legal short-term rentals in any zoning classification. This infringes on owners' property rights and puts too much power into the hands of a small number of people in the DPP without any checks and balances.

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2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not. The profits from multi-national hotels ultimately leave the local community, instead going to mainland/foreign investors and shareholders.

3) The State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

I thank you for the time in reading my written testimony.

Best regards,

Joonhae Ahn

HB-84-HD-1

Submitted on: 2/11/2023 4:07:17 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Kisiel	Individual	Oppose	Written Testimony Only

Comments:

- Short-term rentals have a significant impact on families and the local economy. By providing lodging to visitors, they support families and stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses.
 - Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui county operating budget.
 - Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.
 - During times of inflation and rising prices, short-term rentals provide essential economic support for local families and the broader community.
 - They are not only a valuable option for mainland visitors but also for local families traveling within the state.
 - Short-term rental owners and operators are committed to responsible practices and fair regulations. They support a balanced approach to addressing challenges and a collaborative approach with local stakeholders.
 - Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.
-
- HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses and renting their homes to visitors, traveling nurses, and other essential workers.
 - If passed, this bill could take away property rights guaranteed to owners when they purchased their homes. The outcome could be devastating for responsible property owners who could lose their businesses.

I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses, and the decision-making process should not move forward without giving due consideration to the input from the community.

HB-84-HD-1

Submitted on: 2/11/2023 4:19:28 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Darla Phillips	Individual	Oppose	Written Testimony Only

Comments:

This bill will take away the rights of the property owners who have followed the law, paid taxes, and have done so as a business operation. Allowing the counties to pick and choose which STVR can continue or not is unfair the the owner. I oppose this bill as it is also economically crippling to Hawaii economics all the way around.

HB-84-HD-1

Submitted on: 2/11/2023 4:34:27 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
sydney smith	Individual	Oppose	Written Testimony Only

Comments:

Dear Water and Land Committee members

My husband and I own a coffee farm below Makawao. It's located in the Maliko valley. One of our cottages was built in 1928 and is a fine example of an old plantation house. The other cottage we have is in our old converted roastery. Both of these cottages were nearly destroyed by long term tenants back in the eighties so after we lovingly repaired them they remained empty except for visiting friends and relatives for years.

In 2012 Maui County encouraged kama'aina who had owned their land for at least 5 years to apply for a short term rental license or a B and B license. Since my farm is multiple parcels and these cottages aren't on the same parcel where we live, we had to apply for a short term rental home license. After a two year process including getting a State Special Use Permit, our license was granted.

We pay between \$2500 to \$3000 per month in TAT/GET taxes. We employ single moms who make a great living wage plus benefits and can work between 11 am and 3 pm. They make enough to not require any public assistance. And they can still be there before and after school for their kids.

We are located in an area with a lot of natural beauty, epic surfing and cute shops in Makawao Town but there are no other accommodations available for visitors in this area except for B and Bs and short term rentals. Many of our guests are local residents or visitors from the neighbor islands who love staying on a working coffee farm.

We provide a location for our EMTs when their regular building requires pest control or construction. We provide housing for visiting lecturers in the coffee industry and for archeologists who study the historic sites located here on our property.

We have always complied with the regulations and laws and yet we still continue to get painted with the same brush as the illegal properties. Lack of enforcement has made it more beneficial for those who have stayed "underground". This legislation won't affect them. They never bothered to get legal or comply with any regulations in the first place, so this legislation will only shut down the legal operators. The ones who pay the taxes.

We are retirement age now and too old to start a whole new business. This business gives us the income to employ a farm manager to keep our farm going.

Will this just be another example of misguided legislation that causes yet another kama'aina family to sell and move away?

We do not support this legislation!

Sydney and Maurice Smith

Maliko Estate Coffee Farm

Makawao, Maui, Hawai'i

808-268-3646

HB-84-HD-1

Submitted on: 2/11/2023 5:03:40 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dan Choi	Individual	Oppose	Written Testimony Only

Comments:

As a current owner of two short term rentals in Hawaii, I strongly oppose this legislation that would give Hawaii counties the authority to enact ordinances to amortize or phase out “permitted, nonconforming, or otherwise allowed short-term rentals” in any zoning classification. This legislation would strip the certainty of continued operations away from responsible short-term rental owners across Hawaii.

Short-term rentals, also known as transient accommodations in Hawaii, provide numerous benefits to both the local economy and tourists visiting Hawaii.

Local Economic Boost: Short-term rentals provide a significant boost to the local economy. Vacationers are likely to spend money on local restaurants, shops, and activities, providing a much-needed source of income for small businesses. This can help to sustain and create jobs in the local community, including those that directly support rental operations such as cleaners, handymen, contractors, tradespeople, property managers, pest control, etc.

Increased Tourism: By offering affordable and convenient housing options, short-term rentals can attract more visitors to Hawaii, which can lead to increased tourism revenue.

Flexibility and Convenience: Short-term rentals provide tourists with more flexibility and convenience than traditional hotel stays. They can offer a home-away-from-home experience, with access to a fully equipped kitchen and other amenities.

Tax Revenue: Short-term rentals also generate significant tax revenue for the local government through TAT and GET. Vacation rental operators are required to collect taxes on behalf of their guests, which can be used to fund local projects and improve the quality of life for residents.

Overall, short-term rentals can provide a multitude of benefits to Hawaii and its local communities, making it an attractive option for tourists and a valuable contributor to the local economy. As such, I strongly oppose HB84.

HB-84-HD-1

Submitted on: 2/11/2023 5:10:43 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Terence Tang	Individual	Oppose	Written Testimony Only

Comments:

This bill is ridiculous. I, like many home buyers, purchased our home and invested in our local neighborhood based on zoning laws at the time of purchase. We cannot have our rights taken away!

HB-84-HD-1

Submitted on: 2/11/2023 5:32:46 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
leslie lam	Individual	Oppose	Written Testimony Only

Comments:

Aloha to whom this may concern,

I have been a resident on the North Shore for over 50 years. I Oppose this Bill 84 for the following reasons:

It does not benefit the local residence ,taking away a much needed and affordable option for vacation use.

I am confused at the Aim of this Bill 84, to shut down legal rental options . NOT illegal vacation rentals, that do not comply with the current laws.

Our small North Shore Community relies on all Visitors , International , Off Island and Local residence.

Back Packers is an integral Part of the Fabric of our North Shore Community .

Mark Foo (Legendary Big Wave Rider)and His family's Legacy of legal vacation rentals , is Loved and Cherished here and around World.

I'm seeing a lot of effort being put into targeting the very few Legal and useful Vacation Rentals , versus the 1000's that will continue to operate . Causing the continued ever growing lack of housing.

Not only am I a local resident for over 50 years . I have been a flight attendant for over 43 years . I understand the Influx of Tourism ,it's impact on our State of Hawaii and it's local communities.

We need short term Legal Vacation Rentals , not just for Tourist , but to give the Local's a more affordable options.

Mahalo Nui,

Leslie Lam

HB-84-HD-1

Submitted on: 2/11/2023 5:49:15 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marlene Hall	Individual	Oppose	Written Testimony Only

Comments:

Thank you for your time in advance.

I oppose HB #84.

Unfortunately I don't agree with everything on this bill. There are areas of state land that need to have more control, but my main disagreement is about the private property that was purchased many years ago with the intention of either being passed down through the family or for other family reasons.

I feel that it's not fair for the state or county to have the power to change the zoning on private property that was purchased and is privately owned.

If we wanted to get a zoning change, it's a huge process with many people, and county departments to clear to get the permission to do so, so fair is fair.

The thing is, once we give the state or county the rights to make these changes, they can do whatever they want, whenever they want to.

So.... let's say you buy a piece of property zone for ag and business ag for your child to have in, let's say 10 years when he/she is old enough to run a farm and business, but the State or County decides 5 years down the road that this area should not have businesses, so they change your zoning. Now you have been paying for 5 years for this dream for your child, and now they change the zoning, you're out of luck, dream smashed.....now you want to sell, but it's lost its value because of the zoning, no businesses.

Please look at this big picture, our kids leave Hawaii to make their homes elsewhere, because our local government is doing unfair things like this to us...local families.

Please say NO to this bill.

Thank you for your time and consideration.

Marlene Hall

HB-84-HD-1

Submitted on: 2/11/2023 7:12:03 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Natalie Melamed	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the HB84. The main reasons is that the only parties that win are big hotels. Many STRs will simply remain vacant and not convert into long term rentals because these are people's second homes. That means a drastic decrease in tourism and corresponding revenue for locals and taxes for Kauai.

One of the painful examples is he city of South Lake Tahoe, CA. They passed a very similar ordinance 2+ years ago. They re-zoned previous "Tourist Corridors" to residential occupancy only. Eliminating short term rentals. They also restricted Tourist corridors to 30 night minimum stays. These new regulations put too many of the small local businesseput of business! The city's tax revenues dropped dramaticall. The Big Hotels benefited and they funded the whole campaign. This turned into a disaster and now City funded activities (Snow removal and park maintenance) have fallen way behind.

It will be a huge mistake for Kauai to allow for something like this yo happen at a local level.

Please stand with your locals and not the large hotels.

Natalie Melamed

HB-84-HD-1

Submitted on: 2/11/2023 7:51:03 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
mark Warren	Individual	Oppose	Written Testimony Only

Comments:

Hello,

I am a long time visitor to the beautiful North Shore

I've been coming here since 1972 virtually every year and often multiple times in a year. In fact Mark Foo and his family who originally established Backpackers in the late 1970s are friends. Before his untimely passing Mark Foo and I often discussed the need for more accomodation choices so that people of all backgrounds could find affordable places to stay. Over the years I have stayed at Backpackers several times. Interestingly most people who stay at Backpackers walk to the beach and nearby stores so its debatable that this style of accomodation is reducing the carbon footprint of tourism on the North Shore.

By far the biggest change on the North Shore in the fifty years I have been visiting is in the proliferation of ILLEGAL vacation rentals. This has resulted in local streets cluttered with multiple cars belonging to or rented by a myriad of people in illegal vacation rentals.

Also the use of "normal" housing for illegal vacation rentals has resulted in a severe shortage of accomodation options for local workers.

My understanding is that Bill 84 is not going to address the problem. Regulation and forced compliance of illegal vacation rentals is what is needed and not persecuting Backpackers, the Foo Ohana and other LEGAL operators.

Kind regards,

Mr Mark A. Warren

HB-84-HD-1

Submitted on: 2/11/2023 9:33:51 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Brant	Individual	Oppose	Written Testimony Only

Comments:

What could this ill-considered piece of legislation possibly hope to accomplish?

Counties already have all the legal authority they need to regulate Short Term Rentals (of which I am a longtime, ethical host).

The City and County of Honolulu, in particular, has engaged in a huge effort, over the course of years, to achieve regulation that is fair to all the interests involved.

But not the State is going to step in and say that counties are free to ignore any agreements that were previously in force? The phasing out of "permitted, nonconforming or otherwise allowed short-term rentals in any zoning classification"? For any reason and by any process?

If this bizarre piece of legislation is adopted it will surely be found illegal in the same way as the recent court ruling on 30-day rentals. The government is not free to make worthless existing investments like this!

This proposal is wrong-headed, unnecessary and should advance no further than this Committee!

Thank you.

HB-84-HD-1

Submitted on: 2/11/2023 10:02:55 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jody Ellis-Smith	Individual	Oppose	Written Testimony Only

Comments:

The vacation rentals employ people in the community.

The vacation rentals contribute to the state by the taxes that are collected.

They also help families add to their income and provide for themselves and their families.

The economy is helped as they have some buying power to purchase things, eat in local restaurants, etc.

Please consider the consequences losing income could have on a community.

HB-84-HD-1

Submitted on: 2/12/2023 7:02:01 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vicki Stewart	Individual	Oppose	Written Testimony Only

Comments:

We have owned our condo for 22 years for the purpose to help supplement our income being senior citizens living with small pensions. We have faithfully paid our property taxes along with being taxed hotel/condo guest taxes, and being taxed with that added income. To take away this income source would hurt us greatly financially. We would need to sell at a big loss.

vicki and John Stewart

HB-84-HD-1

Submitted on: 2/12/2023 7:22:53 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexei Semenikhine	Individual	Oppose	Written Testimony Only

Comments:

Aloha everyone,

My name is Alexei Semenikhine, and I am a resident of Kaneohe, HI

I am writing this in opposition to Hawaii Bill 84.

As currently written, this Bill is an open invitation for corruption in Honolulu county.

It will give DPP a new authority that it will most certainly abuse.

Anything related to Land Use Ordinances is extremely sensitive area and powerful monied interest are hard at work to subvert it to their own benefit, to the detriment of the rest of us, citizens of the State of Hawaii.

One must be blind not to see the Hotel Lobby hand drafting this Bill 84.

There is a reason why Planning/Zoning in most of the developed world has a Dual Authority, precisely to maintain checks and balances between local, state and national powers and limit corruption or capture by the monied interests.

Please think of your constituents and reject this blatant attempt to subvert our democracy by removing another check and balance to one of its crucial functions.

Our economy and livelihood will depend on it for years to come.

Please vote No.

Mahalo nui,

Alexei Semenikhine

Kaneohe, HI

HB-84-HD-1

Submitted on: 2/12/2023 8:23:50 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pete Tingstrom	Individual	Oppose	Written Testimony Only

Comments:

As I understand it, this House Bill would give Hawaii counties the authority to enact ordinances to amortize or phase out “permitted, nonconforming, or otherwise allowed short-term rentals” in any zoning classification. Why do you continue to come up with bills that erode peoples freedoms? It is one thing to go after rich people who buy up properties/land and don't live here, but these all or nothing bills where you go after locals who DO live here and rent their own property or room in a legal resort zone. Please stop messing with our freedoms. If you don't want to live in America where we have freedoms and the ability to make an income to afford to live here, than move somewhere else where the government controls your lives.

HB-84-HD-1

Submitted on: 2/12/2023 9:05:13 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jim Ogann	Individual	Oppose	Written Testimony Only

Comments:

This written testimony is in regard to HB 84.

By and Owner of a Vacation Rental Condo on Maui since 1998

HOUSE OF REPRESENTATIVES THE THIRTY-SECOND LEGISLATURE REGULAR SESSION OF 2023

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama Chair

Rep. Mahina Poepoe, Vice Chair

Rep. Cory M. Chun

Rep. Sonny Ganaden

Rep. Mark J. Hashem

Rep. Dee Morikawa

Rep. Gregg Takayama

Rep. Kanani Souza

First, thank you to the committee for serving the citizens of Hawaii.

Background: My family has owned a vacation rental condo in a “Condo-tel” building on Maui since 1998. It has been rented since we purchased it and it is also used by our kids and grand-kids from time to time.

Let me get right to the point....**This bill is a very bad idea.**

I have noticed that a vocal and organized group of Maui residents has surfaced that were emboldened by the peace and tranquility that swept over the island while the state was shut down during the pandemic. They apparently decided that having the island to themselves (without tourists) was very nice. Now that the tourists are back, it is my humble opinion that this group of people has decided that they will do anything to try to return Maui to the pandemic shutdown status. The key to that goal is shutting down vacation rentals completely.

This was very evident when the Maui County Council recently decided to cap the number of vacation rentals on the island. Early drafts of that legislation attempted to virtually completely shut down vacation rentals forever on Maui but the County Council throttled it back to a more reasonable approach. Thank God. If this group ever gains control of the Maui County Council (with this legislation in place), vacation rentals and all of the revenue they generate for the county and state will disappear. This group of people has absolutely no regard for the damage shutting down vacation rentals on Maui will do to the flow of tax revenue the state and county currently enjoy. They are prepared to kill the “Goose” that lays the Golden eggs in a heartbeat. I believe similar groups are also at work on Kauai and the Big Island. This legislation, as it currently stands, would do seriously and irreversibly damage to the State of Hawaii’s tax revenue stream from the three non-Oahu counties.

One sentence in HB 84 is key. It appears on page 5, lines 9 and 10 and reads “to ensure the greatest benefit for the State as a whole.”

Without full sign-off authority by the state legislature of every Vacation-Rental-related change each of the county governments wants to make, it is totally unenforceable. If passed without these provisions, it will give the county councils a shot gun that they will use to kill the Goose as soon as the group of residents that want to pull the trigger gain control. And they will. At that point, State government will be powerless to stop them. **In addition, this bill needs to specify that, when submitting proposals for ALL changes involving short term or vacation rentals, every proposed change must include CPA-quality analysis (by an outside firm approved by the legislature) proving that it will not reduce tax revenue of any kind. Failure to do so will result in legal action against the county government and cancellation of the change.**

As you well know, vacations rentals provide huge tax revenues for the state and counties. TAT, GEC, County TAT, State Sales Tax, State Income Tax, Conveyance Tax and Property Taxes will all be extremely negatively effected if vacation rentals from the three non-Oahu counties are

reduced or eliminated. By the time it is obvious to state government, it will be too late. Unemployment in the tourism industry on the three islands involved will skyrocket and many great local residents will move back to the the mainland permanently. This will further negatively impact all tax revenue from these islands as the base population shrinks.

I want to highlight Property Taxes for a moment. This is quite insidious. They have basically doubled over the last few years. Why? Investors have identified Hawaii vacation rentals as good investments and driven sale prices up substantially. Convenience Taxes have mushroomed as well. Investors know that, at the current sale prices, they can not justify investing in these vacation rental properties for the cash-flow. Especially when they include the cost of tying up their capital as interest rates have skyrocketed. So why are they still pushing the sale prices up? They expect them to appreciate at the current rate in the future.

If those pushing to shoot down vacation rentals at the county level are allowed to do so, investors will disappear and the value of these properties will crater, **taking property taxes with them**. All of the other taxes the state and county currently collects from vacation rental tourists will also evaporate. The governments of the three islands mentioned will have to reduce staffing in all departments and stop maintaining infrastructure. This includes public safety and schools, snowballing on them. They will then come to the legislature and demand help.... having destroyed a significant part of the one and only source of outside income their islands' governments currently have. Tourism.

I know this all sounds somewhat reactionary but please reconsider what you are doing.

Thanks for listening

HB-84-HD-1

Submitted on: 2/12/2023 10:49:20 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Pedretti	Individual	Oppose	Written Testimony Only

Comments:

Good morning. I do not agree with the State/County doing away with short term rentals in areas where it is currently allowed. State/County will lose a very large tax base revenue if this bill passes which will require increased taxes to make up the loss. The island will suffer. It is not fair to take away something that has been in place for many years allowing property owners to provide affordable lodging for those wishing to visit the island. Some property owners rely on their rental properties as a source of income. You will be reducing revenues which are needed to continue maintaining the island as well as removing job opportunities for those working at these properties causing a higher unemployment rate and increased crime/homelessness.

Mary Pedretti

707-480-4121

HB-84-HD-1

Submitted on: 2/12/2023 11:25:27 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kay Kramer	Individual	Oppose	Written Testimony Only

Comments:

We have been coming to the Big Island of Hawaii every winter for a month or so for over 20 years. We own a timeshare but have instead been using a VRBO for the last 10 years. We are now friends with the owner who lives on another building on the property. If this legislation goes through, and county regulations are changed as proposed, we would no longer be able to stay at her lovely property. She would lose her livelihood, (she's in her 70's and this is her source of income) and we would not come to Hawaii as often. We believe in supporting local businesses and have spent thousands of dollars over the years on artwork, clothing, jewelry to say nothing of food and eating out!!! We do not like staying in resorts or timeshares - they are too busy, noisy, and aren't close to the beautiful nature that Hawaii provides. Please do not pass this legislation.

Kay Kramer 612-743-4106

HB-84-HD-1

Submitted on: 2/12/2023 11:27:52 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Helena Von Sydow	Individual	Oppose	Remotely Via Zoom

Comments:

Honorable City & Council members

I Oppose Bill 84

In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption? DPP can't even process a simple building permit in a timely manner!

The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. This Bill will take away your constituent's ability to make living wage.

Please reject Bill 84 as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

Thank you for listening

Helena Von Sydow

HB-84-HD-1

Submitted on: 2/12/2023 11:31:08 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Harald von Sydow	Individual	Oppose	Remotely Via Zoom

Comments:

Honorable City & Council members

I Oppose Bill 84

This Bill would give Hawaii counties the authority to enact ordinances to amortize or phase out “permitted, nonconforming, or otherwise allowed short-term rentals” in any zoning classification. This legislation would strip the certainty of continued operations away from responsible short-term rental owners across Hawaii.

DPP was supposed to enforce Bill 89 which passed in 2019, They Failed.

Bill 41 which passed in 2022 is supposed to give DPP even more authority to enforce, and there hasn’t been time to see how effective Bill 41 is.

Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption?

The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. This Bill will take away your constituent’s ability to make living wage.

Please reject Bill 84 as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate.

Thank you

Harald von Sydow

Dear Hawaii State Legislature,

I am writing to you concerning HB84. I own a non-comforming permitted short term vacation rental (STVR) and strongly disagree with this bill. It seems the state has been trying for several years to get rid of STVR for reasons I can only believe is pressure from the hotel industry on the island because it gives tourist an alternate, less expensive means of visiting the island; thereby allowing more people to visit the islands. The permitting process which was implemented in 2019 severely impacted and regulated the addition of more non-comforming STVR; thereby negating the need to implement such a bill as HB84, which will only do away with them. The permitting process makes sure STVR are properly kept and managed. These STVR are the backbone of the small business community in the state of Hawaii. The tourist that visit these islands via STVR bring support to the local stores and businesses in the community. Hawaii is a tourist state (there are NO major industries here), and reducing the number of tourists that can make it to the islands, as this bill will do, will severely impact the residents of this island that are trying to make a living. **The bill gives no reason as to why it is needed**; it isn't to fix any problem, so why have it. This bill is a waste of my tax payer dollars. The state has many REAL problems that the legislature should be working on to fix. The following are just a few issues plaguing the state: joblessness, effects of global warming, fixing public schools, fixing roads, reducing business red tape and eliminating the apparent corruption of the State Legislature. Try focusing on these problems which will help the residents of the state, which after all is the function of the State Legislature.

HB-84-HD-1

Submitted on: 2/12/2023 11:48:51 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
michael paulin	Individual	Oppose	Written Testimony Only

Comments:

I support ONLY the continued operation of the limited number of STRs which have been approved by the counties for which owners pay 13+% in taxes on receipts like hotels plus pay residential real property taxes at commercial rates several times higher in most cases than owner occupants. These taxes raise tens of millions more dollars for the State and Counties with minimal community impact. Neighbors are aware of their use and have a formal avenue to complain should occupants fail to comply with a neighborhood's norms and standards.

I DO NOT SUPPORT the egregious use of homes and apartments by owners as STRs who escape the significantly greater tax burdens of those who register, approved, and comply with STR regulations, This practice of non-compliance has poisoned our neighborhoods with tourist traffic jams, limited available parking, generated unwanted noise issues, and allowed these selfish owners to escape thousands and many cases tens of thousands of dollars in GET, TAT, Real Property Tax & State Income Taxes.

The current runaway Illegal STRs drive up the cost of housing, limit the supply of housing for local families, while paying handsome returns to these illegal owners who apparently are quite happy to scam the system at the expense of properly licensed neighbors who have elected to abide by the rules and regulations.

Please correct this anomaly with rules to disincentivize the illegal STRs and their cohorts who act as agents here and overseas.

Respectflly, Mike Paulin 808-864-9300

HB-84-HD-1

Submitted on: 2/12/2023 12:30:31 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Judy Dancer	Individual	Oppose	Written Testimony Only

Comments:

As a senior residing in Hawaii for 50 years ..I own two small rentals which I rent out for 30 days each...sometime a bit longer. I pay GET, TAT and OTAT taxa every month.. last year 2022..I know I subitted \$11,660 in those taxes...IF YOU TAKE THIS away there will be NO tax money going to the State of Hawaii.....Hawaii needs this money for everything...I'm now fond of he rail but I pay towards it every month... Im only one person paying almost \$12,000...imagine all the others who are paing and the \$\$\$ lost. PLEASE I BEG YOU....DONT STOP RENTALS ON SHORT TERM LIKE 30 DAYS..I HIRE 3 peopel every month to help care for these rentals...I won't be able to live here if I dont have these STR ..and my 3 people I hire will be out of work...NO ON HB 84

HB-84-HD-1

Submitted on: 2/12/2023 12:34:55 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alia Kennedy	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I, Alia Kennedy, strongly oppose bill HB 84. Having been born and raised in Hawaii, as my parents, grand parents and great grandparents before me, I find the ability to own and stay at these permitted vacation rentals to be beneficial not only to islanders but visitors as well. When traveling through the islands, if unable to stay with relatives, I prefer to have the option to stay in said rentals vs taking my family to hotels that are overpriced and uncomfortable for families. Removing these lincenses and forcing all visitors into hotels is going to result in a loss of tourism in our tourism reliant economy. It will also eliminate work for hard working and valuable community members.

Thank you for thoughtfully considering the people of Hawaii and not just the needs of the hotel owners.

Sincerely,

Alia Kennedy

HB-84-HD-1

Submitted on: 2/12/2023 12:41:58 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tricia Chiariello	Individual	Oppose	Written Testimony Only

Comments:

Please vote to oppose this bill, it will severely hurt my business as well as many others. Mahalo

HB-84-HD-1

Submitted on: 2/12/2023 1:08:28 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Waite	Individual	Oppose	Written Testimony Only

Comments:

I do not believe this level of state oversight is necessary. The counties have already been granted the ability to regulate short term rental properties. By passing this bill, you would essentially be allowing them to unilaterally negate what previous county administrations have enacted. This bill would also make it easier for the counties to take action improperly by steamrolling over our property rights without going through due process.

HB-84-HD-1

Submitted on: 2/12/2023 1:09:37 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James N Hajjar	Individual	Oppose	Written Testimony Only

Comments:

Short-Term Rentals

· Short-term rentals directly support families like mine, and their economic impact can be felt broadly throughout the community as visiting families spend at locally owned restaurants, shops, cafes, and other small businesses.

o Responsibly operated short-term rentals also benefit Hawaii through the tax revenue, like the general excise tax and transient accommodation tax, they contribute directly to our community.

o The value short-term rentals provide to local families and the economy is especially important during a time of inflation and rising prices.

· Short-term rentals not only provide lodging for visitors from the mainland, but are important options for local, interisland families as well.

· Short-term rental owners and operators believe in fair regulations, balanced solutions, and collaboration with local stakeholders.

· For the state of Hawaii to create a successful, sustainable future, we must all work together.

- Short-term rentals are an important way for families in Hawaii to benefit from the tourism industry.

HB 84

- Hawaii House Bill 84 is incredibly concerning for families like mine, as it jeopardizes future business operations for responsibly operated short-term rental properties.

- Provisions in this proposal would strip property owners of the certainty that they can continue renting their properties to visiting families, traveling nurses, and other essential workers.

- This bill could strip us of the property rights afforded to us when we purchased our homes.

- o Responsible property owners could lose our businesses if this legislation passed.

- I hope the Hawaii state legislature listens to input from residents like me. Our livelihoods depend on our small businesses, and this process shouldn't move forward without careful consideration and input from the community.

HB-84-HD-1

Submitted on: 2/12/2023 1:33:21 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Leina'ala Riela-Enoka	Individual	Oppose	Remotely Via Zoom

Comments:

Mahalo for allowing our voices to be heard.

I strongly oppose HB84. I have responsibly followed all the rules, paid the fees, taxes and licensing permits for our TVU in Hilo where there is a need for STVR and the facilities to support its existence. We are an legal entity, do not eliminate our status.

Leina'ala Riela-Enoka

HB-84-HD-1

Submitted on: 2/12/2023 2:56:41 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Della Halvorson	Individual	Oppose	Written Testimony Only

Comments:

Aloha.

We are non-resident owners of a vacation rental property in a condominium complex zoned/approved for short-term rentals, who have been diligently paying all our taxes. We are writing to express concern about and opposition to HB84 HD1.

There have been many amazingly articulate individuals who have submitted reasoned arguments in opposition to this bill. Rather than take up your valuable time, I would simply ask that you add our voices in opposition to HB84 HD1.

Mahalo for considering our testimony,

Keith and Della Halvorson

HB-84-HD-1

Submitted on: 2/12/2023 3:00:34 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
J. Chang	Individual	Oppose	Written Testimony Only

Comments:

Please defer this Bill. It has adverse consequences for owners. Please protect owners' rights. It subjects owners' biggest monetary asset to ever changing department personnel.

Thank you.

HB-84-HD-1

Submitted on: 2/12/2023 3:43:08 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Newman	Individual	Oppose	Written Testimony Only

Comments:

Thank you for allowing me to voice my opposition to HI Bill 84. As owners of a vacation home in Hanalei, Kauai since 1999, we feel this bill has potential to hurt not only us as owners but also the island and County of Kauai.

Our property as a rental benefits the state, County and island in the following ways: Annual property tax that would be reduced if not a rental. Our monthly TAT and GET taxes would no longer be submitted. Our use of many island residents for cleaning and maintenance services would stop. Our guests' money would no longer spent on local businesses, many that would likely close with reduce tourism.

We bought this home out of a love for the island. We are a retired couple without employment income other than social security. I don't know how we could keep our home without our vacation rental permit which we have worked very hard for 24 years to maintain. We are in full compliance with all guidelines for vacation homes.

We understand limitations on new vacation rental permits, but to be able to take them away from responsible owners seems unfair to us and we respectfully submit our opposition to the bill.

HB-84-HD-1

Submitted on: 2/12/2023 3:53:59 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James Sanford	Individual	Oppose	Written Testimony Only

Comments:

- Short term rentals have a significant impact on families and the local economy. By providing lodging, they support the local economy as visitors spend money at local restaurants, shops, and small businesses.
 - Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax revenue to the entire Maui county operating budget.
 - Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the transient accommodations tax.
 - During times of inflation and rising prices, short-term rentals provide essential economic support to local businesses.
 - They are not only a valuable option for mainland visitors but also for local families traveling with friends and family.
 - Short-term rental owners and operators are committed to responsible practices and fair regulations, addressing the challenges and a collaborative approach with local stakeholders.
 - Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders, ensuring that allowing families to benefit from the tourism industry.
-
- HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihood. It is the responsibility of responsible property owners to continue operating their businesses and renting their homes to support their workers.
 - If passed, this bill could take away property rights guaranteed to owners when they purchased the property. It would impact responsible property owners who could lose their businesses.
 - I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted and dependent on our small businesses, and the decision-making process should not move forward without the input of the community.

HB-84-HD-1

Submitted on: 2/12/2023 4:04:55 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Phaedra Ledbetter	Individual	Oppose	Written Testimony Only

Comments:

As a resident and homeowner of three private properties in Oahu, I am opposed to HB 84. We own a condominium in Honolulu and two homes on the North Shore. We do not rent or lease any of our properties.

Legal Air and non conforming vacation rentals on the North Shore offer an important resource for tourists and locals alike. Turtle Bay Resort is not only overpriced, it is typically sold out. Visitors who would like to visit the North Shore will have nowhere to stay if this bill passes. Those who cannot afford hotel prices will be forced to sleep on the beach or on the streets. As a resident, the consequences of passing HB 84 is untenable. There are currently affordable, reputable vacation rentals which comply to regulations that have been in operation for over 30 years. They provide employment and also augment commerce to local businesses. Our North Shore community opposes HB 84 D1 and is in solidarity with vacation rentals. We urge the state legislature to reconsider enforcing this misguided bill.

HB-84-HD-1

Submitted on: 2/12/2023 4:44:55 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vladimir Gurovich	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly oppose HB 84 for several reasons when it comes to its impact on Oahu.

1) We have seen how incompetent, ineffective and corrupt Honolulu's Department of Planning and Permitting is. Every year we hear about more corruption scandals coming out of it. Bill 89 back in 2019 was supposed to give DPP tools to better enforce short term rental laws and DPP did not do anything, and instead pushed for Bill 41 in 2022 which is now being litigated in Federal court. Why would we ever want to give DPP unlimited power of Bill 84 if they cant even get permits approved on time.

2) As currently written Bill 84 gives counties carte blanche to take away currently legal use of the properties. NUCs? 30-day rentals? TVUs in resort areas? All these uses can be "phased out" and therefore killed if so decided by the current council members, mayor, etc.

2) The legitimacy of giving the counties power to essentially kill grandfathered uses will no doubt be challenged in court and waste everyones time and money again.

HB-84-HD-1

Submitted on: 2/12/2023 5:40:39 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carlin Jones	Individual	Oppose	Written Testimony Only

Comments:

I am against HB 84 as it continues down the same failed paths of giving too much power and responsibility to single offices ie DPP which have time and time again proven to be short staffed, over worked and riddled with corruption. It's ridiculous to not address the major issue of DPP but continue to do make the same mistakes over and over which is to write overreaching bills and place more responsibility on the worst office in Honolulu

HB-84-HD-1

Submitted on: 2/12/2023 5:55:26 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David W Medina	Individual	Oppose	Written Testimony Only

Comments:

Some Talking Points for Bill HB 84

- I am a resident of Maui and have owned legal short term rentals for several years. Short-term rentals have a significant impact on families and the local economy. By providing lodging to visitors, they support families and stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses.
- Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui county operating budget.
- Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.
- During times of inflation and rising prices, short-term rentals provide essential economic support for local families and the broader community.
- They are not only a valuable option for mainland visitors but also for local families traveling within the state.
- Short-term rental owners and operators are committed to responsible practices and fair regulations. They support a balanced approach to addressing challenges and a collaborative approach with local stakeholders.
- Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.
- HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses and renting their homes to visitors, traveling nurses, and other essential workers.

- If passed, this bill could take away property rights guaranteed to owners when they purchased their homes. The outcome could be devastating for responsible property owners who could lose their businesses.

- I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses, and the decision-making process should not move forward without giving due consideration to the input from the community.

Respectfully

David Medina

HB-84-HD-1

Submitted on: 2/12/2023 6:06:14 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Fernandez	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose HB84 because this would allow the counties to have unilateral powers or cart blanche to whimsically re-zone residential areas without some form of constraint. The is a divine purpose of why the State instituted an Enabling Act where changes especially in residential areas may have to be grand fathered in via some form of **Non-confomring Use Certificate**. The State can not count on the counties for always have the best interest of the State and there has to be some sort of checks placed on the counties by the State.

Sincerely,

Richard

HB-84-HD-1

Submitted on: 2/12/2023 6:27:18 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Klei	Individual	Oppose	Written Testimony Only

Comments:

1) the City of Honolulu is one of the most corrupt and incompetent Cities in the US. With the many arrests and bribery cases over the past decades, that are well known, not to mention the yet to be uncovered corruption, the citizens of Honolulu need LESS, not more, of this corrupt organization. Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption? DPP can't even process a simple building permit in a timely manner!

2) I am 3rd generation Hawaiian and my great great grandfather was attny general for the State. I operate my rental 100% legally and pay all taxes. It's my right to rent my private property in a way that is legal, and provides me with liberty and freedom to pursue my own happiness. My tenants are fine, upstanding people who refuse to stay in a dirty, roach infested crime ridden Waikiki hotel. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. The corrupt city has also never been able to prove that our rentals are disrupting neighborhoods or preventing poor locals an opportunity to purchase homes. The rental homes in question are sold and bought every day! I live in Kailua and in my neighborhood alone over the last year there were at least 4 rental homes that were sold. Guess how many were bought by poor locals? Zero. All were sold to recent newly arrival mainland USA buyers. There is no such thing as a permanent stock of unavailable homes" " This Bill is founded on a mirage and will take away your constituent's ability to make living wage.

3) Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties

HB-84-HD-1

Submitted on: 2/12/2023 6:28:14 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
RALPH FURLEY	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE OPPOSE OPPESE HB84

I am totally against the State giving away to the City and County of Honolulu the prized and treasured checks and balances it has over the the counties -particularly the City and County of Honolulu.

Some counties like the Honolulu county has vastly exaggerated the meaning of short term rental to mean anything over 30-90 days meaning that tourist are staying months in a household. This is a blatant lie. There are tens of thousands of local residents who rent to local residents on a monthly rental agreement because the tenants require flexibility to move due to their service related jobs. This has nothing to do with tourist!! Allowing HB84 to pass will not only adversely affect local tenants and landlords but also all the essential workers like medical personal that Gov Ige had to declare and Emergency Proclamation and deemed essential. None of these essential workers are going to be paying huge hotel rates and stay in cramped quarter for weeks without kitchens etc.

Do not confuse tourist with monthly rented local tenants and essential workers.

HB-84-HD-1

Submitted on: 2/12/2023 6:31:24 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Audri Hazeltoon	Individual	Oppose	Written Testimony Only

Comments:

Short Term vacation rentals support the economy by providing jobs and business opportunities in the housekeeping; property management; construction/repair industries. In addition, residual income from rental properties is often vital for some in order to make ends meet. Vacation renters also contribute to the economy by supporting hospitality workers, such as restaurant workers; retailers and car rental businesses.

HB-84-HD-1

Submitted on: 2/12/2023 6:44:17 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cecila Gomez	Individual	Oppose	Remotely Via Zoom

Comments:

Folks,

I OPPOSE this HB84 because I am a local residence form decades living in Hawaii and have always rented part of my home to local ohana on a monthly rentals. I have noticed that many local ohana ask me for month to month rentals because they have service jobs that require them to move frequently and do not know when they will switch jobs. I can not believe that the City and County of Honolulu wants to re-classify me as a STR along with those B&B. I have nothing to do with tourist and the likes. The tenants I cater to are strickly local folks who need monthly type rentals.

Please do not give the counties this untethered power .

Mahalo,

Cecilia

HB-84-HD-1

Submitted on: 2/12/2023 6:58:01 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Roderick Yu	Individual	Oppose	Written Testimony Only

Comments:

Aloha mai kakou!

I am very much opposed to HB84 due to the following:

- it will further increase illegal STRs outside of the hotel/resort zones
- most of these units in STR zones are responsible and compliant, and legal consequences brought forth by these numerous owners against the county

HB-84-HD-1

Submitted on: 2/12/2023 6:58:57 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Ells	Individual	Oppose	Written Testimony Only

Comments:

This bill is too broad, and does not take into account the 113 units that are Legal non conforming

rentals on the island of Oahu. I am very opposed to short tem vacation rentals in non resort areas.

I have been a resident on the North Shore, and home owner for over 40 years. I watched the illegal short term vacation rentals ruin our lovely close knit neighborhood.

There are, however legal Non conforming short term rental that offer the locals and tourist alike something affordable when trying to take in the North Shore . What I have seen, over many years now is that the illegal short term rentals just go underground, and the units/ hostels/ legal short term rentals that have been in compliance for over 30 year, and paying their fair share of taxes, are the ones that will be affected to the detriment of visitors, and tourists alike.

Bill HB4 the way it is written invoves the illegal renters with the Legal units that have been in compliance for years.

Non conforming properties, that have been operating legally for years, are included in the Illegal operators.

I cannot support this bill the way it is written .

Kathleen Ells

Mokuleia Resident

T

HB-84-HD-1

Submitted on: 2/12/2023 7:01:44 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Neil Cormie	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to House Bill 84. Our vacation rental has never had a complaint and we offer affordable choices for family's to visit Hawaii. We offer part time contract employment that a resident family raising a family can utilize for income. Not all Hawaii workers meet the scheduling criteria required for unionized hotels.

- Having a vacation rental in a neighborhood **reduces** problems of noise.. Vacation rentals are for short periods and neighbors can call designated managers that must resolve the issue in one hour. On the other hand, a noisy long term renter has far greater rights, leaving neighbors have less options with the only recourse through the police department.

Vacation rentals are registered, pay taxes and offer far greater choices for employment and choices for visitors to the island. In politics we often use the word inclusiveness and this is another opportunity to embrace diversity for workers and visitors. Respectfully submitted. Neil and Shannon Cormie.

HB-84-HD-1

Submitted on: 2/12/2023 7:02:54 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie Cesario	Individual	Oppose	Written Testimony Only

Comments:

This is my testimony

I am writing today to OPPOSE this bill.

While I fully appreciate the challenges the counties face in protecting residential areas and housing for residents, and while I fully appreciate the hotel owners would like to reduce their competition, this measure is not the solution.

The counties have adequate tools to manage illegal and unlicensed vacation rentals, but this bill is not aimed at illegal or unpermitted vacation rentals.

- Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui County operating budget.
- Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax, incidentally, the highest transient accommodation tax rate in the United States.
- The bill proposes to allow counties to change the zoning affecting all types of non-hotel vacation rentals, whether legal, conforming, or permitted non-conforming in a range of zoning classifications. In all circumstances, this would equate to a government taking and therefore property owners would be entitled to just compensation.

The operation of vacation rentals has been legal in Hawaii since the 1960's and to adopt a law which eliminates a legal activity would be a material breach of public trust in the State government.

Owners purchased these properties with the legal right to provide lawful vacation rental as provided by approved zoning for such activity. To strip away the right to conduct a legal operation would impose economic hardship on the owners who rightfully would be entitled to recompense from the government.

Thank you for the opportunity to testify on this measure.

Sincerely,

Laurie Cesario

I oppose HB84 as it removes important checks and balances between our State and County-level oversight statutes.

I am a 70-year-old divorced woman who has lived in Hawaii since 1989. I own a legally permitted Kulilima East condo. My ability to retire from my full-time accounting job rest solely on the income from my condo. My condo also provides income for a manager and janitorial services. There is no other local industry that has been targeted and politically hassled as much as legal short-term rental operators. How can I confidently retire if I am constantly worried my income from my condo will be taken away from me at the whim of a new City Council. It's no secret that the biggest campaign donors for our local politicians are the hotels. Please show support for those of us that have been operating legally, paying our taxes and providing others with good paying jobs. This constant fear of the unknown has got to stop now.

Thank you for your consideration in this very important and far-reaching bill and vote NO.

Patricia Rolland

HB-84-HD-1

Submitted on: 2/12/2023 7:38:46 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Cormie	Individual	Oppose	Written Testimony Only

Comments:

Hello. Even if you close all vacation rentals in Hawaii that is only a one time uptake for some of the homes becoming permanent use. You only have one uptake. This does not solve future house for local residents. What solves this, is approving new construction of starter houses. This bill has no Aloha. Respectfully Shannon

HB-84-HD-1

Submitted on: 2/12/2023 7:39:45 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julian Ritchey	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose State Bill 84 for the following reasons -

In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. **Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption?** DPP can't even process a simple building permit in a timely manner!

Additionally, the vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. **This Bill will take away your constituent's ability to make living wage.**

Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. **Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.**

HB-84-HD-1

Submitted on: 2/12/2023 7:42:31 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt Hubner	Individual	Oppose	Written Testimony Only

Comments:

Aloha nō,

I strongly urge that this Bill be withdrawn as it unequivocally singles out one group of people to be penalized by the Government. The existing law permits amortization under circumstances of extreme cause (i.e., an imminent danger is posed by a non-conforming use), and this Bill only serves to make it explicit that one business model is not guaranteed their Constitutional rights. The modifications proposed by this Bill are undeniably arbitrary and capricious. Please do not proceed with this Bill as it will only draw unnecessary legal challenges. Most Counties of Hawai'i have capped the number of vacation rentals outside of resort-zoned areas. Please focus on enforcement of existing laws to ensure those not abiding by the rules are penalized versus penalizing everyone.

Mahalo for the opportunity to provide testimony.

Sincerely,

Matt Hubner

Aloha,

We own a fully compliant residential part time vacation rental in Kailua-Kona. (STVR-19-360284; NUC-19-1160)

Lawmakers don't steal away what my wife and I have earned!

Don't devalue our property that we have put our labor, creativity and hard earned money into!

Don't take away our property rights!

Don't steal away our ability to own a home on the Big Island!

We have owned our home for more than a decade.

We welcomed the vacation rental law when it passed on the Big Island. It set a framework for monitoring residential vacation rentals with rules to weed out bad apples. Since registration in 2019 we have not had a single complaint filed with the Kona Planning department.

In that time, we have had over 50 families enjoy our home.

In that time, we have paid more than 50 thousand dollars in local and state taxes.

We have employed cleaning professionals, gardeners, pool service technicians, and other maintenance professionals on a regular basis so that our home is in top condition and a pleasing compliment to the neighborhood.

In that time, all of those families were able to come to a more affordable, safer and more suitable accommodation than what Kailua-Kona otherwise has to offer to families.

All of those families have contributed money to the local businesses and generated taxes for public services that we all share.

Our home that we share with those families, shows, in a personal way, those visitors the Aloha that we share and receive when we are here.

Don't be lobbied by those loud and monied few on the Island who have moved here and feel entitled to live in sterile neighborhoods where they never hear a baby cry or a light on after 8 PM. They have forgotten that Aloha isn't truly Aloha unless that love and fellowship is shared with everyone.

We urge you to abandon this proposed new legislation HB 84.

Mahalo,

Laurie Leveque-Ingram

Richard Ingram

HB-84-HD-1

Submitted on: 2/12/2023 7:48:35 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Watson	Individual	Oppose	Written Testimony Only

Comments:

To whom this may concern,,

Legal vacation rentals on the North Shore of Oahu need be left alone. They bring consistent work to residents of the North Shore community through maintenance and up keep.. My wife is a cleaner and makes a living cleaning vacation rentals and me as a carpenter have many clients with Legal Vacation Rentals.. Places like Backpackers Hostel allow people who wouldn't ever be able to afford and experience hawaii nor have the opportunity too.. This was Mark Foo's dream (R.I.P.) for people to be able to come from different countries and be able to surf our massive waves.. Keiki bungalows has been a historical site for people and visitors for many years.. To rob Haleiwa of these colorful and Hawaiian Island traditional experiences would be tragic and what would be left with?? Corporate greed and big Hotel companies that most people can't afford will only destroy the beauty and the experience of what Haleiwa is.. As a contractor in Haleiwa I have done everything to keep the restaurants, food stands, coffee shops,, and houses with the island style.. Let's Keep The Country Country and Keep the Legal Vacation Rentals Open for Buisness Please..

Mahalo Nui,,

Matthew Watson

Zion Construction LLC

808-291-0567

HB-84-HD-1

Submitted on: 2/12/2023 7:58:47 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Russell	Individual	Oppose	Written Testimony Only

Comments:

To the Legislature of the State of Hawaii,

I adamantly oppose the proposed State Bill 84. As a responsible and licensed short-term rental operator, my family depends on our right to continue legally renting our home for our livelihood. There are limited ways in which local families can make enough money to afford the high cost of living in this state. We rent our home as a means to generate additional income to survive here. This bill is reckless in that handing power to the County level, in which Maui County specifically has a track record of discriminating against short-term rentals in favor of hotels, will inevitably hurt us as local short-term rental operators. Giving authority to the County to amend established zoning rules is a mistake. The State should retain authority to provide some guardrails in which the Counties can operate. Please do not pass this bill.

Sincerely,

Michael Russell

HB-84-HD-1

Submitted on: 2/12/2023 8:03:43 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mitch Maxwell	Individual	Oppose	Written Testimony Only

Comments:

I am strongly against this bill. It's heavy-handed, and punitive to legal vacation rental owners who pay their taxes and follow the rules. The hotel industry has too much power already, and they are in decline. People want vacation rentals, and the property owners who provide them also create jobs for others. This is a bad bill!

HB-84-HD-1

Submitted on: 2/12/2023 8:07:59 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Jackson	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB 84. NOT FAIR

Andre Gueziec

Short Term Rental owner in Maui

Andre.gueziec@proton.me

Feb 12 2023

To Whom It May Concern, I'm writing to oppose HB 84.

I have been operating short term rentals on Maui since 2014. I have been a good taxpayer, paying my TAT, GET and since 2021 Maui special MCTAT on time.

I believe short term rentals are a GOOD thing: By providing lodging to visitors, short term rentals support families and stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses. Maintenance, housekeeping and other hospitality related jobs gainfully employ local families too.

It is part of the sharing economy as it opens homes/condos to others who can share the experience for a few days and pay a little bit, what's wrong with that.

The small business boost coming out of it is significant, as judged by the sizeable tax revenue. Jobs for all kinds of maintenance and keep up. Making sure these homes don't stay empty. Short-term rentals play a crucial role in allowing local families to benefit from the tourism industry.

They are not only a valuable option for mainland visitors but also for local families traveling within the state.

Long term tenancy isn't a panacea. It happens to be my experience that long-term tenants are in reality sources of more potential problems.

HB 84 is a source of worry for entrepreneurial families such as mine who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses and renting their homes to visitors, traveling islanders, traveling nurses, and other essential workers.

If passed, this bill could take away property rights guaranteed to owners when they purchased their homes. The outcome could be devastating for responsible property owners who could lose their businesses.

I urge the Hawaii State Legislature to take into account my perspective and the perspective of other owners who are directly impacted by this legislation.

Kind regards to you and thanks for all your work.

Andre Gueziec

Feb 12 2023

HB-84-HD-1

Submitted on: 2/12/2023 8:37:19 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Edward Jones	Aunty Cynthia Rubinstein (had password troubles)	Oppose	Remotely Via Zoom

Comments:

Testimony of Cynthia Rubinstein ...

“Legislators,

Go Ahead, Pass This Bill and all of your bills to try to halt the charm of home stays and stuff everyone into hotels. We all liked how it felt during the Pandemic and you passing all of these bills to try to corral all visitors into hotels will give us back that quick nature that we experienced. Think about it...the City tried to railroad the Zoning laws and got shut down by the Federal Court. After that occurred the hotel occupancy went down because people were hearing that the City wanted people to stay 90 days not 30 and that they wanted all guests in hotels. Those people all went to other warm destinations which is why the hotels were facing half occupancy over the holidays. While sitting on Mayor Caldwell's Vacation Rental Task Force, there were heads of 4 large hotel chains on that task force. When they were asked if they stayed in hotels when they traveled with their families, they said No, that they stayed in homes to be together since their work loads kept that away long hours and they just wanted to be with their families and that their hotels were all full so they really didn't mind the home rentals. Then the Pandemic hit and people did not want to stay in crowded hotels, and the homes filled up. On the heels of that these ridiculous illegal bills and the buzz gets around that the intent is to keep people out of homes and into hotels. and well, read the first part again. Hawaii is losing it's #1 commodity, which is it's charm due to the restriction upon restriction of the residential sector and the pushing the visitors into regulated hotels. It's not working. Check the current occupancy rate. And as word spreads further about more and more and more bills becoming law to keep everyone in small rooms, the #s will drop further and further and, eventually, maybe we will get our Hawaii back. It's not just about sunshine...

Cynthia Rubinstein

cynthia@lava.net”

HB-84-HD-1

Submitted on: 2/12/2023 8:39:21 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rosaline Wang	Individual	Oppose	Written Testimony Only

Comments:

Honolulu citizens deserved to make a living fairly without the politicians influenced by the hotel industry's handsome donations to their cofers.

Re: TESTIMONY OPPOSING HOUSE BILL NO. 84

Dear

**Chair David A Tarnas,
Vice Chair Patrick Pihana Branco,
Sonny Ganaden,
Bertrand Kobayashi,
Sam Satoru Kong,
Dee Morikawa,
Takashi Ohno, and
Bob McDermott,**

I strongly oppose the House Bill No. 84 (“HB 84”) for the following reasons:

I am concerned that this bill is flawed and has the potential to result in substantial legal issues. The stated purpose of the proposed amendment in HB 84 is to enable the Counties to eliminate or amortize land uses and structures that are used for residential or agricultural purposes. Although this may appear to be an innocuous delegation of authority, the proposed changes could conflict with constitutional rights as well as existing state statutes. Such changes would potentially cause numerous unintended consequences. Furthermore, to the extent that these changes ultimately lead to a deprivation of vested rights of existing, residential homeowners, they would likely result in substantial litigation. For these reasons, we would strongly urge that the Committee not pass this bill.

Also, please take those into consideration as reason that the Committee should not pass HB 84.

1) In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption? DPP can't even process a simple building permit in a timely manner!

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. This Bill will take away your constituent's ability to make living wage.

3) Please reject this Bill as the State needs to continue some authority in Zoning. Our residents and local economy depend on the check and balances that currently exist between the State and Counties.

Thank you for your consideration, and the opportunity to provide additional comments on this critical measure.

Name Yoh Kuwano.

Date 2/12/2023.

HB-84-HD-1

Submitted on: 2/12/2023 9:11:28 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna King	Individual	Oppose	Written Testimony Only

Comments:

On behalf of my husband, my children and myself we ask the court to please say NO to HB84. It hurts families and landowners and people who have boought their homes and have every legal freedom to do as the wish with their properties. The city, state or government does not get to say who you can have come into your home, stay in your home or live in your home. You assume by not allowing people to rent short term they will rent long term AND it will be affordable. You are wrong. People don't have to rent their homes Long Term and it doesn't have to be AFFORDABLE for people who need a place to live. Instead of wasting taxpayer money on what is a violation of our rights and freedoms. Spend your energy on building affordable housing for people to buy and rent. Stop listening to the hotels who want stop short term rentals and monopolize their own wealth. They exclude the working class families who want to go on vacations and can't afford 400-1000 per night. Stop the madness and build affordable housing and while you are at it beautify our downtown Kailua Kona city which is an embarrassment. Thank you, The Kings Doug, Donna, Riley, Lucia and Anna

HB-84-HD-1

Submitted on: 2/12/2023 9:27:04 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Cadiz	Individual	Oppose	Written Testimony Only

Comments:

My daughter's ability to stay in this place where she was born and raised, is directly tied to her job as a short-term rental manager. She runs her business with careful attention to the role she can play in educating her guests about our culture and environment. This proposal would have a significant negative impact on my family, many other resident families and the local economy. By responsibly providing lodging with the personal touch of a resident owner, we would like to believe that we are supporting responsible tourism while also supporting other resident families and stimulate our local economy as our guests patronize the local restaurants, shops, and small businesses that we recommend.

Short term rentals play a significant role in our Maui economy, bringing in 37% of real property tax, and more than 15% of the entire Maui county operating budget.

Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.

Especially during times like these, of inflation and rising prices, our short-term rental provides my daughter the economic ability to stay here in her island home. I fear that this bill could accelerate the exodus of our children from Hawaii. How tragic would that be?

Because of the age, maintenance, limited parking, lack of storage, and high fees and mortgage, our place is not suitable or affordable for residents, but the income from our guests stays right here on Maui and benefits our local economy. Our short-term rental does **not** negatively impact the long-term rental housing market.

Short-term rentals are not only a valuable option for mainland visitors but also for local families traveling within the state for family gatherings, weddings, graduations etc.

Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.

HB 84 is a source of grave concern for families like mine who rely on our short-term rental properties. The provisions in this bill threaten the ability of responsible property owners to

continue operating their businesses and renting their homes to visitors, traveling nurses, and other essential workers. HB 84 threatens my family's ability to stay together here on Maui.

If passed, this bill could take away property rights guaranteed to us when we purchased our condo. The outcome could be devastating for my daughter who could lose her businesses, her future that she has worked so hard for. Has the potential for litigation been considered?

I urge the Hawaii State Legislature to take into account the negative consequences on your constituent residents who would be impacted by this legislation. Our livelihoods are dependent on our small businesses. Please oppose HB 84!

Thank you for reading my testimony. Aloha

HB-84-HD-1

Submitted on: 2/12/2023 9:45:26 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Luke	Individual	Oppose	Written Testimony Only

Comments:

DPP is already hampered by ordinances. These ordinances have hindered growth in our economy and communities. These ordinances have also increased incompetence and corruption by the staff. I oppose giving them more authority.

February 12, 2023

Hawaii State Legislature

Subject: House Bill 84

Dear State Legislature,

As an owner of a townhome in the Puamana complex of Lahaina, whenever we are in Maui, we support many of the small businesses on the Island, including local restaurants, services and shops.

When we are not in Maui, we offer our home for rent to visitors to Maui. Our tenants provide significantly more commerce to small local businesses than guests that stay at the many hotels on the Island. Oftentimes, hotel guests remain at such hotels and do not support off-property businesses. Short-term rentals also benefit the State of Hawaii by generating significant tax revenue.

We are a responsible, short-term rental property owner and are able to afford our Maui second home due to income it generates while we are away. We visit our property about three times each year with the intent of becoming a full-time residents sometime in the future.

We urge you not to alter current property rights and laws by placing further restrictions on short-term rental properties. These rights were one of the main reasons we purchased our Maui home in the first place. We, therefore, strongly oppose the passage of House Bill 84 which would have a significant adverse effect on all short-term rental property owners in Hawaii.

We respectfully thank you for your consideration of this request.

Sincerely,

Bruce & Sue Sakashita

272 Pualei Drive #6
Lahaina, HI 96761

Re: TESTIMONY OPPOSING HOUSE BILL NO. 84

Dear

Chair Linda Ichiyama,

Vice Chair Mahina Poepoe,

Cory M. Chun

Sonny Ganaden

Mark J. Hashem

Dee Morikawa

Gregg Takayama

Kanani Souza

I strongly oppose the House Bill No. 84 (“HB 84”) for the following reasons:

I am concerned that this bill is flawed and has the potential to result in substantial legal issues. The stated purpose of the proposed amendment in HB 84 is to enable the Counties to eliminate or amortize land uses and structures that are used for residential or agricultural purposes. Although this may appear to be an innocuous delegation of authority, the proposed changes could conflict with constitutional rights as well as existing state statutes. Such changes would potentially cause numerous unintended consequences. Furthermore, to the extent that these changes ultimately lead to a deprivation of vested rights of existing, residential homeowners, they would likely result in substantial litigation. For these reasons, we would strongly urge that the Committee not pass this bill.

Also, please take those into consideration as reasons the Committee should not pass HB 84.

1) In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption? DPP can't even process a simple building permit in a timely manner!

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to

move toward providing living wages to their members. This Bill will take away your constituent's ability to make living wage.

3) Please reject this Bill as the State needs to continue some authority in Zoning. Our residents and local economy depend on the check and balances that currently exist between the State and Counties.

Thank you for your consideration, and the opportunity to provide comments on this critical measure.

Name Amika Hisamoto.

Date 2/12/2023.

HB-84-HD-1

Submitted on: 2/12/2023 10:53:31 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mikael Fredstrand	Individual	Oppose	Written Testimony Only

Comments:

I'm a property owner who have been doing hosted vacation rental without any complaints from neighbors and paid all the taxes involved. I'm very surprised to hear from the legislators that this bill will solve complaints from neighbors, as the county reports of almost no complaints, or solve the housing problem.

The logic from the legislators seem to be that property owners renting one or two bedrooms to tourists or travelling nurses will instead rent long term to poor people. When I talk to other property owners in the same situation as me I understand no one wants to rent long term, >180 days, having people or families move in to your house permanently. Especially as rental contracts can be very difficult to terminate even though the rent is not paid. What if a couple move in and they get a baby? There are many problems with long term renting. I and the other property owners I talk to will just stop renting altogether, which in turn will just make the problem worse. Especially for travelling nurses, exchange students and other short term visitors. The only business who will win from this is the hotel business, which can increase their prices, which in turn make tourists go elsewhere and make the economy of Hawaii and Hawaiiin families worse off.

Re: TESTIMONY OPPOSING HOUSE BILL NO. 84

Dear

Chair Linda Ichiyama,

Vice Chair Mahina Poepoe,

Cory M. Chun

Sonny Ganaden

Mark J. Hashem

Dee Morikawa

Gregg Takayama

Kanani Souza

I strongly oppose the House Bill No. 84 (“HB 84”) for the following reasons:

I am concerned that this bill is flawed and has the potential to result in substantial legal issues. The stated purpose of the proposed amendment in HB 84 is to enable the Counties to eliminate or amortize land uses and structures that are used for residential or agricultural purposes. Although this may appear to be an innocuous delegation of authority, the proposed changes could conflict with constitutional rights as well as existing state statutes. Such changes would potentially cause numerous unintended consequences. Furthermore, to the extent that these changes ultimately lead to a deprivation of vested rights of existing, residential homeowners, they would likely result in substantial litigation. For these reasons, we would strongly urge that the Committee not pass this bill.

Also, please take those into consideration as reasons the Committee should not pass HB 84.

1) In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption? DPP can't even process a simple building permit in a timely manner!

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out

small concessions to move toward providing living wages to their members. This Bill will take away your constituent's ability to make a living wage.

3) Please reject this Bill as the State needs to continue some authority in Zoning. Our residents and local economy depend on the check and balances that currently exist between the State and Counties.

Thank you for your consideration, and the opportunity to provide comments on this critical measure.

Name Hitomi Yokoyama.

Date 2/12/2023.

HB-84-HD-1

Submitted on: 2/12/2023 11:46:43 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cloe Cadiz	Individual	Oppose	Written Testimony Only

Comments:

As a young person (24y/o) born and raised here in Maui, my ability to remain in my home is given to me by my Kū‘au vacation rental. I proudly own, manage, and clean my property with the goal of sharing an eco-friendly, conservation-guided lifestyle with my guests. I receive great job satisfaction, as well as heart-warming feedback from guests that are inspired by my personal touches to care for the environment.

In 2022, I became a caretaker for my grandfather, which entailed many flights between Maui to Oahu. I could not have been there for him and my family if I didn't have my job managing my vacation rental, which allows me a flexible schedule. If I lose my ability to host, I will likely have to move away from the land that makes me kama‘āina, as well as my parents, and my entire community.

I am committed to responsible practices and fair regulations. I support a balanced approach to addressing challenges and a collaborative approach with local stakeholders. This bill is anti-small business and will have unintended and large impacts on the state of Hawaii's ability to benefit from the tax revenue from taxes such as the general excise tax and transient accommodation tax that rentals like my own contribute so much to.

HB-84-HD-1

Submitted on: 2/12/2023 11:48:42 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
richard liebmann	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this overreach by the state government.

As a longtime resident of the big island and kapuna, I count on my short term rental to help my wife and i with our monthly expenses.

Linking short term rentals with the affordable housing crisis here in Hawaii is unproven and totally misguided. Where are the studies? What impact will this rash proposed legislation have on the thousands of families here in Hawaii the depend on their short term rental to provide them the necessary funds to continue to live in their homes?

Again i strongly oppose this bill.

Sincerely,

Richard Liebmann

HB-84-HD-1

Submitted on: 2/13/2023 1:41:54 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Fitzpatrick	Individual	Oppose	Remotely Via Zoom

Comments:

For hearing on HB84 HD1 - on T. Feb. 14, 2023

Aloha Members of the HI State House Committee on Water and Land,

Good Morning. I oppose HB84.

I am a kama'aina, third generation owner of a beach house on Oahu. It was passed down in my family, by my grand parents. They were fortunate enough to have purchased it in the 1930s, when my grandfather worked in Waialua. And it remains in the family today.

I oppose HB84, HD1: this bill would give Hawaii counties the authority to enact ordinances, to be able to "phase out" "permitted, nonconforming, or otherwise allowed short-term rentals" in any zoning classification. This power is a bit terrifying, because it could do us, and many others, harm.

We are good and responsible owners of this property and we are only able to keep it thru renting it out short term, to keep it going, keep the upkeep on this 100 year-old wooden beach house, and to keep it in the family. Otherwise we might have to sell it -- and it would go to the highest bidder

and inevitably be torn down -- which would mean that yet another unique original Hawaii home, originally started in the 1920s as a fishing shack, would be destroyed. Yes, this could be the result of HB 84, allowing Hawaii counties the right to simply remove our categories, our classifications, where we are permitted now.

Thank you for your time and consideration. Please Oppose HB 84.

HB-84-HD-1

Submitted on: 2/13/2023 4:12:46 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Young	Individual	Oppose	Written Testimony Only

Comments:

In Honolulu Bill 89(2019) was suppose to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was suppose to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption?

The vast majority of short term rentals operate legally, including properties with Non-conforming use certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. This bill will take away your constituent's ability to make living wage.

Please reject this Bill as the State should maintain some auroharity on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

HB-84-HD-1

Submitted on: 2/13/2023 4:39:01 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Fender	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee,

I am writing in opposition of House Bill 84 giving Hawaii counties the power to phase out permitted non-conforming short term rentals.

My husband and I are the owners of a second home/ condo that we use as a short term rental in a community called Puamana on Maui. Puamana is a planned community that has allowed short term rental of units for more than 50 years. This right played an important role in our decision to purchase a home in Hawaii just last year. If passed, this bill could take away property rights that were guaranteed to us when we purchased our home. This outcome would be financially devastating for us. Not only would the property value decline significantly (as would the property values through the community and in communities like this across the state), but without the ability to rent the home, we would no longer be able to afford to keep the home.

Short-term rentals have a significant positive impact on families and the local economy, providing lodging to visitors from within and outside the state of HI. They support families and stimulate the local economy as visitors spend money in local business ranging from retail stores to restaurants to activity based suppliers. Short term rentals also support local workers in areas such as construction and cleaning. Short term rentals directly contribute finances to the economy; for instance, they bring in 37% of real property tax in Maui County and 15% of the Maui County overall operating budget. Short term rentals contributing to the overall well being of the HI economy by contributing GET and TAT taxes.

Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry that is vitally important to the economy in Hawaii.

Please oppose this bill.

Yours truly,

Anne and Christopher Fender

HB-84-HD-1

Submitted on: 2/13/2023 4:51:53 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tracey stefanyk	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Thank you for the opportunity to speak to this issue. As someone who has friends in the housekeeping industry in Maui, I know how devastating this legislation would be to them and their families, who rely on the work provided by short term rentals to support their families. It would also have a crushing impact on other small businesses such as surf schools, snorkel and board rentals, cars rentals, luaus, tours, restaurants and gift shops. The people who rely on these businesses for work would find themselves unemployed, and many small businesses owners would lose their businesses. This legislation is a recipe for mass unemployment and economic ruin for the island. It should not be passed.

HB-84-HD-1

Submitted on: 2/13/2023 5:15:50 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Faruq Ahmad	Individual	Oppose	Written Testimony Only

Comments:

I urge you to reject this bill. It is an unwarranted attempt to potentially allow the curtailment of legal vacation rentals in the resort zone. It seems to be an obvious attempt to reduce competition, and will have a negative effect on the entire service industry that supports vacation rentals.

HB-84-HD-1

Submitted on: 2/13/2023 5:24:07 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rowly Johnson	Individual	Oppose	Written Testimony Only

Comments:

We have rented our home for much-needed income to respectful guests on average for a week or two each month over the past five years. We have never had any complaints or problems as responsible Owners, regularly checking in with our neighbours who are supportive. What is the problem you think you are fixing with more restrictions? We individual Ohana Aina don't have the big bucks of powerful hotel lobbies but we directly contribute to Hawai'i's economy. Why can't you leave us alone to feed our families in peace with income that we have worked hard to secure?

HB-84-HD-1

Submitted on: 2/13/2023 5:40:15 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Colleen Costello	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB84 for the following reasons:

1. Takes away constitutional property rights.
2. Eliminates an added income stream for many families in need.
3. Severally impacts local businesses who depend on tourist dollars for support. This included longer term renters who support the economy by staying somewhere besides a hotel.

HB-84-HD-1

Submitted on: 2/13/2023 5:56:03 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sebastyen Jackovics	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 84. Stop incompetent and corrupt officials from taking away our state legislated property rights. Giving them absolute power will corrupt them absolutely. We need proper separation of powers so that only reasonable and well conceived laws go into effect. Letting corrupt local take away more of our rights we depend upon is the wrong way to go. Focus instead on making permitting processes more fair, reliable and expedient. Oppose HB 84.

HB-84-HD-1

Submitted on: 2/13/2023 6:03:57 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Napua Fetzer	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84 because it takes away important checks and balances between the State & County as well as property rights for individual property owners. STRs with or with/out NUCs done respectfully and responsibly are important to the very fabric of our islands. They provide an alternative to the hotel experience and are more affordable for visitors, temporary workers and people relocating to Hawaii. There's also the tax revenue generated from STRs to consider.

HB-84-HD-1

Submitted on: 2/13/2023 6:06:39 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcel Hernandez	Individual	Oppose	Written Testimony Only

Comments:

From:

Connie and Marcel Hernandez

47-4628 Honokaa-Waipio Road

Honokaa, HI 96727

808-775-0946

My wife and I have a facility at the above address designated with a special permit as a “Retreat Center” and in this capacity have overnight guests. We collect and pay all our taxes, as required.

Private vacation rentals owned by individuals have operated for many years in Hawaii with very few difficulties. The present plans to enmesh these small businesses with layers of regulations and is another blow against the long-time Hawaiian principles of private enterprise and family-run businesses. Large hotels control the market in Hawaii and small businesses should not be held in the same light as large corporations.

The vacation rentals are self-regulating in many ways:

1) Vacation rental sites like VRBO and Air B&B grade the rentals in terms of amenities and guests’ reviews and the poorly-run rentals receive poor grades. Many rentals eventually fade away.

2) The guest reviews also help inspire upgrading of the rentals. Most vacation rental owners have added amenities and made adjustments in response to guests’ reviews.

The cost of living is high in Hawaii and people are struggling financially. The proposed layers of regulatory hoops are not in the best interests of traditional Hawaiian mom and pop businesses

and will further decrease the ability of individual citizens to earn a living in the State. Let us self-regulate instead of expanding government interference into an area that is doing fine without government micro-involvement.

HB-84-HD-1

Submitted on: 2/13/2023 6:21:46 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Dachtler	Individual	Oppose	Written Testimony Only

Comments:

Bill 89 & Bill 41 both relied on DPP for enforcement of STRs. DPP has not been able to effectively manage or enforce those laws. The legislature should not give DPP additional authority when they are unable to manage existing enforcement, have issues with corruption, staffing and can not even manage to issue building permits in a timely manner.

HB-84-HD-1

Submitted on: 2/13/2023 6:25:21 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer W Spencer	Individual	Oppose	Written Testimony Only

Comments:

Hello

We strongly oppose Bill 84 for the following reasons:

- Short-term rentals have a significant impact on families and the local economy. By providing lodging to visitors, they support families and stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses.
 - Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui county operating budget.
 - Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.
 - During times of inflation and rising prices, short-term rentals provide essential economic support for local families and the broader community.
 - They are not only a valuable option for mainland visitors but also for local families traveling within the state.
 - Short-term rental owners and operators are committed to responsible practices and fair regulations. They support a balanced approach to addressing challenges and a collaborative approach with local stakeholders.
 - Achieving a sustainable future in Hawaii requires cooperation and collaboration among all stakeholders. Short-term rentals play a crucial role in allowing families to benefit from the tourism industry.
-
- HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses and renting their homes to visitors, traveling nurses, and other essential workers.
 - If passed, this bill could take away property rights guaranteed to owners when they purchased their homes. The outcome could be devastating for responsible property owners who could lose their businesses.
 - I urge the Hawaii State Legislature to take into account the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small

businesses, and the decision-making process should not move forward without giving due consideration to the input from the community.

Thank you for our consideration and we urge you to not pass this bill.

Sincerely,

Jennifer Spencer

HB-84-HD-1

Submitted on: 2/13/2023 6:48:17 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimberly Bankston-Lee	Individual	Oppose	Written Testimony Only

Comments:

We oppose HB 84. We purchased a property zoned "condotel" on Maui in 2003 and conduct short-term rentals, a permitted use under the zoning classification. While we appreciate and understand Hawaii, like many markets worldwide, is looking for solutions to a housing affordability crisis, we believe HB 84 is counter intuitive as it would remove many of the economic drivers for the state and county (primarily the taxes generated but also the many jobs that include rental property management, cleaning, maintenance & repair, etc). Allowing short term rentals has been a win-win for the state and for small business owners.

Instead of penalizing small business owners, we propose the state and counties focus on long term solutions which should include the development of housing that is restricted to resident-occupied owners or renters, a model that has been successful in other markets worldwide.

We look forward to more long-term and sustainable options from elected representatives.

Thank you

HB-84-HD-1

Submitted on: 2/13/2023 6:59:13 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Winnie Boonyaratanakornkit	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Jerry and I are owners of a NUC licensed home in Kailua and we oppose HB84 as that will severely impact us financially.

Both my wife and I have grew up loving Hawaii. We have many Hawaiian friends and we frequently visit the island multiple times a year. Both of my children visited when they were in my belly and Hawaii was their first trip as soon as we could fly with them.

When we were thinking of retirement, we knew Hawaii was where we were going to end up in. As we were still quite a number of years away from that, we started financially planning on how to do this.

We decided to put all of our retirement savings into this Kailua home as our thought process was that while this was an investment, we could still enjoy it, and we could then fully enjoy it when we retire. HB84 would destroy this plan.

When we purchased the Kailua home, it was in poor condition as it had been neglected. We immediately hired local designers, architects and artisans to use Hawaiian made products to rebuild the home. We worked closely with DPP to make sure everything was done according to the rules and engaged with our neighbors to be unintrusive.

We constantly engage with our neighbors to maintain the property and have never received a complaint in our entire time owning the property.

We agree that NUCs that do not follow the rules, that causes disturbances, should be warned and potentially removed, but legal owners that follow the rules, that work well with neighbors, should not be penalized. The passage of HB84 and loss of the NUC would financially destroy us as we have put all of our savings and our love into this home.

Sincerely,

Winnie+Jerry

HB-84-HD-1

Submitted on: 2/13/2023 7:06:51 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
CHRISTY L LINS	Individual	Oppose	Written Testimony Only

Comments:

I own two short term rental properties in Kona and have owned them since 2007 and 2009, respectively. Over those years I have spent thousands and thousands of dollars in the local economy to supply, improve, and maintain those properties. I make semi annual trips to visit the island and always bring friends or family to explore and support it, bringing additional dollars to restaurants and activity providers and encouraging friends and family to visit, even when they're not traveling with me. Additionally, I have consistently and timely filed and paid all tax returns. While I understand the need to ensure that locals have affordable places to live, I don't believe the counties should be able to phase out permitted short term rentals, especially for those homeowners who have filed their reports timely and paid all the necessary taxes. This will negatively affect the real estate market as well as the amount of visitors that come to the island, ultimately affecting the residents. I can imagine this situation having a similar, although less drastic, effect on the residents and local economies as the covid closures did. I think a moratorium on future vacation rental permits is a better solution than giving the counties the ability to take away homeowners rights.

HB-84-HD-1

Submitted on: 2/13/2023 7:14:27 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mali Hawes	Individual	Oppose	Written Testimony Only

Comments:

Bill 84 is a harmful and transparent attempt to shut down competition on behalf of the corporate hotel industry. As just one example, it will devastate the economy of the Oahu's North Shore where I live. Please do not forward this bill out of committee, and keep the interest of Hawaii's residents - your constituents - as your priority. Not global corporations.

HB-84-HD-1

Submitted on: 2/13/2023 7:25:03 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Irene Yamagata	Individual	Oppose	Written Testimony Only

Comments:

Dear Governmental Committee,

My family owns a condominium at Lahaina Shores Hotel. Our father was an original owner and was born in Hawaii. Our family uses the unit when we visit Maui but we also rent when we can.

I think it would definitely hurt Hawaii's economy if BB84 passes. We know that without tourism, many residents will not have work, tourism dollars will be impacted. I think many owners will be forced to sell their property. Owners bring a lot of money to Hawaii because tourists spend a lot of money. If there is no property to short term rent Hawaii's economy will sharply decline.

I hope HB84 does not pass.

Irene Yamagata

HB-84-HD-1

Submitted on: 2/13/2023 7:39:52 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Penny Lee	Individual	Oppose	Written Testimony Only

Comments:

With these bills they are trying to legislatively weasel themselves out of ongoing court proceedings 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 under 30 or 180 days as non-residential uses, or just look at bill 41 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.

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.

What State Rep. Daniel Holt is calling "closing a legal loophole" is actually stealing your property rights.

HB-84-HD-1

Submitted on: 2/13/2023 7:46:05 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Schwalbe	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am opposed to HB84.

As you know, short term rentals generate large tax revenues from GET/TAT and Property Taxes that benefits the State and Counties. Moreover, short term rentals employ a large number of small businesses from housekeepers, laundry services, handypersons, plumbers, electricians, and property managers.

Disallowing rentals under 180 days could eliminate month to month rentals for those in need of temporary housing, such as traveling nurses and relocating families for short term needs.

If this bill passes it will allow counties to adopt ordinances that could restrict an owner from offering their residential property for rent, which interferes with the right of an owner to use their property.

Mahalo

February 13, 2023

Re: HB 84

To Whom It May Concern:

We are the owners of Four Paddle unit 708 in Waikiki. The property is located in residential zoning and not resort zoning. We purchased our unit in August of 2001 as both our second home and an investment property for when we are away. We purchased this unit because it had the Non-Conforming Use Certificate (NUC) attached to it. We could have bought a higher floor with better views but opted not to because of the certificate.

During the past 22-years of owning our condominium, we have added greatly to the economy of the State and City. We pay all the required short-term rental taxes along with the NUC renewal fees. We employ a full-time management company that does our rentals and maintenance. The management team members are paid a living wage all driven by our legally allowed short-term rentals because of the NUC. Local 6 has made it perfectly clear that hotels do not provide a living wage to their employees. It is a constant fight for wage increases for hotel workers all along while the hotel chains make huge profits off the backs of workers. Our rental guest also drives the economy with every dollar they spent.

We have done two full renovations of the unit in the last 22-years. The last renovation was \$100,000. There is also yearly upgrading and replacing furniture and items. That's all monies which go directly back into driving the economy.

Over the last 22-years, we have done everything legally required by the State and City to maintain our NUC. Tourism is the majority of State and City budgets. Now with Bill HB 84 the Legislators want to change the rules yet again but this time it is against those with NUC who follow the law. The Legislator's created Bills HB 89 and HB 41 so that the DPP can monitor short-rentals. In 2019 when Bill HB 89 passed, the DPP was given enforcement powers over illegal vacation rentals and they have done absolutely nothing to date on enforcement.

This rental investment was also to help fund our retirement. We are now retired and rely on the legal short-term rental income. Now you are proposing to rip away the NUC's from those who have done nothing but follow the rules to the law. After 22-years of doing everything legally and contributing greatly the economy you want to change the rules. We feel this is unacceptable and wrong.

We recommend that the State reject Bill HB 84 as our residents and local economy needs there to be checks and balances between the State and Counties.

Thank you,

Charles Snider

Daniel Muzinich

HB-84-HD-1

Submitted on: 2/13/2023 8:04:00 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gildas Cheung	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I am giving a written testimony against HB84 because it gives DPP even more authority to enforce. Bill 89 and 41 has given DPP these authority and let's wait and see how DPP perform and give it time to see how housing, given the proper enforcement from these two Bills, will be effected. Additionally, vast majority of short term rentals operate legally and gives back jobs to local residents and businesses. Lastly, please reject this Bill as the State should maintain some authority and oversight on zoning over counties. This would reduce the checks and balance we have now between the State and Counties.

HB-84-HD-1

Submitted on: 2/13/2023 8:10:18 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniela Stevenson	Individual	Oppose	Written Testimony Only

Comments:

Short-term rentals have a significant impact on families and the local economy. The livelihoods of many members of our community are dependent on small businesses working for short term rentals.

STR are a valuable options for mainland visitors and for local families traveling within the state, while benefitting the state of Hawaii by generating revenue from taxes as GET and TAT.

Short term rentals owners and operators are committed to responsible practises and fair regulations.

This bill should not be passed without considering the input from the community.

Good morning everyone,

I am here today to oppose House Bill 84 and to show support for House Bill 1375. According to the report by the Department of Planning and Permitting dated November 22, 2022, there are 753 legal NCU's and 32 legal BB's and yet we have no representation during this legislative process. Why is this? We are legal and licensed for short-term rentals in the state of Hawaii, which directly contributes to the economic stability of the state, yet we once again find ourselves at risk of losing our livelihood.

Our house located in Lanikai has been a legal and licensed NCU for thirty plus years. During this time, there have been no weddings or parties held there. We've had no complaints from our neighbors with regards to our renters or the upkeep of our home. We have had families, some of them returning year after year to stay at our home because they prefer it to hotels. We provide garage space as well as two parking spots in the driveway for our guests. The families who stay with us want to be on the beach, AWAY from the crowded downtown areas and choose our home for the privacy it affords them.

Our families shop locally, support local family run restaurants such as Kalapawai Café and Buzz's. Our management and maintenance staff are comprised of locals shopping at businesses such as Hardware Hawaii. This all contributes to the local economy.

The current trend in family travel is moving TOWARDS home stays, not away from it. I ask you to reconsider your support of HB84 and think of the many families on Oahu who will suffer directly if this bill passes.

Thank you for your time and consideration.
Respectfully yours,

Mary Tochner

HB-84-HD-1

Submitted on: 2/13/2023 8:13:26 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Brockman	Individual	Oppose	Written Testimony Only

Comments:

As a Hawaii resident living in Maui County, I am against allowing the individual counties to create another way to remove peoples rights that were grandfathered to be phased out and removed. Most of these properties were built and developed for transient use, and this would be severely impactful to the lives of many residents with the potential to create job loss, devalued properties, not to mention the tax loss. People have worked hard and made investments that they rely on will not be ripped away from them and sets a tone of government distrust and wasteful time and energy in forseen legal battles.

Mahalo for your consideration,

Julie Brockman

As a Hawaii resident living in Maui County, I am against allowing the individual counties to create another way to remove peoples rights that were grandfathered to be phased out and removed. Most of these properties were built and developed for transient use, and this would be severely impactful to the lives of many residents with the potential to create job loss, devalued properties, not to mention the tax loss. People have worked hard and made investments that they rely on will not be ripped away from them and sets a tone of government distrust and wasteful time and energy in forseen legal battles.

Mahalo for your consideration,

Julie Brockman

HB-84-HD-1

Submitted on: 2/13/2023 8:15:12 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda C. Mitchell	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass HB84. There are many reasons to avoid passing this bill.

Property taxes at a higher rate than anyone else pays would be diminished. The TAT/GET tax would certainly be missed by the state.

If this bill passes it will allow counties to adopt ordinances that could restrict an owner from offering their residential property for rent, which interferes with the right of an owner to use and enjoy their property.

Short term rentals employ a large number of small businesses from housekeepers, laundry services, handypersons, plumbers, electricians, property managers.

Thank you for your consideration and protection of people's right to continue a business that has been legal.

HB-84-HD-1

Submitted on: 2/13/2023 8:21:15 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Peggy Kunewa	Individual	Oppose	Written Testimony Only

Comments:

Opposing HB-84

Impact:

I have resided on this island most of my life. I single handedly raised a child; I worked outside my fulltime job just to make ends meet. After retiring from the SOH in 2021, I receive a pension and SS benefits. Not enough to maintain a decent lifestyle in this high cost of living.

My 5 * STVR has been my saving grace. Tucked away in the Volcano Forest, I provide a service to my community by hosting visitors coming from all parts of the world that want to experience the beauty of the forest and the VNP. Leaving a very small footprint impacting our Aina, taking with them an experience of a lifetime. I employ a housekeeper, handyman and groundskeeper and manage my own listing. Always available 24/7 to answer any questions my guests may have. I have had to struggle through the 2018 lava flow and the pandemic when my business was shut down. I now have an SBA loan to payback from the help I received during this time.

Four years ago, I applied and received a NCR certificate after going through a very lengthy and complicated and expensive process. I am currently certified to operate a NCR-STRV. I survived the lava flow the pandemic the certification process and now you tell me that you want to shut me down!

The impact of this bill would be devastating to me, my future and my family to remain living here on the islands. I would either be forced to try and sell my home or take on another job. Causing a ripple effect, I would not be able to watch my granddaughter while my daughter works because she cannot afford to pay the high cost of childcare. This could lead to another native born to leave the island to relocate to another state.

I'm not getting rich off my STRV, I am simply trying to hold on to my home and sustain a comfortable lifestyle for myself and family.

I implore you to "rethink" this reprehensible bill.

HB-84-HD-1

Submitted on: 2/13/2023 8:27:23 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chaney Padaca	Individual	Oppose	Written Testimony Only

Comments:

As a long-term resident of the North Shore of Oahu for 30 years, I oppose HB84. The island of Oahu is all thrown into one, Honolulu City and County. The North Shore of Oahu does not need to lose the only short-term rentals currently grandfathered in by non-conforming use certificates. Our community relies on these rentals for employment and survival. The business in our small town of Haleiwa needs short-term rentals to survive.

Haleiwa hosts several annual surf events that bring in World athletes and their families. They need places other than Turtle Bay and Kuilima to stay. They stay anywhere from 30 to 60 days, and taking away the right of homeowners to rent to them is unconstitutional.

We are tired of the hotel lobbyists paying into this campaign to ruin the lives of locals in our community who survive on the income from these short-term rentals.

Why is everything pushed to the DPP when they can not be trusted? They have a history of being corrupt and can not even get the current bills and permits approved.

Please consider the small people of Hawaii that need the work and opportunity in our small town.

Sincerely, Chaney Padaca

HB-84-HD-1

Submitted on: 2/13/2023 8:27:32 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Juliana Cherry	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 84 because it could have a grave impact on my life. We have a vacation rental with a legal non-conforming use permit and we live on the property in our ADU apartment. My husband and I have lived in Kauai on this property for over a dozen years and just retired last year as we are in our 70s. We cannot live on Social Security alone. The income from the vacation rental is necessary. We have planned and arranged our lives counting on the fact that we are operating under the guidelines set forth by the county and state. We know there are many people, younger and older than us, who live on Kauai and have similar situations where they count on income from short-term rentals. This bill would be a huge impact on ourselves and many others.

The other aspect of the situation is that many visitors prefer to have more of a local experience rather than staying in a hotel or resort. We have hosted many multi-generational families who are happy to spend the day exploring our island of Kauai and then be able to return to a comfortable “home away from home” where they can prepare a meal and play games together or watch TV. And yes, this is a more affordable option for a family of 5-8 people. Is the state of Hawaii trying to discourage the common man, the little people, from being able to travel to and enjoy our blessed islands?

We hope that the state and counties can honor the arrangement made through the process of “grandfathering in” many vacation rentals and not cut off a flow of money much needed by residents of the Hawaiian islands. Plus the fact that the short-term rentals are a source of revenue to the state and counties via GE & TAT taxes and state income tax. We urge you to vote NO on HB 84.

HB-84-HD-1

Submitted on: 2/13/2023 8:29:57 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathie Schmid	Individual	Oppose	Written Testimony Only

Comments:

1) In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. **Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption?** DPP can't even process a simple building permit in a timely manner!

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. **This Bill will take away your constituent's ability to make living wage.**

3) Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. **Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.**

HB-84-HD-1

Submitted on: 2/13/2023 8:30:00 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James Cherry	Individual	Oppose	Written Testimony Only

Comments:

I have been the owner of a non-conforming use vacation rental since 2005. I have always complied with local Kauai requirements regarding our rental, including paying a large annual fee to the county. If HB84 is passed and our rental can no longer be rented to transient vacation guests the retirement income of my wife and I will be severely impacted. The grandfathered-in clause in our legislature is meant to protect the constitutional rights of the owner by preventing him or her from being deprived of the viable economic use of their property. HB84 if enacted would do just the opposite of the intended tenets of the Grandfather Clause.

Please vote NO on this measure.

HB-84-HD-1

Submitted on: 2/13/2023 8:32:47 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
George Hu	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84 because it will hurt Hawaii residents. Short-term rentals generate large amounts of revenue, employ many people who would lose their jobs, and would unfairly affect those who are seeking to stay temporarily for jobs.

HB-84-HD-1

Submitted on: 2/13/2023 8:37:04 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James Pepper	Individual	Oppose	Written Testimony Only

Comments:

I have been a property owner in Hanalei, Kauai for over 25 years. I have strictly followed all the rules and regulations allowing me to make our property available for short term rentals for that entire time. I understand the urge to eliminate short term rentals. Folks believe that by disallowing them, it will create more housing availability and without short term rentals, neighborhoods will be filled with long term homeowners instead of tourists.

This is not realistic. By disallowing short term rentals, especially in popular destinations, only wealthy owners can afford to buy homes, and more often than not, these homes are second homes. These properties sit vacant while the owners are off-island. This results in communities with residents without neighbors, and businesses without customers. Since Kauai has stopped allowing new vacation rentals, we are already completely surrounded with homes that sit vacant most of the time.

We have employed Kauai residents for all these years in the maintenance and improvement of our property. There is no way we'd be able to afford to continue to contribute to the community in that way if our ability to generate income were taken away.

HB-84-HD-1

Submitted on: 2/13/2023 8:42:02 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Mulvihill	Individual	Oppose	Written Testimony Only

Comments:

This proposed legislation is a source of great distress. We directly rely on the income from our short term rental on Maui (in our retirement), and many Hawaiiin families (cleaners, service providers, small business owners, etc.) directly rely on this income. Make no mistake - this measure could destroy the very thing that my wife and I worked so hard for so many years to acquire and would undermine the economic future of so many families living on the islands. I am sure you know that the short term rental industry as a whole overwhelming supports the economy on the islands. Our business allows ordinary people to visit the island (who might not otherwise be able to afford to come) and these vistors spend their hard earned money on our local businesses. Further, the short term rental industry pays property taxes (on values based on the short term rental income we produce) which adds up to nearly 40% of the property tax revenue on Maui. These taxes support innurmerable essential public services, and this revenue would be devastated if this bill were ever to be enacted. How could anyone think this is a good idea - especially in these hard economic times?" Please, we beg the Legislature to consider the horrific impact (and great emotional distress) this bill would have on the people in the community and we request that you respectfully reject this proposed bill.

HB-84-HD-1

Submitted on: 2/13/2023 8:44:12 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Gay	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern:

I wish to speak out against HB 84.

Language in the proposed legislation allowing counties to phase out permitted short-term rentals “where the county determines these operations are inappropriate” is much too vague and could be interpreted such as to allow county governments to act arbitrarily and without due process.

The language in the proposed legislation is of real concern to my family and should be to all families who rely on the income from their short-term rental properties. In our case, the income from short-term rental is what allows us to keep a home that has been in our family for four generations.

Of course, there are many things to be said for short-term rentals. They provide affordable lodging for visitors, especially large families, and they obviously help to stimulate the local economy as visitors spend money at local restaurants, shops, and small businesses. They are a valuable option for local families traveling within the state to visit other family members. And short-term rentals provide many jobs for maids, landscapers, handymen, as well as for all of the other people who regularly service and maintain them.

Short-term rentals brought in 37% of real property tax in Maui County, and more than 15% of the entire Maui county operating budget. Short-term rental operators also generate *a lot* of tax revenue for the State via the GET and TAT taxes.

It is, furthermore, simply a “red-herring” to blame legal, permitted short-term rentals for Hawaii’s housing problems. On Maui, for example, there simply aren’t enough legally-permitted short-term rental properties to significantly alter the housing situation one way or another.

Legal, permitted short-term rental owners and operators have demonstrated a commitment to responsible operation. The vague language included in HB 84 could pull the rug right out from under us.

In short, I urge the Hawaii State Legislature to take into account the perspectives of all those who may well be impacted by the language of the proposed legislation and vote either to reject it or at least to amend the language such as to permit a greater degree of fair and due process.

Respectfully submitted,

Craig Gay

25 Kai Pali Place

Lahaina, HI

HB-84-HD-1

Submitted on: 2/13/2023 8:49:36 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Barrackman	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It is based on false assumptions with nothing but rumor to substantiate Harm. There is no truth to saying a hosted rentals impactsrs of this are not truthful with their objectives to the constituents. They say we aren't after your jobs. However what they propose speaks volumes and will be used thru Zoning.

Clearly Planning and Building have failed their responsibility to facilitate planning and building g to keep pace....why give them more power to achieve what? To zone Islanders out of Business?

I want an impact study that proves we are harmful or vital to the economy.

Fix the planning and building departments.

Change the HAawaii electrician and plumbers only rules and allow owner builders to do this work to code.

We can fix the affordable housing if we target the demographic we want to encourage.

To keep the kids on island we have to make education and opportunity affordable.

We cannot try to fix the problem and not target the problem.

I want you all to answer exactly why you each think hosted rentals are harmful. So we can clearly know who is against us. I would like you all to understand they way you violate the privacy of my home with this Overreach. Let's try a quick simulation.

I want you all to draw up a house plan of your places ...designate where you sleep hand this over to the constituency and pay us 35 percent off the top of your income....feels wrong doesn't it?

How victimized would this make you feel if your government wanted you to submit this information?

People never choose War except when their on governments become tyrannical.

Stay out of our homes. We have rights we will defend.

.

Susan Barrackman

HB-84-HD-1

Submitted on: 2/13/2023 8:55:57 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa Harden	Individual	Oppose	Remotely Via Zoom

Comments:

I OPPOSE HB 84 completely. The short term industry is a VIABLE sector within Tourism and has been for over 50 years. Short term rentals serves a great purpose for the local residents then hotels do. Hotels and timeshares do nothing for the residents and they should not be a monopoly. We need some short term rentals for locals who have to fly to Oahu for medical care or surgeries (we even get residents from Guam for medical care).

Furthermore, short term rentals provide options for residents who are doing construction or need temporary housing for many other valid reasons.

Our economy can not support another "blow" and if you pass this bill, you will distroy what is left of a chance to recover from the COVID SCANMEDIC.

It is "unlawful" to take away the rights of property owners.

HB-84-HD-1

Submitted on: 2/13/2023 8:58:45 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bob Hansen	Individual	Oppose	Written Testimony Only

Comments:

Please, Please to not pass the draconian bill HN 84. We, on Maui, have devised a perfectly acceptable plan that ensures property rights, limits, and personal freedoms as well as protecting our neighborhoods for our local residents. We have strict rules which must be adhered to. Your bill seems to be something that the hotels would love but the small property owner would be hurt drastically. It seems that this Bill might be in response the improper response to illegal vacation rentals but would punish legal vacation rentals. What we need is a better way to detect and punish illegal vacation rentals.

Bob Hansen

Maui Citizen

HB-84-HD-1

Submitted on: 2/13/2023 9:01:16 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Roger Li	Individual	Oppose	Written Testimony Only

Comments:

As a property owner and business owner who created over 5 local employment jobs, I am against allowing the individual counties to phase out peoples' rights that were grandfathered. This is a short-sighted attempt and political suicide by any standard

Most of these properties have created thousands of local jobs which enable us to have a sustained economy and ecosystem. These properties were built and developed for transient use, and this would be severely impactful to the lives of many residents via job loss, devalued properties.

Not to mention hundreds of millions dollars of tax loss to the counties, which could and should be used to improve infrastructure and help improve people's life, instead of shooting into our own foot by cutting the tax sources.

Last but not the least, there will be guaranteed lawsuits & class actions against counties. That will destroy the world's faith in Hawaii state, which will damage our reputation which has been well built for years and divert economy elsewhere. This is NOT a cost that anyone of us can afford.

Mahalo for your consideration

HB-84-HD-1

Submitted on: 2/13/2023 9:06:21 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Croft	Individual	Oppose	Written Testimony Only

Comments:

I very much oppose HB84 as it removes important checks and balances between our State and County-level oversight statutes. Those operating with legal non-conforming certificates and/or short-term rental permits should not have their livelihoods put at risk every time a new City/County Council is elected. It's no secret that the biggest campaign donors for our local politicians are the hotels. Why should the interests of the hotels outweigh the interests of the many upstanding local members of our communities? What benefit is gained by threatening the security and stable income that STRs and NUCs provide to many members of the local communities? Why should responsible NUC holders STR holders be targeted?

There is no other local industry that has been targeted and politically hassled as much as legal short-term rental operators. HB84 will only put this hard-working group at more risk.

Short-term rentals are an important component of the State's ability to provide housing on the islands. We accommodate traveling nurses, family visiting loved ones, contractors and other non-vacationers that need affordable housing to help support our island's needs. Giving full authority to the Counties will only jeopardize this.

I own a Short Term Rental permitted property, and am also a neighbor to a North Shore property that operates several NUCs. I have never had an issue but would simply contact the Owner if I did. She has operated her decades-old family business with integrity and thoughtfulness for her neighbors. The North Shore would not be the same without this "institution" that offers affordable accommodation to surfers and surf enthusiasts of all ages. Why should she and other responsible NUC/STR holders be targeted?

State oversight is in place for a reason. It provides a backbone or safety net so that there is some continuity in zoning laws. Please show your support for those of us that have been operating legally, paying our taxes, hiring living-wage employees, and providing Aloha to our visitors.

HB-84-HD-1

Submitted on: 2/13/2023 9:13:03 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Jager	Individual	Oppose	Written Testimony Only

Comments:

Thanks to the short-term vacation rental opportunity, it was 30 years into our marriage when we were finally able to explore Maui for the first time. It was the most memorable vacation. There was a guest book in the condo which we ended up reading the entire book filled with joy and happiness from past travelers from all over the world. This is the reason why we started our own vacation rental in Maui with a hope and passion to share the beauty and our love of Maui with many others.

Instead of the fruit platter at the hotel, our guests explore local farmers markets to enjoy locally grown produce. Instead of lunch or cocktails served by the pool, our guests explore local restaurants, food trucks, and happy hours. Instead of dining out at on-site resort hotel restaurants, our guests explore local stores to cook with local fresh ingredients. We actively take a great part of promoting local businesses. We now have many repeated guests, and some of them even get involved in the local volunteer activities because they grow to care about communities.

Short-term vacation rentals can offer unique experiences nothing like the commercial resort hotels can offer. It's important that people understand that there is more to it than just letting people stay in our home to make money. It involves kindness, politeness, caring of resident neighbors, respect for rules as well as local people and cultures, and gratitude which is all the best form of humanity. As owners, it is our opportunity and responsibility to promote it in order to contribute towards community health and growth.

Bylaws and regulations could weed out owners who are not prepared to adhere to bylaws or rules. We already heard from our guests worrying about not being able to stay in our condo anymore. Instead of banning all together, could you please look for the ways to save the quality of short-term rentals in Maui and across Hawaii?

HB-84-HD-1

Submitted on: 2/13/2023 9:14:44 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Koller	Individual	Oppose	Written Testimony Only

Comments:

I own a short term rental property on Maui. I am retired and depend on the income from my STR to augment social security. That said, STRs provide many benefits to the community as well.

Short term rentals not only provide lodging for visitors, more importantly, they provide jobs (cleaners, gardeners, small businesses) and stimulate the local economy (restaurants, shops, activities). This is especially important during times of inflation and rising prices.

STRs contribute significantly to the tax base through property, general excise and transient accommodation taxes. These taxes support essential public services which would suffer should this legislation pass.

STRs are an important option for mainland and local island visitors since they are often more cost effective by allowing families to stay under one roof, rather than pay for separate rooms in hotels.

I ask the Hawaii State Legislature to consider these issues when making their decision on HB84 and vote to oppose this legislation.

HB-84-HD-1

Submitted on: 2/13/2023 9:22:20 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lewis Whitney	Individual	Oppose	Written Testimony Only

Comments:

My wife and I are in our mid-70s we count on temporary rental income in order to pay our bills including our mortgage HV 84 would destroy housing on the big island. The county has never indicated what the problem is and why this bill was written, please vote this bill down. It affects the lives of thousands of people on the big island who rely on rental income Mahalo for your help.

HB-84-HD-1

Submitted on: 2/13/2023 9:22:29 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ralph Hasegawa	Individual	Oppose	Written Testimony Only

Comments:

Aloha, i am a resident of 'Aiea Amd i oppose this bill because it allows Counties to remove grandfathered uses that are or were legal. Mahalo, Ralph

HB-84-HD-1

Submitted on: 2/13/2023 9:25:43 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael F Hamerlik	Individual	Oppose	Written Testimony Only

Comments:

Thank you for the time and sacrifice you give to do the important work as a member of the Hawaii legislature. As a former legislator in my home state, I know of the personal sacrifices that public service requires, as well as the many difficult issues that you must consider.

I write today asking for your opposition to HB84 regarding short term rental properties. My family has been vacationing in Hawaii since 1998 when our kids were young, and it remains our favorite destination!

Initially, our stays were in hotels. But as our family has grown and now includes grandchildren, a traditional hotel no longer serves our family's needs. For the past seven years, we have annually used two separate licensed Short Term Rentals in Maui County. Both have fit our family's needs perfectly.

The owners/managers of the properties we have rented have always been clear about the unique nature of these rental opportunities, and that no loud parties or other shenanigans would be tolerated. We have been told to behave like a good neighbor. I believe that we have respected the unique neighborhood qualities of these homes and the behaviors that are expected of visitors.

Unfortunately for us, the inability to have the option of a residence for our family vacation will require us to vacation elsewhere where the option of a residential home exists, which is not a good result for us or for the hospitality industry in Hawaii. Hawaii has become a tradition for us, and one that we always look forward to enjoying.

Thank you for your consideration.

Respectfully,

Michael F. Hamerlik

HB-84-HD-1

Submitted on: 2/13/2023 9:26:58 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Fikre	Individual	Oppose	Written Testimony Only

Comments:

I write to express strong opposition to HB84 HD1. The phasing out of non-conforming use permits allowing short-term rentals amounts to an unconstitutional taking of property rights. Owners of such properties have invested substantial sums to acquire, improve and maintain their licensed short-term rentals with the expectation that they would continue to enjoy the benefit of those non-conforming use rights. Affording counties the ability to eliminate those rights is unfair, and yet another indication of the growing tendency to vilify those who offer visitors to Hawaii an alternative to traditional resort hotels. The natural beauty of the state is something that everyone should have the opportunity to enjoy - not just full time residents fortunate enough to call the state their home. While concerns about traffic, parking and strained infrastructure are legitimate and deserve to be appropriately considered and addressed by local government - the answer is not to reflexively ban all short-term rentals because some residents find visitors to be an imposition on their way of life. Those who perceive their residency as granting them a monopoly on the enjoyment of the natural wonders of their island are misguided. HB84 HD1 is a step too far in the attack on short term rentals - threatening property rights and further jeopardizing the access of visitors who deserve to enjoy the beauty of Hawaii (and who contribute significantly to the local economy).

HB-84-HD-1

Submitted on: 2/13/2023 9:28:02 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joe Dorsey	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Joe Dorsey and I have owned two condominiums on Maui for more than fifteen years. I am in total opposition to House Bill 84, for the following reasons.

First, you are infringing on the fair use of my property in a legally sanctioned building used as a vacation rental, when I am not on island.

My properties are already taxed and a higher rate as vacation rentals, so the County and State will be losing transient accommodation tax revenue which my guests pay, when I am off island and able to rent my units during that time.

For these reasons it makes no sense to me, to try to remove revenue streams already in place and enjoyed by the County and State governments of Hawaii!

Mahalo for considering my NO vote on HB 84.

Aloha, Joe Dorsey, Maui County Property Owner

190 Hauoli Street, Units 409 & 410, Wailuku, HI 96793

HB-84-HD-1

Submitted on: 2/13/2023 9:34:13 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Axel Kratel	Individual	Oppose	Remotely Via Zoom

Comments:

This bill is misguided and doesn't benefit any residents except the hotel lobby. The hotel lobby is systematically enlisting all levels of govts in Hawaii to outlaw any accommodations outside of hotels. We have seen what the hotel lobby has pulled off on Oahu: a tourist hell called Waikiki and a complete ban on any alternative accommodations across the rest of the island. This is what the legislature now wants to export to the outer islands.

If the legislature is truly interested in empowering the counties, then it should pass a bill that empowers the outer islands to control all aspects of their land zoning so it can benefit the people of the outer islands. But doing the bidding of special hotel interests to continue this witch hunt on alternative accommodations across the State must stop. The fact that this bill focuses only on TVRs is proof it's not meant to empower the counties, it's just the same old hotel lobby work to shut down the competition,

We the people of Hawaii are sick of the exploitative hotel style beach going tourism, and we need alternative accommodations so we can accommodate eco-tourists and farm tourists. The State and legislature for example has done nothing to enable farmers to host overnight tourists to offset farm mortgage costs or promote ecotourism. There are many alternative accommodations such as hosted rentals that the State is re-classifying as TVRs that will get outlawed as a result of outfall from this bill.

I ask that the legislature stops doing the bidding of the hotel industry and instead starts to pass laws that encourages alternative accommodations that attract the kind of tourists that help local and puts money in the pockets of locals and native Hawaiians, and doesn't fill the pockets of the big mainland hotel companies.

HB-84-HD-1

Submitted on: 2/13/2023 9:35:09 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Dorsey	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Karen Dorsey and I have owned two condominiums on Maui for more than fifteen years. I am in total opposition to House Bill 84, for the following reasons.

First, you are infringing on the fair use of my property in a legally sanctioned building used as a vacation rental, when I am not on island.

My properties are already taxed and at a higher rate as a vacation rental. The County and State will be losing transient accommodation tax revenue which my guests pay, when I am off island and able to rent my units during that time.

For these reasons it makes no sense to me, to try to remove revenue streams already in place and enjoyed by the County and State governments of Hawaii!

Mahalo for considering my NO vote on HB 84.

Aloha, Karen Dorsey, Maui County Property Owner

190 Hauoli Street, Units 409 & 410, Wailuku, HI 96793

February 13, 2023

Hawaii State Legislature

RE: House Bill 84 H.D. 1

I am in opposition to this sweeping bill that would significantly affect short-term rentals properties.

This bill has a wide net that would allow County officials at their discretion, without cause, without specific instructions to phase out PERMITTED, short term rentals in ANY zoning. This is a broad brush that could destroy the lives of many who depend on this income.

The tax base for each County could clearly be affected by this as well since the short-term rentals bring in a significant amount of money into the coffers to operate the County.

It does not clearly spell out who/what/how any of this would be done and only states that it would apply to those the County deems that the short-term rental "operations are inappropriate". Is there a legal standard that can be applied to what is "appropriate"? This needs to be clearly spelled out.

The lives of many in each County who provides services to these short-term rentals can be completely changed by those who are looking through narrow blinders thinking this is a solution to the housing problems we are facing. Instead, it will place a huge burden on many without recourse.

I sincerely support OPPOSITON to this Bill 84 H.D. 1

Teri Sherrow
Maui, Hawaii 96753

HB-84-HD-1

Submitted on: 2/13/2023 9:52:46 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ragide Vahap	Individual	Oppose	Written Testimony Only

Comments:

The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificate, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. This Bill will take away constituent's ability to make living wage.

Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the countries can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

WRITTEN TESTIMONY: HB84

FEBRUARY 13, 2023

Aloha!

We have lived in Maui for many decades and are very fortunate to benefit from the great quality of life our island affords. To give back, our ohana has generously supported our community through charity donations and volunteerism.

This proposed legislation which may phase out short term rentals in any zoning classification is distressing since it will restrict our ability to rent property! Such action certainly affects our Ohana by prohibiting future rental opportunities in our own communities!

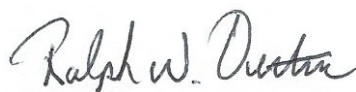
Crucially, short-term renting contributes to our livelihood, our retirement, our children, our grandchildren, and our great grandchildren's futures!

We do not understand who benefits from this proposed legislation! Please consider the negative impacts: 1) our keiki will be denied a future opportunity to help defray increasing cost of living; 2) residents will continue the need of working multiple jobs to improve quality of life; 3) shackles future attempts to keep family wealth by using real property investments; 4) boosts big resort business at the expense of small family businesses.

Lastly, if this bill passes and restricts us from offering residential property for rent, it seems to also violate our current rights regarding the use our property.

We hope that you will Consider our Concerns and oppose this proposed legislation!

Ralph W. Overton



Nancy Leis Overton



HB-84-HD-1

Submitted on: 2/13/2023 10:02:56 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ray	Individual	Oppose	Written Testimony Only

Comments:

Dear Members,

I am writing to express my opposition to House Bill 84. This bill, in its current form, takes away the rights of citizens to rent out their properties and imposes excessive regulations that will negatively impact the livelihoods of many families in our state.

Hawaii is known for its high cost of living, and for many families, renting out their property is a crucial source of extra income that helps them make ends meet. This bill would take away this source of income and make it even more difficult for families to afford to live in our state.

Furthermore, the overreach of this bill is concerning. It imposes strict regulations that are not in line with the rights of citizens to own and manage their properties as they see fit. This bill would infringe upon individual freedom and property rights, which is unacceptable.

In conclusion, I strongly urge you to reconsider House Bill 84. This bill will have negative consequences for families in our state and should not be passed. Instead, we should be looking for ways to support families and help them afford to live in Hawaii.

Thank you for your time and consideration.

Sincerely,

Adam Rose

HB-84-HD-1

Submitted on: 2/13/2023 10:19:27 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Dielman	Individual	Oppose	Written Testimony Only

Comments:

Short term rentals provide significant value to the State of Hawaii and its residents.

- State income from TA tax
- State income from GE tax
- State/county income from local (Maui County TA tax)
- Higher property taxes from out of state owners

Short term rentals support an economic eco-system the provide jobs for many residents:

- independent cleaning companies
- independent maintenance companies
- short term rental management companies
- real estate brokerages and agents

Short term rentals provide an opportunity for Hawaii visitors that cannot afford lodging in large resorts. These visitors spend their dollars in Hawaii supporting local business and residents

- independent boat charters (fishing, sightseeing, whale watching, snorkeling, scuba)
- small surf companies ...lessons...
- local shops selling HI products
- restaurants, bars, bakeries serving local fare
- golf courses
- local airlines and boats that provide inter island transportation
- support for Hawaiian heritage actiivities, parks...

The employment in Hawaii relies on visitors spending their money on the islands.

Restrictions in short term rentals would increase unemployment. Increase in unemployment and prosperity in other cities has resulted in increased crime, substance abuse and other activities costing the State more money and making it more dangerous for residents.

We also donate a portion of our income from short term rental to a local Hawaiian food bank to help those on island that need assistance. We have also volunteered for this organization when on island.

Please do not hurt Hawaiian local business and residents by putting further restrictions on short term rentals.

Thank you

HB-84-HD-1

Submitted on: 2/13/2023 10:25:05 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Pam Taylor	Individual	Oppose	Written Testimony Only

Comments:

Please oppose HB 84.

1) In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is.

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. This Bill will take away your constituent's ability to make living wage.

3) Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

Each year, legal STR owners on Oahu have been asked to pay more and do more to ensure that we are good neighbors. We have trusted that the DPP would responsibly manage the additional tax and registration monies that they have been given to do the work needed to preserve our neighborhoods. Please vote against HB 84 and hold counties accountable for the actions already taken. More government control is not good government.

For your consideration, I have some real world experience with a community eliminating Short Term Rentals in Vacation Destination areas.

The city of South Lake Tahoe, CA passed a very similar ordinance 3+ years ago. They re-zoned previous "Tourist Corridors" to residential occupancy ONLY- Eliminating short term rentals. They also restricted ALL Tourist corridors to 30 night minimum stays. These new regulations put 90% of the small local businesses OUT OF BUSINESS! The city's tax revenues dropped dramatically (I have a friend who works for the city). The Big Hotels were behind this initiative & They funded the whole campaign. It has been a disaster for small businesses and now City funded activities (think Snow removal and park maintenance) have fallen way behind. Abandoned buildings line the main thoroughfare. Hotel guests tend to stay in their hotels and not spread their spending around into the local community.

Also, the entire legality of restricting property use is currently being addressed through several lawsuits and ongoing appeals. These Lawsuits are costing El Dorado County money to defend.

<https://www.tahodailytribune.com/news/lawsuit-to-overturn-south-lake-tahoes-vhr-restricting-measure-t-in-judges-hands/>

I understand and support the goal to address housing shortages on Kauai, but with STR's already paying the highest occupancy tax, and highest Property Tax, some of that surplus money should be diverted to affordable housing instead of further restricting legal vacation rentals.

I believe it would be a mistake for Kauai to adopt this policy which will hurt so many local businesses and cause unnecessary litigation fee burdens to the County Budget. Where would the county make up for the loss of these significant tax revenues?

HB-84-HD-1

Submitted on: 2/13/2023 10:44:17 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Don Christopher Clark	Individual	Oppose	Written Testimony Only

Comments:

My wife was raised in Oahu and we are dual citizens of the US and Canada. We live in Canada 6 months and the Big Island for 6 months. We have owned a condo at Kona Balie Kai for 10 years, and while we are in Canada we rent it through a property manager.

In the interest of the citizens of Hawaii, the taxes we pay for the rental here support the State in many ways. Our real estate taxes are higher than permanent residents, and that difference isn't insignificant. Our place rents almost all the time, bringing visitors to the Island from around the world. These visitors come and spend money to support local businesses, and I fear that without the tourist industry, the people of the Island would suffer. I suspect that there's a lobby by the big hotels to end rentals through VRBO and other systems. But if you look into how much it costs to stay in one of these hotels, you'd have to surmise that many visitors couldn't afford to visit if they had to spend money on hotels instead of VRBO rentals that are considerably more reasonable.

So if you pass this legislation, who will suffer? I suspect it will be the small businesses and service workers who support this system of vacational renters.

I also might mention that our ability to remain here six months a year is dependent on bringing in income to pay for the costs associated with our condominium. If this were to pass, there would be a dramatic change in ownership resulting in difficultly maintaining the infrastructure of this and many other buildidngs on the Island.

We love it here and we need to rent our place in order to return every winter and enjoy this wonderful Island. Please don't pass this regressive legislation.

My husband and I strongly oppose House Bill No. 84. We worked hard to buy our condo but the last three and half years we have not been able to collect any rent when Bill 89 came out in June 2019 because we did not have a Non-conforming Use Certificate (NUC). Since we had the condo, we always paid our General Excise and Transient Accommodations Taxes along with all the other costs from insurance to high HOA fees. Never did we have a problem with any guests. Never were the police ever called. Never were we ever given any notice by the city or state government informing that we were operating our short-term rental “illegally”.

For years we were led to believe that we were operating in compliance with the City of Honolulu but then we were criminalized overnight for not being compliant by not having a NUC. No NUC stopped our ability to rent out the unit in fear of thousands of dollars in fines while Council meetings and discussions went on. Hoping for a resolution month after month and then year after year. Again, we have had no income to cover costs and save for our retirement for almost four years.

We patiently waited for a long time for a fair and reasonable resolution. Then we were delighted when Bill 41(2021),CD2 added the permitting of B&Bs and TVUs in the designated Apartment Precincts of the Waikiki Special District mauka of Kuhio Avenue, heavily populated with hotels and motels, which includes The Waikiki Sunset.

However, House Bill No. 84 now threatens the status of our condo unit as well as our livelihood. We reiterate that we have been without any income for almost four years for our unit that did not have a NUC while still paying bills and taxes from our savings. In the meantime, trying to work with the Honolulu City Council month after month and year after year for a fair resolution to continue to operate our short-term rental. We thought the Honolulu City Council finally agreed to the areas and terms for short-term rentals with the Honolulu DPP acting as the monitoring and enforcing agency for the City Council.

Now the Hawaii Legislature with a brush of your pens and after almost four years of meetings, revisions and testimonials by many citizens including: home owners, condo owners, cleaning companies, realtors, families and elderly residents who depend on their short-term rentals for extra income to military personnel and professionals who depend on short-term rentals to have as their home away from home with full kitchens; you threaten taking away our use of our condo as a short-term rental with, "... a zoning ordinance may provide for the amortization or phasing out of permitted, nonconforming, or otherwise allowed short-term rentals over a reasonable period of time in an area of any zoning classification."(p.6, HB. No. 84).

How are any short-term rental owners supposed to function knowing this dark cloud looms in the distance? It may go into "...effect on July 1, 3000" but how do we know if the Hawaii Legislature changes their minds and introduces another bill and decides it should go into effect sooner? Then do short-term rental owners need to immediately sell and flood the real estate market, when we begin to feel the negative policy and uncertainty against us from House Bill 84? We thought the Honolulu City Council was trying to make the effort over recent years of discussions in good faith to listen to concerns of all parties involved, especially independent citizens and not only large hotel biased conglomerates and wealthy backed hotel lobbyists. Now the Hawaiian Legislature wants to terminate all the good work and good will of the Honolulu City Council.

Is the Hawaii Legislature going to start drafting bills one day to direct that we should ALL have electric cars or ride bikes on the weekends because it has less carbon emissions and better for the common environment but allow factories to still function status quo? As it seems individuals must bend but hotels will continue to function the same according to House Bill 84.

We understand if you don't prescribe to *laissez faire* economics but seemingly a more *dirigisme* economic doctrine, but when will the

intervention be enough? Isn't it enough that the Honolulu DPP was designated to play a large role of enforcing the laws and ordinances of the Honolulu City Council over short-term rentals acting as the arm of the City Council? Aren't the large looming fees and fines enough to keep short-term rental owners compliant with rules and regulations? Now the Hawaiian Legislature wants to have the "amortization or phasing out" which is to abolish ALL short-term rentals in all forms over time even if they are permitted or have NUCs. This is like ripping the rug right from under many of us of a future livelihood and the convenience for many local families, tourists, military and professionals to use short-term rentals. You don't get the same experience in a short-term rental as a hotel room, which is nothing but a room, a bed and a refrigerator stocked with expensive snacks. The introduction of House Bill 84 stinks with hotel influence. The same hotels and motels who will benefit from abolishing all short-term rentals in Oahu and beyond in time.

Sincerely,

Mrs. Jane Moy and family

HB-84-HD-1

Submitted on: 2/13/2023 10:51:05 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Wilkinson	Individual	Oppose	Written Testimony Only

Comments:

Housing is, and has been for some time, a significant problem in Hawaii. Any legislation that provides for the ability of a county to eliminate housing for any individual based on unsubstantiated claims, public perception, or stale data is inherently wrong. Vacation rental unit volume is down more than 20% since 2019 (per Hawaii Tourism Authority stats). Why is the further reduction of this industry being hailed as the solution to affordable housing? In fact some recent studies have shown that while the rental supply reductions are highest among affordable units, it's those affordable units that offer the largest market expansion. That is, while short term rentals can harm local renters by reducing affordable rental supply, it also serves as a valuable income source and benefits local hosts who own affordable units; which hosts are less likely to be economically advantaged and benefit more from additional income sources.

IT'S THE OTHER SIDE OF THE SAME COIN. Affordable housing for renters or housing maintenance for those that would qualify for affordable housing based on income level.

Let's get some better data before removing state-level protections. Not doing so hurts so many people that are benefitting our community (nurses, military, professionals moving to the island, families needing a place to stay while their home is fumigated, etc.) not to mention the income is what makes living here possible for many on the lower socio-economic scale. And while we would hope our elected officials would legislate around these use cases, giving unfettered power to NOT do so is a tough pill to swallow. In a time where the public has lost trust in government entities that have enabled those in power to decieve and defraud the public of much needed housing solutions and failed to adequately account for public funds, giving these entities more power (and removing the state-level protections citizen have in 46-4(a)) is a very dangerous and slippery slope.

Please to not revise 46-4a right now. Now is not the time. Please defer until we have real, long-term, and substantial housing solutions in place that ADD housing not limit housing based based on duration. Force Counties to devise and work within zoning plans that create and add housing - not just play a game of musical chairs by moving residents around in already existing homes.

References:

Barron, Kyle and Kung, Edward and Proserpio, Davide, The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb (March 4, 2020). Available at SSRN: <https://ssrn.com/abstract=3006832> or <http://dx.doi.org/10.2139/ssrn.3006832>

Li, Hui and Kim, Yijin and Srinivasan, Kannan, Market Shifts in the Sharing Economy: The Impact of Airbnb on Housing Rentals (July 1, 2021). Management Science, Available at SSRN: <https://ssrn.com/abstract=3435105> or <http://dx.doi.org/10.2139/ssrn.3435105>

HB-84-HD-1

Submitted on: 2/13/2023 10:57:45 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly O'Brien	Individual	Oppose	Written Testimony Only

Comments:

I am writing to say that I strongly oppose HB 84.

HB-84-HD-1

Submitted on: 2/13/2023 11:15:04 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James Maxey	Individual	Oppose	Written Testimony Only

Comments:

I have visited Maui 5 years in a row and over 20 times in the past. I stay at a short term vacation rental the past five years. Without a short term home I will no longer visit Maui and will choose a different vacation spot. My contribution to your local economy on a single trip exceeds \$50,000 including flights, food, shopping, recreation and lodging. This bill will significantly impact your local economy in a negative fashion. Thank you for your time.

HB-84-HD-1

Submitted on: 2/13/2023 11:18:50 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr Marion Ceruti	Individual	Oppose	Written Testimony Only

Comments:

HB84 is a bad bill that will hurt families who depend on the income of short-term rentals to make ends meet. It will further contribute to the economic instability of Hawai'i, raise the cost of living, exacerbate the housing crisis, and force more residents to move to the mainland. It also will decrease TAT and GET collections, which means that the Hawai'i state government will have to decrease financial support for existing programs, or raise taxes. Thus, these consequences of this bill will be very bad for Hawai'i. The last thing we need right now is more zoning restrictions, which have been identified as the leading cause of the lack of housing in Hawai'i. Vote NO on HB84.

HB-84-HD-1

Submitted on: 2/13/2023 11:26:07 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Morin	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure as it will negatively impact a local industry that provides homeowners the opportunity to augment their income and an industry that provides employment opportunities for our residents (housekeeping, landscaper, pool maintenance, handy people, property managers, etc...).

Sincerely,

Noel Morin - Hilo

HB-84-HD-1

Submitted on: 2/13/2023 11:41:48 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
dan malone	Individual	Oppose	Written Testimony Only

Comments:

I totally oppose this bill. The bill would allow Hawaii county to retroactively eliminate VRBOS and shut down the vacation rental industry in Hawaii county. The VRBOS are important for the economy - they support local economy by brining in tourists who in many cases cannot afford the high-priced hotels as well as paying money to our local citizens to help manage, clean, maintain those VRBOs.

This bill seems to be very much supported by the hotel lobby! Support local poeple.

HB-84-HD-1

Submitted on: 2/13/2023 11:49:15 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrice Kaplan	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB84 as it removes important checks and balances between our State and County-level oversight statutes. Those operating with "legal" non-conforming certificates and/ or short-term rental permits should not have their livelihoods at stake every time a new City/ County Council is elected. It's no secret that the biggest campaign donors for our local politicians are the hotels. I just paid my \$1000. registration/permit fee on top of GE, TAT and OTAT taxes for my STR at Turtle Bay. Think of the tax revenue the state would be losing as well as tourism dollars by taking away the rights to short term rent!!

There is no other local industry that has been targeted and politically hassled as much as legal short-term rental operators. Please oppose this bill.

Mahalo

Patrice

HB-84-HD-1

Submitted on: 2/13/2023 11:50:33 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Hiratani Rough	Individual	Oppose	Written Testimony Only

Comments:

I am against HB84 as it severally limits my ability to pay my sky-rocketing property taxes. My taxes have increased 1,000% over the last 20 years. This is not an exaggeration! My assessment increased 36% from 2022 to 2023! I am dreading my 2023 tax bill because I cannot afford a 36% increase.

Without income from STR (short-term rentals), I struggle to pay my property taxes and may have to sell. This land was purchased by my parents in 1962 for a song and is the heart and home of three generations of my family. It would kill me to have to sell. Mostly likely, the buyer would be a millionaire from the mainland or Asia as local families cannot afford my property due to its overinflated value.

Please dismiss HB84 as it adversely affects local families who have legacy land and struggle to pay soaring property taxes.

Aloha, Lori Hiratani Rough

HB-84-HD-1

Submitted on: 2/13/2023 11:52:24 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurrie Zimmerman	Individual	Oppose	Written Testimony Only

Comments:

This is my testimony.

Chair Ichiyama, Vice Chair Poepoe and Members of the Committees:

I am writing today to OPPOSE this bill.

While I fully appreciate the challenges the counties face in protecting residential areas and housing for residents, and while I fully appreciate the hotel owners would like to reduce their competition, this measure is not the solution.

The counties have adequate tools to manage illegal and unlicensed vacation rentals, but this bill is not aimed at illegal or unpermitted vacation rentals.

- Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui County operating budget.
- Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax, incidentally, the highest transient accommodation tax rate in the United States.
- The bill proposes to allow counties to change the zoning affecting all types of non-hotel vacation rentals, whether legal, conforming, or permitted non-conforming in a range of zoning classifications. In all circumstances, this would equate to a government taking and therefore property owners would be entitled to just compensation.

The operation of vacation rentals has been legal in Hawaii since the 1960's and to adopt a law which eliminates a legal activity would be a material breach of public trust in the State government.

Owners purchased these properties with the legal right to provide lawful vacation rental as provided by approved zoning for such activity. To strip away the right to conduct a legal operation would impose economic hardship on the owners who rightfully would be entitled to recompense from the government.

Thank you for the opportunity to testify on this measure.
Sincerely, Laurie Zimmerman

Gino Arefi
15-905 Paradise Ala Kai
Keaau, HI 96749

Hawaii State Legislature
415 South Beretania Street
Honolulu, HI 96813

RE: HB84

Dear Legislature,

As an owner of a Short-Term Vacation Rental on the Big Island, I would like to speak out against HB84. The uncertainty created by this proposition would make it impossible to plan for the future when considering investing any further in Hawaii which, in turn, would cause a substantial decrease in taxes to the counties and state in the coming years.

I understand and support the need for counties to have more control over permits and zoning to better accommodate their individual needs, and even possibly phase out properties that have been allowed under state control but do not work within the county. However, this bill seems to propose an open-ended ability for counties to change the rules for whatever reason, whenever they decide to do so, and this is not a viable way to encourage business.

STVR's are in high demand worldwide, and Hawaii is no different. They are a great way to welcome more visitors without destroying more landscape to build bigger hotels and resorts. The popularity of this business model has been very lucrative for Hawaii's tax base and will continue to be as long as the owners can have some sense of stability with their investment.

The vast majority of STVR owners are highly vested in making sure they are responsible to both their customers and the communities in which they are located. I hope that there can be further discussion to make sure the counties' needs are met while maintaining stability for the owners who are doing their best to attract substantial numbers of visitors and provide quality, memorable trips to the islands.

Thank you for your time and consideration,

Gino Arefi

HB-84-HD-1

Submitted on: 2/13/2023 11:59:24 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Fritz Schneider	Individual	Oppose	Written Testimony Only

Comments:

Aloha. Please do not move forward with HB 84. It has the potential for catastrophic financial consequences for my family.

We own a permitted short term rental house on Maui. Based on the vacation rental regulations put in place in Maui County, we decided to go all in on a vacation rental in our community. We invested tens of thousands of hard-earned dollars and more than a year of hard work renovating our property, bringing it up to county code, and meeting all the requirements that the county put in place for permitted vacation rentals. When the county told us we could build this business, we put our trust in it. We have done everything right: dotted every "i", complied with every regulation, and paid every cent of tax owed. We put our livelihood on the line to build a business the county told us we could build. And now we face a financial disaster if the business our family relies on has to be shut down.

Please do not move forward with HB 84. This bill represents the potential for financial disaster for families like ours.

Aloha kakahiaka.

My name is Laura Bollinger. I am 72, retired, and a responsible conforming short-term vacation owner who has gone through the lengthy, strenuous and very stressful STVR processes each year of getting permitted as ordered by the County of Hawaii.

I've lived in Kona since falling in love with a Honaunau mac nut farmer in 1976. Divorced when my kids were 5 and 2, I raised them alone, *as a single Mom in Kona with no child support or welfare assistance*, by doing face-painting and animal balloons for parties. I struggled hard and by God's grace, at 50 I was able to purchase my home in Puukala...now my only income as a Senior Citizen with no retirement fund. I have relied on that rental income for 13 years.

With God's kokua, I managed to not go on welfare (though I came close a few times when I didn't know how I'd feed my kids) because I didn't want to be a burden to our beautiful State of Hawaii. Without short term rental I'd have no way to pay my mortgage or continue supporting myself in my last years of life. Without short term rental I would be forced to rely on the State for financial assistance and no longer have a place to live. I'm brought to tears thinking about this after struggling my whole adult life to care for myself and my family *on my own*.

I write this as a Senior Citizen of Hawaii County in good standing for over 40 years...begging you: *Please, please do not strip my source of income from me.*

Mahalo nui loa,
Laura Bollinger

HB-84-HD-1

Submitted on: 2/13/2023 12:12:33 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dylan way	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it would lose the ability to have my disabled family stay near me when visiting.

HB-84-HD-1

Submitted on: 2/13/2023 12:15:14 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steven Stecher	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84 because of the financial impact that this bill is likely to have on individual Hawaii citizen investors, including myself. After investing over \$2,000,000 to build a house and ADU in an approved vacation rental area on Kauai, the county would be empowered eliminate or phase out the right to engage in short term rentals in any area they choose. Such an action would greatly affect the financial security of investors in previously approved vacation rental property. In addition, the state receives GET taxes from short term rentals; and both the state and the counties receive TAT taxes from short term rentals. If these tax revenues are not needed, eliminate the taxes and leave Hawaii citizens' legal business activities alone.

HB-84-HD-1

Submitted on: 2/13/2023 12:15:24 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Merrick	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE this bill. My livelihood depends on my STR rentals in the LEGAL RESORT ZONE of Waikiki. The counties have proven they can not be trusted and only listen and act in favor fo the hotels and unions. On the phone prior to the final vote they told us they would make the changes to protect us (STR in resort zone) and carve that back out since we paid higher prices for and purposely bought in the legal resort zone but the caved to the hotels and unitions and not not only do we have to continue to pay the huge hotel property taxes but also pay huge registration and annual renewal fees PLUS jump through a lot of adde hoops hotels don't have to.

Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the counties can operate. Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.

PLEASE HELP!

Tourism is an essential part of Hawaii's financial health. It supports thousands of businesses and jobs. The pandemic certainly should have reinforced the vital dependency that Hawaii has on vacationers.

As an owner of rental property I know that there was only one good result of the pandemic: I no longer had to bother collecting GET and TAT revenue because there was none to report. In addition, I pay a significantly higher property tax because it is a rental property. If my property was not able to rent to vacationers, there would also be a drastic drop in its value as it would no longer be practical for investment.

I strongly urge the Hawaiian representatives to avoid shooting themselves in the foot and do all you can to defeat dangerous resolutions such as HB84.

HB-84-HD-1

Submitted on: 2/13/2023 12:27:46 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Goodman	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I am submitting this testimony in opposition to HB84. I understand HB84 is intended to help resolve multiple challenges we are experiencing on the island including the housing shortage for those who are seeking long-term rentals. I would like to provide another perspective on how HB84 will adversely affect the locals and tourist ecosystem on this island in both the short and long term.

Better solutions are available to solve these issues that would result in a win, win, win, win. A win for local families in desperate need of housing (and additional employment). A win for owners who can provide either STR and/or LTR housing. A win for the state both financially and infrastructurally. And a win for the corporate hotel industry – whom many of us are not naive to their influences to support this Bill.

Living on this island is expensive. That is not going to change or get easier. For locals, to say it is a financial struggle is an understatement. Most are now forced to leave their island, their generational homes, and their land at an alarming rate because they cannot afford to live here.

They are the groundskeepers, the housekeepers, and the maintenance crews. They are the behind-the-scenes of Costco, Target, Walmart, HPM, Home Depot, Lowes restaurants and all other tourism businesses. They are the road repair crews. They are the servers and dishwashers. They are the auto mechanics and detailers. They are the ones doing the jobs most of us are unwilling to do ourselves. They are the backbone, and they are essential to keeping the state of Hawaii operational.

And they are struggling.

They are struggling as most are not making enough income at full or part-time jobs at the big chain hotels or other businesses. They are not being paid enough to provide for themselves and their families. Most are forced to seek second and often third sources of income.

As STR owners, we provide local families with their second and third sources of income as part-time groundskeepers, housekeepers and/or property maintenance. As STR owners, if we are hobbled in our ability to operate it will domino down and we will no longer be able to provide these family's the jobs and additional income they need to survive here.

Being on the front lines, I saw the negative ripple effect Bill 108 has had on these families. Since no one spoke up for them and Bill 108 was passed, these families have since been forced to leave their island as their second or third sources of income quickly dried up.

And if more STRs are restricted or eliminated then more families that rely on us for their additional income cannot survive here. And like so many local families already have, they too will be forced to leave their homes. Then, this island will see a next-level of exodus and an even greater shortage of people who are willing and capable of keeping the tourism backbone of our island in operation.

HB85 must be, at minimum, put on pause to allow for innovative solutions to be presented, or the short and long-term negative ripple effects HB84 will have on the islands' eco-tourism as a whole, may quickly become unrepairable.

PART TWO

STR vs LTR as a landlord.

If you ask many of us if we be willing to offer LTR instead you will get a Yes but No answer.

"Yes, I would." - as it is easier and a more stable source of income with less overhead

BUT

"No, I will not" – due to the current lack of rights I have as a landlord here in Hawaii when dealing with a renter who does not honor their rental agreement.

The incentives for a renter to easily and comfortably become a squatter are very real and very scary for a landlord. The tenant/landlord rights are severely out of balance. I have already dealt with it twice. And I have seen it affect so many others as well and why so many have shifted to STR. The court systems are overwhelmed with these cases and have become such a misplaced drain on state recourses.

Due to the lack of rights and protection I currently have as a LTR landlord, I would rather keep a space empty with no renters in it at all than deal with the risk of the threat of another unfavorable tenant.

Before the passing of any Bill that is intended to help solve our LTR shortage the support and rights that a landlord has over their tenant must change too to incentivize us to feel safe to offer LTRs again.

To conclude: There are sets of win, win, win, win solutions that can be put into motion and HB84 is not it.

A start to develop mutual wins would be first supporting the rights of LTR landlords. As landlords, we need to be able to honor the island and protect our properties and investments.

A start would be to help us to develop functional work-trade for housing programs in a way that will allow us to maintain our STR businesses, and at the same time, offer safe housing for locals. This would be a significant first step that I am confident you would meet with much support.

A start is acknowledging how much the STRs experience we provide tourists is a major functioning piece of the tourist economic ecosystem of this island. If you further hobble STRs with restrictions, fines, additional costs, and fees, that will, in the end, prohibit many from continuing. Then, most tourists who prefer the STR environment/experience over a hotel stay in Hawaii, will simply take their money and spend it in places like Bali or Costa Rica or anywhere else STR experiences are available.

And it maybe it needs to be mentioned/considered that if the STRs are restricted/reduced so will the 10+% TAT and County taxes will be significantly and negatively affected.

Instead of HB84, support us as STR owners to continue to nourish and flourish the island's tourist economic ecosystem.

Instead of HB84, work with us so we may remain a desired vacation destination for tourists who will take their vacations elsewhere if STRs are limited or unavailable here.

Instead of HB84, support our ability as STR owners to continue to hire and support locals or they too will suffer.

Instead of HB84, allow us to come to you with even more win, win solutions so that we can "raise the whole ship".

Thank you for hearing my testimony and I hope for a better island for all of us.

HB-84-HD-1

Submitted on: 2/13/2023 12:32:56 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tom Fetter	Individual	Oppose	Written Testimony Only

Comments:

I have owned a large single family waterfront property on Keauhou Bay since 2013. We had comply with all provisions of Bill 181 and rent our property six to eight times a year for a total of approximately 100 days each year. Our family uses the property roughly an additional 200 days a year. Without the rental income it would be difficult for us to maintain the property. Without the availability of our rental 6 or 8 families would not have the opportunity of enjoying Hawaii from the context of a private home. We offer a unique opportunity compared to hotels. There is no room service, television in each room, food service other amenities provided in a hotel setting. To the extent that HB 84 would allow cancellation of short-term rentals which are in compliance with regulations we would strongly oppose the measure. We serve a niche market which is now adequately regulated. Tourism is why most important source of income. It should be served in a variety of ways. Short-term vacation rentals are one of those ways

Thank you for the opportunity to submit this testimony.

Tom Fetter

HB-84-HD-1

Submitted on: 2/13/2023 12:33:12 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Penny Lopez	Individual	Oppose	Written Testimony Only

Comments:

Short term vacation rental accommodations are vital to Hawaii. They provide income to the Hosts that allow them to afford to stay in their homes here in Hawaii. They provide affordable stays for residents, inter island visitors, and out of state visitors..All of this provides income for the State through the sale of products and services in addition to tax revenue from multiple sources including the TA taxes.

Before legislation is passed please consider the impact to all residents not special interests.

Thank you for receiving my opinion.

HB-84-HD-1

Submitted on: 2/13/2023 12:34:00 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Terry Kristiansen	Individual	Oppose	Written Testimony Only

Comments:

I am a farmer in East Maui on a 6 1/4 acre piece of ag land where our rainfall is between 250" - 300" per year. It is impossible to make a living wage farming on such a small piece of land without outside income. We have a one bedroom house and our O'hana operates as a legal B&B when it is not occupied by family and friends. Having this income has made it possible for us to live into our 80's and to be threatened by what might happen to us if HB 84 is passed is frightening as well as agrivating. There are no negative aspects to running a B&B on agriculturally zoned land. We bring in tax dollars that help pay for services in our County and State. There are no disturbances to our neighbors and we provide affordable accommodations in a community where there are few options for guests to stay. The Hana Maui Resort is not affordable for most visitors to the Island of Maui and B&B's fill a gap that has little to no detrimental effect. The phasing out of currently permitted entities on ag land makes no sense. Please do not take our right to live and surive on our land away from us.

Thank you,

Terry Kristiansen

HB-84-HD-1

Submitted on: 2/13/2023 12:45:39 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dustin Harris	Individual	Oppose	Written Testimony Only

Comments:

Your Honors:

Thank you for the opportunity to present my testimony. My wife and I have been traveling to Hawaii for almost 20 years now. We love spending time there and getting to know the local culture and spending time with the local people. Frankly, we are not hotel people. We enjoy staying in residences owned by individuals who live and love the land.

In fact, we love it so much that 3 years ago we purchased a place in Kapaa on Kauai. We would like to express our objection to Hawaii House Bill 84. This bill opens up the potential to eventually destroy the short-term rental opportunities for both owners and guests long-term. Short-term rentals have received a negative rap in the national media, but they are a huge benefit to individuals giving them an opportunity to own property in places they would not have an opportunity to in the past, not to mention the numerous jobs that it provides for locals. Frankly, taking away these property rights is unAmerican.

Further, taxes would increase for STRs, but not for hotels. Again, the unfair distribution of such would hurt small business over the interests of Hilton and Marriott.

It is our understanding that this bill is being pushed heavily by the hotel industry. This is unfortunate. There are not enough hotels for the number of individuals who visit the beautiful paradise of Hawaii and hotels, though having a lot of money, should not dictate property rights for others.

It is our hope that you will vote House Bill 820 down. Thank you for taking the time to consider our testimony.

With Sincere Regards

Dustin and Kami Harris

HB-84-HD-1

Submitted on: 2/13/2023 1:06:03 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shabnam Bakhtary	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative:

I am writing to express the strong opposition of the Hawaii House Bill 84, which is scheduled to be voted on by the House of Representatives this week. This is an extreme measure that would make it virtually impossible for Hawaii residents to continue the use of their legally obtained STVR's, threatening the livelihood of many residents. I urge you to vote against this legislation.

The Hawaii House Bill 84 would radically alter the tourism industry on the Islands in a harmful and unconstructive way. This bill, if passed, would deter many visitors from coming to the Islands thus constricting the overall revenue that the tourism industry generates for the state of Hawaii.

This legislation would strip the certainty of continued operations away from responsible short-term rental owners across Hawaii. The passing of this bill would be unconstitutional as well completely immoral. The Hawaii residents who have obtained these permits did so in a legal and responsible manner and should not have their permits taken away to create more revenue for the hotel industry.

Sincerely,

Shabnam Bakhtary

HB-84-HD-1

Submitted on: 2/13/2023 1:07:05 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Kratel	Individual	Oppose	Remotely Via Zoom

Comments:

I am writing as a resident of Hawaii County, as a parent, and as an owner/operator of hosted farmstay guest accommodation units. I am also an employee of the County of Hawaii Police Department. I understand that the state at large, and each of the counties are trying to address the affordable housing shortage and are attempting to remove or reduce the number of short-term rentals as a way of addressing that problem. And while it may be true that unhosted rentals that are bought up by out of state corporate investors for the sole purpose of creating a real estate empire are contributing to this crisis, there are a large number of families and small farms that host overnight visitors on their own properties and they depend on this income to make ends meet.

Everyone knows that the cost of living in Hawaii is the highest in the nation, and wages are among the lowest in the nation. Those of us who live here also know that there is no real industry in this state outside of tourism. The state likes to talk a good game when it comes to agriculture and supporting small farms, but the fact is, agriculture accounts for less than 0.4% of the state's GDP. The only industry that the state has ever dedicated any resources to or placed any importance on is tourism. This means that options for earning a living in Hawaii are limited for residents who live here and raise their families here. There is no other industry in Hawaii, particularly in the neighbor islands, in which residents can earn a livable income, that will allow them to keep a roof over their heads, food on their table, and clothes on their backs, and support their children's education to the degree that tourism does. Small farms on the neighbor islands cannot earn income enough to live on, without supplemental income from agri-tourism. Even non-farming families, who work regular day jobs, cannot earn enough to keep pace with the skyrocketing cost of living in Hawaii, without some form of supplemental income.

Tourism has long been a staple in the Hawaiian economy, and it should not be solely for the benefit of the giant hotel corporations, who only strip the land of its true beauty, and export most of the profit out of the state. This bill would simply put power in the hands of the county councils on the neighbor islands to prohibit families from running a legal, viable business, that pays taxes to the state and to the counties, and keeps the profits local. This bill is simply another attempt by the hotel lobby to eliminate alternative visitor accommodations, and to take away the ability of local residents to earn a livelihood.

HB-84-HD-1

Submitted on: 2/13/2023 1:12:22 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Graham Andrews	Individual	Oppose	Written Testimony Only

Comments:

i belive the proposed HB84 HD1 bill will be detrimental to tourisum in the state of Hawaii. As someone who travels a great deal for long durations i can say that not all of us enjoy staying in hotels. Short term rentals provide a very different travel experiance for familys and they offer a facilities that hotels do not. i belive that the type of traveller who chooses this experiance will not opt for a hotel if short term is not availble, they simply will find a different location.

Also the obvious economic ramifications to the counties and state will be imense not to mention the impact on the lives of the thousands of people who support this industry.

thank you Graham Andrews

HB-84-HD-1

Submitted on: 2/13/2023 1:25:01 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
guillaume Lepetitpas	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84 as it removes important checks and balances between our State and County-level oversight statutes. Those operating with legal non-conforming certificates and/ or short-term rental permits should not have their livelihoods at stake every time a new City/ County Council is elected. It's no secret that the biggest campaign donors for our local politicians are the hotels.

There is no other local industry that has been targeted and politically hassled as much as legal short-term rental operators. HB84 will only put this hard-working group at more risk.

Short-term rentals are an important component of the State's ability to provide housing on the islands. We accommodate traveling nurses, family visiting loved ones, contractors and other non-vacationers that need affordable housing to help support our island's needs. Giving full authority to the Counties will only jeopardize this.

I own a non-conforming use property (NUC). Why should I and other responsible NUC holders be targeted?

State oversight is in place for a reason. It provides a backbone or safety net so that there is some continuity in zoning laws. Please show your support for those of us that have been operating legally, paying our taxes, hiring living-wage employees, and providing Aloha to our visitors.

HB-84-HD-1

Submitted on: 2/13/2023 1:39:22 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
J B Nelson	Individual	Oppose	Written Testimony Only

Comments:

The only properties that should continue to be utilized as short term rentals should be the ones that were deeded to them originally.

Nightly rentals on our 1978 built property was maintained quite well until VRBO and AIR b&b came into existence. Then single family homes (SFR) in residential areas got into the fray. Single family residences were never zoned to be nightly rentals. However, apartment zoning, beach side condominiums were zoned nightly rentals. It would be a detriment to those who purchased their nightly rentals to have that stop. There will be individual lawsuits as well as class action lawsuits to counties as well as the state if this were to pass. If you want to stop something, STOP the nightly rentals in SINGLE FAMILY RESIDENTIAL ZONING - NOT for properties that were zoned originally in their deeds for nightly/short term rentals.

HB-84-HD-1

Submitted on: 2/13/2023 1:42:30 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Barker	Individual	Oppose	Written Testimony Only

Comments:

Limiting my property rights

HB-84-HD-1

Submitted on: 2/13/2023 1:48:45 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John An	Individual	Oppose	Remotely Via Zoom

Comments:

I am testifying in strong opposition of HB84. When Before I purchased a short term rental property in Waikiki 2017, I did all my due diligence and identified the small areas where short term rentals are allowed as of right. This was during a time when there was absolutely no enforcement of being outside of the resort zone, yet I was willing to pay substantially more for a property that was on one side of Kuhio Avenue because the established zoning regulation was the assurance that the property can legally operate on a nightly basis. The resort zoning designation assured that the only way my property would get shut down was if hotels were also shut down. The State statutes provide guardrails within which the Counties can operate. HB84 proposes to give the counties unfettered authority to do whatever they want, and take value away from my property.

Additionally, the lion's share of the TAT goes to the State, not the counties. HB84 give the counties to make decisions that can material impact on the TAT revenue recieved by the State.

Please reject HB84 to establish these guardrails.

HB-84-HD-1

Submitted on: 2/13/2023 1:57:17 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anna Bonas	Individual	Oppose	Written Testimony Only

Comments:

HB-84

I have read the Act HB-84.

What is the real intention of this vaguely written Act other than to give the government the power to rule over home ownership and land use? Is anything written here open for residents of Hawaii to question or give their opinions for how they want to contribute to the aina where we were born or have chosen work and live?

The economic wealth via taxes that homeowners and vacationers bring to the State and in multiple ways should be without question. I pay significant TAT and GTE taxes monthly which benefits the state and those who have written HB-84. Your salaries are paid via our taxes. The lawyers who have helped write this Act have been paid through tax payer money. Homeowners should have their legal fees paid in the same way to give equal protection for property rights.

The benefits of vacation short term rentals is a economic win for the State, as well as the Overall County and private businesses. Home vacation visitors shop at stores, they buy local, go to farmers markets, get gas at stations, rent cars and rent equipment for use in the ocean; boats, snorkeling to kayaks. They go to local events, visits farms, factories, bee farms, vanilla farms, coffee farms, chocolate farms, fishing and hunting trips, golfing, as well as travel and enjoy many other island activities. They spend money at restaurants all around the island. They help the entire community out financially. In contrast, the hotels keep people on their grounds to keep their money at their location. Hotels do little for the local economy.

Many vacationers could not afford the high prices of a hotel. Vacation homes make vacations affordable for families and friends while supporting our community.

Some say this Act has some benefit to locals who need rentals. If so, why is the burden being put on homeowners or restricting use of property in a way that benefits the homeowner, the State and the locals financially?

If the State wants to help long term rentals. How about requiring hotels to use 25% of their rooms for long term rentals to local residents who need housing?

What has the State or the individuals who are proposing these changes, have done to investigate how other countries help support individuals accruing homes to buy or rent?

It's time for more equitable and reasonable legislation research instead of creating legislation that can be misused by whoever is in power at any given the time, now or in the future.

How have other countries worked with these issues? There are several UK government arrangements available to help make buying a home more affordable for first time buyers and home movers. The Help to Buy: Equity Loan scheme may be the most well-known of these schemes, but there are other options available that might better suit an individuals home-buying needs.

We've covered the most popular affordable home ownership schemes here, but for more information and to find out which scheme is right for you, visit the [Own Your Home](#) government website.

What work is being done to help renters buy homes at affordable interest rates, here in Hawaii? If they can afford high rents, many can afford to pay a mortgage that is equal to their current rents, yet banks won't lend to them, even when they have a stable work history. It's time for the State of Hawaii government to work with financial institutions to create affordable fixed rate workable buying contracts for these renters to buy a home.

[Help to Buy | OnTheMarket https://www.onthemarket.com/help-tobuy/?mkwid=s_dc&pcrid=408446071590&pkw=shared%20ownership&pmt=e&gclid=Cj0KCQiAic6eBhCoARIsANlox86piwGEfePH6T49ULZDr2asWF6aycFN7NbLHDKb-4T-nw4f5z4t8XkaArnOEALw_wcB](https://www.onthemarket.com/help-tobuy/?mkwid=s_dc&pcrid=408446071590&pkw=shared%20ownership&pmt=e&gclid=Cj0KCQiAic6eBhCoARIsANlox86piwGEfePH6T49ULZDr2asWF6aycFN7NbLHDKb-4T-nw4f5z4t8XkaArnOEALw_wcB)

<https://www.extracare.org.uk/about-the-charity/> The Extra Care Charitable Trust is the UK's leading not-for-profit retirement village developer for over 55s.

Big hotel chains have developed their business on prime land. Why isn't the State asking them if they want to operate here in Hawaii to provide 25% of their rooms for low income long term rentals? Or to provide in other locations long term rentals for those who work on the island?

What is being proposed in HB- 84 is unfair and unjust to locals who have worked and built their homes here on the island. There needs to be restrictions on this bill. How about putting it on the ballot ?

Thank you

Anna Bonas

HB-84-HD-1

Submitted on: 2/13/2023 1:58:51 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
GRand	Individual	Oppose	Written Testimony Only

Comments:

On behalf of our community, we beseech you to VOTE NO to HB820 and HB 84. Both Bills seek to destroy the 40+ years of our local cottage industry members to urge for REGULATION, NOT ELIMINATION, that we have sought. The vast majority of us have complied in every way we can so we can sustain ourselves without your efforts to the contrary. We have managed firmly for all neighborhood concerns, paid our taxes, registered & complied, and worked with City Officials to build TRUST. It's so easy to cave in via the unlimited resources the offshore American Hotel Associations; the Hotel Unions have to "influence" your decisions, so they have a complete monopoly. They have billions at stake and engineer their strategies against us: You only have your integrity and the many many thousands of constituents who voted you to represent us. We have grown up here, our kids and grandkids have taken pride in learning the hospitality & service business. We cannot grease your governmental machine like the Hotels can, but we demand you stick up for our rights as well.

As you know from our City countersuit, how dare the government steal without compensation or real care our state & federal constitutional rights as long as we remain respectful guardians. PLEASE don't flush our entire cottage industry down the toilet when there are just a few bad apples that are not even trying to comply: Eliminate them, but not all the rest of us that over the decades, have responsibly done our best to pay huge taxes (still much needed), and complied as best we can.

The Grassroots Institute and many others have unequivally shown the nonsense indoctrination of STR causing The Housing Crisis, crime, and other problems. There has been so much indoctrination going on politically that the people of Hawaii cannot trust in the government to really look out for all the little people. We need you to stand with us, regulate not put an end to us and our livelihoods. An increase of TAT tax to 25% for only Short Term rentals and **not** Hotels? Don't YOU and YOUR kids want equal justice under the law too? Do you really want us to fire so many of the people we employ that would not be employed under our longer-term rentals? Over the decades, countless Property Managers have testified how under the Hawaii Landlord-Tenant Law, long-term renters are the ones with the vast majority of Police complaints, causing the most crime, and cannot be booted out efficiently if they cause other troubles. You got to trust in these professionals that know management like we would hope you know the law. Don't be fooled by the slick lies that these heartless hotel lobbyist try to fool you with. Month-to-month rentals have always been huge in Hawaii and you'd be killing those as well. Mind you, I personally rented on a 'month-to-month basis the same home for 27.5 years because that's what was only offered. Don't let the Hotel Goliaths entice you to phase out

permitted or STR's in any zoning classifications. It decimates your constituents, and we will never forget or forgive. We need you to stand and deliver for us. Please: NO to both!!!

TESTIMONY REGARDING HB84

My fundamental opposition to the HB84 is simply that it will not provide needed affordable housing. Additionally, the bill neglects the potential substantial negative impact on the state / county economy. Vacation rental customers will be denied affordable vacation opportunities as they will only be left with hotels, often starting at \$1000/night. Much needed short term rental tax dollars would be decreased or diminished.

All this could lead to a real estate crisis, increase in unemployment rates while not solving any housing opportunities.

Why not use some of the short term rental tax dollars to build affordable housing?

Jesse Kramer

HB-84-HD-1

Submitted on: 2/13/2023 2:26:17 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Kay Okamoto	Individual	Oppose	Written Testimony Only

Comments:

I am writing to oppose HB 84. I understand the frustration with vacation rentals to some degree; however, we can't just outlaw things that have already been approved. Many people have gone through the time and expense to have a legal rental. You can't change the rules in midstream. As written this bill also seems to apply to time shares. Counties have approved of many time share units and people have bought in to time shares knowing that they have a place to stay when they visit.

There is a need for vacation rentals in some areas. On Lanai, we often have workers come to do work on Lanai and can't stay at the luxury resort. We also have family come who need a place to stay.

We live on Lanai (for over 50 years) and travel often to Maui on business, for medical, and for shopping. We stay at a condo that also rents out units in a hotel/type pool. We can't afford to stay at hotels all of the time. It seems that everyone is jumping on an issue without looking at all of the ramifications to our own residents. Please remember that neighbor island residents do need to travel. We pay the TAT taxes and car rental taxes that are supposed to take care of a problem without, thought for those of us who are not tourists. Do not add to our problems.

Thank you.

HB-84-HD-1

Submitted on: 2/13/2023 2:27:12 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Gildred	Individual	Oppose	Written Testimony Only

Comments:

Hello, my name is Kathleen Gildred,

I'm the owner of Hale Alana vacation rental. We've been in business since 1995, permitted since 2002 (we didn't originally know we were supposed to apply for a permit, and when we did, we were permit #2!) We've had no complaints or problems with our neighbors in the years we've been in business.

I'm concerned that you're considering phasing out short-term rentals per House Bill 84.

I understand that it's not in the interest of hotels for there to be short term rentals on the island, however, our customers would not stay in a hotel. They come for a personal family home experience and **would only want to come to Maui if they can stay in a house. Many of these families come back year after year and contribute significantly to commerce on Maui as they enjoy spending their money on local activities each time they are here on island.**

I also understand that there's not enough affordable housing on the island. However, eliminating short term rentals that are currently "permitted, nonconforming, or otherwise allowed" will not actually solve this housing problem. Given current rent, due to the size of my home, it would most likely rent for around \$8000 per month. This obviously will not help alleviate the affordable housing crisis in any way.

Another aspect of House Bill 84 which I don't feel is being considered is that it would mean less jobs for cleaning and maintenance people who we utilize to keep Hale Alana in good working order between each rental as well as for annual upgrades and maintenance.

Plus, there would be a substantial loss to the county revenue without short term rental property tax. Short term rentals play a significant role in outer island economies, bringing in 37% of real property tax in Maui County, and more than 15% of the entire Maui County operating budget. Short-term rentals also benefit the state of Hawaii by generating tax revenue from taxes such as the general excise tax and transient accommodation tax.

I urge the Hawaii State Legislature to consider the perspectives of residents who are directly impacted by this legislation. Our livelihoods are dependent on our small businesses, and the

decision-making process should not move forward without giving due consideration to the input from the community.

Mahalo for reading my testimony,

Kathleen Gildred

Hale Alana

HB-84-HD-1

Submitted on: 2/13/2023 2:35:18 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Gildred	Individual	Oppose	Written Testimony Only

Comments:

Dear County Council Members:

I'm concerned that you're considering phasing out short term rentals. Hale Alana, my home and vacation rental, is the second permitted vacation rental on Maui, and we've never had a neighbor complaint.

I understand that it's not in the interest of hotels for there to be short term rentals on the island. But our customers would not stay in a hotel. They come for a private experience, and would only want to come to Maui if they can stay in a beautiful home. And, these are people who contribute significantly to commerce on Maui.

I understand that there's not enough affordable housing on the island. But does eliminating high end short term rentals solve the actual housing problem? If, for example, my home were a long term rental, it would rent for around \$6,000/month - which would hardly help solve the problem of affordable housing!

If short term rentals were discontinued, it would mean less jobs for cleaning and maintenance people who we need to keep the house in top shape all the time for our renters. Plus, there would be a substantial loss to the county revenue without short term rental property tax. A phase out of short term rentals in West Maui alone could create a tax revenue shortfall of up to \$60 million dollars. If that were offset to Maui Homeowners that could be around a \$2200 increase to everyone's real property tax.

Short term classified property is the number one revenue generating category for the County. In 2019, for example, these properties raised \$114 million dollars

Mahalo for hearing my testimony.

Kathleen
Hale Alana Vacation Rental

HB-84-HD-1

Submitted on: 2/13/2023 2:39:12 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John Moss	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to HB84 and more county control of rental units. At 75 I need the extra income to live. At my age I can no longer maintain and clean my unit so I have to employ a number of people who live on the island to help me. This adds to the economy and the tax base.

HB-84-HD-1

Submitted on: 2/13/2023 2:43:07 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gail Baker	Individual	Oppose	Written Testimony Only

Comments:

I am against this Bill for many reasons:

Short term rentals generate large tax revenues from GET/TAT and Property Taxes that benefits the State and Counties. Where would the state be able to make up that money that would be lost?

Disallowing anything under 180 days or lesser days as the counties deems appropriate could eliminate month to month rentals for those in need of temporary housing, such as traveling nurses and relocating families for short term needs. If such a situation were to arise these people wouldn't have anywhere to even look for lodging.

If this bill passes it will allow counties to adopt ordinances that could restrict an owner from offering their residential property for rent, which interferes with the right of an owner to use and enjoy their property. Many families and couples prefer to stay in a home or condo rather than in a hotel for numerous reasons. Many people have dietary restrictions and need to cook for themselves not to mention that eating out is extremely expensive. Families get to be together and have a common living area to play games, watch TV, or whatever else they want to do. This is not really possible in a hotel.

Short term rentals employ a large number of small businesses from housekeepers, laundry services, handypersons, plumbers, electricians, property managers. You would be taking away their livelihood if this bill were to pass.

I hope you take these comments and really think about the repercussions this would cause if passed.

HB-84-HD-1

Submitted on: 2/13/2023 2:55:19 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tim Duchene	Individual	Oppose	Written Testimony Only

Comments:

Dear HOUSE OF REPRESENTATIVES,

Short-term rentals generate enormous tax revenues from GET/TAT and Property Taxes that benefits the State and Counties.

Disallowing anything under 180 days or lesser days as the counties deem appropriate could eliminate month-to-month rentals for those needing temporary housing, such as traveling nurses and relocating families for short-term needs.

If this bill passes, it will allow counties to adopt ordinances that could restrict an owner from offering their residential property for rent, which interferes with the right of an owner to use and enjoy their property.

Short-term rentals employ a large number of small businesses, from housekeepers laundry services, handypersons, plumbers, electricians, and property managers.

Respectfully,

Tim & Carolyn Duchene

10 Wailea Ekolu Place #607

Wailea, HI 96753

HB-84-HD-1

Submitted on: 2/13/2023 2:59:37 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Diana Bonnarens	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84. Short term rentals are a necessary service provided to residents of Hawaii and residents of other states who are visiting Hawaii for various reasons. I have used permitted short term rentals for many visits to Hawaii. If this option were no longer available, I would probably stop visiting Hawaii. This would make me very sad, as I was looking forward to visiting and exploring Hawaii with my grandsons over the next several years. Surely there is a better solution which allows the residents of Hawaii some help in affording to live in this beautiful but expensive place while at the same time allowing people who are not residents to visit with their families and not force them into hotels. Hotels are not always practical or convenient when travelling with children as not everyone can afford multiple rooms or suites and room service or restaurants for every meal. Please allow some flexible options for all parties concerned.

HB-84-HD-1

Submitted on: 2/13/2023 3:04:58 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stan Dunn	Individual	Oppose	Written Testimony Only

Comments:

Please vote no on this Bill as

This legislation could jeopardize the future operations of responsible short-term rental owners across Hawaii. This bill could result in a change to our current property rights and laws

HB-84-HD-1

Submitted on: 2/13/2023 3:08:42 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Mebel	Individual	Oppose	Written Testimony Only

Comments:

Maui has done a commendable job of creating a path toward legality for short term rentals. It takes neighborhood preferences into account and is extremely stringent. There are not many vacation rentals in neighborhood zones.

This said, the numbers have been dwindling due to ever increasing regulation.

My worry is that without a path for people to follow, we have only prohibition. Prohibition doesn't work and forces things underground. Regulation is always proven a better course.

This bill opens doorway just a bit wider for prohibition. For that reason, I oppose and urge you to also.

Thanks for your consideration and your public service,

Greg Mebel

Paia, Maui

Jim Colver
68-3840 Lua Kula St. A-106
Waikoloa, HI 96738
colver@mtaonline.net

February 13, 2023

Hawaii State Legislature
State Capitol
Honolulu, HI

Re: Opposition to HB 84

Aloha Honorable Legislators,

There is no Aloha in HB 84, so let's call it what it is- special interest anticompetitive legislation pushed by the hotel industry. This is evident by the letter dated February 1, 2023 from the HTA in support of this bill so the hotel industry can eliminate competition from vacation rentals.

Your constituents will be affected negatively if this bill is passed. The recent meteoric rise in property values has made property taxes skyrocket. Passing this bill will foreclose the option for homeowners to rent out for vacation rentals an ohana house, apartment, house, or condo to help pay the taxes and will drive more Hawaiians to the mainland, because they can't afford to live here.

This bill is an unconstitutional taking of lawful vested property rights. The Fifth Amendment to the United States Constitution provides, in part, ... "Nor shall private property be taken for public use, without just compensation". The Hawaii Constitution states, "Private property shall not be taken or damaged for public use without just compensation". The Hawaii Constitution, as the courts interpret it to afford greater protection than provided by the U.S. Constitution. The Supreme Court of Hawaii has stated that when applying the Hawaii Constitution, courts may interpret it to afford greater protection than provided by the U.S. Constitution.

I live in a planned resort community, Waikoloa Village. The condominium Association where I live, Waikoloa Villas was constructed in 1979 with the intent of and explicitly stating in the bylaws for use as a short-term vacation rental.

If passed this bill will be thrown out by the courts- resulting in wasted public money defending lawsuits and paying millions in damages.

In 23 years of public service, I have only seen this type of legislation used once to regulate an adult bookstore. In that instance there was a valid public purpose.

I urge you to kill this in committee. It hurts Hawaiians.

Sincerely,

Jim Colver
Retired Legislator and Deputy Mayor

HB-84-HD-1

Submitted on: 2/13/2023 3:42:07 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Kruszecki	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am Kathleen Kruszecki, owner of a one bedroom vacation rental on the island of Kaua'i. I wish to speak against the passage of HB84.

Short term rental generate substantial revenues from GET/TAT and Property Taxes. During the past five years (2018-2022), this one condo has paid \$22,700 in Property Taxes and \$22,100 in GET/TAT.

Over the past five years, \$56,700.00, has been paid to local businesses and individuals for housekeeping, repairs, management fees and renovations.

If only one vacation rental has contributed the above amounts, consider what all the short term vacation rentals add to Hawai'i's economy. Is phasing out short term vacation rentals really beneficial to the State and Counties?

Mahalo for your time and attention,

Kathleen M Kruszecki

HB-84-HD-1

Submitted on: 2/13/2023 3:56:41 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Otchy	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my objection to HB84. I own a condo in Waikoloa in Hawaii County. I live in New Jersey and rent the condo using a local property manager because I can only use the condo for a couple weeks a year. I have the requisite STVR license and pay all necessary taxes. I am very lucky to own a piece of paradise however I am worried I would be forced to sell the condo should this piece of legislation pass. By renting this condo, others who cannot afford staying in a hotel are able to enjoy the beautiful state of Hawaii. By renting this property, other small businesses are sustained and can thrive. The last three years have been challenging for the state and the tourism industry. Instituting more cumbersome STVR legislation will do more harm to the fragile economy. I strongly urge the legislature to consider rejecting HB84.

HB-84-HD-1

Submitted on: 2/13/2023 3:59:37 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
hayden pogni	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill HB84. Legal Vacation rentals provide lodging for visitors, provide the local experience for visitors. Legal Vacation Rentals Provide jobs for electricians, housekeepers, landscapers, handyman, plumbers, glass installers, etc.. these are LOCAL workers that depend on vacation rentals. Vacation rentals are small businesses owned by hard working locals. Taking away rights is not constitutional and anti American. Many vacation rental owners are Kapuna that depend on the income to survive! The only reason this would be proposed is to solely support hotels. Hotels are not locally owned or operated. They Do not put the income back into the local economy. Do not put a law in place to hinder, cancel or prohibit legal vacation rental zoning! Any other action signifies loyalty to hotel lobbyist and not Hawaii!

HB-84-HD-1

Submitted on: 2/13/2023 4:02:52 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Navone	Individual	Oppose	Remotely Via Zoom

Comments:

Regarding the proposed HB No. 84, there are multiple items that seem highly inequitable.

Pages 5 and 6 of HB NO. 84 do not protect the rights of homeowners who have already purchased their residential properties in the County of Hawaii, are in resort or other allowable zoning, have submitted their STVR documents to the County of Hawaii and received approval of same.

I feel strongly that these homes, including condos, duplexes and single family homes should be "grandfathered" in as a protection of their rights and further, that the right to use the property as a short term rental should transfer with the property upon the sale.

Another inequity found in HB No 1351 is the escalation of the conveyance tax upon the sale of a condominium or single family residence for which the purchaser is ineligible for a County homeowner's exemption on property tax, because it was at times used as a short term rental as the bill's proposal goes beyond if it was simply not a primary residence.

This puts an unnecessary burden on the principal upon the sale of the the home.

Thank you!

HB-84-HD-1

Submitted on: 2/13/2023 4:08:02 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Kingston	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose the proposed bill for several reasons. First it will deprive me of my livelihood. I am retired and have invested in properties in Hawaii, Kauai and Maui counties. The short term rental income is my family's only income. Second the short term rental properties result in substantial visitor traffic that would not otherwise come to Hawaii. Many of these families could not afford hotel rooms. And instead they would visit other resort areas such as the Caribbean Islands. And so the short term renters would no longer be able to enjoy our beautiful State of Hawaii. And our State would lose substantial income. Loss of income would be from loss in GET, TAT and County taxes on the rentals. And more significantly losses to local enterprises and restaurants. In turn this would be detrimental to people who own or work in the enterprises potentially forcing them into unemployment. This bill is poorly conceived and wrong.

HB-84-HD-1

Submitted on: 2/13/2023 4:25:57 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cindi Anderson	Individual	Oppose	Written Testimony Only

Comments:

Hawaii, like the rest of the country, is headed into recession. Vacation rental bookings are already way down and more people are cancelling reservations than making new ones. Restaurants and shops are hurting from years of Covid restrictions. Mortgage rates are about to adjust on a lot of homeowners. The last thing we need right now is more restrictions on rentals, and higher taxes to drive tourists away. If tourists can still afford their trip at all, they will just go to another location. You may think that's what Hawaii needs, that it is over-touristed, but be careful what you wish for when the big rental slump comes, and owners can no longer afford to pay their loans because they can't rent their homes or O'hanas. Besides, if you really wanted to stop tourism you would stop new hotels from being built, and raise taxes on hotels equally to vacation rentals. Instead, this state law just makes it easier for hotel lobbyists to get in the pockets of smaller islands to shut down their competition.

And the idea that stopping long term rentals will somehow reduce housing prices in Hawaii has been proven by study after study to be un-true. People won't rent out homes long term because tenant laws are too lenient and evictions are never enforced. And I certainly know nobody working locally is going to buy my home which costs close to \$2m.

There's even proposed bills restricting the someone's right to to trade their home with another party! These types of unfair restrictions on property use would probably be struck down in court anyway. Requiring permits and fees are one thing, but preventing someone from renting their own home should be beyond the reach of government.

HB-84-HD-1

Submitted on: 2/13/2023 4:48:31 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Petersen	Individual	Oppose	Written Testimony Only

Comments:

I'm opposing this bill as it will shrink available rentals for tourists which will increase costs which will benefit hotels and resorts but hurt small property owners. It will decrease tax revenue in both property taxes and rental taxes.

To restrict problem rentals, license and revoke problem rental licenses.

For the record I do not rent or intend to rent our home short term.

Thank You, Greg Petersen

HB-84-HD-1

Submitted on: 2/13/2023 5:03:47 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Jackson	Individual	Oppose	Written Testimony Only

Comments:

To all concerned,

I am writing to express strong opposition to the phasing out of Non -Conforming Use permits HB84 HD1. Is it not unconstitutional to take away personal property rights?

We have never had a complaint from neighbors regarding our licensed B&B. We have put a lot of time and money into our home,, and offer offstreet parking and upscale amenities. It is a joy for us to meet the guests who come and go from all over the world.

There are so few licensed B&B's on the island. Why after so many years has this become a problem? Losing this license would greatly decrease the value of our investment and our income.

Respectfully,

Melissa Jackson

HB-84-HD-1

Submitted on: 2/13/2023 5:13:50 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David P Cincotta	Individual	Oppose	Remotely Via Zoom

Comments:

Certain provisions of HB-84 attempts to challenge the designation of STRs as residential dwellings. This is inappropriate and conflicts with existing legal interpretations of STRs and residential uses.

It is understood that STRs should be regulated by the Counties and proper zoning procedures should be used to approve the STRs. However, a term of days (whether it is 180, 60, 30 or 7 days) does not change the residential use nor the use as an STR.

It is wise for the Counties to provide appropriate zoning regulations to control the neighborhood locations and necessary supporting facilities for STRs, however changing the terms for longer stays does not change the residential use nor does it address potential conflicts of STRs with other residential uses in their neighborhoods. Zoning and Land Use regulations would be more appropriate.

I also would like to advise the Legislature to review the economic and tax revenue aspects of reducing length of stays at STRs. As pointed out by other testimony, such a reduction in the GET and TAT taxes generated by STRs could be devastating to certain Counties. Along with this legislation, the Legislature is considering increases in transfer taxes to make up for shortfalls being experienced now by the County governments. Further increases in taxes would be essential to make up for the losses created by the reduction in STR tax revenues.

HB-84-HD-1

Submitted on: 2/13/2023 5:28:15 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Biglin	Individual	Oppose	Written Testimony Only

Comments:

We are owners of a short term property vacation rental in Hawaii and we are in direct opposition of HB 84. As Maui residents we rely on income from the properties that we've worked hard to acquire and have invested in over many years. This bill would not only significantly impact our financial well-being but would also eliminate many jobs that our properties provide as well as potentially reduce Island tourism and negatively effect tax revenue the State and County currently receive. Additionally, short term vacation rentals represent an on-going revenue stream for local shops, resturants, food tucks and other services and activities. There are many significant benefits to short term vacation rentals for all parties concerned. Owners receive well deserved income, guests enjoy comfortable and affordable lodging, visitors have the opportunity to experience authentic Island flavor and State and County goverments continue to collect taxes on every unit that is rented. We ask that our comments and rationale are given strong consideration regarding the opposition to bill HB 84. It is of utmost importance to all concerned that this bill is NOT passed.

HB-84-HD-1

Submitted on: 2/13/2023 5:37:14 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Tully	Individual	Oppose	Written Testimony Only

Comments:

Dear House of Representatives of the Thirty-Second

Legislature:

I am contacting you today to oppose HB 84, which would phase out permitted short term rentals in permitted, non-conforming areas in the state. My husband and I have been Maui home owners since 2019, marking the beginning of our dream in paradise. A foundational part of this dream has been to open our home to other travelers, and thus share the island culture with them. As such, our homes have allowed countless families to vacation in Maui and bring their

vacation dollars to the island.

Please vote in opposition to this bill that would start to curtail rentals. Thank you for listening and for ensuring that tourism remains a viable part of the economy in Maui.

-Melissa and Brian Tully

HB-84-HD-1

Submitted on: 2/13/2023 5:45:21 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Best	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition of HB 84. Our family's livelihood is threatened by these new rules (and other proposed rules) that make it difficult or impossible to provide our home to visitors while we aren't using it ourselves. We were residents of Hawaii for ten years, but had to move to the mainland for economic reasons. We still have family in Hawaii, and our home keeps us linked to them and to the islands.

Our home is rented by both outside and local visitors, and provides them a home away from home that isn't available in resort areas. We provide a valuable service to these guests as well as to the community by welcoming families and groups to visit.

HB-84-HD-1

Submitted on: 2/13/2023 5:52:23 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Marchello	Individual	Oppose	Written Testimony Only

Comments:

Aloha Legislators,

Short-term rentals have a significant impact on local families' incomes and our financial well-being.

Unlike hotels that keep guests in their restaurants and shops, and ship the monies offshore, short-term rental guests spend their monies in the local economy supporting local small businesses, restaurants, shops, activities, cleaners, and services from plumbers to AC companies.

Instead of a hotel whose managers oversee hundreds of workers short-term rentals hire locally owned mom-and-pop companies providing a much better living for their families than if they worked as hourly employees for the hotels. I worked the hotels made it to management and was paid less than when I worked hourly!

The Hotels are not creating great jobs or building small businesses for our children and grandchildren to have a better future. They are paying as little as possible and doing their best to get every penny from the guests to send to their Offshore Corporate Entities.

HB 84 is a source of worry for families who rely on their short-term rental properties for their livelihoods. The provisions in this bill threaten the ability of responsible property owners to continue operating their businesses.

I urge the Hawaii State Legislature to consider the perspectives of our local families that are directly impacted by this legislation. Our livelihoods are dependent on our small businesses.

Instead of bowing down to the huge corporations who want to eliminate their competition the short-term rentals, embrace and encourage this segment of our economy. Instead of drafting rules to eliminate them create laws to improve them and collaborate with the property managers to find ways for them to become an even more positive small business builder in our economy.

Thank you for your consideration.

Mark Marchello, R

Property Manager

HB-84-HD-1

Submitted on: 2/13/2023 6:10:23 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Stevens	Individual	Oppose	Written Testimony Only

Comments:

February 13, 2023

HOUSE COMMITTEE ON WATER AND LAND

HEARING DATE: Tuesday, February 14, 2023 TIME: 8:30 a.m.

PLACE: Conference Room 430

Re: TESTIMONY OPPOSING HOUSE BILL NO. 84

Dear Chair Linda Ichiyama, Vice Chair Mahina Poepoe, and Committee Members

I write to oppose House Bill 84 as currently drafted.

The vacation rental industry has just spent nearly 12 months working with Legislators on Bill 41 to craft a deliberative and carefully constructed law that provides funding for illegal vacation rental enforcement, establishes provisions for enhanced guest experiences, new permit requirements and penalties for non-compliance.

It may be surprising to some that the vast majority of the vacation rental industry has long been supportive of initiatives to close down illegal vacation rentals and also preserve the ambience of residential neighborhoods.

It is, therefore, with some dismay to now hear that another Bill has been tabled without any chance for Bill 41 to be fully implemented. While there were compromises, the Department of Planning and Permitting has been given their requested broad powers, in line with those also recommended by the members of Honolulu City Council.

Please can this Committee undertake appropriate due diligence with House Bill 84 to understand what particular issues remain to be solved and draft any legislation specifically to address those matters. Surely, this Bill is not going to be rushed through and approved simply based on the argument that greater, or more flexible, Government powers are always better than less, or *any* legislation that is against vacation rentals must be better than no legislation.

The write up on the February 1, 2023 Housing Committee Hearing states that:

This measure will address this legal loophole by allowing the counties to amortize or phase out permitted, nonconforming uses that have been grandfathered in.

*This measure will address this legal loophole by allowing the counties to amortize or phase out permitted, nonconforming, **or otherwise allowed short-term rentals in any zoning classification.***

What is the purpose of the addition of the highlighted text which seems to give unrestricted powers to close down any, and all, short-term rentals?

Why would this Committee permit Counties to make wholesale shutdowns of vacation rentals anywhere in Hawaii by drafting legislation so broadly that it will inevitably open up constitutional and other legal conflicts and challenges.

We should not be surprised that the Hawaii Tourism Authority supports this legislation. Is it because they really care about the ambience of residential areas or is to take advantage of any avenue available to close down, or add costs to as many vacation rentals as possible via any opportunistic legislative route? The hotel room price for one week at a well-known major Waikiki beach resort in July this year for 2 people is around \$3,550. Are we to become a state where only the top 5% can afford accommodation because only hotels are available to workers, locals and visitors? The vacation rental industry in resort zones provides affordable and, yes, quality alternatives which, in turn, provide valuable jobs and tax revenues to the State.

All we are now asking is that a knowledgeable Committee take the time to drill into the **details** and **implications** of this Bill 84 legislation (and its real rationale or purpose), and importantly become aware of the considerable powers newly afforded through Bill 41.

At a superficial level, it may be viewed by some that any additional widespread powers against the vacation rental industry must be “good”. At another level, “the details”, I believe a thoughtful review will uncover why such sweeping legislation is unnecessary, badly timed and indeed counterproductive.

Mahalo for your time.

Craig Stevens

Waikiki, Honolulu

HB-84-HD-1

Submitted on: 2/13/2023 6:44:57 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
McMichael Simmy	Individual	Oppose	Remotely Via Zoom

Comments:

I'm would like to oppose to phase out permitted short term rental.I have a permitted rental in a resort area. When I purchased it in the early 1980's. The property taxes were only \$400.00 per year. I rented it for decades at a longterm rental. The taxes kept on increasing in this area.

The last years it has escalated over \$10,000 per year.

The taxes paid to the County and State of just the real property taxes benefits both sides.

TAT taxes paid for your Rail on Oahu, and only now the 3 percent extra benefits Hawaii. Pllus the GE taxes 4 percent. So much taxes paid \$\$\$

Because this area allows Short term rentals it has attracted out of state investors who drive the price to purchase higher and higher.

We are able to pay for this by doing the Short term rentals.

If you phase it effectively July 1, 3000. I can't imagine how much more the taxes would be,

but, my strong guess is, we will not be able to pay the increase of taxes without this short term

rental funds. What you need to do is target are the illegal short terms rentals, Glamping (tent rentals) and hosted short term rentals who do not pay TAT taxes. Instead you are targeting the legal ones, conforming and non conforming is cutting the funds that pays the high taxes.

Please do not adopt this Bill. But if you do, you need to really consider lowering the property taxes as well.

With this said, you won't receive the enormous amounts you are receiving for short term rental,

and lowering the property taxes. Its not a win win situation if you phase out the short term.

I would like my kids and grandkids to keep this Short term rental for their income. Hawaii pays little for jobs.

Mahalo,

Simmy McMichael

Kanaka Ma'oli Born in the Territory of Hawaii

HB-84-HD-1

Submitted on: 2/13/2023 6:57:40 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary A Jones	Individual	Oppose	Written Testimony Only

Comments:

The beauty of living in the United States is the ability to move freely within States as needs or wants of life and pursuit of happiness demand. The founding fathers also gave us the right and freedom to buy and own property. This right is one of the founding rights of democracy and one of biggest building blocks of wealth and prosperity. Along with that right of property ownership should also extend to allow the homeowner rights on what do with that property, obviously within reason. I see no reason that only hotels should be allowed short term tentants. My guess is hotels are one of the biggest proponents of this legislation since they would benefit the most. Short term rentals have many benefits. They provide many alternative places to stay for guests. They help keep costs lower and they help keep hotel prices in check. They also benefit the owner by the fact that it can help subsidize the cost of ownership of the property. I'll end with an excerpt from a research report done from a report by the Milken institute on Short Term Rentals in CA notes "*As demonstrated throughout this report, STRs do not contribute significantly to housing shortages and rising costs, and aggressive STR regulation restricts regional tourism, which many communities depend on economically. In vacation destinations, the underdevelopment of multifamily housing and the high share of second homeownership resulting in high vacancies are main drivers of continuing housing shortages. Innovative solutions are needed at the state and local levels, such as those recommended above. Enhancing housing supply and policy will create a friendlier environment for STRs to operate in, thereby bolstering regional tourism and economic growth.*" [Short Term Rentals California.pdf \(milkeninstitute.org\)](https://www.milkeninstitute.org/Short-Term-Rentals-California.pdf)

For these reasons, as well as others, I oppose HB84.

Respectfully,

Gary Jones

155 Wailea Ike Pl #53

Kihei, Hi 96753

HB-84-HD-1

Submitted on: 2/13/2023 7:00:04 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andre Chabot	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am 68 years old and operate 2 properties w/ vacation rentals in lower Puna. It is our only means of support other than social security. I support my wife and our disabled 39 year old son. We all have health issues. If we did not have our little business, I believe that we would require state assistance.

We attract guests from all over the world and when they arrive - they rent cars and spend lots of money at stores, restaurants and other local attractions.

We always collect and pay taxes. Just this past year we paid over \$35, 000 to State and County authorities. (ie) GET/TAT/ County

With the money that we make, we hire cleaners, gardeners, carpenters, tree trimmers and others to help us.

Ladies and gentleman. Please don't take our only means of making a living. We have an honest business and we have been supporting our community for years. In addition, we keep our neighborhood clean and because if this, we have noticed a lot less riff raff in the area.

Mahalo for listening.

Andre, Susan and Migurl

HB-84-HD-1

Submitted on: 2/13/2023 7:04:58 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Levi Brooker	Individual	Oppose	Written Testimony Only

Comments:

I do not support this bill which will give unchecked power to Honolulu County and DPP to continue trying to persecute legal TVU operators just so the hotels can have a monopoly on Oahu. We are not the reason for Oahu's housing crisis.

HB-84-HD-1

Submitted on: 2/13/2023 7:13:14 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
James Hamilton	Individual	Oppose	Written Testimony Only

Comments:

We own a beautiful hale in Honokawai and we would like to share our reasons for opposing HB84:

1. We love Maui and plan to retire in our hale someday and do volunteer work to help the community and give back to the land and ocean.
2. We utilize short term rental to share our slice of paradise with others and help pay our mortgage.
3. Short term rentals employ many people including housekeeping, managers, landscapers, plumbers, electricians, etc.
4. Short term rentals create massive tax revenue that helps fund schools, build infrastructure, and help feed the hungry.

Mahalo for your consideration.

James Hamilton

HB-84-HD-1

Submitted on: 2/13/2023 7:15:59 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sanne Berrig	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Honorable Representstives:

Although this is a very important issue, the long term implications of legislation like this needs to be investigated with knowledge of its regional impact.

Hilo has a significant dearth of hotel accommodation esp of any attractive quality.

I strongly oppose this measure in its current form.

Mahalo nui loa

Sanne Berrig, resident and homeowner

Hilo, Hawai'i

HB-84-HD-1

Submitted on: 2/13/2023 7:34:52 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Brandt	Individual	Oppose	Remotely Via Zoom

Comments:

My name is Donna Brandt. I am opposed to HB84. I have been an owner in Maui for 15 years. I plan on retiring in my condo in the near future with my disabled daughter. I rely on the rental income to pay my mortgage on my vacation home. Changing the laws at this point after owning a home is unethical and illegal. I have never had a problem with my guests in the 15 years I have rented in my own or through VRBO. Hawaii is a tourist destination and relies on that income for the success of their state. If the rental sites as VRBO, airbnb and our own rentals are discontinued, there will be decrease in tourism tax dollars as well as many properties that will be sold since we will not be able to make our mortgage on our vacation homes. This law will also make it illegal for me to offer this home to my friends and family as I have done. This is completely illegal as I own this property and should be able to have guests as I see fit. Squash this bill!

HB-84-HD-1

Submitted on: 2/13/2023 7:40:46 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander J Lievens	Individual	Oppose	In Person

Comments:

Testimony opposing HB84

My Name is Alexander Lievens and I am in opposition of Hawaii House Bill 84 specifically its use to potentially phase out short-term rentals.

I have many reasons why I oppose this bill, but first and foremost it's because I rely on it for my livelihood at this point in my life. I was born and raised here on the Big Island and the prospect of making a living here was daunting, most friends that I know have moved away from Hawaii due to the enormous expense and lack of career opportunities, this included myself for some time. I moved back after 6 years away from Hawaii to become a farmer of Sugarcane Mushrooms and Lychee to name a few, however due to the enormous startup costs it's been difficult, the one thing that is supplementing my income is hosting a vacation rental, it allows me to offset the already enormous hurtals imposed by things like the Jones act.

I constantly hear how Hawaii isn't self-sustaining, or how all the young people keep leaving. I ask how removing more options such as vacation rentals is helping anyone but large hotel corporations? If I lose this supplemental income the state loses a farmer and someone born and raised here. You might think I should get another job but what could replace it? This vacation rental business has been built up over years, I work hard for good reviews, I juice sugarcane for each on my guests, I make sure they understand Aloha and to respect the land, I have farm animals that they might have never interacted with before, I give an experience you can't get from specific hotel districts and it's not replaceable, and I'm still on the land that I'm farming, there is no adequate replacement for that.

If this whole bill is about increasing rentals for citizens then how about incentivising such things instead of taking something away. By phasing out short-term rentals you'll only be removing people like me due to rentals making far less money for more risk for the renters. Find a better solution to housing, this bill is destructive in nature and will only line the pockets of hotels while hurting citizens. Who I rent out my home to should as a law abiding individual be my decision; not the governments.

HB-84-HD-1

Submitted on: 2/13/2023 7:51:46 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christine Manson	Individual	Oppose	Written Testimony Only

Comments:

As both owners of a short term rental property (STR) and frequent travellers who use short term rental apartments for our stays when we travel, we oppose phasing out the short term rental units in Hawai'i state.

As a traveller, we find that renting an apartment gives certain amenities that are not available at a hotel including a laundry machine for kids clothes, kitchen for meal prep and a living room seating area for relaxing in. The apartments also offer a more economical option for families seeing as most hotel rooms are not large enough for a family and to rent two hotel rooms becomes unaffordable for all but the most wealthy. Thus STR units function as a complement to the hotels and offer travellers a choice as to what type of accommodation suits them best.

As an owner, we find that the economic benefit to our county & the state from our business and our guests is significant. Our mil rate is the highest out of all property tax categories in the state and the TAT & GET that we collect is significant. Losing the STR units would strip the state/county of this revenue.

The guests who stay at our condo also provide an economic benefit to the island. They frequent the local stores (including grocers), restaurants, retail locations and support the local tour guide operators. Employment levels would be negatively impacted if these guests were not able to come to the island.

An alternative solution if the goal is to regulate the number of visitors to the Islands, would be to limit the passenger loads/number of flights of the arriving airlines. If the goal is to create more long term rental housing stock, then not issuing any further STR permits for new builds would solve this problem.

In conclusion, removing all or many of the STR units would harm travellers, diminish county and state revenue and hurt local island economies and by extension lower the employment levels of the residents. For these reasons we oppose Bill HB 84.

HB-84-HD-1

Submitted on: 2/13/2023 8:19:38 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Butterfield	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I own a vacation rental condo (since 2014) and it is part of my retirement plan. I do not have a pension plan, etc. and to live on this island I need something that can help offset the high cost of living. Please do not take away my right to vacation rent my condo... it would be devastating to me. I agree with no more building of hotels and vacation rental condos and I agree with not allowing any more single family homes to be vacation rentals. Please don't mess with my existing rights for my condo!

Mahalo,

Donna

HB-84-HD-1

Submitted on: 2/13/2023 8:22:32 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Katy	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84 because it strips away the possibility for responsible short term rental owners to continue operating their businesses. I have been managing our family's rental for several years and we've done so with the utmost respect to our neighbors and community. We repeatedly remind guests of their impact during their stay, both to the local area and Hawaii as a whole. We screen potential guests carefully, electing to choose only responsible groups who will adhere to our strict house rules and be mindful of their presence. A major factor in our desire to continue short term renting is the opportunity we have to share our second home with family and friends who live on the mainland. We've had several family and friend reunions over the years that would have otherwise been impossible or exceedingly difficult to coordinate and afford. I grew up in the neighborhood where our rental is located and my family still lives in the area. We are and have always been invested in its success and well being. While allowing short term rentals to operate with zero guidance is irresponsible, those of us operating with respect and courtesy shouldn't be penalized by a blanket obstruction. I sincerely hope you will take us into account and oppose HB84.

HB-84-HD-1

Submitted on: 2/13/2023 8:31:43 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Calvin Cox	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I don't have a pension for my retirement plan so I have worked hard to save and used most of my retirement savings to purchase rental property that was zoned acceptable for short term rental income. I based my investment decisions on the zoning being hotel or business because that felt like it made sense as opposed to the confusing condo A1 and A2 issues. If the zoning could be changed it would be impossible to make a retirement income investment decision. The zoning is how we are able to make sense of all the confusing short term rental guidelines. If the zoning could be changed it would take so many, including myself, the retirement plan that so much of the local population relies on to continue to live in Hawaii in their retirement years that don't have a pension option. Please don't take this away from us.

HB-84-HD-1

Submitted on: 2/13/2023 8:38:19 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Sutton	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am against HB84.

My name is Jason Sutton and I am the owner/occupant of the property at 5175 Weke Road, in Hanalei, on Kauai. There are two houses on the property. My wife and I and our twin 9 year old boys live in one home, and the other is used as a vacation rental. Because of this rental we pay over \$50,000 in GET and TAT taxes annually. We also employ cleaners and a landscaper. All of this said it is a benefit to us to be able to rent our home and the truth is we would have to sell without the additional income.

My question to you is why would you want to get rid of the ability to rent our home? It would instantly take value from our home, affecting Hawaiian residents of 8 years and more than likely force us back to the mainland.

I would also ask for what purpose do you desire to get rid of the vacation rental licenses? I can only assume it is being pushed by the hotel lobby. The old adage of follow the money seems all too clear.

I ask that you vote in opposition of HB84.

Mahalo,

Jason Sutton

HB-84-HD-1

Submitted on: 2/13/2023 9:04:33 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynne wood	Individual	Oppose	Written Testimony Only

Comments:

Way is it that only a few can want the bill and hundreds if not thousands oppose the bill and it still passes?? Money only for hotels? Bogus reasons as to why is needs to be butchered 98!!!!%!!! . Unreal. Hanniman and who else is behind this anti hawaiian income bill? Aston? Heard Marriott buying up the homes so they can do short term out of the same units that we can't. I oppose this bill

HB-84-HD-1

Submitted on: 2/13/2023 9:43:57 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Leone	MAUI PRMA, Professional Rental Management Association of Maui	Oppose	Written Testimony Only

Comments:

February 13th, 2023

To: The Honorable Linda Ichiyama, Chair

The Honorable Mahina Poepoe, Vice Chair

Members of the Committee on Water & Land

On behalf of Maui PRMA, the Vacation Rental Trade Council under the Maui Chamber of Commerce, **we are writing to express our opposition to HB84**, giving Hawai'i counties the power to phase out "permitted, nonconforming, or otherwise allowed" short-term rentals in any zoning classification.

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

The short-term rental industry has been around for decades, operates professionally and supports many other small businesses, contributing to our island's overall economic health. When this industry is stifled and suffers, jobs are lost and that creates broad waves of negative impacts that ripple throughout our community. When our industry was shut down during COVID, West Maui in particular saw unemployment rates in the 50%+ range with food lines that were 2-3 hours

long. **Changes to our industry affect our local community, especially in the areas where many of the tourism related employees live and reside (West/South Maui).**

Allowing counties the power to make these proposed changes to short term rentals would equal millions of dollars in gross revenue lost which will in turn have significant impacts on the vendors, cleaners, maintenance teams and staff that they employ and the accompanied lost tax dollars for the county. Businesses will close, local employees will lose their jobs and more industries such as restaurants and tour operators will be affected as well.

Changing the property rights of owners is a taking of vested rights and could be challenged in court. There is a possibility this could lead to years of litigation wasting taxpayer dollars. This change will cause many properties to be reclassified in terms of real estate tax income for the county which will negatively impact the county's budget.

It is for these reasons that the Maui PRMA, opposes HB84, Thank you and we welcome any discussion with you or a member of your administration. We can be contacted at Mauiprma@gmail.com.

Mahalo,

John Kevan

Angela Leone

[Maui Professional Rental Management Association \(Maui PRMA\)](#)

HB-84-HD-1

Submitted on: 2/13/2023 10:23:18 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Macres	Individual	Oppose	Written Testimony Only

Comments:

Taking vacation rentals away from Hawaii residents will not help the tourism or the locals in need of homes. This would create many problems if taken away.

Hawaii relies heavily on tourism. I believe we would loose many vacationers visiting as one, they can't afford for their entire group to come stay and individually get hotel rooms.

Two, they want to come stay together and may pick a different destination that accepts vacation rentals. (We may loose more destination wedding groups as well).

There is also not enough hotel rooms to accommodate all the tourists we have coming in to visit. It is much more expensive to stay at a hotel and they may want to stay at a specific location on the island, ie Volcano National Park or Waipio/Honoka'a or somewhere there aren't many hotels, motels or inns.

With the amount of residents and tourists, staying in a vacation rental keeps roads and traffic down as they don't have to commute back to resorts.

If you believe getting rid of vacation rentals is going to open up the housing market for locals, you are wrong. The issue is not that there is no housing, it's that rent is unaffordable. People need to make more income in order to afford housing.

Maybe the answer is to take some of the State land and create more low income housing?

Vacation rentals create income and jobs.

I personally know many families, individuals and kūpuna in our community that rely on the income they get from renting a space in their home or property.

I also personally know multiple families who rely on their job as cleaners and maintenance.

Taking vacation rentals away would leave many jobless.

If homeowners had to rent full time, they will more than likely rent fully furnished and to those

moving here and working remotely rather than long time residence. Rent pricing will still be the

same as it is now. Homeowners would also need to find a way to make up the lost income they

rely on and there are not many suitable jobs for those getting older in age. For example, I have a

friend who vacation rents the lower studio of her home. Her husband just recently passed away.

She is in her 70's and relies on getting this income to survive. She has lived here her entire life. It

would be devastating to take this right away from her. I actually know 2 widows in this current

situation.

If the issue is noise complaints, then it's the nonconformist you need to go after. Those who are in the mainland and are not there to help take care of any issues or noise that may arise.

All of our neighbors have our contact information. If ever we have any noise, they give us a call

and we are able to resolve any issues immediately.

It is not fair to take this away from homeowners who have been respectful and responsible with their rental.

When things shut down during the beginning of the pandemic we opted to rent full time. We had more neighborly complaints on full time renters than visitors. We also had more damage done to the interior of our home by full time renters where the deposit did not cover the amount of damage done...

I appose the idea to take vacation rental rights away from homeowners. We rely on this income to survive, we support other families and individuals with jobs. We are responsible with rules and regulations, we pay a lot in taxes. We want to encourage tourism to continue to come to Hawaii. Many people rely on this from homeowners, community workers, families and individuals, to tourist visiting.

The economic activity generated by vacation rental hosts like us and others in our community continues to remain a major boost to Hawaii's economy. We urge our local representatives to support the right for residents to earn extra income by sharing our space.

Please let us continue doing our job in bringing tourism and boosting the economy and keeping restaurant, shops, tours etc. thriving, and supporting our county in bringing millions of dollars giving them nearly 18% of our earnings. Mahalo!

HB-84-HD-1

Submitted on: 2/13/2023 10:32:49 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Yao	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It seeks to penalized legal short term rental operators. It seeks to take away legal STR owners' vested property rights that are protected by consitutions. Lawmakers are required to make sound decisions in accordance with US and Hawaii State constitutions. Not sure why this bill was introduced? Is there any legal review performed on this measure before it was introduced? Thanks.

HB-84-HD-1

Submitted on: 2/13/2023 10:37:51 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeri Macres	Individual	Oppose	Written Testimony Only

Comments:

The economic activity generated by vacation rental hosts like us and others in our community continues to remain a major boost to Hawaii's economy. We urge our local representatives to support the right for residents to earn extra income by sharing our space. Please allow residents to continue doing their job as hosts to vacation rental, bringing tourism and boosting the economy and keeping businesses thriving, creating jobs for others in the community and supporting our county in bringing millions of dollars giving them nearly 18% of our earnings. Thank you!

HB-84-HD-1

Submitted on: 2/13/2023 10:57:34 PM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
TRACI LEE	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Branco, and committee members-

I write to you as a concerned citizen and *strongly oppose* HB 84 for the following reasons:

1) In Honolulu, Bill 89(2019) was supposed to give the Department of Planning and Permitting the authority to enforce, and nothing was done to start enforcement. Bill 41(2022) was supposed to give DPP even more authority to enforce, and there hasn't been time to see how effective Bill 41 is. **Why are state law makers proposing to give unfettered authority to DPP that has a proven track record of incompetence, ineffectiveness and corruption?** DPP can't even process a simple building permit in a timely manner!

2) The vast majority of short term rentals operate legally, including properties with Non-conforming Use Certificates, and short term rentals directly benefit local residents, providing better than living wages local families, restaurants and stores. Jobs from multi-national hotels do not, as evidenced by the fact that Local 5 had to strike to squeeze out small concessions to move toward providing living wages to their members. **This Bill will take away your constituent's ability to make living wage.**

3) Please reject this Bill as the State should maintain some authority on zoning to establish some overarching guardrails within which the countries can operate. **Our residents and local economy depend on the checks and balances that currently exist between the State and Counties.**

4) This bill would cause significant litigation and cost for the State, with Honolulu Bill 41 regarding short term rentals already in litigation and not yet resolved. Short term property owners and a coalition of like-minded business groups and owners will very likely file suit requesting an injunction and stay, challenging the constitutionality of this very bill if it were to pass. There is an argument that this bill constitutes an unlawful taking under the the Fifth and Fourteenth Amendments of the U.S. Constitution.

For the reasons set forth above, I implore you to vote NO on HB 84.

Thank you,

Susan Lee

HB-84-HD-1

Submitted on: 2/14/2023 6:42:50 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
karla coscino	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to HB 84. There are multiple reasons why:

1. STRs provide large tax revenues from both GE and TAT taxes, as do property taxes. without STR's, where will this money come from? Increasing property taxes to levels to make up for this loss to residential owners will put many in financial jeopardy. or force them to sell.
2. If STRs were no longer allowed, the drop in visitors would be HUGE, and the financial impact would be both detrimental and possibly disastrous to many businesses. Restaurants, shops, activities, services etc would be losing huge number of customers. 'The primary source of income for Hawaii is the visitor sector which spreads itself over several industries, such as service, transportation and retail trade'-from Dept of Business, Economic Development & Tourism-Research and Economic Analysis.
3. STR's also employ a large number of small business, housekeepers, handypersons, plumbers, electricians etc. Between the loss of these jobs, and local businesses in the visitor sector struggling and possibly having to close, even more jobs will be lost.

I ask that you please carefully consider the severe repercussions to the islands and their people that this bill would cause.

Mahalo for your time,

Karla Coscino

HB-84-HD-1

Submitted on: 2/14/2023 7:07:06 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Deb ToschPrice	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I oppose this bill. Many properties have been owned here for years and have supported this state thru thick and thin, remember the covid era? All those properties continued to support this community without tentants. To take property owners rights away is unamerican and undemocratic. When property rights are eroded. Many of these properties were built in the 70-80's and were built primarily for short term rentals. Long term rentals are not condusive - thin walls, floors, no parking no pets, no storage. On going condo maintenance equates to high condo dues, which is unafordable by most people - average condo dues are \$1,500 a month just in condo dues. Replace a roof, siding doors windows etc.. adds to quite a burden. The City/State should pay the mortgages and property taxes when they want to regulate peoples properties.

HB-84-HD-1

Submitted on: 2/14/2023 7:26:18 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Esther Lehmann	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

As a resident of Hawaii and a private land owner paying all appropriate taxes, I find the proposed legislation harmful for our family. We have family property that cannot be rented long term because our extra rooms are set aside for family use. When family is not present, the rental provides income, allowing us to utilize a resource without taking on 2nd or 3rd jobs. The short term rentals support our kids in their endeavors and provide opportunities for their future. Please do not penalize your residents with HOSTED rentals who are paying the GET, TAT, HCTAT, and personal taxes diligently! We are supporting our economy and providing opportunity for our children and their future.

Mahalo for your time and consideration,

Esther Lehmann

HB-84-HD-1

Submitted on: 2/14/2023 7:40:21 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
francine johansen	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB84-this is a violation of the rights of the property owners and will not have bearing on current housing issues in Maui. As a person who is employed on this island to work with low income people the solution is not to take away from what is here now, but to allocate funds , and vacant land and build affordable housing for people. We need our options currently in place for tourism to support the economy of this island. Not all those who have rentals are wealthy or visitors. Some of us are just trying to create income so we can live in this increasingly expensive economy. that is our home.

HB-84-HD-1

Submitted on: 2/14/2023 7:54:24 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Loren E. Clive	Individual	Oppose	Written Testimony Only

Comments:

I, like many Hawaii residents, earn a substantial portion of my income from my legal vacation rentals. Allowing Counties to phase out this zoning is unfair, unnecessary, and if enacted, will result in many lawsuits. Please protect private property rights and vote against this measure.

HB-84-HD-1

Submitted on: 2/14/2023 8:21:50 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Zager	Individual	Oppose	Written Testimony Only

Comments:

THE CONSIDERATION OF THIS BILL COULD SERIOUSLY ADVERSELY AFFECT THE STATE ECONOMY AND GIVES SINGLE POWER OVER THE RIGHTS OF THE LANDOWNER IN THE STATE OF HAWAII. IN CORPORATE TERMS THIS COULD BE CONSIDERED ILLEGAL AND UNFAIR AT BEST. GOVERNMENT IS THE PEOPLE. I AM THE PEOPLE AND I ARGUE AGAINST THE PASSAGE OF THIS BILL AS IT INFRINGES UPON MY GIVEN RIGHTS AS A US CITIZEN.

HB-84-HD-1

Submitted on: 2/14/2023 8:25:25 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Melton	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Thank you for this opportunity. I oppose the bill for the following reasons as it would hinder the progress of our neighbor island economy.

1. Economic consideration of Maui RPT taxes, especially after the most recent increase to \$11.85 psf.
2. Job opportunity diversification
3. Lodging opportunities outside the typical hotel model based on historical demand.
4. Increased GET/TAT tax revenues.

HB-84-HD-1

Submitted on: 2/14/2023 8:28:09 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda & Marty Halbritter	Individual	Oppose	Written Testimony Only

Comments:

My name is Linda Halbritter, my husband of 57 years is Marty Halbritter. We have lived in Hawi, Big Island for 45 years. I feel you should 'REWIND & LISTEN" to us who work very hard and pay heavy taxes to run a Vacation Rental. My husband is a disabled retired police officer and I am his caregiver. He has a disability pension which we could not afford to live on if we did not have the income from our STVR.

I know there are many, many older Kupuna's who cannot afford to live here with out this kind of extra income. If your proposal goes through not only will you put 7,500 families out of business, but all the people they hire for helpers. I pay a STVR house keeper, a landscaper, etc. I can't understand where this would be any kind of a win/win situation for anyone. I just paid over \$3,300.00 TA TAX TODAY.(JAN 20,2023) Not only would so many people lose their jobs, the county would lose thousands and thousands of dollars in income. If we didn't have this extra income from our STVR we would be on welfare. As it is now I am employing people who needs jobs. We live in a rural area with only two houses on our road. The guest who come here absolutely love it. They don't want to be in a HOTEL. They want a touch of the true Hawaii. We tell people this is a Hawaiian Experience. And they come back, year after year. Again, I hope you will 'REWIND & LISTEN"



Mahalo, Linda & Marty Halbritter

HB-84-HD-1

Submitted on: 2/14/2023 8:41:19 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Paradice	Individual	Oppose	Written Testimony Only

Comments:

We need vacation rentals to help support the state !! Period ..

HB-84-HD-1

Submitted on: 2/14/2023 8:47:25 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Harvey	Individual	Oppose	Written Testimony Only

Comments:

My late husband (who passed away at 47 when our kids were 6 and 7 years old) and I purchased our townhome at KoOlina Kai in 2006. A local boy, he grew up in Pearl city and went to Kamhameha high school. My kids and I remain very close to our wonderful big hawaii ohana consisting of over 75 family members on island. We purchased the townhome as a rental, but also as a one-day retirement destination to be close to his family. After he passed away, the income is what has sustained us financially, all these years. I am a full time mom and caretaker of my two kids (who both have special care needs). This bill would cause our family irreparable harm and financial hardship. We have only ever rented legally for all these year 30 days or more and have ALWAYS paid our TAT, GET, taxes in full. I strongly oppose this bill on behalf of folks like myself and other owners who have always followed the rules, done the right thing, paid taxes, employed cleaners, handyman, carpet cleaners, etc. and need the income to support our families. I still plan to retire there one day. At this time, I respectfully ask that you please oppose bill HB84. Mahalo.

HB-84-HD-1

Submitted on: 2/14/2023 9:08:27 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shawn Wetherald	Individual	Oppose	Written Testimony Only

Comments:

Very opposed

loss of revenue to State

loss of support jobs to locals

hotels lobbies are forcing this for own benefit

homeowners rely on income from STVR

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

HB-84-HD-1

Submitted on: 2/14/2023 9:17:27 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Slater	Individual	Oppose	Written Testimony Only

Comments:

Never has there been such a constant attack on people who have gone through legal procedures to obtain permits. This is probably the fifth law that I've written testimony against. It took so much effort to get a vacation rental permit that the idea that that can be revoked by pressure from the hotel industry and the corrupt political system we live under where campaign donations mean more than community input disgusts me. I've lived on Maui 40 years and put up with toxic pollution from the sugarcane industry that was outrageous causing cancer deaths, birth defects and destruction to the ocean, it was covered up, all in the name of 800 jobs. The vacation rental industry brings a different kind of visitor to our island not one that wants to stay in a cement resort. Keep up with the future. Get rid of this bill.

HB-84-HD-1

Submitted on: 2/14/2023 9:27:08 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis Shak	Individual	Oppose	Written Testimony Only

Comments:

I am retired. Other than interest and dividends, the rental income I receive from short-term rentals has always been a major part of my retirement financial strategy. For that reason, I bought a condo in the resort community of Koolina. I believe homes and condos in resort communities should always be allowed to offer short-term rentals to visitors to compete with hotels in the area.

HB-84-HD-1

Submitted on: 2/14/2023 9:46:58 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Roney deYoung	Individual	Oppose	Written Testimony Only

Comments:

The Hawaii diaspora is fueled by this overreach of government with unintended consequences. Empowering the local governments to impose uses on private landowners based on county whims is a threat to our private property rights.

I know people that are able to stay in Hawaii running home businesses. Renting rooms, growing food for sale, chickens for eggs. The government is not the owner of the property and to some extent has responsibility for health and safety to a reasonable level, but big brother has a heavy hand and can be targeted and weaponized.

well meaning laws can have serious unintended consequences.

why is this law necessary???? What unintended consequences and liberties to we loose or risk losing?

table this now!

HB-84-HD-1

Submitted on: 2/14/2023 9:55:29 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
MARK THORMAN	Individual	Support	Written Testimony Only

Comments:

As a twenty year resident of Maui (Kihei) and an owner of my principle residence, located in a working class residential neighborhood, a long term rental condo and a condo in the hotel zoned property my wife and I see the value of this bill. We believe that residential neighborhoods and long term rental condos should be completely off limits to short term rentals. I think great strides have been made recently removing the illegal rentals in neighborhoods and the lower prop tax rate for long term rentals were great steps in the right direction. This bill appears to give the counties more say in controlling over tourism that Maui and many other places in the world are suffering from.

We support this bill.

HB-84-HD-1

Submitted on: 2/14/2023 9:59:20 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Hall Morin	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this bill. The point of having something grandfathered in is to protect their privilege based on precedence. Allowing the counties to strip businesses of their right to operate is unfair and unjust. If a vacation rental is successful in any zoning, it supports tourism, local employment, taxes, and keeping the neighborhood pleasant because the rental properties are maintained. There are processes in place to handle vacation rentals that are not complying with the rules.

Stephanie Hall Morin

HB-84-HD-1

Submitted on: 2/14/2023 10:17:10 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joshua Hanzel	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill HB84. It affects my daily job and my current housing situation located in Kona, Hawaii. Major impact on multiple lives in this family of mine would be affected.

Thank you

HB-84-HD-1

Submitted on: 2/14/2023 10:29:12 AM

Testimony for WAL on 2/14/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Eva	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 84 for mutipul reasons. This bill would hurt a lot of working people here.