Bill 41
Testimony

MISC. COM. 569

From: CLK Council Info
Sent: Monday, October 4, 2021 2:54 PM
Subject: Zoning and Planning Testimony
Attachments: 20211004145418_TVU_Council_Members_v1.pdf

Written Testimony

Name	Sandy R
Phone	
Email	ccimsandy808@gmail.com
Meeting Date	10-06-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Ordinance/Bill 19-18 Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I ask that you think about the points I make here and please do not vote for this bill that has no more ease of enforceability than the 30-day version. It does not create transparency for who at DPP will be making decisions on exemptions, has not had enough time for DPP to come up with a process for approval of exemptions, a timeline, additional employees or training and with a current 6-month wait on building permits, there is no reason to believe DPP has the ability to take on this effort and it will create yet another item of backlog in the DPP system. Please read the attached file. Mahalo
Testimony Attachment	20211004145418_TVU_Council_Members_v1.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

Aloha City Council Members-
I ask that you think about the points I make here and please do not vote for this bill that has no more ease of enforceability than the 30-day version. It does not create transparency for who at DPP will be making decisions on exemptions, has not had enough time for DPP to come up with a process for approval of exemptions, a timeline, additional employees or training and with a current 6-month wait on building permits, there is no reason to believe DPP has the ability to take on this effort and it will create yet another item of backlog in the DPP system. DPP and HPD will require court orders to get into homes to clarify tenant occupants and tenant information which is protected data under privacy rules unless a court order is obtained. Next comes harassment and trespassing, etc. So, let's give the HPD and the courts a breather and give the 30-day rental bill a chance to work.

Ordinance 19-18.
What was problematic with the current ordinance? (per Mr. Uchida)

i. DPP continues to have problems enforcing against illegal STRs, the lottery may be considered unfair application, the 1,000-foot radius among STRs would be difficult to implement...

ii. The date of service for process and who is considered a violator is unclear.

iii. There is no dedicated enforcement staff for administering, monitoring, and enforcing the STR program.

Based on testimony DPP submits the following proposed changes for the bill for your (Commissioner's) consideration:

"Added definition for "Transient Occupants" renters for less than 180 days, but excludes: temporary employees of health care facilities, full-time students, full-time workers, military personnel and family in transition, homeowners in transition, etc. Except for family members, all other agreements for less than 180 days must have prior approval from the department.

Owners of the units will be required to provide supporting documentation when requested by the department, to verify tenants qualify for the less than 180-day exemptions listed above."

COMMENTS:

When Mr. Uchida you took office he promised a rapid roll-out of paperless and online permit applications and review. He said his goal was to make it harder to give special treatment or to stall applications, which are tactics prosecutors said were used to solicit bribes.
April 22, 2021

1. What is the exact process for homeowners submitting documentation for **prior approval of all other agreements?**
   a. Will it be electronic or paper?
   b. How long will the process take?
   c. Who holds DPP accountable for meeting the timeline established? How does this compare to the DPP decision on the current bill that the (ii) date of service for process and who is considered a violator is unclear?
   d. Who makes the ultimate decision?
   e. How can you guarantee it will not be subject to bribes since it will be an arbitrary decision made by individual/s who may/may not have connections to the requestor?

f. Have you considered how "fair" the appearance of DPP making the decision on all exemptions looks? How does it compare to the DPP conclusion on the current bill that the appearance that (i) the Lottery may be considered unfair application?

2. What is the exact process for homeowners who are **legally meeting the 180-day bill/ordinance** and may be bothered/harassed by DPP and/or neighbors for proof of documentation?

a. I believe the 4th Amendment protects us from the illegal search of our homes.

b. Other offenses that come to mind are "trespassing" and "harassing/stalking" to come onto a homeowner's property to ask questions about a tenant and/or to stand/wait outside a homeowner's property to question them. A homeowner is not required to submit any personal information about a tenant to any law official or DPP for any reason without a court order. Therefore, how does DPP plan to enforce or confirm this proposed change without adding frivolous tasks to our HPD and the courts? How does this compare to the DPP decision on the current bill that (ii) the date of service for process and who is considered a violator is unclear?

It currently takes 6 months to get a permit processed and Mr. Uchida already admits that the current process doesn't work because DPP can't staff it. What makes DPP think they could staff up to 10,000-30,000 homeowner requests for exemption approval at any given time in a timely manner?

Since DPP and the Council is touting this effort as a way to limit tourism, how can the expansion of tourism in Makaha area be explained where there are not adequate facilities to accommodate tourists who will ultimately end up in residential homes there?

City Council Created this Issue:
Over the years, the city council has continued to waive land uses and height restrictions in the Waikiki area for hotel unions and large corporations to build larger and taller hotels and buildings until all the charm of Waikiki, Hawaii as we knew it is GONE! Waikiki is now nothing but a concrete jungle with high-end retailers and restaurants because the council was willing to sell out mom-and-pop retailers and decimate every inch of the Waikiki we all loved. That's what has landed us in this situation. Now city council is trying to make residents fix their problem.

The Tourists Have Spoken
Tourists no longer want to stay in the concrete jungle city council created for special interest groups-they seek out a slice of paradise in which they can relax and enjoy the real spirit of ALOHA that is not surrounded by tall buildings and high-end retailers...they want to go get shave ice, walk on the beach, shop in a small town, talk to locals about where to go, what to see. They don't care to pay $75/day for parking and $50/day for resort fees nor do they care what the price of a Luis Vuitton bag is!

Supply & Demand:
It's basic economics-Supply and Demand!! If tourists didn't want to stay in homes/rooms, they wouldn't – they are coming because they WANT to – not because anyone is forcing them!! Remember, city council is the one forcing and trying to control the destination of our tourists!! How would you feel if your next vacation somewhere was manipulated in the same manner?

Another Approach:
If you truly want to have homes for the local people: start with non-residents, corporations, and businesses with 500 or more employees, don't allow them to short-term rent out a residence or a room. No exemptions- even to military- if they do not live on island- they must rent their residence full-time. Taxes should be higher for all non-residents, WAY higher, other states do this! Only US citizens or green card holders can purchase a property in Hawaii! Stop attacking the locals and go after the people who don't live here.

Conflict of Interest?!
How will Mr. Uchida, the DPP Director recommending policy that benefits hotels, explain the fact that hotels have the most to gain and his wife is employed by (ASTON) the biggest hotel to get the biggest gains? AUWE!!!

Be part of the change you want to see, let's stop the corruption before we go down this path *AGAIN!*

Sandy R

From: CLK Council Info
Sent: Friday, October 29, 2021 1:48 PM
Subject: Council Testimony

Written Testimony

Name	Bryantt Bernardo
Phone	
Email	bryantt.bernardo@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	My wife is born and raised on Oahu. I grew up on Maui. We've lived in a condo in Moiliili for 22 years. I'm a teacher and so we're not rich but we've saved money and hope to stay on Oahu and find a house. We support this bill for three reasons. When we visit my wife's grandma's house, we see tourists walking in big groups down the sidewalks at least once a month. She lives in a purely residential community with no hotels for miles but it's close to the ocean. That can be said for plenty neighborhoods on Oahu. Why are we treating the entire island like it's one big resort area? Secondly, we'd like to be able to find a house one day without competing with rich mainland and local investors trying to get even richer with airbnb. Two years ago, one of my family told me their friend's daughter who lives in California bought a condo in a local neighborhood so for sure I thought she was moving to Oahu. Instead, found out she bought it just to do airbnb. I felt upset. I was shocked mainland people were buying places for airbnb even in purely residential neighborhoods. That was 2 years ago. The problem has only gotten worse. Right now, with the current bill it's super easy for already rich people to buy up all the residential condos and houses on the island. Then they turn around and rent as short term rentals in our local neighborhoods to make even more money. Meanwhile local people who save their money, cannot find or afford to buy or rent homes because those investors who can afford more than one house want to get even richer and can, and have been offering more than market price for homes.

And those people who don't have as much money to have extra investment homes can't compete and are forced to move to the mainland to find even one home of their own to live in.

Thirdly, everyone keeps saying "what about the poor investors who bought their second, third, fourth home expecting to be able to rent them out as airbnb? What about their 2nd, 3rd, 4th mortgages?" Seriously? Really? That's the people we're supposed to feel sorry for? Who is the priority on this island?

No one is saying rich investors cannot have their 2nd, 3rd or 4th home. They can do what they like in resort areas. For local neighborhoods, they can own as many homes as they like too but we just want them to rent it to local people to live in, instead of visitors.

Of course all of investors will make time to oppose this bill to make sure they can keep getting all that airbnb money coming in, but what about all the local people too busy working at their jobs to submit testimony. Please say it's not all about the numbers. We are not an island of numbers. We are residents and your constituents. No matter how many investors lobby against it, please pass this bill for the local people that aren't rich and need advocates in the city council.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 9:06 AM
Subject: Council Testimony

Written Testimony

Name	Judy Bishop
Phone	
Email	Jbishop@bishopco.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I strongly support any activity legislation efforts to curtail vacation rentals in the state of Hawaii especially in Oahu especially in Kailua. This is completely devastating the housing market which is also devastating the workforce -as a professional recruiter I can testify this has severely damaged our ability to recruit and retain talent which is going to have far-reaching negative economic attacks on the state. As a homeowner, it has devastated my neighborhood ;it has devastated the quality of my life ;it is unacceptable and must be stopped now .
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IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 10:51 AM
Subject: Council Testimony

Written Testimony

Name	Catherine Orlans
Phone	
Email	corlans@outlook.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support this bill, illegal vacation rentals have taken over our residential neighborhoods. Prior to the 2019 law going into effect, I saw my neighbor's older home get bought and rebuilt into a monster home catering to short term rentals. The few months that we had to deal with an influx of visitors cars taking over street parking on our residential streets that other long term renters require for parking at home. We also had visitors smoking outside our windows and talking loudly at all hours of the night. Please do not let the wealthy minority that are benefitting off illegal rentals dictate the future for local residents. It's insane to see Native Nawaiian's being priced out our our home lands. I would love more laws that also support long renters in our city to incentivize landlords to support long term housing. Illegal vacation rentals DO NOT BELONG in our RESIDENTIAL NEIGHBORHOODS. PERIOD.
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IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 12:21 PM
Subject: Council Testimony

Written Testimony

Name	mike dixon
Phone	
Email	22pokol@gmail.com
Meeting Date	11-11-2021
Council/PH Committee	Council
Agenda Item	short term rentals
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	Please allow for young surfers who come to North Shore for a few weeks of surfing.. Short term b and b will work here but as currently written there wont be any short term rentals for them. Please find a way to permit.
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IP: 192.168.200.67

City and County of Honolulu Council

I am writing to you as an owner of a condominium unit that has an existing Non-conforming Use Certificate and is located just outside the Waikiki Resort zone. I am strongly opposed to the new ordinance that is being proposed to replace Bill 19-18. The changes that are being proposed impact me in a number of ways.

Hotel Booking System – the way the current proposed changes are written I would be forced to use the hotel management group. This hotel group is then free to charge me whatever rates they want for a management fee, set whatever rate that they want to charge guests for my unit and charge me to stay in a unit that I own. This takes away all my freedoms and rights to operate and manage a unit that I purchased. This is property that I own. It is a unit that I pay to maintain. A unit that I pay all the appropriate taxes on and yet I have lost all control of that unit and the right to actually use it as my vacation home. The hotel industry gets to reap all the revenue with absolutely no risk, no cost, no capital investment. This new proposal absolutely gives a monopoly to the hotel industry. Are they afraid of competition, is that why they have lobbied and have seemingly won over the support of the DPP?

NUC property must be owned by a Natural Person – our property is currently owned by a family trust. We choose to set up a trust and purchase the property in the trust on the advice of our lawyer and accountant. Both of these professionals advise to not hold the rental property in our personal name. These are professionals. I challenge the DPP office as to their reasoning of it having to be owned by a Natural Person.

Can't sell NUC with the property - we purchased our property in 2021. We specifically sought out a property with a NUC so that we could legally rent it out on short term rentals. From information gathered by our realtor we estimate the value of that NUC to be tens of thousand of dollars. If we can't sell it with the property we have lost well over $100,000 of value to our property.

Fees – we currently pay NUC renewal fees of $300/year. Under the proposed changes the initial registration is $5000 with annual renewals of $2500 per rental unit. That is a 1,150% increase in the fee over the first two years of operation. That amount of increase is unheard of and an extreme additional financial burden on those of us that are operating a legal rental unit and paying all the additional taxes that illegal units are not paying. What you are asking is for legal units to pay for the acts of those that are operating illegally. These are also additional fees that hotels are not required to pay and therefore are putting us at a disadvantage to the hotels. Furthering their monopoly in the area.

I honestly feel that if this passes as proposed it will put us into a position where we need to sell the unit. That means all the local residents that we employee to manage, clean, maintain and renovate will also lose income and/or their employment. How does that benefit Hawaii?

The DPP put forth that the reason for these amendments is to create more affordable housing and to crack down on illegal rentals. Ordinance 19-18 gives the Planning Commission all the power they need to crack down on illegal rentals and they have done nothing. I can sympathize with those that live in residential areas and have to deal with illegal units that are causing a disruption to their neighborhood but Ordinance 19-18 gives the DPP all the ammunition they need to crack down on illegal rentals, they have just chosen not to. We just need the DPP to better enforce the current rules. What makes you think they will enforce the rules of the new proposal? All it does is increase the cost to those of us that

follow the rules and pay all the taxes. It will do nothing to prevent illegal rentals if the DPP doesn't enforce it just like they don't enforce the current law.

After listening in on the two days of testimony I am more convinced that the bill only hurts those of us that are legal, that have a NUC, that file and pay our taxes. The current law would do ample to protect disturbances in residential neighborhoods, ensure rentals pay the appropriate taxes and provide for affordable housing, it just needs to be enforced.

Regards,

Karen Lisoway

Aloha,

I am writing to strongly oppose the proposed amendments to impose massive restrictions on legal Waikiki TVUs in the Waikiki resort zone as written in the new proposed bill. TVU has been the permitted principal use in Waikiki resort zone since LUO's inception, just like hotels. There is no restrictions on who can own TVUs , how many TVUs a person is allowed to own, or who can manage TVUs. The bill added provisions restricting legal TVUs in the Waikiki resort zone that constitute illegal taking of vested property rights, and unequal treatment of different property ownership.

Hawaii has been home for my wife (a UH graduate) and I for the past 25 years. Our 3 children were born here and are all attending public school on Oahu. Through hard work, our home's equity and high interest mortgages we were able to purchase 2 TVU condos in two of the legality resort zoned condo hotel buildings in Waikiki. Our two condos are our kids' college investment. We have been paying our TAT and GE as well as our high property tax rate diligently. The only way our condos can cover all the expenses (mortgage payment, mortgage interest, TAT, GE, property tax rate, taxed as at the hotel rate for the resort zone, income tax, maintenance fee, not to mention keeping our condos beautiful and well maintained for our guests) is, if we self-mange them.

We knew this from the very start when we decided to take out the equity of our home to put as a down payment for our first condo. We specifically searched for a legally zoned condo, which WOULD ALLOW us to SELF MANAGE our unit, knowing that if we rely on third party to manage it, we will not be able to even cover our bills. We have remodeled, and furnished our condos with lots of sweat and hard labor and we take great pride in the excellent space and service we provide for our guests. We have never had a complaint from the building's management/hotel company, we stay in communication with each one of our guests throughout their stay, we have hundreds of excellent reviews and we have had nothing but respectful guests.

We would have never made these investments if we did not have the right to self manage them or use them with no restrictions with our keiki. We paid premium price specifically to be able to self manage our condos and have staycations there with our young children. By taking our right to self-manage and use our private condos and giving them to the hotels we will not be able to keep them. Our kids' college investment will disappear in front of our eyes. This is not only wrong but also illegal, as these rights are explicit "as of" property rights that come with "permitted principal use" for the existing TVU owners in Waikiki resort zone.
We kindly request all the newly written restrictions for TVUs in Waikiki resort zone be removed from the bill or at least the current owners of TVUs to be grandfathered in.

Warmest Regards,
A. Minikov

From: CLK Council Info
Sent: Friday, November 5, 2021 1:14 PM
Subject: Council Testimony

Written Testimony

Name	nerijus puida
Phone	
Email	puida1975@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill No 41 Relating to Transient Accomodations
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose Bill 41. I am the owner of legal resort-zoned condos in Ilikai Apt Building. We purchased these properties for a premium prices with premises that we will be allowed to do legal short-term rentals and make decision who will be managing our properties. We manage our properties ourselves and hire many people including housekeepers, maintenance guys and contractors to take care of our properties. If this bill is passed and we will have to turn our properties to Hotel management pool, this will be end of our business. Hotels charge management fees that only wealthy out of state investors can afford to pay since they buy their properties for cash and they only care about investing in Hawaii. For local people who work extremely hard to make some income by managing properties themselves, going through hotel pool is not an option. Please understand that we have mortgages, insurance, high GET &TAT taxes, upkeep of properties and salaries to pay and this bill would force us to sell our properties. Sincerely, Nerijus Puida
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 1:36 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	jason Healey
Phone	
Email	jasonleif@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha As a tax paying full time resident of oahu and property owner on the North shore of oahu i do not see the reason to make a minimum rental period of 6 months or more. I have a mix of long term, short term and monthly tenants stay in my rental units. I have tennants that have been staying for 6 years but i also regularly have people stay for 1-3 months while they are visiting family or trying to find their roots when they are trying to build a life here. I have also had military service men who are deployed for 1-2 months, family or wives of military who are deployed here. I have had remote workers and travel nurses stay. Some of my most frequent quests are the ohana, of my neighbors, they love being able to stay close to their families, and like being in the quiet neighborhood away from the resort. Why should the city and county restrict my rights and the rights of my guests to stay 1-6 months in a residential neighborhood. This flexibility helps everyone, me to pay my mortgage and provide for my family, the ability of temporary workers to find price accessible accommodation and friends and family to stay close to loved ones. This bill unequivocally favors the hotels that operate here and their max pofit/max tourism mentality. The city and county should allow property owners whi live on site to rent their property out as they please, short or long term focusing on management rather than banishment of any type of short or medium term rental.
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From: CLK Council Info
Sent: Friday, November 5, 2021 1:34 PM
Subject: Council Testimony

Written Testimony

Name	Judy Dancer
Phone	
Email	alohajudy13@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Shiort Term Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose changing from 30 days to 180 days.. My rentals only property is filled with people wjo are working her remotely..peole comng to family weddings, funerals, and visitng parents and grandparents. This is my income..30 days is perfect..Guests will not stay in hotels for 180 days they will travel to other areas...they can do 30 days.. We all know the Hotel Assoc is pushing this bill...NOT EVERYONE CAN STAY IN A HOTEL OR AFFORD IT. i beg and urge you not to pass this bill.
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IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 1:41 PM
Subject: Council Testimony

Written Testimony

Name	April Perreira Pluss
Phone	
Email	aprilpluss@yahoo.com
Meeting Date	11-11-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Thank you for considering my opinion. I am strongly opposed to Bill 41 for 3 main reasons. 1. There are many home owners (me included) who will not rent the guest/ohana house for 180 days. I will use the space for something else or sell it and move. I could not live here without this extra income. Currently, my typical guests are here for family events (weddings, funerals, helping a sick family member or work: nurses). Often..they are friends or family of my neighbors.. The unit is too small (700 sq. ft), walls are too thin and too close to my kitchen to stay longer than a month. The county needs to go after the 100's of vacation rentals that still offer less than 30 days. Frustrating! When others (like me) follow the law. We need to fix original problem! 2. I certainly do not need my property to be managed by any one but me. Paying out more? for what? It is already challenging to live here. If you keep taxing us workers/locals we will be forced to leave..again. I live on the property. It is my home. I can manage my business.. Thank you. 3. I also strongly oppose taxing the vacation rentals as heavily as the hotels. We are restricted in what we can offer and provide. Our restrictions allow for a much smaller footprint on our resources. Each guest is over seen by the property owner. They are living on our property. Respect comes easier. I am also a Realtor. This will again hurt the locals. I am typically a buyers agent. I love my job because I get to help locals invest in

staying here.. their home. Please do the right thing and oppose this bill. It is not in the best interest of the local people our ohana.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 2:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Suzie Wallace
Phone	
Email	suzwallace11@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill 40. I think it most reasonable for all less than 30 day home rentals to continue to operate in any area in Waikiki even if that requires re-zoning all of Waikiki to be open to short term rentals. Otherwise that puts pressure on illegal operations to continue in residential areas outside of Waikiki. The Department of Permitting and Planning does not have enough staff to monitor all the illegal operations 24/7 allowing many to continue to skirt the law. However, the best solution to keep our residential areas outside of Waikiki free of tourist traffic is to allow any operation in Waikiki to continue to operate to allow the DPP more time to monitor the illegal operations outside of Waikiki. As a local resident of Hawai'i who was born here in 1981 that is my personal opinion and that shared by most local residents I know. Thank you for your careful consideration.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 2:40 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jacques Bargiel
Phone	
Email	myoustal@aim.com
Meeting Date	11-18-2021
Council/PH Committee	Zoning and Planning
Agenda Item	BILL041(21) RELATING TO TRANSIENT ACCOMMODATIONS
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	DO O BLAME Residents for lack of affordable housing, it's your FAULT, you are responsible for generating more affordable housing. Why are we paying taxes for? Please consider tourism is all we have so tourism loot should be shared with Residents. Noise and traffic issues are best handled with existing statutes, there is no need for more laws. Why would bend to a minority of loud voices? Aren't my voice counting for anything?
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Accept Terms and Agreement	1

IP: 192.168.200.67

City Council Meeting
November 10, 2021
Re: Opposition to Bill 41

Aloha City Council Members,

I live on the North Shore and have been a landlord, both short and long-term, for many years. I manage my own retirement income and have chosen real estate rentals as a safer, steadier income than the stock market can provide. I also like the idea of supporting local businesses and residents in maintaining the properties. I was on the losing side of Ordinance 19-18 but pivoted, as did everyone I know. It was an exhausting process, but one that proved we can take all sides into consideration when proposing and passing legislation. Unfortunately, the new Administration has decided to ditch this Ordinance by proposing Bill 41. This Bill is not balanced. When asked if the community was involved in its draft, DPP Director Ushida responded "No, and we have no plans to do so". This is heart wrenching after most landlords suffered their worst financial year ever. The moratorium on rents, lack of any relief for our industry and the lack of tourism caused severe income loss. It will take years to recover financially.

I don't understand why we cannot execute on Ordinance 19-18. The advertising platforms began collecting the data that would allow the City to cite those advertising illegally. We were told that the lottery system and distancing between permitted units posed too much difficulty for the DPP. Isn't it much more difficult to lose the support of the advertising platforms and hire, train and create new processes to go after illegal rentals? Perhaps the hardest part to swallow is that this would all be done at the expense of those legally renting short-term units.

<u>I feel strongly that the effort put into Ordinance 19-18 justifies its implementation.</u>

Re-defining short-term from less than 30 days to less than 180 days will wipe out an entire market of visitors to our island. Director Ushida mentioned exceptions to this rule for Military, full-time students and Healthcare workers. What about

others like surfers or surf contest personnel? How will we have surf contests on the North Shore when the surfers and contest personnel must rent for a minimum of 6 months? Eliminating this important rental market would be disastrous for the North Shore. It will also wipe out Transient Accommodation Taxes that our economy cannot afford to lose.

We don't need to recreate the wheel by adding more layers of personnel, taxes & fees. Please ask the DPP to do more work by engaging the community, fully analyzing the impacts to the various stakeholders and re-negotiate with the websites to assist in violation reporting.

I appreciate your consideration.

Jill Paulin
Haleiwa, HI

jillpaulin@gmail.com

From: CLK Council Info
Sent: Friday, November 5, 2021 2:27 PM
Subject: Council Testimony

Written Testimony

Name	Edward S.
Phone	
Email	saxjr1@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	This should be about property rights, not about what will make the hotels more money. Enough with government intrusions and people who accept the hotel lobby's money. Vacation rentals are our constitutional right. Generally, visitors who stay at vacation rentals don't stay at hotels. They'll just pick another island or another state.
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Accept Terms and Agreement	1

IP: 192.168.200.67

November 5, 2021

Aloha,

Please accept my testimony in support of Bill 41 CD1 addressing illegal vacation rentals in the City and County of Honolulu.

Illegal vacation rentals negatively impact the quality of life for residents by increasing congestion and noise in neighborhoods, placing additional burdens on infrastructure and facilities, and taking potential rental properties off the market.

In keeping with HTA's 2020-2025 Strategic Plan, DMAPs, and commitment to Mālama Ku'u Home (caring for my beloved home), we are supporting efforts at both the state and county levels to address the proliferation of illegal vacation rentals. Bill 41 directly supports Action A of the O'ahu DMAP, which aims to: "Decrease the total number of visitors to O'ahu to a manageable level by controlling the number of visitor accommodations and exploring changes to land use, zoning and airport policies."

Mahalo nui,

Priscilla Texeira
Owner/Occupant
Yacht Harbor Towers, Unit 907
pristexeira@outlook.com

From: CLK Council Info
Sent: Friday, November 5, 2021 2:31 PM
Subject: Council Testimony

Written Testimony

Name	Margaret Pulver
Phone	
Email	maggie.pulver@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	While the number of visitors 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 2009, there were 67,335 of these units and, in 2019, there were 65,707units available presenting a decrease in these types of accommodations of 2.4%. During the same period, we experienced an increase in visitor arrivals from 6.4 million to 10.2million, a 59.5% increase but without a corresponding increase in accommodations. These additional visitors likely stayed in non-traditional units, including illegal vacation rentals,located throughout Hawai'i's residential neighborhoods. These illegal rentals can take homes away from local residents, and make affordable housing non-existent. The proposed amendments by DPP will protect our residential communities by not allowing new short-term rentals to be permitted in areas where these types of accommodations were never meant to exist. Allowing new short-term rentals, in properly zoned areas, such as next to existing resort zoned property, will direct any new units into areas away from residential communities further preventing friction between residents and visitors. Additionally, the overhauling of enforcement procedures along with the enhancement of DPP's enforcement operations will greatly improve the effectiveness of their actions and ability to address illegal short-term rentals.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Friday, November 5, 2021 3:18 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Lloyd Kuribayashi
Phone	
Email	llk8877@gmail.com
Meeting Date	11-05-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Vacation rentals Bill 4 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The city will loose a lot of money if they change the vacation rentals from 30 to 180 days minimum. With no TAT taxes would be a big list of income for the city.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 3:03 PM
Subject: Council Testimony

Written Testimony

Name	Rodger MacDonald
Phone	
Email	rodgermacdonald@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	CB1 for Bill 41 Transient.Accommodations
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	With quality employment a challenge for many island households, I want to encourage adoption of Bill 41. Our visitor hotel industry is not perfect, but it does provide meaningful opportunity with significant benefits like healthcare programs and retirement plans. The short term vacation rentals are benefiting only the property owner and the rental agent. There is no employment or benefit programs for the thousands of residents that are supported by the hotel industry.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 3:06 PM
Subject: Council Testimony

Written Testimony

Name	Mark Baker
Phone	
Email	markbaker@compuserve.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I travel frequently and almost always look for a rental home. The economy in Hawaii is based on tourism. Please allow an option for guests to stay in a home and not a hotel.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 4:34 PM
Subject: Council Testimony

Written Testimony

Name	Colleen Rice
Phone	
Email	crice9282@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am in serious opposition to changing the current 30 day short term rental to 180 days. What is likely to be gained by that change? As a property owner/manager/caretaker to several long term and short term rentals on Oahu and in other states, I completely reject the assertion that vacation rentals are the biggest factor in the lack of affordable housing. The housing market on Oahu is, and historically has been, driven sky high from the foreign investors. Investors from OTHER COUNTRIES, not just other states, who buy up so much property to hide their funds here, thus driving up the inflated values of all the homes in the area...And then they sit empty. Many people believe that if the short term rentals were gone, there would be lots of new houses for locals to rent. I ask you this...how can anyone offer "affordable" monthly rent to a family in a million dollar house? It has been my experience that people who can't afford to buy a house most likely can't afford the rent on that same house. Many would-be renters have children and/or pets, and they tend to not take care of a house in which they have no investment. People who only stay for a short time, on the other hand, are much more respectful, and it's easier for owners to keep up maintenance and cleanliness of their property (their investment). There is also the dilemma of all the local people who rely on short term rentals for work. There are cleaners, handymen, painters, roofers, electricians, plumbers, etc. Many of these people have had scarce work through the past 18 months as it is with the pandemic. These are our neighbors and our friends, and many who live on the North Shore or East or West side can't go into Honolulu for work on a

daily basis. There needs to be work for people outside of downtown.

I agree that affordable housing is a problem in many areas. But let's also recognize that there's a shortage of renters qualified to rent a $1million home. Maybe we should be introducing legislation to bring the median home price down first.

Another suggestion would be to make a determination on a case by case basis. Maybe a house in Manoa with limited parking and houses on all sides isn't an ideal short term rental. But if there's a house on a large parcel of land with off street parking, why wouldn't it be okay to rent that house as the owner sees fit? Also a consideration might be if a certain property has had complaints about the tenants. Rarely does an action like this proposal benefit everyone with a "one size fits all" approach.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 4:40 PM
Subject: Council Testimony

Written Testimony

Name	Pauline Sheldon
Phone	
Email	psheldon@hawaii.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 Transient Accommocations
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We must reduce the number of visitors coming to the islands if we are serious about a healthy future and quality of life for residents. This bill will reduce the total accommodations in the state by removing illegal rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 4:45 PM
Subject: Council Testimony

Written Testimony

Name	Jana Wolff
Phone	
Email	janawolff808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Illegal vacation rentals negatively impact the quality of life for residents by increasing congestion and noise in neighborhoods, placing additional burdens on infrastructure and facilities, and taking potential rental properties off the market. SUPPORT BILL 41 AND STOP ILLEGAL VACATION RENTALS.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, November 5, 2021 9:08 PM
Subject: Council Testimony

Written Testimony

Name	Bernie Ardia
Phone	
Email	Ba4bsinyc@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Hello, I am beginning to resent the time we have had to spend concerned about Bill 41 impacting our retirement investment - It's disgusting. When we purchased ONE unit at Aloha Surf HOTEL - We were VERY careful to do ALL things correctly. NOW - Even though we are in a building that has ALWAYS BEEN a HOTEL - We must now be concerned of being ripped off by the Bill that could FORCE us to be managed by A HOTL firm, rather than our HIRED property mgt. WE PAY LOCAL PEOPLE to Manage , Repair, Furnish and clean or condo. Visitors spend - WHO IS LOOSING???? Neighborhoods are a separate issue. Take care of that with laws you already have! FIGURE IT OUT! Whoever supports this will not get our vote when we move to Honolulu as planned next year. We see nothing but cash lined pockets by hotel corp. who want control to manipulate prices and eliminate competition. HELLO MARRIOTT... Can't even say thank you to the council. It's been exhausting and sad. And, during a pandemic - pathetic. Nobody complained as we PAID our STR TAXES while we could not rent during the pandemic - Now you want more....? OPPOSED TO BILL 41

From: CLK Council Info
Sent: Friday, November 5, 2021 10:45 PM
Subject: Council Testimony

Written Testimony

Name	Jordan Moniuszko
Phone	
Email	jwm7r@virginia.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Enough is enough with government groups bending to the will of large mainland hotel corporations. It is easy to understand how you could think millions in tax revenue is more important than the will of the electorate. But you need to understand it is your job to represent the electorate and not simply let whoever pays you dictate the rules of our county. You've successfully passed bills to regulate alternatives to large hotel corporations a very short time ago. If more time had passed it would be reasonable to believe that there was additional information available to support adding additional regulation at this time. It is clear that this is a push by large corporations to change the landscape of our county, our home.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 5:00 AM
Subject: Council Testimony

Written Testimony

Name	Neil Frazer
Phone	
Email	neilfrazer@icloud.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Organization
Organization	Frazer-Frantz Ohana
Written Testimony	Our entire ohana is strongly in support of this bill. Illegal vacation rentals have made our neighborhood a noisy and unpleasant place to live while shrinking the pool of rental housing available to honest working people. Please fix this by passing Bill 41, and giving DPP the resources needed to enforce it.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 6:32 AM
Subject: Council Testimony

Written Testimony

Name	David Millstein
Phone	
Email	davidjmillstein@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 Short term Housing
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	This bill is an oppressive restraint on ownership. We bought a home last year for our eventual retirement in 7 years and planned to live part-time until then and rent out about half time. It was rat-infested and neglected for 50 years. We spend hundreds of thousands to fix it up and the neighbors are ecstatic how we improved the neighborhood. We can work with the 30-day min, but 6 months is ridiculous.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 6:52 AM
Subject: Council Testimony

Written Testimony

Name	Anne Gleisner
Phone	
Email	agleisner@architexturedesigngroup.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My STR is in waikiki, on the Ala Wai, in the Waikiki Skyliner, but just outside the approved zoned area. I would proposed these zoned areas are expanded. As medically disabled person, unable to work, my STR provides income for me to live off of. I will be significantly impacted by this change. Should the Bill pass, my condo would remain empty for long periods of time, so it's available for me when I want to use it, which will negatively affect the local economy. (Rent/ taxes, restaurants, bars, attractions, local small business owners). Tourism today requires diversity of choice and many may not desire to be n a hotel or just in the immediate "zoned" area.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 6:53 AM
Subject: Council Testimony

Written Testimony

Name	Berglioth (Brie) Mathews
Phone	
Email	brie4peace@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Hello. My name is Brie Mathews. I am a 28 year veteran firefighter from California. I have spent my entire adult life giving back to community in service to help others. The work is physically, emotionally and psychologically draining but I had a dream that has gotten me through all these back breaking years. That dream was to invest in a small piece of property on Maui to allow me a place to stay when I visit while offering me a little something to supplement a civil service pension. In 2015 I put everything I had saved into purchasing a STR condo. By no means am I getting rich. Between property taxes, insurance, maintenance and repairs I get by but what I am getting is some equity and more importantly, a place to stay when I visit the Island. THAT is what makes it all worth while. Its also nice knowing I am contributing to boosting the tourism economy after Covid nearly wiped out tourism on the islands. Trust me, I barely survived holding on to my property during Covid with nearly a year of no bookings to cover the mortgages that I still had to pay. Now after surviving all of that, you have the audacity to raise the taxes by 3% in an obvious attempt to push out STR owners and now you want to further zone us out by classifying STR's as HOTELS! Not only will your proposed bill drive away potential travelers to our condos but you will tank my investment. The property value will drop and I will be forced to either sell and possibly take a loss or convert to a long term rental and never have a place to stay when I visit which was the whole point of buying. I worked for years to see my dream come true and now when I am a year from retirement you threaten the very dream I worked 28 years for. I vehemently oppose your vicious and relentless attack on small business owner's of condotels. We are providing a service to the economy as helping with tourism to the island which Maui NEEDS to

survive. Instead of focusing on pushing us out, why not focus on building more affordable housing, giving incentives to long term renters, provide assistance to those who need it rather than take away jobs. My condos provide a living for my house cleaner. They provide work for handymen, plumbers, electricians, carpenters, etc. All of which I have hired repeatedly over the years. I am not a privileged rich person. I am a blue collar worker who has given to my community and I respect the land and community in which I purchased my STR property. DO NOT classify me as a rich, entitled arrogant person. I am none of those things. I am just a simple person trying to live my older years in a place of beauty and for which I earned after years of hard work.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 8:57 AM
Subject: Council Testimony

Written Testimony

Name	Elaine K. Anderson
Phone	
Email	eorenberg@gmail.com
Meeting Date	11-11-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41 to eliminate Illegal Transient Rentals in HNL and do hope this movement is included on all Hawaiian Islands. The STVRs change the nature of a neighbor and contribute to noise and lack of respect for homeowners. We must not allow them to proliferate.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 9:10 AM
Subject: Council Testimony

Written Testimony

Name	Patricia LaShoto
Phone	
Email	pumpkinpatty8558@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	STR bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I own a condo at The Waikiki Banyan on Ohua Ave I oppose the following: -30-180 day change -why are hotels privileged with special rights when we are taxed like them and we are so restricted -vacation rentals help out the economy greatly -I help to employ about 20 people by renting out my condo
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 11:02 AM
Subject: Council Testimony

Written Testimony

Name	Jaime
Phone	
Email	Jaime.kurosawa@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have a concern that this Bill will prevent the traveling nurses from coming to Honolulu to help with the nursing shortage. The traveling nurses are only assigned for 30-90 day contracts. From experience, many nurses prefer the comforts of being in a residential-type environment and not in a hotel environment, ie washer and dryer in the unit, kitchen amenities, free parking on-site. They are here to work and not party. They have grueling hours that require quiet environments. Even if this Bill is passed, I'm not going to lower my rent and make it affordable housing for the public. I find it a great conflict of interest that the head of the DPP, Dean Uchida, is married to the top executive at Aston Hotels.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 11:34 AM
Subject: Council Testimony

Written Testimony

Name	Carol
Phone	
Email	cwong5283@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I find this Bill is to support the Hotel industry only and to open up affordable housing. Why are developers like Howard Hughes continue to be allowed to build luxury condominiums and the residential homeowners being blamed for not providing affordable housing?? Second, we hear it in the news all the time of our nursing/healthcare staffing shortage and is the reason our hospitals are bringing in traveling nurses. These assignments are only for 1-3 months. Bill 41 is going to change and prevent these traveling healthcare nurses from coming here to work. I would think these nurses would prefer to live in a residential type environment and not in a hotel nor could they afford the hotel room rates either. Thirdly, seems the hotel industry would benefit greatly by this Bill. Would this be a conflict of interest if Dean Uchida- Director of DPP and his wife is Joy Uchida- top executive for Aston Hotels? Should we have the Feds verify this conflict while they are still pursuing DPP bribery scandal?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 12:41 PM
Subject: Council Testimony

Written Testimony

Name	Lawrence Bartley
Phone	
Email	sonhawaii@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Organization
Organization	Save O'ahu's Neighborhoods
Written Testimony	Our residential apartments and neighborhoods are not good settings for vacationers. It does not work except for the offenders and providers. Residential is housing for residents to rent or own and not for hotel use. Please help us put these thousands of illegal short-term rentals back to providing housing for residents. Thanks.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 2:12 PM
Subject: Council Testimony

Written Testimony

Name	Matt
Phone	
Email	mattscalling@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41, CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I can you do a blanket change from less than 30 days to less than 180 days? Have you heard of traveling nurses or teachers who need accommodations for less than 6 months? I realize we need affordable rental housing but 180 days is far too long. Many of my colleagues and their family and friends agree to the above and they all vote.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 2:32 PM
Subject: Council Testimony

Written Testimony

Name	Gloria Hum
Phone	
Email	gloyhum@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41, STVR
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	1. People and especially families want choices in where they stay and the ability to gather together. Hotels rooms are optimized for only 2 people. 2. Changes in work style have people desiring accommodations where they can both live and work remotely. Hotel rooms are confining and not well suited to this. 3. Visitors desiring to stay longer than a week want the comfort of a home. 4. Military, healthcare, other essential workers and students need places to stay during their temporary assignments or while they look for permanent housing. Hotel rooms are Ill suited for this. 5. The high cost of living in Hawaii makes the income from STVR necessary for many to afford a home. 6. The number of hotel rooms over the last 10 years is flat while tourism has risen over 50%. Eliminating STVR will sharply reduce the number of tourists and sharply increase the cost of vacationing on Oahu. 7.Many homes utilizing STVR's would not increase suitable housing for islanders as they are far from most businesses in Honolulu 8.Many STVR provide employment to assist in running the rentals and maintaining the properties.These jobs would be lost.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Saturday, November 6, 2021 3:32 PM
Subject: Council Testimony

Written Testimony

Name	David Rucker
Phone	
Email	dlr1540@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please see attached.

Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 6:43 PM
Subject: Council Testimony

Written Testimony

Name	Emma Guo
Phone	
Email	Emmaguo6122@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Saturday, November 6, 2021

City Council
City and County of Honolulu
Honolulu, Hawaii

Ref: CD1 Bill 41 , Nov. 10, 2021 City Council Hearing

Please append Section 24 to include:
"To avoid monopolies from forming within buildings, multiple Condominium-Hotels may Operate within the same building, consistent with practices in areas zoned Resort"

SECTION 24. Chapter 21, Article 10, Revised Ordinances of Honolulu 1990, as amended, is amended by adding new definitions for "condominium hotel", "hotel unit" and "transient occupant" to read as follows:

"Condominium hotel" means a hotel in which one or more hotel units are separate real property interests created by a declaration of condominium property regime."

"To avoid monopolies from forming within buildings, multiple Condominium-Hotels may Operate within the same building, consistent with practices in areas zoned Resort"

Waikiki Shore:
For example, in the building Waikiki Shore with only 161 units zoned Resort, there are several Hotel Corporations successfully competing together, managing ~ 93% of the units. You have Castle, Outrigger, Captain Cook, etc. all competing in the same building as short term rental property managers. As a result of competition in that building, each operator works hard to minimize costs which promotes Hawaii Tourism.

Island Colony:
On the other hand, you have Island Colony building with 745 units is zoned nonconforming hotel by DPP on May 11, 2020 2019/ELOG-2391(ZS).

This building contains a large quantity of units whose owners with separate real property interests created by a declaration of condominium property regime who would like an alternative to the Island Colony Partners Hotel Operation organization (ICP) .

It's apparent the low participation (less than 10% in ICP Hotel Pool) when there were previously 49% units paying Hotel Resort Property Tax.

These owners don't believe a pre-existing monopoly who has at least temporarily exploited the bylaws and charges excessive rates for poor service within any Condominium-Hotel is good for Hawaii Tourism.

These owners wish to avoid the prospect of ICP using a zoning ordinance to guarantee them exclusive rights to STR at Island Colony.

Aloha,

Robin Glass
445 Seaside #2206
Honolulu, Hawaii 96815
glassr@hawaiihome.cc
(808) 358-1774

References:

Condominium Hotel Operator

Registration Instructions
https://cca.hawaii.gov/reb/files/2016/10/CHOINSTRUCT_161010.pdf
Application
https://cca.hawaii.gov/reb/files/2016/10/CHOAPP_161010.pdf
Certificate of Insurance
https://cca.hawaii.gov/reb/files/2017/12/CSI_171222.pdf

From: CLK Council Info
Sent: Saturday, November 6, 2021 8:34 PM
Subject: Council Testimony

Written Testimony

Name	Shirley Ames
Phone	
Email	shirley.ames@outlook.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41, CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	I am a property manager of long term rental units. My concern is how we would deal with leases that are intended to be 180 days or longer but the lease is terminated early. This sometimes happens because a tenant gets a job transfer, or change in family situation after they move in, sometimes they rent site unseen and move here and find the housing will not work for them. I believe that exceptions need to be made in this bill so that owners and property managers are not in violation of operating an illegal TVU when a tenant is unable to fulfill their 180 day lease obligation.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 10:52 PM
Subject: Council Testimony

Written Testimony

Name	Patrick Mehring
Phone	
Email	patrickmehring@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am a 25 year Honolulu resident and home owner in the Waikiki area. I travel extensively for my charity. I own and operate a business in Oahu that employs 20 people. My apartment is not in the hotel zone of Waikiki, but within the Waikiki boundaries. When I am traveling for extended periods raising money for my charity, I rent my apartment out for a minimum of 30 days. Annually, my apartment is rented out approximately 90 days per year. This income allows me to do the pro bono charity work I do to bring money into Hawaii to support local homeless charities. We need money from outside Hawaii to support some of these charities. By putting additional restrictions on who I can rent to for my 30 day minimum rentals, it unfairly continues to put more burden on me to continue my work bringing money into Hawaii. Already, by limiting my rentals to 30 nights or longer, but much less than 180 days because I also live in my apartment a majority of the time, it is very difficult for me to find tenants. There are months where the apartment sits empty. By extending the minimum rental to 180 days, unless the renter meets a very narrow set of restrictions, and putting burden of proving that the tenant meets these restrictions on the landlord, it will reduce my ability to use my home for this purpose and result in me not working for the charities on island I support. We have a bill that has been passed to regulate STRs (of which I don't understand why someone renting for a minimum of 30 days or more would be considered and STR) that is not being enforced. If it were enforced properly, it would solve a majority of the issues that the community is concerned about, without taking away property owner

rights.

I strongly oppose Bill 41 and urge the council to vote NO on this proposition. At the same time, I support the enforcement of the current laws on the books that would solve many of the issues the council is trying to fix here.

Sincerely,
Patrick Mehring

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

November 7, 2021

To: Members of the Honolulu City Council
Tommy Waters, Esther Kia'ina, Andria Topola, Heidi Tsuneyoshi, Calvin Say, Brandon J.C. Elefante, Carol Fukunaga, Radiant Cordero, Augie Tulba

From: Paul Theroux and Sheila Donnelly Theroux

RE: Support for the Passing of Bill 41 to Stop Illegal Vacation Rentals

Aloha e, Ladies and Gentlemen of the Honolulu City Council:

Illegal and unregulated and untaxed vacation rentals in Hawaii are a disgrace, and a criminal blight, that threaten the culture, the economy and harmony of our island home. Is this situation the result of greed, desperation and a failure in leadership in taking action? You can fix it.s The time has come to do something to reclaim legality and order; unless this is done we are on a pathway to hell in which our beloved islands will become unlivable.

As residents of both Pupukea and Manoa Valley, we strongly request that you pass Bill 41.
The affordability of housing in Hawai'i, the privacy and stability of community life is in the cultural nourishing of Hawai'i's precious aloha spirit. This is perpetuated by the affordability of living in the islands that will allow local generations of families to live in the islands and prosper.

Malama for the culture and island lifestyle must be passed on by elders to younger generations as an essential to the practice and belief of perpetuating *keiki o ka 'aina*.

Our environment – the land and ocean highways between each island – is threatened by the casual and presumptuous vacationers staying at an illegal vacation rental. The wreckage they did to the North Shore this year is astonishing and the kind of reckless visitors that illegal rentals attract does NOTHING for Hawai'i's economy, future, environment or culture.

It is destructive. The solution is to allow vacation rentals in those four designated resort areas: Waikiki, Ko Olina, Makaha, Kuilima.

The very concept of this Honolulu City Council allowing anything illegal in Hawai'i as damaging as illegal vacation rentals is like **encouraging travel terrorism to Hawaii. It is not worth the illegal rental host votes gained at election time.**

Mahalo for your time and attention. We will be watching the outcome and hope that you will do the right thing – pass Bill 41. This is the priority of our concerns in Hawai'i and it's very delicate environmental, community and cultural balance.

Warm regards and thank you for your kokua,

Paul and Sheila Theroux
SDA International
1100 Alakea Street 12th floor
Honolulu, Hawai'I 96813
Ph: 808.949.4131
Sheila@sheiladonnelly.com

From: CLK Council Info
Sent: Saturday, November 6, 2021 3:33 PM
Subject: Council Testimony

Written Testimony

Name	Elizabeth and Dennis Pollock
Phone	
Email	eneale6@gmail.com
Meeting Date	01-10-2021
Council/PH Committee	Council
Agenda Item	BnB
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We have been residing in a BnB on Oahu as winter residents since 2007. Our average stay is 3 months. We are full members of the community when we are there: volunteer, use the library, paint with local painting groups, paddle with our neighbors in outriggers, help our elderly neighbors whom we have known for years with chores, etc. While we are here, we are full members of our quiet neighborhood. We participate in funerals and birthdays of our family friends here. We would never return to Oahu should we be required to stay in a hotel. We are integrated fully into the life of our neighbors and friends here and have been for many years. We contribute a great deal to this community as friends and neighbors and are assets to the economy. We hope you will oppose Bill 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 9:53 AM
Subject: Council Testimony

Written Testimony

Name	Melanie Wong
Phone	
Email	melaniemywong@aol.com
Meeting Date	11-06-2021
Council/PH Committee	Council
Agenda Item	Short term rental
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Illegal short term rentals only hurt the islands and the local. We already have Housing shortages , high cost in long term rental and very high cost for home buyer, illegal short term rentals only add to the problem. Also, island resources are limited, we need to protect them for generations to come. Illegal short term rental creates a chaos for the neighbors which is unbearable. In order to stop over tourism, we need to crack down on all the illegal transactions. Please stop it.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 6:11 AM
Subject: Council Testimony

Written Testimony

Name	Lucky Sprowl
Phone	
Email	Luckysprowl.ls@gmail.com
Meeting Date	1m-dd-2021
Council/PH Committee	Council
Agenda Item	Vrbo rental
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Vrbo rentals are usually in a residential neighborhood and are safe and affordable for tourists in Hawaii and Worldwide. They are not loud and disruptive like hotels are. The hotel industry is just very jealous of Vrbo rentals, because they are half the price of hotels. Hotel prices in Hawaii are outrageously expensive and the average person cannot afford them. We have always stayed in a Vrbo in a residential neighborhood in Hawaii and have never seen any loud noise or disruptive behavior from them or heard of any. The negative feelings against Vrbos are definitely political and lies meant to heart the middle class and the poor who wish to visit Hawaii. We oppose any banning of Vrbos in Hawaii as this is merely a political tactic to help the rich and punish the poor. Please do not pass such a fascist law in Hawaii.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 11:32 AM
Subject: Council Testimony

Written Testimony

Name	Elizabeth Blalock
Phone	
Email	eublalock@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bnb's
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	A 180 day stay as a guest is not a vacation rental. You are essentially destroying vacation rentals either due to the complaints of the few or mismanagement by the county, or pressure from the hotel industry. Raise the fines on the bad actors and enforce the rules. Vacation rentals supports tourism (many would not come to Oahu due to unafforability or aversion to hotel life) and local economies.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 12:11 PM
Subject: Council Testimony

Written Testimony

Name	Thomas and Melissa Dalbert
Phone	
Email	thomas@dalbert.us
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 First Reading
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha City Council Members, We have yet to find anyone who objects to Mom-and-Pop B&Bs. With Ordinance 19-18 we had a very good solution to allow owners who permanently live on the single property they own to use up to 2 bedrooms in this same home for short term rentals. This is easy to control. With limited permits for each neighborhood, no area of the island could have been overwhelmed by these kinds of B&Bs. It was clear from the beginning that the distance rule would be impractical to implement but that doesn't mean that the entire idea of small-scale B&Bs must be abandoned. The current Bill 41 is clearly not an "improvement" as stated but simply makes it impossible for visitors to our neighborhoods to stay close by their families or workplaces. The other regulations for B&Bs would suffice to control them and keep their numbers in check. We ask you to please reconsider the option to allow B&Bs as defined in Ordinance 19-18 passed in 2019. Contrary to the statement in current bill 41, these kinds of short-term rentals are not disruptive to the residential neighborhoods but allow visitors that need short-term living accommodations (family visiting their relatives, nurses, students, etc.) to continue to stay in more remote areas that don't have any reasonable hotels. They support the life in those remote neighborhoods socially and economically. We also ask you to work with the community in more remote locations to find better solutions for short term rentals that can support those neighborhoods.

Thank you,
Thomas and Melissa

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 12:43 PM
Subject: Council Testimony

Written Testimony

Name	Maggie Huang
Phone	
Email	maggiehawaii@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	BILL041(21)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	According to an interview conducted by Bloomberg with Airbnb CEO Brian Chesky: "20% of Airbnb business are from longer than one month stay, nearly 50% of Airbnb business are from longer than one week stay. That is why these visitors are good value business for Hawaii, only if we could convince the law makers to under that Hotel and Airbnb serve Different demographics, for this reason, I oppose increasing STRs to 180-days, I wish law makers understand that people including military PCS, Traveling nurses, Government and other contract workers etc now use Airbnb or VRBO to book their 30 days minimum stay including one months to 5 months stay, My BIG question is how DPP approves less than 180 days lease term after tenants already place their bookings from Airbnb and VRBO website by their credit cards? how long is the approval process? Time has changed, people now use technology backed platforms such us Airbnb and VRBO to advertise their 30-180 days rentals to ensure their guaranteed rent collections (If DPP and lawmakers ever use these platforms, they will understand why consumers like to use this instead of old way). In residential area, 180 days minimum is reasonable, for In BMX zone, 30 days minimum in urban center should be allowed.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Sunday, November 7, 2021 2:19 PM
Subject: Council Testimony

Written Testimony

Name	Ann Marie Kirk
Phone	
Email	alohaannmarie@gmail.com
Meeting Date	10-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

We would like to express our deep concern with the proposed changes to rentals which would exclude our ability to rent out our condo by the month.

Our family has been an owner of a condo in Makaha since the mid 1970's. The condo has been used firstly by my parents who were the original owner and now ourselves who are retired seniors who spend part of the year in Canada and part of the year in Hawaii. We support the local economy in Makaha and Waianae as much as possible.

The condo has been in the family for over 45 years. During the period of May to October we attempt to rent out the condo for monthly rentals to offset the expenses as condo fees in the complex are very high. Typically, we are able to get 3 or 4 monthly rentals to folks who are not able to afford the rates charged by hotels for such extended stays and who wish to enjoy a local setting outside of Honolulu. We comply with state requirements and file taxes twice per year.

We have engaged the services of local property managers and local cleaners to the benefit of the local economy for the times we do not use the condo ourselves. Over the past two years we have spent $25,000 renovating the condo to ensure it was attractive to potential visitors. We actively engaged local contractors and tradespeople to do the renovations again contributing income to the local economy.

In the event this new rule comes into effect, we will likely need to sell the condo as the costs would exceed our ability to maintain the condo without some rental income. We are finally at the stage in our life where we can look to enjoy our retirement by spending our winters in Hawaii. We would be very disappointed if this is no longer possible as a direct result of the proposed changes to rentals.

kaysi Kushner

stephen@kushners.net

To: City Council

From: Jim Tree, Kapolei November 7, 2021

Re: Bill 41 - Relating to Transient Accommodations

Introduction

The DPP produced 3 drafts of a Bill relating to transient accommodations. The Planning Commission held 3 public hearings related to this Bill. I have studied all 3 drafts, attended all 3 hearings, and attended the meeting when the Planning Commission voted to recommend forwarding to the City Council the part of the Bill dealing with the residential impact of short-term rentals but to remove the Resort zone component from the bill.[i] I strongly believe there are compelling reasons that support the Planning Commission's recommendation to forward the residential component of the bill but not the Resort zone component.

Purpose of the Bill – "Protect the City's residential neighborhoods"

The Proposed Ordinance has a stated purpose, which is: "The purpose of this Ordinance is to **protect the City's residential neighborhoods**..." Contrast this stated purpose with the purpose of the Resort zone. "**This district is intended primarily to serve the visitor population**..." ROH Sec. 21-3.100.

This distinction is significant. Before a government can take away citizens rights in using their property there must be a nexus to a legitimate governmental purpose for doing so. The DPP set forth that nexus in explaining they have received complaints regarding disruption in the residential neighborhoods from short term rentals in those neighborhoods. Many letters were received by the Planning Commission and many individuals testified concerning problems in the residential neighborhood due to short term rentals in those neighborhoods. Most of the people who testified in opposition to the Bill recognize that illegal short-term rentals are a problem, that enforcement action needs to be taken to prevent illegal rentals, but feel the restrictions in this Bill will hurt legal short term rentals in the residential neighborhood.

The City Council has a very important task; to decide how to protect the residential neighborhoods from short term rentals in those neighborhoods. Will that take changing the term of short-term rentals from 30 days to 180 days, or can the matter be rectified by keeping short term rentals to 30 days but beefing up enforcement, or is there some other number of days that will better protect the city's residential neighborhoods? What exemptions (for military families, for nurses, for students, etc.) should be put into the restrictions on short-term rentals? Will these exemptions make enforcement easier or more difficult? Are there new standards that need to be imposed on residential short term rental to solve these problems, e.g., the need for registration, payment of fees, occupancy levels, noise controls, insurance requirements, parking rules? These are all important matters the City Council will be deciding in its deliberative process. These are all properly before the City Council, as the stated purpose of the Bill is to protect the

City's residential neighborhoods. The City Council should be focusing on this stated purpose, and how to solve this problem. The proposed bill, despite clearly stating the purpose of the bill is to protect the residential neighborhood, takes us into the Resort Zone and not only regulates short term rentals in the Resort Zone, but adds regulations on condominium hotels in the Resort zone that are contrary to decades of practice in how condominium hotels are managed and run. The City Council should stay focused on the task at hand, to protect the residential neighborhoods, and should follow the Planning Commissions recommendation to separate out the Resort Zone component of this Bill.

The Resort Zone – Transient Vacation Units ("TVUs")

Many individuals that testified in support of the Bill did so in a manner that is consistent with the purpose of the Bill, "to protect the city's residential neighborhoods." However, they did not testify of their being a problem in the Resort zone with short-term rentals. The Honorable Mufi Hannemann testified at the September 1, 2021 public hearing and he stated there are many problems with short-term rentals in the residential zone. Most are illegal, owners don't pay the hotel-resort property tax rate, many don't pay transient accommodation taxes. He stated if people who wanted to offer short-term rentals came to the Resort zone, paid the hotel-resort property tax, paid the transient accommodation tax then these people would be competing on an equal footing with the hotels, and the hotels don't have a problem competing on equal footing. Transient Vacation Units ("TVUs") in the resort zone legally provide short-term rentals, they pay the hotel-resort property tax, and transient accommodation tax. Mr. Hannemann's testimony is consistent with the stated purpose of the Resort Zone, i.e., "to serve the visitor population". Time after time those in support of the Bill testified the problem was in the Residential neighborhoods and they needed protection. The DPP in drafting rules to protect the residential neighborhood, have also proposed rules that significantly effect legal TVUs in the Resort zone. These regulations that impact legal TVUs inside the Resort zone place on TVU's severe burdens that hotels do not have. Not only must legal TVUs inside the Resort zone pay the hotel-resort property tax, but they must pay an extra registration fee of $5,000 for each unit and $2,500 annual renewal, they are subject to occupancy levels that prohibit sleeping in anything but a bedroom and no more than 2 adults per bedroom. Hotels have no such restriction. There should be a healthy debate at the City Council if these restrictions are necessary in order to protect the residential neighborhood. However, there is no reason to impose these restrictions in the Resort Zone. No one, not DPP, or others testifying in support of this Bill testified to problems in the Resort Zone. TVUs in the Resort Zone should be able to operate on a playing field equal to the hotels. The hotels do not need to register each hotel room at a cost of $5,000 per room with a $2,500 annual renewal fee per hotel room; a studio apartment unit has no bedroom yet they are allowed guests in such rooms. The Resort Zone was created to serve the visitor population. TVUs should be allowed in the Resort zone without conditions imposed on TVUs in the residential neighborhoods. The Planning Commission recommended taking the Resort zone TVUs out of this proposed

bill. The only way to do that is to make TVUs in the Resort zone a Permitted use. Master Use Table, 21-3 should be amended to show "P" as a permitted use in the Resort Zone. Currently Table 21-3 has TVUs in the Resort Zone as a "P/c" use, that is Permitted with conditions. However, there are currently no onerous conditions in the Land Use Ordinance that apply to TVUs. The new proposed bill recommends many onerous conditions for TVUs. While all or some of these conditions may be necessary to "protect the city's residential neighborhoods" there has not even been an attempt to allege there is a nexus for placing these onerous conditions on TVUs in the Resort zone.

Prohibiting TVUs or conditioning TVUs in the Resort zone with the new proposed conditions for TVUs is contrary to the stated purpose of the new Bill. By eliminating or reducing TVUs in the Resort Zone, a zone created to serve the visitor population, more demand will be placed on the residential areas, not less. Many people have testified there is a market for visitors to stay in properties other than hotels, and this demand is fueling illegal TVUs in residential areas. If TVUs are taken away from the Resort Zone, where they should be, there will be more demand for illegal TVUs in the residential neighborhoods, which defeats the purpose of the proposed Bill. Allow TVUs in the Resort Zone with a "P" Permitted use.

The Resort Zone – Condominium Hotels

There are more than 30 condominium hotels in Resort Zones on Oahu. Most are located in the Waikiki Resort Zone, there is also the Beach Villas at Ko Olina and the Ocean Villas at Turtle Bay outside the Waikiki Resort Zone. The Proposed Bill, without any rationale for doing so, dramatically changes the very fabric of condominium hotels. These new Regulations are to the detriment of the Residential neighborhoods, to the detriment of condo hotel owners, and to the detriment to the City and County of Honolulu. (These are bold statements, detailed information is necessary to demonstrate their accuracy, and your study of these issues is necessary to make sure severe unintended consequences due not occur by passage of this Bill in its current form.) In order to comprehend the severe damage that can come from changing the way condo hotels have been regulated in Hawaii since there inception it is important to understand the history of Condo Hotels and their operations.

History of Condo Hotels in the USA and Hawaii

Condo hotels have been in existence since at least the 1970's and saw significant growth in the early 2000's.[ii] Jim Butler, perhaps the world's most renowned attorney in the condo hotel industry, explained that '**condo hotels'** normally refer to properties where individual owners own **most or all** of the condos and the rental inventory relies on these owner owned condos, while ' **hotel condos'** refer to properties where the owner of the hotel owns most of the condos, but individuals own a small portion of the onsite condos which are not critical for the rental inventory.[iii] Jim Butler explains, I prefer the term "hotel mixed-use" for projects that combine a hotel with condominium or

residential and other uses, and I use the term "condo hotel" for the first type of project mentioned where some or all of the intended room inventory consists of condominiums sold to individual owners.[iv] I refer to the other end of the spectrum – where for-sale condos or residential units have been sold and are not intended to be a critical part of the hotel-rooms inventory – as hotel condos.[v] By 2004 condo hotels were becoming a hot commodity, being described as "the newest trend in vacation home ownership. Live in it when you're there; rent it out when you are not."[vi] Many condo hotels offer an expanded array of hotel services to owners in residence as well as to owners, guests, and renters.[vii] Both owners who want to enjoy the many amenities available at luxury resorts as a primary residence or second home and investors who recognize the appreciation potential of revenue generating property are drawn to condo hotels.[viii]

By 2010 there was a growing trend of discontented condo hotel owners. The high expenses involved in running a branded condo hotel left little revenue for condo owners. Many owners reported when they bought their units, they were told it was going to be a 70/30 split - 70 percent for the owner and 30 per cent for the hotel but when they did the math after all the fees, it was the other way around. As a result of high expenses, and what many condo owners consider unfair practices, lawsuits sprang up from Florida to Hawaii.[ix] "Condo-hotel projects can run into problems when one side gets too greedy or the location does not make sense from the standpoint of it being a viable second home or vacation destination",[x] said Brent Howie, President of Provident Hotels & Resorts, and a 30 year veteran of condo hotels.

Branded vs. non branded Condo Hotels

In 2004 most luxury resort condos were modeled after the concept of having one hotel manager with a brand name such as Ritz-Carlton, Trump, Starwood, Hilton, Hyatt, Rosewood, W, Meridien, St. Regis, Conrad, Regent International, or Sonesta.[xi] Dual use resort condos usually require 80 to 90% participation from owners to be able to attract a brand name. Brands want a monopoly and want control. Brands usually pay for such expenses as housekeeping, front desk check-in services, reservation services, concierge services, valet parking and marketing. Brands generate revenues to pay expenses and make a profit by splitting revenues with owners. Branded resort condos have very high costs and expenses. The reason is hassle-free ownership and participation in the rental pool require that the hotel management perform all the tasks required to manage the condo hotel units. These management expenses consume a significant portion of the rental income. Many owners of resort condos believe the concept of a brand is too expensive, results in increased vacancies, and a much lower net rental revenue to the condo owner. Many experts believe non branded condo hotels offer a better return to condo owners as expenses are often dramatically reduced.

Oahu's Condo Hotels

Condo Hotels on Oahu include both branded and non-branded properties. Many owners of non-branded condo hotels testified at the September 1 and 8 public hearings. These owners consistently asked the DPP and Planning Commission to include a provision for non-branded Condo Hotels to fit into the definition of Condo Hotel in the Proposed Ordinance. In keeping with the practice in the industry many condo owners of individual condo hotels live in condo hotels, or use them as a second home, or for long term rentals, as well as short term rentals. Many of these condo association rules allow for this "mixed use" in the condo hotel. HOAs in many of these condo hotels have Association rules that allow owners to self- manage or use private local management companies and prohibit branded management. This allows owners to avoid the very high cost of branded condo hotels as described by experts, *supra.*

The Proposed Ordinance should keep the status quo for Condo Hotels

The stated purpose of this Proposed Ordinance has nothing to do with Branded versus Non-branded condo hotels. Please (1) continue to allow condo hotel owners the right to live in their condo hotel unit, and (2) continue to allow non-branded hotels to operate and be exempt from the TVU standards, the same as branded condo hotels. If a condo hotel in a resort zone does not meet the new ordinances definition of condominium hotels, owners will have to rent as a TVU, and with a significant disadvantage to hotels and other condo hotels. This would be a huge change in condo hotel practice in Hawaii.

(1) **Continue to allow owners in condo hotels the right to use their unit as a primary residence, thereby, increasing primary residence opportunities in the residential areas.**

Currently owners that reside in condo hotels are allowed to make their condo their primary dwelling. In the DPP's draft 1 this right was taken away. Sec. 21-5.360.1 In draft 2 this right was given back to local families to use their condo hotel unit as their primary residence. In draft 3 yet another change was made, this time grandfathering only those owners living in the condo hotel unit as of the effective date of the ordinance as a nonconforming use. Draft 2 should be reinstated, and owners of condo hotels should be able to use their unit as a primary residence, as is allowed under the current law. To limit primary residence status goes against the stated purposes of this ordinance. The version of Bill 041 on the Honolulu Records Collection website (as of 11/7/2021) introduced by Tommy Waters on October 19, 2021 **prohibits the use of a condominium-hotel unit as a primary residence or usual place of abode.**

The stated purpose is to regulate TVUs in residential neighborhoods. The Proposed Ordinance states that by regulating TVUs in residential neighborhoods this will result in better housing opportunities for local families. By putting restrictions on primary residences in condo hotels you will be restricting home ownership opportunities for local families. By limiting local families from having primary residencies in condo hotels you displace local families, many of whom will purchase homes in residential neighborhoods, putting greater demand on housing in residential neighborhoods, not

less demand. The restriction of prohibiting local families from having primary residencies in condo hotels is contrary to the stated purpose of improving primary residence opportunities, and is contrary to decades of customary practice in Hawaii and throughout the US.

(2) Continue to allow owners in condo hotels to use local real estate companies to manage or to self-manage.

The current language in the Proposed Ordinance does not work for nonbranded condo hotels in Resort zones. Most condo hotels in Resort zones are nonbranded. Many of these owners testified at the two public hearings stating their HOA rules don't allow for brands, or that they prefer the local real estate companies managing their units, or they prefer to self-manage as permitted by their HOA rules. The current law allows condo hotel owners to have local real estate managers or to self-manage if their HOA rules allow that. **The status quo should be maintained**. To require a hotel brand to manage a condo hotel does not in any way help the stated purpose of this ordinance. No one complained and the DPP did not present any evidence there is a problem with local real estate companies managing short term rentals in condo hotels. The evidence was to the contrary through the testimony of many condo hotel owners. Several people testified their condo hotel has a brand but using the brand is not required. They testified local real estate companies are doing an excellent job, provide better service, charge lower fees, have lower vacancy levels than branded companies that operate in their condo hotel. Several testified that Ashton hotel operate in their condo hotel but have a very low percentage of the business because local real estate companies due a better job. Several of these real estate companies provided testimony that the proposed bill will put these real estate companies out of business. (See, excerpts at the end of this article as a few examples.)

The deletion of Sec. 21-5.360(c) and corresponding language in Sec. 21-5.360.1 in draft 3, that required condo hotel owners to pay to stay in their own condo unit, and deleted the requirement for rental rates to be determined only by the hotel operator, was a good change and future drafts should keep these clauses out of the ordinance. **However, the current version of Bill 041 introduced by Tommy Waters on October 19, 2021 has reinserted this regulation that requires an owner in a condo hotel to pay rent to stay in their own villa, even to perform repairs. Why? There is no nexus to the stated purpose of the Bill in requiring condo hotel owners to pay to a central hotel operator the same fee a guest would pay. This price fixing regulation was taken out based on the Planning Commission comments, and public hearing testimony. It was pointed out in testimony that legal counsel had advised owners in condo hotel projects they could not get together and collude on pricing, or they would be guilty of Federal price fixing laws which are felonies. The City and County of Honolulu should not be involved in requiring Condo Hotel owners to participate in illegal price fixing schemes. After receiving this information DPP issued a public statement that they were removing this Regulation, which is now**

back in Bill 041, because they did not want to be involved in regulating prices. This is but one example of how the City and County can put itself in extreme legal jeopardy by passing provisions that have nothing to do with the stated purpose of the Bill. Why is the City and County considering regulating Condominium Hotels inside the Resort Zones in an ordinance dealing with protecting Residential neighborhoods from the adverse effects of illegal short-term rentals? It makes no sense. Condo hotels have been in existence for decades, and Hawaii has followed the pattern of other US jurisdictions in allowing "mixed use" condo hotels where the units can be used as a primary residence, a second home, a long term rental and short term rentals. History has shown that when the "mixed use" provisions have been removed these projects often have severe financial difficulties, with owners being foreclosed on and projects losing financing. As there is a no nexus to a governmental purpose for requiring condo hotels being compelled to come under a monopoly by requiring only one hotel operator, and history has shown severe financial damages the City and County of Honolulu should not open itself up to such liability.

Language should be added to the ordinance that makes clear that owners in a condo hotel may use their units as short-term rentals, long term rentals, second homes or primary residences. This is the current law. Under current law owners that use their condo hotel only for primary residences and long-term rentals do not pay the Resort-Hotel property tax rate, this should be continued and made clear in the new ordinance. Condo hotel owners that have short term rentals should continue to pay the Resort-Hotel property tax rate as is the current law, putting them on equal footing with hotels.

Conclusion

Condo hotels are an important part of Hawaii's history. Since their inception condo hotel owners have been allowed to decide to use their units as a primary residence, taking strain off housing demands in residential neighborhoods, as long-term rentals, taking strain off housing demands in residential neighborhoods, or short-term rentals. Those using their units for short term rentals are required to pay Resort-Hotel property taxes and should continue to be so required. Since their inception HOAs have been able to decide if the condo hotel will be branded or nonbranded, and if local real estate firms can manage rentals or owners can self-manage. This practice has worked well, and it is the practice in the industry throughout the USA. Permissible uses in the Resort zone include hotel use as well as one-family, two-family, and multifamily dwellings. Table 21-3. The status quo should be preserved in the new ordinance.

As a specific case study please consider the Beach Villas at Ko Olina. It is located beachfront in the Resort zone located next to the Four Seasons, the Aulani Resort and Spa, and The Marriott Beach Club. The Beach Villas meets the definition of a condominium hotel. The project documents allow the Beach Villas to be used as a primary residence, for long term rentals, and short term rentals. The zoning laws of the City and County have allowed all these uses since construction of the Beach Villas.

Owners purchased at the Beach Villas because the law, the zoning, and the project documents all allowed this mixed-use. Now after decades Bill 041 introduced on October 19, 2021 by Tommy Waters would no longer allow an owner to use the Beach Villas as a primary residence, would require all owners to place their condo in the hotel pool managed on a monopoly basis by a single operator who can charge whatever they want as there could be no competition. It is likely there will be many foreclosures and financing being pulled and some failed projects by this drastic departure from the norm. Currently at the Beach Villas 10 local real estate firms manage rentals for owners and other owners' self-manage. These real estate brokers and companies like, Munro Murdock, formerly of Love Hawaii and now of AvantStay, and Larry Oldfield of Ola Properties are just two of the highly reputable brokers that run a business supported by local workers that will be put out of work if these condominium hotel regulations are put into effect. How do the proposed condo hotel regulations relate to the purpose of the Bill – **"To Protect the City's Residential Neighborhoods"? Why have such unrelated and monopolistic provisions found their way into this bill to protect our residential neighborhoods? Have conflict of interest checks been made?**

Please review the excerpts from just a few of the many people who provided testimony before the Planning Commission.

9/7/2021 The Resort Group, the master developer of Ko Olina Resort.

"This DPP Bill is drafted in a manner that benefits the hotel industry by reassigning power to major hotel operators by requiring that a hotel operator book the reservations, manage operations and set nightly rates for all TVU units...Finally, it does not allow buildings with TVUs to be mixed-use with long term housing options, which unnecessary impedes on the flexibility of buildings within resort areas and limits long term housing inventory...The Resort Zone at Ko Olina is specifically designed to accommodate visitors in resort communities that are separate from the traditional residential neighborhoods the bill seeks to protect."

8/30/2021 Kaiula Jack, Founder and Principal Broker of Ali'I Rentals.

"We manage about 150 properties mainly in the Waikiki area and employ 25 local residents that live in our community. The money my company and my staff receive stays on the island unlike large Hotel Companies who are obviously the driving force behind the DPP STR Draft Bill. **If this Bill is passed it will shut down Ali'I Beach Rentals for good and all 25 of us will be out of a job along with THOUSANDS of other local residents that work in the LEGAL STR industry...**This is a time when government should be taking steps to create jobs not delete them with bills that virtually eliminate this particular part of the licensed and regulated real estate industry." (emphasis in original)

8/30/2021 Nerijus Puida. Rental Management Business Owner.

"This bill threatens to wipe out our legal short-term rental management business that we built over the years. We own 5 condos in the Ilikai Apartment Building that falls under the resort-zoned condo hotel category…

"The purpose of this Ordinance is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals".

That sounds reasonable…However, after reading the entire bill it is obvious that one of the main purposes of this bill is to place massive and unreasonable restrictions on legal resort-zoned Waikiki condo hotels and TVUs and hand over short-term rentals to the Hotel industry:

1: Sec 21-5.360 Condominium Hotels: "Units in a condominium-hotel must be part of the hotel's room inventory"

This section has nothing to do with protecting residential neighborhoods and housing stock from negative impacts of short-term rentals. The only purpose of this ordinance is to hand over property rights from the owner to the hotel industry.

If this ordinance is passed, all privately-owned condo-hotel units would be forced to go through the hotel pool. Hotels will be able to charge high management fees since all competition is eliminated…and have no fear of losing clients since owners would have no other choice…

For owners like me, who have a sizable mortgage this arrangement will devastating." (emphasis in original)

8/30/2021 Faruq Ahmad, owner of a condotel unit.

"I have owned a condotel at the Ilikai Marina for almost 20 years. I support the motivations as described in the Background section of the Staff Report. However, I request the Commission to reconsider certain key Recommendations…

The Ilikai Marina is in Waikiki, which is already a tourist area…The Proposal seems to suggest that all units should be centrally rented, as in a Hotel. I use a third-party rental agent, and would like to continue to do so. I am happy with their service, and do not think it appropriate for the Commission to force me to do otherwise…There are residents at the Ilikai Marina who use their units as primary residence…The Commissions' proposal to disallow this is an unreasonable and improper limitation. It will also result in the loss of homes to individuals who currently use it as primary residence."

8/30/2021 Jorge and Jacqueline Milanes, owner of three units in the Ilikai Hotel.

"Your bill as it stands forces me, as the owner, to transfer the management of my short term rental to a Hotel Pool that charges 50 percent of the daily rate. I have a mortgage to pay and the only reason why I purchased these units was because they are LEGAL RENTALS and have been for many years. I don't understand how "forcing me into the hotel pool" solves the cities issues with illegal Airbnbs…I strongly suggest the committee remove the forcing of condo hotel owners to transfer their management to the hotel in its entirety and I suggest you focus on illegal airbnbs."

8/30/2021 Kevin D. Taylor, President and Realtor, Alohana Realty LLC.

"Please read **Sec. 21-5.360 Hotels and Hotels Units.**

Does this have ANYTHING to do with "approx.. 40,000 vacant homes in residential neighborhoods"? No, it does not…

If you own a unit in the Ilikai…Waikiki Banyan…or Waikiki Sunset…for example:…

You can no longer hire a company like mine to manage your unit for you.

What CAN you do with the unit you own?

A. Give it to the Aqua-Aston front desk. They will put it in their hotel pool. They will pay you less than owners make through my company.

How does that do anything about short term rentals in residential neighborhoods? It doesn't." (emphasis in original)

8/30/2021 Ka'ili Hopkins, Ali'I Beach Rentals.

"Ali'I Beach Rentals is a licensed LEGAL Short Term Rental company here on Oahu. We manage about 150 properties mainly in the Waikiki area. Owners seek us out because we are good at what we do. We do things the right way, with the "Aloha Spirit."…There will always be a place for hotels, and there will always be a place for legal short term management companies."

8/30/2021 Carl Schneider, Owner of a condo hotel unit in Waikiki.

"Can you please explain how this section [dealing with condominium hotels] is related to the original purpose of this bill, which is to protect residential neighborhoods? Condominium-hotels in the Waikiki resort zone are not in residential neighborhoods.

Therefore, how does forcing the property owners of units in these condominium-hotels into being part of the hotel pool help the original purpose of this bill?...

I am the owner of a legal transient vacation unit (TVU) in the Waikiki resort zone, in a condominium-hotel. I have opted to have my unit managed by a professional short-term management company, instead of being managed by the hotel pool. The company that manages my unit is legally licensed and insured company. They have about 25 employees (all living and working on the island) and provide a very reliable and professional service to me as an owner as well as to our guests.

The fact that units in condominium-hotels can currently be managed by either the hotel pool or by third-party management companies creates a healthy and competitive market. Imposing that only the hotel pool is allowed to manage all units in condominium-hotels creates a monopolistic market for the hotel industry...With this monopoly, the hotels would be able to charge very high management fees to the owners of hotel-units without fear to lose clients, since the owners would be stuck without any other choices."

8/30/2021 Lehua Slater, Accountant, Ali'I Beach Rentals, Inc

"As a born and raised resident and employee of a family operated vacation rental property management business in Waikiki on the island of O'ahu, I see the multiple and intertwined economic and social benefits of maintaining locally and individually owned short term rentals...For the past 10 years I have been the accountant for a locally owned and operated 100% legal vacation rental business. We currently maintain 150 individually owned condos in Waikiki and have assisted hundreds more throughout the years, many who were locally owned and operated. All within the legal zoned areas of Waikiki only...This ordinance attempts to force our clients to relinquish their property management to a hotel that is not locally owned in effect giving the hotels a monopoly."

////end of excerpts from reports submitted to DPP/Planning Commission//////

This project to "Protect the City's Residential Neighborhood's" will take considerable time, resources, and skills. Why dilute the effort needed for a beneficial result by leaving unrelated matters dealing with the Resort zone and Condominium Hotels in this bill? Much time was taken by the Planning Commission in dealing with these unrelated issues. Take the Planning Commission's recommendation seriously and permit TVU's inside the Resort zone without the added conditions, and delete all regulations dealing with Condo Hotels. Do this quickly and save the time of hearing from hundreds of condo hotel owners and property management companies, don't risk substantial claims of damages for issues that have no nexus to the stated purpose of Bill 041.

Me ka mahalo piha,

Jim Tree
92-102 Waialii Place
B-208
Kapolei, HI 96707
(a nonbranded condo hotel in Ko Olina)
ssitree@aol.com

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[i] I have spent many years acting as legal advisor to a city council and city planning and land use department on the mainland and as legal advisor to the Air Force in matters dealing with land use. I am not licensed to practice law in Hawaii and offer my opinions as a lay person. I moved to Hawaii in 1972 but returned to the mainland in 1977. I have been a frequent visitor since, and in 2010 I fulfilled a lifelong goal to purchase a condominium in a Resort zone. I wanted to purchase in a Resort Zone so I could live in my condo when I wanted and to legally rent it out as a short-term rental when I wanted. I ended up purchasing at the Beach Villas at Ko Olina.

[ii] http://hotellaw.jmbm.com/post_2.html

[iii] http://hotellaw.jmbm.com/only_hibernating.html#more-430

[iv] *Id.*

[v] Id.

[vi] http://www.condohotelcenter.com/articles/a10.html

[vii] *Id.*

[viii] *Id.*

[ix] http://www.worldclasscondohotels.com/faqs.html

[x] http://hotellaw.jmbm.com/post_2.html

[xi] http://www.worldclasscondohotels.com/faqs.html

From: CLK Council Info
Sent: Sunday, November 7, 2021 5:54 PM
Subject: Council Testimony

Written Testimony

Name	Robert Griffith
Phone	
Email	lagosbob@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41, CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As in my earlier submission 7 September, below, I strongly repeat my request that yo • Oppose the 30 day to 180 day change • Oppose taxing TVU's and B&B's the same as hotels • Oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to • Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. The County should focus on more impactful housing reforms that don't threa the recovery of our economy • Establish a working group comprised of key stakeholders on rule-making recommendations My earlier submission is below, for your reference. Sincerely, Robert Griffith 2140 Kuhio #2402 Honolulu ========== Regarding the proposed Amendments to Chapter 21 (Land Use Ordinance), Revised Ordinances of Honolulu (ROH)1990, as Amended, Relating to Transient Accommodations, I hereby submit my comments and testimony in opposition. I fully support enforcement actions against illegal Short-Term Rental operators. There no need to change the definition from 30-days to 180-days, and I support every effort properly enforce the 30-day minimum. This is where any potential legislation should b targeted, not with methods such as being proposed, which would have significant economic impact on both the local economy and property values in Waikiki. The draft Bill plans to ban the legal 30-day minimum vacation rentals in Apartment Precincts in Waikiki. I oppose this Bill for the following reasons: 1. There are people on Oahu who need rentals of less than 180-days. I have had a number of renters who were on work contracts of less than 180 days, were

moving/renovating their house and needed an interim place to stay, family/military connections needs, etc.

These people didn't need or want or couldn't afford to stay at hotels for the period of t they needed accommodation. Hotel accommodations do not provide 'home' amenitie that are available in a condo rental. There should be an option for them to stay at con less than 180 days with affordable rates. This benefits Hawaii's economy.

2. There are many people who want to 'snowbird' for 1-3 months in warm places like Waikiki. Such people are NOT 'vacation' renters. They would stop coming to Hawaii i their only choice was a hotel. As they are 'living' in Waikiki for this period of time they need the additional amenities for such a length of stay and the hotel costs for such a period of stay would be prohibitive. These people also bring substantial benefits to Hawaii's economy.

3. If the purpose of this Bill is to protect neighbors, why not let Owners Associations decide by allowing their input? In my building, 30 day rentals are allowed. We do, however, have excellent controls on any residents' access that limit potential violatior truly short-term vacation rentals. We act on any potential violations by notifying the ov and the authorities.

I do not believe the DPP should override those owners' rights and implement such a c sided standardized rule ignoring each building's owners' opinion and right to decide.

While it is understandable banning illegal vacation rentals in more quiet "residential" neighborhoods such as Kailua or Hawaii Kai, it makes no sense for Waikiki. Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, shops that depend on tourists, both week stay 'vacation' ones and month+ stay 'visito ones.

Healthy successful tourism needs a variety of accommodations that provide options t visitors. With this proposed Bill it is narrowing accommodations to only local residents with long term 180-day leases, who will not contribute to the special businesses aime tourism and income for business owners and the state of Hawaii.

It is obvious that this Bill is aimed to help the Hotel Industry in Waikiki. It does not ben Oahu by providing healthy competition as it only promotes the vested interest of the H industry and its revenue.

This bill will significantly affect both my current day income and the market value of m property. It completely oversteps the market conditions that existed when I purchasec property.
There should be other ways to stop illegal vacation rentals or solve the issue of the shortage of housing for local residents.

Letting the Hotel Industry monopolize the Oahu's accommodation options will result ir ruined economy.
Sincerely,
Robert Griffith

From: CLK Council Info
Sent: Sunday, November 7, 2021 6:20 PM
Subject: Council Testimony

Written Testimony

Name	Tom and Mary Morton
Phone	
Email	tkmorton@outlook.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As owners of a Condo in Waikiki, which we rent out on a short term basis when we are not in Hawaii, we must oppose passage of this Bill. The idea that banning vacation rentals will solve the lack of affordable housing in Honolulu is not practical. As well vacation rentals help the Honolulu economy. If this bill passes we will probably have to sell our Condo, which we visit yearly, and vacation somewhere else.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 8:53 PM
Subject: Council Testimony

Written Testimony

Name	Craig Hara
Phone	
Email	thnlinc@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Short term rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha My name is Craig Hara and I oppose the DPP's new bill that would change the minimum rental period from 30 days to 180 days. Earlier this year Air BNB and VRBO had an agreement with the city to crack down on illegal vacation rentals. We were required to list our GE, TAT and TMK numbers on our posting. We thought all was good, but I guess we were kind of betrayed. We pay all our taxes and take care of our neighborhoods. For the year 2022, my property tax went up drastically to $15,000 per year. I am retired, how will I pay that tax if we can no longer rent out one of our homes to vacationers. People say, why don't you rent it out as a long term rental. The reason that we do not rent it out as long term is because we live there also and don't want it rented out all the time, so that we can use the area too. Why is the City so adamant about telling us who we can rent to? Is it because the State no longer gives them a share of the TAT? The Hawaii State tax collector doesn't return our TAT & GET payment. They don't say we cannot accept your payment because the City says you are operating illegally. Allowing vacation rentals only in Waikiki, KoOlina, Kuullima & Makaha is down right unfair. Who owns property in these areas? Not many local folks own property there. Lots of mainlanders and outside investors. Please help the Local people to continue to operate their vacation rentals, so we can keep our homes for our families for generations to come. DPP keeps saying that we are taking away rental homes for the local people. Most vacation rental Owners will not rent to the long term renter because either they live on the property or they want the flexibility to use the property for themselves and family.

The answer to the housing shortage on an island such as ours is to go UP! With the shortage of land the only way that you can make affordable housing is to build high rises and apartment buildings. I believe Singapore is doing a terrific job making affordable housing available to all who need it. And it is all high rises. Makes sense!
But getting back to the subject. Please allow us to continue to operate our vacation rentals so that we can keep the land within our families.
Thank you for your time

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 11:01 PM
Subject: Council Testimony

Written Testimony

Name	Teresa Parsons
Phone	
Email	Tapanc06@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please continue efforts to curb illegal vacation rentals and strengthen enforcement. Illegal vacation rentals negatively impact the quality of life for residents by increasing congestion and noise in neighborhoods, placing additional burdens on infrastructure and facilities, and taking potential rental properties off the market. Mahalo for allowing submission of my testimony in strong support of Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Chamber of Commerce HAWAII
The Voice of Business

November 10, 2021

The Honorable Tommy Waters
Chair & Presiding Officer
City Council
City and County of Honolulu
Honolulu, HI 96813

RE: Bill 41 (2021) Relating to Transient Accommodations. (Protecting the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals by providing a more comprehensive approach to the regulation of transient accommodations within the City and creating additional sources of funding for the administration and enforcement of the City's short-term rental and transient accommodations laws.)

Aloha Chair Waters and Members of the City Council,

On behalf of the Chamber of Commerce Hawaii and members, we are in **support of the Proposed CD1** of Bill 41 (2021), Relating to Transient Accommodations, as recommended by the Department of Planning and Permitting.

The Chamber is Hawaii's leading statewide business advocacy organization, representing approximately 2,000+ businesses statewide. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We appreciate the exemptions offered in the Proposed CD1 under "Transient Occupants" by exempting the 180 days trigger for our military service men and women. It is crucial that the City and County of Honolulu preserve transitional military personnel, the defense industries and contractors given their major economic driver in Hawaii bringing billions of dollars into our island economies.

We respectfully request the Council consider a "*shot-clock*" to expedite department approvals of legitimate tenant requests looking to relocate or require temporary housing as provided in the list of exemptions. If department responses are not completed, exemption requests would be deemed approved. If timely responses are not responses, the tenants requiring the exemption may lose their ability to secure temporary housing waiting in the queue for weeks or possibly months.

733 Bishop Street, Suite 1200 • Honolulu, Hawaii 96813 • Phone: (808) 545-4300 • Facsimile: (808) 545-4369

Chamber of Commerce HAWAII
The Voice of Business

By way of background, the Chamber's Military Affairs Council (MAC) was established in 1985 to specifically advocate on behalf of Hawaii's military as it is the second economic driver for the State of Hawaii, comprised of business leaders, state and local officials, non-profit organizations, community leaders and retired U.S. flag and general officers to advocate and liaison with the military commands. The MAC's mission is to protect, promote and preserve the military's presence in Hawaii.

We appreciate the amendments in Bill 41 (2021), Proposed CD1, in addition to the timeline for department approval of tenant exemption.

Sincerely,

/s/Myoung Oh

Myoung Oh
Associate VP, Business Advocacy & Development

moh@cochawaii.org

From: CLK Council Info
Sent: Monday, November 8, 2021 5:25 AM
Subject: Council Testimony

Written Testimony

Name	Valaree Albertson
Phone	
Email	albertsonv808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear Honolulu City Council, Aloha, my name is Valaree Albertson and I'm a homeowner at the Waikiki Banyan. I understand you will be making a decision soon with regards to Bill 41 and my stomach is in knots over the restrictions that are being proposed. It's difficult for me to wrap my head around some of the ordinances being proposed because I can't figure out what your goal is. Is your goal to increase/decrease tax revenue? Is your goal to minimize tourism on Oahu? Is your goal to minimize the problems associated with short term rentals in residential areas? Is your goal to stop giving visitors choices in lodging? In fact, Are there any other cities/counties in the world who have outlawed Air BnBs? Personally I don't have a problem with raising taxes on short term rental units for visitors. If raising tax revenue is a top priority then my hope is you would create a procedure by which owners who rent "short term" would be able to register their unit(s), pay a yearly NCU permit fee, and if you need to tack on an extra "resort fee" for those individual units then so-be-it. You could also make other, reasonable ordinances that monitor STUs. I have an idea ☺ If your goal is to minimize tourism then this Bill could help with that. But you must know, the Waikiki Banyan is unique in its offerings and

families from all over the world love what it offers: affordable lodging with a kitchen, one block from the beach, multiple restaurants in the area, the zoo and aquarium within walking distance, great bus service to anywhere on the island, just to name a few amenities. I get great joy chatting with visitors and seeing how thrilled they are to travel to Hawaii. Most of the people I know save for years to afford a trip to Hawaii, and the Waikiki Banyan is a perfect fit for families who otherwise would not be able to afford the high cost of a hotel room AND eating all of their meals out. 7 days in a hotel room for many families would be out of the question. Also, in the past couple of years I met nurses, doctors, contractors, etc. who rented short term at the Banyan and they were thankful for a "home " to come back to after their shifts. "The Banyan" is an excellent option for visitors, whomever they may be, and it's right in the heart of Waikiki, where I would think you want most visitors to rent.

I know a few full time residents at the Banyan and my understanding is the DPP wants to stop units at the Banyan from being a primary residence — OUCH! Why would they want to displace seniors (or anyone) from the home they own and hold title to. Who is even THINKING this is okay??? I mean really?! Do they even know how condo properties like ours work? And to think I would have to give my home over to a hotel and pay money to stay there - really? You can do that?

When considering the Waikiki Banyan's location in Waikiki I hope you keep in mind that it's flanked across two streets and one corner by hotels. We are right in the heart of Waikiki and what's always been considered "the resort area". It makes sense for this condo complex to be a choice in rental property for travelers who like to stay in "a home". I have some ideas about regulating the legality of STUs if you decide to regulate them instead of throw them out.

I consider myself a part-time resident of Honolulu. When I'm not in my condo I "gift"it out. I figure it was a gift to me from my parents so I want to gift it to others. I've gifted it to newlyweds, family, locals who are under going cancer treatment, fundraisers, etc. I also am involved in the community. I have volunteered in schools, the Waikiki Community Center, taken classes, donated to fundraisers and local causes, and shopped at locally owned shops for years. I love the the island and it's culture!

You have some HUGE decisions to make about this bill. I appreciate your willingness to work for the city of Honolulu and I hope the information you are receiving about the benefits of this bill are accurate. I don't happen to see any benefits to visitors. I also hope you look at the big picture and all the people these changes will affect. If Bill 41 is passed with its current parameters it will have a larger affect on residents and tourists than you may think. The Banyan is a place of employment and enjoyment for many people.

It seems to me the people proposing this Bill don't really have an understanding of the Waikiki Banyan. Rather than make this letter any longer I would love to chat with you and answer any questions I can.

I oppose the current language of Bill 41.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Arthur Deffaa. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Arthur E Deffaa

Arthur Deffaa
3802 Waikiki Sunset
229 Paoakalani Avenue
Honolulu, Hawaii 96815
acdeffaa@gmail.com
201-788-8210 (cell)

From: CLK Council Info
Sent: Monday, November 8, 2021 7:40 AM
Subject: Council Testimony

Written Testimony

Name	Tristen Daniel
Phone	
Email	42Day.BGr8ful@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha to All, First, it's time to let this become a vote from the Citizens of O'ahu. Our Government is forgetting "For the People, By the People". Next, Travel and vacation experiences have changed, and this proposed Bill is a clear indication that our local Government has taken its finger off the pulse and is being very disrespectful as a Host to Visitors in telling them how and where they have to vacation when they come here. My family is spread out across the U.S., and when we gather, we rent a large house and enjoy a communal living experience, sharing in normal family life the way we were brought up. It's NOSTALGIC and HEALTHY. Not only are we reminiscing on memories of our past, we are making new memories TOGETHER. In the morning, we enjoy an amazing breakfast prepared by loving hands TOGETHER as we all discuss our day. In the evenings, we gather around a table for a meal prepared again by loving hands, TOGETHER, while laughing and talking about the amazing day we had. Afterwards, we clean up TOGETHER, and then enjoy a fun game or put puzzles together as we tell stories and laugh. With the proposed Bill, we wouldn't even waste our time coming to Hawai'i with being reduced to Hotels as that is not the experience we want. There are so many other places to go as many are starting to realize. I have friends who rent their homes to the same extended Families, year after year, and have said those families shared they wouldn't return if they are forced to stay in crazy Waikiki. They are seeking peace not stress, and although they love coming to Hawai'i each year, refuse to diminish the experience they are seeking. On another front, I see this as a tactic to force some homeowners to sell their properties or pay the proposed "empty house tax". Unfortunately, with the median house price being around $1 Million, it's not the local families who need homes who will

be buying . . . it will be more wealthy from the Mainland and abroad. The local families will not be able to afford the rent of these homes either. All I can say is shame on all of you who think this is okay. It is the local families you should be watching after and helping instead of creating situations that are driving them out and forcing them to move away from their HOME. You've also forgotten the number of Moms and Dads who work in these homes, and will lose their incomes and flexible lives needed to care for their children and grandchildren; they can't make that kind of income anywhere else here. The new conversations now are how our local Government is driving Hawai'i into the ground. Our Government is constantly showing it has no forward thinking and we are moving backwards at an unprecedented pace . . . The Rail is a perfect example. The amount of money spent "sweeping" instead of finding solutions for the homeless is another. The People have lost faith. Do Better and help them regain Trust and Faith. Or Don't. History has a way of repeating itself, and the parallels to the Fall of Rome should be a wake up call. Well, except most think they are invincible and it will never happen to them; oh wait, that was Rome.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 7:51 AM
Subject: Council Testimony

Written Testimony

Name	Stephanie DeMello
Phone	
Email	Skdemell@hawaii.edi
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	Kailua is already overrun with tourists without the vacation rentals because we are unique in the fact that we also have the marine corps base and all the military members they have living off base taking residences from local people. When you add in the vacation rental aspect Kailua is out of reach for local people to live in, not even including the high costs of living, solely based upon availability. Local people cannot get to the beaches because they are over marketed to tourists, Kailua is not a tourist destination and should not be treated as such. The marine corps is planning on moving around 200 families to Oahu soon and they already have a housing shortage on their base which will further exasperate our housing problems out in Kailua. Please I urge you to look at all aspects and keep Kailua zoned for residential and not tourism. It makes us locals unhappy and drains our town. This is a small step towards putting Hawaiian lands back into Hawaiian hands. We need our lands to go to our children and not just an investment for mainland people to continue to take from us and push Hawaiians out. We need the tourists to stay in resort areas that can accommodate the extra traffic and people and out of the residential areas which Kailua is very much one of those residential areas. We have been taken over by tourism and it has negatively impacted our community, the parking and traffic in Lanikai, not being able to find parking at Kailua beach, local people not being able to buy or rent homes because of Military or vacation rentals. Kailua has been losing its battle with maintaining its residential status please help us regain it.

From: CLK Council Info
Sent: Friday, November 5, 2021 2:16 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Laurie Freed
Phone	
Email	lfreed@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Although I am not a person who offers short term rentals, I have several friends in the Waimanalo beach lot community who rely on this to support their families. There is a very big difference between someone who lives in their home and rents out a portion of their home for vacation rentals vs a person who lives away from the community and owns a large structure(s) and has no part of the community whatsoever. This line should be drawn, and let it be known that the offenders are the owners who are not present and allow large groups to come into the neighborhood and disrupt the balance.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 5:13 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Rita Debenham
Phone	
Email	alaskarjd@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I would have to sell our condo we have owned for 35 years. I could not afford to keep it if it could not be rented. We come over twice a year and budget 4 to 6 thousand on each trip. This year we intend to spend over $30,000 remodeling the unit. All this experience will be lost if not rented..We older small people need help, not hindrence.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 8:04 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	SHWANG KWEI YEE (AUBREY)
Phone	
Email	aubreysky1959@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	-I oppose the "30 day to 180 days " change as I am a resident/owner of TVU at the Island Colony and need the extra income to pay my bills and support my family. I am 62 years old and have 3 children. -My apartments at the Island Colony Condotel should NOT be classified as hotel and require it to be managed by the hotel. Why are you "Steering" us owners of our apartments toward the hotel operator who is NOT the rightful owner of our units nor building? -Hotel Operators are privileged especially those in the Aqua Hotels and WILLIAM TANAKA/ KRISTIE MARUYAMA who DO NOT own the building but profit off of us and your support of them continues to violate our rights as owners. -I oppose TVU and BB's as hotel tax classification as we are trying to survive this expensive state with never ending inflation. - Do NOT punish us on the pretext of "lack of affordable housing." If you want to dine in a fancy restaurant, you got to pay high price. Likewise if you want to live in Waikiki, then you got to pay the price as we are located in the "Waikiki Strip Area." which is a tourist location. We owners are NOT the problem to lack of affordable housing but the Politicians who continue to punish us and reward the corporations who become bigger and richer each day building even more higher buildings. Why are we the "Little man" punished and always allow the corporations to benefit/ free ride?? -Focus on building affordable housing else where that is not expensive for the locals and make the "railway and bus" more efficient for those elsewhere can come to waikiki to enjoy/ employment. -DO NOT punish me, I am a resident of Hawaii and owner of my units. DO NOT reward the Hotel Operator who is living off of my dime, get rid of them, they are bloodsuckers!
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Saturday, November 6, 2021 12:19 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Salm
Phone	
Email	salmpalm@yahoo.com
Meeting Date	10-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	The proliferation of Air B & B accomodation has seriously hampered a) the affordability of homes on Oahu (even before the pandemic took housing prices into the strosphere) and b) the availability of long-term rentals.for people who live here. The only way to try and control these difficulties is to reduce the number of short-term rental available. We need to maintain the integrity of communities with a huge influx from tourists.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 3:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Heather Shank
Phone	
Email	hallenshank@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Illegal rentals are destructive to our residential communities. I lived next door to one and it was endless loud parties that kept my school aged kids awake. We need more long term rentals for residents. We need hotels full and generating tax revenues. Do NOT give into self-serving people who what to make a buck. If they need income, rent long term. Do the right thing to protect Oahu communities from becoming plagued by tourists who should be in hotels.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, November 6, 2021 3:37 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Charles Shank
Phone	
Email	cvs380@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Do Not allow Hawaii to be a destination for low quality tourists removing housing desperately needed by our hard-working community members who are getting priced out of the market. Historically Hawaii's economy was healthy with tourists in resort zoned areas. Return to this and have people stay in hotels!!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 2:21 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Sandra Castell
Phone	
Email	sandra.castell@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please pass Bill 41 to protect neighborhoods for the people who live in them. Tourist should stay in the hotels, and resort areas.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, November 7, 2021 2:49 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Virginia Dudden
Phone	
Email	virginia@dudden.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Proposed Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

When I told my husband and friends, I was planning to give testimony today. They asked me why I waste my time? Their opinion is that the City Council Members have already made up their minds and value the input of Off-Island hotel owners, Mufi Hangman, the rules of Union #6, and paid employees of non-profits more than the City Council cares about real people. Real people who own homes, condos, and condotels; pay property taxes, GET taxes, and TAT taxes. R

I hope my husband and my friends are wrong. I trust each of you to have an open and thoughtful mind as you listen to the testimony of me and other LEGAL 30 day rental owners. The testimony by real people, like me, who live, work and pay taxes on Oahu. Real people like me who follow the rules and operate a legal rental.

Just a few years ago, the stakeholders in DDP, City Council, and STR owners agreed. The City and County would allow for one rental in a 30 day period. I, like other owners, added the required verbal to our advertisements on the rental platform and began to rent once every 30 days. Having fewer but longer rentals was an adjustment. Complying with the 30-day rule has actually worked out well. My neighbors and my renters get to know each other. (Just this year, my renters, a family which has come every year for a decade, played a significant role in my neighbor's surprise engagement to his long-time girlfriend.

Now, for no valid reason AND with very little public input or knowledge, the Council wants to change the rules from renting my home for 30 days to 180 days. Why the secrecy? Are you afraid of what the citizenry's reaction will be?

Proposed Bill 41 is not about tourists or vacationers. Proposed Bill 41 is about taking away the Property rights of all property owners of Oahu.

Bill 89 limited short-term rentals to 30 days and provided a path to making licenses available

for rentals and Bed and Breakfast. Enforce Bill 89 instead of ignoring it. Do not allow Bill 41 to become law. Protect the rights of all property owners.

VOTE NO ON PROPOSED BILL 89
I appreciate your consideration

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 7:29 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kevin P Fraser
Phone	
Email	kailuakev@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Vacation Rentals Bill 41 (2021)
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha, I am writing to offer my support to Bill 41 pertaining to the additional regulation of vacation rental industry. I have lived in Kailua/Lanikai for 30 years and have watched and experienced first hand what vacation rentals have done to our community and neighborhood. Although the situation as gotten better with the passing of recent legislation there is still a prolific number of home owners avoiding the law and finding ways to circumvent it. There is ZERO doubt in my mind that illegal vacation rentals have destroyed our community and been one of the two driving factors (the other being out of state second homes) in our sky rocking affordable rental (for resident) market. Warm Regards, Kevin Fraser 1253 Mokulua Dr. Kailua (808) 383-0123
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 8:17 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Forest Frizzell
Phone	
Email	forestaf@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Council, I am a Waimanalo resident and I stand in full support of Bill 41 CD1. We have seen beach lots be overrun by illegal vacation rentals and vendors conducting illegal business on our beaches with zero repercussions. Mahalo for seeing this bill through. Forest
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 8:14 AM
Subject: Council Testimony

Written Testimony

Name	Larry Baraff
Phone	
Email	lbaraff@ucla.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am writing in support of proposed rules, to manage and restrict transient vacation units (TVU), bed and breakfast (B&B) and homes, in residential areas. I live in Lanikai which has had many short term rentals. This activity has changed the character of our neighborhood and has defacto changed it into a mix of a residential neighborhood and a commercial rental market. The noise and congestion associated with non-resident short term vacation renters has been one of the reasons some long time residents have chosen to move from Lanikai. I strongly support the proposed rules that bring the City definition on length of contract into accordance with the State definition – short term is under 180 days – in response to many vacation rental businesses continuing to rent every 30 days. I understand that those who are in the short term rental business are lobbying to maintain the status quo but know from discussion with my neighbors that they are in the vast minority. Please do not let the financial interests of this vocal minority interest group to change the character of our neighborhood and the islands. Mahalo, Larry Baraff 1438 Kehaulani Drive Kailua, HI 96734

Planning Commission
City and County of Honolulu
650 S. King Street
Honolulu, HI 96813

Aloha,

I am a resident of the state and have lived in the Honolulu county for most of my life. I have benefitted from employment in facets of the visitor industry for many years and am grateful and appreciative for the opportunities it has provided for me, my family and many of our residents.

It is from this perspective of gratefulness that I write to provide support for Bill 41 CD1 and for the propposed amendments that will enhance the ability of the Department of Planning and Permitting (DPP) to strengthen and enforce existing and new regulations concerning unpermitted, thus illegal, short term vacation rentals throughout this island.

I have listened to the arguments on both sides of this issue for many years and empathize with those who have tried to offset the high cost of living in Hawaii by renting out a portion of their home. Unfortunately, individuals and organizations who are not vested in maintaining the "neighborhood" quality of life or simply don't care, have contributed to the proliferation of illegal STR throughout our island, impacting our quality of life in many negative ways. Increased traffic in neighbroohoods and less available long term rentals for residents are just two of many reasons to take control of the situation now.

Many in this country are directly reliant upon a healthy and thriving visitor industry and are very supportive of the ongoing and future efforts to attract visitors who will be respecful of our cultures and natural resources and who will appreciate all that Hawaii has to offer. We clearly understand how important tourism is to the economic health of our city, county and state.

For the sake of everyone, our visitors should be directed to areas that have been zoned for tourism, and encouraged to patronize businesses that comply with our laws and policies

Thank you for your careful consideration of this important matter.

Mahalo,

Jon Conching

Concerned Resident and Industry Professional
jconching@gmail.com

From: CLK Council Info
Sent: Monday, November 8, 2021 8:41 AM
Subject: Council Testimony

Written Testimony

Name	John P Miller Jr
Phone	
Email	dana86@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a resident of Kailua and support Bill 41 - vacation rentals are driving up the housing cost for residents and artificially inflate property values. My sons will not be able to live and buy a house here. Kailua is not a resort designated area and should not be converted to one. We do not need strangers driving and around our kekei. Slow the changes to Kailua or it will not be the best place to live.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 8:54 AM
Subject: Council Testimony

Written Testimony

Name	Daniel Anderson
Phone	
Email	danderhi@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	41-CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support the passage of Bill 41-CD1. My neighborhood, Iana St, Kailua, has many illegal non-conforming users who are misusing their residentially zoned property. This bill addresses commercial activities in residential neighborhoods. Misuse of residential property and commercial use has to be regulated to ensure the use of my property is not negatively impaired by neighbors unwilling to conform to existing regulations. My neighborhood, Iana St, has many illegal none conforming users who are misusing their residentially zoned property.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 8:55 AM
Subject: Council Testimony

Written Testimony

Name	StannW. Reiziss
Phone	
Email	reiziss@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	BILL 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I Support Bill 41 CD1. Actually, it is more generous to vacation renters than I believe is in the interest of the welfare of the kama'aina permanently based in residential neighborhoods. If tourists want a residential neighborhood experience, let them move here and become residents. Otherwise, let then stay in legal accommodations in the zones earmarked for the tourists they actually are. Stann W. Reiziss, PhD P.O. Box 1517 Kailua-Oahu, Hawaii 96734 808-230-8199 (H) reiziss@hawaiiantel.net
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:01 AM
Subject: Council Testimony

Written Testimony

Name	Pamela Anderson
Phone	
Email	mapasince1980@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	As a native Hawaiian woman with children that do not have enough blood quantum to qualify for Hawaiian homes, I strongly support this bill to protect affordable housing options in our native home lands. We should not feel sorry for these investors that have multiple homes when our people cannot even afford to rent let alone buy a home. If we want to support our workforce for tourism we need to support affordable housing. Enforcing and restricting illegal short term rentals in our residential communities is the first piece of the puzzle for affordable housing. Please pass this bill and keep illegal rentals out of our neighborhoods, also in support of HTA's OAHU Destination Management plan's Action A, this bill would support decreasing the overall number of tourists that visit Oahu.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:02 AM
Subject: Council Testimony

Written Testimony

Name	ana murray
Phone	
Email	beachhousehawaii.comana@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, his bill is redundant and completely unnecessary. We went through this process 2 years ago. As an owner of rentals, we get many, many requests for stays less than 180 nights, but more then one month. Traveling nurses, people coming to work on construction projects, visiting professors, etc. They often ask for three month stays and then end up extending, but they will only originally sign up for a short stay. Trying to carve out an exemption for these circumstances puts the burden of proving why these people need less than 180 nights on the owners of the properties.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:15 AM
Subject: Council Testimony

Written Testimony

Name	ROBERT S. MOENG
Phone	
Email	moeng@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am in full support of Bill 41. I am a long time resident of Kailua and have seen the impact of short term vacation rentals. There are several in my immediate neighborhood. Homes are purchased, significantly remodeled and then put into service as short term rentals. The owners in my area are not trying to make ends meet, they are clearly making investment decisions to buy and rent as a business. Doing business like this should be limited to tourist areas only. Although there are currently restrictions for short term rental in residential areas, these restrictions have not been effective and they have largely been unenforceable. Given the estimated number of illegal short term rentals in Kailua, it's clear that owners simply ignore the current restrictions, knowing that there will not be any repercussions. Bill 41 is a major step towards correcting this situation with its clear definitions and constraints for short term rentals, its appropriate taxation for this type of business and the stated . This is the first, notable effort by government to put a stop to short term rentals in residential neighborhoods. I ask that you step up and pass Bill 41 CD1. If not now, when? If not now, these businesses will continue to grow, and perhaps grow at an even greater rate, because investors and owners will know that government lacks the will to effectively limit the short term rentals.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Monday, November 8, 2021 9:18 AM
Subject: Council Testimony

Written Testimony

Name	David
Phone	
Email	Wayoverhead@gmail.com
Meeting Date	08-11-2021
Council/PH Committee	Council
Agenda Item	Short term rental
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	It should definitely never be considered to make it up more than minimum one month rental it's so much much better for everybody renters and owners involved to do month-to-month rentals
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:22 AM
Subject: Council Testimony

Written Testimony

Name	Martin Hubert
Phone	
Email	mhubert@vgc.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	City Council Meeting on Short-Term Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The proposed Bill 41 -- which suggests to treat any rental period under 180 days as a Short Term Rental. It will HURT EVERYONE. Many people stay for a few month on the Northshore using month-to-month rental agreements or fixed term rental for 2, 3 or 4 months depending on the need. All legal and desirable as they bring much needed dollars to our local communities. The proposed bill 41 would classify all these as STR -- making it impossible to rent to his desirable demographic. In addition it makes it impossible to legally enter in month to month rental agreements and even if exempt by implementing changes o Bill 41 -- tenants would have to pay short term rental taxes for the first 6 months -- likely an unintended side effect. 30 day rentals or like many other jurisdictions legaly being able to rent ONCE per 30 day period are much more fair. The argument that enforcement is difficult simnply does NOT justify disenfrancising local residents (by requiring additional taxes and making month to month rentals illegal), property owners and visitors to our state by depriving them from much needed alternatives to hotels. Thank you for considering this and voting against Bill 41 -- preventing the grave injustice BILL 41 would inflict.
Testimony Attachment	
Accept Terms and Agreement	1

Wednesday, 10 November 2021

Bill 41 RELATING TO TRANSIENT ACCOMMODATIONS

TESTIMONY

Ann Sack Shaver, Member, Oahu Short-Term Rental Alliance

Council Members:

I urge you not to pass this bill. As you are reading and hearing, there are numerous reasons to oppose this bill as presented.

In interest of everyone's time, I'll address one particularly arcane matter, the cost of maintaining a non-conforming use certificate. I have three and have maintained them in total compliance with all regulations and fees since issued in 1989. Most recently, renewal costs $200/year, payable tor two years at a time. Bill 41 increases the charge to $5,000 initial and $2,500 for renewal. This is an exorbitant increase and is totally out of line with the cost of enforcement.

The size of it alone encourages non-compliance.

This is a minor reason to oppose Bill 41, but it illustrates how poorly crafted this bill is. Indeed, it suggests the purpose of Bill 41 is to eliminate entirely short-term rentals rather than to regulate bad, disruptive actions by a very few citizens involved in short-term vacation rentals.

Thank you for the opportunity to submit testimony.

ashaver@hawaiiancondos.com

From: CLK Council Info
Sent: Monday, November 8, 2021 9:48 AM
Subject: Council Testimony

Written Testimony

Name	Jennifer Meehan
Phone	
Email	jennifermeehan1@me.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I live in the beach lots area of Waimanalo. In my short 4 1/2 years here, I have seen a rise in short-term vacation rentals in our community. My primary concern with this phenomenon is the crowding out of rentals for local residents. I certainly understand and have sympathy for Hawai'i residents who live full-time on site and rent out ADUs as an incremental source of income. However, properties that are purchased/developed just to rental properties that are churning guests in and out, I object. Our neighbourhoods are not designed - infrastructure-wise, culturally, etc - for such visitors. I respectfully ask that your support Bill 41CD1.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:17 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	J.J. Niebuhr
Phone	
Email	jjtomatoes@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Stop these Illegal Rentals Now!!!!!!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:38 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Robin Boolukos
Phone	
Email	rboolukos@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, I am opposed to the 180 days for rental of my unit. I own a H-1 zoned unit that in 1989 was changed to R-5. It is too small for long-term use as it has washer/dryer in back building down 2 fights of stairs. It was built as Hotel, and yet, DPP won't consider us a resort use. Of the 51 units, only 3-4 are owner/occupied, rest are used as a vacation rental. It's a secluded building off by itself. Please allow us an exception to do TVRs. Mahalo, Robin
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:57 AM
Subject: Public Infrastructure and Technology Testimony

Written Testimony

Name	Sonja Evensen
Phone	
Email	Sonjaevensen@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Public Infrastructure and Technology
Agenda Item	Bill 31
Your position on the matter	Support
Representing	Self
Organization	ISWJJ3
Written Testimony	Aloha Councilwoman Ester Kia 'aina I am one of your constituents and I am writing in support of Bill 41. This bill states that "short term rentals are disruptive to the character and fabric of our residential neighborhoods" and I wholeheartedly agree with this statement. For me, there are two issues at stake. One issue is the peacefulness and quality of life in this neighborhood. The other issue is the ability of local people to find affordable living. I have been a Lanikai resident for over 40 years. I am very fortunately a homeowner here. Over the years there has been so much more traffic and overcrowding which has been detrimental to the quality of life here. Several of my friends have moved to neighbor islands due to the changes. Now there is more noise, lots of cars coming and going, and the beaches are packed like Waikiki. I believe the focus on tourism here has contributed to a more stressful life. People have suggested that I could make a lot of money by renting to tourists, and that makes me so upset! I am happy to rent long term to a local couple and I keep their rent low on purpose so they can actually afford to live here. I can't imagine the disruption to my neighbors and to this area if there were a constant stream of new people coming and going. I worry about some of my friends who can barely make a living here. Some have even moved to Las Vegas because it's more affordable. I find that so sad. What is this place coming to? Will only the wealthy survive, and will the locals be squeezed out? Thank you for your consideration. Sincerely, Sonja Evensen
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Monday, November 8, 2021 9:53 AM
Subject: Council Testimony

Written Testimony

Name	Maria Morgan
Phone	
Email	Mmorg1029@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose Bill 41. It is so unfair to many hardworking homeowners who rely on the extra income to survive. Vote NO on 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:54 AM
Subject: Council Testimony

Written Testimony

Name	Ken Kribel
Phone	
Email	kkribel@icloud.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	STR bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am strongly against Bill 41. This bill will cause extreme financial issues to me and my family. Without the STR income we will be forced to sell our condo. It makes not sense to require a tenant or tourist to rent for a minimum of 6 months. I Oppose all provisions that are defining hotel operators as a privileged class with special rights. I Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. Politicians already are not trusted and approving 41 when so many have opposed adds to the mistrust by the people. Please vote NO on 41, it is not a solution. Regards Ken Kribel Waianae
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:57 AM
Subject: Council Testimony

Written Testimony

Name	Carole Masaki
Phone	
Email	cmasaki@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose the 30 day to 180 day change. This will lower the amount of visitor that will come to Hawaii making it unaffordable for many. I oppose the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management. If a condo decides to rent out rooms as a hotel, it should not require those private owners to fall under the same guidelines. If the owners decide to do so, it should be their decision not the states. I oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to. I firmly reject the idea that banning vacation rentals is a solution to our lack of affordable housing. The homes that are being used as vacation rentals are not going to be affordable housing anyway. Most of these could rent for higher. What an owner decides for their property should be their decision. Hawaii's economy is based on tourism. When we take away the options of being able to afford cheaper accommodations, they just won't come driving dollars out of the state and into other vacation destinations. The County should focus on more impactful housing reforms that don't threaten the recovery of our economy.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony to DPP Regarding Proposed STR changes / BILL 41 11/10/21

I want to address one specific item that has been raised as a potential change: the idea of re-defining a short term rental as a period of less than 180 days. For the purpose of taxes, it is already defined as this, so I can only assume the intention is to further restrict the ability to rent at all for less than 180 days. This would be an act of extreme government overreach into personal property rights. And I have to wonder, what specific problem are you trying to "correct"? It seems to me that the central issue is influence from the hotels / big corporations because the rules already in place are already addressing other city concerns - and would do so further if actually enforced. Is it really your job to make sure billion dollar multi- national corporations make money v. local homeowners?

I have followed every additional restriction as they have changed, and I do not have a problem with the 30 day minimum to keep neighborhood streets from become resort zones. I understand that. I rent my house for a minimum of 30 days on occasion and pay taxes accordingly. I have rented to military / government families who are relocating and do not want to stay in a hotel with multiple kids and a dog, I have rented to families who could work from home and just want to do so in a beautiful location for a month, and I have rented to a group of four professionals who were doing the same. None of these travelers were traditional "tourists" and none of them would have chosen to come and stay in a hotel as an alternative. People don't stay a month in a hotel – they stay a week! The 30 day limit already makes that distinction between short term vacationer and temporary resident/ temporary housing. They bring revenue into the community, supporting restaurants, tourist activities, rental cars, home maintenance, pool care, airlines, cleaners, construction and repairs... The only thing it doesn't support is the hotel industry.

We personally like the flexibility of leaving our rental furnished and being able to clean and maintain, or use it ourselves in between rentals. We have two living spaces on the same property and are almost always present when we rent.

We have invested literal blood, sweat, and tears into our home, and a massive amount of work, savings, and effort to purchase it in the first place, so to be further restricted on how we can rent our own property would be a massive insult

to ourselves and other hard working homeowners across this island. Its not about monthly income; I can rent it long term for the same price after taxes, your taxes have already leveled that "playing field" but its about flexibility, being about to rent the home when we want to or if we need to.

Address specific problems with enforcement of existing regulations rather than adding another layer of bureaucracy to a failed system. What's next? 220 days? When does this creep of control stop? Where is the line? When big corporations and the government are allowed to make money but individuals aren't?

Here's the solution. Keep the 30 day minimum. Take the tax money. Let Airbnb collect it for you. The state will take in millions more and you can use it to address the perceived issues driving these proposed changes. Give hotels a tax break if you insist, just don't infringe on individual property rights any more than you already have.

Martha Stefanowicz

(808) 457-7322

robandmarthanell@gmail.com

From: CLK Council Info
Sent: Monday, November 8, 2021 9:59 AM
Subject: Council Testimony

Written Testimony

Name	Norm Nichols
Phone	
Email	notm@petroglyphs.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	Hawaii tourism and labor are in favor of ending STR's. Bill 41 is a farce if the intent is to restrict STR's and B&B's then eliminate ALL facilities and NCU's and put an end to the problem in All locations. If tourist and family coming to Hawaii (OAHU) force them all to stay in registered legitimate HOTELS and put an end to Real Estate companies renting homes and apartments on the side get them out of the hotel industry as well as timeshares make it all 180 day long term occupancy minimum . Level the playing field no exceptions then there would be no need for enforcement !!.
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:00 AM
Subject: Council Testimony

Written Testimony

Name	Pamela Ross
Phone	
Email	pamelaross@msn.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill 41. It is not a solution for affordable housing. It only benefits the big hotels and not the people who voted you in office. Reject 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:04 AM
Subject: Council Testimony

Written Testimony

Name	HECTOR TRAPANI
Phone	
Email	hrebase-hnl@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I urge the Planning Commissioners to please vote against Bill 41. Ordinance 19-18 was the product of thousands of man-hours and years of planning with public input, almost the entire City Council was voted in office in part on their approval of the current Ordinance and after all this work the City seems to be giving up on it without even trying to implement the sections that relate to the control of illegal vacation rentals. TO ELIMINATE ILLEGAL VACATION RENTALS IN OUR NEIGHBORHOODS. Before trying to make any modification to the existing Ordinance 19-18 first try implementing at least the part of the MOU signed by Airbnb and Expedia that relates to the removal of all rentals for less than 30 days that do not post the TAT and Tax Map Key numbers. Right now there are thousands of listings that are either missing these numbers or the numbers posted place them outside permitted areas or directly post fake numbers that do not belong to the listed property. Signing these MOUs was a brilliant move, there is no easier way to control illegal rentals, however a year later and 3 months after the self imposed MOU deadline not one illegal short term rental listed in those booking sites has been forcibly removed. TO CONTROL 30 DAY RENTAL ABUSE. There are lots of situations that require rentals under 180 days and no list of exceptions will cover every legitimate situation. The present MOU allows the City to request the removal of any listing lacking TAT/Tax Map Key numbers .

The easiest way to reduce to a minimum people abusing the 30 days minimum rental rule just request Airbnb and Expedia to also remove any listing that is zoned residential and that has a minimum day's search set at under 30 days (listors choose what is the minimum number of days that they want the search engine to find their property to avoid displaying their listings to potential guests that require a shorter period).
While presently many monthly listings have a minimum rental set at 30 days, those that try to game the system have it typically set for less than 29 days.

ANOTHER IMPORTANT POINT:
In addition to the NUCs, there are between one and two thousand legal TUVs within the Resort Zoned areas and Resort Zoned buildings in Waikiki that have been operating LEGALLY for the last 40 years. Besides the area Makai of Kuhio that is regarded as the traditional "Resort" zone, buildings like, Aloha Surf (444 Kanekapolei St.), Island Colony (435 Seaside Ave), Royal Aloha (1909 Ala Wai), Royal Garden (440 Olohana St), Palms (1850 Ala Moana) to name a few, are also zoned "Resort" and house hundreds of independent vacation rental owners that have been operating legally for decades, paid the same Real Estate Tax than hotels as well as GE and TAT taxes and this new bill will force them to be controlled by a Hotel operator.
If the hotels have the right to operate within the Resort areas of Waikiki, so do STRs without having to relinquish control over a hotel operator. This bill clearly prevents it and seeks to eliminate the vacation rental industry that Hotels obviously regard as competition.

I have been deeply involved in the legal vacation rental industry and even helped the head of DPP Residential Code Enforcement Branch Catherine Weinhardt (phone 768-8161) to locate multiple illegal listings posted on airbnb, Tripadvisor and Expedia that DPP was having a hard time locating.
Please do not hesitate to contact me, I will be happy to help.

Hector Trapani
805-419-0784

Testimony
Attachment
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:08 AM
Subject: Council Testimony

Written Testimony

Name	Paul E. Nachtigall
Phone	
Email	nachtiga@hawaii.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To: Honolulu City Council From: Paul and Cindy Nachtigall, Resort TVU Property Owners in retirement. Re: Bill 41 Dear Council Members The proposed changes to the Land Use Ordinances relating to Transient Accommodations will have a severe effect on us as property owners in retirement. The monetary requests for the Government are overwhelmingly high. We purchased a TVU in a resort area at Turtle Bay as part of our ongoing retirement income structure. We currently and willingly pay over 4.5 % in General excise tax and 10.5% on the Transient Accommodations Tax on revenue on top of our property taxes. The State recently passed a law allowing the City and County to increase the Transient Accommodations Tax but that has not yet been worked out but we can easily anticipate another 2%. The proposed Amendments will require that we pay an additional $7,500 to register to be allowed to continue to do what we have been legally doing in addition to an increase from 3.5 per thousand to 13.5 dollars per thousand in property taxes each year. Suppose our unit was assessed (but actually is not saleable) at one million dollars. Taxes would be:

Property taxes - $13,500
Registration Fees -$7,500
State GET- 4.5% plus
State TAT – 10.5%
City and County TAT 2%

That is $21,000 annually in property taxes and registration fees (monthly 21,000/12= $1750) plus 16.5% in assessments on income.

Suppose one rented a place out for 300 dollars a night and filled it 15 nights per month the income would be $4500. Taxes GET and TAT on income would be $4500 X 16.5% = $742.50

The Government would be taking $1750 plus $742.50 or $2492.50 of the GROSS $4500 MONTHLY INCOME. That is substantially more than 50%. Does that not seem excessive to you?

We therefore request that you do not charge these excessive fees. Please look at the whole picture to see what Government is charging a simple retired couple trying to keep their investment alive and continuing to operate in a legal manner. Could you PLEASE GREATLY LOWER THE PROPOSED REGISTRATION FEES and REDUCE the EXHORBITANT RESORT TAX FOR LEGAL SHORT-TERM RENTALS?

Sincerely,
Paul and Cynthia Nachtigall
940 Maunawili Circle
Kailua, Hawaii 96734

Testimony Attachment

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IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Brett Hulme. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three (3) hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Brett Hulme
Waikiki Banyan
Mauka Tower 2, 1602
201 Ohua Avenue
Honolulu, HI 96815
bhulme87@gmail.com

From: CLK Council Info
Sent: Monday, November 8, 2021 10:10 AM
Subject: Council Testimony

Written Testimony

Name	Paul Fischer
Phone	
Email	fischerd@live.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Paul Fischer and I am giving this testimony on behalf of my mother Katherine L. Fischer, myself, my wife and my children. My mother is a long time TVU owner spanning nearly 60 years. I oppose the change from 30 days to 180 days. Legal STRs are a vital part of the economy of Oahu! Private property management companies will be forced to close and those employees and vendors who work for Legal STRs will become unemployed. In addition, many vacationing visitors will no longer come to Oahu! This change is a clear violation of private property rights and will significantly harm the economy of Oahu! I oppose the provision that categorizes Condo/Hotel units as a hotel and requires them to be managed by hotel management. Hotel management cannot meet the needs of visitors vacationing on Oahu in a privately owned TVU. Each condominium owned by a private individual is furnished and appointed differently. When a vacationer rents a STR, this individuality is what the vacationer wants to meet their own individual needs and preferences. By defining a TVU as a hotel room with hotel management, the vacationing visitor may as well stay in a standard hotel room. This is a violation of private property rights, and severely limits individual choice. I absolutely oppose all provisions defining Hotel operators as a privileged class with special rights, especially in resort zones! It is very clear that Bill 41 favors large hotel groups. It seems that private property owners should have no right to do with their property as they see fit. Again, a clear violation of constitutional law.

I absolutely oppose taxing TVUs and B+Bs the same as hotels! TVUs and B+Bs do not come anywhere near the same in annual revenue that hotels do. In addition, TVUs have severe restrictions placed on them which hotels are not subject to. A violation of constitutional law. Hotels on Oahu make millions and perhaps billions in revenue yearly. In contrast, my mother, after all taxes, insurance, and expenses are paid clears around $30,000 a year. How can the County insinuate that the two are the same?

I absolutely reject the idea that banning vacation rentals is a solution to the lack of affordable housing! The County should focus on more impactful housing reforms that don't threaten the economy of Oahu!

Finally, I would like to say my mother depends completely upon the income provided by her single TVU. In 1962 my parents bought a Legal STR. My parents worked very hard all their life to provide for their and my future. This STR was and is a part of their plan for financial security. Is it now the City and County of Honolulu's intention to take away this vital income?

Testimony Attachment

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From: CLK Council Info
Sent: Monday, November 8, 2021 10:11 AM
Subject: Council Testimony

Written Testimony

Name	Patrick Bullard
Phone	
Email	pbullard@heinrich.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 - vacation rentals
Your position on the matter	Comment
Representing	Organization
Organization	H&B Marketing Represents the interests of clients
Written Testimony	The bill as its currently written with the updated duration period for short term rentals will have a negative impact on all businesses that are structured to provide alternative housing for people in school related housing for dorm housing, travel nurses and healthcare workers, travel industry workers, contract workers, government and business travel with per diem below levels that which allows for hotel or other housing. The bill should not discriminate against businesses that were set up to provide much needed housing for these specific categories. They are important to our business community and economy and particularly the healthcare providers here to help Hawaii with covid. Do not make the bill so broad that you negatively impact these mission critical businesses that are operating properly to help our local business community. Use language that is well thought out and allows for common sense and will not hurt businesses that are in place to support needed housing for these segments. Change Bill 41 to be smart and not over-preachingly negative. People have invested their time and livelihood to make it possible for the education, healthcare, travel workers, government workers, etc., to find accommodations they need in Hawaii near schools and their work. They are not the problems that the visitor industry is trying to discourage. Lets get this right Hawaii.
Testimony Attachment	
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From: CLK Council Info
Sent: Monday, November 8, 2021 10:11 AM
Subject: Council Testimony

Written Testimony

Name	Connor Kribel
Phone	
Email	connorkribel@icloud.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I reject Bill 41. Where is the Aloha towards tourists. Bill 41 will dictate where tourists can stay. The person who wants to stay in a place with a kitchen and amenities of a home will not stay in a hotel. They will go somewhere else. I work in the restaurant business and rely on tourists to fill the seats. I object to a 6 month minimum rental. Bill 41 is not a solution and should be rejected. The local people need help more than the big hotels. Connor Kribel Manoa
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:15 AM
Subject: Council Testimony

Written Testimony

Name	Kimo Smigielski
Phone	
Email	kimo@portfoliohawaii.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	This proposed Bill 41 is a heavy handed approach to a problem that has simple solutions. For decades, homeowners have had the ability to legally rent their homes with a 30-day minimum to offset their carrying costs and provide service jobs to those helping to maintain their home, paying taxes on income and being good stewards of the land. For a second homeowner, having a guest (legally) occupy the residence between the homeowners stays helps to prevent squatters and illegal activity taking place in an otherwise vacant property. There are many perks to having legal vacation rental occupants between a homeowners visit. Punishing a second homeowner doesn't seem like the answer here. Punishing illegal activity should be done. Here is an easy solution I'll offer you. One person could even do this and root out 100s of illegal rentals in a day. Step 1: task force employee books a rental on AirBnB or VRBO for less than 30-days. Step 2: employee confirms with host the address of the property they are booking. Step 3: employee verifies this is NOT in an allowable neighborhood or has a NCU.

Step 4: employee screenshots all communication

Step 5: employee cancels the reservation (no cost to the State)

Step 6: employee fines the owner for this

Step 7: repeat

This really seems easy, virtually no cost and can be done by anyone with basic computer skills.

Even if this suggestion is not moved forward the bottom line is Bill 41 hurts this State and those homeowners who have come to enjoy their second homes and followed the law for decades.

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:05 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	joyce Clarin
Phone	
Email	joyce.clarin@gmail.com
Meeting Date	11-1d-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Vacation Rentals Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Hello, I live in Kailua and do NOT support any VRBO, Air B& B, vacation rentals in residential neighborhoods. They cause parking issues, additional traffic as well as security issues because you never know who is supposed to be on your street. Please do everything you can to keep vacation type rentals out of residential neighborhoods and in their proper zoned location. Joyce Clarin 314 Kuukama St Kailua, HI 96734
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:49 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Padmani Brown
Phone	
Email	padmani@mac.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Council Members, I am a constituent living in Waimanalo and am writing to urge you to support Bill 41 CD1 limiting vacation rentals on Oahu. I have lived in Kailua and Waimanalo for 30+ years and have witnessed the explosive growth of short term vacation rentals and the negative impact in Kailua and Waimanalo. Residents, our neighborhoods, and the need for housing, must be preserved and take precedence over tourism and easy money for those who have the luxury and where-with-all to use their property for vacation rentals. I urge you to take action immediately, support Bill 41 CD1 to address this serious issue and not allow this problem to grow even greater.
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:04 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kelly Wedel
Phone	
Email	wedelathome@verizon.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 Short Term Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I believe this bill will hurt the economy not help. The Makaha Valley Towers condominiums were built for resort vacationing and living, not to be a hotel with fixed rates. These are individually owned units, each unique and not owned by a company. To rent a STR is like living locally. The renter gets to experience the local culture more easily and is not staying at a chain hotel with the "brand standards" feeling of any other city. A good percentage of the condominiums have never been lived in year round. These are affordable units and still do not sell. Because of the location, many "locals" do not wish to travel to and from Makaha commuting to work. Many vacationers would not be able to stay 180 days. Who vacations for that long? Those that rent their units as STR pay taxes for the time they are STR. Let the owners individually decide what price to charge and who to rent to for whatever length of time they wish. It is our property.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:23 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Elizabethn (Betsy) Connors
Phone	
Email	betsyconnors60@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I strongly, strongly support Bill 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:33 AM
Subject: Council Testimony

Written Testimony

Name	Katie Jones
Phone	
Email	keguevel@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	City Council Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a constituent in the Kailua/Lanikai area and I am reaching out to you in support of Bill 41 CD1. When my family moved to the island this year, we sought to live in a location that was quiet and family-oriented, ideal for raising my two young sons. After speaking to my friends who were already living here, the Windward side was the obvious choice for us. It is the perfect combination of beautiful surroundings and beautiful people who we now call our neighbors. However, this lovely area is under threat from commercialization. People who choose to live in and around Kailua are not looking to live in a smaller version of Waikiki, full of strangers, chain stores, and noise. People who live in our area want to work hard, raise families, and relax away from tourism. In speaking with my neighbors, they share these concerns. Our region also does not have the infrastructure in place to support a large influx of tourism, as evidenced by the water main project which trapped residents in Lanikai in unbearable traffic, partly due to tourists driving in to the neighborhood to go to the beach despite the multiple signs warning them not to drive in during weekdays. In addition, the cost of living in this area is already extremely high. If rentals are allowed, this will further drive up the cost of housing in our region and will price young families out of Kailua. I am not anti-tourist, but to me it makes sense that there would be some locations where the residents of Oahu can live, enjoy the natural

beauty of this magical place, and not have to fight to keep our homes and our neighborhoods.

Thank you for your time,

Katie Jones
Kailua

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:37 AM
Subject: Council Testimony

Written Testimony

Name	martin haas
Phone	
Email	haas32@msn.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	STR
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support STRs.My STR causes no problems!I'm retired & need the income to live on!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:00 AM
Subject: Council Testimony

Written Testimony

Name	Sally Meditz
Phone	
Email	dmeditz@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We are overwhelmed with investors renting to tourists. We scrimped and saved; did without and made do to buy a home in a community where kids could make friends and we could know our neighbors. Our neighborhood is full of strangers. Please pass and enforce this bill and know our property tax credit protects owner occupied homes. Sincerely, Sally Meditz, Kailua Senior
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:05 AM
Subject: Council Testimony

Written Testimony

Name	Barrett Hara
Phone	
Email	barrett.hara@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I believe this is unfair for law abiding STR owners. I have many friends that are in this situation. They follow and obey the law and paying taxes. Both my children live away from home and when they visit, they like to stay away from Waikiki and have no problem renting STR in Punaluu and Hau'ula for 30 days. There are no traffic cause by this. Please do not pass this bill. Thank you in advance. Barrett Hara
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:11 AM
Subject: Council Testimony

Written Testimony

Name	Lisa Vlachakis
Phone	
Email	lisavlachakis@outlook.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I'm writing you ahead of the city council's discussion of the Short Term Rental bill. My husband and I are against this bill in it's entirety, and think the proposed changes will give the hotel industry a monopoly on the market. The DPP should engage all stakeholders, not just the corporate hotels, if any changes need to be made. We recently bought a home specifically with an Ohana unit so that we could afford home ownership. We did our research, and decided providing furnished housing for traveling professionals would best work for us. I'm a RN myself (CA license # 711517), and know that there is a need for housing for our traveling nurses. We've been working hard this summer repairing the home, as it had extensive termite damage. We finally have it furnished and listed, only to find out that the rules might change. I listened to both days of public testimony before the DPP. I sympathize with the few who spoke out in favor of the changes because of the disruption to their neighborhood. However, what they described are violations of the rules that are in place. What we need is better enforcement of the current rules, not new rules. The people who are breaking or skirting the current rules will find ways to manipulate and work around any new rules. New rules only hurt those of us who are following the current rules. The DPP should focus their attention on enforcing the current law (Ordinance 19-18) they've already put in place. Someone during their testimony mentioned a hotline to report violations as they are happening. I think that's an excellent idea. Since one of the gentleman

testifiers said fines were a 'cost of doing business' for some people, increase fines. Impose new rules on those who are caught breaking the current rules or provide tighter oversight for known offenders.

I believe one of the proposed amendments after listening to testimony was to make exceptions for some, and owners of units will be required to provide supporting documentation. This will be difficult for traveling nurses. Nurses will not normally accept a contract until they can confirm that they'll have housing. If they accept a contract and then cancel because they can't find housing, it reflects poorly on them with traveling agencies, and makes it difficult for them to receive traveling contracts in the future.

Who will oversee this, and how backlogged will it get? Again, the rule breakers will find a way to manipulate the system.

The proposed changes and amendments will gravely affect traveling professionals including nurses, who need housing, not a hotel stay, while taking contracts on our island. Although, I oppose the bill in its entirety, I speak to traveling nurses because that is where my personal experience lies. They typically have 13-week contracts and would not meet the 180-stay minimum requirement. Often, they are on call and need to be within 30 minutes of the hospital. My property is near Queen's Medical Center West Oahu. I recently listed my property and get 2-3 inquires a week, so there is a real need. Hotels do not meet the needs of these travelers. Some travel with a partner, family, or pet, and they don't want, or can't afford, to stay in a hotel for 3 months. They want a full kitchen, a yard, their own washer and dryer, and convenient parking. Resort areas do not provide this. Many traveling nurses work night-shift and need a quiet place to be able to sleep during the day. Resort areas do not provide this. Hawaii is known as a 'destination contract' among traveling nurses, meaning the pay's not great, but they come for the experience. If they can't get adequate housing, they'll take a better-paying contract somewhere else. We cannot afford a nursing shortage. Our traveling professionals are here because there is an unmet need in the community. They are here to work and contribute.

I'll end with this. My husband and I live on our property along with our daughter and dog. We do not want disruptive guests any more than our neighbors do. We have it written into our lease:

"Tenant nor tenant's guests shall be a nuisance or act in any manner that would interfere with the quiet enjoyment by adjacent property owners. This prohibition includes, but is not limited to loud noised, loud music, noxious or unpleasant odors, and disruptive behavior or actions."

Any of the above would be grounds for eviction. Based on the testimony that I heard from other property owners, I'm sure they feel the same way. Please, crack down of the violators that are giving

STRs a bad name, and allow those of us who are following the law to continue to operate in peace.

Mahalo for you time,

Lisa Vlachakis

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Dear Council Member Kia'aina,

I am in favor of Bill 41 CD1. I live in Kailua where the vacation rentals run rampant. It is difficult for us to know who lives here, who is visiting, and who is intruding. This has created a problem with robberies in our neighborhood.

With the restriction of vacation rentals in Kailua, it will make more longer term housing available, something that is desperately needed.

There are many people arguing that vacation rentals are necessary for their financial survival. This may be true in some cases, but most of the vacation rentals in my area are owned by wealthy people who are greedy and getting richer by exploiting our beautiful neighborhoods.

This has been a problem for well over 20 years. You finally have a reasonable solution with Bill 41 CD1, so I urge you to get it passed.

Sincerely,

Linda Opple

61 Wilikoki Place

Kailua HI 96734

ljopple@gmail.com

From: CLK Council Info
Sent: Monday, November 8, 2021 11:15 AM
Subject: Council Testimony

Written Testimony

Name	Klaus B. Van Der Leeden
Phone	
Email	klausvanderleeden@msn.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am an owner residing in Kuilima Eatates West, an A-1 zoned community, adjacent to the Turtle Bay Resort complex. I support the passing of Bill 41, since it will protect, to some degree, the quality of life for the non-investment (non-STRs) residents who live here 365 days a year and are slowly being inundated with incessant hectic "Hotel-Condo" disruptive activities. We are currently approximately at a 25% owner/resident occupancy level. If Bill 41 would ensure a 50/50 balance between Residents and STRs, the lifestyle enhancements for residents and vacationers alike would benefit. Maybe more importantly, it would create opportunities for island residents to purchase a HOME here, that would otherwise just be an investment vehicle (generally for some "out of state investor"). Mahalo for giving consideration to my point of view.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:22 AM
Subject: Council Testimony

Written Testimony

Name	Skylar Breen
Phone	
Email	skylarbreen9@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this bill in it's entirety. Enforce the bills that you've already passed, and do not give hotels the monopoly on short term housing. Illegal rentals are the ones causing the issues - go after them. I keep hearing that enforcement is the issue. I don't see how having more laws is going to make it any easier to enforce. This is an obvious attempt to burden local Hawaiians with more regulations while taking away the competition from hotels. Hotels do not care about the people of Hawaii, they are only out to make money, as evidenced by how they treat their workers. Legal short term rental owners live here, care about the community, and pay those who help them clean a decent wage and treat us like friends not employees.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:52 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Kendra Ozaki
Phone	
Email	Kendraroz@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please support this Bill, think about the future, where will your children live?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:01 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Kathryn Ellman
Phone	
Email	1@kathryellman.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We are year round residents at Kailua and local constituents who are disappointed with the turnover of properties from family residents to essentially short-term hotels for travelers. Properties that should be available to local residents are selling to the highest bidder and immediately featured on VRBO and other websites for short-term rental. Vacationers don't have the same inherent desire to protect and preserve the neighborhoods and my concern is that there may be longer term safety issues with so many transient occupants. Thank you for your time. Kathryn Ellman
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:30 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Jennifer Macdonald
Phone	
Email	nursejem@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose taxing Resort zone STR as Hotels. We have none of the same right. I oppose condo hotel STR managed by hotel this is so unfair as we have none of hotel rights. I oppose additional fees I have been a legal rental paying tat & Ge tax now you want more? I oppose the bill completely
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: **CJ Schneider** supvb1@gmail.com
Subject: Public Comment Regarding Bill 41 Relating to Transient Accommodations
Date: November 8, 2021 at 1:39 PM
To: Honolulu City Council
Bcc: CJ Schneider supvb1@gmail.com

CS

TO: Members of the Honolulu City Council

SUBJECT: Public Comment Regarding Bill 41 (2021) Relating to Transient Accommodations

Dear Honolulu City Council Members,

I strongly oppose many regulations in Bill 41. The stated purpose of this bill, "...is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals...".

However, the reality is that many of the regulations in this bill only serve to benefit the corporate hotel owners. These regulations are an attack on individual property owners' rights in order to create a competition-free monopoly for the corporate hotel owners. This bill drastically expands hotel interests while choking out individual property owners' rights.

This bill lumps legal vacation rentals in the Waikiki resort zone in with all other rentals, legal or not. I'd like to focus on the regulations that would apply to condominium-hotels in the Waikiki resort zone, since that's where my property is. My unit is in the Pacific Monarch building which was built over 40 years ago specifically as a condominium-hotel to be individually-owned and used for the purpose of short-term rentals.

As I write this, it is not clear which version of the bill is the current version that is being discussed today as there have been several versions of this bill. What is clear is that many sections of this bill were drafted to benefit the corporate hotel owners and not for the above stated purpose. Below are some specific sections of this bill that are very concerning and do not work towards achieving the stated purpose of this bill.

1). Sec. 21-5.360.1 Condominium Hotels: "Units in a condominium-hotel must be part of the hotel's room inventory"

This section does nothing to fulfill the stated purpose of this bill, which is to protect residential neighborhoods. **Condominium-hotels in the Waikiki resort zone are not in residential neighborhoods.** Therefore, how does forcing the property owners of these condominium-hotel units into the hotel pool achieve the stated purpose of this bill?

This section does not offer any benefits to the local community, but only to the hotel industry. This section eliminates any possible competition from legal property management companies and creates a monopoly for the hotel industry.

I am the owner of a legal transient vacation unit (TVU) in the Waikiki resort zone, in a condominium-hotel. I have decided to have my unit managed by a professional short-term rental management company, instead of being managed by the hotel pool. The company that manages my unit is a legally licensed and insured company. They have about 25 local employees (all living and working on the island) and provide a very reliable and professional service to me as an owner as well as to our guests.

The fact that units in condominium-hotels can currently be managed by either the hotel pool or by third-party management companies creates a healthy and competitive market. Imposing that only the hotel pool is allowed to manage all units in condominium-hotels creates a competition-free monopoly for the hotel industry. It is obvious that this type of condition only has negative effects for the public (higher prices and lower-quality service), and only benefits the hotel industry. In this purely monopolistic model, the hotels can restrict output, raise prices, and enjoy super-normal profits in the long run. With this monopoly, the hotels would be able to charge unlimited management fees to the owners of hotel-units without fearing to lose clients, since the owners would be stuck without any other choices.

Some condominium-hotels have 1,000 hotel-units. One hotel operator can easily be overwhelmed by having to manage all the units and would not be able to offer the dedicated, very responsive and reliable service a management company can for both the owners and the guests. This would quickly turn the owners' investments into a loss and force many to sell their units Perhaps that is one of the secret goals of this bill, as it would further benefit the hotel industry.

I agree that the number of tourists coming to the islands needs to be limited. A healthy tourism industry would be highly beneficial for this island. However, it is important for the tourism industry as well to support a healthy, professional, and competitive market. This is the only way to ensure that the supply of vacation rental units is kept in good condition, the quality of services remains high and prices competitive.

The local property management company that manages my property has maintained an average rating from renters of 4.92 stars (out of 5 stars possible) for my property. By contrast, the average rating from renters of all condo units in my building managed by the hotel are 20% lower than this. This indicates that tourists are more satisfied with units such as mine, managed by local management companies, than with those managed by the hotel. **Why would you want to eliminate that superior service along with competitive pricing for your visitors?**

2). Sec. 21-5.360 (c) Hotels and Hotels Units: "Hotels and third party booking services may not provide discounted rental rates to the owners..."

This would require owners to pay the hotel to stay in the properties we own. We purchased our property so we could stay there. We paid to purchase our property and we continue to pay all of our taxes and other fees and expenses. Now you want us individual owners to pay the hotels again every time we want to stay in the properties we own? This is outrageous and only serves to benefit the corporate hotel owners.

3). Sec. 21-5.730-2 (b): "The application cost for an initial registration is $5,000.00 and the application cost for renewing a registration is $2,500.00".
These fees are excessive, unreasonable, and do nothing to achieve the stated purpose of this ordinance, which is to protect residential neighborhoods. These fees apparently would not apply to corporate hotel owners that own thousands of TVUs, so applying them only to individual owners is unjust discrimination.

It is obvious that many sections of this bill were written for the sole purpose of benefiting the corporate hotel owners and it would create a windfall for them. Since when is that the role of Hawaii's government? This bill imposes ownership, operational, and financial hardships, hurdles and restrictions on individual TVU owners and operators while at the same time giving corporate hotel owners the unfettered right to operate without the same restrictions. This bill seeks to take away long-established property owners' rights in the resort zone that explicitly allow owners to own and operate TVUs. This bill may also be a violation of the US Constitution which guarantees many rights to US citizens.

Those who have chosen to own and operate short-term rentals in the resort zone have done so in a good-faith effort to comply with existing laws and should be allowed to continue without these newly proposed hardships, hurdles and restrictions.

The fact that the government of Hawaii is even considering the regulations in this bill makes it clear that the ethics of the government of Hawaii have been compromised. The government of Hawaii does not appear to be operating in good-faith or in the best interest of the people as they have created conflicts of interest by working so closely with the hotel industry. To understand this further, I am making an official public records request for all information and documents related to these compromised ethics and conflicts of interest. Anyone in the government of Hawaii who has been promised, offered or has received any contributions, donations, payments, gifts, or favors, directly or indirectly, from anyone related to the hotel industry should be investigated and must recuse themselves or otherwise be prohibited from voting on this Bill 41.

Sincerely,

CJ Schneider

supvb1@gmail.com

John Eckert
42 Lehigh Lane
Hicksville, NY 11801-3313
TEL: (516) 433-4503

November 8, 2021

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is John Eckert. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I **oppose Bill 41**.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, **I oppose Bill 41**.

Thank you for your attention to this important matter.

mecmany@aol.com

From: CLK Council Info
Sent: Monday, November 8, 2021 11:37 AM
Subject: Council Testimony

Written Testimony

Name	Jeff Polovina
Phone	
Email	Polovinajeff@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I'm writing in support of Bill 41 CD1. As a long time resident of Kailua, it has been very disappointing to see how the rise in illegal vacation rentals has detrimentally changed the residential character of Kailua. Bill 41 strikes a fair balance between the vacation rental industry and local residential communities. Sincerely, Jeffrey Polovina
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:43 AM
Subject: Council Testimony

Written Testimony

Name	Catherine Sophian
Phone	
Email	socat64@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please support Bill 41 to control vacation rentals in Kailua and Waimanalo. I am a constituent of the Kailua district, but I have gotten so fed up with how overrun by tourists Kailua has become that I have been looking into moving! A few are making enormous profits from this industry, while the rest of us literally lose our community. The beach, of course, is the central attraction and the hub of overcrowding. It is next to impossible to park at the beach parks, or even on neighborhood streets near beach access paths. There are literally parades of tourists at times through our neighborhoods. One morning at dawn I had to wait several minutes just to leave my driveway as a big group of tourists passed! But that is not all, not even the worst. We are deluged by traffic on the roads, crowds in grocery stores, and noise and rubbish in our neighborhood. The aloha spirit is becoming a fond memory as people, fed up with the crowds and hubbub, lose patience. Hawaii is losing its soul. Yes, tourism is a key part of Hawaii's economy, but there has to be a balance. Keeping tourist accommodations concentrated in designated areas is a step in the right direction. Thank you. Catherine Sophian Kailua
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Monday, November 8, 2021 11:45 AM
Subject: Council Testimony

Written Testimony

Name	BILLE, TONIC
Phone	
Email	BBTVU2@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	The BB*TVU Association of Oahu

Written Testimony

COUNCIL CHAIRMAN TOMMY WATERS AND
CITI COUNCIL MEMBERS

I DO NOT SUPPORT THE DPP DRAFT REGARDING THE NON PERMITTED VACATION RENTALS TO RENT LESS THAN 180 DAYS.
I REJECT THE PROPOSED BILL 41 IN ITS ENTIRETY.
I URGE THE COUNCIL MEMBERS TO WITHDRAW THIS PROPOSED BILL AND CONTINUE ITS ADMINISTRATIVE RULE MAKING PROCESS TO IMPLEMENT ORDINANCE 19-18.
I ENCOURAGE THE COUNCIL MEMBERS , DPP AND THE MAYOR TO ESTABLISH A WORKING GROUP COMPRISED OF KEY STAKEHOLDERS ON RULE MAKING RECOMMENDATIONS.

IT IS NOT REALISTIC TO CHANGE THE RULES FOR TVU OWNERS, WHO IS RENTING AND RESPECTING THE 30 DAY RULE. A STATE LAW PROTECTS LEGAL
PRE-EXISTING USES FROM A CHANGE IN THE ZONING CODE.
IT IS MY BELIEF THAT THIS STATE LAW TRUMPS BILL 41.
PENALIZING TVU OWNERS IS NOT PROTECTING THE GROUP, WHO TRUSTED YOU TO BE FAIR AND TREAT ALL RESIDENTS EQUALLY WITH ORDINANCE 19-18.

I ASK YOU TO CONSIDER THAT THE MAJORITY OF OWNERS, WHO HAVE BEEN ASKING FOR A PERMIT AND REGULATIONS

THE LAST 20+ YEARS ...ARE DECENT RESIDENTS, YOURS AND YOUR FRIENDS'S NEIGHBOR AND HAS FAMILIES, CHILDREN, GRANDCHILDREN AND PAY THEIR TAXES.

THE STR OWNERS WERE NOT PREPARED FOR THE DPP DRAFT SUPPORTED BY THE MAYOR, RICK BLANGIARDI. THEY TRUSTED ALL WOULD BE FAIR AND THEY WOULD FINALLY GET A REASONABLE SOLUTION TO REGULATIONS AND ENFORCEMENT OF RESOLUTION 19-18... .NOT A DEVASTATING BILL THAT IS GOING TO DESTROY THEIR LIVELIHOOD. ..ESPECIALLY THE RETIRED OWNERS.

USING OUR PROPERTY TAXES PAYMENT TO HIRE ENFORCEMENT AGENTS IS WILLFULLY CAUSING SUFFERING, WHICH IS SHOWING NO RESPECT OR CONCERN FOR YOUR CONSTITUENTS.

THANK YOU FOR NOT ONLY LISTENING TO ME, BUT HEARING ME.

TONIC BILLE
PRESIDENT
THE BB*TVU ASSOCIATION OF OAHU

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:47 AM
Subject: Council Testimony

Written Testimony

Name	Patricia Ochi
Phone	
Email	ochifamily@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am writing as a visitor to your island. I travel here several times a year often with my children and grandchildren. Oahu is my happy place and I have probably visited over 30 times in the last 10 years but if you do away with short term rentals I will no longer visit. Staying in the comfort of a private home vs. a hotel is the only way we can affordably and comfortably travel especially with a special needs grandson who is confined to a wheelchair. I would definitely take my business to another island that still allows for short term rentals. I suspect that there are many other travelers just like me that will take their business and money elsewhere. Rather than switching from a private home to a hotel setting they will go to another island that offers the private home option. It has already been a difficult adjustment with the 30 day minimum option but any longer would mean the end of travel for many visitors to Oahu. So unless you are trying to reduce the number of visitors and the amount of travel dollars spent on Oahu I would highly recommend that this bill not pass. There must be a better option so that so many of us do not have to give up on Oahu. It will be a very sad day when my travel plans do not include the beautiful and amazing island of Oahu.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:55 AM
Subject: Council Testimony

Written Testimony

Name	Jeffrey J. Sol, M.D.
Phone	
Email	solj001@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	City council Bill #41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am writing to support the above bill which would protect Kailua residents from the deleterious effects of short term rentals I am a long term resident of Kailua (since 1973). I have personally been inconvenienced by illegal short term rentals in my neighborhood, including being unable to sleep because of nocturnal noise from them. Mahalo, Jeffrey J. Sol, M.D.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:09 PM
Subject: Council Testimony

Written Testimony

Name	Aileen E Arashiro
Phone	
Email	arashiroa001@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear Members of the City Council, I was born and raised in Kailua and still reside here. My parents moved here in the mid-1940s so I have seen so many changes to this place I love. However, the short-term rentals are the WORST! They have increased rental and home prices to stratospheric levels as well brought in people who do not always respect the local culture. I am disgusted that my daughter and her generation struggle to live here even though they have decent white-collar jobs. Many have moved to the Mainland which tear their families apart because they cannot visit whenever they want. Grandparents cannot enjoy their grandkids and parents worry even more about their kupuna when they are thousands of miles away. Even more, Hawaii suffers from the "brain drain" when such local people leave their island home. PLEASE pass Bill 41 CD1 so that future generations may have a chance to live in the state they enjoyed in their childhoods. How about doing something for the kamaaina for a change? Sincerely, Aileen Arashiro
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Monday, November 8, 2021 12:11 PM
Subject: Council Testimony

Written Testimony

Name	Sophia H Chen
Phone	
Email	SOPHIACHENOD@YAHOO.COM
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	we as owners of Waikiki Banyan, strongly oppose this bill.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Charlie Shih-Su Yeh. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Charlie S. Yeh
425-829-0898
CharlieYehOD@yahoo.com

Charlieyehod@yahoo.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Maurice "Mo" Schreiber. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three (3) hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Maurice "Mo" Schreiber
Waikiki Banyan
Makai Tower 1, 1703
201 Ohua Avenue
Honolulu, HI 96815
mschreiber718@gmail.com

From: CLK Council Info
Sent: Monday, November 8, 2021 12:24 PM
Subject: Council Testimony

Written Testimony

Name	john Foti
Phone	
Email	john@kaulanacorp.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	Westgate Enterprises, inc.
Written Testimony	Please consider this email as written testimony in support of Bill 41 CD1. I am glad to see that this bill strengthens limitations on vacation rentals while still allowing property owners to rent out a portion of the home they live in (a true bed and breakfast), AND provides meaningful dedicated funding for enforcement of violations.Mahalo for your support,John Foti808 754 3312
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 11:47 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Scott Nishikawa
Phone	
Email	scottnishikawa@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:01 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Geoffrey Tice
Phone	
Email	geofftice@gmail.com
Meeting Date	11-18-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear City Council, I am an Oahu resident that strongly OPPOSES Bill 41. I own several short-term vacation rental units in the Waikiki Banyan, which is currently a legal, short-term rental condotel located in the heart of Waikiki. I applaud the passing of Bill 89 two years, ago, but Bill 41 GOES TOO FAR!!! Our family has invested in these LEGAL short-term condo units and our family relies on this income. But if you don't fix several problematic items in this bill, the City Council is basically saying they care more about making sure huge, international hotel companies continue to profit from tourists while LOCAL property owners cannot benefit from their investments. Here are some of the major problems I oppose: 1. Limiting short-term rentals through a hotel operation, EVEN IF THE EXISTING CONDO IS ZONED FOR SHORT-TERM RENTALS OR HAS AN EXISTING NUC. 2. Not allowing owners to stay in their own units unless they pay regular market rates and rents them through the hotel operation. 3. Limiting ownership to only one TVU 4. TVU must be owned by a "natural person", and not a business (this raises huge problems for business liability) 5. Application cost initially as $5,000 and $2,500 annual renewal (why are huge, international hotels not required to pay these same fees per unit)?

6. Limits on occupancy, parking requirements, etc., are overburdensome (why are hotels allowed to rent rooms with up to 6 guests in a 1-bedroom hotel room, and not provide any parking?)

To summarize, it seems like this bill was written to unfairly give hotels all the benefits our tourist accommodations, while requiring local condo owners in legally-zoned buildings unfair disadvantages that severely take away property owner's rights.

PLEASE FIX THIS BILL TO PROTECT LOCAL PROPERTY OWNERS WHO HAVE INVESTED IN CONDOS IN WAIKIKI!

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:04 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Ralph S Gray
Phone	
Email	bgwvrdr@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	When you bought your home it came with the right to rent it to one group every 30 days. Thats the current law and is a value to my home. The government now wants to change the rule so I can only rent to any one group for 6 months or more. This means no one can come to Oahu and rent a home unless its for 6 months or more. The issue is owner property management not vacation renters, all the government should do is fine people that dont control there renters and leave the laws alone that we purchased with our home. With proper management, neighbors can all work together. If there is a bad renter making noise, they get kicked out. If the management doesnt do this, then they loose there license to rent. Get rid of the problem, dont ruin our rights for all for a few bad apples. I vote against the government taking more rights away from us. I know this is a touchy subject, but please think about this hard. Today they want to control your ability to rent your home, what is tomorrow going to bring, the ability to control what you eat??? I purchased my home with the right to rent for 30 days to one renter. If you want to take this away from me, then this is eminent domain and the government should pay me for the loss of use. Mahalo and Aloha
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:07 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rachel Johnson
Phone	
Email	rachel.johnson@uvm.edu
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:32 PM
Subject: Council Testimony

Written Testimony

Name	Dale Norman Jensen
Phone	
Email	dalejensen2@gmail.com
Meeting Date	10-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I have been alarmed for some time over the impact of STR's on our neighborhoods in Kailua as well as elsewhere around Oahu. The character of our communities has been noticeably changed, and the feeling of "neighborhood" that we knew in my family's first 20 yrs of living in Kailua is to a great extent gone. The rise of tourists living among us has been a major aspect of that change. STR's in Kailua have caused a large increase in the number of strangers and cars on our streets, on-street parking is now jammed, traffic is more clogged (people honk for practically nothing). Restaurants are packed (even pre-covid) and long term rentals in residential neighborhoods have dried up or are now available at only exorbitant rates. Where will hourly wage earners who work in businesses in Kailua live? I have been shocked that the city was so slow to act on STR's, and then when it finally did with Ordinance 19-18, enforcement was sorely lacking. Therefore, I am very happy that DPP has suggested significant changes to improve the original ordinance and actually set aside money for enforcement. I have heard that the 180 day minimum rental period has been a contentious issue. If this limit is not imposed, I would kindly ask that the council find a compromise that does not allow the clever circumvention of the new ordinance by existing STR operators. I have heard that many were easily circumventing the 30 day requirement by devious means or by just renting to "snowbirds" who want to come for several winter months. The new ordinance needs to make Kailua homes and apts available to local folks who work here, send their kids to local schools, vote in local elections, attend local churches and form a community that looks out for each other. I hope this revised

ordinance is passed and has the "teeth" needed to stop STR's outside of resort areas.

PS: I am sure there will be many vocal opponents to this measure, as it will directly affect their pocketbooks. However, they have been breaking local zoning codes by turning their homes into hotels, and the only thing that has allowed it is lack of enforcement and poor language in the original ordnance. It is time to take back our neighborhoods for the people of our county!

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:41 PM
Subject: Council Testimony

Written Testimony

Name	Cathy Ono
Phone	
Email	Ocathy216@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 and Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Planning commission made the recommendation to only advance the section of the bill that relates to the STR in the residential ares, and to leave the Resort Zone out for further discussion. The current Bill 41 does not reflect that. Instead, it has placed numerous provisions restricting LEGAL TVUs in Waikiki's resort zone, that have nothing to do with goal of cracking down on illegal TVUs in the residential areas. Resort zone in Waikiki had been the only place where legal TVU is permitted since the LUO was enacted. TVU has been the permitted principle use without conditions in the Waikiki resort zone for decades. NUC(non-conforming use Certificate) was granted in the 1986-1989 to those who have been operating TVU outside of resort zone. We, the existing legal TVU owners in the resort zone bought and operated them because of their permitted TVU use in accordance with law. Now Bill 41 placed restrictions, and financial hurdles on the TVUs in the resort zone, but exempt hotel rooms, and NUC TVUs. We ask that TVU in the resort zone should be granted at least the same exemption, given that we are conforming permitted use ever since the zoning law was enacted. For example, TVU in resort zone is required to pay $5000 registration fees and $2500 annual renewal fees. NUC is exempt, and the fees for NUC renewal are $600 every two years. Hotel room is not required to pay the fees, even though TVUs in the resort zone is doing the same business as the hotels in the same zone.

There are other numerous operations restrictions that Resort zone TVUs are subject to, but NUC TVUs, and hotels are exempt. TVUs in the resort zone should at least be able to operate on a playing field to equal to hotels and NUC TVUs.

Therefore, we ask Council to follow Planning Commission's recommendation, and to allow TVUs in the resort zone to operate without further conditions.

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:52 PM
Subject: Council Testimony

Written Testimony

Name	Karen Luke
Phone	
Email	nahele@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose the 180-day change, taxing short-term rentals as hotels, and the statement that short-term rentals are the solution to affordable housing. There is no democracy in Mayor Blangiardi's proposal and rule of law in DPP's select application of the current law. A well-balanced tourist ecosystem with fair and trusted growth in short-term rentals to ensure a level playing field for all accommodation service providers, in particular small and medium-sized firms resident/tax payers to the County is not a part of Bill 41. Bill 41 favors big hotels and developers feeding off our aina and taxing our residents in a simmering cauldron of class conflict to environmental despair, white privilege, and the daily invasion of tour buses. Despite public testimony in favor of balanced solutions and facts dispelling association of affordable housing to short-term rentals, Bill 41 states eliminating short-term rentals will cure over tourism. Instead DPP has allowed Utah-based developers who own the Embassy Suites in Kapolei (open since October 2017 with 180 rooms) to build another 204-unit hotel next to it. These two hotels and the Marriott Residence Inn (open since August 2019 with 183-suites), surround The Ilima Senior Assisted Care Home in a mixed-use zone. These hotels are not resort zoned area. Bill 41 is based on trumped up lies. All the testimony at hearings from April 2021, were overwhelmingly in support of short-term rentals, thus invalidating the very premise of this proposal.

Testimony re: Bill 41 – Relating to Transient Accommodations

November 8, 2021

Dear City Council,

My name is Courtney Takai. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within one block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41 in it's current form.

Thank you for your attention to this important matter.

Mahalo,

Courtney Takai
229 Paoakalani Ave #3110
courtney@vestahawaii.com

From: CLK Council Info
Sent: Monday, November 8, 2021 1:01 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Reva Uso
Phone	
Email	rucoconuts@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As an Owner of a condo at the Waikiki Banyan since 1985, I Strongly Oppose that the Waikiki Banyan is being included in Bill 41. Please look at the fact that the Waikiki Banyan has always been and still is uniquely important as vacation rental, short term rental, long term rental and owner occupied.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Richie Zeng. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates. This gives large multinational hotel chains an advantage over local small business owners.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days. I understand there are exceptions, but this would add significant additional overhead for extremely common situations like military, nurses, and students.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. This adds a significant amount of liability to owners due to the loss of control, but still forces them to pay the costs.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Thereby removing all benefit
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Again, this adds additional cost for local small business owners and gives an undeserved advantage to large hotel corporations.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination since it was first constructed. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

From: CLK Council Info
Sent: Monday, November 8, 2021 1:09 PM
Subject: Council Testimony

Written Testimony

Name	John Stahl
Phone	
Email	jstahl249@gmail.com
Meeting Date	10-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Respectfully, I am writing in support of Bill 41 CD1. My wife and I are 35 year residents of Kailua, and life-long residents of Oahu. We believe that it is vital to the long term health and viability of Hawaii and its local population to tightly control vacation and short-term rentals here. It is acutely unfair, and indeed discriminatory, to allow the people of Hawaii to be pushed aside and forced to move to the mainland by outside speculators and wealthy individuals who remove properties from the market to satisfy their desire to have the use of a private Hawaii home at their convenience. Likewise, we must resist the corporate forces of the vacation rental industry in favor of our own tax paying and voting citizens. Please stand up for us. Visitors are welcome, but this is our home. With aloha, John and Sharon Stahl
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Ingrid Adamsons. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime

tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Ingrid Adamsons

08 Nov 2021

Ingrid Adamsons
ingrid2a@yahoo.com

From: CLK Council Info
Sent: Monday, November 8, 2021 1:20 PM
Subject: Council Testimony

Written Testimony

Name	Barbara Krasniewski
Phone	
Email	barbarak@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha, I strongly support Department of Planning and Permitting Bill 41 CD1. This is the common sense bill that will keep Hawaii's limited housing available for residents rather than bringing tourists into the neighborhoods. While Hawaii is dependent upon the visitor industry, there are several vibrant areas on Oahu for accommodations for them without diluting the structural fabric of our small communities. Please save our neighborhoods and our very limited housing options for the citizens of Hawaii by passing Bill 41 CD1 as written. Thank you, Barbara and Stan Krasniewski, 124 Kuulei Road, Kailua
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:24 PM
Subject: Council Testimony

Written Testimony

Name	B. Wailani
Phone	
Email	leftsidepromo@aol.com
Meeting Date	10-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	There are many things to consider with the proposed STR draft as submitted by the city council. Please let me submit my perspective in the following points: 1. There is big difference in a home owner occupied BnB and a whole home rental by absentee owner. The first is regulated by the property owner and secured under their watchful eye, the latter is unregulated and there is no homeowner responsible to neighbors or the community. Big difference and they should be treated as such. 2. The whole backlash against vacation rentals stems from the politicizing of the issue and finger pointing by the HTA and the hotel industry. Using the dissatisfaction of many Hawaii residents regarding the number of tourists visiting the state and the resultant feeling of over tourism the hotel industry has pointed the finger of blame solely on BnB's. The hoteliers have formed a group which only focus is to eliminate vacation rentals so that they can keep their monopoly on tourism and do nothing regulate their own mismanagement of tourism for decades. 3. It is obvious that this issue is in large part an economic one. The hotel lobby blames over tourism solely on vacation rentals taking no responsibility for it's own overselling of our state for decades. Prior to the pandemic in 2020 the HTA and other agencies continued to promote more tourism without restraint and continues to build more rooms in Waikiki and other prime beach front areas throughout the state unabated. Waikiki already holds over 50,000 rooms, sufficient enough to saturate the island many times over.

4. Vacation rentals have been mislabeled and blamed for all kinds of social ills. The hotel industry has made them (collectively) the bad guy when the topic of over tourism arises, yet the hotel industry controls over 50,000 rooms in Waikiki and is by far the bulk of the problem. The issue is the hotels which ship their profits out of state to corporate owners who care nothing of Hawaii aside as being a profit center.

5. Hotels have been in existence since the founding of tourism in the 1900's and are the primary source over tourism. This is a fact. Vacation rentals run by local residents to help offset the high cost of living in Hawaii and should be allowed as an alternative to longer term rentals. They are less burdensome on neighborhoods and create jobs and profits that stay in the state versus hotel profits which are shipped out.

6. An example of a small rental unit for 2 people locally rented generates a minimum of 2 cars on the street. A vacationing tourist family of 4 rents 1 car, which is used throughout the day and isn't left abandon on the street as in many neighborhoods. Locals also bring friends to visit which further crowds a neighborhood. Tourists have no ties or visitors that create problems, noise or additional traffic, yet they are mislabeled and blamed for things like parties and over crowding.

7. It is not the state and county's responsibility to build affordable and sufficient housing not private citizens. Forcing homeowners to rent their home as a state supplemental housing unit is morally and legally wrong. Property owners have the right to do what they want with their property. Everyone pays property taxes here.

8. I tire of hearing vacation rentals are ruining neighborhoods and the fabric of island life. From what I know and see there are many threats to island life and vacation rentals are not even close to the top. Monster homes are the biggest issue in neighborhoods. They are basically city approved apartments with no off street parking requirements and a residential tax designation, all with the city's blessing.

9. TVU's provide income for property owners that help them meet increasing property taxes, utilities and overall cost of living in a state that sadly continues to increase taxes on local residents for things like rail.

10. Private citizens are not responsible for affordable housing. If the state and county want additional units they should find a way to build them, through a PPP or other means. In no way should landowners be forced into providing housing because of the city's shortcomings.

11. Another issue is that landlords are tired and frustrated with a one sided, tenant favored and draconian landlord tenant code which basically punishes a landlord for renting their private property. Why

would anyone want to deal with Hawaii's landlord tenant code when it is so obviously one side in favor of the renter? It's economic suicide.

12. Lastly, the pandemic as exposed our liberal government for what it is. At the expense of the property owner, the state forced landlords to hold on to their non-paying tenants without recourse throughout the pandemic and only until recently under heavy handed rules where landlords finally able to seek redress, payment and remove tenants that had not paid rent for 18 months. On the flip side the city never granted and delayed any property tax relief and landlords still had to somehow pay their mortgages. As insane as that may sound this is what a landlord was dealt by the state and county.

I hope that provides you with some real perspective on the matter of vacation rentals because what the media reports and what the politicians are striving for is nothing more than political pressure by the hotel industry, HTA. We the citizens Honolulu do not agree with these proposed changes.

B. Wailani
Maunalani Hts.

Testimony Attachment

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IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:26 PM
Subject: Council Testimony

Written Testimony

Name	Keith & Sylvia Sheu
Phone	
Email	kikasheu@gmail.com
Meeting Date	11-08-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, Our names are Keith & Sylvia Sheu. We are Owners at the Waikiki Banyan, and strongly and vehemently are opposed Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Individuals may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and is a prime tourist destination. However, the Waikiki Banyan is the primary residence for many owners.

Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, we vehemently oppose Bill 41.

Thank you for your attention to this important matter.

Keith & Sylvia Sheu

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:27 PM
Subject: Council Testimony

Written Testimony

Name	PAUL MOSSMAN
Phone	
Email	tigertear77@msn.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a owner of rental property adjacent to my own home the idea of a mandated 6 month minimum lease is over reach. I wonder how many people on the Council actually own rental property? I have only done 3 month lease on long term contract so both myself and the tenants can determine if things are compatible. To take away the month by month option, in my view, will led to the imposition of a stricter criteria for renters and many owners will just pull off the market. As well the $260,400.00 a month the Council is setting aside for VR enforcement could finance about 70 Million Dollar in loans to actually do something about housing cost and availability.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:28 PM
Subject: Council Testimony

Written Testimony

Name	Chuck Gray
Phone	
Email	Island8082010@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Protect our residential neighborhoods and housing stock from the negative impacts of short-term rentals by passing Bill 41 CD1. Provide funding for the administration and enforcement of the City's short-term rental and transient accommodations laws.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:30 PM
Subject: Council Testimony

Written Testimony

Name	Richard C. Anderson
Phone	
Email	rcanderson9@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a constituent and resident of Lanikai. The tourist traffic due to the explosion of vacation rental properties has nearly ruined a once beautiful, peaceful neighborhood. Please take immediate action to reduce vacation rentals in Kailua and Lanikai! I fully support Bill 41 CD1! Richard C. Anderson 389-D Kaelepulu Drive Kailua HI 96734
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:32 PM
Subject: Council Testimony

Written Testimony

Name	Rose Wilson
Phone	
Email	lmloke407@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a condo owner I am trying to protect my children's inheritance. I still have a mortgage and expenses on my unit. My ability to rent with a 30 day minimum allows me to do this. 180 day minimum will put my efforts in a precarious position. What about the kupuna who rent a room in their homes to make ends meet? Are you going to pull the rug out on them too. Down side to city. No TA taxes are collected on rental over 180 days. How is that going to be made up? The fees collected for permit and renewal are to be going 100% to planning department for enforcement of Bill 41. What have they been doing since previous Bill 89 and Ordinance 19-18 was passed in 2019? Nothing. They are trying to play catchup and put Residential A and resort units and owners in a bind. The tourist industry and hotel unions are making a huge push to make bill 41 a done deal right now. Please look at all the evidence don't get pushed into a corner. Mahalo for hearing me out. Rose Wilson
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 12:13 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	jerry lee
Phone	
Email	jtix2700@yahoo.com
Meeting Date	11-09-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Transient Accommodations
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am one of the many owners at the Waikiki Banyan and I strongly oppose Bill 41. Waikiki is a special use district, bringing in revenue and providing jobs that are critical to Oahu's economy. Before the pandemic, it was not uncommon to have almost full occupancy, not only at the many hotels in this high tourism and residential area, but also at many condo-hotel properties such as the Waikiki Banyan, The right to deprive individuals of the right to own property, and the reasonable use thereof, was taken away from Asians, Blacks, and people of color in many many states on the Mainland. It makes no sense for a progressive state like Hawaii to bring us back to discriminatory practices that infringe on the right to own property. the Waikiki Banyan has been a condo hotel for decades and has contributed to the economy of Honolulu and Waikiki in so many different ways. Such a restrictive and retrogressive Bill 41 would favor the big hotel chains, limit the need for employees at the Banyan, and hurt the small and ordinary owners who would have no longer have the ability to eek out a small income from what they thought was a vacation home or a condo that could be part of a hotel.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:26 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Sean
Phone	
Email	seanbrady808@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am testifying in front of you today as a very concerned small business owner who stands to be impacted by DPP's latest proposed amendments to Chapter 21 relating to Transient Accommodations. I recently purchased a condo unit in Waikiki's special district for permitted short term legal rentals. Our specific unit was purchased solely to be in compliance with all of the rules and requirements on TVU's put forth by the City & County of Honolulu. My wife and I were both born and raised on the Windward side of Oahu and have been trying for many years to afford to purchase a home of my town in Kailua. With the skyrocketing costs of real estate on the windward side, I decided to take my life savings and use it to purchase an investment condo rather than a primary home for my family as a means to earn some additional return on our investment. I thought this investment would ultimately allow our family to earn enough income to purchase our primary home as well as allow us to provide wonderful experiences to our guests as local hosts. I know first hand how sensitive residential communities can be towards rentals in our islands which is why the resort zone in Waikiki was our targeted area rather than seeking out a legal Turtle Bay or Koolina condo as those areas are more residential and sensitive TVU's. The building where I purchased my condo is primarily used for short term rentals directly by the owners, we have no hotel affiliation. The other owners in our building are just like me, local folks who live here and purchased their units as small business investments. Every single one of us pays thousands upon thousands of dollars each quarter in GE, TAT and resort zone property taxes diligently, and works very hard to meet all of the requirements that the City and State have implemented. Each of us hire local housekeeping and tradesmen to clean and provide maintenance for our units. The point being, this proposal threatens to take away not only our small business' but also threatens the livelihoods of those who work to support our business'. What I didn't take into consideration when making our purchase was the greed of the hotel

lobbyists who are responsible for drafting this proposal. This proposal is a blatant violation of our property rights, as we bought our property due to the resort zoning and its permitted use. Please take into consideration who this proposal is going to affect; thousands of small business owners who were trying to do the right thing. We purchased our units to be in compliance with the resort zone designation and we are now being unfairly targeted due to multi-billion dollar corporate greed.

My story is the same as the majority of short term rental owners in the Waikiki Resort Zone, we are local people who are simply asking not to have our livelihoods stripped away from us. Thank you for your consideration.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:29 PM
Subject: Zoning and Planning Testimony
Attachments: 20211108132911_Letter_to_Honolulu_City_Council.pdf

Written Testimony

Name	John Lisoway
Phone	
Email	jlisoway@telus.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Honolulu City Council, Just to review, the purpose of this new Bill 41 as I understand was mainly 2 fold. First, it was to eliminate ILLEGAL Short Term rentals in Oahu, specifically in the residential areas outside of Waikiki and second was to create more affordable housing. Now if aspects of the new proposed bill do not support these objectives, then those aspects should be deleted from the draft completely and should not be support by council. As I will show below, many aspects of this new proposed bill will not only have no effect on illegal short term rentals residential areas but will actually allow the large hotel chains and hotel management companies to have a complete monopoly on Oahu's vacation rental options, which I believe should not be the intent of this bill. For full disclosure, I am writing to you as an owner of a condominium unit that has an existing Non-conforming Use Certificate (NUC) and is located just outside the Waikiki Resort zone (In the current apartment zone 1 block from the resort zone in Waikiki). I am a snow-bird that will be spending between 3-6 months of the year in Oahu, sometimes having other family member join me or maybe letting them to use my condo when I am not using it or renting it out. Also, I specifically purchased a condo unit in Waikiki that had a NUC so that I could rent it out LEGALLY when I am not using it. I read the laws and followed them and now this new bill will punish me as a LEGAL short term rental owner and take away my property rights. I am STRONLY OPPOSED to the new proposed Bill 41. The changes that are being proposed impact me, my family and my retirement plans in a number of ways but also many aspects of this new proposed bill benefit the large hotel management companies and the hotel industry. In my opinion, sections of the new proposed Bill 41 that need to be reviewed and/or deleted in its entirety as they will have virtually no impact on the objective of the bill are as follows: Section 21-4.110-1 (b): If the definition of a short term rental will be changed from a duration other than 30 days minimum, then the requirement for NUC registration only allowing rental occupancies of less than 30 days apiece should also be changed to match any new short term rental definition. For example, if the new bill proposed 180 days minimum, then any rentals

for a NUC unit should be able to rent the property up to the same 180 days apiece as this would be the new definition of a short term rental.
Section 21-5.360 (a): Owners of private property and LEGAL NUC certificates units should have the LEGAL right to manage their property. Using a centralized hotel booking system and paying for this service does nothing to eliminate ILLEGAL short term rentals in residential neighborhoods and will not create affordable housing. All this does is give large hotel management property owners the monopoly to control how and when to book someone's private property. The hotel management company will then be able to charge what-ever fee/commission/profit they desire due to having no competition in the building and the owner of the unit having no option to use a third party. The hotel management company will have total control over my private property but have absolutely no financial risk. I pay the taxes, the HOA fees, unit maintenance and repairs costs, housekeeping, utilities, etc, In the past, various hotels divested away from the capital investment and sold units to private owners, like myself, and the City of Honolulu allowed this to happen. Now the city wants to give most of any profit from renting a LEGAL unit back to the hotel management companies with no financial risk what-so-ever.
Section 21-5.360 (d): Only grand-fathering current principal residence on the effective date is wrong. I will likely retire at my condo in Hawaii in a few years and will become a resident when this happens, but this clause would not allow me to use my private condo and property as my principal residence in the future.
Section 21-5.360.1: Units in a condominium hotel must be part of the hotel's room inventory, available to rent to the general public. This is a direct violation of my private property rights. With this clause, I will not be able to rent my LEGAL Short Term Rental to whom I want and for what-ever amount I choose. At the moment, I decide who can use my private property and for what compensation I choose. This bill will be taking away this right. Again, there is no reason to put this restriction on LEGAL units and into the hands of large hotel property management companies unless the intent to was for the strict benefit of the hotel companies.
Section 21-5.730.1 (c): Why must an apartment in the A-1 or A-2 zones not exceed 50 percent of the total units being transient vacation units? There is one building now (Waikiki Sunset as an example) that is an apartment and with over 50% of the units having a LEGAL NUC and are LEGAL short term rentals. How will the decision be made as to who in the Waikiki Sunset must remove their NUC and become as long term rental and thus devalue their property by over $100,000? Again, this is taking away current legal property rights for no reason except to put more control into the hands of the hotel industry. At the moment, if an apartment has over 50% LEGAL NUC short term rentals, the only viable way the HOA can change to a hotel is for 50% of the ownership to agree to this change and this won't happen as long as NUC ownerships is above 50% . What this aspect of Bill 41 is doing is forcing all apartment buildings to have ownership controlled by long term rentals so they then MUST then apply to be a hotel in order to not only rent units short term but also DELIBERATELY eliminate the LEGAL NUCs that are in the market. This is a very underhanded tactic to try and remove LEGAL NUCs from the marketplace. Must have been written by the hotel lobbyists?
Section 21-5.730.2 (b): Currently LEGAL NUC owners pay $200 annual fee for the NUC, which by the way the hotel industry does not pay. This clause raises this fee (per room/unit) by from $200 annually to $2500 annually, an increase of over 11,000%, not including the initial setup fee of $5000. AGAIN fees the hotel industry does not have to pay, but they whine about everyone paying their fair share!
Section 21-5.730.2 (d): Certificates of registration (current NUC holders) will now be personal to the owner of the property and not the land and cannot be transferred with the land. If this section is passed, then this will devalue my property by over $100,000 and will be confiscation/limit of my private property rights. I purposely purchased a unit in Waikiki with a NUC to LEGALLY rent it out and had to pay a premium for this right. Now this new bill is

taking this right away and de-valuing my property if I decide to sell. Again, this will nothing to eliminate ILLEGAL short term rental units but will eliminate LEGAL NUC owners as time passes, which seems to be the intent of many aspects of this bill. Also, if this section states the NUC or certificate of registration belongs with the person, then it should be a person's right then to continue to own it after the unit it sold and use the right to a NUC on a newly purchased property in the future.

Definition of a "Transient Occupant": The definition as written in the bill states that an Owner of a LEGAL short term rental unit is classified as a "Transient Occupant". This means I, as an owner of a LEGAL Short Term Rental unit cannot use my private property for my personal use, unless I pay the hotel rate and book my own property through the hotel management system and pay their commissions, fees and profits!!!! This again, will have no impact on eliminating ILLEGAL short term rental units or create more affordable housing. If anything, this will raise the cost of housing and put more control into the hands of large hotel chains and management companies.

NUC property must be owned by a Natural Person – my property is currently owned by a family trust. We choose to set up a trust and purchase the property in the trust on the advice of our lawyer and accountant. Both of these professionals advise to not hold the rental property in our personal name. I challenge the DPP office as to their reasoning of it having to be owned by a Natural Person unless the true intent is to eliminate LEGAL NUC owners as time passes?

The DPP put forth that the reason for these amendments is to create more affordable housing and to crack down on illegal rentals. Existence Ordinance 19-18 gives the Planning Commission all the power they need to crack down on illegal rentals and they have done nothing. What makes you think the DPP will enforce more convoluted rules and restrictions on LEGAL short term rental owners? All this will do is expand the ILLEGAL units as the LEGAL owners will be forced to sell or go underground and become ILLEGAL rental owners. People who are not following the current rules WILL NOT follow future rules!!!

Most of what this Bill 41 does is increase the cost to those of us that follow the rules and pay all the required fees and taxes. It will do nothing to prevent illegal rentals if the DPP doesn't enforce it just like they won't enforce the current law.

The hotel industry and its lobbyist have being whining that LEGAL short term rental operators are not paying their fair share. I object to this statement as per the table below:

Fee/Tax Legal Short Term Rental Hotel
Property Tax Yes Yes
Income Tax Yes Maybe (depends where they are incorporated)
GET Yes Yes
TAT Yes Yes
Current Annual NUC Fee Yes NO
New Proposed One-time Registration Fee of $5000 per room/unit Yes NO
New Proposed annual Fee of $2500 per room/unit Yes NO

As you can see on the above table, LEGAL short term rental operators are actually paying more than the hotels and this new proposed bill would add additional financial burdens onto LEGAL short term rental operators that hotel will not be required to pay. If the hotels want to whine about paying their fair share then the One-time registration fee of $5000 and the annual registration of $2500 per room/unit should also apply to all the hotel rooms on Oahu!!! (fair is fair).

In summary, what this bill seems to be doing is eliminating LEGAL short term rental units and giving more control to the large multi-national hotel chains and hotel management companies like Aston (which by the way will benefit greatly from this bill and to which a senior person within Aston is married to Dean Uchida – conflict of interest anybody???). This bill should be REJECTED in its entirely by city council and focus should be put into "rules" and budget for the DPP to enforce the Existence Ordinance 19-18 (or find someone else to manage the DPP

	that can do the job required). It is funny that the HTA can post propaganda (mostly false) and show a map of implying where and how many ILLEGAL short term rentals are on Oahu, but the DPP cannot find the illegal operators?
Testimony Attachment	20211108132911_Letter_to_Honolulu_City_Council.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

Honolulu City Council,

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As I will show below, many aspects of this new proposed bill will not only have no effect on illegal short term rentals residential areas but will actually allow the large hotel chains and hotel management companies to have a complete monopoly on Oahu's vacation rental options, which I believe should not be the intent of this bill.

For full disclosure, I am writing to you as an owner of a condominium unit that has an existing Non-conforming Use Certificate (NUC) and is located just outside the Waikiki Resort zone (In the current apartment zone 1 block from the resort zone in Waikiki). I am a snow-bird that will be spending between 3-6 months of the year in Oahu, sometimes having other family member join me or maybe letting them to use my condo when I am not using it or renting it out. Also, I specifically purchased a condo unit in Waikiki that had a NUC so that I could rent it out LEGALLY when I am not using it. I read the laws and followed them and now this new bill will punish me as a LEGAL short term rental owner and take away my property rights.

I am **STRONLY OPPOSED** to the new proposed Bill 41. The changes that are being proposed impact me, my family and my retirement plans in a number of ways but also many aspects of this new proposed bill benefit the large hotel management companies and the hotel industry. In my opinion, sections of the new proposed Bill 41 that need to be reviewed and/or deleted in its entirety as they will have virtually no impact on the objective of the bill are as follows:

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Fee/Tax	Legal Short Term Rental	Hotel
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Income Tax	Yes	Maybe (depends where they are incorporated)
GET	Yes	Yes
TAT	Yes	Yes
Current Annual NUC Fee	Yes	**NO**
New Proposed One-time Registration Fee of $5000 per room/unit	Yes	**NO**
New Proposed annual Fee of $2500 per room/unit	Yes	**NO**

As you can see on the above table, LEGAL short term rental operators are actually paying more than the hotels and this new proposed bill would add additional financial burdens onto LEGAL short term rental operators that hotel will not be required to pay. If the hotels want to whine about paying their fair share then the One-time registration fee of $5000 and the annual registration of $2500 per room/unit should also apply to all the hotel rooms on Oahu!!! (fair is fair).

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From: CLK Council Info
Sent: Monday, November 8, 2021 1:45 PM
Subject: Council Testimony

Written Testimony

Name	Janet Dawson
Phone	
Email	Janet@DiamondProperty.org
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I live in a condo hotel, there are a lot of other full time residents that live in this building. I think it would be very unfair for us to taxed at the hotel rate when we live full time. I know there are units in this building that rent thru airbnb and they are paying the higher taxes and managing the units nicely. I never hear any complaints. To ask these people to pay extra and hire an onsite manager is not needed. Everyone is working hard to recover from the pandemic and putting added expenses on people trying to make a living would not be right. From the people that I talk with it appears that the big hotels are trying to change all the laws so they are the only ones that can make money from vacationers I hope that the government will actually work for the people and not just the big hotels
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:46 PM
Subject: Council Testimony

Written Testimony

Name	Tom Spheeris
Phone	
Email	spheerist@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	180 Day rental policy
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I understand that there has been a policy prohibiting people from short term rental less than one month. But my house was purchased with the understanding that I could rent for longer than one month. It cannot be legal for you to take away that ability. I am close to retirement and part of my desire was to be able to travel and rent my house out for a few months while I leave.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 1:54 PM
Subject: Council Testimony

Written Testimony

Name	Robert Stanton
Phone	
Email	roststt@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Short term rentals
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	41-051 Hinalea St in Waimanalo Beach Lots is Jason Hotel as advertised on Trip Advisor. This monster house which is not on the sewer system should be closed NOW. Short term rentals should not be happening in Waimanalo. Please address this. I have tried to call Ms Kiaaina but she does not seem to return calls. Bob Stanton
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Todd Anderson. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Todd Anderson
229 Paoakalani Ave. #2212
Honolulu, HI 96815
303-345-1803
toddcanderson@hotmail.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Richard Stula. My wife, Bree and I are owners at the Waikiki Banyan, and I vehemently oppose Bill 41.

Bree and I have been living in Hawaii for over 30 years and have businesses that employ several hundred residents. We have owned our unit at the Banyan for over 10 years and have built great relationships at the building as well as with our guests/tenants. Passage of Bill 41 will have a significant adverse effect on all of these people/residents with little, if any, upside. The Wakiki Banyan is, and has been for decades, a place that visitors and residents alike can enjoy.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Richard Stula
richestula@gmail.com

From: CLK Council Info
Sent: Monday, November 8, 2021 1:59 PM
Subject: Council Testimony

Written Testimony

Name	J. Mahealani M McClellan
Phone	
Email	mahealanimcc@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Councill Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Although I grew up in Kailua, I was finally able to purchase a home here nearly 20 years ago. Returning to Kailua was wonderful at that time. Over the years, it has really changed, and not for the better. I now live in the heart of Kailua's Coconut Grove, and I have had neighbors who were doing short-term rentals and found it extremely disruptive to the peace and quiet normally experienced here - from people unloading heavy, large suitcases and talking loudly at 11pm to a normally clean street having trash thrown around, to loud music late at night as well, etc. Recently, several homes on our street have been sold at exorbitant prices! As a Native Hawaiian kupuna, it grieves me to see this occurring and leaves me to wonder about the impact on our kama'aina families who continue to struggle to work full-time, care for their families, put food on the table, etc. Even South Pacific Islanders who have been recently been migrating to Hawaii in large numbers, how and where will they live? Join the homesless population, which is also soaring? A solution(s) needs to be found and soon. Therefore, as part of the solution, Please: - Limit legal vacation rentals to the 4 designated areas - Ennhance enforcement (it is so very much needed!) - Close the loophole of allowing vacation rentals once a month - Do NOT allow short-term rentals PERIOD! No exceptions. Mahalo. Mahealani McClellan

From: CLK Council Info
Sent: Monday, November 8, 2021 2:06 PM
Subject: Council Testimony

Written Testimony

Name	Brent and Elaine Claudeanos
Phone	
Email	bmclaud@comcast.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We oppose Bill 41. We feel that other options would be better for the owners and future renters. Locally owned Hawaiian companies should oversee the rental agreements and insure the renters are following the rules. We have enjoyed viisting the Kahala Beach Apartments with our family for many years and making wonderful family memories.Thank you for your consideration in this matter.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 2:07 PM
Subject: Council Testimony

Written Testimony

Name	Cindy Siok
Phone	
Email	cindy@AtHomeHawaii.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a long-time resident and Realtor, I strongly oppose the idea of changing 30 day minimums for short-term rentals to 180 days. This would be a disaster for the workmen and businesses that send people to Hawaii for specific, short-term jobs. Travel nurses may only come for 4-6 weeks. Disaster crews also come in for a few weeks to a few months. Cast and crew of movies also come in for less than six months. The list goes on and on. My company regular rents to these business people. We also rent to local people, often when they are remodeling or displaced by a disaster and need temporary, furnished housing paid by their insurance company while their home is rebuilt/restored. I strongly oppose the provision in this Bill that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management. Currently condotel owners have the option of managing themselves, hiring a property manager or putting the property into the hotel pool. To require hotel-pool management only would decrease competition and increase costs to these owners. I oppose Bill 41 in it's entirety and believe we can come up with other solutions that benefit Hawaii's residents and tourists alike by getting input from more community groups rather than a one-sided proposal.

From: CLK Council Info
Sent: Monday, November 8, 2021 2:10 PM
Subject: Council Testimony

Written Testimony

Name	Matthew R Luchinskas
Phone	
Email	mattsrainbows@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	CD1 Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	This CD1 Bill 41 is fair and equitable. It is a well conceived ordinance that has identified many difficult, contentious, past challenges. Bill 41 now offers guidelines and understanding to assist residents as well as private entrepreneurship. Please after careful review vote to pass in its entirety CD1 Bill 41. Mahalo, Matthew R. Luchinskas
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 2:11 PM
Subject: Council Testimony

Written Testimony

Name	Feng Fukeda
Phone	
Email	fengfukeda@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Strongly oppose to this bill 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 2:12 PM
Subject: Council Testimony

Written Testimony

Name	Susan Enslen
Phone	
Email	enslensusan@gmail.com
Meeting Date	11-12-2021
Council/PH Committee	Council
Agenda Item	13
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Dear City Council,

My name is Susan Enslen . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

Transient Vacation Units will not even be allowed in Waikiki.
The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
Condominium-hotel units may not be used as primary residences.
If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
Each person may only own one transient vacation unit.
Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki.

The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.
Susan Enslen

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 8, 2021 at 1:51:39 PM HST		53	1	Received

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Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Kaysko Yamamoto #3708 am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

From: CLK Council Info
Sent: Monday, November 8, 2021 2:17 PM
Subject: Council Testimony

Written Testimony

Name	Jessica Smith
Phone	
Email	jesnmarley@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha My name is Jessica Smith and I was born and raised on the island of Oahu in the town of Kailua. My family and I bought a house in Kaneohe in 2014. I feel that it is our right to do what we want with our home. We have a small studio detachment to our home that we renovated ourselves and use it primarily for family and friends when they come to visit the island. When it is not in use I would like to rent it out to make a little income to help pay for bills. My husband and I both work and we have three small children. All three children go to private schooling due to the fact that the public school system here is horribly run. Private schooling is not to tax deductible. We pay a lot in federal and state taxes. I don't think it's right that the government pass this bill 89 because some families actually need the income to survive due to the high cost of living here on the island. The government should have focused on making sure that people were paying the taxes from renting out their property instead of taking away what is rightfully theirs to rent. I think it's horrible that the government is trying to control locals from making income by renting their property that to me is communism. The sad part of it all is that the hotel industry which is a monopoly is probably paying the government to enforce such rules so that they can make more money off of tourists. From the start I did everything legally and paid my taxes the right way. I believe that the government needs to abolish Bill 89 and let the people of Hawaii do what they want with their property that they spent a lot of money to buy. When will the government realize that hurting the people of Hawaii by taking away their rights will Drive locals out of the state. I am reaching out to you since you are the council member for

Kaneohe. Please fight for the rights of the people of Oahu.

Thank you
Jessica Smith

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 2:25 PM
Subject: Council Testimony

Written Testimony

Name	Sundeep Bojedla
Phone	
Email	sbojedla@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	180 day rule
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am opposed to this. I am a healthcare professional working towards the betterment of my community. I do not see this as beneficial to the community as a whole. I do not see any evidence of pursuing this legislation from a public health stand point. This clearly benefits one group - the hotel industry. This is an arbitrary policy that is meant to address a temporary problem, we need an end point
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

Our name is Ken & Laurie McAdams. We are owners at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, We oppose Bill 41.

Thank you for your attention to this important matter.

ken & Laurie McAdams
klmc2@sbcglobal.net

From: CLK Council Info
Sent: Monday, November 8, 2021 2:29 PM
Subject: Council Testimony

Written Testimony

Name	Stephen Kofsky
Phone	
Email	stevelovesmusic2@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I strongly support the passage of Bill 41 in order to preserve our residential neighborhoods on Oahu. The very future of our children, our aina, and our Hawaiian way of life is at stake. I am already receiving text and email offers from mainland (and possibly foreign) corporate conglomerate cash buyers who seeing only profit potential in our quickly rising real estate market.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 2:35 PM
Subject: Council Testimony

Written Testimony

Name	Bessie and Robert Kam
Phone	
Email	fishkam@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement 1	

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 2:48 PM
Subject: Council Testimony

Written Testimony

Name	Marilyn Katzman
Phone	
Email	penthouseparadise@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Marilyn Katzman. I am an owner at the Association of Apartment Owners of Waikiki Banyan and I strongly oppose Bill 41. Owners at this property should have the right to use their units as short term rental, long term rental or primary resident. Bill 41's attempt to limit owner's rights is unacceptable. Requiring a unit to be part of the hotel's room inventory & dramatically increase my taxes is extremely unfair. I am retired, live in Waikiki, own one vacation rental which I manage with Aloha, pay all my taxes & I am able to support myself and have for 10 years. This bill benefits only the hotel corporations and not individuals like myself & takes away my rights.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 3:06 PM
Subject: Council Testimony

Written Testimony

Name	SharLyn Foo
Phone	
Email	Bpacker@maui.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, I strongly oppose bill 41.My family has had legal vacation rentals and NCU for over 30 years. The new amendments will only foster more illegal underground rentals. If the city thinks it will raise 3 million dollars on 700 legal rentals with higher property taxes and fees the DPP is very wrong.The city will put most of us out of business. New folks will not pay higher fees and taxes. The city is not able to prosecute in court or collect fines. Bill 89 , took years of work between booking platforms and the city. There is no business without advertising. The illegal rentals relied on booking platforms. And the platforms were willing to track and report to the city on a monthly basis. The DPP admitted they could not implement the certificates for B&B because they could not measure distance or figure out how to do a lottery. Or find illegal rentals.How can they now keep track of who's staying for how long. Also the city seems only to be able to collect pennies on the dollar of fines. Please consider the logic of theses amendments. And stop wasting time prolonging the proliferation of thousands of illegal rentals. Mahalo SharLyn Foo
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 3:07 PM
Subject: Council Testimony

Written Testimony

Name	Francesca Leal
Phone	
Email	Lfrancesca050@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Me and my husband moved here almost a 10 years ago. Since that time, we've purchased three units in Oahu and made them short- and long-term rental units. We are a family of 4 and must provide and care for our children. It's apparent that now more than ever Oahu residents depend on supplemental income to even provide for a small family like ours. Investors and residents who purchase rental units, like us; we care for them, and open our doors to residents and visitors. In the years we've been here, we've already teamed up with local makers, craftsmen, and designers to transform these properties and showcase all the local, incredibly talented professionals. We provide jobs, housing but most important provide the true "Local experience" to visitors. We are also responsible, caring, and enthusiastic Airbnb hosts. We manage two listings while balancing the other with affordable, safe, and updated long-term rental. TOURISM INDUSTRY IS CHANGING, TRAVELERS ARE NO LONGER ONLY TOURISTS. THEY ARE FAMILY MEMBERS OF RESIDENTS, POTENTIAL RESIDENTS TRANSITIONING, REMOTE WORKERS, CONTRACTORS. ALL OF THEM WANT MORE OPTIONS AND FLEXIBILITY. SOMETHING LONG TERM RENTAL OR HOTELS CAN'T PROVIDE.

In our case 35% of our guests are remote workers. Thirty five percent!

Not only are they choosing to come to Oahu, but they're also choosing to stay in an Airbnb. To submerge in our way of life. They're excited to learn how we really live here in Oahu.

All they want is their own room, privacy, their own kitchen, and the privacy of a non-homeowner occupied space. Many of these remote workers have become residents or end up staying in our beautiful island longer while continue working remotely. Not bad for our economy!

OPTIONS FOR THE HEALTH CARE COMMUNITY, CONSTRUCTION CONTRACTORS AND FIRST RESPONDERS.

Many Airbnb hosts that we know and spoke to, mention that the majority of who their guests are first responder or contractors from the mainland. They only come for 3 months or less until their project is completed. Some are military members that don't wish to stay on a hotel or be committed to a long-term lease because they are not certain how long they would stay in Oahu.

STUDENTS NEED OPTIONS TOO...

Another main category of guests are students looking for a quiet and private place to stay so they can work on research or study for test coming up. Many Students need short-term leases with spaces that are furnished. This summer, we hosted a group of students who tried to find landlords with affordable furnished spaces to accommodate their summer schedule to no avail. So, they turned to Airbnb.

180 DAYS WILL FUNDAMENTALLY BAN AIRBNBS...
180 days means a non-homeowner occupied property can't be listed on any short-term rental platform for less than 180 days. Unless complies with the incredibly expensive registration fees and exorbitant taxes the city is planning to impose. As I previously mentioned this ban will essentially kill the possibility to rent a home or an apartment on any platform at all.

Housing prices are increasing locally and in the entire country at a speed we've never seen before, causing long term rentals fees to increase as well. Families who suffered hardship during the pandemic or who are still recovering from it, would not be able to qualify for a long-term rental or even for a mortgage to buy their own home. Thus, making Airbnb a possible housing option until they get back on their feet.

We can continue our commitment...

· We will absolutely continue paying our fair taxes! TAT and GET

taxes. Let's put that money into affordable housing development and address the actual reason for the apparent housing shortage.

· We do know that the housing shortage and Oahu's' Airbnb listings do not go hand in hand. Trying to combine the two doesn't serve anyone's best interest. They are separate issues, not one caused by Airbnb.

We all know the excessive provisions will put a ban and a stop to change. A ban puts a stop to innovation. We want a city that does things its own way. Let's take a new way of living, "the sharing economy," to help it thrive. So, visitors don't have a hard time finding short-term housing when they visit our island, get transfer for work, visit family members etc. Be it hotel or short-term rental, in a BNB or in someone's home, there will always be something for everyone.

The bill you're proposing apparently was aiming to balance the well-being and interests of Oahu residents and visitors while still allowing short-term rentals to operate and become a piece of the economic and tourism umbrella in Oahu.

But we all know that this bill poses unfair short-term rental regulations and will essentially ban our ability to operate more than one unit as a STR and would not allow us to rent to anybody for less than 180 days stay. In addition to exorbitant registration fees. All our units are properly zoned for short term rentals. We completely disagree with the hotel managing our open property, at a 50% fee from our revenues. Completely preposterous!

For all this reasons we 100% oppose to this bill and hope that all members vote against it.

Thank you for your time and consideration,

Francesca Leal

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Joonhae Ahn. I am an owner at the Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. It significantly hurts condotel owners while giving large multinational hotel corporations a free pass. Below are some of the specific problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates. This gives large multinational hotel chains an advantage over local small business owners.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days. I understand there are exceptions, but this would add significant additional overhead for extremely common situations like military, nurses, and students.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. This adds a significant amount of liability to owners due to the loss of control, but still forces them to pay the costs.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Thereby removing all benefit
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Again, this adds additional cost for local small business owners and gives an undeserved advantage to large hotel corporations.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is within a block of four (4) hotels - the Hyatt Place Waikiki Beach Hotel, the Waikiki Beach Marriott Resort & Spa, the Hilton Waikiki Beach, and the Alohilani Resort. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination since it was first constructed. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

From: CLK Council Info
Sent: Monday, November 8, 2021 3:08 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kathryn Joann Weiner
Phone	
Email	kathyjw22@gmail.com
Meeting Date	11-09-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Greg & Kathy Weiner . We are owners at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the

Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 3:11 PM
Subject: Council Testimony

Written Testimony

Name	Suzanne E Booth
Phone	
Email	sebaraff@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am writing in support of proposed rules, to manage and restrict transient vacation units (TVU), bed and breakfast (B&B) and homes, in residential areas. I live in Lanikai which has had many short term rentals. This activity has changed the character of our neighborhood and has changed it into a mix of a residential neighborhood and a commercial rental market. The noise and congestion associated with non-resident short term vacation renters has been one of the reasons some long time residents have chosen to move from Lanikai. I strongly support the proposed rules that bring the City definition on length of contract into accordance with the State definition – short term is under 180 days – in response to many vacation rental businesses continuing to rent every 30 days. I understand that those who are in the short term rental business are lobbying to maintain the status quo but know from

discussion with my
neighbors that they are in the vast minority. Please do not let the
financial interests of this vocal minority interest group to change the
character of our neighborhood and the islands.

Mahalo,
Suzanne Baraff
Director, Literacy Coaches of Hawaii
1438 Kehaulani Dr.
Kailua, HI 96734

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 3:19 PM
Subject: Council Testimony

Written Testimony

Name	Helen Petrovitch
Phone	
Email	hpetrovitch@phrei.org
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose changing the short-term rental period to less than 180 days instead of the current status quo which is 30 days. Changing the short-term rental time definition from 30 to 180 days is not appropriate because the 30 day definition has been in effect for over 20 years and Oahu citizens have made business decisions such as renovating their homes and adding furnishings based on this definition that entailed considerable business expenditures. These plans were made in order to conduct business that is completely in accordance with the current zoning laws in the city and county of Honolulu. Many local residents count on this income to maintain their homes. Additionally, short term monthly rentals make it possible for families to visit relatives, often grandparents visit their grandchildren. They can stay close to the family instead of in Waikiki or other resort area. Also the pricing for short term rentals is more reasonable for groups larger than 2 individuals who want to spend a longer time visiting Oahu, and those who are doing major home renovations and need temporary places to stay. Please reject the bill in its entirety. Instead DPP should focus on enforcing the current law (Ordinance 19-18) which was created through a lengthy public process.

In the future DPP should engage all stakeholders, not just the corporate hotels, in developing fair and sensible regulations.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

My wife and I have been coming to Hawaii for over 30 years. We bought our condo in the Waikiki Banyan ten years ago. We use it up to six months a year ourselves and our family and friends use it for another one or two months. A management company rents it for us for another month or two to help pay for some of the costs. It is our condo, we bought it and pay all the bills. The GET and TAT is collected when it is rented and we submit the taxes regularly. I don't see how the city has the right to tell me how long I can stay in my property or who I hire to manage it for me. I can't believe that I would be asked to rent it from myself on top of paying the bills to own it. I think it is a big over reach of your authority, I am 100% against the provisions of Bill 41. I get the sense that the big hotels ate pushing the Bill to get rid of competition.pushing the Bill to get rid of competition.

Irvin Heuchert
irvinh@sasktel.net

Hawaii's Thousand Friends

335 Hahani #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

TESTIMONY
IN SUPPORT OF BILL 41 (2021)

Honolulu City Council, November 10, 2021

Hawaii's Thousand Friends is a 501(c)(3) non-profit corporation established in 1981. As our mission, we have been a proponent for effective, community supported, long-term land use planning and environmental protection.

The original intent of comprehensive planning and zoning, as it was established in the early 20th century in cities in Ohio and New York, was to protect neighborhoods from development that would diminish the quality of life for local residents. This has never been more important than it is today

.

Bill 41 is an important step in protecting our residential and apartment areas from the establishment of incompatible mini-hotels whether B&Bs or TVUs. We urge its prompt adoption.

Donna Wong,
Executive Director, Hawaii Thousand Friends

henry40ford@outlook.com

From: CLK Council Info
Sent: Monday, November 8, 2021 3:58 PM
Subject: Council Testimony

Written Testimony

Name	Brad Kummer
Phone	
Email	bkummer@valleyblades.com
Meeting Date	11-09-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Brad Kummer I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki,

surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable. Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 4:02 PM
Subject: Council Testimony

Written Testimony

Name	Hisao Shimizu
Phone	
Email	kyusei@m02.itscom.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Hisao Shimizu. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort and Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki,

surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

November 8, 2021

Testimony to the City Council re Bill 41 relating to Transient Accommodations

I am Principal Broker of a smaller local company, Captain Cook Real Estate, which has been operating for thirty years. We have a short term rental vacation division, Captain Cook Resorts, operating mainly in Waikiki, which has always followed all vacation rental requirements. We have received high ratings from guests and from owners consistently.

If you pass Bill 41 in its present form, you will be dealing a death blow to all short term rentals and creating unemployment for the multitude of people working in this industry. You will not be creating more housing for local people; these properties do not lend themselves to sufficient housing for families or even singles in most cases. Rates would exceed what local people would pay for rent.

When the Bill was passed on to City Council it went with the recommendation that Waikiki and Resort Zones be considered one way, and residential neighborhoods be considered separately. Waikiki and Hawaii Kai, for example, are not the same and the issues related to short term rentals in these areas are different. It seems fairly apparent, however, that the purpose of this bill is not to resolve issues, but to decimate any lodging other than hotels.

Under the proposed Bill 41, provisions for the following would make short term rentals almost impossible to operate:

Cost: taxes at the same rate as hotels, insurance requirements which would not only be extremely expensive, but may not even be available, application fees that are exorbitant, and parking requirements that if met, would be more costly and most often not needed.

Infringement of Owners' rights: not allowing an owner to reside in their own unit if it is in a hotel condominium, not allowing one person to own more than one transient vacation unit, arbitrary occupancy and bedroom requirements.

Social Disruption: 180 days is not short-term. There are many people coming to Oahu for shorter stays for things like medical needs, education and work, as well as local residents needing less time for a rental for things like home repair or remodel, time between current and former living arrangements, etc. To try to create exceptions to the general rule is to create chaos.

The majority of the Bill under which we currently operate, allowing 30-day short term rentals, is sufficient control of illegal situations if it is enforced. The fact is, it has not been.

I oppose Bill 41. It creates more problems than it solves.

Thank you for your attention,

Margo Brower, Principal Broker
Captain Cook Real Estate
margobrower@msn.com

From: CLK Council Info
Sent: Monday, November 8, 2021 4:14 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Brad Kummer
Phone	
Email	Banyan1204@hotmail.com
Meeting Date	11-09-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have been a proud owner of a condo at the Waikiki Banyan since 2007. We bought the condo as a retirement home when we retire and also a place for my family to enjoy today and many years to come. If Bill 41 passes we will be forced to sell out condo and look elsewhere for a retirement home. Please do not pass Bill 41. I oppose Bill 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Aloha, my name is Meylysa Duldulao and I am opposing the Proposed Amendments to the Bill 41 which is being discussed in the November 10, 2021 City Council hearing.

My husband Jomel Duldulao and myself purchased 1911 Kalakaua Apt 608 in 2018. It was an existing AirBnB unit when we bought it. We continued using it as an AirBnB unit (https://www.airbnb.com/rooms/27395129). It is in a resort/mixed use district in Waikiki, and we have paid the property taxes in this higher bracket.

When we purchased the unit for an investment, we only looked at properties that had the proper zoning, as we wanted to follow existing laws.

Before purchasing the unit, we discussed with my mother, Theresa Tseng, if managing and cleaning the unit would be a good occupation for her. My mother just turned 70 years old this year, and has told me that over the past 10 years she has applied to many part time jobs and hadn't found consistent work.

We pay her the cleaning fees for the unit, and she enjoys talking to the visitors who stay in our unit. She is also a Super Host, which is the highest status you can get on the AirBnB platform. This is a job that she enjoys and that she excels at.

We are currently breaking even, and not profiting from our AirBnB business (see details of Income and Expenses in Exhibit A below).

I have the following objections and reasons why I oppose the changes in Bill 41.

- **Let legally operating AirBnBs in the Resort/Mixed Use Zone in Waikiki continue operating as is without further restrictions** - 1911 Kalakaua is zoned Resort/Mixed Use (https://honolulu.gov/rep/site/dpp/str/News_and_Updates/STR_Waikiki_2021.pdf). We are currently legal and are in the correct zoning.

- **Eliminate the bedroom requirement for TVUs** - it states that the number of adult guests cannot exceed 2 x the number of bedrooms and all adult guests have to sleep in bedrooms. Why? We currently have a bedroom and 2 sofa beds in the living room. Is it my understanding that sofa beds in living rooms are not allowed? Why can hotels have beds in studios but TVUs cannot?

- **Eliminate the $1,000,000 in commercial general liability insurance requirement** - it states TVUs need to have commercial general liability insurance of $1,000,000 minimum at all times. It is excessive, considering we bought our unit for $205,000 in 2018. Our current insurance short term renters insurance covers personal liability up to the limit of $500,000 per occurrence. AirBnB already covers us for up to $1,000,000 in Host Protection Insurance. I have already spoken to 3 different insurance carriers - Geico, Hiscox and a referral from Hiscox. None of these insurance providers offer commercial general liability insurance coverage for our AirBnB. Are you going to give

us a list of insurance providers? Does coverage exist? Why is this required when we already have short term renter's insurance and Host Insurance?

- **Eliminate $5,000 registration fee for TVUs and $2,500 renewal fee every year** - The bill states that TVUs need to register $5,000 initially and $2,500 every year after. This is unreasonable and will put lower income TVUs out of business. In addition, we already pay $358.75/mo average in transient tax and $164.92 in GE taxes. Today you are voting on an additional increase of 3% in transient tax, which would increase our transient tax burden even more. Why can't the high transient tax we already pay cover the excessive cost of registration? We have been paying resort/mixed use property tax since 2018. Make the registration fee reasonable, such as $500 the first year and $250 every year after.

- **Eliminate the requirement that the title report must identify all persons that own an interest in the property** - Our unit is in an LLC for liability purposes. We can show that our LLC is on the title and that we are members of the LLC. This is what banks do to determine who owns an LLC. This law should read that the title report and supporting documents verify the owners of the property.

- **Eliminate statements regarding harmful effects of AirBnBs and TVUs since they are not proven** - the bill states that AirBnBs and TVUs hurt the community and increase traffic. Was there a study done to confirm this? There is so much traffic from commuters to work and school that ceased during COVID-19. In our personal experience, AirBnB guests spend most of the day out on activities, are more cheerful and happy, sleep at night and don't drive during traffic hour. Unlike residents, airBnB guests don't use laundry facilities as much, they don't do drugs or party, and they don't have domestic disputes.

- **AirBnBs provide jobs to community members who normally may not get jobs** - In our personal experience, having an AirBnB has given my Mom, a senior citizen, a job that she not only enjoys but excels at.

- **AirBnBs provide needed space for residents that have visiting relatives and friends** - We have also recently helped a resident in the building, by having her daughter and son-in-law book our unit at a discounted price for their upcoming visit in February. She told us her apartment is not big enough to host the both of them in her place.

- **Adopting these revisions in this bill will hurt our family, and myself and my husband as small business owners** - I understand that the City and Council are looking for ways to properly manage the AirBnB and transient vacation unit market. I am open to legislation that is fair to all parties. However, I believe that the revisions in this bill hurt our family and us as business owners, and respectfully oppose it's adoption.

Meylysa Duldulao
meylysa@gmail.com

EXHIBIT A

Our $3,500 average monthly income from the unit pays for cleaning fees ($628/mo average), transient and GE taxes ($523.67/mo), the mortgage, property taxes and mortgage insurance ($1,244.92/mo), supplies and equipment ($156.74/mo for July), repairs and upkeep ($100/mo average), the maintenance fee ($614.29/mo), and a management fee ($140/mo), short term renters insurance ($21.91/mo), and a loan payment for our start-up costs ($0-$500/month, balance as of end of July remaining is $2,292.98).

Income - $3,500/mo estimated average ($3,533.81 to be exact for July 2021)
Expenses - $3,500/mo estimated average

Expenses Breakdown:

$628/mo average - cleaning fees
$358.75/mo - Transient Tax
$164.92/mo - GE taxes
$1,244.92 - the mortgage, property taxes and mortgage insurance
$156.74/mo (for July) - supplies and equipment
$100/mo average, repairs and upkeep
$614.29 - maintenance fee
$140/mo management fee
$21.91/mo short term home owners insurance
$0-$500/month - loan payment for our start-up costs, balance as of end of July is $2,292.98.

From: CLK Council Info
Sent: Monday, November 8, 2021 4:17 PM
Subject: Council Testimony

Written Testimony

Name	Pam Corbin
Phone	
Email	pamcorbin@msn.com
Meeting Date	11-1d-yyyy
Council/PH Committee	Council
Agenda Item	Stvr
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	The hotels are trying to ruin hawaii, and running the government of Hawaii, to the detriment of homeowners. It's conspiracy, collusion and blackmail, which should be investigated. The money that the state makes from stvr should go to affordable housing. The hotels should not be telling the owners who will manage their units, or making demands of owners. It's controlling, and smacks of communism and needs to be stoped.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 4:26 PM
Subject: Council Testimony

Written Testimony

Name	Heidi kreul
Phone	
Email	Hkreul@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha mai kakou, I would like to give my support to bill 41. I have resided in Kailua on the island of Oahu my entire life. I have watched the fabric of our community change from residential to transient. Many friends have been forced to move due to rising house prices, long term rentals becoming either STVR or bnb. Most not adhering to the minimum 30 day leases for homes with out the NCU permit. Contracts issued for 30 days with a wink and a nod. Then after the tourist leaves after their week's stay, another contracted issued. We need to secure homes for our residents, our firefighters, police, teachers, nurses, grocery store workers, Kupuna and our keiki. There will be a big turn out of those opposed to the bill, those who financially gain from this industry. They do not represent the working class people and the retirees. They represent the businesses they work for or stvr they financially benefit from. The others are working while this bill is heard. Trying to pay their bills and care for their families financially. It is our kuleana to protect the zoning law. They have been in place for many years to create safe areas to raise our keiki and care for our Kupuna. Please help our residents. Mahalo nui loa, Heidi
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Monday, November 8, 2021 4:34 PM
Subject: Council Testimony

Written Testimony

Name	Cedar Clews Kehoe
Phone	
Email	cedarkehoe@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Oppose DPP's newest 180-day short-term rental restrictions By Cedar Kehoe 808-425-0523 DPP has a new director who has stated that the rules related to a 30-day booking are not enforceable. Yet hundreds of Cities/Counties through the US have successfully enforced a 30-day rule. He claims that only a 180 period will be somehow enforceable. I believe he is incorrect as I can point to numerous locations where code enforcement is enforcing a 30-day rental period. The solution is to limit all stays to homes with the owner living on site –the "so-called problems" all go away. If the "78 %" of all STR are owned by people who do not live here – solve that problem like many other Cities have. Allow them only at homes with the owner living on site. If Bill 89 is to be discarded. It is not fair to do it during Covid when people can't attend meeting. During the recent public Planning Meeting only 3 out of 4 of the "voices" got to be heard because the "Voom" system does not work well for residents. I have difficult getting the sound system to work and I am sure I am not alone.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 4:36 PM
Subject: Council Testimony

Written Testimony

Name	Mona Anderson
Phone	
Email	ronandmonaanderson@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 42
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Mona Anderson. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41: - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates. - The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each natural person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 4:37 PM
Subject: Council Testimony

Written Testimony

Name	Tina Wildberger
Phone	
Email	repwildberger@capitol.hawaii.gov
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement 1	

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 4:40 PM
Subject: Council Testimony

Written Testimony

Name	Kai Jack
Phone	
Email	kai@aliibeachrentals.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Ali'i Beach Rentals
Written Testimony	Mahalo in advance for considering our testimony. I'm the Founder and Principal Broker of Ali'i Beach Rentals, which is a licensed LEGAL Short Term Rental company here on Oahu. We manage about 150 properties in the Waikiki area and employ 25 local residents that live in our community. The money my company and our staff receive stays on the island unlike large Hotel Companies who are obviously the driving force behind this Bill. If this Bill is passed it will shut down Ali'i Beach Rentals for good and all 25 of us will be out of a job along with THOUSANDS of other local residents that work in the LEGAL Short Term Rental industry. This is a time when government should be taking steps to create jobs not deleting jobs with Bills that virtually eliminate this particular part of the licensed and regulated Real Estate industry. From the standpoint of my Client/Property Owners this Bill proposes an unconstitutional taking by limiting their private property rights. The US Supreme Court determined their private property rights are protected by "an investment backed expectation". This ordinance attempts to force our clients to relinquish the management of their property to the onsite hotel operation drastically reducing their rental profits, and no longer giving them the property rights to manage the condo themselves or be managed by my company. The hotel would take all our clients putting us out of business. There would be many many lawsuits. Regarding changing the minimum rental term from 30 to 180 days in non-resort zoned properties, this again will cause property values to

go down significantly because owners will lose the ability to stay in their home periodically and rent out the rest of the year by a company such as ours. Again it's a "Taking" without receiving compensation. There will be thousands of lawsuits taking years to sort out. Many of those lawsuits will likely be clients of ours seeking compensation. We went through all this with Bill 89, so why do we have to again? That lawsuit took years to settle. New laws or ordinances will not "fix" the lack of enforcement of the current laws.

Additionally, This Draft Bill would not create more housing for Oahu residents. We very much agree that we need more affordable housing on Oahu. However this Bill will not create more affordable housing. If an owner is renting out a property as a 30 day rental and loses the ability to do so, the vast majority of them will either sell the property because they can't rent it out anymore while they are not staying there themselves, or leave it empty so they can stay there themselves periodically. Neither one of these scenarios creates affordable housing as these properties will be sold for $1-3M which as you know is not affordable for most of Oahu's people.

Is it constitutional for the County to take private property, in violation of the takings clause of the US Constitution and turn it over to the hotel industry? NO

I urge the City Council to reject this Bill in its entirety.

Again, new laws will not "fix" the lack of enforcement of the current laws.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 4:50 PM
Subject: Council Testimony

Written Testimony

Name	Lauren Farasati
Phone	
Email	laurenfarasati@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am the owner of a Kailua home with an attached apartment I rent on the Airbnb platform. I have strictly followed every provision of every law. Since August 2019, I have rented my apartment strictly on a 30 day basis. This is what I would like to share: Almost all my guests have been remote workers or retirees. I am super involved with my neighborhood and am an unofficial tutu to all the kids here. My guests have frequently joined me in neighborhood events and most love feeling like part of our community. I have never had a disruptive guest, a loud party or any guest who was badly behaved in any way. If I did, I'd be the first one to object - as I live right here and would be most bothered by it. I have turned down any and every request to rent my apartment for less than thirty days. I have paid every penny of GET and TAT by the first of every month. Don't let's throw the baby out with the bath water! Let's keep and enforce the 30 day policy. Let's use our resources to make sure every owner pays 100% of their taxes. And in non-resort areas, let's not punish conscientious on-site owners. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Monday, November 8, 2021 5:09 PM
Subject: Council Testimony

Written Testimony

Name	Linda Hsu
Phone	
Email	lindawhsu@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 5:14 PM
Subject: Council Testimony

Written Testimony

Name	Caroline Miner
Phone	
Email	C_Miner@outlook.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	CD1 for Bill 41 to amend Ordinance 19-18
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I testified at the public hearings and I strongly support the proposed changes as a way to increase local home ownership and, most importantly, to reinforce our communities. Specifically, I SUPPORT the 30 day to 180 day change. SUPPORT the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management. SUPPORT taxing Transient Vacation Unit's and B&B's the same as hotels.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 5:15 PM
Subject: Council Testimony

Written Testimony

Name	Elaine Wong
Phone	
Email	elaine.wong1@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am opposed to Bill 41 which restricts the rights of owners of short term rentals. We should be encouraging residents to be small business owners to help boost our state's economy and I oppose to giving special privileges to big businesses such as condos and hotels. I oppose the changing of STR from 30 to 180 days and I oppose having them categorized as condo-hotel units and requiring them to be managed by a condo-hotel management firm. These small business owners should not be discriminated against and should not be taxed the same as big business hotels. Instead of banning STR we should be encouraging them as they fill a gap and a solution to our lack of affordable housing. I believe in the rights of all businesses, small and big but small businesses should not be hurt and stomped upon by big business.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 5:18 PM
Subject: Council Testimony

Written Testimony

Name	William Thresher
Phone	
Email	bones77@optonline.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 re: transient accomodatins
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is William Dean Thresher. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41: - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates. - The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each natural person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attb

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

TESTIMONY

Honolulu City Council, Bill 41 CD1

November 10, 2021

Short-Term Vacation Rentals (STR'S) are seriously damaging to Honolulu in a number of ways.

They affect our housing supply and cost for local residents, and have serious effects on people's daily lives in residential neighborhoods. 70% of the rentals are foreign owned, and a new trend of companies buying houses in bulk to use as STR's is alarming.

They have Important economic implications such as their negative effect on tourist spending being 20% less than those staying in hotels, and the loss of hotel and restaurant employment and the benefits they provide.

Supporters talk about what tourists want as if it were more important than local residents' needs. Strong regulation and effective enforcement of STR's is needed to prevent the damage that they do to our people, our neighborhoods and our economy. Please adopt Bill 41 CD1.

Chuck Prentiss, Former Chairperson Kailua Neighborhood Board

prentissc001@hawaii.rr.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Linda Sahara 201 Ohua Ave, Honolulu, HI 96815. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41.

What is point of Bill 41? To destroy businesses, ruin our dream to retire to our homes that we saved years to purchase, put full time residence out on the street, strip away our rights as owners to do what we see fit when we purchased our condos? I can't believe intelligent compassionate and professional people would in any way think this was a fair Bill. We have been conducting business and homes at Waikiki Banyana and contributing to our community and providing a wonderful place to live and visit for many years. Now a bunch of greedy Hotel People want to swoop in and plunder destroying the very fiber of the Waikiki Banyan community and you are purposing to support this? Please, look at the big picture and see us as human being who deserve to live in our homes and have a say in how we choose to use our homes.

This Bill has no good redeeming factors for the Waikiki Banyan. It just appears to gut and destroy our home and those who rent and management companies who make a living and contribute to Hawaii economy. Why are we targeted in this Bill? We have functioned many years successfully and now you want to swoop in and destroy all we have worked for. Bill 41 is not written to benefit WB owners in any way. I saved 20 years to retire at Waikiki and now you are trying to pass it so I can't live in a home that I bought in good faith. What in the world are you thinking? Not of people. Please don't gut and destroy the Waikiki Banyan just because of greed.

Bill 41 is an overreach and infringes upon owners' property rights and I vehemently oppose this Bill 41. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. THIS IS A MONOPLY BY HOTEL POOL TO DOMINATE AND ROB OTHERS OF MAKING A LIVING OUT OF GREED. It is also illegal to price fix. This gives the power to determine what to charge for our places. NO
- Condominium-hotel units may not be used as primary residences. THIS IS SO REDICULOUS I CAN'T BELIEVE THIS WOULD EVEN BE CONSIDERED. NO DECENT PERSON WOULD EVEN CONSIDER THIS AS FAIR. WE BOUGHT OUR PLACES. NOT HOTEL POOL.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. REDICULOUS, VIOLATES OUR CIVIL RIGHTS. PLUS WE BOUGHT OUR CONDOS TO LIVE HERE WITH THAT STIPULATION THAT IT IS OUR HOME. YOU CAN'T JUST TAKE THAT AWAY AT WHIM. THIS IS OBVIOUSLY A HOSTILE TAKE OVER BY HOTEL INDUSTRY.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.

- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that is located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. After all that is what many people bought our condo for was/is to live in. Plus the Waikiki Banyan has been operating this way for many years. We are not in a residential area that bothers others. This Bill 41 does not support the community and individuals as a whole. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter and how negatively this would impact all the owners and especially people who live at Waikiki Banyan.

Linda Sahara
Owner Waikiki Banyan

saharasoule@aol.com

From: CLK Council Info
Sent: Monday, November 8, 2021 6:22 PM
Subject: Council Testimony

Written Testimony

Name	Alan Link
Phone	
Email	alanlink@shaw.ca
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have been a condo owner at the Waikiki Sunset apartment building for more than 10 years. I have paid my NUC fees obeyed all the DPP rules paid all the levels of taxes. Now you propose to take my property rights away forcing me to be managed by Aston. Why is Aston the only management company You recognize? Please read and understand the 5th amendment of our constitution. You have no right to take my property rights away!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 6:24 PM
Subject: Council Testimony

Written Testimony

Name	Paul & Natalia Southworth
Phone	
Email	south96815@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 - Relating to Transient Accomodations
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha City Council, We own an apartment at the Waikiki Banyan, 201 Ohua Ave, which we purchased as our retirement home in 2013. We are owner/occupants, we have a homeowner's exemption from the city/county and are making monthly mortgage payments. Of the Waikiki Banyan's 892 apartment units, 12% to 15% are occupied by full time residents, either owners or long-term renters. We have been told that the proposed short-term rental ordinance, Bill 41, may designate our condominium building a "hotel/resort" such that -permanent residents would not be allowed, and -the apartments would be taxed at the Hotel-Resort rate (about 5 times our current residential rate). We strongly oppose this reclassification under Bill 41. This proposed bill would lead to the eviction of over 100 families at the Waikiki Banyan during a time of low housing inventory in Hawaii. There are likely hundreds of other families in similar Waikiki condominiums that would be similarly impacted. Not all apartments at the Waikiki Banyan are vacation units purchased by rich out-of-state owners. Most of the owner/occupants are elderly couples or singles on a fixed budget. The proposed increase in property tax would create an unmanageable burden for these kupuna. They purchased their apartments under existing laws and tax classifications governing the building. Their rights must be considered/grandfathered when making any changes to the classification of the Waikiki Banyan.

Mahalo,
Paul & Natalia

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 6:31 PM
Subject: Council Testimony

Written Testimony

Name	Omar Becerril
Phone	
Email	kailua5@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	30 to 180 rental restrictions
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am a retired disabled veteran... With 100% disability. Property taxes and property cars in a while I have brawl well above the national average hands for me to cover all costs I need to be able to rent part of my home... And these restrictions are limiting me from surviving in this growing economy.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Dr. Ronny Adhikarya. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Ronny Adhikarya Ph.D.
ronny@radhikarya.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Young-ok Huh. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Sincerely,

Young-ok Huh

Youngokhuh@gmail.com

DRAFT 4.0 November 8, 2021

Bill 41, CD1 (2021)
Relating to Transient Vacation Properties

Position Statement of
Elite Pacific, LLC

November 2021

About Elite Pacific, LLC

Elite Pacific, LLC is a locally owned property management firm which manages a variety of rental properties, including over 400 long term rentals and 300 transient vacation units statewide. On Oahu, we manage several resort zoned short term rentals as well as many rentals of 30 days or greater to accommodate both local and non-local moderate term stay needs.

Summary of Position: **OPPOSED TO BILL 41 (CD1) (2021)**

Elite Pacific, LLC is opposed to Bill 41 (CD1) for the following reasons:

1. Owners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use.
2. As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. The exception list defined in the Transient Occupant definition is an administrative nightmare, adding more complexity and enforcement challenges than simply keeping the definition of a "transient vacation unit" at 30 days.
3. Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply and limit transient activity in our neighborhoods, while filling a much needed void in the housing market.

Our Reasons for Opposing the Bill

1. We are opposed to the change in the definition of a "transient vacation unit" as units rented for periods less than 30 consecutive days to periods less than 180 consecutive days. The thousands of owners who currently rent their homes legally have a vested right to continue doing so, creating an obligation that the County create a non-conforming use permit for those who qualify.

We all acknowledge there are bad actors out there who intentionally break the rules and rent their homes multiple times a month. However, there are hundreds, if not thousands of Oahu property owners who follow the rules and abide by one rental per 30 day period. By changing

the definition of a transient vacation unit, the County is taking away a previous legal use and Owners' vested rights.

If the definition of a transient vacation unit changes, this right must be protected, which will necessitate an additional non-conforming permitting requirement. This can either be written into the Bill, challenged in the court of law, or otherwise prevented by not changing the definition of "transient vacation unit".

The obvious, simple solution, is to not change the definition of "transient vacation unit" and enforce the current law using administrative rules and MOUs with both Expedia group and Airbnb. Otherwise, the county will be faced with an administrative nightmare of creating processes and permits for those owners who can demonstrate compliance with the current laws.

2. As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. Managing, administrating, and enforcing the exceptions listed under "transient occupant" is a complex administrative process compared to simply enforcing the current one rental per 30 day rule.

Bill 41 clearly acknowledges the need for rentals between 30-180 in residential areas. The attempt to address these needs through a carve out list under "transient occupant" fails to address many of the other needs for rentals of this duration, while underestimating the sheer volume of administrative bandwidth the monitoring, regulating and enforcement of these exceptions will require. Those carve outs alone could number in the tens of thousands of exceptions that come through for approval each year. It is unclear how DPP will enforce and verify the numerous tenant exemptions of this single provision, let alone the hundreds of registration, reporting, monitoring, and developmental standards within the bill.

In addition to the volume of exception requests this list will generate on it's own, there are so many other use cases not addressed here. We know a vast majority of local children leave for college and can't afford to come back. When they come back to visit with their families, where do they stay? Many times, in legal rentals close to their family. What about the major motion pictures that are filmed here, where do the actors and producers stay? Often in high end moderate term rentals. In real estate, there is a carve out for those families between buying and selling. What about people who move out for construction or renovation? What if they sell and then need a few months before they move off island entirely?

It is disingenuous for DPP to opine that Bill 41 (CD1) was introduced because the provisions of Ordinance 19-18 has "proven themselves to be impracticable and have resulted in enforcement problems." The preamble of CD1 further states that "[t]o address these problems, it is necessary to improve upon Ordinance 19-18 by simplifying the City's approach to regulating short-term rentals and other transient accommodations". Nothing could be farther from the truth. Bill 41 (CD1) is far more complex and burdensome for all parties – owners, property managers, renters and the DPP.

3. Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply.

We don't dispute that Hawai`i needs more housing of all kinds – particularly affordable and rental units. However, rentals for 30 days or greater are being blamed for the cause of Hawai`i's housing shortage. Yes, *illegal* short term rentals may be contributing in some way to the housing shortage, however, properly enforced rentals of 30 days do not. Homes that can only rent once per 30 days are generally, higher end, luxury homes not suitable for the long term rental market.

Elite operates a long term rental division with over 400 properties under management. Average rent is just over $2,900 per month. That said, the 30- day properties that we currently manage are in the luxury sector of the market ($3M+ in appraised value) and are not likely candidates to become long term rentals, let alone affordable long term rentals. These properties are generally second homes for owners who want to use them a few times a year. If an Owner chose to rent them out long term, the average rental rate would far exceed affordability for median households.

If Bill 41 passes, thousands of jobs will be lost. Our business alone currently supports hundreds of employees, property managers, vendors, and small businesses who will lose their primary source of income should this bill pass, thus making living on Oahu even less affordable, or in some cases impossible.

Short-term rentals are only one segment of the varied housing units needed on Oahu. Recently, there has been a spotlight on the impact on the erroneous proposition that reducing the number of TVUs would somehow resolve Oahu's affordable rental housing shortage.

However, according to the 2019 Hawai`i Housing Planning Study (HHPS), while the number of TVUs in Hawai`i had increased, residential rent rates did not increase accordingly. In particular, the HPPS stated the following:

Recently, a Hawai'i researcher investigated the link between the number of vacation rentals in Hawai'i and rising rent prices. The research showed that residential rents in neighborhoods with high concentrations of vacation rentals did not rise significantly between 2016 and 2019. Our own unpublished research found similar results.

Likewise, in *The Drivers of Housing Affordability: An assessment of the role of short-term rentals*, conducted by Oxford Economics (2019), researchers similarly concluded at the national level that "the rapid US house price and rent increases of the past few years have not been substantially driven by STRs."

The preamble of Bill 41 (CD1) misstates that short-term rentals increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets. Again, housing data and analysis are inconclusive with the findings of the bill.

4. Our Recommendation: RESTORE 30 DAY DEFINITION OF A TVU.

In summary, our major concern of Bill 41 (CD1) relates to the proposed 180 day definition of a transient vacation unit. The amended definition eliminates not only 30 day vacation rentals, but

longer-term rentals that are greater than but less than 180 days. As discussed above, the practicable effect of Bill 41 (CD1) would limit the number of TVU rentals to only twice a year.

We therefore recommend that the 30 day definition in the current law be maintained. Ordinance 19-18 was the result of years of deliberation between owners, renters, lawmakers, and community stakeholders who agreed that the 30 day definition was a reasonable compromise to protect the property rights of owners, and to preserve the nature of Oahu's neighborhoods.

Sasha Capone sasha@elitepacific.com

For More Information

Andreea Grigore
Vice President, Property Management
Elite Pacific, LLC
andreea@elitepacific.com
808-344-2386

Kristin Counter
Realtor Associate
Elite Pacific, LLC
kristin@elitepacific.com
808-208-2755

From: CLK Council Info
Sent: Monday, November 8, 2021 7:20 PM
Subject: Council Testimony

Written Testimony

Name	Ronald Stephensom
Phone	
Email	pastark2@pacbell.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Banyan
Written Testimony	My wife and I own a unit at the Waikiki Banyan, and totally oppose bill 41.It would put a huge burden on The entire complex and will force many owners like myself to dump our property, causing Honolulu to lose millions of dollars in tax revenue. Why are you pushing this disasterous bill.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 7:32 PM
Subject: Council Testimony

Written Testimony

Name	Thuy Huynh
Phone	
Email	drthuyhuynh@gmail.com
Meeting Date	10-11-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Thuy Huynh. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41: - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates. - The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each natural person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a

minimum of
$1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.
Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist
destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and
unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 7:36 PM
Subject: Council Testimony

Written Testimony

Name	Aaron Kaplan
Phone	
Email	akaplan@hawaii.edu
Meeting Date	10-11-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	estimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Aaron Kaplan. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41: - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates. - The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each natural person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a

minimum of
$1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.
Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist
destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and
unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Ko Olina
HAWAI'I

Testimony of Sweetie Nelson, Director of Destination Marketing
Ko Olina Resort Operators Association

November 10, 2021

RE: Testimony Regarding Bill 41

Aloha Chair Waters and Vice Chair Kia'aina,

My name is Sweetie Nelson. I am the director of destination marketing for the Ko Olina Resort Operators Association, representing the hotels, resorts and commercial businesses at Ko Olina.

Ko Olina fully supports the City's intent to mitigate the impact of TVUs on our residential communities. The City Council sought to restore our local neighborhoods and ease the housing crisis for our residents, yet the Resort Zone portions of Bill 41 do not advance these goals. Resort Zones are meant to serve the demands of the visitor industry, including traditional hotel stays, vacation club and TVUs and minimize visitor impacts on our local communities.

Requiring accommodations partners to abide by the same stringent regulations proposed for residential zones is inappropriate. We must be forward thinking in terms of managed and responsible tourism that respects the needs of our kama'aina while also providing a desirable experience for visitors.

We respectfully request the City remove impacts to Resort Zones proposed by this bill.

Mahalo for the opportunity to offer this testimony and for your consideration.

With Aloha,

Sweetie Nelson
Director of Destination Marketing
Ko Olina Resort Operators Association

sweetie.nelson@koolina.com

Honolulu County Republican Party
725 Kapiolani Blvd, C-105
Honolulu, HI 96813

November 8, 2021

Honolulu City Council
City and County of Honolulu
Honolulu, HI 96813

Dear Chairman Waters and Council Members,

RE: Bill 41 – Relating to the Transient Accommodations

The Honolulu County Republican Party **OPPOSES** Bill 41.

The purpose of Bill 41 is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals by providing a more comprehensive approach to the regulation of transient accommodations within the City and creating additional sources of funding for the administration and enforcement of the City's short-term rental and transient accommodations laws.

Bill 41 is a bureaucratic nightmare and puts the Director of Budget and Fiscal Services in the permitting, property assessment, collection, and enforcement business. If the goal is to suppress transient accommodations with red tape this bill is perfect.

Bill 41 will put a financial burden on residents with approved NUCs that renew at $300/year. Under the proposed changes the initial registration is $5000 with annual renewals of $2500 per rental unit, a 1,150% increase, puts an extreme financial burden on residents with approved NUCs. Essentially forcing legal units to pay for the acts of illegally units.

Bill 41 will change a 20-year definition of short-term rental from 30-days to 180-days infringing on an owner's property rights.

Bill 41 will negatively impact many families and retirees who have chosen to invest their hard earned dollars in real estate rentals as a safer, steadier income than the stock market can provide. Local landlords have suffered the worst financial year ever, with a moratorium on rents, lack of any relief and the lack of tourism caused severe income loss, and will take many years to recover financially. Bill 41, if implemented, will only compound the problem and force more residents to move to the mainland.

We respectfully urge you to **OPPOSE** Bill 41.

Respectfully,

Brett Kulbis

Brett Kulbis
Chairman
Honolulu County Republican Party
chair@oahugop.com

From: CLK Council Info
Sent: Monday, November 8, 2021 8:07 PM
Subject: Council Testimony

Written Testimony

Name	Jodi Lam
Phone	
Email	jodi.lam@ms.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Relating to Transient Accommodations
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support the current bill Relating to Transient Accomodatons Our neighbor has been operating an illegal TVR for many years. He is an absentee owner and not a resident of Hawaii. He has been able to skirt enforcement by 1. Having the tourists sign a sham 30 day contract which they break without consequence There are numerous groups of tourist throughout the month 2. Advertise on the websites " this is a 30 day rental as required by the C&C of Honolulu, however contact host for information" 3. DPP has not been able to enforce the current regulations, however much they inspect the property 4. We need to add more enforcement tools, including video 5. TVRs benefit and profit the few at the expense of the residents of Hawaii Please put Oahu back on the path of intelligent tourism and let the residents take back their neighborhoods Thank you
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 8:22 PM
Subject: Council Testimony

Written Testimony

Name	Jill St.Clair
Phone	
Email	stclairbythebay@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Hi, I am a constituent and urge you to please vote to support City Council Bill 41 that would reduce vacation rentals in Kailua and Waimānalo. I am well aware that the profits of vacation rental owners come at the expense of the neighboring residents. Bill 41 proposes to: Limit new legal vacation rentals to the 4 areas of the island designated as resort areas. Enhance enforcement. Close a loophole allowing vacation rentals once a month. Allow short-term rentals for those coming to Hawaii for short-term work, study, medical care, and those in transition between homes Thank you, Jill St.Clair
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

November 8, 2021

Dear Honolulu City Council,

My name is Jensen Wong and I currently reside in Seattle, Washington, although I was born and raised in Honolulu. My mother still resides in Honolulu and she owns a vacation home in a rural neighborhood on Oahu. When the property is not in use by our family, it is rented out on a short-term basis and I help to manage the property.

By redefining short-term rentals (STRs) as any rental less than 180 days, Bill 41 in its current form would result in significant harms to both local small businesses as well as visitors to the island. The STR I help to manage operates as a small business and the income generated from this enterprise is a key supplemental income source that helped me stay afloat financially during the pandemic when I lost my primary source of income. Our STR also helps generate income for other local businesses since we provide our guests with eatery and shopping recommendations in the local area, such as Waiahole Poi Factory and Tamura's Market. Our STR also provides jobs for local people; we employ a home caretaker, fishpond maintenance, and cleaning staff.

By enacting this bill, the city government is championing a monopoly on lodging services in the favor of hotel and resort corporations. There are many visitors of the island, who, like me, are former residents returning to see family and friends, and who prefer not to stay in tourism-focused areas like Waikiki and Ko'olina. When we return to Honolulu, STRs are often the most affordable and feasible accommodations for our needs. I understand that excessive or illegal STR operations have become a nuisance in certain residential neighborhoods on Oahu. These problems can and should be addressed by enforcing the current laws. Where necessary, additional regulations should be enacted by HOAs within the specific neighborhoods where there is a problem, instead of enacting a new law that is unfairly hostile to legal STR operators across the entire city and county of Honolulu. Having a diverse array of goods and services is essential for creating a robust economy, however Draft Bill 41 would severely limit lodging options for anyone visiting the island for any reason. Personally, I would like to see Honolulu to remain an affordable and desirable place for all its visitors.

As a current resident of Seattle where housing prices have skyrocketed in recent years, I fully understand that there is an affordable housing crisis in many major metropolitan areas within the United States, and Hawaii is no exception. Proponents of Bill 41 have suggested this bill would alleviate the housing crisis in Honolulu. Has there been any study conducted to identify what percent of rental properties in Honolulu are operated as STRs? How many of them are operating legally? Is there any evidence to suggest that if all STRs in Honolulu were instead rented long-term, that housing supply would sufficiently increase such that housing prices would become affordable to most people in Honolulu? It is important to consider that many properties currently used as STRs, such as someone's primary residence whose owner travels frequently, may not

be suitable for long-term rentals. If Bill 41 is passed, my mother's vacation home will not be made available as a long-term rental since it also needs to be available for our family's use. Since many owners of STRs in Hawaii are non-Hawaii residents, I would suggest that instead of passing Bill 41, the city should address housing shortages by limiting Honolulu property ownership by non-Hawaii residents, or limiting the total number of STRs a homeowner can operate in Honolulu. Before enacting a law like Bill 41, it is essential for the city to performs studies that answer the questions I just raised and determine whether the benefits of such a law truly outweigh the harms. For these reasons, I kindly urge you to reconsider the provisions of this bill and vote NO on Bill 41.

Mahalo,

Jensen Wong
jensenex.wong@gmail.com

From: Lam, Jodi <Jodi.Lam@morganstanley.com>
Sent: Monday, November 8, 2021 8:17 PM
Subject: RE: Council Testimony

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Hello,
I have submitted the testimony below, however, is there any way that you can black out my email address when you publish the testimony?
My neighbor has threatened and harassed me for years in regards to the below issue and although I want to speak for the residents and neighborhoods of Hawaii I am quite fearful of him and his family.
Thank you.

Jodi Lam
808-525-6037

From: clkcouncilinfo@honolulu.gov <clkcouncilinfo@honolulu.gov>
Sent: Monday, November 08, 2021 8:07 PM
To: jyamane1@honolulu.gov
Cc: Lam, Jodi (Wealth Management Field) <Jodi.Lam@morganstanley.com>; vchung@honolulu.gov; potto1@honolulu.gov; irene.limos@honolulu.gov
Subject: Council Testimony

Written Testimony

Name	Jodi Lam
Phone	
Email	jodi.lam@ms.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Relating to Transient Accommodations
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support the current bill Relating to Transient Accomodatons Our neighbor has been operating an illegal TVR for many years. He is an absentee owner and not a resident of Hawaii. He has been able to skirt enforcement by 1. Having the tourists sign a sham 30 day contract which they break without consequence There are numerous groups of tourist throughout the month 2. Advertise on the websites " this is a 30 day rental as required by the C&C of

	Honolulu, however contact host for information" 3. DPP has not been able to enforce the current regulations, however much they inspect the property 4. We need to add more enforcement tools, including video 5. TVRs benefit and profit the few at the expense of the residents of Hawaii Please put Oahu back on the path of intelligent tourism and let the residents take back their neighborhoods Thank you
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

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From: CLK Council Info
Sent: Monday, November 8, 2021 8:36 PM
Subject: Council Testimony

Written Testimony

Name	Jamie Kato Robinson
Phone	
Email	katonatto@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Councilmembers, My family and I are long time residents of Palolo. We have seen the drastic changes to our island and neighborhood because of investors who have ruined our neighborhoods and driven up property value and rent with their monster homes and illegal vacation rentals and sometimes a combo of monster vacation rental. Please protect our residents by supporting Bill 41 and restricting vacation rentals from our residential neighborhoods and beefing up enforcement. Residential neighborhoods are for residents and not tourists. For the small minority who willingly choose to operate illegal vacation rentals, no exceptions should be made. We cannot reward bad behavior. I ask you to protect the majority of us who have a right to live in a district zoned for residents. How is it fair to the majority to not know when a vacation rental could pop up next to you? Why are their rights more important by changing our laws to accommodate them? We have a housing crisis so we need to protect housing for locals. Therefore, I also ask that you amend the bill to exclude expansion of vacation rentals in or near the resort areas. We cannot afford to lose any more housing to tourists. Take care of locals first. We need to move away from our dependence on tourism. Haven't we learned anything from the pandemic? Mahalo, Jamie Kato Robinson

From: CLK Council Info
Sent: Monday, November 8, 2021 8:37 PM
Subject: Council Testimony

Written Testimony

Name	Marina Whyte
Phone	
Email	marinahoshi@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (21)
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	The only way to solve the vacation rental problem on Oahu is to stop using the phrase "legal vacation rentals" and instead always call them "DPP permitted vacation rentals." The former gives the impression that they are legal no matter what. The latter gives DPP the power to take away that privilege. This privilege, called a Non-conforming Use Certificate, by the way, is more than the privilege of a lifetime; It is the privilege of eternity. It never expires, and it simply means that they started their vacation rental before 1989. In our neighborhood on the North Shore, there is a DPP permitted vacation rental that hosts more than 20 people at times and has a cesspool (no septic tank). The house sits on a severely eroded beach, and already uses sand burritos to save it from falling into the ocean. The situation is dangerous for their guests. How are they supposed to know, for example, that swimming in the ocean in front of the house can be unsafe, or that it is in a flood zone? I'm sure that the guests assume the city guarantees their safety. We had filed multiple complaints for excess noise, building code violations, etc. but DPP kept telling us the house is a "legal vacation rental" as if that status (of starting before 1989) overrides every rule. The house was then sold to a mainland investor earlier this year. The business continues with no regard to the residents
Testimony Attachment	

TESTIMONY IN OPPOSITION - BILL 41 CD1 (2021) – FIRST READING

Aloha Honorable Chair Waters and Councilmembers,

Proposed Bill 41 (2021) with 180 day minimum and excessive fees is an effective ban on affordable month to month renting.

Owner here is disabled kupuna 25 years with Parkinson's on fixed income. He has been offering affordable rental housing (month to month leases) for 35 years. This bill will end his ability to end to rent two rooms to offset the ever-increasing cost of living.

The Planning Commission has elevated to this legislative body Ordinance 19-18 major revisions despite the almost unanimous opposing testimony from hundreds before the Planning Commission in September. It is my hope that member has given honor to these residents by reviewing this oral and written testimony in advance of Bill 41 first reading.

It is understandable that your offices are taking in a volume of phone calls with legitimate concerns about residential neighborhoods lost to home grown hotels. It would be rational statesmanship to rise above avoiding a legislative response that lashes out at those like ourselves who have offered credible solutions to counter the challenges of limited affordable housing.

The planning commission has asked for an extension of 120 days for the purposes seeking public input. Your approval will be an expression of your willingness to listen to residents on this significant issue.

Why do you feel that your work on Bill 89 is now a failure?

Deficits in Bill 41 include:

1. Criminalization of kupuna Mom & Pop affordable month to month room renting.

2. Rewrites the state law Landlord Tenant code. HRS 521-22 the statue that defines month to month renting is constitutionally superior to city ordinances.

3. Sidelining of landlords will cause a significantly lower affordable housing inventory. This is the opposite of the intended purpose on Ordinance 19-18 and is hostile to the cause of affordable housing.

4. Will trigger a tsunami of property rights civil litigation against the city.

5. Implements unfair residential **spot zoning**. The same grandfathering consideration must be given to those who have faithfully complied with Bill 89 ordinance 19-18 that has traditionally been given to NUCs. Geographical favoritism exists for some residential owners over others. The lawful process is resort zone boundary line adjustment. A residential neighborhood near in proximity to a resort zone has the same

vulnerabilities to home grown hotels as any other residential neighborhood.

6. Drastic increase illegal home-grown hotels will occur as platforms (Airbnb, VBRO, Expedia, etc.) are forced to decommit on MOUs and listings will be taken offshore far away from DPPs enforcement jurisdiction. Irrational legislative approaches will always result in new industries deploying new technologies to defeat ill-conceived policy.

7. Legitimate real estate and property management LOCAL businesses will overnight, be displaced with an invasion of foreign criminal scammer enterprises as we have experienced in the past. The prospective tenant reputation verification performed by the platforms has brought us valuable protection.

8. Establishes a new barrier for those who bring their skills and serve in our city for a few months. Skills our tenants have brought included: Law enforcement, medicine, farming, pandemic mitigation, journalism, athleticism, and educating. Sure, they go to the beach! ... as volunteers to pick up the trash.

9. Premature revisions. We have not experienced Bill 89 for the first-year post COVID-19.

10. Criminalization and excessive fines shift and elevate the burden of proof from the accused to the city. Defendants armed with the law on their side will consider that their best option is a jury trial. I cannot imagine the Honolulu Prosecutor overwhelmed with felonies, property crime, and drug cases quick to give DPP any priority.

11. Excessive fees are a barrier to affordable housing. We would need to increase rent by 40 percent to account for a $5000 annual permit. No reasonable explanation has been given to the public as to why it costs $5000 to process a renting permit.

We have a "30-day rule" in Ordinance 19-18 that will work well with adopted rules and real enforcement. It is a period that exceeds the usual amount of time a visitor chooses to have a vacation.

There is a personnel performance issue when a DDP director is unwilling or unable to perform his basic assigned duties that include staffing, ruling making, enforcement and securing appropriations for day-to-day operations. Blaming local business by associating the word "illegal" with renting is irrational. The valuable time to plan and implement 19-18 was squandered during the city wide COVID-19 shutdown.

Permanent resident owner-occupied supervised renting of affordable rooms is not the problem. Unless there is compelling evidence of harm to communities caused by large numbers of Mom & Pop B&Bs keep the unpermitted use exception. Instead, focus on corrective legislation to regulate kinds of units currently used for home-grown hotel purposes.

With specific geographies that have a high density of legal 30 day or more accommodations that are negatively impacting neighborhoods, DDP should **FIRST** produce a report of those TMKs for the public. We can know from TAT payments and platform reports of the impact. What is important here is the amount paid for a stay relative to the prevailing rental rate typically paid by a resident for that kind of property. Reports from emergency rental relief

programs will also be a resource. I suspect that it will slow a pattern of rental real estate price gouging and price fixing. Price fixing is only of concern for planning and permitting if it is significant enough to systemically exclude resident renters. Every anecdotal complaint I have heard expresses this concern.

First, follow the data science to first see the patterns. Then, develop the policy to address the destructive renting behavior. **It can be done!** It does require patience, listening, and understanding.

Please unanimously vote NO on these draconian revisions reminding the executive of their obligations. Outside of DPP, develop coherent affordable housing legislation.

Mahalo,

Edward Jones

Resident city district IV

honolulu@paradiseip.com

From: CLK Council Info
Sent: Monday, November 8, 2021 8:50 PM
Subject: Council Testimony

Written Testimony

Name	Cathy Watson
Phone	
Email	catherinewatson@yahoo.com
Meeting Date	10-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a long-time Kailua resident and have seen the condition of our community deteriorate because of too many vacation rentals. Our streets, parks and beaches are over crowded. Only the vacation rental owners are profiting. Vacation renters do not pay a visitor tax but they do use our community infrastructure.Thank you. Catherine Watson
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:09 PM
Subject: Council Testimony

Written Testimony

Name	Gail Ribac
Phone	
Email	rgalina@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Condotel use
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As private property shall be used per Owner's discretion.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony by I-Hsiang Tsai

Real Estate Agent of Keller Williams of Honolulu

Dear Chair Waters, Councilmembers, and to whom this matter may concern

I am writing this testimony to oppose the idea of restricting the property owner's right to rent their units for a minimum of 30 days especially in the Waikiki area where many investors, local, foreign and out of the state, bought the properties because they liked having the flexibility of renting the unit out either for a minimum of 30 days or even just a few months out of the year while preserving some months for themselves if they or their family members want to come back to Hawaii.

Some of my clients also invested in those pre-sale high rise buildings such as the Sky Ala Moana and the Park on Keeaumoku for the fact that they could use it for a few months of out of the years while renting out for a minimum of 30 days. Their intention was to invest in Hawaii and to pay both TAT and GET as required for those leases that are below 6 months. While there are some bad players in the market that are renting out less than 30 days without proper license, it does not mean all the investors are doing that. By limiting the ability to rent for a minimum of 30 days for those buildings that allow it, it will hurt the real estate market, and take away the flexibility for both the landlords and the renters.

By giving some specific areas the ability to do the 30 days minimum rental and not others will not only be unfair to those investors or owners of the other properties, it will also affect the renters that need to rent less than 6 months because there will be even less options for them. Already it Is quite difficult to rent less than 6 months in Hawaii in most of the residential areas, if Hawaii is again lowering the number of the units that can be rented less than 6 months and leaving only those in the "Gold Coast" to do so, I wonder just how many people will be able to afford to visit Hawaii for more than 1 months. It will in turn affect the Hawaii economy I did a search online and find a unit in the Gold Coast call "Colony Surf" Unit 609 which is a 1 bedroom and 1 bath unit. The weekly rate is $4000. If you want to stay 1 month in Hawaii it would cost you $16000 not including the GE and TAT. So, this is what the people will be facing once we rid of all the current legal minimum 30-day rental and leaving people with just a few options such as the Gold Coast or the Ko Olina area.

If the idea of the bill 49 is to put more units back on the market for the long-term rentals so that more residents will be able to rent a unit, it may not be the best solution because it is affecting too many other aspects of our economy in Hawaii. And at the same time, we are hurting those that have already made their investment to legally rent for a minimum of 30 days. Usually those that are doing minimum of 30 days rental would also welcome the longer-term tenants if the rent makes economical sense to them. Being able to do 30-day minimum rental, does not take away the possibility of longer-term leases.

Creating more affordable rental is really the way to solve the issues for the residents. More affordable units for purchase are also important for our residents. Perhaps some incentives for the landlord to rent it for a longer term would also work. However, by limiting the freedom of the law-abiding investors on their hard-earned investment and telling them that only those expensive Gold Coast apartments can rent for a minimum of 30 days for a much higher lucrative rent is not the direction it should be heading.

Therefore, I agree and support the HBR of Honolulu to oppose increasing STR to 180 days due to the unintended consequences that may result from it. Many of my local, out of state, and foreign investors are also against such bill.

I Hsiang Tsai
rtsai@kw.com

From: CLK Council Info
Sent: Monday, November 8, 2021 9:49 PM
Subject: Council Testimony

Written Testimony

Name	Jen Hong
Phone	
Email	hong_jen@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Jen Hong. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Thanks,
Jen Hong
Waikiki Banyan Condo Owner

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 9:58 PM
Subject: Council Testimony

Written Testimony

Name	TONI PEDRO
Phone	
Email	alohaangelsllc@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41. Illegal vacation rentals disturb our residential neighborhoods and remove inventory for our local families.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 10:11 PM
Subject: Council Testimony

Written Testimony

Name	Wendy Chen
Phone	
Email	chenw5424@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 and Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill 41. Planning commission made the recommendation to only advance the section of the bill that relates to the residential areas, and to leave the Resort Zone out for further discussion. The current Bill 41 does not reflect that. Instead, it places numerous provisions restricting LEGAL TVUs in the resort zone, that have nothing to do with the stated goal of cracking down on illegal TVUs in the residential areas and protecting residential neighborhoods. Let's look at the history of legal TVU: Resort zone in Waikiki had been the only place where TVU is permitted since the LUO was enacted. TVU has been the permitted principal use without conditions in the Waikiki resort zone for decades. NUC(non-conforming use Certificate) was granted in the 1986-1989 to those who have been operating TVU outside of resort zone, namely in the residential areas. Bill 41 proposed restrictions, financial hurdles and onerous conditions on the TVUs in the resort zone, but exempt hotel rooms. Under bill 41,TVUs in resort zone are required to pay $5000 registration fees and $2500 annual renewal fees. The Honorable Mufi Hannemann testified at the September 1, 2021 public hearing stated if people wanted to offer short-term rentals, they should come to the Resort zone, paid the hotel-resort property tax, paid the transient accommodation tax then these people would be competing on an equal footing with the hotels. But now, legal TVUs in the Resort zone not only pay the hotel-resort property tax, GET and TAT, but they must also pay an extra registration fee of $5,000 for each unit and $2,500 annual renewal, they are also subject to other conditions such as occupancy levels

that prohibit sleeping in anything but a bedroom and no more than 2 adults per bedroom. Hotels have no such restriction. Is this leveling the playing field?

Most of the restrictions and conditions placed on TVUs in the resort zone seem to attempt to address issues arising from illegal STRs in the residential areas. No one ever has testified to these problems in the resort zone. So why are these restrictions placed on the resort zone TVU to address problems that don't exist in the resort zone?

TVUs in the Resort Zone should be able to operate on a playing field equal to the hotels and NUC TVUs. The Resort Zone was created to serve the visitor population per LUO. TVUs in the Resort zone should be allowed to continue to operate without conditions.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Thomas Link. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

tlink@sorensoneng.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Mike Lawnsby I am an owner at the Association of Apartment Owners of Waikiki Banyan, and **I strongly oppose Bill 41**. It takes away many of our rights as owners of property that we have worked so hard at obtaining, taking care of and supporting and hosting many visiting guests with personalized experiences of Aloha to our Islands above and beyond what large corporate hotels can achieve.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, **I oppose Bill 41.**

Thank you for your attention to this important matter.

Sincerely,
Mike Lawnsby
lawnsby@gmail.com

** INBOUND NOTIFICATION ; FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 8, 2021 at 4:32:12 PM HST	2484998187	212	1	Received

11/08/2021 22:56 2484998187 HSU PAGE 01

Testimony re: Bill 41 – Relating to Transient Accommodations

[illegible] City Council,

My name is [illegible] Hsu. I am an owner at the Association of Condominium Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including those with nonconforming use certificates) will be taxed at the highest hotel/resort rate.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel condominiums want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $2,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) of the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist location. However, the Waikiki Sunset is also home to many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limit owners' rights is problematic, impractical, and impossible.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Kayoko Yamamoto #3708. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

KAYOKO YAMAMOTO
yamakayo433@gmail.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Stephen Llorens. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- I am one person and I spend/contribute $5,000-$10,000 per year with local businesses; Kilauea Pest Control, Cool Zone HVAC, A1-Budget Plumbing, City Mills, OCG Building, etc.. Multiply my spending times the other 1,500+ Waikiki Banyan owners which equates to $15M + per year put back into the local economy.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

sllorens2@gmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:46 AM
Subject: Council Testimony

Written Testimony

Name	Kent K Mannina
Phone	
Email	kentmannina@gmail.com
Meeting Date	11-10-2022
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am a simple man who has chosen Oahu as my home to retire in. My wife and I choose Oahu because of its beauty and diverse community. Unlike other states Hawaii embraces people of all incomes and back grounds. I believe in legal safe alternatives to hotels. My wife and I rent our home to select individuals for 30 to 90 days. Providing affordable accommodations to those who with to experience Aloha. We were engaged on the Manoa Rain Forest and married on Waikiki beach. Our dream of retiring in Oahu is determined by our ability to supplement our income through hosting. As the world changes I can only hope that the city council will find that embracing affordable alternatives to hotels will bring diversity and prosperity to Oahu and its residences. Mahalo Nui Loa Kent & Antonia Mannina
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Honolulu City Council
Honolulu Hale,
530 South King Street, #202
Honolulu, Hawaii, 96813.

November 8, 2021

Testimony re: Bill 41 (2021)- Relating to Transient Accommodations

Dear City Council,

We are writing to you today to **OPPOSE Bill 41** (2021) draft "Relating to Transient Accommodations". Bill 41 title should be: "Government Expropriation of Private Property for the Benefit of Hotel industry. The hotel industry is erroneous in blaming poor business performance on STR instead of Covid19 pandemic. No reputable City planner would consider setting long term policies during a period of health crises.

Bill 41 is overreaching and ultravirus in its attempt to regulate "property ownership" instead of "land use". Impact of STR on the community is irrelevant regardless of who manages or owns the property.

The principal concern of Waikiki Sunset condo owners is losing their "property ownership rights" and surrendering their control to the "hotel industry monopoly". We do not support Sec. 21-5.360 "Hotels and Hotel Units" and Sec. 21-5.360.1 "Condominium hotels" because we believe it violates our condominium ownership rights currently protected under Hawaii law.

Under Bill 41 draft, Owners would lose many of these "property ownership rights", interalia, the following:

1. right to use our property as primary residence, short term rental (STR) or long term rental (LTR).
2. right to use our property for personal use such as "vacation home" per IRS Publication 527.
3. right to be taxed according to the "actual use" of our real property, as per Sec. 8-7.1 (c)(1)- Valuation.
4. right to choose the assignment of our unit in either: "hotel rental pool" or licensed property manager.
5. right to renovate or not renovate our unit as we so wish and as frequently as we wish.
6. right to exercise "1031 Exchange" to avoid any "capital gains tax", normally 25%, per IRS Title 26.
7. right to transfer your property to your heirs/beneficiaries without incurring inheritance tax.

We are respectfully requesting Honolulu City Council to consider the following five legally acceptable Options, rated as 'Oppose' or 'Support', along with a brief description of relevant facts:

1. **Maintain status quo (we Oppose)-** The post-Ordinance 19-18 (Bill 89) situation is not acceptable and sustainable since DPP continues to deny NUC permit to 178 (41%) Waikiki Sunset owners to legally operate STR's and because:
   a. Prior to Bill 89 (Ordinance 19-18) the perceived market value spread between NUC vs. non-NUC units was negligible.
   b. It imposes undue discrimination among all 435 unit owners who reside on the same parcel of land, with same residential zone classification, same AOAO maintenance fees, same property tax assessment, equal share of building infrastructure replacement costs and equal share of capital reserves for the past 30 years.
   c. It imposes economic inequalities to Waikiki Sunset owners resulting in 40% (-$204,000) lower sale price and significant annual rental reduction of about 2.2 times (or -$30,000) lower compared to NUCs units.
   d. The miniscule $200 annual NUC fees does not justify this inequality and indiscriminate price differential.

2. **Condominium-Hotel unit (we Oppose)**- Waikiki Sunset should not be converted into "Condominium hotel units" with hotel operator managing centralized booking and controlling hotel's room inventory and rentals to general public and to unit owners at regular or discounted rental rates because:
   a. The conversion of Condominium units to Hotel units would significantly increase the number of STRs in Waikiki Sunset from 60% to 100% "use" which is contradictory to intended purpose of the Proposed Bill 41 draft.
   b. It is inconsistent with Hawaii Condominium Act, HRS § 514A-4 (514B-4)- Separate titles and taxation reads: "*Each unit that has been created, together with its appurtenant interest in the common elements, constitutes, for all purposes, a separate parcel of real estate*", for condominiums created before July 1, 2006 (as it applies to this case).
   c. Waikiki Sunset governing documents cannot take away property ownership rights. Each condo owner is "*a property owner under Hawaii law [4] by virtue of its ownership of the condominium and is therefore entitled to constitutional protection*". See link below: https://caselaw.findlaw.com/hi-intermediate-court-of-appeals/1745888.html
   d. "*Each apartment shall for all purposes constitute real property and may be individually conveyed, leased, or encumbered and for all other purposes be treated as if it were sole and entirely independent of the other apartments in the property of which it forms a part, and the corresponding individual titles and interest shall be recordable*", as per Condominium Property Act, HRS §514A-4 (Supp. 2015).

3. ***Grandfathered* Legal Nonconforming Use (we Support)**- Waikiki Sunset should be added to the list of legal nonconforming use buildings where all unit owners are exempt from the NUC requirement of Ordinance 89-154 (November 1989) because:
   a. Waikiki Sunset condotel have been matching the current LUO hotel definition since 1989.
   b. The record shows Aston-Resort rental pool managed up to 374 units (or 86%) without encountering any negative environment assessment impact, traffic congestion, noise concerns, illegal parking, neighbor complaints, or receiving any DPP violation notices for the past 30 years.
   c. Waikiki Sunset condotel deserves the same rights as other grandfathered non-conforming hotels (e.g. Aloha Surf, Hawaiian Monarch, Island Colony, Palms At Waikiki, Royal Garden At Waikiki, and Ala Moana Hotel).

4. **"Existing uses" of STR Units (we Support)**- All Waikiki Sunset condo owners should be allowed to continue operating STR under "hotel rental pool or property managers", which is allowed under Sec. 21-2.100 "Existing uses" (a) (b) because:
   a. Waikiki Sunset met all original 1979 LUO zoning requirement and building requirements.
   b. Waikiki Sunset building and its STR uses were operating lawfully prior to passing of the Ordinance 89-154 in November 30, 1989 and the amended Ordinance 19-18 in June 25, 2019 NUC zoning restrictions.
   c. The purpose of LUO Section 21-2.100 is to "*recognize the hardship imposed upon uses which were legally established, but which now fall under the procedures and standards of the following permits*" cluster housing.
   d. "*Preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate* (abolish)", as per Robert Ferris Tr. v. Planning Commission of City of Kauai (August 09, 2016), Pg #5.
   e. Non-NUC owners could compensate the City by paying retroactive NUC fee of approx. $200x30 (~$6,000), if the City had not already punished these owners over past two years.

5. **'Resort Mixed Use' Precinct (we Support)**- Current Waikiki Sunset zoning designation should be changed from "Apartment" to "Resort Mixed Use" Precinct under Table 21-9.6(A) Waikiki Special District Precinct because:
   a. Rezoning of Waikiki Sunset to 'Resort mixed use" would better reflect the reality of 'land use' over past 30 years. Eg., Waikiki Banyan and Waikiki Sunset have always operated STRs.
   b. Condominium owners should have their constitutional right to "use" their unit as they choose: either as (i) Residential use, (ii) vacation home use, or (iii) hotel-resort use; and being taxed accordingly, as per Sec 8-7.1 Valuation.
   c. City property tax income may increase substantially since most owners would choose "hotel-resort" use; however, this is a personal choice and not mandated by government policies.
   d. Consistent with historical "Declaration Regarding Condominium Use", as per DPP standard Form BFS-RP-P-71. DPP has allowed owners to "declare condo use" for many years in past.

Under Hawaii law, no one can legally take that real estate from an owner with Fee Simple title. The fee simple owner has the right to possess, use the land and dispose of the land as he wishes- to sell, give away, trade, lease or pass it to others upon owner's death. For instance, each Fee Simple owner of Waikiki Sunset has property right to his (apartment) condominium unit (average 600 ft^2) plus an undivided share of land of approx. 115 ft^2 (=49,996/435).

We respectfully request City Council to Oppose Bill 41 draft for the reasons described under Options #1 and #2 above. We have shown three other Options (#3 to #5) which are more applicable and appropriate for Waikiki Sunset owners. Waikiki Sunset building is a duly registered condominium and it is entitled to be treated legally differently than a "hotel" or an "apartment". In essence, it is a community of 435 individual owners, co-located in the same building and on the same parcel of land.

According to Hawaii court case ruling (August 9, 2016), under the United States and Hawaii Constitutions, *"preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate* (abolish)". Consequently, Waikiki Sunset governing documents (ie., Declaration and Bylaws) cannot override each condominium owner property rights, even by majority ownership interest, because "each condo owner is *a property owner under Hawaii law [4] by virtue of its ownership of the condominium and is therefore entitled to constitutional protection",*
as per Robert Ferris Tr. v. Planning Commission of City of Kauai (August 9, 2016); Footnote [4].

We respectfully request that City Council **oppose Bill 41 (2021)** draft to protect owners' property rights and give serious considerations to the above Options #3 to Option #5.

Please give the above matter the attention it deserves.

Diana and Guido Panizzon, P.E. MEng. BSEE, IEEE.
Waikiki Sunset Owners of Unit #2006.
Email: "panizzon@telus.net"
Tel: (808)-922-0511 (Ext 2006).

CC: **City Council members** website: "https://www.honolulu.gov/view-council-members.html".
Mayor Rick Blangiardi: email "mayor@honolulu.gov"

Dear City Council,

Bill 41: Transient Accommodations

My name is Michelle Wen. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41 for its discrimination against me as a Waikiki Banyan owner.

Bill 41 is an overreach and infringes upon my owners' property rights and the rights of all my fellow owners. Below are some of the main discriminatory proposals in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. [Seriously?]
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in heart of Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is surrounded by hotels and merely steps from the waterfront and for this has always been a prime tourist destination. The Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is discriminatory and therefore completely unacceptable. It's hard to imagine that something this discriminatory is even being put forward in the State of Hawaii.

I thank you for allowing me to remind you of your duty as a City Council to ensure the rights of <u>all</u> people in Honolulu.

Yours Truly,

Michelle Wen

giordanoinc@yahoo.ca

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:23 AM
Subject: Council Testimony

Written Testimony

Name	Terri Jungquist
Phone	
Email	djjungquist@msn.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Terri Jungquist . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.
Terri Jungquist

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:31 AM
Subject: Council Testimony

Written Testimony

Name	Barbara Reinthaler
Phone	
Email	mbreinthaler@comcast.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My husband and I have been visiting the beautiful island of Oahu for many years. We have enjoyed staying at the Kahala beach Condos which will be impacted by Bill 41 if it passes. We enjoy the quiet peaceful atmosphere that is supported by that area. Waikiki is perfect for many but it caters to a busier nightlife that does interest us. We support locally owned Hawaiian companies that would be able to best serve that area as they can monitor guests and protect property. Thank you
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:32 AM
Subject: Council Testimony

Written Testimony

Name	Kim McNee
Phone	
Email	kimmcnee@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	Association of Apartment Owners of Waikiki Banyan
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Kim McNee. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:43 AM
Subject: Council Testimony

Written Testimony

Name	Mike Jackson
Phone	
Email	mikejacksonatlarge@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 Short-term Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please withdraw Bill 41 in its entirety. Instead implement Ord. 19-18 which in itself is restrictive and onerous. The proposed changes under consideration have very negative effects on Oahu's economy, property rights, and tourism. It will mean the closing of many small businesses, loss of jobs and revenue for the state, city, county. It also sends a "do not come here, you are not wanted" message to tourists, temporary workers, those needing temporary accommodations, military relocations, etc. The proposed 180-day minimum stay requirement is a horrible idea. No doubt the hotel industry, along with their large number of employees, is the BIG winner here. Is their political clout so powerful that you will engineer a set of rules to eliminate all their competition?! For various legitimate reasons, tourists, business visitors and temporary workers are very interested in finding alternate accommodations to hotels. These proposals will effectively remove that desirable choice from a very large segment of travelers. When I came to Hawaii nearly 40 years ago, there was much talk on Oahu about finding other industries to replace tourism, alternatives to sugarcane and pineapples, etc. Well, our "leaders" have not been able to do that but they have managed to make some very poor judgments about many other issues on Oahu.

Let's not allow poor decisions to wreck our visitor industry only to discover later, it was a terrible mistake.

Unfortunately, it appears that the DPP and Mayor have made up their collective minds to totally shut-down every short-term rental on Oahu....even the legal ones. Certainly, the hotel industry is heavily in favor of your eliminating their competition.

Thank you,
Mike

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:44 AM
Subject: Council Testimony

Written Testimony

Name	Kelly Cox
Phone	
Email	kellymeeks1@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I'm writing to voice my opposition to the proposed amendment to Bill 41 that would amend Ordinance 19-18 relating to short-term rentals. Mayor Rick Blangiardi states "Affordable housing is one of the top priorities of our administration. Bill 41 will help return much needed rental housing, while restoring the integrity of our neighborhoods for our local residents." If the concern is affordable housing and restoring neighborhoods, why is another hotel being built in Kapolei? Instead of a hotel, why not more housing? The intent of the bill is clear - to give hotels the monopoly on short-term housing.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:46 AM
Subject: Council Testimony

Written Testimony

Name	Margaret Ralston
Phone	
Email	pua62488@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I grew up in Kailua. Most of the homes were where my classmates and their families were living. It was a neighborhood full of local families and friends. Currently the Waimanalo, Kailua, Lanikai neighborhoods have been taken over by vacation rentals, many ownned by corporations and companies with the mainland or international bases. Please pass this bill. MORE IMPORTANTLY, PLEASE ENFORCE IT. I am a constituant of Lisa Martin abd Esther Kia'aina. I am a resident of Hawaii . I welcome homes that are affordable and available to local families. We want our young residents to be able to find neighborhoods to raise their families in and not have to move off island to do this. Margaret Ralston
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:53 AM
Subject: Council Testimony

Written Testimony

Name	Douglas Ng
Phone	
Email	douglasng05@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am the owner of a condo in the Waikiki Banyan. I oppose Bill 41 because it is an infringement of my rights as a property owner to use and manage my condo the way I want. I do not want it to be part of the hotel's room inventory. I do not want to have to pay full rental rates if I stay in my own unit. I don't want to lose my right to use my unit as my primary residence in the future if I choose to. I believe the Bill is unconstitutional and unreasonable. It is an overreach of property owners' rights that is unprececented. I urge you to defeat Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:57 AM
Subject: Council Testimony

Written Testimony

Name	Ed Lum
Phone	
Email	ed1022@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Ed Lum, and I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.

- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.

- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.

- Condominium-hotel units may not be used as primary residences.

- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.

- Each person may only own one transient vacation unit.

- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.

- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

My wife and I bought our unit 2 years ago, specifically to retire in Hawaii in 2022. We bought a 2nd unit on the same floor to supplement our retirement income. We purchased both our units after Bill 89 was passed into law and with the intention of living in our unit and Bill 41 takes our owners rights away from us, doesn't allow us to use our for us and our 2nd unit for our families to come and visit us periodically without paying full rental rates on a property we own. I am relocating from California, and California has worked out amicably short term rentals with all the listing platforms like AirBnB and VRBO as well as the many small business property management companies that help tourism thrive in large cities like San Francisco and Los Angeles, but Hawaii wants to infringe on owners rights and succumb to the Hotel Association lobbyists. My wife and I have been visiting Oahu for almost 37 years. We diligently have been looking for affordable housing on Oahu for our retirement since 2017 and finally decided on Waikiki Banyan after Bill 89 became law. Never would I have dreamed that the City Council would even consider taking away all owners rights 2 years later, just because their DPP cannot enforce what was passed into law in 2019.

Based on the above, I oppose Bill 41. Thank you for your attention to this important matter.

Sincerely,

Ed Lum
Owner at the Waikiki Banyan

Testimony
Attachment

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:58 AM
Subject: Council Testimony

Written Testimony

Name	Leo Vlachakis
Phone	
Email	leonidasvlachakis@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this bill in it's entirety. This is an overreach of government, and is a slap in the face to those of us who have been doing legal 30+ day rentals. My Ohana unit is only 300 sq ft without a full kitchen. Hardly a place one would want to stay in for 6 plus months. We have been renting without any disruptions to the neighborhood to traveling professionals who typically stay 1-3 months. Exceptions should be made to those of us who live on the property. I also wanted to point out that it's been mentioned that this will reinstate the enforcement of Hosting Platforms. I was in a meeting with representatives from Airbnb and Expedia, who both stated they will pull out of the MOU that was agreed upon 2 years ago with the understanding that there would be no more changes to STR regulations. You need to use the resources that you already have and enforce the regulations already in place.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

I have been a stay-at-home mom for most of my adult life —until recently. For the first time, I've been getting regular paychecks and even saved enough to make an investment in my future. I don't have enough to purchase a house, so I planned to put a down payment on a small studio to rent out as a short-term rental(STR). That was my plan, until Mayor Blangiardi swooped in and declared he is going to save the people of Hawaii from the evils of the STR business, for good!

Huh?

The Mayor claims the STR business is bad for Hawaii because it depletes the supply of available homes, which causes prices to skyrocket. Not not that, STRs disrupts residential areas with noise, traffic and all the problems associated with tourism. As a solution, the mayor's office has revised Bill 89, which changes the minimum stay for STRs from 30 days to 180 (6 months), which will put most STRs out of business. And THAT is just what the Mayor wants: "Our plan here, and what we're going to do, is shut that business down." Said Blangiardi.

Two years ago, the city passed a Bill to "reign in" STRs by setting a 30-day minimum stay, with fines up to $10,000 a day for violations. But the city did not enforce the new law because it didn't fund any enforcement officers. Not only that, the city never bothered to come up with rules/fines to deal with the parking problems and noise in neighborhoods. STR owners have pleaded with the City to enforce the existing law before crushing their property rights and destroying their livelihoods, but no one is listening. Revisions to Bill 89 were approved by the Planning Commission, and if it passes the City Council, many STRs will be forced to close their doors.

Here's the obvious question: why is the Mayor set on destroying the STR business, if enforcing the current law may work for ALL involved? Does he know something we don't? Is he really a superhero who is trying to save the people of Hawaii from the high cost of housing and all the annoyances caused by STRs? Or is he just a big, fat, liar?

I'm going to go with, "The Mayor is a big, fat liar." Here's why:

The high cost of housing in Hawaii is legendary. In 2021, the median home price in Honolulu is a whopping $1,386,483. In Hawaii, in general, that price is $730,000, which still wins the number one position in the "States with the highest cost of housing."
Granted, STRs do affect the number of homes available which affects the cost. But to say they are the CAUSE of the high cost of housing is absurd. When *anyone* buys a home, it depletes the available supply. And if the demand remains high and the supply does not increase, the costs will go up, up, up!

Here's the reason the supply of housing remains low: the over-regulation of land. Currently, 95 percent of the land in Hawaii is designated conservation or agriculture, neither of which permits housing developments. In order to build new homes, an individual must go through the nightmarish, long, expensive, and tedious re-zoning and permitting process, that begins

under the jaws of the Hawaii Land Use Commission, an institution which the Grassroots Institute of Hawaii has found to be the primary cause of the shortage of housing in Hawaii.

The groundbreaking of recent Ewa development, "Hoopilli," only occurred after a ten-year, entitlement period that "included challenges by opponents and a Hawaii supreme court ruling," not to mention the millions of dollars spent in legal fees. And this could only be achieved because developer D.R, Horton of Schuler Homes, had the resources, infrastructure, excess funds, business and political connections to get past the beast, a feat no average human being could survive. Which is why most will not attempt it, at all.

Another BIG reason for Hawaii's high cost of housing is the 100-year-old Jones Act, which doubles and even triples the cost of construction materials (among other things), and increases the price of homes. It does this by requiring vessels carrying goods between two U.S. points to be American-built, owned, crewed, and flagged, which overcomplicates the route to places like Hawaii (and drives up the cost). It is estimated that the Jones Act adds between $255 and $525 million a year to the cost of the construction industry in Hawaii (1.3 billion overall). SO, if the Mayor *was really* interested in fighting the high cost of housing, he'd lend a hand to Ed Case, the only Hawaii politician who has tried to reform the Jones Act.

With monsters like the LUC and the Jones Act in our midst, the mayor's claim that STRs are the cause of Hawaii's high cost of housing is ridiculous. It's like blaming Big gulp for the obesity problem. In fact, I'd argue that getting rid of short-term rentals would hurt normal, middle-class residents who would like to make a few extra dollars every month. Here is an examples of the numbers:

If you invested in a 270 square foot studio in Waikiki that cost $255,000, your monthly mortgage (with taxes and fees) would be approximately $1,556. Because of its tiny size, a 275 square foot studio for $1556/month would be very difficult to rent out long-term. It might be adequate for a 30 day rental, but the best-case scenario is a nightly rental. At $103/day for 15 days you'd break even. If you rented it for 20 days, you'd profit $504.

Most visitors to Hawaii pay a lot more than $103/night for a hotel room, which means there would be a good market for your rental. This is a fact which has not escaped the hotel lobby, Mayor Blangiardi and all the politicians who want to wipe out STRs for good (can you say, "Mufi Hanneman?") The Hawaii Tourism Authority keeps tabs on hotel and STR occupancy rates and they know short term rentals are winning. In February of this year, STRs were 50% occupied, compared to hotels' February occupancy rate of 30.5%.

Herein lies the REAL REASON Mayor Blangiardi wants to kill the short-term rental business: to get rid of competition for the hotel industry. The timing of revisions to Bill 89 is no coincidence; it emerged right after the disappointing number of hotel vacancies after Hawaii reopened its doors to visitors this past Summer. But we SHOULD NOT LET THE MAYOR GET AWAY WITH THIS. Even non-STR owners shouldn't tolerate another corrupt politician who lies, pits

residents against each other, and steps on the rights of whoever he needs to, just to get what he really wants: power.

cindy dold
cmackey11@icloud.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:11 AM
Subject: Council Testimony

Written Testimony

Name	Robert J Newell
Phone	
Email	bobnewell@bobnewell.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have long been a full-time resident of the Waikiki Banyan, and I oppose many provisions of Bill 41, which would take away the rights I have long held as an owner, taxpayer, and citizen. Bill 41 as it stands prohibits permanent residence in a condotel. This may require me to leave my home. I would be a senior citizen with nowhere to go. I might try to sell my condo but with all the other rules and restrictions, who would buy it? Many other seniors would be in my position. Do you wish to be responsible for evicting many seniors from their homes? That would not be good publicity for Honolulu to say the least. Even if the Bill is modified to allow residence as a temporary non-conforming use, my heirs would lose much of the value of my unit when I pass on. Further my taxes would become about five times higher, and as a senior on Social Security, that would be an intolerable burden. Bill 41 also takes away rights of other owners in the Banyan, rights they have long held. They would lose the right to the free use of their own unit! Can you imagine such a thing? They would be required to give their units over to the management of a hotel operator! They would have to rent their own units at full price! Destroying the rights of Banyan owners would do nothing to accomplish the stated purposes of the Bill. The Banyan has long operated in hotel-like fashion, bringing in substantial revenue in taxes.

No harm has been done; on the contrary, a well-kept and well-run building is a benefit to the community. The Banyan is not taking homes away from residents. Ironically, Bill 41 WOULD take away homes from existing Banyan residents.

I urge you to toss out the ill-conceived Bill 41 and draft a new bill that truly accomplishes the desired goals without taking away the rights of owners.

Sincerely,

Robert J. Newell

Waikiki Banyan T2-3003

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:14 AM
Subject: Council Testimony

Written Testimony

Name	Linda Vela
Phone	
Email	linda@bvmetals.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose Bill 41. When my daughter and grandkids visit, I enjoy renting us a larger place for a 'staycation' for the month. This bill will make that impossible. Besides being cost prohibited, we don't want to stay in hotel. When I read through the bill, it seems to only serve to benefit the hotels. I don't understand why you would want to penalize locals and reward the hotel industry. Stop building hotels and build apartments if you truly care about providing affordable housing.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:21 AM
Subject: Council Testimony

Written Testimony

Name	Ohi Galdeira
Phone	
Email	ohi@elitepacific.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 2021
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We are opposed to the change in the definition of a "transient vacation unit" as units rented for periods less than 30 consecutive days to periods less than 180 consecutive days. The thousands of owners who currently rent their homes legally have a vested right to continue doing so, creating an obligation that the County create a non-conforming use permit for those who qualify. We all acknowledge there are bad actors out there who intentionally break the rules and rent their homes multiple times a month. However, there are hundreds, if not thousands of Oahu property owners who follow the rules and abide by one rental per 30 day period. By changing the definition of a transient vacation unit, the County is taking away a previous legal use and Owners' vested rights. If the definition of a transient vacation unit changes, this right must be protected, which will necessitate an additional non-conforming permitting requirement. This can either be written into the Bill, challenged in the court of law, or otherwise prevented by not changing the definition of "transient vacation unit". The obvious, simple solution, is to not change the definition of "transient vacation unit" and enforce the current law using administrative rules and MOUs with both Expedia group and Airbnb. Otherwise, the county will be faced with an administrative nightmare of creating processes and permits for those owners who can demonstrate compliance with the current laws.

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:22 AM
Subject: Council Testimony

Written Testimony

Name	KA'OHINANI GALDEIRA
Phone	
Email	galdeira33@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 2021
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. Managing, administrating, and enforcing the exceptions listed under "transient occupant" is a complex administrative process compared to simply enforcing the current one rental per 30 day rule. Bill 41 clearly acknowledges the need for rentals between 30-180 in residential areas. The attempt to address these needs through a carve out list under "transient occupant" fails to address many of the other needs for rentals of this duration, while underestimating the sheer volume of administrative bandwidth the monitoring, regulating and enforcement of these exceptions will require. Those carve outs alone could number in the tens of thousands of exceptions that come through for approval each year. It is unclear how DPP will enforce and verify the numerous tenant exemptions of this single provision, let alone the hundreds of registration, reporting, monitoring, and developmental standards within the bill. In addition to the volume of exception requests this list will generate on it's own, there are so many other use cases not addressed here. We know a vast majority of local children leave for college and can't afford to come back. When they come back to visit with their families, where do they stay? Many times, in legal rentals close to their family. What about the major motion pictures that are filmed here, where do the actors and producers stay? Often in high end moderate term rentals. In real estate, there is a carve out for those families between buying and selling. What about people who move out for construction

or renovation? What if they sell and then need a few months before they move off island entirely?

It is disingenuous for DPP to opine that Bill 41 (CD1) was introduced because the provisions of Ordinance 19-18 has "proven themselves to be impracticable and have resulted in enforcement problems." The preamble of CD1 further states that "[t]o address these problems, it is necessary to improve upon Ordinance 19-18 by simplifying the City's approach to regulating short-term rentals and other transient accommodations". Nothing could be farther from the truth. Bill 41 (CD1) is far more complex and burdensome for all parties – owners, property managers, renters and the DPP.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:35 AM
Subject: Council Testimony

Written Testimony

Name	Hayden Meeks
Phone	
Email	haydenmeeks413@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose this bill. My family rents our Ohana unit to traveling professionals, and the new regulations being proposed makes this very difficult, if not impossible. This bill clearly benefits the hotels at the expense of the Hawaiian people trying to afford home ownership. The initial registration of $5000 while hotels pay nothing is just one example. It would take 6 months to recoup those costs. If you're concerned about affordable housing stop building hotels and build apartments. It's hard to believe Mayor Blangiardi's top priority is affordable housing while new hotels continue to be built. Thanks for your consideration.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:41 AM
Subject: Council Testimony

Written Testimony

Name	Nikki Simmington
Phone	
Email	Nikkisimmington@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I'm a business owner and this will seriously impact business. You will force numerous small businesses to go out of business and have hundreds of people unemployed. In a state that relies so heavily on tourism, why would you permit the economic destruction of this state in favour of a few hundred hotel rooms? The public and tourists are telling you what they want, it's their tax dollars that have kept Hawaii as a viable state. If you take away vacation rentals that will not drive the public here, many do not like the confines and restrictions of hotels, even the fact that hotel rooms cannot accommodate entire families who simply want to be together. Is this worth destroying revenue? Did the pandemic not teach you anything? Is it appropriate to destroy the people of Hawaii to poverty so that you can accommodate hotel chains? What is your plan for employment, businesses etc? How are you going to enable the sustainability of that if you destroy livelihoods? I provide employment to single mothers who are local Hawaiian Women, I pay them a living wage and it has changed theirs and their childrens lives. These women work hard and are setting an example to their children. Why are you allowing Generations to be impacted? How much in lost revenue are you going to initiate again? I implore you, fight for us allow the Vacation rentals to remain as they are. We All Need you to do the right thing for us.
Testimony Attachment	

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Toni Peinoit . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

toni.peinoit@gmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:02 AM
Subject: Council Testimony

Written Testimony

Name	John Wilson
Phone	
Email	johnwilson1525@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (CD1)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The proposal to define Short Term Rentals as less than 180 days is irrational, unprecedented, and fails to meet any standard of common sense and equity. Such a move would destroy the last several years of work by owners, hosting platforms, and guests, and the current system of transparency and tax revenue established as a result of Bill 19. The City Council is urged to oppose this move driven by the ONLY stakeholders who were involved in the drafting of the new Bill - the Hotel Lobbyists. That process is not transparent and smacks of the ongoing corruption within the Department of Planning and Permitting. Mahalo, John Wilson
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:44 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Sadie Eckart
Phone	
Email	mileka17@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	No To vacation rentals in Kailua! I am a resident there and do not like strangers weekly in my neighborhood! It is with disregard of respect(noise level, parking, speed) to the community. There are many ! BnBs secretly operating. I work at the airport, and we ask where is their local contact. This needs to STOP. Turn those into rentals for local people. Kailua is not a Resort. We Live here. We are not able to park anywhere. Its overcrowded. And, all visitors really should stay at hotels, to funnel the income into the state. We are getting so many campers and people staying in cars. This is not helping our economy, its overcrowding. Raise the expectation! Sadie Eckart
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:27 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	David Moyer
Phone	
Email	dave@davemoyer.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill41,CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	As a resident of Oahu for over 22 years I have witnessed the direct impact of short term rentals, especially after AirBnB, on our local housing stock. I saw houses, one after the other, be bought by spectators along the Koolauloa coast to be turned into vacation rentals, driving up housing costs and driving out permanent residents. As a Realtor, I know I am in the minority of my profession in supporting Bill41, however that is due to my work in long-term property management. As a professional, I can clearly see the harm done to long-term housing stock, both by removing potential rentals and by speculators driving housing prices up. I recognize that the long term health of our local economy depends on having housing that is within reach of our permanent residents. I believe that Bill41 will put us on the right track.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:42 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Bradford Arbaugh
Phone	
Email	bradthepainter@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Proposed Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear Council Members, my name is Bradford Arbaugh. I have lived on Oahu since 1982 when I was 14v years old. The majority that time in Kailua. I support myself as a self-employed house painter. Over the years, I have built up quite a number of longtime and devoted customers. Many of my customers own their homes and rent their houses as a means of supplemental income. The house I grew up in and always considered my home, for 35 years, was a Registered Bed and Breakfast. Our BnB was registered under "Ka Hale La'i," 735 Nunu St, Kailua, HI 96734. A name was given to our Bed and Breakfast by Mother's long time friend Nona Beamer. Over the years, I witnessed firsthand my Mother's struggle to keep up and maintain a legitimate Bed &nBreakfast under the ever-increasing and stricter guidelines the City and County of Honolulu and the State of Hawaii mandated homeowners comply with in order to be legitimate. As of December 2014, because of the increasing requirements, taxes and regulations, my Mother finally sold the "Ka Hale La'i" AND our long time family home. For those of you not well versed in the Hawaiian language, Ka Hale La'i means "House of Peacefulness." But, that is no longer the case. The current owners let the BnB permit expire. This once beautiful, peaceful piece of Hawaii has gone away. Now cars parked all over the front yard rather than on the ample driveway and powerboats junk up the other end of the property. Property which the City and County of Honolulu technically own. My point is this: Because of the ever increasing restrictions, my home is gone forever. Just come away! My other point; for this same reason, many of my lifetime friends/clients/customers are seemingly systematical also going away because of State and County regulations making it harder and harder for anyone to own, keep and maintain a legitimate piece of property on Oahu. Please do not change the current law. Continue to allow 30 day rentals. Do not raise taxes on we title people. I sincerely ask you DO NOT move Bill#41 forward. Do not allow these changes to become law. VOTE NO.

Respectfully,
Bradford Arbaugh

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 7:28 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Barrie Morgan
Phone	
Email	bfmorgan@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support the current ordinance before the City Council (Bill 41 CD1) and its intent to: Define residential use separate from resort and/or bed and breakfast (with current nonconforming use certificates) through refinements to the Honolulu City and County zoning code; Allow short-term ("transient") rentals only in areas where use is defined for hotel and resort, or bed and breakfast; Define "Transient vacation rental" as a dwelling or lodging unit offered / rented for less than 180 consecutive days (with noted and defined exceptions); Tax transient rentals and require certifications to show current tax compliance when renewing required certificates; and Ease enforcement by closing loopholes and allow the County to levy meaningful fines and penalties for those operating illegal transient vacation rentals. As a Windward homeowner for more than 30 years, I am alarmed by the lack of affordable housing in my community. This affects the ability of my close and extended 'ohana to remain in Hawai'i. The influx of visitors into our residential areas has driven up home prices and removed long-term rental units from inventory. The City should derive revenue from visitors to support beach park funding, repair roads, and provide services for those without the means to afford a roof over their heads. Confining transient accommodations to areas defined for resort and short-term users in turn will consolidate hospitality services that support visitors, leveling the playing field among hospitality providers. Please support the important contents of Bill 41 CD1 until its intent becomes a codified in the City's ordinances.

From: CLK Council Info
Sent: Monday, November 8, 2021 7:07 PM
Subject: Zoning and Planning Testimony
Attachments: 20211108190714_strs.pdf

Written Testimony

Name	lois crozer
Phone	
Email	lbc@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20211108190714_strs.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

Here we go again.

You claim UHERO is against short term rentals (str's) but when I look at all their reports, what I see is UHERO supports allowing regulated owner occupied B&B's.

You say str's are ruining neighborhoods and people are tired of all the cars and traffic. Yes people are tired of all the cars and traffic but that's NOT from the vacation rentals, they are from those in Waikiki and the locals who want to come over to this side for the day. Banning rentals does nothing to cure this.

So many people complaining about vacation rentals are not taking into consideration owner-occupied vacation rentals. Most neighbors are actually happily recommending their neighbor's accommodations when their friends and relatives visit. Even some of the most vocal opponents of vacation rentals use them when friends come and say "well, they are the licensed ones". If they are so bad for neighborhoods, why are you using them!? If you regulated more, more would be licensed. Hypocrisy and ignorance.

It's way past time for open honest discussions about short term rentals and not the finger pointing that is going on now which just makes people resentful and angry at each other.

Meanwhile, people from overseas are buying up homes here and locals can't afford to stay. Real estate agents are thriving, and the hotel lobby is doing their best to take as much as they can and send the profits off island to their investors.

This isn't sustainable, but hey, let's blame it all on the short term rental industry.

From: CLK Council Info
Sent: Monday, November 8, 2021 5:32 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Judith Mick
Phone	
Email	ppchawaii@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41-CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We MUST put a stop to short term vacation rentals anywhere except the designated tourist areas. People that have rental areas in their homes should be renting to residents that need housing - they will still be making money. Perhaps you could make the rentals 60 to 90 days instead of 180. Please pass this bill for the sake of our local residents. Mahalo. Judy Mick
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, November 8, 2021 5:03 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Ramirez Sanchez
Phone	
Email	zorrojackal@protonmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Proposed Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	"The intent of the bill is clear, which is to crack down on all illegal vacation rentals, particularly in residential areas. Based on hours of testimony before the Commission, the DPP revised the bill for further clarification to ensure this objective will be met," officials with the administration said in a statement. Let's all be very clear, the intent of the bill is to give more power to the hotels and the establishment who benefit from that, which is likely is not only limited to the hotels. Having traveled the world, done business in many countries, I have unfortunately dealt with and seen a lot of corruption that have affected my personal economics. When "big players" and politicians push for agendas that hurt the "small players", this type of situation arises. I know what it looks like, smells like, and feels like. And this Bill looks, smells, and feels like that. America on the other hand, is "For the People", it is "By the People", or at least is supposed to be. I watched each council meeting and read all the testimonies. The people have spoken, and what is being presented is not what they have asked for. Not even close. The people were and are, against this Bill almost unanimously. The "Constituents" are telling the Powers That Be, their elected representatives, that this bill is not wanted. But somehow the bill moves onwards. This is simply the hotel and political powers joining forces to go against the wishes of the people. I did not invest heavily in Hawaii for this to happen here. Just during Covid I have invested close to $20,000,000 on Oahu alone. And I am devastated by the way this Bill 41 is being handled and pushed through against the "popular vote". I have written and submitted my own situation previously and how this proposed bill will impact me in many ways, all negative. But these have largely been ignored.

The press only reports aspects of the bill that seem and sound positive, they do not report on all aspects of the bill, which largely negatively impacts the local community and is good for the mainland businesses who can take the profits of our shores. It is not fun to see the press mislead the people of Oahu in this way. If my only source of information was the press, I would vote for this bill, however, having read it, and each iteration of it, there is nothing in it I would vote for, and I am vehemently against it.

So, my submission this time it more to point out the 'stinkiness" of the handling of the bill versus the numerous ways it hurts the locals and benefits the mainland and foreign entities involved in the heist.

I will be looking to sue and join the various proposed Class Action Suits against the city/county for many aspects of the proposed bill. To begin with, if this goes through, I will be suing for the property rights I have, that afford me unlimited access to my own condotel unit. I have these rights currently and will not have them taken away from me without satisfactory compensation, if this is done through a legitimate eminent domain, something I do not believe to be possible under the current proposal. I will fight for my rights to enter and use my unit, the unit I purchased with my own hard-earned money and bank debt for my personal use. It would be unconstitutional in spirit and against basic property rights to deny me that access. This bill proposes to force my personal unit to become an investment/hotel unit, would then put me in a negative cash flowing position and create a really "bad investment" for me, due to the particular hotel running costs this property has. I do not see how any government can force an individual into a bad investment by changing rules on the people, who bought the property/ies legally at the time, under different and accepted circumstances. Then switch the rules on them and not give any compensation or grandfathering options. Just change the deal, making something that was bought legally and fully conforming into something illegal and penalizing. It is a disgrace. The bill MUST allow not only owners who have the unit as their Primary Residence, but also those owners who choose to live in their condos when their needs require it. I use my condo personally between 5 and 7 months a year, and my children and family in all vacations (Spring break, Summer, Fall and Winter) – my family should not be denied and have taken away from them, something that was legitimately purchased with this in mind and with this intent. You also propose to devalue my unit by taking away the various uses the unit currently has, you shrink the buyer pool, and likely this means that should I try to sell the unit after the bill's effective date, I would not recoup my original investment, meaning I would owe the banks.

I shall also be joining the Class Action Lawsuits that are now disallowing my 30-day rental units, again bought legally, and underwritten as investments based on the legal criteria that is allowed. I have never broken the 30-day rule, every rental I have had has been 30 days or more. This proposed change to 180 days will crush those investments as the numbers do not work for the properties at long term rental rates. You would alone destroy my investments. Again, without compensation or grandfathering options. How can you do that? How can you take a perfectly legal and sound investment, that I have risked a lot of money on and spent a lot of time and effort on, and change the rules to destroy those investments and potentially bankrupt many people, leaving them without enough money to live on. Again, if the investment was underwritten on nightly rentals that are not permitted, then that is one thing and would be fine. But when the investment is underwritten on laws that support it, changing those laws with no accountability to the lives and wellbeing you are destroying is frankly, very unconstitutional in its intent.

Making rules and regulations for future investments and transactions is one thing (albeit it should be in agreement with the people, and not an agenda for the Powers that Be). But to essentially "back date" things, making once legal structures illegal, is both disgusting and corrupt in its intent.

ZJ

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:24 AM
Subject: Council Testimony

Written Testimony

Name	Kirk Hastain
Phone	
Email	khastain@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Whereas: Bill 41 drastically reduces availability of 30 day rentals discriminating against individuals from another island staying in Honolulu for extended medical care, or a family member visiting Honolulu to provide temporary care to a loved one, or someone waiting for longer term housing. Whereas: Bill 41 Section 1. refers to problems related to Short-term rentals which currently and at the time of writing is defined as less than 30 days. Long-term residential rentals have been defined in Honolulu for decades as being for periods more than 30 days. Whereas: Property ownership is the holding of a specific set of rights. Whereas: It is such that the economic value of many Honolulu condomium properties have been established on this 30 day right. Converting a 30 day rental property to an 180 day rental results in economic loss of market share and operational losses, e.g., a 30 day rental is typically fully furnished while an 180 day rental tenant is expected to provide own furnishings. Whereas: The taking away of rights from one class for the benefit of another privileged class raises question of eminent domain and just compensation for economic loss. Whereas: The redefinition of Short-term rentals from 30 day to 180 day should be struck from Bill 41.

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:32 AM
Subject: Council Testimony

Written Testimony

Name	Dave Douglas
Phone	
Email	rhonda3douglas@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We bought a place at the Waikiki Sunset about 18 years ago. Our son was two. We're from canada and have always been going to hawaii for our annual vacations for years. Our dollar became on par with yours and we new this was an opportunity of a life time. We flew down immediately and bought our home and the land. We learnt that if we did not buy the land the owners of the property could kick us out at any time. So we bought the land. We new in the future hotel rates would go up to 400/ night plus plus Unaffordable especially when we stay in hawaii 4 months per year my parents 3 months and my brother one month per year. It's our family cottage. My parents flew in from Arizona where they wintered vacation to help us gut our new home and start from scratch. They fell in love and sold there Arizona trailer to spend there winters in hawaii. My dad plays baseball with the Waikiki ohana's. He rides his bike there. He's 80 years old. He keeps his baseball equipment in our Ohana home. I love every inch of our home. When we're there I wash absolute every inch of our home and live every moment and every inch. You can't imagine the joy the love I have of our tiny home. We're so so lucky to have it. So proud of our home. I thank GOD every day for his gift to us. Our son plays hockey at the ice palace, golfs and surfs with his ohana friends. We have ohana uncles, aunties, friends. We're so blessed. Our son can't wait every year to go back to our home and spend time with his ohana uncle, aunts and friends. If I understand bill 41 your taking this away from us? Our home our ohana family and friends. Our life. I had an aortic aneurysm just before Covid hit. If I survived the operation our plan was to start spending our six months per year

there. Life is so short you never know if tomorrow will happen. Due to Covid of course we haven't been back yet.
Our dream is being taken away from the city of honolulu. Our parents dream our sons dream all could be taken away from the city of honolulu. Can this really really happen in todays world?
So basically the Aston has control of our home to do as they please? Me, my husband, our son, my mother, my father, my brother will no longer be able to stay in our home?
We will not be able to visit our ohana family and friends?
If we stay in our home it will cost us going hotel rate which could be 400/night. Stay for 3 months 50,000 plus? Can city of honolulu afford this I no we cannot.
Aston charges 80% we have to pay the commercial taxes and insurance, all building maintenance and upkeep.
I heard they charge 100.00 to change a light bulb. Can u imagine? Why would we do this.
Will Aston spend the 6 hours at minimum to clean our place?
Will they use vinegar and water to clean?
Will they clean inside the cabinets under the sinks?
Will they not scratch my hardwood floors than need to be cleaned on your hands and knees with vinegar and water?
Will they not allow pets as I am allergic?
List goes on
Why won't the Aston buy us all out than? Why do we have to foot the bill for them which we can't afford? Wouldn't u say this is taking advantage of people?
Obviously we cannot afford to be in the hotel pool nor want to. If we sell who will buy our home in the Waikiki Sunset? Locals? I think not.
I cry every night and ask GOD why the city of honolulu wants to destroy so many peoples life. Why?
I'm not sure if you feel the incredible peaceful bliss that radiates through every fiber of your body when your in hawaii. You pinch yourself because you can't believe how happy and incredibly lucky to be in GODS paradise. It's as your truly in heaven. I thank GOD for every moment for the opportunity to live and experience hawaii. And the city of honolulu wants to take this away from the people. Can't imagine why.
My mom had many health issues when she's in hawaii and she comes back she's like a new person. Hawaii heals people I see it with my parents. Why does the city of honolulu want to take that away!
Our family strongly opposes bill 41 for the ohanas of Waikiki Sunset. Can you imagine people who live in Waikiki Sunset full time will be forced to give there homes to the Aston to do what they see fit? It can't be legal? It must be unconstitutional. Can u imagine our grandparents who fought and died for our freedoms see the city of honolulu take them away. I bet they would think why did they risk their lives for us. What are we thinking? Why are we destroying humans lives?
Please advise on what to do? We lose everything. Our home our ohana family our peaceful bliss. Oh that feeling. Your so lucky u live in hawaii you get to feel that everyday. Never forget how lucky and

	blessed you are!! Dave Douglas
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:44 AM
Subject: Council Testimony

Written Testimony

Name	Pam Ching
Phone	
Email	chingdynasty1@twc.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	*Short term rentals provide a more personalized experience for guests visiting Hawaii as they become familiar with many different aspects of the aina and the culture, which cannot be duplicated by a stay in a large hotel. For families with children the option meal preparation without having to dine in restaurants can make the difference in how long they stay, and free up funds for shopping, sightseeing, transportation and other family oriented activities. *Short term rentals are beneficial to the local residents who may wish to avail themselves of this option for visiting family and friends especially when engaging in family reunions, destination weddings or large parties (1st Birthday Luaus, Wedding Anniversaries, etc.) *Short term rentals provide a much needed option for local residents who need a place to stay while homes are being renovated or repaired, termite tenting and a place to stay what will accommodate family pets with the permission of the service providers. *Bill 41 severely limits the ability of hosts who wish to share their homes with visitors, thus providing a means of income for the hosts and a valuable experience to visitors. The powers-that-be were never able to enforce provisions of the current 30 day law, how on earth will they enforce this more restrictive, punitive proposal? Pam
Testimony Attachment	

November 9, 2021

Dear City Council,

Bill 41: Transient Accommodations

My name is Connie Liu. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41 for its almost racist-like discriminatory proposals against me as a Waikiki Banyan owner.

Bill 41 infringes upon my owners' property rights and the rights of all my fellow owners. I cannot believe that the following discriminatory proposals are actually being discussed with regard to Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in the heart of Waikiki. The Waikiki Banyan is home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is discriminatory and therefore completely unacceptable. It's hard to imagine that something this discriminatory is even being put forward in the State of Hawaii.

I thank you for allowing me to request City Council put an end to this potentially discriminatory act in Honolulu.

Yours faithfully,

Connie Liu

congliu888@yahoo.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:49 AM
Subject: Council Testimony

Written Testimony

Name	Richard Hagstrom
Phone	
Email	rehagstrom@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	As a resident of Kailua being negatively impacted by vacation rentals in our residential community, I support Bill 41 CD1. We need the enforcement provisions and we need more of these units used as long term rentals for locals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:50 AM
Subject: Council Testimony

Written Testimony

Name	Denise Boisvert
Phone	
Email	infofordenise@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha, I SUPPORT Bill 41. Attached is a letter sent by the DPP to the AOAO Waikiki Lanais in response to a request by the Board of Directors to learn if vacation rentals were allowed in the building. Long-term owners and residents had complained that the building seemed to have turned into a hotel with dozens of suitcases going in and out of the elevators each day thanks to the ease of investors to use Airbnb-type websites. Not only did the zoning not allow it and the building had never been permitted to be a hotel, but the bylaws required owners to follow all laws, Despite all that and the ownership being informed that vacation rentals were not allowed, a few dozen owners continued to operate their illegal businesses in the building, making life miserable for long-term residents, and causing more wear and tear on the building and its amenities - and increasing maintenance fees. Landlords and property managers were not renewing long-term tenant leases in order to turn more condos into vacation rentals. Thus, many families were forced to look for other places to live. Those who once walked to work in Waikiki now had to drive to work or take mass-transit because many other Waikiki buildings were having the same vacation rentals problem as well. Despite Bill 89 passing and becoming Ordinance 19-18, there are still owners and property managers operating illegal vacation rentals in Waikiki Lanais. Some have "30-day" rentals, but inevitably the tenants suddenly need to leave early. And, miraculously, new tenants with a

"30-day" rental lease move in, who surprisingly also need to leave the island early...

Although I think a 90-day minimum would be sufficient, I definitely believe that at least the 180-day minimum will help to stop most fake 30-day leases because it is be much more obvious; so I SUPPORT Bill 41.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:54 AM
Subject: Council Testimony

Written Testimony

Name	Lorne Laidlaw
Phone	
Email	lorne.laidlaw@intertek.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha and i hope this finds you well. In July of this year we took out a Heloc loan against our residence in Ewa Beach and based on the current rules we bought a condo in Waikiki at the Island Colony. we wanted to self manage as a vacation rental and have access for friend/ family and our future plan was to do this for 8 to 10 years and then give it to one of our children. our plan was to own three condos over time. We decided to do this so our children would not have to go to the mainland to be able to afford a house. all we want to do is keep them close and someday spend time with our grandkids and try and create generation wealth for our family. we bought in Waikiki because the condos were the last affordable option. with home being over $1,000,000.00 our children most likely will not be able to afford a single family home so we chose condos and once paid for they may be able to sell and afford a single family home. Bill 41 restricts us from leaving them a home and having access to our property. we bought in the tourist area so to avoid any issues with disturbing neighbors and doing it completely legal. We oppose this bill and beg you not to take away our kids future homes. Mahalo Lorne & Joanne Laidlaw
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:54 AM
Subject: Council Testimony

Written Testimony

Name	Francine Hagstrom
Phone	
Email	francine33333@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please vote for Bill 41 CD1 to give local residents relief from over crowding our residential communities with tourists, and to give better enforcement powers over illegal activities. These units should be used as long term rentals to provide housing for locals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Honorable Tommy Waters
Chair
Honolulu City Council
Honolulu Hale
Honolulu, Hawai`i 96813

RE: Testimony on Bill 41 and Proposed Bill 41 (CD1) Relating to Transient Vacation Units

Chair Waters & Members of the City Council:

My name is Andreea Grigore, Vice President, Property Management, of Elite Pacific, LLC. Elite Pacific, LLC is a locally owned property management firm which manages a variety of rental properties, including over 400 long term rentals and 300 transient vacation units statewide. On Oahu, we manage several resort zoned short term rentals as well as many rentals of 30 days or greater to accommodate both local and non-local moderate term stay needs.

Elite Pacific is **OPPOSED** to Bill 41 and proposed Bill 41 (CD1) for the following reasons:

1. Owners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use.

2. As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. The exception list defined in the Transient Occupant definition is an administrative nightmare, adding more complexity and enforcement challenges than simply keeping the definition of a "transient vacation unit" at 30 days.

3. Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply and limit transient activity in our neighborhoods, while filling a much needed void in the housing market.

<u>Our Reasons for Opposing the Bill</u>

1. We are opposed to the change in the definition of a "transient vacation unit" as units rented for periods less than 30 consecutive days to periods less than 180 consecutive days. The thousands of owners who currently rent their homes legally have a vested right to continue doing so, creating an obligation that the County create a non-conforming use permit for those who qualify.

We all acknowledge there are bad actors out there who intentionally break the rules and rent their homes multiple times a month. However, there are hundreds, if not thousands of Oahu

property owners who follow the rules and abide by one rental per 30 day period. By changing the definition of a transient vacation unit, the County is taking away a previous legal use and Owners' vested rights.

If the definition of a transient vacation unit changes, this right must be protected, which will necessitate an additional non-conforming permitting requirement. This can either be written into the Bill, challenged in the court of law, or otherwise prevented by not changing the definition of "transient vacation unit".

The obvious, simple solution, is to not change the definition of "transient vacation unit" and enforce the current law using administrative rules and MOUs with both Expedia group and Airbnb. Otherwise, the county will be faced with an administrative nightmare of creating processes and permits for those owners who can demonstrate compliance with the current laws.

2. As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. Managing, administrating, and enforcing the exceptions listed under "transient occupant" is a complex administrative process compared to simply enforcing the current one rental per 30 day rule.

Bill 41 (CD1) clearly acknowledges the need for rentals between 30 to 180 days in residential areas. The attempt to address these needs through a carve out list under "transient occupant" fails to address many of the other needs for rentals of this duration, while underestimating the sheer volume of administrative bandwidth the monitoring, regulating and enforcement of these exceptions will require. Those carve outs alone could number in the tens of thousands of exceptions that come through for approval each year. It is unclear how DPP will enforce and verify the numerous tenant exemptions of this single provision, let alone the hundreds of registration, reporting, monitoring, and developmental standards within the bill.

In addition to the volume of exception requests this list will generate on it's own, there are so many other use cases not addressed here. We know a vast majority of local children leave for college and can't afford to come back. When they come back to visit with their families, where do they stay? Many times, in legal rentals close to their family. What about the major motion pictures that are filmed here, where do the actors and producers stay? Often in high end moderate term rentals. In real estate, there is a carve out for those families between buying and selling. What about people who move out for construction or renovation? What if they sell and then need a few months before they move off island entirely?

It is disingenuous for DPP to opine that Bill 41 (CD1) was introduced because the provisions of Ordinance 19-18 has "proven themselves to be impracticable and have resulted in enforcement problems." The preamble of CD1 further states that "[t]o address these problems, it is necessary to improve upon Ordinance 19-18 by simplifying the City's approach to regulating short-term rentals and other transient accommodations". Nothing could be farther from the truth. Bill 41 (CD1) is far more complex and burdensome for all parties – owners, property managers, renters and the DPP.

3. Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply.

We don't dispute that Hawai`i needs more housing of all kinds – particularly affordable and rental units. However, rentals for 30 days or greater are being blamed for the cause of Hawai`i's housing shortage. Yes, *illegal* short term rentals may be contributing in some way to the housing shortage, however, properly enforced rentals of 30 days do not. Homes that can only rent once per 30 days are generally, higher end, luxury homes not suitable for the long term rental market.

Elite operates a long term rental division with over 400 properties under management. Average rent is just over $2,900 per month. That said, the 30- day properties that we currently manage are in the luxury sector of the market ($3M+ in appraised value) and are not likely candidates to become long term rentals, let alone affordable long term rentals. These properties are generally second homes for owners who want to use them a few times a year. If an Owner chose to rent them out long term, the average rental rate would far exceed affordability for median households.

If Bill 41 or the proposed CD1 passes, thousands of jobs will be lost. Our business alone currently supports hundreds of employees, property managers, vendors, and small businesses who will lose their primary source of income should this bill pass, thus making living on Oahu even less affordable, or in some cases impossible.

Short-term rentals are only one segment of the varied housing units needed on Oahu. Recently, there has been a spotlight on the impact on the erroneous proposition that reducing the number of TVUs would somehow resolve Oahu's affordable rental housing shortage.

However, according to the 2019 Hawai`i Housing Planning Study (HHPS), while the number of TVUs in Hawai`i had increased, residential rent rates did not increase accordingly. In particular, the HPPS stated the following:

Recently, a Hawai'i researcher investigated the link between the number of vacation rentals in Hawai'i and rising rent prices. The research showed that residential rents in neighborhoods with high concentrations of vacation rentals did not rise significantly between 2016 and 2019. Our own unpublished research found similar results.

Likewise, in *The Drivers of Housing Affordability: An assessment of the role of short-term rentals*, conducted by Oxford Economics (2019), researchers similarly concluded at the national level that "the rapid US house price and rent increases of the past few years have not been substantially driven by STRs."

The preamble of Bill 41 (CD1) misstates that short-term rentals increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets. Again, housing data and analysis are inconclusive with the findings of the bill.

4. Our Recommendation: RESTORE 30 DAY DEFINITION OF A TVU.

In summary, our major concern of Bill 41 and the proposed (CD1) relates to the proposed 180 day definition of a transient vacation unit. The amended definition eliminates not only 30 day vacation rentals, but longer-term rentals that are greater than but less than 180 days. As discussed above, the practicable effect of Bill 41 would limit the number of TVU rentals to only twice a year.

We therefore recommend that the 30 day definition in the current law be maintained. Ordinance 19-18 was the result of years of deliberation between owners, renters, lawmakers, and community stakeholders who agreed that the 30 day definition was a reasonable compromise to protect the property rights of owners, and to preserve the nature of Oahu's neighborhoods.

Thank you for the opportunity to testify on this matter.

Sincerely,

Andreea Grigore
Vice President

andreea@elitepacific.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:05 AM
Subject: Council Testimony

Written Testimony

Name	Mark Nokes
Phone	
Email	manokes@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:10 AM
Subject: Council Testimony

Written Testimony

Name	Judith Jurek
Phone	
Email	jurek@usc.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	TO: Honolulu city council My name is Judith Jurek and I am an owner at the association of apartment owners at the Waikiki banyan and I strongly oppose bill 41. Bill 41 Is an overage and strongly infringes upon the Owners Constitutional property rights. Below are some of the problematic provisions in bill 41. – Transient vacation unit will no longer be allowed in Waikiki – the rental for transient vacation units will be increased from less than 30 days to more than 180 consecutive days – my unit in a condominium hotel must be part of the hotels room inventory and available for rent to the general public – The Waikiki banyan under bill 41 may not be used as a primary or temporary residence by owner – under bill 41 owner is wanting to stay in their own units must pay the full rental fee to the hotel – application costs for initial registration is $5000 and annual renewals are $2500 – Undo restrictions such as parking requirements, occupancy limits, insurance requirements are imposed – Transient vacation units will be taxed at a significantly higher rate than hotels or resorts The Waikiki banyan is just across the street from a number of Hotels – the Marriott the Hyatt place at Waikiki and the Hilton at Waikiki

The Waikiki banyan is currently the home for many owners who under their constitutional rights should have the right to decide how their units are used weather long term or short term rentals or is primary residences.
Consequently, Bill 41 is problematic, impractical and unacceptable.

As an owner of 18 years at the Waikiki banyan, and based on the above comments, I strongly oppose bill 41

Thank you, Judith Jurek

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

OFFICE OF HAWAIIAN AFFAIRS

Testimony of Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

Honolulu County Council
Regular Meeting
BILL 41
Relating to Transient Accommodations

November 10, 2021 10:00 a.m. Online Meeting

The Office of Hawaiian Affairs (OHA) **SUPPORTS** the proposed changes to the City's Land Use Ordinance in **BILL 41**, which seek to better protect O'ahu's housing stock from the negative impacts of short-term rentals (STRs), through improved enforcement mechanisms and a prohibition on the further conversion of housing units in residential neighborhoods to STRs. By removing much-needed housing stock from the long-term rental markets, STRs significantly exacerbate our current housing crisis, and significantly impact housing opportunities for Native Hawaiians and other Hawai'i residents. **OHA therefore appreciates and supports the proposed enforcement mechanisms to address unlawful STRs, as well as the proposed prohibition against new legal STRs within residential and agricultural zones.**

As home prices, rental prices, and homelessness continue to increase, as the State anticipates additional population growth and an associated demand for more housing over the next decade,[1] and as we search for ways to address the vulnerabilities exposed and exacerbated by the COVID-19 pandemic, land-use planning that ensures housing affordability and availability is more critical now than ever before. Even prior to the COVID-19 pandemic, Hawai'i found itself in the midst of an affordable housing crisis. Recent research indicated a need for 50,156 more housing units by 2025, with 52 percent of this demand (and 57 percent of the Native Hawaiian demand) for units at or below 80% of the Area Median Income (AMI);[2] only 28 percent of State's anticipated housing demand (and 26 percent of the Native Hawaiian demand) was for housing units at or above 140% AMI, or for units that do not meet the State's current definition of "affordable housing."[3] **With 42% of households in the State and 40% of the households on O'ahu currently unable to afford basic necessities including housing, food,**

[1] SMS, HAWAI'I HOUSING PLANNING STUDY 38 (2019) AVAILABLE AT https://dbedt.hawaii.gov/hhfdc/files/2020/02/State_HHPS2019_Report-FINAL-Dec.-2019-Rev.-02102020.pdf.
[2] *See id.*
[3] *See id.*

transportation, health care, and child care,[4] our ongoing lack of affordable housing and continuously rising housing costs require bold and aggressive policies and land use enforcement that meaningfully prioritize the housing needs of local residents.

Native Hawaiians are particularly disadvantaged by land uses that contribute to our local residential housing challenges, including increased rental housing costs and rental housing shortages in particular. Notably, Native Hawaiians rely substantially on the rental housing market: the Native Hawaiian homeownership rate is lower than the state average. (57.2% compared to the total state rate of 60.2%);[5] for non-DHHL properties, the Native Hawaiian homeownership rate is 14.7 percentage points below the total state rate (45.5% vs. 60.2).[6] Prior to the COVID-19 pandemic, Native Hawaiian households were also much more likely to be "doubled up,"[7] with multi-generational or unrelated individuals living together in single households, and Native Hawaiian households are twice as likely to have a "hidden homeless" resident than non-Native Hawaiian households.[8]

Unfortunately, the proliferation of STRs has directly removed much-needed housing units from the residential rental market, and may have exacerbated the rise in rental housing costs beyond what Honolulu residents and Native Hawaiians are able to afford. The state's 2019 Hawai'i Housing Planning Study cited estimates and surveys indicating that there may be up to 60,000 STRs in Hawai'i, with 37,000 of these units in Honolulu County.[9] The proliferation of such units is not surprising,[10] given their historical ability to generate nearly 3.5 times more income than the average long term residential rental,[11] and with STR rental rate increases outpacing residential rate increases threefold.[12] The loss of long-term residential units to STRs, combined with the pressing demand for residential housing, may also be contributing factors to the continuously increasing residential rental rates seen throughout the islands;[13] notably, Honolulu ranked as the second-highest rent city in the United States as of 2019.[14]

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[4] Aloha United Way, Research Center: Hawai'i, https://www.unitedforalice.org/Hawaii (*last accessed* Sept. 27, 2021).

[5] U.S. Census Table S0201 Selected Population Profile in the United States, available at https://data.census.gov/cedsci/table?q=s0201%20hawaii&tid=ACSSPP1Y2019.S0201&hidePreview=false

[6] DEPT. OF HAWAIIAN HOME LANDS, 2020 ANNUAL REPORT (2021), *available at* https://dhhl.hawaii.gov/wp-content/uploads/2021/02/DRAFT-DHHL-2020-Annual-Report.pdf.

[7] 24.5% of Native Hawaiian households, compared to 9.0% of state households include more than two generations or unrelated individuals. SMS, *supra* note 1, at 73.

[8] 38% of Native Hawaiian households, compared to 19% of non-Native Hawaiian households have a hidden homeless resident. *Id.* at 74.

[9] *See id.*

[10] *See id.* at 66.

[11] *Id.* at 65-66.

[12] *Id.* at 71.

[13] *Id.* (noting the need for "definitive research to establish the link between decreasing residential rental stock due to [STR] conversion and rising residential rents").

[14] *Id.* at 26.

Notably, OHA understands that Native Hawaiians in particular are less likely to benefit directly from an STR operation; with Native Hawaiian homeownership rates lower than the state average,[15] they are less likely to own second or additional homes that could be rented as vacation units. As previously mentioned, Native Hawaiians also often live in overcrowded households, without the extra rooms needed to operate an owner-occupied vacation rental.[16]

Clearly, allowing the continued unlawful use of housing units for STRs will only exacerbate our housing crisis, and its impacts on Native Hawaiians in particular. As we seek to protect our most vulnerable as part of our post-COVID-19 recovery effort, more meaningful regulatory and enforcement mechanisms will be critical to stopping the negative impacts of STRs on housing opportunities for Native Hawaiians and other local residents. **Accordingly, OHA supports the regulatory and enforcement approaches in Bill 41, which will further help to curb and reverse the impacts that STRs continue to have on residential housing opportunities in Hawai'i.**

As a final note, other jurisdictions have found that any economic benefits gained from permitted short-term vacation rental operations are far outweighed by the larger social and economic costs of removing long term rentals from the housing market. For example, an economic analysis by the City of San Francisco found a negative economic impact of $300,000 for each housing unit used as a vacation rental, exceeding any economic benefits from visitor spending, hotel tax, and associated revenues.[17] Most recently, the Economic Policy Institute has found that, for "internet based service firms" offering transient vacation rental hosting services, **"[t]he economic costs [to renters and local jurisdictions] likely outweigh the benefits," "the potential benefit of increased tourism supporting city economies is much smaller than commonly advertised," "[p]roperty owner . . . beneficiaries [from hosting services] are disproportionately white and high-wealth households," and "[c]ity residents likely suffers when [hosting platforms] circumvent[] zoning laws that ban lodging businesses from residential neighborhoods."**[18]

Accordingly, OHA urges the Honolulu City Council to PASS Bill 41. Mahalo nui for the opportunity to testify on this measure.

Olan Leimomi Fisher
olanf@oha.org

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[15] *Supra* notes 5 and 6.
[16] *Supra* note 7.
[17] See CITY OF SAN FRANCISCO, OFFICE OF THE CONTROLLER, AMENDING THE REGULATION OF SHORT-TERM RESIDENTIAL RENTALS: ECONOMIC IMPACT REPORT, May 2015, available at http://sfcontroller.org/sites/default/files/FileCenter/Documents/6458 150295_economic_impact_final.pdf?documentid=6457
[18] See the Economic Cost of Air B&B report, January 30, 2019 available at https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is CHUEN LEONG . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Nov 09, 2021

chuenleong700@gmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:21 AM
Subject: Council Testimony

Written Testimony

Name	debbie kozlovich
Phone	
Email	dkozlovich@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear City Council, My name is Debbie Kozlovich. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. My late husband and I purchased a unit in the Banyan many years ago with the understanding that it would be a short term rental investment. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners who should continue to exercise the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limit owners' rights is problematic, impractical, and unacceptable.

Please do no allow special interest groups make unfair changes in Waikiki.

Thank you for your attention.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:21 AM
Subject: Council Testimony
Attachments: 20211109092126_Bill_41_back_up.pdf

Written Testimony

Name	Kim Jorgensen
Phone	
Email	hawaiicondo@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I SUPPORT BILL 41 because there needs to be much stricter controls on the illegal activity that is decimating the available and affordable housing markets. Selfish and greedy illegal operators of vacation rentals are still breaking the current law. Enforcement methods need to be done - not just loud talk, no action. Bill 41 needs to be sure to be able to address the potential creative interpretation of the law by landlords and property managers who may "combine" guests on the same lease to meet the minimum number of days. Even though this 2019 webhost ad may no longer exist, attached is an example of what a host could do. So Bill 41 needs to be sure that only truly related parties are on one lease. Also, another 2019 webhost ad makes it very clear that it is perfectly okay to depart early! No restrictions! Wink, wink. Illegal operators will find ways to break the law, even if they don't publicize their methods online; so tips and leads on illegal vacation rentals must be followed up quickly, and enforcement must be done effectively!
Testimony Attachment	20211109092126_Bill_41_back_up.pdf
Accept Terms and Agreement	1

HomeAway.com, Inc. [US] | https://www.homeaway.com/vacation-rental/p844936vb

Apps LLC Bookmarks

Overview Amenities Reviews Map Rates & Availability

Good for families Hot Tub Pool Air Conditioning

Clean 2bd condo in heart of Waikiki w/ large lanai, family friendly near beach

The condo has a tiny view of Diamond Head and the beach from the lanai. We set up a large patio set for al fresco dining. We also have a fairly large counter top for breakfast and quick bites. We can also provide an air mattress and a pack n play for any infants. We have a queen bed in the master. The two full size beds in the 2nd room can be requested to be put together to form a large sleeping area....perfect for families. The couch can also be set up as a comfortable twin. Comes with cable and wifi. A functional full kitchen with gas burner, microwave, and full size fridge. All rooms have AC for those hot hot summers!

Please note, all potential guests. If you agree to rent from me on this platform, you will also be entering into a co-op monthly lease. That means you are booking the month out with other travelers for that full month. I will no longer do same month acceptance, as I submit the co-op lease to the building the month before the booking. This allows for better registration of our guests.

Also, this building has many owner occupants. Please treat the building as if you lived here your self, please follow all rules that pertain to garbage and parking Please follow all building security rules and please keep noises down from the hours of 8pm to 8am. Please be friendly and kind and let people without luggage into the elevator first. We want to let the others in the building know we respect their space.

View less

$261 avg/night

★★★★★ 46 Reviews

Exceptional 5/5 · Good for families

Enter dates for accurate pricing

Check In	Check Out
Guests	

Request to Book

Steve Chu

Ask Owner a Question

For booking assistance, call HomeAway at **888-640-7927**

Property # 844936vb

ENG

7:39 AM

5/9/2019

HomeAway.com, Inc. [US] | https://www.vrbo.com/624058?noDates=true

pps LLC Bookmarks

Overview Amenities Reviews Map Rates & Availability

✗ No pets

✓ Children allowed

Minimum age of primary renter: 25

Max guests: 6

Waikiki Lanais has a 30-day rental agreement and minimum stay policy, with no restriction for early departure.

Cancellation Policy

Canceled bookings will not receive a refund

49 Reviews

★★★★½ Excellent 4.6/5

$260 avg/night

★★★★½ 49 Reviews

Excellent 4.6/5 · Good for families

Enter dates for accurate pricing

Check In | Check Out

Guests

Request to Book

Suzie M

Ask Owner a Question

For booking assistance, call Vrbo at **888-640-7927**

Property # 624058

ENG

8:05 AM

5/9/2019

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:28 AM
Subject: Council Testimony

Written Testimony

Name	Dariel Holibar
Phone	
Email	jamie@darmic.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Dariel Holibar. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:28 AM
Subject: Council Testimony

Written Testimony

Name	Bob Ellison
Phone	
Email	3836543@gmail.com
Meeting Date	11-09-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

In 1989 the City & County of Honolulu issued 2,376 NUC's for short-term rentals. A precondition to qualify for an NUC was that operators had to show that they had been operating for at least two years, and had been paying General Excise and Income taxes on TVU revenue. Only honest operators qualified.

Since 1989, the City & County of Honolulu has punished legal TVU's by not enforcing the laws against illegal operators who are able to avoid paying GET, TAT, income tax and bi-annual license renewal fees. As a result, thirty-two years after the issuance of the 2,376 NUC's, only 759 TVU's and 34 B&B's have NUC's, according the DPP website, a drop of 67%.

Of the surviving 793 NUC's, 601 are in Waikiki and 37 are in Kuilima. Only 155 NUC's are not in those two resort areas, and are spread across Oahu. In all of Kailua including Lanikai, with a populaton of more than 15,000, there are only 53 NUC's. Clearly, LEGAL NUC's are not changing the character of Oahu's residential neighborhoods. That is simply a lie. Illegal TVU's, and more importantly, day trippers from Waikiki are what is changing the character of residential neighborhoods.

By all means, the C&C of Honolulu should crack down on illegal STU's. Recently signed agreements with VRBO and Airbnb provide the mechanism for doing this, and increasing the budget for enforcement would likewise be a positive step.

Bill 41, however, clearly drafted by the hotel industry, will not

guarantee enforcement of new laws to crack down on illegal vacation rentals. What it will do is what all previous and existing laws since 1989 have done – punish legal operators by providing competitive advantages to illegal operators.

In particular, classifying legal NUC holders as hotels for tax purposes, will be a gross injustice. Hotels are high density operations with multiple revenue streams. If NUC's are going to be taxed the same as hotels, restrictions should also be lifted on NUC's not being able to expand the square footage of their buildings, and NUC's should also be allowed to operate retail businesses from their premises, just like hotels. That would include convenience store operations, kayak rentals, tour bus pick-ups and drop-offs, etc.

If NUC's are going to be classified as hotels, then classify them as hotels in every other aspect, not just taxes. It would be far better, and more fair, however, to just leave NUC's alone and stop doing the hotel industries bidding.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:28 AM
Subject: Council Testimony

Written Testimony

Name	Kelly Suzuki-Shreve
Phone	
Email	skippingonrainbows@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Short-term rental increased to 180 days
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have many friends previously from Hawaii and clients who visit Hawaii for a longer periods of time to "get away" and relax. They often stay for a month or two renting a home or larger condo. Anything over that is not a possibility as they need to go back to their "work-life" Friends that are previous residents don't want to stay in the resort areas because they don't feel they are tourists. They are coming back Hawaii to spend time with family much of who are here because they alternatively take care of elderly parents with their other siblings. Clients who come to Hawaii for longer periods of time also do not want to stay in the resort areas because they say they come here to relax and staying in a hotel does not provide that same experience. Ive updated the clients who have been vacationing here regularly of the possible change in available accommodations. Majority have said they will just look for accommodations outside of Hawaii if they are forced to stay in a hotel type accommodation for such a long period of time. The friends who come back home to care for aging parents said although they didn't want to inconvenience their families, they will just stay with family while they are here or hire out a service to take over their responsibilities here and not do the extended stay. This will be a tremendous loss of tax revenue for our state and additional spending by the visitors who are financially able to stay for such a long period of time. The type of properties theses visitors stay in are not the same type of property an average Hawaii resident is able

to afford be it a purchase or rent. I believe many of these properties will be left vacant during their non-use.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:41 AM
Subject: Council Testimony

Written Testimony

Name	Kathalene Berry
Phone	
Email	Kberry47@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	CITY AND COUNTY OF HONOLULU BILL 41 (2021) HONOLULU, HAWAII If passed, Bill 41 will significantly hurt the Short Term Rental community. MEETING PARTICIPATION INSTRUCTIONS: Wednesday, Nov. 10 | 10 a.m. HT MEETING AGENDA See page 13 for Bill 41 first reading SPEAK AT THE MEETING: To provide oral testimony during the online meeting via phone or Zoom you must register at least 24 hours in advance. INSTRUCTIONS TO SUBMIT ORAL PUBLIC COMMENT (you must register at least 24 hours in advance): Sign up to submit oral public comment here Access Zoom: www.zoom.us Click: Join Enter Meeting ID: 99152007042 Enter Meeting Password: 111021CCL I: Oppose the 30 day to 180 day change. Oppose the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management. Oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone. These hotels are not having problems with their occupancy with vacation rentals. Oppose taxing Travel Vacation Unit's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to.

Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. This just doesn't make any sense, if these home owners are forced to govto 180 days they'll just sell at a way higher amount than what would be considered "affordable ".
The County should focus on more impactful housing reforms that don't threaten the recovery of our economy.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Angela Ransfield. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Kind regards

Angela Ransfield
1201-2

aransfield66@gmail.com

Aloha,

My name is Jenny Kono and I am a lifelong Oahu resident. I oppose Bill 41, specifically changing the definition of a long-term rental from 30-days to 180-days.

I would like to quote Oahu Economist **PAUL BREWBAKER** who convincingly argues that the housing shortage on Oahu is not correlated to vacation or short-term rentals.

AMAZING QUOTE #1 - "Just because someone dislikes timeshares and vacation rentals doesn't mean that public policy should be organized around their reluctance to keep up." – Paul Brewbaker

INSIGHTFUL QUOTE #2 - "The dichotomization of "resort" and "residential" land uses, for example, embraced by and enshrined in city zoning ordinances, is an anachronism (belonging to an earlier period of time, not the present)." – Paul Brewbaker

SPOT-ON QUOTE #3 - "The blunt instrument of regulatory prohibition achieves neither, and historically has reallocated economic benefits of tourism from the public at large to special interest groups seeking to consolidate their market power. Meanwhile, absence of credible enforcement threats undermines the City's plans and ordinances." – Paul Brewbaker

The Earth's population is 8 billion people. It has doubled since 1975. Oahu is NOT the only place that feels crowded. Every place on earth is more crowded. In a few years when there are another 4 billion more people, will we still be blaming he housing shortage on vacation or month-to-month rentals? Are we to expect Oahu neighborhoods to remain unchanged when there are 12 billion people on earth?

Oahu is a hustling, bustling business mecca. Honolulu is an awesome city with so much to offer. The thought of BLUNT REGULATORY PROHIBITION is scary, unrealistic and sad. IT. IS. ANACHRONISTIC.

But we are not talking about mixing resort and residential or even talking about illegal vacation rentals. We are talking about long-term rentals of 30-180 days. And the people who rent for lengths of time between 30 - 180 days are NOT TOURISTS!! There are 101 reasons why someone who is not a tourist may need a month-to-month rental on Oahu.

COMMON EXAMPLE #1 - A good friend of mine is currently renting a home for 3 months while he produces a movie here. He has done this almost every year for the last 10 years.

SUPER COMMON EXAMPLE #2 - My brother and his family are currently looking for a home to rent for 3-4 months while they re-build their house on their property.

VERY IMPORTANT EXAMPLE #3 - My aunt and uncle recently flew in from California for an extended period to settle the estate of my late great-aunt who owned a home in Red Hill.

OVERLOOKED AND UNDERSTIMATED EXAMPLE #4 - I had a conversation last week with a woman who had recently been relocated through her insurance company to a month-to-month rental while her home was repaired.

These are current examples from my immediate family and friends, but there are many reasons; medical, sports, education, business... where locals and non-tourists need month-to-month rentals. I understand that the DPP added in the definition of "Transient Occupants", but with so many exceptions, would it not just be easier to enforce the current definition of the law?

The current law, as it is written, prohibits STR's, TVU's, B&B's and any rental of less than 30-days in residential neighborhoods. With PROPER ENFORCEMENT, is that not enough??

Must we eliminate month-to-month rentals as well!?!?!?

I believe.... that with proper enforcement of the current law, the DPP can keep transient tourists out of residential neighborhoods without the need to eliminate month-to-month rental options altogether.

I hope the City Council sees value in these month-to-month rentals, keep them and the hold the DPP accountable for proper enforcement of the current law.

Thank you
Jenny

jennykono808@gmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:55 AM
Subject: Council Testimony

Written Testimony

Name	Stanley McCrea
Phone	
Email	wawaenui@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am apposed the the classification of rentals of less than 180 days as Short term rentals. Currently the limit is set to 30 days. Our family has a house on the beach which we have owned for 43 years. We are trying to keep it in the family but the property taxes are getting so high that without rental income from monthly vacation rentals, we cannot pay the increased taxes. This bill will now make those illegal. Our family will be forced to sell a wonderfull part of our heritage and our many memories.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Arlene Espaldon Ramos. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

ARLENE E RAMOS

myhome4now@gmail.com

Testimony re: Bill 41 – Relating to Transient Accommodations

To City Council members,

My name is Catherine Panizzi and I am an owner at the Waikiki Banyan.
I strongly OPPOSE Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. The stated purpose of this bill, "...is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals...". The reality is that many of the regulations in this bill only serve to benefit the corporate hotel owners and does nothing to further the stated goal. These regulations are an attack on individual property owners' rights in order to create a competition-free monopoly for the corporate hotel owners. This bill drastically expands hotel interests while choking out individual property owners' rights.

This bill lumps legal vacation rentals in the Waikiki resort zone in with all other rentals, legal or not. I own a unit at the Waikiki Banyan complex, which was built in 1977 specifically as a condominium-hotel where units are individually-owned and are used for the purpose of short-term rentals. Our bylaws permit nightly rentals and historically, the vast majority of owners have used their units in this manner, remitting large of amounts of GE and TAT taxes to the City and County of Honolulu. We currently have a Stay of Enforcement granted after the introduction of Bill 89 which allows us to continue short terms rentals <30 days as we have always done.

While I am not sure which version of the Bill will be discussed on Wednesday, my comments are as follows:
1). Sec. 21-5.360.1 Condominium Hotels: "Units in a condominium-hotel must be part of the hotel's room inventory"
This section does nothing to protect residential neighborhoods. Condominium-hotels in Waikiki are not in traditional residential neighborhoods and just how does forcing the property owners of these condominium-hotel units into the hotel pool achieve the stated purpose of this bill? The rooms will still be rented, just by a different entity. This section does not offer any benefit to the local community; it benefits only the hotel industry. It creates a monopoly for the hotel industry who can control pricing and reap the profits for their mostly offshore ownership.

2). Sec. 21-5.360 (c) Hotels and Hotels Units: "Hotels and third party booking services may not provide discounted rental rates to the owners..."
This is by far the most egregious section of the Bill. This would require owners to pay hotel rates to a hotel owner to stay in the properties that WE OWN and that we pay the maintenance, upkeep and improvements on. Now you want me as an individual owner to pay a hotel to stay in MY OWN unit? This is outrageous and again only serves to benefit the corporate hotel owners.

It is obvious that many sections of this bill were written for the sole purpose of benefiting the corporate hotel owners and would create a monopolistic windfall for them. Since when did this become the role of the government? This bill imposes ownership, operational, and financial hardships, hurdles and restrictions on individual TVU owners and operators while at the same time giving corporate hotel owners the unfettered right to operate without the same restrictions.

This bill seeks to take away long-established property owners' rights including that of not being allowed to actually live in my own home or for my heirs to do so. Our property values will be cut in half, if we will even be able to find a buyer, and the loss of rental income will force thousands into foreclosure. Those who have chosen to own and operate short-term rentals have done so in a good-faith effort to comply with existing laws and should be allowed to continue without these newly proposed hardships, hurdles and restrictions.

The fact that the City and County of Honolulu is even considering this bill makes it clear that our civic government does not appear to be operating in good faith or in the best interests of the people they were elected to represent. There appears to be a serious conflict of interest, created by working so closely with the hotel industry to line their pockets at the expense of local residents. Should this Bill pass in anything close to its current form, I will be asking that any possible conflict be investigated.

Bill 41 does not take into consideration the unique circumstances of associations such as the Waikiki Banyan that are located in Waikiki. The Waikiki Banyan is just across the street from three (3) hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable and for these reasons, I OPPOSE Bill 41.

Thank you for your attention to this important matter.

Yours truly,
Catherine Panizzi

crpanizzi@gmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:22 AM
Subject: Council Testimony

Written Testimony

Name	Jay McWilliams
Phone	
Email	jaymcwilliams1111@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill #41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please vote NO to extending the minimum rental period to 180 days. The tourism industry is suffering enough at this point in time, and to take away the option of renting a place in Hawaii other than the overpriced hotel rooms here will definitely cause people to look elsewhere when going on vacation. This even applies to local folks who can't afford to stay in most hotels rooms either. Can you spend more time on finding ways to help the people of Hawaii, rather than ignoring the unintended economic disasters such as what is being proposed by this bill. Thank you!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:24 AM
Subject: Council Testimony

Written Testimony

Name	Sonja Suel
Phone	
Email	sonjasuel@sbcglobal.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Bill 41 is an overreach and infringes upon many owners' property rights! This bill does not take in consideration unique circumstances, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is in the heart of Waikiki, is surrounded by hotels, and has successfully been a prime tourist destination, especially for families, for 45 years!! Not only was the Waikiki Banyan originally built as mixed use resort complex, owners have consistently have the right (and still do) to decide how to use their units — short term rentals, long term rentals, primary or secondary residences. Bill 41 attempts to severely limit owners' rights is completely unacceptable, very problematic, and totally impractical for Waikiki!!! Based on so many problems proposed in Bill 41, I strongly OPPOSE Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Sophia Vali Stubblefield. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
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- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
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- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

sophia@vmghawaii.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:28 AM
Subject: Council Testimony

Written Testimony

Name	Barbara
Phone	
Email	Barbaraabarry@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Short term rentals
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Short term rentals are a way of sharing the aloha spirit and bring revenue to the state of Hawaii. It needs to have guidelines that the property manger and tenants can comply with. Don't punish many for a few who have bad behavior. If you don't allow short term rentals it will still continue under the table so why not collect the potential revenue opportunities.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

To City Council members,

My name is Stefano Panizzi and I am an owner at the Waikiki Banyan.
I strongly OPPOSE Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. The stated purpose of this bill, "...is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals...". The reality is that many of the regulations in this bill only serve to benefit the corporate hotel owners and does nothing to further the stated goal. These regulations are an attack on individual property owners' rights in order to create a competition-free monopoly for the corporate hotel owners. This bill drastically expands hotel interests while choking out individual property owners' rights.

This bill lumps legal vacation rentals in the Waikiki resort zone in with all other rentals, legal or not. I own a unit at the Waikiki Banyan complex, which was built in 1977 specifically as a condominium-hotel where units are individually-owned and are used for the purpose of short-term rentals. Our bylaws permit nightly rentals and historically, the vast majority of owners have used their units in this manner, remitting large of amounts of GE and TAT taxes to the City and County of Honolulu. We currently have a Stay of Enforcement granted after the introduction of Bill 89 which allows us to continue short terms rentals <30 days as we have always done.

While I am not sure which version of the Bill will be discussed on Wednesday, my comments are as follows:
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2). Sec. 21-5.360 (c) Hotels and Hotels Units: "Hotels and third party booking services may not provide discounted rental rates to the owners..."
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It is obvious that many sections of this bill were written for the sole purpose of benefiting the corporate hotel owners and would create a monopolistic windfall for them. Since when did this become the role of the government? This bill imposes ownership, operational, and financial hardships, hurdles and restrictions on individual TVU owners and operators while at the same time giving corporate hotel owners the unfettered right to operate without the same restrictions.

This bill seeks to take away long-established property owners' rights including that of not being allowed to actually live in my own home or for my heirs to do so. Our property values will be cut in half, if we will even be able to find a buyer, and the loss of rental income will force thousands into foreclosure. Those who have chosen to own and operate short-term rentals have done so in a good-faith effort to comply with existing laws and should be allowed to continue without these newly proposed hardships, hurdles and restrictions.

The fact that the City and County of Honolulu is even considering this bill makes it clear that our civic government does not appear to be operating in good faith or in the best interests of the people they were elected to represent. There appears to be a serious conflict of interest, created by working so closely with the hotel industry to line their pockets at the expense of local residents. Should this Bill pass in anything close to its current form, I will be asking that any possible conflict be investigated.

Bill 41 does not take into consideration the unique circumstances of associations such as the Waikiki Banyan that are located in Waikiki. The Waikiki Banyan is just across the street from three (3) hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable and for these reasons, I OPPOSE Bill 41.

Thank you for your attention to this important matter.

Yours truly,
Stefano Panizzi

stpanizzi@gmail.com

Honolulu Board of REALTORS®

1136 12th Avenue, Suite 200 • Honolulu, HI 96816-3796 • TEL: 808.732.3000 • FAX: 808.732.8732 • www.hicentral.com

Testimony by Suzanne Young, CEO
Honolulu Board of Realtors®

Honolulu City Council
Wednesday, November 10th, 2021
Honolulu Hale

RE: Bill 41 - in opposition with comments

Aloha Chair Waters and Councilmembers:

Thank you for the opportunity to provide testimony on this bill. The Honolulu Board of REALTORS® (HBR) on behalf of our over 6,500 members and its City Affairs Committee **opposes Bill 41** in its current form. While we appreciate the time and effort that DPP Director Uchida, his colleagues, and the Councilmembers put into crafting this legislation related to short-term rentals, we recommend that this proposed bill be rejected, and the effort be put into enforcing the current Ordinance 19-18.

We firmly believe that all Hawaii residents have a right to access affordable, safe, and sustainable housing options and that these options are in short supply. We are glad to see amendments were made to clarify areas that are allowed to legally operate B&Bs and TVUs such as the Kuilima, Gold Coast, and other areas in the resort mixed use precinct. HBR also believes that properties should be taxed based upon their best and highest use and are glad to see timeshares will be taxed at hotel and resort rates. Additionally, we are encouraged to see that Bill 41, CD1 removed the one owner, one unit restriction on STRs.

With that being said, we **oppose** amending the definition of Bed & Breakfast Home and Transient Vacation Unit from 30 days to 180 days. While we are glad to see that DPP has added in several exemptions for individuals to rent a dwelling unit for less than 180 days, our concern is how will these exemptions be properly tracked and enforced. This measure will add additional confusion to residents on what is legal and create loopholes for bad actors of illegal STRs. The law needs be clear and concise for residents to follow. **We recommend that the short-term rental definition remain 30 days and the focus be on enforcing units that do not comply with the 30-day minimum rental requirement as per current regulations.** To allow for easier enforcement for DPP, we recommend that the court stipulation on the advertising requirements for Ordinance 19-18 be reversed to ensure that the advertising rules are very clear that the minimum stay is 30 consecutive days; reversing this stipulation would eliminate continued illegal activities and assist the DPP in their enforcement. See court stipulation in attached exhibit A.

Additionally, HBR is extremely concerned with the intrusion of private property rights in this bill, especially in Section 21-5.360.1, which makes condominium hotels be regulated in the same manner as hotel units and thus not allowing the condominium hotel unit to be a place of principal residence unless the person occupying the unit is there upon effective date of this ordinance – which would also terminate once the person is no longer occupying the unit. This section appears to be counteractive to Honolulu's housing shortage as many individuals use their owned condominium hotel unit as a place of permanent residency for themselves or a long-term renter; the City needs to be increasing units for long term renters rather than adding additional hurdles.

Honolulu Board of REALTORS®

1136 12th Avenue, Suite 200 • Honolulu, HI 96816-3796 • TEL: 808.732.3000 • FAX: 808.732.8732 • www.hicentral.com

Ordinance 19-18 was created after many months of collaboration from key stake holders, city administration, and the community; and an agreement was made on a fair approach to manage legal short-term rentals and increase enforcement on illegal short-term rentals in Honolulu. However, the administrative rules to empower DPP to implement the Ordinance were never finalized and put into effect, thus we believe the administration should focus on implementing Ordinance 19-18 and allowing it time to show its effectiveness before adopting a completely new ordinance for short term rentals.

Again, HBR recommends that the City Council reject this current proposed bill and urge the DPP and City Administration to focus on enforcing the current ordinance 19-18. HBR is committed to be a part of the solution and promote a model that creates opportunities for local families and investors, while preserving and protecting our limited resources of accessible housing and livable communities. We look forward to working with the DPP, City Council, Administration, and the community to continue this dialogue. Thank you for your consideration, and the opportunity to provide additional comments on this critical measure.

Maila Gonzalez Gantous
maila.gantous@hicentral.com

Exhibit A

Of Counsel:
DAMON KEY LEONG KUPCHAK HASTERT
Attorneys at Law
A Law Corporation

GREGORY W. KUGLE 6502-0
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Telephone: (808) 531-8031
Facsimile: (808) 533-2242

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KOKUA COALITION, a Hawaii non-profit corporation, dba HAWAII VACATION RENTAL OWNERS ASSOCIATION, Plaintiff, vs. DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU; CITY AND COUNTY OF HONOLULU; KATHY SOKUGAWA IN HER OFFICIAL CAPACITY AS ACTING DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING, Defendants.	CIVIL NO. 19-00414-DKW-RT STIPULATION AND ORDER RE THE WITHDRAWAL OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND DISMISSAL OF PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF WITHOUT PREJUDICE; EXHIBIT "A"

STIPULATION AND ORDER RE THE WITHDRAWAL OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND DISMISSAL OF PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF WITHOUT PREJUDICE

WHEREAS, the City and County of Honolulu ("City") enacted Ordinance 19-18, Relating to Short-Term Vacation Rentals on June 25, 2019; and

WHEREAS, portions of Ordinance 19-18 (i.e., Sections 1-4, 7-8, 14-16 and portions of Sections 9 and 13) take effect on August 1, 2019 and the remaining portions of Ordinance 19-18 (i.e., Sections 5-6, 10-12, 17 and portions of Sections 9 and 13) take effect on October 1, 2020; and

WHEREAS, Plaintiff KOKUA COALITION, a Hawaii non-profit corporation, d.b.a. HAWAII VACATION RENTAL OWNERS ASSOCIATION ("Plaintiff") filed its *Complaint for Declaratory and Injunctive Relief* in the above-captioned matter on August 1, 2019 [Dkt. 1] ("Complaint"); and

WHEREAS, Plaintiff's Complaint sought, among other things, a judgment declaring Ordinance 19-18 unlawful and an injunction prohibiting the City from enforcing Ordinance 19-18 against Plaintiffs and those similarly situated; and

WHEREAS, Plaintiff filed its Motion for Temporary Restraining Order [Dkt. 2] ("TRO Motion") on August 1, 2019; and

WHEREAS, Plaintiff's TRO Motion sought, among other things, a Temporary Restraining Order enjoining the City, the Department of Planning and

Permitting ("DPP") and Acting DPP Director Kathy Sokugawa ("Director") (and collectively "Defendants") from enforcing Ordinance 19-18; and

WHEREAS, on August 2, 2019, the Court conducted a status conference with counsel for Plaintiff and counsel for Defendants, set a briefing and hearing schedule for the TRO Motion, and directed the parties to schedule a conference with Magistrate Judge Rom Trader to occur after the hearing of the TRO Motion; and

WHEREAS, on August 9, 2019, the Defendants filed their Memorandum in Opposition to the TRO Motion ("Opposition"), which included the Declaration of Director Sokugawa and Exhibit 6 (a document updated on August 8, 2019 entitled "New Ordinance on Short-Term Rentals") [Dkt. 12]; and

WHEREAS, Director Sokugawa's Declaration clarified and corrected DPP's understanding and position on portions of Ordinance 19-18; and

WHEREAS, Plaintiff filed its Reply Memorandum in Support of the TRO Motion ("Reply") [Dkt. 13] on August 13, 2019; and

WHEREAS, on August 15, 2019, the Court held a hearing regarding the TRO Motion and expressed its belief that the pleadings filed by Plaintiff and Defendant narrowed the disputed issues raised by the TRO Motion and ordered the parties to proceed with the conference with Magistrate Judge Trader; and

WHEREAS, Plaintiff and Defendant conducted a conference with Magistrate Judge Rom Trader on August 20, 2019, for the purpose of formalizing the issues

resolved by the TRO Motion and addressing a procedure to address unresolved issues; and

WHEREAS, Plaintiff and Defendant wish to resolve this matter pursuant to the terms and conditions hereof in order to avoid the uncertainty, cost, and risks of litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff KOKUA COALITION d.b.a. HAWAII VACATION RENTAL OWNER'S ASSOCIATION ("Plaintiff") and Defendants CITY AND COUNTY OF HONOLULU ("City"), the City DEPARTMENT OF PLANNING AND PERMITTING ("DPP"), and KATHY SOKUGAWA in her official capacity Acting Director of DPP ("Director") (collectively "Defendants" or "the City"), by and through their respective counsel, that:

1. Ordinance 19-18 does not require a renter to physically occupy a rental property for any minimum length of time. The Settlement Agreement and Release filed by Plaintiff and the City in *Kokua Coalition v. Department of Planning and Permitting, et. al.*, Case 1:16-cv-000387-DKW-RLP, at paragraphs 8-10, attached as Exhibit "A" and affirmed and incorporated herein, continues to describe a legal long-term rental under Ordinance 19-18. Ordinance 19-18 does not impose new restrictions on legal long-term rentals.

2. The advertising restrictions of Ordinance 19-18 apply to illegal short-term rentals, not legal long-term rentals. Ordinance 19-18 does not prohibit the

advertising, soliciting, offering or providing of a legal long-term rental (i.e., a rental of at least 30 consecutive days). Advertising, soliciting, offering or providing a legal long-term rental, including advertisements, solicitations, and offers stating daily rates, and/or less than monthly rates, and/or a minimum stay of less than 30 days does not cause a dwelling unit that is rented for thirty days or more to be a "transient vacation unit" or "bed and breakfast home" within the meaning of Ordinance 19-18 if such advertisement, solicitation, or offer states that the minimum rental period for the rental property is thirty days. However, rental agreements, advertisements, solicitations and offers to rent property violate Ordinance 19-18 if the price paid for the rental is determined, in whole or in part, by an anticipated or agreed upon occupancy of the property for less than thirty days.

3. Notwithstanding anything in Ordinance 19-18, there is no violation of Ordinance 19-18, and a dwelling unit or lodging unit will not be classified as a "transient vacation unit" or "bed and breakfast home," provided that the dwelling unit or lodging unit is actually rented only for 30 days or longer at a time, and provided further that 1) the owner and/or operator has not limited the actual occupancy of the premises to a period less than the full stated rental period, and 2) the owner and/or operator has not conditioned the right to occupy the premises for the full stated rental period on the payment of additional consideration.

4. DPP shall not impose a civil fine or penalty on any person for violating Ordinance 19-18 without issuing a "Notice of Violation" and a "Notice of Order" or

a "Notice of Violation and Order" as required by § 21-2.150-2 of the Revised Ordinances of Honolulu, 1990 (*as amended*) ("ROH").

5. An enforcement order (i.e., a "Notice of Violation," "Notice of Order" or "Notice of Violation and Order") issued to a person for violating Ordinance 19-18 may be appealed to the City and County of Honolulu Zoning Board of Appeals in accordance with ROH § 21-1.40, § 6-1516 of the Revised Charter of Honolulu (1973) (2017 Edition) and the Rules of the Zoning Board of Appeals.

6. DPP may post guidance documents on its website to provide the public with information regarding Ordinance 19-18. However, such guidance documents shall not determine or affect the legal rights of individuals under Ordinance 19-18 or the procedures available to individuals under Ordinance 19-18.

7. DPP shall not treat guidance documents on its website as administrative rules, regulations or legal authorities unless they are duly adopted as administrative rules pursuant to the requirements of Haw. Rev. Stat. Ch. 91.

8. DPP shall not enforce guidance documents posted on its website or impose penalties for violations of such guidance documents unless such guidance documents are duly adopted as administrative rules pursuant to the requirements of Haw. Rev. Stat. Ch. 91.

9. DPP construes Ordinance 19-18, Section 9, Subsections (3)(J) and (3)(L) as allowing up to fifty percent (50%) of the units in a multi-family dwelling to be used as bed and breakfast homes, without any required distance between units

used as bed and breakfast homes or other buildings used for bed and breakfast homes (i.e., multifamily dwelling buildings or dwelling units).

10. Ordinance 19-18, Section 5, amends the Land Use Ordinance by, *inter alia*, enacting ROH § 21-2A.30, which requires hosting platforms to "report to the director on a monthly basis [...] (1) [t]he names of persons responsible for [listings]; (2) [t]he address of each listing; (3) [t]he transient accommodations tax identification number of the owner or operator of the bed and breakfast home or transient vacation unit; (4) [t]he length of stay for each listing; and (5) [t]he price paid for each stay" ("reporting requirements"). Plaintiff alleges its members and others similarly situated have constitutionally and statutorily protected interests that would be violated by the reporting requirements of ROH § 21-2A.30. DPP acknowledges that other municipalities have been enjoined from enforcing ordinances with similar requirements and is aware of the opinions and orders issued by federal courts in *Airbnb, Inc. v. City of N.Y.*, 373 F. Supp. 3d 467 (S.D.N.Y. 2019); *Airbnb, Inc. v. City of Bos.*, No. 18-12358-LTS, 2019 U.S. Dist. LEXIS 74823 (D. Mass. May 3, 2019); *Homeaway.com, Inc. v. City of Portland*, No. 17-CV-0091, 2017 U.S. Dist. (D. Or. Mar. 20, 2017) and *Patel v. City of L.A.*, 738 F.3d 1058 (9th Cir. 2013) aff'd by *City of L.A. v. Patel*, 135 S. Ct. 2443, 192 L.Ed.2d 435 (2015). Based on its understanding of the current state of the law and its interests in avoiding unnecessary litigation, DPP does not currently intend to enforce ROH § 21-2A.30 by penalizing hosting platforms that fail to comply with ROH § 21-2A.30.

11. DPP shall not commence the enforcement of ROH § 21-2A.30 nor require hosting platforms to comply with the reporting requirements without providing Plaintiffs' undersigned counsel with at least sixty days prior written notice of its intent to begin enforcing ROH § 21-2A.30, which is deemed sufficient time by the parties for Plaintiff to seek injunctive relief from the Court, and the Court shall retain jurisdiction to adjudicate a dispute concerning ROH § 21-2A.30, should Plaintiff so move, if and when DPP deems such enforcement appropriate.

12. Plaintiff's Complaint challenges the fines available under Ordinance 19-18. Plaintiff reserves all rights to challenge the fines and does not waive any rights with respect to that claim.

13. This Stipulation and Order shall not limit the authority of the City and County of Honolulu to enact, amend, or repeal any ordinance.

14. Plaintiffs' TRO Motion is hereby withdrawn, without prejudice. This Stipulation and Order shall not bar or otherwise preclude Plaintiff from filing a new complaint and/or motion for the same or similar relief.

15. Plaintiffs' Complaint is hereby dismissed without prejudice, provided however this Court shall retain jurisdiction to resolve any disputes by the parties arising under or out of this Stipulation and Order. The dismissal of Plaintiff's Complaint shall not bar or otherwise preclude Plaintiff from renewing and/or reasserting the claims raised by Plaintiff's Complaint and TRO Motion.

16. Each party is to bear its own costs and attorneys' fees associated with this matter.

17. There are no remaining claims and/or parties.

ORDER

Based on the agreement of the parties and good cause appearing therefor, the STIPULATION AND ORDER FOR WITHDRAWAL OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND DISMISSAL OF PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF WITHOUT PREJUDICE is hereby APPROVED and incorporated into this Order. NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. The foregoing provisions are incorporated into this Court's Order;

2. Plaintiff's TRO Motion is withdrawn, without prejudice;

3. Plaintiff's Complaint is dismissed, without prejudice, with the Court retaining jurisdiction as provided herein;

4. There are no remaining claims and/or parties;

5. Each side shall bear its own costs and attorneys' fees.

DATED: Honolulu, Hawai'i, October 1, 2019.

DAMON KEY LEONG KUPCHAK HASTERT

/s/ Gregory W. Kugle

Gregory W. Kugle
Matthew T. Evans
Loren A. Seehase
Veronica A. Nordyke
Attorneys for Plaintiff
KOKUA COALITION

/s/ Brad T. Saito
Paul S. Aoki
Brad T. Saito
Attorneys for Defendants
DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU, KATHY SOKUGAWA

APPROVED AND SO ORDERED:

Dated: October 4, 2019 at Honolulu, Hawaii.

Derrick K. Watson
United States District Judge

Kokua Coalition, et al. v. Department of Planning and Permitting, et al.; Civil No. 19-00414 DKW-RT; STIPULATION AND ORDER RE THE WITHDRAWAL OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND DISMISSAL OF PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF WITHOUT PREJUDICE; EXHIBIT "A"

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is **Tasia Heffernan**. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

tas@heff.com.au

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:28 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rick Gereluk
Phone	
Email	rgereluk@engrx.ca
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Rick Gereluk . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the

Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:54 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tiana Kaestner
Phone	
Email	tiana.kaestner@vacasa.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41
Your position on the matter	Oppose
Representing	Organization
Organization	Vacasa
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Tiana Kaestner. I am the General Manager for Vacasa Vacation Rentals on Oahu and work closely with the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. The application cost for initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:58 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Stanley McCrea
Phone	
Email	wawaenui@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please do not change the defintion of Short term rentals from less than 30 days to less than 180 days.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:04 AM
Subject: Public Infrastructure and Technology Testimony

Written Testimony

Name	mai t waye
Phone	
Email	tawmdl@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Public Infrastructure and Technology
Agenda Item	bill 41 illegal vacation rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	with the cost of living being as it is in hawaii to limit the ability of residents that live on the island to rent their secondary family properties seems to be just another way to limit our ability to survive on the island. i have a rental unit in makaha and one in waikiki and we live in mililani. these are enjoyed by our family and friends at we adhere to the 30 day rules as it is, which has already caused a financial burden on us. to change this to 180 days now is very unrealistic and unreasonable. if you feel the need to do this for those that dont live on the island and are investors just trying to make a buck while living elsewhere then that seems a bit more fair, but to limit locals abilities to try to succeed seems unreasonable. just another reason why everyone moves away to survive. i would like to keep these in our ohana and pass them down to my children in efforts to build for their futures and their survival on the island that is already such a hard feat to accomplish. please reconsider and keep in mind the locals that are trying to stay in the islands while earning income to support their families with their rentals. Aloha, Tani
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:07 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marcia M Braden
Phone	
Email	mbraden808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose the change from 30 days minimum to 180 days minimum for short term vacation rentals. The current law is effective and has had it's intended results. I live in Kailua. After the 2019 changes to the law requiring landlords to rent for a minimum of 30 days, all of the vacation rentals that rented for less than 30 days on my street changed to long term rentals or were sold and are now residences. There are still individuals who have 'ohana units who occasionally rent them for 30 days or more, but will not rent them long term because they have family who come and need these units. The community worked with Mayor Caldwell and the city council to come up with a fair and enforceable law that has had it's intended result. Please work to enforce the current law and do not change the minimum stay to 180 days. The changes benefit hotels and their offshore owners at the expense of homeowners. As a homeowner and a retiree I would like the opportunity to rent out my home when I travel for long periods of time. I would get a TAT license and pay all appropriate taxes. This will help me to enjoy my retirement years more affordably. Once again I oppose this bill, particularly the change from 30 days to 180 days for short term rentals.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:10 AM
Subject: Zoning and Planning Testimony
Attachments: 20211109101000_Testimony_Honolulu_City_Council.pdf

Written Testimony

Name	Terri Finkbine Arnold
Phone	
Email	tfarnoldi@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Consideration of Proposed Bill 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20211109101000_Testimony_Honolulu_City_Council.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

November 9, 2021

Honolulu City Council
City and County of Honolulu

Re: Public Testimony Regarding Proposed Bill 41 (2021) Relating to Transient Accommodations

Dear City Council Members:

I am writing in opposition to Proposed Bill 41 Relating to Transient Accommodations. The redefinition of "transient occupancy" as any visitor or person who owns, rents, or uses a lodging or dwelling unit for less than 180 days, and the redefinition of "transient accommodation" as any living accommodations offered or made available to guests for stays of less than 180 consecutive days, have no substantial relation to public health, safety or general welfare, and diminishes owners' long-standing rights to rent their property for terms of 30 days or more.

In Dean Uchida's letters of August 13, 2021, and November 4, 2021, he posits this change is warranted because short-terms rentals, defined in this bill as rentals for less than 180 days, are inconsistent with land uses intended for residential areas and disruptive to the character and fabric of those areas. While these assertions arguably may be applicable to rentals for less than 30 days in some neighborhoods, they are patently false with respect to rentals for 30 days or more.

Honolulu Revised Ordinance section 8-7.5 has long defined "**residential use**" as "the actual use of a dwelling unit or lodging unit as a residence" by occupants **for compensation of 30 or more consecutive days**. Further, without specifying any length of time, the ordinance recognizes that any and all use by the unit owner personally or by his or her non-paying guests is also a residential use. Thus, 30-day rentals have long been recognized in Honolulu County as an appropriate residential use, consistent with intended use in residential areas. Moreover, the provision of the proposed bill redefining transient occupancy to include an owner who uses his or her own dwelling unit for less than 180 days contravenes long-established law recognizing that an owner may use his or her property for any length of time and that that use is residential in nature.

The exceptions in the proposed bill to the definition of a transient occupant illustrate the point that visitor occupancy between 30 and 180 days is consistent with residential use, and the 30-day threshold is a reasonable and established line dividing residential use from transient vacation use.

Had this bill been in place this past year, it would have excluded the following people from staying in Hawaii for 30 days:

- A mother who had lived in Hawaii for seven years and her two young children, one of whom was born in Hawaii. The mother's sister, who resides in Honolulu, was having her fourth child. The grandparents were coming to stay with the sister, and there was not enough room for the mother and her two children to stay. A 30-day furnished rental with a yard was perfect for the mother and her very active young children and also provided sufficient room to allow the divorced grandparents to occasionally escape from one another. Staying in a hotel room for a month would have been akin to torture for this family, not to mention unaffordable. There was nothing in this family's 30-day stay that was inconsistent with residential use in a residential neighborhood.

- An elderly couple from the upper Midwest. The wife had been diagnosed with health problems and they had been advised by her physician to seek warmer weather during the winter. They loved being in a private and quiet family home. A hotel room would not have afforded this elderly couple enjoying the last years of their lives together the same privacy and peace they found in a quiet beach-front residential neighborhood. There was nothing in this couple's 30-day stay that was inconsistent with residential use in a residential neighborhood.

- A couple whose son was marrying a Hawaiian woman and who needed a house large enough for their entire family to stay. This couple had been spending several weeks, if not more, in Hawaii every year for 20 plus years. The wedding was held at a hotel. There was nothing in this couple's 30-day stay that was inconsistent with residential use in a residential neighborhood.

- A 28-year National Guard officer, recently retired, and his wife, who were unable to rent their usual accommodations at Bellows. Only a small portion of his stay was related to his service in the National Guard; they came for a much-needed vacation. There was nothing in this couple's stay that was inconsistent with residential use in a residential neighborhood.

In connection with the exceptions to the 180-day rule, one of the most egregious provisions in proposed Bill 41 is the requirement a landlord must seek pre-approval from the Department of Permitting and Planning before renting to a person who meets one of the enumerated exceptions to the 180-day rule. This provision squarely violates Section 6 of the Hawaii Constitution which explicitly recognizes the right of the people to privacy and states the right to privacy "shall not be infringed without a showing of a compelling state interest." The state does not have a compelling interest in examining a person's personal life before allowing her to rent a unit for less than 180 days. The provision also implicates the Fourth Amendment to the U.S. Constitution, which protects the home from unwarranted governmental intrusion. Constitutional issues aside, the pre-approval provision is a logistical nightmare for landlords and tenants alike, as well as for the department.

The City Council should not adopt Bill 41. Thirty-day rentals are consistent with residential use. Moreover, the rationale for the bill is based on arbitrary and unproven

assumptions. In Dean Uchida's letters of August 13, 2001, and November 4, 2001, he states Bill 19-18 was "impractical to implement' and resulted in "enforcement problems". This is disingenuous.

Bill 19-18 was passed in August 2019 and suspended in approximately March 2020 for most of the year. Regulations governing permits were never fully developed or implemented. If Bill 19-18 was "impractical to implement," then those impractical provisions like the 1000 foot rule could have been modified. If the implementation would have resulted in too many short-term rentals for a neighborhood, then the number of short-term rental permits could have been reduced. Instead, the proposed bill seeks a radical restructuring of existing law with repercussions that extend far beyond the vacation rental market.

Notwithstanding its glowing assessment of life in Hawaii during the height of the pandemic, DPP's justification for a new short-term rental ordinance is based on its limited experience with Bill 19-18 during highly unusual circumstances. The City Council should require DPP to provide evidence of "enforcement problems" before it considers passing this bill, keeping in mind that during the time period cited by the department 30-day rentals were legal and tenants did not have to stay the entire 30 days under the existing court-approved consent decree. Those were legal rentals outside the scope of Bill 19-18 and should not have resulted in "enforcement problems."

Finally, the proposed bill blames short-term rentals for rising housing and rental prices, contributing to the housing shortage on Oahu. There are other ways of addressing the housing shortage, such as releasing county-owned land for housing development, requiring hotels to provide a certain percentage of their rooms or condos for long-term dwelling units, and/or raising property taxes on non-owner occupied property. Instead, this bill places the burden to alleviate the housing shortage on the backs of individual homeowners. If a property is owner-occupied for all or part of the year, and not otherwise available for long-term rentals, there is no reasonable justification to support the application of Bill 41 to those owners.

Sincerely,

Terri Finkbine Arnold, Esq.

Michael A. Lilly

2769 Laniloa Rd.
Honolulu, HI 96813

Michael@nljlaw.com

Re: Comments and recommendations of Michael A. Lilly, former Hawaii Attorney General, on bill to define short-term rentals as less than 180 days:

1. Negative impacts of bill on Hawaii families.

When the inheritance tax was assessed on estates higher than $600,000, I communicated with our then-congressional delegation (Senators Inouye and Akaka, and Representatives Abercrombie and Mink) expressing support for raising the threshold. I argued that Hawaii was unique in that housing prices were relatively high and that many of our citizens of modest means inherited valuable family homes which would be lost to their children from the inheritance tax. All four responded they agreed the estate tax threshold should be (and it was) increased in part because of its particularly negative impact on Hawaii families.

Other negative impacts burdening Hawaii families are the costs of mortgages, community association fees and real estate taxes. Hawaii has among the highest property values in the nation, with the median Oahu home now valued at over $1 million. Owners of second family homes on Oahu valued at over $1 million are hit with significantly higher Residential A property taxes. Many struggling families with limited assets now own valuable inherited family homes making it difficult to keep those family homes and pass them on to their children.

As Ordinance 19-18 correctly found in Section 1, short-term rentals benefit the state, city and owners in many ways:

> Short-term rentals represent economic benefits to the City and State in terms of jobs, tax revenues, and diversification of the visitor accommodations industry. For some residents, short-term rentals are viewed as important supplemental income, serving as sources of revenue, and enabling homeowners to qualify for mortgages. Some residents pride themselves on being sensitive landlords or hosts, serving as "ambassadors of aloha." Many residents desire to use the dwelling for their own use for portions of the year, so they are not able to offer the dwelling for rental on a long-term basis.

It is significant that the Council found Ordinance 19-18 would help diversify the visitor accommodations industry while the current proposal would eliminate any such diversification. Why those issues were important to the City in 2018 and not three years later is not explained.

We are now faced with a dilemma regarding short-term rentals. The impact that the current short-term rental proposal, defining short-term as anything less than 180 days, will be significant on those same families of modest means who inherited valuable family homes. Some are able to keep and pass on their properties to heirs only if allowed to continue renting under Ordinance 19-18. If the proposed bill is passed, many will lose their family homes. And to

whom: often they are mainland investors who will not contribute to our community or improve our housing situation.

2. Inverse Condemnation for properties not grandfathered:

Imposing retroactive rules that prevent existing rentals from being grandfathered has been held to constitute inverse condemnation. The Fifth Amendment of the U.S. Constitution holds that "nor shall private property be taken for public use, without just compensation." Inverse condemnation occurs when government regulations or actions burden an owner's use and enjoyment of ownership without actually taking the property.

The court in *Zaatari v. City of Austin*, No. 03-17-00812 (Nov. 27, 2019), so agreed with respect to rules similar to the ones being proposed by DPP:

> The ordinance provision banning non-homestead short-term rentals significantly affects property owners' substantial interests in well-recognized property rights while, on the record before us, serving a minimal, if any, public interest. Therefore, the provision is unconstitutionally retroactive, and we will reverse the district court's judgment on this issue and render judgment declaring the provision void. The ordinance provision restricting assembly infringes on Texans' fundamental right to assemble because it limits peaceable assembly on private property. Therefore, because the City has not demonstrated that the provision is narrowly tailored to serve a compelling state interest, the provision violates the Texas Constitution's guarantee to due course of law, and we will reverse the district court's judgment on this issue and render judgment declaring the provision void.

Slip op. at 2.

The owners, the court concluded, have a settled property right to rent their properties, and the ordinance "eliminat[ed] well-established property rights that existed before the ordinance's adoption." Slip op at 7.1.

For similar decisions, see *Nolan v. Cal. Coastal Commission*, 483 U.S. 825 (1987)(Supreme Court held that regulation requiring property owners to condition rebuilding permit on providing beach access to citizens constituted inverse condemnation requiring just compensation); and *Dolan v. City of Tigard*, 512 U.S. 374 (1994)(Supreme Court ruled that 5th amendment applies to government denial of permission to develop and extraction of money).

I have personal experience in winning an inverse condemnation case against the City. Representing Liberty House, I won a claim for inverse condemnation when the City induced the business to set back its new building on King Street for street widening purposes. When the City refused to pay, I sued and recovered at trial an award of $1.5 million in damages against the City, which was upheld by the Hawaii Supreme Court in *Cornuelle v. City and County of Honolulu*, 71 Haw. 652, 795 P.2d 860 (Haw. July 17, 1990. Memorandum Opinion).

4. Quality rental platforms such as Elite highly regulate their rentals to a gold standard to eliminate the problems associated with short-term rentals.

Quality self-regulated platforms such as Elite eliminate the problems of transient short-term rentals. Elite is very selective of renters, limiting the numbers of renters and requiring agreements to avoid the problems associated with transient short-term rentals and compliance with Ordinance 19-18.

I have personally experienced the problems of short-term rentals in violation of Ordinance 19-18. Unscrupulous owners in my Pacific Heights neighborhood rent single rooms to multiple transients for short-term periods. Transients come and go daily, with some houses renting multiple rooms repeatedly each month. The transients cause congestion, noise, traffic, parking problems and trash. When I complained that one was driving too fast (on our 15 mph road), I was given the finger. I and my neighbors repeatedly communicated with DPP's investigators who claimed that unless they caught the transients in person there was nothing they could do. I do not agree. My neighbors and I provided DPP with multiple copies of transient online reviews with dates and places. If I were prosecuting short-term rentals in violation of Ordinance 19-18, I would find such reviews admissible evidence of violation of law.

These problems are not caused by organizations such as Elite which limit the numbers and types of renters and requires owners to maintain their properties to a gold standard.

5. <u>The 30-day rental block avoids the problems associated with transient short-term rentals</u>.

The main problems of short-term rentals are transient renters for very short periods. Limiting rentals to a 30-day block ensures that only one rental per property per month is allowed which also ensures a more quality renter.

6. <u>Ordinance 19-18, if enforced, would effectively control the problems of transient short-term rentals</u>.

I am impressed by Ordinance 19-18. It contains effective authority to regulate short-term rentals. If enforced, it would effectively shut down transient short-term rentals such as those in my Pacific Heights neighborhood that are causing the problems everyone is concerned about. I am frankly troubled that the Ordinance was passed after great effort by the City and affected constituents without thereafter adopting enforcement regulations.

7. <u>Benefits of quality 30-day short-term rentals</u>:

* Transient and General Excise Tax revenues

* Many short-term renters will not stay in hotels and would not return if Ordinance 19-18 was repealed.

* Enormous dollars spent on visitor attractions, restaurants and bars.

* Employment of management, cleaning and repair services.

7. <u>Recommendations</u>:

* Withdraw the current proposal.

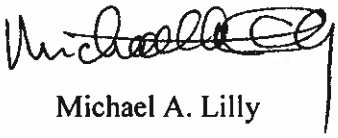
* Enforce Ordinance 19-18.

* Coordinate with affected constituents to draft rules to enforce Ordinance 19-18.

* Achieve a win-win for our community so that offensive transient short-term rentals be eliminated, while those operated by platforms such as Elite continue to provide, as Ordinance 19-18 so eloquently found, "economic benefits to the City and State in terms of jobs, tax revenues, and diversification of the visitor accommodations industry".

Conclusion: We are strongly opposed to short-term rentals that violate Ordinance 19-18 and want them stopped. We want Ordinance 19-18 vigorously enforced. We believe the current proposal would have serious negative ramifications for Oahu, especially the loss of major tax and visitor spending revenues as well as families losing their valuable family homes. Please reconsider as recommended.

Sincerely,



Michael A. Lilly

MICHAEL@NLJLAW.COM

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:59 AM
Subject: Council Testimony

Written Testimony

Name	Dana Rozier
Phone	
Email	dana.rozier@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Dear City Council,

My name is Dana Rozier. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki.

The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Sincerely,
Dana Rozier

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Diana Clark T1-2908 . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

dcsurf3@hawaiiantel.net

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:11 AM
Subject: Council Testimony

Written Testimony

Name	Jessika Lawrence
Phone	
Email	jessika.lawrence@me.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Hawaii's economy IS tourism, despite decades of desire to diversify it to something else. You represent the local owners who depend on visitor rental income to subsidize their mortgages so they can continue to live and work in Honolulu. I encourage you to find a solution that meets these constituents too and all the locally owned businesses they support (gardeners, cleaners, management companies etc). Please don't just do the work of the large corporations and unions. Or bend to the will of the few vocal residents who don't want tourists.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:11 AM
Subject: Council Testimony

Written Testimony

Name	Frances lehleitner
Phone	
Email	Lehleitner@comcast.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:15 AM
Subject: Council Testimony

Written Testimony

Name	Donna Brett
Phone	
Email	brettfamilyrentals@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My family has owned a unit in the Waikiki Banyan for over 40 years and we have always used this condo for our own personal use and rent it to vacationers from all over the world.We vehemently oppose this bill that would prohibit us from continuing to renting and using our condo as we have been doing for many years.The passing of this bill would cause undo hardship on our family.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:16 AM
Subject: Council Testimony

Written Testimony

Name	Sandra Braun
Phone	
Email	sbraunkw@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My family has owned this condominium for over 40 years. We have always used our condo for our own personal use and have been able to rent it out to vacationers from all over the world. We vehemently oppose this Bill that would prohibit us from continuing with renting and using for our family as we we have been for many years. We feel this is a political move by lobbyist for the Hotel industry. The passing of this bill would cause undue hardship on our family. Politics have no place in our family investment. I am irate about this.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

AN INTEGRATED COMMUNICATIONS AGENCY

November 8, 2021

Planning Commission
City and County of Honolulu
650 S. King Street
Honolulu, HI 96813

Greetings:

As a business owner, home owner and resident of Hawaii, I feel strongly about the need to address the proliferation of unregulated vacation rentals and improve the quality of life of our residents.

I am writing to voice my support for Bill 41, and specifically, for the proposed amendments that will enhance the ability of the Department of Planning and Permitting (DPP) to strengthen and enforce regulations concerning unpermitted short-term vacation rentals throughout the City and County of Honolulu.

Illegal vacation rentals negatively impact our quality of life by taking otherwise affordable rental properties off the market, increasing traffic and noise in residential neighborhoods, and placing additional burdens on infrastructure and natural attractions, including our parks and beaches, without contributing to the tax base. For the sake of everyone, our visitors should be directed to areas that have been zoned for tourism, and encouraged to patronize businesses that comply with our laws and policies.

As a business person I recognize and respect the vital importance of tourism to the economic health of our city, county and state. So I want to be very clear that I am not in any way opposed to the interests of a healthy tourism industry. What I'm calling for is a pragmatic policy that encourages both creativity and moral fortitude to cultivate economic growth without compromising the needs and interests of our residents.

Thank you for your careful consideration of this important matter.

Sincerely,

Lori Teranishi
CEO
iQ 360, Inc.

lteranishi@iq360inc.com

1000 BISHOP ST. | SUITE 500 | HONOLULU, HI 96813 | 808 536 2729
iq360inc.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Michael Mong. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

M. Mong

tv45235@hotmail.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Stuart Kirkland. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.- Waikiki is a Vacation spot.

- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.-Who decided this crap?

- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.- More crap

- Condominium-hotel units may not be used as primary residences.

- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. -WHAT? Insane!

- Each person may only own one transient vacation unit. -Why?

- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. -Money grab.

- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.- Money grab, I pay my fair share now.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

This is an obvious move by the hotel industry to control the money and a conflict of interest to the planning officer whose wife is a top executive for Aston Hotels. They obviously do not like competition.

Further more, this bill has moved away from the intent to help affordability for low income residents. Why not make the NUC program that existed a more open process so everyone has to have one. The Money generated would more that cover the costs of hiring enforcement personnel and make the coiunty a lot richer so they can help the way to many homeless find places to live. We were just there and it is a disgrace.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Stuart Kirkland

sjk4u@hotmail.com

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Steven Decaro. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

steven_m_decaro@homedepot.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:36 AM
Subject: Council Testimony

Written Testimony

Name	peter knerr
Phone	
Email	knerrp002@gmail.com11
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill regulating B & B/TVRs
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	My name is Peter Knerr. My wife and I are government retirees who have lived in Lanikai for the past 38 years. We used to have a wonderful neighborhood with friendly, hospitable people. Now the neighborhood is fast becoming Waikiki North. Just before Covid-19 hit last year I could throw a stone from our property and hit four illegal B & Bs or TVRs. By the way, none of these owners are like those portrayed by the pro-B & B letters to the editor, who are elderly retired people and are forced to rent out part of their house to tourists just to be able to pay their mortgage and continue to live in Hawaii. Probably the only good thing that has come out of the Covid was that it forced three of them to temporarily shut down and become long term rentals. Now that it appears that Covid can be controlled (if people get vaccinated), one of them has started up again. There are several reasons why B & Bs/TVRs do not belong in residential neighborhoods: 1. Infrastructure problems. Kailua is a residential neighborhood which has not been designed for, nor does it have the infrastructure capacity, to become a major tourist destination, which is what's happening. 2. Parking problems. Many of the streets in our neighborhood do not have on-street parking. We live on a very narrow street on the hillside and the vacationers sometimes park on the street. When that happens, the garbage truck is unable to pass. The driver blows his horn and if no one comes out to move the vehicle, some people on the street don't get their garbage collected. We are concerned that if we were to need an emergency vehicle such as an ambulance or fire truck on our street, there would not be enough room for it to pass. This is a health and safety issue. 3. Crime problems. Because our neighborhood is becoming more of a

tourist neighborhood, we have considerable crime as the vacationers leave items in their cars and the smash and grab thieves have easy targets. The police tell us to get to know our neighbors, which is difficult when they change every few days.
4. Traffic problems. What with more people living in and visiting our neighborhood, there is more traffic, and that problem is compounded by the ongoing water line repair project. It has taken as long as half an hour just to get into or out of Lanikai.
5. Noise problems. Tourists don't have to get up in the morning to go to work since they are on vacation; they can stay up until all hours and party. One of our B & B s controls this, the others don't.
6. Increased prices of real estate. Allowing vacation rentals encourages investors to purchase residences for lucrative rentals to tourists. This escalates the price of real estate (and property taxes) and helps to put housing prices out of reach of our local residents.
7. The vast majority of local people are against vacation rentals in their residential neighborhoods. The Kailua Neighborhood Board has stated its opposition, as has many other community associations throughout Oahu.
I would hope, although past performance does not make me optimistic on this issue, that this bill, if passed, would be enforceable, because the current rules are not. Even if the illegal owners are caught, which happens very infrequently, they may be fined. However, the vast majority of fines are not paid. There has to be a law with teeth, such as putting tax liens on the property concerned.
I hope you will vote to side with the majority of local residents, who oppose B & Bs/TVRs in residential neighborhoods, rather than the moneyed interests of the B & B/TVR people and pass this bill. Thank you very much.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:56 AM
Subject: Council Testimony

Written Testimony

Name	Anne Kirkland
Phone	
Email	annekaloha@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear City Council, My name is Anne Kirkland. I am an owner at the Association of Apartment Owners of the Waikiki Banyan, and I oppose Bill 41. Here are some of my concerns; -Transient Vacations Units will not even be allowed in Waikiki. This makes my NUC invalid. -My condo is used by me and my family for long term winter stays. This Bill will deny me access to my property for my personal use. I am completely opposed to the confiscation of my own property. it's criminal. - Condomium-hotel units may NOT be used as primary residence. How can you change the status of purchased property? This will decrease the value of the property substantial. Handing it over to the hotels for a song. I did not buy a hotel room/condo. I bought a condo with no ties to any hotel. This was a conscience decision for me. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is across the street from 3 hotels. Waikiki Beach Marriott & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. The Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, weather as short-term rentals, long term rentals, or as primary residences. Bill 41's attempt to limit owners' rights is

problematic, impracticable , and unacceptable.

Based on the above, I strongly oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:42 AM
Subject: Council Testimony
Attachments: 20211109104220_Bill_41.pdf

Written Testimony

Name	Lewis Deeks and Wendy Stanley
Phone	
Email	lewis@lewen.co.nz
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20211109104220_Bill_41.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:02 AM
Subject: Council Testimony

Written Testimony

Name	Geoffrey Tice
Phone	
Email	geofftice@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Dear City Council,

I am an Oahu resident that strongly OPPOSES Bill 41. I own several short-term vacation rental units in the Waikiki Banyan and the Kuilima Condos at Turtle Bay, which are both currently a legal, short-term rental properties located in the heart of Waikiki and the up on the North Shore

I applaud the passing of Bill 89 two years, ago, but Bill 41 GOES TOO FAR!!!

Our family has invested in these LEGAL short-term condo units and our family relies on this income. But if you don't fix several problematic items in this bill, the City Council is basically saying they care more about making sure huge, international hotel companies continue to profit from tourists while LOCAL property owners who own LEGAL short-term rentals cannot benefit from their investments. Here are some of the major problems I oppose:

1. Limiting short-term rentals only through a hotel operation, EVEN IF THE EXISTING CONDO IS ZONED FOR SHORT-TERM RENTALS OR HAS AN EXISTING NUC. How does this work for the Kuilima Condos at Turtle Bay, which has no hotel operation or front desk?

2. Not allowing owners to stay in their own units unless they pay regular market rates and rents them through the hotel operation.

3. Limiting ownership to only one TVU (while hotel megacorporations

are allowed to own and operate thousands of rooms)

4. TVU must be owned by a "natural person", and not a business (this raises huge problems for business liability)

5. Application cost initially as $5,000 and $2,500 annual renewal (why are huge, international hotels not required to pay these same fees per unit)?

6. Limits on occupancy, parking requirements, etc., are overburdensome (why are hotels allowed to rent rooms with up to 6 guests in a 1-bedroom hotel room, and not provide any parking?)

To summarize, it seems like this bill was written to unfairly give hotels all the benefits of Oahu's tourist accommodations, while requiring local condo owners in legally-zoned buildings unfair disadvantages that severely take away property owner's rights.

PLEASE FIX THIS BILL TO PROTECT LOCAL PROPERTY OWNERS WHO HAVE INVESTED IN CONDOS IN WAIKIKI AND TURTLE BAY!

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

DANIEL M. MARTINO

Telephone (818) 472-0374

EMAIL: danmartino@verizon.net

Dean Uchida

Director

Department of Planning and Permitting

650 South King Street, 7th Floor

Honolulu, Hawaii 96813

Fax Number: 808.768.6743

WRITTEN TESTIMONY OF DANIEL MARTINO

Owner: Waikiki Banyan

Reference Bill 41

Date of Submission: November 9, 2021

Purpose:

I am writing in favor of fair and reasonable regulations for the vacation rental industry. The current version of Bill 41, CD1 does not provide reasonable regulations and only limits my ability to provide affordable accommodations to those wishing to visit Honolulu. I also rely on my vacation rental to supplement my income to allow me to continue living in Oahu. This is why I strongly oppose Bill 41 in its current format.

The actions of the DPP regarding Short Term Rentals during this pandemic are inexcusable, arbitrary and definitely detrimental to individuals owning income property in Hawaii. The initial Bill in 2019 was solely to the benefit of Hoteliers and Unions who wanted to control tourism in Hawaii to benefit themselves. The revised amendments submitted by the current Mayor echo his reluctance to be fair and impartial. The maps relating to the tourism in this STR Bill clearly define the Local Government's deliberate intention to" imprison" tourists in designated areas. Bill 41 reinforces the control that the Hotel Indistry has over regulations in an effort to monopolize short term rentals.

Hawaii will never achieve economic sustainability or success without tourism. The DPP has ingratiated themselves to the Will of outside influences to the detriment of hard working people who have invested substantially in the Hawaiian economy.

The Pandemic has highlighted the lack of vision, the uncooperative behavior of the DPP and those people who have invested their hard earned money into Hawaii. Honolulu is becoming a Socialist Society through ill-advised actions. This Bill is without fairness and will cause hardship to many hard working people.

The actions of the DPP thus far have been shameful. Several of your employees have been indicted for Federal Offenses. The DPP should address internal issues and the flagrant failure pof ther Rail System before addressing STR Legislation during this Pandemic.

Vacation rentals are a valuable and needed part of Honolulu's tourism economy. Not only do vacation rentals provide affordable accommodations, they add needed dollars to our local economy and provide a social distancing lodging option that travelers are seeking today. Our visitors who stay in vacation rentals patronize local shops and restaurants and often make return trips to these same neighborhoods and share their experiences with friends and family.

Please do not limit our ability to use our private property in a reasonable and responsible manner. Please reconsider Bill 41 and work towards a goal that allows all local stakeholders a voice in our decision-making process.

Waikiki Banyan- Personal Historical Perspective:

During approximately 1980, I was employed with the Federal Government and was transferred from the Mainland to Oahu. My late wife, Virginia (Ginnie), and I resided at the Diamond Head Vista (DHV) Building located 2600 Pualani Way, Honolulu, Hawaii 96815 which is in close proximity to the Waikiki Banyan, 201 Ohua Street, Honolulu, Hawaii 96815.

We were aware that the Banyan was a frequent destination of tourists primarily from Canada and facilitated by Ward Air who operated a large and vibrant front desk to include tour operations. In fact, A Ward Air Executive was on the Board of Directors at the Banyan.

My wife Ginnie was interested in opening a Snack Bar on the 6th Floor Recreation Deck. She subsequently approached the AOAO Banyan Board of Directors with her business proposal.

The Board indicated that she would need to gain approval from City and County of Honolulu prior to allowing her to operate a business at the Banyan. After numerous meetings with city and county officials, Ginnie was able to secure a business license to operate a Commercial Business known as Ginnie's Waikiki Banyan Snack Bar which serviced residents, staff and visitors. We dutifully paid our taxes as required.

In 1984, I was transferred to the Mainland and we decided to sell the Business. An escrow was opened and appropriate taxes were paid. Since our departure in 1984, several commercial entities have been granted permission to operate at the Banyan.

Waikiki Banyan- Ownership Introduction:

In 1997, Ginnie and I purchased my Waikiki Banyan (Banyan) condominium through Real Estate Salesperson Ed Blottenberger of First Hawaiian Realty (Current Employment). Prior to purchasing, I was in dialogue with Mr. Blottenberger for several months. During these contacts, Mr. Blottenberger provided me with glowing reports of hotel operations of Aston at the twin story Family Resort indicating that the building and accommodations were ideal for tourists and residents seeking a safe, relaxed and inviting atmosphere for all of the occupants. I do not recollect that a NUC Requirement was ever disclosed personally with Ginnie or myself. Upon closing escrow, we immediately engaged Aston to assist in the renovation of the property which was previously owned by a Japanese based company. Aston continued to manage and rent the property as a Short Term Rental until approximately 2016 (ie.

19 years) when I personally decided to change Management Operations of my Condominium. The primary reason was that Aston treated my home as nothing more than a hotel room dfisregading all the improvements that I made to the property.

Economic Benefit to Hawaii:

As stated above, several Banyan based business entities have obtained commercial business licenses and have contributed much needed funds into the Oahu Economy to include but not limited to Taxes and Employment Opportunities.

Short Term Rentals:

With respect to the Banyan, Aston and its known variations and other Resort Entities have been operating in the building for years. From my understanding, they have met GET and TAT Requirements. I had no Idea that there was a NUC requirement from my Real Estate Broker or Management Entities until the Passage of Bill 89 in 2018. Prior to that time, it appears that no one to include the City & County of Honolulu cared to enforce the issue for over 30 years. Aston and it various name variations and entities routinely advertised the Banyan as a "**resort**" in various written publications and on the internet as a family resort destination.

Bill 41 is not fair or equitable for private property ownership. It's ironic that a hotel industry member, Aston, would support Bill 41 to adversely affect Short Term Rentals but still manage units at the Banyan which may or may not have NUCs for several years. There is something wrong with this picture.

During the 19 years that Aston managed my property, I paid thousands of dollars in repairs as a result of Aston leasing my one bedroom home to as many as 6 people. My long time neighbor at the Banyan frequently contacted me to complain about the size of the parties in my home which led to noise and disrepair. The wear and tear on my property was inexcusable inasmuch as Aston did not pay for damages and that was left up to me to handle. As a result, I had to employ a smaller company who was able to meet criteria to lease to responsible adults.

If I am forced to use Aston. I will remove it from the rental market and keep it for myself. I will be my property taxes and maintenance fees. I view the contemplated actions in Bill 41 as being as unfair business practices being enacted on behalf of the hotel industry which exclude private ownership considerations. Bill 41 in its present state is woefully inadequate and discriminatory.

The property location of the Banyan is within 50 feet of the Hilton Hotel and Marriot Hotel. The Banyan has a large parking structure which facilitates full and part time residents, guests, nearby hotel guests, island residents and workers in the area. I wonder if anyone from the Regulatory Agencies etc. has ever witnessed or analyzed the pedestrian and vehicle traffic in the area.

It is in fact a tourist area contributing significantly to the local economy. Tour buses, delivery trucks, etc. drive routinely on Ohua Street, Kuhio Avenue and Paokalani Street which surround the perimeter of the Banyan complex. The same transport vehicles that appear in front of Kalakaua and Kuhio Hotels and Business travel on these streets.

Recommendations:

1. Designate Waikiki as a Mixed Used and /or Tourism Zone.
2. Private Property Ownership Real Estate Property is a right. Rental Units should adhere to House Rules regarding the preservation of individual privacy and property rights.
3. Requirement that all Condominium Short Term Rentals pay GET and TAT (ie.Taxes).
4. Modify NUC Requirements on a case by case basis if deemed appropriate.
5. Fair and Equitable Coordination with Local Stakeholders.

Conclusion:

In addition to my individual condo being used partially as a short term rental to defray escalating expenses, it is my home. I am semi -retired and have invested a significant amount of money and resources to maintain my property. I believe that my property ownership is being threatened by unreasonable regulations and outside interests without any regard to my individual rights. I am responsible for ensuring that my on island representative, mandated by State Law, maintains my property appropriately.

Lastly, the Pandemic, as well as the emotional and economic struggles that we have faced together demand that we take a measured approach to solving the unique issues facing our community. Fairness and equity should be our mantra and cannot be subordinated, overlooked, cast aside or dismantled.

Thank you for your consideration and cooperation.

Respectfully Submitted,

Daniel M. Martino _____ Date November 9, 2021

Owner: Waikiki Banyan, 2513T1

danmartino@verizon.net

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:39 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tony Burrowes
Phone	
Email	tonyburrowes@xtra.co.nz
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Tony Burrowes and I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the

Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:10 AM
Subject: Council Testimony

Written Testimony

Name	Keith Jacobson
Phone	
Email	k4ajaco@mindspring.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Bill 41 will cause an adverse negative impact on Real estate values. Waikiki Banyan under present law, it is my/our belief that the Banyan is not currently classed as a condominium hotel. This is about cutting Hotel competition and increasing city monies. Why should I have to pay to stay in my own place!!!! Plus more taxes, and restrictions. Waikiki Banyan operates since 1977 in the current manner with some minor modifications. But NOW Honolulu want to hurt the small people over the large corporate interests. -Keith Jacobson
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

THUAN NGUYEN
thuannguyen03@yahoo.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:11 AM
Subject: Council Testimony

Written Testimony

Name	Mark Lendrum
Phone	
Email	markandbern@xtra.co.nz
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is .Mark Lendrum. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:15 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Desiree D Marvin
Phone	
Email	desiree.marvin@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	When my partner was stationed on Oahu I bought a home to live in after I had moved there to co-locate. When his orders brought him mainland, I turned that property into a short term rental so I wouldn't have to lose money; it also afforded me the opportunity to enjoy my home at any future event. This bill would absolutely ameliorate not only my current money source, but my fond memories I created while living there. This bill is not aloha and the option to rent should not be left to only giant corporations and resorts. Thank you for doing right by so many of us that have and continue to call Oahu our hale.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:51 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Snyder
Phone	
Email	susan@susansnyder.biz
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 Short Term Rentals
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Honolulu City Council, I support having Short Term Rentals be a minimum of 180 days. I completely agree with Section 1 of Bill 41 that 180 day minimum stays are crucial to preserving our residential communities and making housing available to residents. This will also help protect our fragile, beautiful environment. Please keep residential areas residential! Mahalo, Susan Snyder
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:32 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Bronson Balles
Phone	
Email	bronson.balles@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

THUAN NGUYEN
thuannguyen03@yahoo.com
Bill 41
Oppose

Waikiki Banyan

Owner Registration

Unit Number/Tower: 906

Owner Name(s): THUAN NGUYEN

Mailing Address: 3417 CUESTA DR, SAN JOSE, CA 95148

Telephone/Contact Number(s): (408) 391-6782

Email Address: THUANNGUYEN03@YAHOO.COM

Emergency Contact: TRANG NGUYEN: (408)568-3748

Owner Occupied or Rental: RENTAL

Property Management Company: FIVE START REALTY

Property Manager: QUOC HUYNH

Telephone/Contact Number(s): (808) 389-9459

Email Address: QUOCH808@GMAIL.COM

NOTE: If you would like to be added to our Waikiki Banyan email notification data base and receive emails about property notices, updates, newsletters, and other information of what's going on at the property, please send an email to info@waikikibanyan.org.

To register for the Waikiki Banyan website owner access, please send an email request to info@waikikibanyan.org to include owner's name, unit number, username and a temporary password to login.

Please return completed form by email to info@waikikibanyan.org; mail to AOAO Waikiki Banyan, 201 Ohua Ave., Ste T2-306, Honolulu, HI 96815; or you can drop off form with Administration Office at the property.

Date Submitted: 11-09-21

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:35 AM
Subject: Council Testimony

Written Testimony

Name	Manuela Levitt
Phone	
Email	manuela@decaturconsulting.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	City Council Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We are a community – a bedroom community – and want it to remain that way. This is not Waikiki, nor are we in a high-rise neighborhood of Honolulu. We are in the peace and quiet of the windward side, and have chosen this lifestyle for a reason. Whether young or old, we value the bird song of the morning and the relative harmony of neighbors knowing their neighbors. We pay for these luxuries, much like others pay for the luxury of being in the hustle and bustle of town. It should be clear, and remain clear, that the priorities of your constituents should come first. We pay for houses we live in all the time. We pay taxes for the benefit of our towns and our state. While we understand the importance of tourism, our back yards are not an attraction like the zoo or the aquarium.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Thuan Nguyen. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

thuannguyen03@yahoo.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:44 AM
Subject: Council Testimony

Written Testimony

Name	ALLEN BLACKFORD
Phone	
Email	kazaa808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Allen Blackford. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. While I can understand single family, condo and townhouse neighborhoods having issue with transient accommodations and I'm in support of Bill 89 to attempt to reign in the over abundance of short-term rentals in those neighborhoods and other locations. I also understand the hotel industry's issue with short-term rentals but Bill 41 is an overreach and infringes upon owners' property rights.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:44 AM
Subject: Council Testimony

Written Testimony

Name	LP
Phone	
Email	pohaku3411@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Short Term Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	According to the available documentation: "The purpose of this Ordinance is to better protect the City's residential neighborhoods and housing stock from the negative impacts of STRs by providing a more comprehensive and controlled approach to the regulation of STRs within the City and creating additional sources of funding for the administration and enforcement of the B&B and transient vacation unit (TVU) laws." "The two overall goals of this policy pivot are to: 1. Reduce impacts on residential neighborhoods; and 2. Regulate STRs that are permitted only in or adjacent to existing resort areas." - Residential areas OUTSIDE of the resort districts, specifically outside of Waikiki, are understandable. Daily or 30day minimums would have an impact in residential neighborhoods if not well managed. However, all reporting is geared toward garnering support for these actions by providing the locals with a skewed perception about what areas are being focused on, then lumping Waikiki in to the mix, as was done with Bill 89. Any local living on the island is aware that Waikiki is a hotbed of tourists, and would not expect Waikiki to be a quiet residential neighborhood. Limiting the ability to have TVU's in specific areas within Waikiki seemed illogical as it was with Bill 89, but removing the abilty to have any TVUs even within the designated resort areas currently allowed seems beyond illogical. This accomplishes none of the stated "goals"of this proposed bill.

- All media reports discuss the "residential areas"and deliberately do not include the major detail that a large portion of the bill is also focused on taking all legally operating TVUs within Waikiki and within the allowed condo-tel or hotels and forcing them to be placed under the control of a "central booking system"- in many cases this is Aston. This is skewing the local people's perception of the bill by allowing them to think the focus is only on "residential areas", and garnering support by essentially misleading and deceiving the public. No additional housing for locals is created, and tourism is not reduced. It does not "manage the numbers of people who visit Oahu"- it simply manages who receives the money. The local businesses that run the individual legal TVUs within Waikiki's condotels and hotels spend money locally on supplies and services, they employ local people who in turn spend the money at other local businesses. This portion of the proposed bill does nothing but create a monopoly and put money into the hands of large corporations rather than local people and local businesses. If the facts were truly presented to the local public, they would be able to see the potential effects and make an informed decision. It seems this is not done intentionally for this reason.

- TVUs within Waikiki have already been seriously impacted and limited by the new boundaries created by Bill 89 in 2019. We have abided by the new laws introduced, and seem to have been penalized for doing so as no true enforcement was ever succesfully done. Those who chose to immediately abide by the new laws ceased short term rental in the newly disallowed locations, leaving hundreds(thousands?) of guests without accommodations and causing a great deal of additional work and additional cost and stress (as many guests voiced their anger and frustration) in addition to the loss of revenue. Meanwhile, those who chose to flaunt the law were allowed to continue making money without any repercussions. One of the goals mentioned for this new ordinance is to "Provide greater enforcement tools over illegal and non-compliant STRs". How is taking the units operating in the legal areas within Waikiki away going to have any impact on the enforcement of illegal TVUs? Should the focus not be on the TVUs in residential areas that this and Bill 89 are supposed to be focused on? Shouldn't the DPP focus on enforcing the rules already in place, which they have so far failed to do entirely?

- Forcing all TVUs currently allowed in hotels and condo-tels throughout Waikiki to be managed by the "Hotel" central booking system versus the current operations by owners or vacation rental managers would accomplish none of the stated "goals"of the proposed ordinance and seems to be an attempt at a completely unfair monopoly in favor of the Hotel Industry. Being that all units would be providing accommodation for tourists, how does this increase housing stock for locals? Reduce impacts on residential areas? It simply does not. I only takes control away from property owners and puts it solely in the hands of the corporate Hotel industry, along with taking money and jobs away from the local companies and emloyees managing them now into the pockets of the hotel corporations (many of which

are managed by Aston).

- Conflict of Interest: Is it a coincidence that the oridInance pushes for all TVUs to be managed by the "Hotel" centralized booking system, many of which would be affected are managed by Aston, and the DPP president's wife is an executive at Aston? Is this another public corruption scandal of the DPP?

- The conclusion of the memo states" It takes into account the concerns of residential neighborhoods, as well as the visitor industry..." By visitor industry, do you mean the interests of the Hotel Association? Because the rest of the visitor industry relating to short-term rentals will be decimated by such an ordinance.

- Visitors to Hawaii may be limited by such an action, but is it fair to essentially discriminate against the less wealthy by depriving them the ability to afford the Hawaii vacation everyone dreams of? The idea of having less visitors but the same revenue by increasing rates puts Hawaii out of reach for the average family. Putting pricing and control solely in the hands of the Hotels would allow rates to soar, potentially increasing rates and resort fees which are not affordable for all bu the wealthy. There will also be the trickle down effect from the lack of the average household and budget travellers – there are many local businesses and products that will no longer be in demand with the supposed "upper class". Is it fair to set it up so that Hawaii is only available to the wealthy? And many small local businesses destroyed in the course?

- With the potential for all units within Hotels or Condo-tels to be manged by the Hotel, the necessity for the current AOAOs will also be eliminated or reduced, along with their staff. This creates an additional loss of work for locals.

- The inability for contract workers including doctors and nurses to rent units for less than 180days is not practical. There are a number of workers who are sent for 3months or less on contracts that rely on the 30-day minimum rentals for housing during these contracts. Many travelling nurses are contracted for 3 months at a time, along with workers on the rail and airport projects, as well as other private projects. How feasible would it be to expect these contract workers who are needed for our hospitals and infrastructure projects to sign a 6 month lease, sight unseen, when they are only scheduled to be on island for the 3 months contracted? Not to mention families who are relocating to Hawaii for work or otherwise, who also often utilize monthly rentals at least until they are able to locate a suitable long term rental. If the DPP could not enforce Bill 89, how realitic is it to be able to monitor and process exemptions for these cases? How would those travellers even find the listings if they are not allowed to advertise short term rentals? This is a guise.

- Saying this will reduce the number of tourists, but adding more new

areas which can allow STR and taking the existing STR and placing in the hotel. No units are removed from inventory by addiong to the hotel pool. Additional units added in other areas currently not allowed (ie Gold Coast) which will increase the tourist accommodations there. Also allowing zoning in areas in Waikiki which were recently removed with Bill 89 to allow for more hotels.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

DocuSign Envelope ID: 5F111E95-C3FF-46F4-8B10-C3D14AD34BAB

Sunday, November 7, 2021

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: CD1 Bill 41 , Nov. 10, 2021 City Council Hearing Relating to Transient Accommodations

To avoid monopolies on any service within buildings, Please append Section 24 and 21-5.360

Monopolies lead to extraordinary costs and poor service which is bad for Hawaii Tourism.

SECTION 24. Chapter 21, Article 10, Revised Ordinances of Honolulu 1990, as amended, is amended by adding new definitions for "condominium hotel", "hotel unit" and "transient occupant" to read as follows:

"Condominium hotel" means a hotel in which one or more hotel units are separate real property interests created by a declaration of condominium property regime."

"To avoid monopolies from forming within buildings, multiple Condominium-Hotels may Operate within the same building, consistent with practices in areas zoned Resort"

"Sec. 21-5.360 Hotels and Hotels Units.

(a) Hotel units must be used or offered to provide transient accommodations to guests. Hotel units may not be used as transient vacation units or bed and breakfast homes.

(b) Hotel units must be booked by guests through a centralized hotel booking system that is managed by the hotel operator or through the hotel front desk, provided that this section will not prohibit the booking of hotel units through third party services or technologies that make bookings though the central hotel operated booking system or hotel front desk.

In this instance Condominium-Hotel is synonymous with Hotel. Multiple Hotel or Condominium-Hotels may operate in the same building, each accepting and managing their own bookings to avoid monopoly practises, or enabling one Operation to charge the other extraordinary fees simply because one Operation controls the only front desk.

Waikiki Shore:

For example, in the building Waikiki Shore with only 161 units zoned Resort, there are several Hotel Corporations successfully competing together, managing ~ 93% of the units. You have Castle, Outrigger, Captain Cook, etc. all competing in the same building as short term rental property managers. As a result of competition in that building, each operator works hard to minimize costs which promotes Hawaii Tourism.

Island Colony:

On the other hand, you have Island Colony building with 745 units is zoned nonconforming hotel by DPP on May 11, 2020 2019/ELOG-2391(ZS).

This building contains a large quantity of units whose owners with separate real property interests created by a declaration of condominium property regime who would like an alternative to the Island Colony Partners Hotel Operation organization (ICP) .

It's apparent the low participation (less than 10% in ICP Hotel Pool) when there were previously 49% units paying Hotel Resort Property Tax.

These owners don't believe a pre-existing monopoly who has at least temporarily exploited the bylaws and charges excessive rates for poor service within any Condominium-Hotel is good for Hawaii Tourism.

These owners wish to avoid the prospect of ICP using a zoning ordinance to guarantee them exclusive rights to STR at Island Colony.

Aloha,

Owners		Island Colony Unit(s)
DocuSigned by: Michael J Brant 6439680DC00D484... BRANT, MICHAEL J	11/7/2021	3512, 3715, 3901, 4108, 4218
6ED9DACD2865424... Robin C. Glass DocuSigned By: Robin C. Glass GLASS, ROBIN C & MAMI	11/9/2021	2206

Condominium Hotel Operator References:

Registration Instructions
https://cca.hawaii.gov/reb/files/2016/10/CHOINSTRUCT_161010.pdf
Application
https://cca.hawaii.gov/reb/files/2016/10/CHOAPP_161010.pdf
Certificate of Insurance
https://cca.hawaii.gov/reb/files/2017/12/CSI_171222.pdf

Robin Glass
glassr@hawaiihome.cc

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:05 PM
Subject: Council Testimony

Written Testimony

Name	Kathleen Ochsenbein
Phone	
Email	dhcondos@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose bill 41. Here are examples of times when STRs are needed for less than 30 days • Employees constructing the solar farm in Waianae • Independent government contractors working at Ka'ena Point • Independent government contractors installing new LED lights on the Submarine Towers in Nanakuli • Crew of a TV series filming out of Waianae Harbor • Guests attending workshops (or maybe accreditors) for Kamali Academy. • "Teach for America" teachers • Traveling nurses • Surfers entering local competitions • Locals that had to be relocated because of flooding in their home • Locals dealing with delays in the construction of their new home • Ohana visiting loved ones who are about to pass • Ohana visiting for funerals and memorial services • Women escaping domestic abuse situations in their home. • First responders needing a place to isolate Will there be an oversight committee to deal with all of these situations? The law is not practical. I would like to ask you to consider the following, • Why was 19-18 after many months of testimony and refinement suddenly dropped? • Where is the evidence that STR's have ruined neighborhoods and caused problems? Can this be confirmed by police reports? Has crime increased? Are STR guests involved in these crimes? How many

have been arrested? Are guests causing off-street parking problems and is the noise ordinance being violated repeatedly? Are they ruining the aina with trash and litter?
• Those opposed to STR's usually cite many vacation rentals are owned by Out-of-State and out-of-country corporations. Is that really the case? Compared to Hotel ownership, which model keeps the most money in the state for its residents?
• Has the lost revenue in taxes been calculated and has the budget been adjusted accordingly? Should the 180 day rule be passed, the transient accommodations tax will no longer be collected. Has that loss of income been calculated into the budget?
• It is implied that STRs do not pay their GE and TA taxes. Where is the evidence? How much money does the state and city bring in from STRs? Have those numbers been calculated?
• How many actual complaints regarding STRs are coming from different sources or are the same few people complaining multiple times?
• What area(s) of the island are most of the complaints originating?
• How many employees of the STR industry would lose their income and need government assistance?
• How many kapuna rent out rooms to help pay the rent to afford their housing? How many might lose their homes if this bill passes? Has there been testimony regarding this?
• Will this proposal really increase affordable housing on the island? Will owners that stay in their rentals part of the year be willing to either sell or rent their property for 6 months?
• Is the proposed ordinance legal? Why did the DPP try to table it for the November 10th meeting?
• How many people would choose not to visit Oahu with not only the highest hotel tax in the nation (assuming the TA tax increases as proposed), but with essentially no accommodations outside of Waikiki and no properties that can house larger families. Has the loss of this tax revenue been calculated?
• Why is there no STR voice in any of the agencies appointed by the government? Just like Uber and Lyft and now Turo, things are changing. Yet the city and county has not recognized that STRs are a big part of the future of tourism throughout the world.
• Why is there no provision to allow AOAOs to decide the best use of their property, especially if it does not infringe on the community as a whole?

Please do not be pushed into something before you have done research and the data supports your decision. You are a new city council. Please don't be deceived. The only benefactors are the hotels. Their out of state and out of country investors will be the ones with the most to gain.

Testimony Attachment

Accept Terms and Agreement 1

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:10 PM
Subject: Council Testimony

Written Testimony

Name	Rosalei Rankin
Phone	
Email	rosie@skyalamoana.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear Council Members, I am writing to request that you reconsidered approving the bill 41, and keep the 30- day short term rental the same. I believe rather then changing the law to make it a 180-day short term period, we can put more effort into policing and enforcing the current rules. Perhaps if there are stronger incentives for neighbors to report and heavier fines like putting liens on homes of illegal rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Takuro Ando. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

misako@hi50group.com

I strongly oppose the Bill 41 for the reason that the big portion of it is an overreach and infringement on the personal property rather than the solution to the illegal rentals and affordable housing.

The affordable housing:

The housing market here is driven high from the foreign investors – there is no limit who can purchase a property and how many. They drive up the value of the homes and lots of times do not maintain them properly or have them abandoned (Kawamoto comes to mind). So those homes sit empty for the most part.

The affordable housing is needed, yet the developers are constantly given permits to build luxury condominiums. They as well sit empty for most of the year because most owners are not from Hawaii. But the small residential homeowners are blamed for not providing affordable housing?

What about approx. 40,000 vacant homes in residential neighborhoods? Because their owners cannot get the rent they want so they rather have them empty? Or they are so dilapidated that the owners probably don't want anything to do with them.

But a small family or a retired person that have an extra room to rent out and help pay their bills is contributing to the affordable housing crisis?

This Bill does not address any of those question not even a little bit.

Short-term rentals

I oppose changing the rule from 30 to 180 days. This rule does nothing to help with affordable housing, but adds an increased burden on the short-term rental owners to request and receive approval for exemptions listed in the bill. Will the agency's efficiency improve drastically overnight so that those requests can be processed promptly? Why add another responsibility to DPP that is not necessary. There are so many variances that it will probably be inundated with legitimate requests but won't be able to solve them. The City is opening itself to possible lawsuits. Will it affect the standard of living of the people of Hawaii? Possibly – will we get those medical professionals like those that came during the pandemic to help out, if they cannot get appropriate housing? Or any other professionals that come for a short term here?

Also, there is no provision for a situation when a tenant leaves before 180 days has passed, for whatever reason. What is the homeowner to do then? Will they be fined because the rental was effectively for less than 180 days? Will they have to apply to request exemption and be allowed to rent now empty space again? Or will they have to leave it empty until 180 days passes?

Condo-hotels

Why is the Bill that is supposed to address adverse effects of illegal vacation rentals on residential neighborhoods, regulating a Resort zone? This portion of the bill feels as if it was written by a hotel industry lobby. It is written in a manner that benefits the hotel industry by reassigning power to major hotel operators by requiring that they book the reservations, set the rates, manage operations...

It is taking people's right to manage their property as they see fit, and forcing them to have their property managed by hotels. And then, on top of taxes and dues that they have to pay for owning the property to the city and the hotel, they have to pay that same hotel management market price for staying at their own property? And then pay income tax on the portion of that money they will get back from the "sale"?

If this Bill passes, what will City do with the people that use those condo units as their primary residence? They will be displaced and in need of affordable housing, most likely! Totally opposite of the intent of bill.

To require a hotel brand to manage a condo hotel does not in any way help the stated purpose of this ordinance. HOAs have been always able to decide if the condo hotel will be branded or no, if the rentals owners can self manage. This has always worked and it is the practice throughout the USA. But this Bill is handing over property rights from the owner to the hotel industry. They are an attack on individual property owner's rights in order to create a competition-free monopoly for the corporate hotel owners. They are not and will be not incentivized to provide quality service to either the owners or visitors, the lack of which (quality service) is the reason they are now losing the properties they manage.

This bill imposes ownership, operational and financial hardships, hurdles and restrictions on individual TVU owners and operators while at the same time giving corporate hotel owners the unfettered right to operate without the same restrictions. This bill seeks to take away long-established property owners' rights in the resort zone that explicitly allow owners to own and operate TVUs. This bill may also be a violation of the US Constitution.

Why are individual owners charged $ 5000 and then $ 2500 per unit or application when the hotels are not? They are both obligated to pay TAT and GE taxes, but only the individuals have to pay the registration. Only individuals are required to provide parking, are allowed only limited number of guests per bedroom etc. It seems as the goal of the Bill is to eventually get rid of all individually managed short term rentals.

There are other provisions that do not make sense – such as NUC being tied to the person and not the property. It actually does make sense if the goal of the Bill is to get rid of individually managed short term rentals and TVUs.

It would be most reasonable to allow all less than 30 day rentals to operate in Waikiki and to change the zoning and open all of Waikiki for STRs and TVUs.

The City, and the hotel industry need to realize that vacation rentals serve completely different demographic than the hotel. The person who want their room cleaned every day and towels changed every day will not rent an AirBnB. The person who wants the big (hotel) name as a guarantee for quality of a room and the service provided will not rent an AirBnB.

Majority of the people who own vacation rentals, at least in Waikiki, do pay TAT and GE taxes as well as property taxes. Few and far in between may be getting wealthier but for the most part they use the income from STVRs and TVUs to supplement their income, to pay for their kids' college, to offset a high cost of living. They buy a small apartment in Waikiki to generate income because they cannot afford the high cost of buying a house in Hawaii.

The apartment we own has helped us get through the pandemic and closures while our business has been closed for almost 18 months. If we didn't have our vacation rental maybe we would have been on the street already.

DO NOT PUNISH YOUR CONSTITUENTS FOR TRYING TO SURVIVE. DO NOT INFRINGE ON OUR PROPERTY.

Svetlana

svetlana@prodigy.net

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:19 PM
Subject: Council Testimony

Written Testimony

Name	DW Gibson
Phone	
Email	dwmgibson@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a very concerned resident of Kailua, writing to express support for Bill 41, which would help curtail vacation rentals across the island, particularly on the Windward side where the issue has been extremely acute. Not only does having too many vacation rentals in our communities negatively effect the character of our neighborhoods and our quality of life, but it eats away at housing that could otherwise be available to residents. Please, please do no let Kailua, Waimānalo and so many other communities become tourist resorts. This is our home. We are happy to welcome guests but we must balance the lives of residents with the priorities of the real estate industry. I urge you to vote in favor of Bill 41. Mahalo, DW Gibson
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:24 PM
Subject: Council Testimony

Written Testimony

Name	Sean Armstrong
Phone	
Email	sean.usc83@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (2021), CD 1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We are owners of a unit at the Ocean Villas at Turtle Bay Condominiums. I was part of the ownership group that originally developed the Ocean Villas condo complex. We write in opposition to the bill as written. The Ocean Villas Condo Project should be included as a permissible area for Transient Vacation Units. We have paid more than $100,000 in TAT, by offering the unit in the rental pool of hotel units. At the same time, we have enjoyed using the unit as owners. As written the bill would require us to pay nightly rates to use our unit if we want to continue offering the unit for rent. The Ocean Villas should not be treated any differently than the Kuilima condos that are currently depicted on Exhibit C of the Bill. Please add the Ocean Villas to the area permitted for TVUs. Respectfully Sean Armstrong
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Emi Chiusano. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Emi Chiusano

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Robert Chiusano. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

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Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Robert J. Chiusano

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:48 PM
Subject: Zoning and Planning Testimony
Attachments: 20211109124827_Bill_41_comment_-_oppose.docx

Written Testimony

Name	Federico Sobrino
Phone	
Email	fedesobrino@hotmail.com
Meeting Date	11-07-2021
Council/PH Committee	Zoning and Planning
Agenda Item	bill41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20211109124827_Bill_41_comment_-_oppose.docx
Accept Terms and Agreement	1

IP: 192.168.200.67

I strongly oppose the Bill 41 for the reason that the big portion of it is an overreach and infringement on the personal property rather than the solution to the illegal rentals and affordable housing.

The affordable housing:

The housing market here is driven high from the foreign investors – there is no limit who can purchase a property and how many. They drive up the value of the homes and lots of times do not maintain them properly or have them abandoned (Kawamoto comes to mind). So those homes sit empty for the most part.

The affordable housing is needed, yet the developers are constantly given permits to build luxury condominiums. They as well sit empty for most of the year because most owners are not from Hawaii. But the small residential homeowners are blamed for not providing affordable housing?

What about approx. 40,000 vacant homes in residential neighborhoods? Because their owners cannot get the rent they want so they rather have them empty? Or they are so dilapidated that the owners probably don't want anything to do with them.

But a small family or a retired person that have an extra room to rent out and help pay their bills is contributing to the affordable housing crisis?

This Bill does not address those question not even a little bit.

Short-term rentals

I oppose changing the rule from 30 to 180 days. This rule does nothing to help with affordable housing, but adds an increased burden on the short-term rental owners to request and receive approval for exemptions listed in the bill. Will the agency's efficiency improve drastically overnight so that those requests can be processed promptly? Why add another responsibility to DPP that is not necessary. There are so many variances that it will probably be inundated with legitimate requests but won't be able to solve them. The City is opening itself to possible lawsuits. Will it affect the standard of living of the people of Hawaii? Possibly – will we get those medical professionals like those that came during the pandemic to help out, if they cannot get appropriate housing? Or any other professionals that come for a short term here?

Also, there is no provision for a situation when a tenant leaves before 180 days has passed, for whatever reason. What is the homeowner to do then? Will they be fined because the rental was effectively for less than 180 days? Will they have to apply to request exemption and be allowed to rent now empty space again? Or will they have to leave it empty until 180 days passes?

Condo-hotels

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It is taking people's right to manage their property as they see fit, and forcing them to have their property managed by hotels. And then, on top of taxes and dues that they have to pay for owning the property to the city and the hotel, they have to pay that same hotel management market price for

staying at their own property? And then pay income tax on the portion of that money they will get back from the "sale"?

If this Bill passes, what will City do with the people that use those condo units as their primary residence? They will be displaced and in need of affordable housing, most likely! Totally opposite of the intent of bill.

To require a hotel brand to manage a condo hotel does not in any way help the stated purpose of this ordinance. HOAs have been always able to decide if the condo hotel will be branded or no, if the rentals owners can self manage. This has always worked and it is the practice throughout the USA. But this Bill is handing over property rights from the owner to the hotel industry. They are an attack on individual property owner's rights in order to create a competition-free monopoly for the corporate hotel owners. They are not and will be not incentivized to provide quality service, the lack of which is the reason they are now losing the properties they manage.

This bill imposes ownership, operational and financial hardships, hurdles and restrictions on individual TVU owners and operators while at the same time giving corporate hotel owners the unfettered right to operate without the same restrictions. This bill seeks to take away long-established property owners' rights in the resort zone that explicitly allow owners to own and operate TVUs. This bill may also be a violation of the US Constitution.

Why are individual owners charged $ 5000 and then $ 2500 per unit or application when the hotels are not? They are both obligated to pay TAT and GE taxes, but only the individuals have to pay the registration. Only individuals are required to provide parking, allowed only limited number of guests per bedroom etc. It seems as the goal of the Bill is to eventually get rid of all individually managed short term rentals.

It would be most reasonable to allow all less than 30 day rentals to operate in Waikiki and to change the zoning and open all of Waikiki for STRs and TVUs.

The City, and the hotel industry need to realize that vacation rentals serve completely different demographic than the hotel. The person who want their room cleaned every day and towels changed every day will not rent an AirBnB. The person who wants the big (hotel) name as a guarantee for quality of a room and the service provided will not rent an AirBnB.

Majority of the people who own vacation rentals, at least in Waikiki, do pay TAT and GE taxes as well as property taxes. Few and far in between may be getting wealthy but for the most part they use the income from STVRs and TVUs to supplement their income, to pay for their kids' college, to offset a high cost of living. They buy a small apartment in Waikiki to generate income because they cannot afford the high cost of buying a house in Hawaii.

The apartment we own has helped us get through the pandemic and closures while our business has been closed for almost 18 months. If we didn't have our vacation rental maybe we would have been on the street already.

DO NOT PUNISH YOUR CONSTITUENTS FOR TRYING TO SURVIVE. DO NOT INFRINGE ON OUR PROPERTY.

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:41 PM
Subject: Council Testimony

Written Testimony

Name	Peter Prose
Phone	
Email	peter.prose@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I grew up in Mililani and own a single family home in Hawaii Kai, where I was a resident for four years. Due to job opportunities on the mainland, I moved away in 2017 and since then have rented my home out on a short term basis. I engage the services of a professional property management company (Elite Pacific Properties) who ensure the following: Strict compliance with the 30-day rental rules Maintenance of the property for the aesthetic benefit of the community Guest compliance with parking rules and noise curfews to ensure that neighbors are not disturbed by the presence of the renters This arrangement enables me to continue ownership of this property and also provides economic benefit to all of the property managers, landscapers, and contractors who maintain the property. In addition, the state benefits from the thousands of dollars I pay every year in property taxes, general excise taxes, and transient accommodations taxes. My home and others like it provide a unique experience to visitors that cannot be replicated by the major hotel chains on Oahu. In addition, there are many scenarios in which a short term rental is preferable to a hotel or a long-term lease, such as: Families from out of State that are taking care of loved ones People moving to Oahu and looking to buy a home Families who are waiting for their new home to complete construction Government contract workers Military PCS while looking for a home to buy Home Sellers who need to rent until they find a new property Film and TV crews while on a shoot

Many of my tenants over the last 4 years fall into these categories. I fully support strict enforcement actions against illegal Short-Term Rental operators - short stays with frequent guest turnover and a lack of attentive professional management is detrimental to the character of Oahu neighborhoods. That being said, there is no need to change the definition from 30 days to 180 days, as that would reduce the options available to Oahu visitors who have a variety of different needs.

Please take this testimony into account and leave the definition of a TVU at 30 days as it currently stands.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:42 PM
Subject: Council Testimony

Written Testimony

Name	Shannon Skaff
Phone	
Email	shannonskaff@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am born and raised in Hawaii. My husband and I worked for 25 years to be able to afford buy a home in Hawaii and return to my 'aina hanau. The alarming changes I've seen in that span of time go far beyond just the vacation rental market. While reckless and unbridled renting is certainly a problem (addressed by the enactment of the 30-day requirement, which weeds out "churn and burners") far more damaging, by sheer numbers, is reckless and unbridled tourism. Full planes landing every few minutes. Hotels bursting at the seams. Tours, bussing, millions of cars on the road, and a refusal by state agencies to enact or enforce environmental, visitation and parking laws. For the council to suggest that it is private citizens ruining the neighborhoods of Hawaii is a joke - everyone on Instagram and Trip Advisor knows all about every "secret" and "private" beach, hike or neighborhood, and they descend en masse upon those areas, from wherever they are lodging (most of them, again by sheer numbers, in Waikiki) with guidance and assistance from the tourism machine. This latest scheme is a draconian and ill-devised attempt that will mostly punish tax-paying homeowners. For those opportunists who scooped up houses looking to turn a buck, the 30-day rule will effectively cut off their lifeblood. But it must be ENFORCED, and that falls back on the State. Perhaps a contingency of angry residents want a scapegoat, and you are happy to offer them one: anything other than take a long, hard look at the irresponsible tourism policies and cozy backroom deals that have prostituted these beautiful islands. It is plain math: a 10-1 ratio of visitor to resident can never be sustainable, and THIS is your kuleana.

UNITE HERE!
LOCAL 5 HAWAII

Eric W. Gill, Financial Secretary-Treasurer *Gemma G. Weinstein, President* *Godfrey Maeshiro, Senior Vice-President*

November 9, 2021

City Council
City & County of Honolulu
530 S. King Street
Honolulu, HI 96813

Re: Bill 41 (2021) relating to transient accommodations.

Aloha Chair Waters, Vice-Chair Kia'Aina and members of the City Council:

On behalf of UNITE HERE Local 5, a local labor organization representing nearly 12,000 hotel, health care and food service workers employed throughout our State I would like to offer our support of Bill 41 (2021).

Local 5 has been working on vacation rental legislation for nearly a decade and we appreciate the opportunity to work with the city to address enforcement matters. Our position remains the same, the proliferation of illegal vacation rentals affect affordable housing and good paying jobs in our community. Allowing tourists to stay in neighborhoods causes friction amongst locals and tourists while taking away business from designated tourist areas.

The fact that median price of homes has continued to skyrocket, now a million or more, while inventory remains at a deficit for housing shows we need to close loopholes on short term rentals.

More than ever before, the need for available, affordable housing is critical. Homelessness and house insecurity is a real concern during a time of financial and economic crisis of our people. Allowing operators with multiple homes to take away from the housing stock for tourists is counterproductive. Homelessness, unemployment and poverty does not benefit our community or attract tourists.

Also, we are still facing an unprecedented wave of unemployment in our visitor industry. We want to promote and protect good paying traditional hotel jobs that benefit the community and residents. Union jobs provide good wages, pensions, free healthcare and many other perks that we bargain from (mostly) large corporations. Hotel workers want to work and contribute to society instead of tapping into the resources of the city, state and local charities.

Strengthening and enforcement of vacation rental laws will benefit the community and local people and will not adversely affect vacation rental owners – they can always rent to locals. Win-win.

Thank you
Joli Tokusato

jtokusato@5.unitehere.org

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:51 PM
Subject: Council Testimony

Written Testimony

Name	Karin OMahony
Phone	
Email	k7omahony@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Oppose this bill. The 30 day minimum rental is working.

In our neighborhood, the 30 day rentals are working very well. We enjoy sharing Aloha with people coming to stay the month, moving here and needing a temporary rental for a month or two, or taking a break from working from home in a small apartment somewhere.

I have spoken with the immediate neighbors and dozens of others in the area, all confirm that they have no problem, and if they had a problem or suspected a violation, they know just how to report it.

Bill 41 hurts local homeowners. More than 90% of the 30 day rentals are owned by local residents. Many live on site. Some are preserving their family home until they can once again live in it. Some are using the income to cover new roofs, photovoltaic systems, and other home repairs. Some are supporting someone in a long term or dementia care home. Others are putting their children through private school or college. Some are supplementing their retirement income and ensuring they can remain in the homes they've owned for decades.

Removing this source of income from middle income local residents may cause them to lose their homes. Yes, they'll be able to sell and even have a bunch of money but they'll have to leave their beloved home and community. We don't want to lose them as neighbors.

Forcing local families to sell does not create low or middle income housing. The buyers will not be us. The buyers will be wealthy folks buying a second home or foreign or mainland buyers who can afford

homes that start at 1.5 million, often cash.

Housing prices are not going to come down whether or not you force people to sell their homes. There are always plenty of wealthy people who want to live in Hawaii and will happily buy up any home that local families are forced to give up.

Thank you for doing what's right for the masses - not just bowing to the few homeowners who want to control how their neighbors survive and the hotel lobby.

Attached you will see evidence that the 30 day minimum stay is working. As evidenced by the DPP's own website, the notices of violations are down to their lowest levels in the three years reported. And the complaints are at there lowest ever - 541 complaints (including those just meant to harrass neighbors they don't like) and 158 notices of violation. 30 day minimum is working for local people and neighborhoods.

VOTE NO on Bill 41

Mahalo

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:53 PM
Subject: Council Testimony

Written Testimony

Name	Brad Fieldson
Phone	
Email	bbrad007@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

To: Council Members

From: Brad Fieldson 201 Ohua Ave, T1-3308
Honolulu, Hawaii 96815

Date: November 9, 2021

My name is Brad Fieldson. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.
It appears to me, the section in Bill 41 that relates to Waikiki, was either written by or heavily influenced by off Island Hotel owners, Union leaders and their lobbyist.

Written Testimony

Below are several issues in Bill 41 that are clearly either unlawful, unfair or discriminatory. Bill 41 is an overreach and infringes upon owners' property rights. As the Bill is written today, it would cause a ton a law suits and cost the city and county millions to defend in court.
Issues:
- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for

annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

I understand the issue in some housing areas and I am in favor of fair and reasonable regulations for the vacation rental industry. I am asking for your support in the effort to change the rules to fair and properly targeted regulations. Not regulations that favor the Hotel and Union Lobbyist only.

A suggestion at least for the Waikiki area, just make it simple and include Kuhio Ave, to the Ala-Wai as part of the Resort Zone/Business District allowed to have short term rentals. And/Or just let the individual multifamily building's house rules and/or condo governing documents decide for their own private property as to allowing or not allowing short term rentals. Bill 41 as it is written, is government overreach and is very alarming.

Based on the above, I strongly oppose Bill 41.
I appreciate your support in stopping Bill 41 as it is written today.

Brad Fieldson
bbrad007@aol.com

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 12:55 PM
Subject: Council Testimony

Written Testimony

Name	dolores foley
Phone	
Email	dolores@hawaii.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Vacation Rentals should be allowed. Tourists provide economic benefit to my community.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is JOANNE SEAVEY. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Joanne Seavey
October 8, 2021

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED REMOTE CSID DURATION PAGES STATUS
November 9, 2021 at 11:22:37 AM HST 68 2 Received

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is JAMES SEAVEY. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

JAMES SEAVEY
8 OCT 2021

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 11:37:27 AM HST		76	2	Received

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name Eunkyue Park. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Sincerely,

Eunkyue Park

Eunkyue Park
56 Cayuga Way
Short Hills NJ 07078
201-349-7328
ekpark333@gmail.com

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 11:39:12 AM HST		83	2	Received

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name Andrew Chong. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Sincerely,

Andrew Chong

Andrew Chong
131 W 33rd Street #10C
New York NY 10001
973-735-7376
Achong510@hotmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:54 AM
Subject: Budget Testimony

Written Testimony

Name	Chin Lee
Phone	
Email	aloha@supercleanvacationrentals.com
Meeting Date	11-10-2021
Council/PH Committee	Budget
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, I am writing to strongly oppose Bill 41 (relating to Transient Accommodation). The current version does not provide reasonable regulations, and seek no community input in drafting this Bill. The bill as it is currently written favors only the hotel industry and lobbyist, and takes away property rights for individual owners. Please consider engaging with multiple stakeholders to come up with a fair and effective solution for the entire community, not just the from the hotel industry's perspective. I do not understand why the City Council keep advancing this Bill when the majority of testimony oppose the Bill. There is already an existing Bill (Ordinance 19-18) that was enacted through many years of public input, negotiation and compromises, DPP should focus on finding ways to enforce existing regulations. Additional regulations will only make it more difficult to enforce existing rules. The draft regulations also limits our ability to provide affordable accommodations to those wishing to visit Honolulu. There are many, including myself, who rely on vacation rental to supplement their income due to the high living expenses in Oahu, and do it legally. This bill seeks to take away long-established property rights in the resort zone that explicitly allow people to own and operate TVUs. There are many, including myself, who have chosen to operate short-term rentals in this zone and have done so in a good-faith effort to comply with existing laws. Thanks for the opportunity to submit a testimony, Chin Lee

From: CLK Council Info
Sent: Tuesday, November 9, 2021 1:13 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Katherine Dudden
Phone	
Email	katherine@dudden.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Put Bill 41 up for Vote among the Residents of Oahu. Instead of having your Councilmember vote on an issue you do not agree with, the People of Hawaii should be heard. I am willing to accept whatever the People of Hi decide, not what corrupt legislatures backed by the Hotel Lobbyists decide. These are drastic issues, with drastic consequences. Many homeowners have purchased multiple rental units, to subsidize their income so they can afford to live in Oahu. Many property owners will not be allowed to continue to operate their vacation rental business, and many will be forced to sell their property, or face massive fines for continuing to operate a short term rental that will be deemed "illegal" from one day to the next day. This affects all property owners, with or without a permit to operate a STVR. Therefore, if you have a legally permitted STVR, you will no longer be allowed to rent your property for less than 180 days! Thirty day rentals will be eliminated and prohibited. The DPP will impose exorbitant fees, if you do not comply. These funds will be used by the DPP to hire additional "Code Enforcement" personnel (which will act like the police, to fine Residents if they do not follow the new mandates under Bill 41.) More enforcement, more fines, more restrictions (since we don't have enough already!) We need another mandate like we need more high rise buildings! Bill 89 was the beginning of the erosion of our Property Rights, Bill 41 is the nail in the coffin, which will be the beginning of the elimination of small businesses that depend on the rental income to pay for the increasing property taxes, increased insurance rates and HOA maintenance fees that have experienced a double digit increase these last few years. Many guests do not like to stay in expensive Hotels, or they can't afford it. When entire families go on vacation, they look for a place that has all the comforts of home, plus amenities, and they don't have to worry about paying $40 per day to park!
Testimony Attachment	

From: CLK Council Info
Sent: Tuesday, November 9, 2021 1:25 PM
Subject: Council Testimony

Written Testimony

Name	Michelle Yao
Phone	
Email	michelleY808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 and Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill 41. Planning commission made the recommendation to only advance the section of the bill that relates to the residential areas, and to leave the Resort Zone out for further discussion. The current Bill 41 or CD1 does not reflect that. Instead, it either eliminates legal TVUs in the resort zone all together, or placed numerous restrictions and onerous conditions on LEGAL TVUs in the resort zone, all of which have nothing to do with the stated goal of cracking down on illegal TVUs in the residential areas and protecting residential neighborhoods. Let's look at the history of legal TVU in the land use ordnance: Resort zone in Waikiki had been the only place where TVU is permitted since the LUO was enacted. TVU has been the permitted principal use without conditions in the Waikiki resort zone for decades. NUC(non-conforming use Certificate) was granted in the 1986-1989 to those who have been operating TVU outside of resort zone, namely in the residential areas. The Resort Zone was created to serve the visitor population per LUO. Existing legal TVUs in the Resort zone should be allowed to continue to operate without conditions. The Honorable Mufi Hannemann testified at the September 1, 2021 public hearing stated if people wanted to offer short-term rentals, they should come to the Resort zone, paid the hotel-resort property tax, paid the transient accommodation tax then these people would be competing on an equal footing with the hotels.

This is exactly what we did:
We, the existing legal TVU owners bought and operated them because of their permitted TVU use in the resort zone, in accordance with law. But now you want to punish us, who have followed the law, to own and operate legal TVUs, with a stroke of pen.

I am a local resident, I am not a big corporation. We put our 2 immediate families life savings into owning legal TVUs in the Waikiki resort zone.
I have worked hard to operating a legal TVU business to support my family. There is no justification for you to destroy my livelihood by arbitrarily taking away my legal TVU business! Imagine you legally build something for your family and one day City just takes it away from you?

I am asking you not to take away my family's livelihood, not to take away my legal business, to treat us equally, to protect my vested "as of " property right to TVU.

Choking and putting hardship on existing legal TVU in resort zone should not be your goals. Please be fair and allow existing legal TVUs in resort zone to survive.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 1:58 PM
Subject: Council Testimony

Written Testimony

Name	Christian Brandalise
Phone	
Email	christian@midway-realty.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony re: Bill 41 – Relating to Transient Accommodations Dear City Council, My name is Christian Brandalise. I am an owner at the Waikiki Banyan, but I also speak for the buildings like Pacific Monarch, Aloha Surf, Island Colony in Waikiki, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of

$1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be
taxed at the much higher hotel/resort rates.
Bill 41 does not take into consideration the unique circumstances of associations, such as
the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street
from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton
Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and
has been a prime tourist destination. However, the Waikiki Banyan is also home for many
owners. Owners have the right to decide how to use their units, whether as short-term rentals,
long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is
problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 1:46 PM
Subject: Council Testimony

Written Testimony

Name	R. Chris Godwin
Phone	
Email	godwinc@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CDI Transient Accommodations
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I live in a residential community on the North Shore and have had to put up with all of the problems associated with short term vacation rentals for years. I have testified against them in the past, reported them to DPP with mixed results and in the past couple of years have resolved to having to put up with them as they either rent for 30 days or skirt the intent by faking a 30 day agreement. One of the properties has two dwellings on it and advertises it can accommodate 16 people. It is often rented by grandparents for 30 days with all of the children and grandchildren staying for various lengths of time. On a recent occasion there were six vehicles and 24 people (I counted them when they were taking a picture on the beach). I do not appreciate having to live in a hotel environment.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:01 PM
Subject: Council Testimony

Written Testimony

Name	Kathleen M Pahinui
Phone	
Email	pahinuik001@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	

Written Testimony

Bill 41 - Relating to Transient Accommodations – IN SUPPORT

Aloha Chair Waters and Council Members:

I am writing in strong support of Bill 41.

The effects of these types of businesses on our communities and residents' daily lives are never mentioned by the illegal transient vacation rental (TVU) owners – I lived next to 2 different TVUs and it was not a pleasant experience – late night noise and partying was the norm.

Economically, these visitors spend 20% less than those staying in hotels. Their first stop is Costco, as they generally cook most of their meals, not eat out. And, as they are much more likely to be repeat visitors – their shopping habits are very different from visitors who come the first or second time – they are less likely to purchase trinkets to take home. The fact that TVUs stays have grown, and visitor spending dropped is not an anomaly – visitor data bears this out for 2019.

In addition, the much-touted mantra: we support the local economy by providing jobs – works out to a landscaper or two and a house cleaner. Generally, these workers are being paid cash under the table so there are no taxes collected or other benefits provided for those doing the work. An unregulated gig economy.

Much is made that all of the money charged by hotels goes off-island. What about all those employees that work at the hotels? What about their salaries and benefits? These go directly back into our economy not offshore. By comparison, about 70% of the rentals are foreign owned. Where does this money go? Yes offshore.

This also puts to lie their pushing forward the occasional kupuna who rents out a room in their house. Put these very limited stories against the many North Shore families who have lost their homes because the owner decided to turn it into a vacation rental.

During the height of the pandemic, many illegals turned to the long-term rental market, as soon as visitors came back, these owners did not renew leases and turned back to illegal vacation rentals.

There are almost no long-term rentals on the North Shore and families are scrambling to find housing. Most of the vacation rentals on O'ahu are in the Haleiwa zip code (96712). This is a fact supported by data for our North Shore Sustainable Communities Plan revision. This means local families cannot find housing and are forced to move out of the community they were born and raised in.

Please support the DPP and the City Administration's efforts to eliminate loopholes and improve its enforcement activities regarding illegal vacation rentals. Please support the Planning Commission's consensus that short-term rentals are inappropriate for residential-zoned neighborhoods and lodging businesses should be restricted to resort districts only. Commissioners specifically cited the fact that short-term rentals are impacting Oahu's housing supply and housing costs.

And in support of the current legal operators, who have followed the rules all these years, please don't penalize them – they should be grand-fathered in. For now, let's focus on getting the illegal operators in line and not operating anymore.

We need strong regulation and effective enforcement of vacation rentals; and we need to get them out of our neighborhoods. You will hear many comments today on why we must turn our communities into resort areas and why tourists are more important than residents – please do not let this happen.
Please keep our neighborhoods for us, the residents who live here, pay taxes, and support our local businesses.

Mahalo for your time and consideration.

Mālama 'āina,

Kathleen M. Pahinui Waialua Resident

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 1:07:13 PM HST	+12014556135	115	1	Received

9-Nov-2021 13:05 From: #12014556135 P.1

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is DON HELOW . I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Don Helow
11-9-2021

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 1:15:08 PM HST	+12015526729	61	1	Received

2021-11-10 06:14 +07 - +12015526729 PAGE 1/1

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Beth A. Helow I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Beth A. Helow
Nov 9, 2021

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:09 PM
Subject: Council Testimony

Written Testimony

Name	Eddie Baladad
Phone	
Email	808eddiebaladad@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose this bill 41. In particular the change from 30 days to 180 days. The 30 days is restrictive enough and changing it to 180 days would make it impossible to attract vacationers. In my humble opinion, this is just another way of this body in trying to destroy small businesses, destroy those who has the ability to make some bucks to pay for their mortgages, bills and put food on the table, specially in these times we are in. I strongly reject that banning vacation rentals is the solution to our lack of affordable housing. Look at the multi-million if not multi-billion developments of luxury condominiums that has been going up for years and continues to be developed at the Kakaako neighborhood. Who can afford them? certainly not those you all claim are struggling to find affordable housing. So you guys go after the little guys. I must agree that there has also been a few affordable condo that went up in the same neighborhood, but I ask you, are they really affordable? Affordable to whom? Even My daughter of 24 years young lives at home because her income doesn't qualify her to live in one of these so called affordable condos. As a father trying and struggling to make ends meet absolutely infuriates me to suggest vacation rentals is the cause. STR is not the problem of housing shortages and affordability. This idea of banning SRT is hurting our already declining economy. We have been providing STR for vacationers for over many years, paying taxes equal to hotel tax rates and yet we are subjected to so many restrictions that the hotels are not even subjected to. The County should focus on more impactful housing reforms that don't threaten the recovery of our economy. And the lives of people that are just trying to make a living. I strongly oppose this bill!

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:12 PM
Subject: Council Testimony

Written Testimony

Name	Timothy McDevitt
Phone	
Email	mcdevitt@hawaii.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	CD bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	1) Owners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use. 2) As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. The exception list defined in the Transient Occupant definition is an administrative nightmare, adding more complexity and enforcement challenges than simply keeping the definition of a "transient vacation unit" at 30 days. 3) Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply and limit transient activity in our neighborhoods, while filling a much needed void in the housing market
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:19 PM
Subject: Council Testimony

Written Testimony

Name	John Mahaffey
Phone	
Email	machawaii1313@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose this bill as written as this bill would effectively force anyone visiting or just moving here to the island to rent a hotel room. We finally convinced family to come back and visit from the mainland for several weeks after moving away several years ago, who were hesitant at the price of staying here. Finding a legal, short term rent was the only solution financially. Further, Waikiki and Koolina is not for everyone. Some people love the crowds, but others, like us and family, avoid these areas at all costs. Please don't force this option, as it will only dissuade people from coming here at all. Please focus on enforcing the current law as is. Mahalo.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

HI Good Neighbor

November 9, 2021

The Honorable Tommy Waters, Chair
The Honorable Esther Kia'āina, Vice Chair
and Members
Honolulu City Council
530 South King Street
Honolulu, Hawai'i 96813

RE: Strong Support for Bill 41

Dear Chair Waters, Vice Chair Kia'āina, and Members:

HI Good Neighbor is a group of concerned citizens from around the island who are strongly opposed to the proliferation of large detached dwellings ("LDDs"), also called "monster homes," throughout Oahu's residential neighborhoods. Many of these large detached dwellings have been utilized as illegal vacation rentals.

HI Good Neighbor strongly believes that neighborhoods should be for neighbors first and foremost – not for commercial activity or for profit – which is why we are in strong support of Bill 41.

Bill 41 would protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals by providing a more comprehensive approach to the regulation of transient accommodations within the City and creating additional sources of funding for the administration and enforcement of the City's short-term rental and transient accommodations laws.

As you know, we have been frustrated with how difficult it has been to get meaningful enforcement on building and zoning code violations with respect to large detached dwellings, and have continued to push for additional resources and tools for the Department of Permitting and Planning. **Therefore, we are pleased to see robust enforcement language in Bill 41 that specifies who is liable for violations, outlines what types of enforcement orders can be issued by the Department's director, and lays out the process for pursuing violations.**

We are pleased to see that as part of Bill 41, the Master Use Table would be amended to eliminate bed and breakfasts and transient vacation units ("B&Bs" and "TVUs," respectively) as permitted uses within every land use category except for Resort. **We are very concerned, however, about the impacts of continuing to permit B&Bs and TVUs in certain A-1 and A-2 apartment districts on our local housing stock. We remain opposed to allowing any additional B&Bs and TVUs in residential zones and urge the City Council to hold firm against any efforts to expand the footprint of B&Bs and TVUs in our neighborhoods.**

Thank you for your work on this very important issue and for the opportunity to provide these comments in support of Bill 41.

Mahalo nui loa,

HI Good Neighbor
Tyler Dos Santos-Tam | Christine Otto Zaa
Sarah Chinen | Melissa Mai'i | Reyna Sueoka
Pat Watson | Trisha Kehaulani Watson | Steven Yamashiro

tylerdst@gmail.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:24 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kevin Gooding
Phone	
Email	kgooding41@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41. Bill 41 proposes to limit vacation rentals in residential communities. I have lived Waimanalo all my life. We have become overwhelmed by excessive tourism. A reduction of vacation rentals will reduce this problem. In addition, reducing vacation rentals may reduce the price of housing. My children are unlikely to be able to afford to live in Waimanalo and vacation rental properties help drive up prices. Tourist housing should be limited to designated resort areas .
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

PMK

PORTER · McGUIRE · KIAKONA · LLP

November 9, 2021

VIA EMAIL

Members of the Honolulu City Council
City and County of Honolulu
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41 – Relating to Transient Accommodations

Dear Council Members:

This letter is in response to the current iteration of Bill 41, relating to Transient Accommodations and is submitted on behalf of the Association of Apartment Owners of Inn on the Park (the "Association" or "Inn on the Park"). While the Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impacts of short-term rentals, Bill 41 should not apply in the same manner to the Waikiki Special District. As drafted, Bill 41 is also overly broad and contains numerous troubling provisions.

Condominium associations are made up of many owners and these owners should have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. However, Bill 41 infringes on owners' rights to decide how to use their property. For instance, Bill 41 proposes to prohibit a "natural person" from owning more than one dwelling/lodging unit as a transient vacation unit. *Section 21-5.730.2.* Moreover, it fundamentally alters what constitutes a transient vacation unit (i.e., anything rented for less than 180 days is automatically a transient vacation unit). *Chapter 21, Article 10.* Bill 41 is an ill-fitting "one-size fits all" attempt at a solution, and it is problematic and impractical.

Moreover, Bill 41 does not take into consideration the unique circumstances of condominium associations in the Waikiki Special District. Waikiki is a bustling tourist destination. Unlike single-family residential neighborhoods where the impacts of short-term rentals can be felt, the same cannot be said about Waikiki. Waikiki is a district that already has all the necessary infrastructure in place to support tourism. Waikiki also has more than enough capacity to allow big hotels and the smaller vacation rental industry to survive together. Short-term rentals provide an alternative to expensive hotels. If this Bill passes, the financial fallout from employee layoffs, business closures, and the overall stigma affecting units and property values would be immeasurable. As a prime tourist destination, Waikiki has a unique atmosphere and ambiance that Bill 41 does not acknowledge.

Cheryl Fraine
cfraine@hawaiilegal.com

On behalf of Inn on the Park, we recommend that the City Council reject Bill 41 or redraft it to recognize the unique situation of condominium associations situated in the Waikiki Special District. Input from the various condominium associations should be solicited by the City Council to come up with a bill that is equitably balanced and does not tread on owners' rights to use their units. If the current form of Bill 41 is passed, it would amount to an unconstitutional taking.

Thank you for your attention to this important matter. Please direct any questions or concerns regarding this matter to the undersigned.

Very truly yours,

PORTER McGUIRE KIAKONA, LLP

/s/ Cheryl A. K. Fraine

Christian P. Porter
Kapono F.H. Kiakona
Cheryl A. K. Fraine

PMK

PORTER · McGUIRE · KIAKONA · LLP

November 9, 2021

VIA EMAIL

Members of the Honolulu City Council
City and County of Honolulu
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41 – Relating to Transient Accommodations

Dear Council Members:

This letter is in response to the current iteration of Bill 41, relating to Transient Accommodations and is submitted on behalf of the Association of Apartment Owners of Waikiki Sunset (the "Association" or "Waikiki Sunset"). The Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impacts of short-term rentals. However, Bill 41 is overly broad and does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located within the Waikiki Special District.

The Association feels that Bill 41, as introduced, is an infringement on property rights. Bill 41 is troubling in many ways, and the Association finds many issues with Bill 41 as currently written. For instance, proposed Section 21-5.360.1 provides that: "[u]nits in a condominium hotel must be part of the hotel's room inventory, available for rent to the general public. **The use of a condominium-hotel unit as a primary residence or usual place of abode is not allowed.**" *Emphases added.* Another example is that once a condominium hotel unit is part of the hotel pool, owners must pay a rental rate to use their own unit. *Section 21-5.360.* It is not acceptable that owners would lose control over how their units are managed, and that owners must pay a hotel operator, an amount that the hotel operator sets, to stay in their own units. Bill 41 also limits how many transient vacation units a person may own (i.e., one). *Section 21-5.730.2.* Bill 41 is an ill-fitting "one-size fits all" attempt at a solution, and it is problematic and impractical.

Condominium hotels, such as the Waikiki Sunset, are made up of many owners and these owners should have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41 aims to force entire association buildings, which can be composed of hundreds of owners (as the Waikiki Sunset is), to choose to be classified as either residential or hotel. This is an impossible choice and infringes on owners' rights to decide how to use their property. The Waikiki Sunset serves as a home to many owners. As such, Waikiki Sunset's homeowners should decide how their units will be used.

Bill 41, as currently drafted, would cause irreparable and devastating harm to the Waikiki Sunset, its unit owners, employees, and the public at large. The financial fallout from employee layoffs, business closures, and the overall stigma affecting units and property values would be immeasurable.

Cheryl Fraine
cfraine@hawaiilegal.com

Moreover, Waikiki Sunset is a condominium hotel that is located within a block of two (2) hotels (i.e., the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa). Waikiki Sunset is in the heart of Waikiki and is a prime tourist destination. Unlike single-family residential neighborhoods where the impact of short-term rentals can be felt, the same cannot be said about Waikiki. As a prime tourist destination, Waikiki has a unique atmosphere and ambiance that Bill 41 does not acknowledge.

The above gives a glimpse into just a few of the short-comings of Bill 41. On behalf of the Waikiki Sunset, we recommend that the City Council reject Bill 41 or redraft it to recognize the unique situation of condominium hotels, such as the Waikiki Sunset, that are situated in the Waikiki Special District. Input from the various condominium associations and/or condominium hotels should be solicited by the City Council to come up with a bill that is equitably balanced and does not tread on owners' rights to use their units.

Thank you for your attention to this important matter. Please direct any questions or concerns regarding this matter to the undersigned.

Very truly yours,

PORTER McGUIRE KIAKONA, LLP

/s/ Cheryl A. K. Fraine

Christian P. Porter
Kapono F.H. Kiakona
Cheryl A. K. Fraine

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:02 PM
Subject: Council Testimony

Written Testimony

Name	Cecilia Gomez
Phone	
Email	ceciliagomezhawaii@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	stop Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	3) What does 180 min rental have to do with tourist? Here is a bill that is got mixed apples and oranges. The pretext of this bill is regarding vacation rental issues but the bill goes way beyond the reasonable rental length of stays that many local families need due to their ever changing service sector jobs. Local families have nothing to do with tourism lodging so why is DPP confusing the matter? Why do we not have different bills addressing different things? I looked up the statistics and vacationers typically stay just under two weeks in Oahu.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:08 PM
Subject: Council Testimony

Written Testimony

Name	Kazuko Franklin
Phone	
Email	kazuko77@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill41, it limits owners' rights and only benefits the city and county and the hotel. Completely unfair, impractical and unethical.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:11 PM
Subject: Council Testimony

Written Testimony

Name	Deborah Mikonczyk
Phone	
Email	davidmikonczyk@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am a recent widow and as a Hawaii resident would like to rent my condo for extra needed income. I oppose Bill 41. I oppose the change from 30 day to 180 day rental. This is govt. over-reach to tell property owners the minimum length of time they can rent their property. After continued COVID shutdowns , forcing property owners to sell is not the solution to stimulating the island economy or a solution to affordable housing. Categorizing condo-hotel units as hotels, requiring them to be managed by condo-hotel management, is again, beyond the scope of govt. and destructive to a free market which could quickly stimulate the economy. TVUs and B&Bs SHOULD NOT be taxed the same as hotels.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:57 PM
Subject: Council Testimony

Written Testimony

Name	Bryan Holt
Phone	
Email	ckvproperties@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I think if you where to ask most people interested in, and familiar with vacation rentals and the hotel, tourism industry on the whole, it wouldn't be hard to imagine that these proposed changes seem as though they are written by the hotel alliance, geared towards eliminating their competition, under the guise of helping to control "over tourism" by quashing all local TVR's. It is obvious these proposed rule changes are not only draconian in nature, but are laser targeted to squash all local, small homeowners that rent part of their home to generate income that helps them survive in Hawaii's over taxed and over regulated, anti business environment. As a taxpaying homeowner, I should have the right to rent to whom I wish. I shouldn't be ordered by the city to provide moderate income rentals, that is the city's responsibility not private homeowners. A year ago mayor Caldwell asked property owners to build ohana units and stated the city would fast track permitting for them, just don't use these spaces for anyone but locals. Define locals, if something like a 180 minimum lease is allowed to pass. Vacation rentals have been in existence for centuries and they are here to stay. The city needs to keep out of property owner's business and rights and focus on the many problems the city has such as homelessness, over taxation, crime and rail (there's a big one). There is a difference between homeowner vacation rentals and corporate, or whole home rentals run by an absentee owner. Homeowners may be sick of getting stuck in binds created by the state's punitive landlord tenant code, which already leaves homeowners helpless when they have bad tenants. This is a complete

turn off to anyone that wants to rent locally and is something that the city council needs to change before trying to force property owners to become the city's housing agents. And this is before we had the governor mandating that a landlord not evict non paying tenants for over 1.5 years through "emergency proclamation." There has never been anything crazier and more profound than this anti rights move by government, ever. Why would any homeowner want to deal with the gauntlet that is the city and county of Honolulu?

For the perfect hoteliers that don't contribute to the over tourism problem with their 50,000 rooms, you cannot control local property owners rights. These proposed changes are even thinly veiled as pro-HTA, pro-hotel lobby changes. The winds of change are happening. Tourists don't want to be couped up in a crime ridden concrete jungle, where they are preyed upon by street vendors, homeless, drug dealers and prostitutes. In addition, the likely hood of being involved in a violet crime continues to rise even with increased police presence. A jungle it is and like myself when I travel, I want nothing to do with tourist traps like Times Square or Union Square for hat matter. A properly managed supply of vacation rentals is the future of travel, much like Uber. And as much as this city tries to over regulate and continue its anti business mantra, the world will continue to move ahead, leaving Hawaii to catch up again.

For these reasons and more, I disagree with all of these proposed changes. In addition, the city needs to start piecing together a plan to better regulate and allow owner occupied vacation rentals to survive and expand. Vacation rentals have been given bad publicity which the hotel industry has attempted to capitalize upon. The truth is vacationing renters are lower impact than most local renters. Where 2 room mates sharing a rental bring 2 cars, visiting friends and a whole lot of baggage, touring visitors live out of a suit case for a few days, a family of 4 uses 1 car, leaving more on street parking and are basically there to sleep and enjoy the days. Less impact and smaller foot print, no doubt.

I do not agree with your proposed STR changes and stand for freedom of choice in business. Thank you for your attention.

Byran Holt
Kaka'ako

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

PMK

PORTER · McGUIRE · KIAKONA · LLP

November 9, 2021

VIA EMAIL

Members of the Honolulu City Council
City and County of Honolulu
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41 – Relating to Transient Accommodations

Dear Council Members:

This letter is in response to the current iteration of Bill 41, relating to Transient Accommodations and is submitted on behalf of the Association of Apartment Owners of Waikiki Banyan (the "Association" or "Waikiki Banyan"). The Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impacts of short-term rentals. However, Bill 41 is overly broad and does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located within the Waikiki Special District.

The Association feels that Bill 41, as introduced, is an infringement on property rights. Bill 41 is troubling in many ways, and the Association finds many issues with Bill 41 as it is currently written. For instance, proposed Section 21-5.360.1 provides that: "[u]nits in a condominium hotel must be part of the hotel's room inventory, available for rent to the general public. **The use of a condominium-hotel unit as a primary residence or usual place of abode is not allowed.**" *Emphases added.* Another example is that once a condominium hotel unit is part of the hotel pool, owners must pay a rental rate to use their own unit. *Section 21-5.360.* It is not acceptable that owners would lose control over how their units are managed, and that owners must pay a hotel operator, an amount that the hotel operator sets, to stay in their own units. Bill 41 also limits how many transient vacation units a person may own (i.e., one). *Section 21-5.730.2.* Bill 41 is an ill-fitting "one-size fits all" attempt at a solution, and it is problematic and impractical.

Condominium hotels, such as the Waikiki Banyan, are made up of many owners and these owners should have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41 aims to force entire association buildings, which can be composed of hundreds of owners (as the Waikiki Banyan is), to choose to be classified as either residential or hotel. This is an impossible choice and infringes on owners' rights to decide how to use their property.

Waikiki Banyan is a condominium hotel that is located on the corner of Ohua and Kuhio Avenue. It is right across the street from three (3) hotels (i.e., Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel). Waikiki Banyan is in the heart of Waikiki and is a prime tourist destination, but it also serves as a home to many owners. Waikiki Banyan's homeowners deserve a choice in how their units will be used. Bill 41's "one-size fits all" proposal would change the very atmosphere and ambiance of Waikiki forever.

Porter McGuire Kiakona, LLP
841 Bishop Street, Suite 1500
Honolulu, Hawaii 96813

www.HawaiiLegal.com
Phone: (808) 539-1100
Fax: (808) 539-1189

The above gives a glimpse into just a few of the many short-comings of Bill 41. On behalf of the Waikiki Banyan, we recommend that the City Council reject Bill 41 or redraft it to recognize the unique situation of condominium hotels, such as the Waikiki Banyan, that are situated in the Waikiki Special District. Input from the various condominium associations and/or condominium hotels should be solicited by the City Council to come up with a bill that is equitably balanced and does not tread on owners' rights to use their units. If the current form of Bill 41 is passed, it would amount to an unconstitutional taking.

Thank you for your attention to this important matter. Please direct any questions or concerns regarding this matter to the undersigned.

Very truly yours,

PORTER McGUIRE KIAKONA, LLP

/s/Cheryl A. K. Fraine

Christian P. Porter
Kapono F.H. Kiakona
Cheryl A. K. Fraine

cfraine@hawaiilegal.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:13 PM
Subject: Council Testimony

Written Testimony

Name	Kayoko Naganawa
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am an owner at the Waikiki Sunset PH3806 and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' rights and will only benefit the city and county and the hotel.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:15 PM
Subject: Council Testimony

Written Testimony

Name	Jade
Phone	
Email	mail@functionsurf.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	This bill is presented in a way to the public to crack down on illegal vacation rentals. But I feel it is actually meant to benefit the hotels so they don't have competition amongst the legal vacation rentals. There are many legal vacation rentals in Waikiki resort zoning that are not part of the hotel operator program. What is the reason behind Sec. 21-5.360 (b) to where hotel units must be managed by the hotel operator? I hope this is not related with the rumor that the DPP director's wife is a hotel executive?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:17 PM
Subject: Council Testimony

Written Testimony

Name	Gina Olsen
Phone	
Email	olsengina@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha City Council, My name is Gina Olsen. I oppose the proposed bill. Vacation rentals have already been limited with the past regulations, yet these past limitations were not strongly enforced. If you just enforced the current regulations that are already in place with hefty fines, you would have the funding you need and the overcrowding problems on the island would disappear. The illegal places are the ones causing the problems. They are the people who have already showed they don't follow rules and who aren't paying taxes. Don't punish people who are renting legally and who are following rules, paying taxes, and making sure their guests and renters are respectful when illegal places and enforcement is the problem. I am particularly concerned with the part of the proposed bill that says homeowners with properties located on a resort will be forced to turn over their condo to hotel management. This is unfair and creates a mini-monopoly situation for hotels. Hotels already charge exorbitant management fees, but they would be unchecked to charge even higher more outrageous management rates with no possibility of competition. They could charge homeowners 75%, 80%, or whatever they want because there is no competition. The homeowners still have to pay their mortgages, but if hotel management gets too expensive, they can't manage it themselves or hire someone more reasonably priced to manage it. This seems unconstitutional. People who own the property lose control of their own properties and gives it to the hotels. Owners take all the risk and the hotels get all the benefits. It takes away jobs and money from individual owners, kamahina, small businesses, and property management companies and gives it to large corporations and hotels. It is an overreach of government

authority. Many resort zoned condo hotels have security who enforce the rules, you do not need the hotel front desk to enforce it – the hotel will leave it up to the property security anyway. Security and the associations are already doing that. This is unnecessary.
Not letting people manage their properties on their own or chose a management company will raise prices for locals who want to stay on another part of the island because they will be forced to pay hotel resort fees. I get lots of kamahina who rent my property on the North Shore, they like renting from me so they don't have to pay the resort fees.
Making all properties be held in the person's name instead of a business name like an LLC or Trust takes away protections that LLC's and Trusts provide for owners and affects people's ability to be able to easily pass their property down to their grandchildren when they pass.
In summary, the overcrowding and other problems you are facing will be addressed if you just enforce the rules and impose fines on the illegal rentals. Homeowners and property management companies in resort zoned areas already have security who enforce rules and regulations. This proposed bill is an overreach of government authority to try to force homeowners to use hotel management and it will hurt locals, homeowners, small businesses and small property management companies and brokers and will help big corporations and hotels – this bill is not written to help the people of Oahu who make this island special, it is written to give even more money to the big hotels.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:19 PM
Subject: Council Testimony

Written Testimony

Name	Tanahashi Promotions, Inc.
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Makito Tanahashi (Tanahashi Promotions, Inc), I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street

from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton
Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and
has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

HAWAI'I LODGING & TOURISM

ASSOCIATION

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

Honolulu City Council
Council Meeting
Bill 41 (2021)
November 10, 2021

Chair Waters and members of the City Council, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest 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 — have been outspoken advocates for the regulation of short-term rental units on O'ahu. This is an issue on which our association has worked closely with our elected leaders to address in myriad ways including through proper collection of real property taxes and the Transient Accommodations Tax as well as pushing for STRs to be relegated to appropriate zones where they would be required to operate under the same rules as the rest of the hospitality industry.

As we all know, the pandemic laid bare the unregulated nature of the app-based, crowd-sharing market for STRs. In the earliest days of the COVID-19 pandemic, illegal units continued to operate and ensured that unscrupulous travelers had a means of skirting the mandatory quarantine period. The lack of oversight was glaring and made it easier for COVID-19 to spread around our state.

Even in more normal times, we are all cognizant of the negative impacts that the proliferation of short-term rental units has on local neighborhoods. These include:

- Decreased inventory of affordable rental units for local families with many of these units being bought and operated by out-of-state owners.
- Increased rental prices that have effectively priced many Honolulu residents out of the market.
- Artificial increase to the supply of transient accommodations that has led to greater numbers of travelers coming to our county, fueling conversations about responsible travel and overtourism.
- Increased strain on roadways and utilities like our sewer and water treatment systems.
- Increased traffic, noise, and congestion within local, multi-generational communities.

We appreciate the strides that DPP and the current administration has taken to amend the previous regulations and strongly support these intended effects of the proposed changes to the Revised Ordinances of Honolulu:

Hawai'i Lodging & Tourism Association
2270 Kalakaua Avenue, Suite 1702, Honolulu, Hawai'i 96815 · Phone: (808) 923-0407 · Fax: (808) 924-3843
info@hawaiilodging.org · www.hawaiilodging.org

- Removal of all illegal TVRs and bed and breakfasts while not leaving any available gray area for illegal operators to manipulate and skirt the system.
- The generation of significant amounts of funds for the City budget through registration fees, significant violation fines, and appropriate designation of RPT rates.
- Dedicated funding for DPP to carry out this mammoth task.

Finally, we would like to express our support for the proposed CD1 offered by Department of Planning & Permitting Director Uchida. His proposed amendments to the current form of Bill 41 (2021) more closely adhere to HLTA's overarching position on the matter of short-term rentals. For example, HLTA's longstanding position has been that legal short-term rental units should be allowed to operate within legal areas such as the Resort Mixed Use Precinct in the Waikiki Special District so long as they pay their fair share of taxes. Moreover, we support the expanded definition of "transient occupants" that is clarified in the proposed CD1 as it would provide exceptions to the 180-day baseline for renters like patients in healthcare facilities, military personnel, or those using lodging provided by nonprofit organizations.

These things considered, HLTA supports Bill 41 (2021) and asks that the Council consider the amendments set forth in the proposed CD1.

Thank you for the opportunity to offer this testimony.

mhannemann@hawaiilodging.org

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:23 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	CURT RHONEY
Phone	
Email	KURTRHONEY@GMAIL.COM
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	"Bill 41"
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have been a homeowner on the North Shore for the last 24 years and I am tired of Honolulu dictating and passing laws regarding vacation rentals in an attempt to keep the rental homes for local residents. The rental laws are passed to ensure the area neighborhoods are crime and drug havens for people from all over the world coming in to work undocumented for as long as possible. I do not feel you have the best interest of area residents as the vacation rentals do not bring in people who are of low character and they leave with an understanding they appreciate the local way of life. I can make these statements as I have rented long and short term for twenty plus years on and off. I can say for certain you have not been able to uphold the last bill passed as I have seen new short-term rentals come online on newly purchased houses in the last year. Passing this bill would be a mistake. Thank you for your time.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:25 PM
Subject: Council Testimony

Written Testimony

Name	Eisei Endo
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Eisei Endo, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place

Waikiki Beach, and Hilton
Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and
has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:27 PM
Subject: Council Testimony

Written Testimony

Name	Kunio Okada
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Kunio Okada (Watato Co., Ltd.), I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street

from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton
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Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:28 PM
Subject: Council Testimony

Written Testimony

Name	Thuan Nguyen
Phone	
Email	thuannguyen03@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear City Council, My name is Thuan Nguyen. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki.

The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:29 PM
Subject: Council Testimony

Written Testimony

Name	Trang Nguyen
Phone	
Email	nguyentrang914@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear City Council, My name is Trang Nguyen. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki.

The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:30 PM
Subject: Council Testimony

Written Testimony

Name	Ayako Yuki
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Ayako Yuki (Elle Rose Co., Ltd.), I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel.

The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:33 PM
Subject: Council Testimony

Written Testimony

Name	Kinichi Saimen
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Kinichi Saimen, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:33 PM
Subject: Council Testimony

Written Testimony

Name	Marianne K. Whiting
Phone	
Email	747mkw@gmail.coom
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a twenty-six year Kailua resident who strongly supports Bill 41. Limiting tourism to Oahu's four designated resort area will preserve our communities for our families versus the gradual erosion and transition to the resort area we are currently experiencing. We moved to this area to live and participate in a vibrant community, not Waikiki. This bill offers a reasonable compromise accommodating those coming to Hawaii for short term work, study, medical care, and transition between homes while closing a loophole allowing vacation rentals once per month. Additionally it will enhance enforcement of vacation rentals which is sorely lacking. Please kokua. Preserve our neighborhoods. Vote in favors of our communities and support Bill 41. Mahalo for your thoughtful consideration.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:34 PM
Subject: Council Testimony

Written Testimony

Name	Yuko Monoe
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Yuko Monoe, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:34 PM
Subject: Council Testimony

Written Testimony

Name	Stuart Simmons
Phone	
Email	stu_simmons@hotemail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please make residential-zoned housing for permanent residents your highest priority. Illegal vacation rentals and rentals for less than 180 days rentals are reducing the housing supply for long-term renters. Please support Bill 41 CD1
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:34 PM
Subject: Council Testimony

Written Testimony

Name	Katherine Leary
Phone	
Email	katannlea@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41-Redefining Short-Term Rental
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Visitors come to Hawaii to appreciate its natural, unparalleled beauty, in an environment of calm and relaxation, if desired. Not all visitors favor the effervescence of hotel/resort atmosphere. That is why private residences and estates have been for years deeply enshrined in the culture of the islands as an essential alternative to travelers seeking an oasis of tranquility and privacy, so conducive to the islands' environment. If Hawaii can no longer offer this essential and coveted alternative, it will gradually lose its appeal with visitors that will opt for other destinations in return. Redefining Short-term rental or Vacation rental to a 6-month term, is like abolishing an era that was profoundly rooted in Hawaii's fabric, while deeply affecting its core economy, the tourism industry, and ancillary private housing market.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Kageki Yamasaki. I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

kagekiyamasaki@guitar.ocn.ne.jp

MARRIOTT
VACATIONS
WORLDWIDE
SM

November 9, 2021

TO: Councilmember Tommy Waters, Chair
Councilmember Esther Kia'aina, Vice- Chair
Members of the Honolulu City Council

FR: Denis Ebrill, Marriott Vacations Worldwide Corporation

RE: Comments on Bill 41 Relating to Transient Accommodations

Aloha Chair Waters, Vice-Chair Kia'aina and members of the Honolulu City Council,

Thank you for allowing me to submit testimony on behalf of Marriott Vacations Worldwide Corporation ("MVWC") to provide **comments and propose amendments** to Bill 41 proposing amendments to Chapter 21 (Land Use Ordinance [LUO]) relating to transient accommodations. MVWC is a global leader in the timeshare industry with ten resort properties in Hawaii. Timeshare resorts are an important and stabilizing part of the tourism industry, and resort development provides thousands of construction jobs in Hawaii per year.

The City Council has determined that short-term rentals are disruptive to the character and fabric of our residential neighborhoods and have found that any economic benefits of opening-up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents. The purpose of the proposed measure is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals by providing a more comprehensive approach to the regulation of transient accommodations. MVWC understands the concerns raised by the Council, however, there are provisions within the proposed draft that should be addressed.

MVWC has concerns with Bill 41 which amends the definition of "Condominium Hotel" to mean "a hotel in which one or more hotel units are separate real property interests created by a declaration of condominium property regime." Section 21-5.360(c) would prevent discounted rental rates to owners of condominium hotel units and their guests, which is a key purpose for which condominium hotels are created. Prohibiting discounted rental rates for the owners of condominium hotel units restricts the owners' usage of the unit and does not further the goal of preserving residential neighborhoods since they are already properly zoned. This prohibition should be deleted. MWVC does appreciate the clarification provided in Section 21-5.360(c) which expressly states that "[t]his section does not apply to bookings for hotel units that are part of a legally established time-share program."

Further, the proposed insertion of a new Section 21-5.360.2(b)(4) regulating business travel hotels located in the BMX-3 district prohibits multifamily dwellings and hotel use on the same floor level. This prohibition is impractical for condominium hotels located in a BMX-3 district. The design of the business mixed use district is to recognize mixtures of commercial and

9002 San Marco Court, Orlando, Florida 32819 T 407-206-6000 F 407-206-6420 marriottvacationsworldwide.com
Proud supporter of Children's Miracle Network Hospitals

residential uses, and to encourage the continuance and strengthening of this pattern. Given the stated purpose of the zoning district, the BMX-3 district is not a residential neighborhood requiring protection by Bill 41.

Additionally, it is common for an existing condominium project in a BMX-3 district to have units which engage in business on the same floor as units which are used for residential purposes. Purchasers of condominium units in the BMX-3 district were fully aware at the time of purchase that they were purchasing a unit in a mixed use condominium located in a business mixed use district. Absent an express limitation in the condominium documents, purchasers had no expectation that all units on the same floor would be used for either residential or business purposes. Further, as ownership of units change hands from time to time, the use of a particular unit may change, particularly in a mixed-use condominium. For these reasons, MVWC recommends that Bill 41 be amended to delete the limitation on the use of units on the same floor or allow existing condominium hotel projects located in a BMX-3 district to continue such uses.

Moreover, the proposed Section 21-5.360.1 states that units in a condominium hotel must be part of the hotel's room inventory available for rent to the general public. Requiring condominium hotel units to be apart of the hotel inventory is impractical and difficult to accomplish. It is rare for every unit in a condominium project to be a part of the hotel's room inventory as some owners use their unit as a residence. Accordingly, Bill 41 should be amended to require that all bookings for units in the condominium project utilize a central hotel booking system of the hotel operator or the 24-hour front desk. This requirement would centralize the room inventory and provide a complete record of all transient guests registered at the property for safety and security purposes.

Lastly, a timeshare unit as currently defined may be a either a hotel or transient vacation unit ("TVU") subject to a time share plan. Accordingly, some timeshare units may be subject to restrictions on TVUs in the proposed amendments which include: 1) limitation on zoning districts which TVUs are permitted uses subject to Article 5; and 2) new required registration process of TVUs which also limits the amount of TVUs a natural person can register to one.

Based upon the foregoing, MVWC recommends the following amendments to the Bill 41:

1. Amend Section 21-5.360.2(b) to remove the requirement that multifamily dwelling use and hotel use not be on the same floor. Alternatively, grandfather existing condominium projects in the BMX-3 district where multifamily dwelling use and hotel use already exist on the same floor;

2. Amend Section 21-5.360.1 to remove the prohibition on discounted rental rates to owners of condominium hotel units or hotel guests arranged for by the owners of condominium hotel units.

3. Amend Section 21-5.360.1 to require "[A]ll units in a condominium hotel being used as a hotel unit or transient vacation unit shall be booked by guests through a centralized hotel booking system that is managed by the operator of the 24-hour front desk at the condominium project, provided that this section shall not prohibit the booking of hotel units through third party services or technologies that make bookings through the central hotel operated booking system managed by the hotel's front desk. For every reservation booked for a transient vacation unit, the operator of the 24-hour front desk may charge a fee".

4. Amend the definition of TVUs to expressly exempt TVUs that are part of a legally established time-share program from registering under the newly added Sec. 21-5.730.2.

Mahalo for your consideration of these amendments.

Aloha,

Denis Ebrill
Senior Vice President
Marriott Vacations Worldwide Corporation

Evan Oue
eoue@imanaka-asato.com

AQUA-ASTON

HOSPITALITY

November 9, 2021

TO: Councilmember Tommy Waters, Chair
Councilmember Esther Kia'aina, Vice- Chair
Members of the Honolulu City Council

FR: Aqua-Aston Hospitality

RE: Comments on Bill 41 Relating to Transient Accommodations

Aloha Chair Waters, Vice-Chair Kia'aina and members of the Honolulu City Council,

We at Aqua-Aston Hospitality, LLC ("Aqua-Aston") are writing to offer **Comments and provide Amendments** to Bill 41 proposing amendments to Chapter 21 (Land Use Ordinance [LUO]) relating to transient accommodations. Aqua-Aston has engaged in hotel and resort management in the state of Hawaii for over 75 years. On the island on Oahu, Aqua-Aston currently manages 14 hotels and condominium hotels

The City Council has determined that short-term rentals are disruptive to the character and fabric of our residential neighborhoods and has found that any economic benefits of opening-up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents. The purpose of the proposed measure is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals by providing a more comprehensive approach to the regulation of transient accommodations. Aqua-Aston supports the concerns raised by the Council, however, there are a few provisions within the Bill 41 that create issues in the condominium hotel industry that warrant attention.

Aqua-Aston has concerns with the insertion of a new Section 21-5.360.2(b) regulating business travel hotels located in the BMX-3 district which prohibits multifamily dwellings and hotel use on the same floor level. This prohibition is impractical for condominium hotels located in a BMX-3 district. The purpose of the business mixed use district is to recognize that certain areas of the city have historically been mixtures of commercial and residential uses, and to encourage the continuance and strengthening of this pattern. Given the stated purpose of the zoning district, the BMX-3 district is not a residential neighborhood requiring protection by the Bill 41.

Existing condominium projects in the BMX-3 district have units that can be used for business and/or residential use without any limitation on use to particular floors unless otherwise stated in the condominium documents. It is common for an existing condominium project in a BMX-3 district to have units which engage in business on the same floor as units which are used for residential purposes. Purchasers of condominium units in the BMX-3 district were fully aware

Office: 820 Mililani St, Ste. 600, Honolulu, HI 96813 T 808-931-1400
Mailing Address: 6649 Westwood Blvd., Orlando, FL 32821

at the time of purchase that they were purchasing a unit in a mixed-use condominium project located in a business mixed use district. Absent an express limitation in the condominium documents, purchasers have no expectation that all units on the same floor would be used for either residential or business purposes. Further, as ownership of units change hands from time to time, the use of a particular unit may change, particularly in a mixed-use condominium project. For these reasons, Aqua-Aston recommends that the Bill 41 be amended to delete the limitation on the use of units on the same floor. Should the City Council not be inclined to remove the language that multifamily dwelling units and hotel use not be permitted on the same floor, Aqua-Aston recommends, at a minimum, that Bill 41 be amended to grandfather existing condominium projects located in a BMX-3 district.

Furthermore, the restriction in Section 21-5.360(c) prohibiting hotels and third-party booking services from providing discounted rental rates to the owners of condominium hotel units or hotel guests arranged for by the owners of condominium hotel units unless the same discounted rates are available to members of the general public is problematic. Offering discounted rental rates at other properties managed by the hotel operator to owners of condominium hotel units is a benefit which condominium hotel operators generally offer owners of condominium hotel units as a token of their appreciation for allowing their unit to be used for transient rentals. Condominium hotel operators also allow the owners of condominium hotel units to offer discounts to transient guests for stays that the owner arranges through the condominium hotel operator in appreciation for the owner taking the initiative to find transient guests for the units in the condominium hotel on his own. Prohibiting discounted rental rates does nothing to further the goal of preserving residential neighborhoods. It only eliminates one of the methods used by condominium hotel operators to show appreciation to the owners of condominium hotel units for placing their units in the condominium hotel inventory. Aqua-Aston recommends that this prohibition on discounted rental rates be deleted.

Moreover, the proposed Section 21-5.360.1 states that "units in condominium hotel must be part of the hotel's room inventory available for rent to the general public." Based on Aqua-Aston's experience, it is extremely rare for every unit in a condominium project to be a part of the hotel's room inventory. While a condominium hotel operator will make every effort to offer every owner in the condominium project the opportunity to place his or her unit in the hotel room inventory, there will always be owners who choose to use off-site rental managers to rent their unit as a transient vacation unit ("TVU"), to the extent legally permissible, or use their unit as a residence. Accordingly, Aqua-Aston recommends that the Bill 41 be amended to require that all bookings and reservations for all units in the condominium project go through the centralized hotel booking system of the hotel operator or the 24-hour front desk, and such hotel operator or front desk operator may charge a fee for each reservation to the extent the booking is for a unit that is not a part of the hotel's room inventory. Such a requirement would centralize the room inventory in a condominium project under the hotel operator operating the 24-hour front desk. Additionally, the front desk will have a complete record of all transient guests registered at the property for safety and security purposes.

Additionally, Aqua Aston also has concerns surrounding the regulation of "non-conforming hotels." Currently, it is unclear whether these "non-conforming hotels" will interpreted

as condominium hotels making the units subject to: 1) requirement that all units be included in hotel inventory; and 2) restriction against discounted rates for owners. Aqua Aston recommends that additional language be included to provide greater insight into the regulation of these "non-conforming hotels."

Finally, we are also concerned that requiring all units in a condominium project operating as a condominium hotel to be included in the hotel's inventory and used exclusively as hotel units may trigger a federal securities law issue if the developer failed to register the property as a security.

Based upon the foregoing, Aqua-Aston recommends the following amendments to Bill 41:

1. Amend Section 21-5.360.2(b)(4) to remove the requirement that multifamily dwelling use and hotel use not be on the same floor. Alternatively, an amendment can be made to grandfather existing condominium projects in the BMX-3 district where multifamily dwelling use and hotel use already exist on the same floor;

2. Amend Section 21-5.360(c) to remove the prohibition on discounted rental rates to owners of condominium hotel units or hotel guests arranged for by the owners of condominium hotel units.

3. Amend Section 21-5.360.1 to require that "[A]ll units in a condominium hotel being used as a hotel unit or transient vacation unit shall be booked by guests through a centralized hotel booking system that is managed by the operator of the 24-hour front desk at the condominium project, provided that this section shall not prohibit the booking of hotel units through third party services or technologies that make bookings through the central hotel operated booking system managed by the hotel's front desk. For every reservation booked for a transient vacation unit, the operator of the 24-hour front desk may charge a fee".

We sincerely thank you for your time and consideration of Aqua-Aston's comments and recommended amendments. We look forward to working with the Council and members of this Commission to create language that preserves our local neighborhoods and protects the rights of condominium hotel unit owners.

Respectfully submitted,

Denis Ebrill
Aqua Aston Hospitality, LLC, Managing Director

Evan Oue
eoue@imanaka-asato.com

Office: 820 Mililani St, Ste. 600, Honolulu, HI 96813 T 808-931-1400
Mailing Address: 6649 Westwood Blvd., Orlando, FL 32821

From: CLK Council Info
Sent: Tuesday, November 9, 2021 2:44 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Deborah O Riddle
Phone	
Email	tomdebbieriddle@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

We have read the proposed draft of Bill 41 and are writing to voice our opposition to the proposal.

We are owners of a condominium unit in Waikiki Beach. We reside in Waikiki up to 6 months per year and love living part of the year in your beautiful state. We are not Hawaii residents. As a point of reference, our "other" home is Coronado, CA also a popular tourist destination that struggles with many of the same problems that Honolulu is experiencing as it relates to Short Term Tenants. As retired real estate brokers (and owners of a property management company that included vacation rentals) we feel uniquely qualified to speak to this issue with knowledge, experience and with no emotional or financial axe to grind. Following are our comments and objections after reading the entire proposed amendments.

1. We were struck at the change in tone between the 2018 legislation (Bill 89) "The Purpose of this ordinance is to better regulate short term rentals" to today's proposed legislation "Short term rentals are disruptive to the character and fabric of our residential neighborhoods". The proposed ordinance revisions appear to be a thinly veiled attempt to outlaw such rentals while hiding behind draconian and expensive regulations in the hopes that property owners will just "give up" on the idea of operating a short term rental property.
2. It appears that the proposed amendments are due to a lack of effectiveness observed from the Bill 89 which was passed 8/1/19 and effective 10/1/20 for much of the ordinance.
a. We agree with the authors concern about the disruptions that short terms tenants cause when they find themselves in residential neighborhoods....but....
b. Tourist demands are evolutionary; the reason the Air BnB's (etc) have experienced such growth is because of demand. The best way to address this demand (long term) is for the hotel industry to adapt to the wants and needs of tourists (not unlike back in the 60's with the demise of the "family camps of New Yorks Catskill Mountains" in favor of trips to Europe)

3. The proposed ordinance is costly:
a. $3.125m diverted from the property tax rolls for administration and enforcement
b. 21.5.730.2 (d) states that the authority to operate such units does not run with the land and may not be transferred. This will result in a shrinkage in the # of such units (intentional?). We see an administrative difficulty, trying to operate a department with a continually shrinking budget (destined to fail or, at minimum, result in further resident outrage).
c. The proposed amendments will undoubtedly result in legal objections that will cost both homeowners and the City.
d. Section 20 (c) "prima facie" evidence…how does one "prove a negative"
e. The definition change of a short term rental being "less than 180 days" from "less than 30" days will have unintended consequences for landlords that own and operate long term rentals. In such a transient environment that exists here, month to month tenancies should not be uncommon and
f. 21.5.730.2 restrictions to 1 unit per owner. How will the department handle people who owned multiple units as of the date this ordinance is adopted?
4. Technical items:
a. Sec 16 suggests a repeal of 21-5.730. Section 17 adds 21 – 5.730.1 (when you have just removed 21-5.730.)
b. Section 25. Definition of Condominium Hotel. Suggest you use the following from The Condo Hotel Lawyers in JMBM's Global Hospitality Group® think of condo hotels in the following terms, and condo hotel veterans generally agree:
What is a condo hotel?
Definition: A condo hotel is a hotel where some or all the rooms have been legally transformed into condominium units which are sold to purchasers, and where it is intended that the condominium units will be part of the hotel's rooms inventory to be rented to the public and operated by the hotel management.

And, finally, we would close with our support and concern for a logical and equitable management of the Short Term Rental Market. Property Owners should be willing to pay their fair share and recognize that there are responsibilities in addition to benefits of such operations. Addressed properly, this can be a win for all….the City, the Visitors and the Property Owners.

Thank you for the opportunity to comment on these proposed changes. We look forward to attending your meeting on Wednesday, 11/10/21. Should the Council move to form a committee to discuss further the proper solutions to this understandable problem, we would be honored to participate.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:46 PM
Subject: Public Safety Testimony

Written Testimony

Name	Kenji Oka
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Public Safety
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Kenji Oka, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners'

rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:44 PM
Subject: Council Testimony

Written Testimony

Name	dainora puida
Phone	
Email	dainora@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 Rgarding Short Term Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To Whom It May Concern, I completely oppose this entire bill 41. I just want to make one comment that i was shocked during Mr. Uchida's introduction to this bill. When asked why this bill proposes to turn all private legal resort-zoned condo hotel units to the centralized hotel management, his answer was: BECAUSE IT IS EASIER FOR DPP TO MONITOR!!! Since when our government makes decisions on what is convenient for them? They are public servants and they should be working for the people not what is convenient for DPP. This is completely lazy and incompetent answer from the head of DPP. Airbnb and Vrbo request every single listing to list tax map key number and GET&TAT number. They have all the tools needed to monitor vacation rentals and make sure everyone is complying. Sincerely, Dainora Puida
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:44 PM
Subject: Council Testimony
Attachments: 20211109154403_2018_DPP_letter_to_Waikiki_Lanais.pdf

Written Testimony

Name	Denise Boisvert
Phone	
Email	infofordenise@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha - - Please place the attached letter after my testimony (around page 354-355 online :). Apparently the website seems to drop any file attached when you don't put in the correct security code the first time. I did not notice it missing when I had to resubmit the new code! Mahalo!
Testimony Attachment	20211109154403_2018_DPP_letter_to_Waikiki_Lanais.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

FILE COPY

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honol WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR

KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

2017/ELOG-2206(SA)

April 26, 2018

Mr. Christopher Shea Goodwin
Christopher Shea Goodwin,
Attorney at Law LLLC
Mauka Tower
737 Bishop Street, Suite 164
Honolulu, Hawaii 96813

Dear Mr. Goodwin:

SUBJECT: Zoning Verification Clarification
2452 Tusitala Street - Waikiki
TMK 2-6-024: 069

This is a follow up letter to our previous letter, dated November 9, 2017, regarding transient vacation units (TVUs) on the subject property. We reiterate that TVUs may not operate on the site without an active Nonconforming Use Certificate (NUC), and, based on our records, there are currently no active NUCs on the site. The following list summarizes our findings on the site:

1) The permitting history reveals a Building Permit (BP) No. 014657, issued on August 14, 1973, allowing the 21-story structure as an apartment building, or multi-family dwelling (MFD). Prior to this date, Variance No. 65/Z-91, issued on August 5, 1965, allowed a new 11-story apartment building to encroach into the side yards. In 1968, a report associated with Zoning Variance No. 68/Z-62 (to allow off-street parking on the subject lot) indicated that the construction of the 11-story apartment building was delayed due to financial negotiations.

2) The zoning history for the site indicates there was a time when a hotel could have been permitted, but no permits to allow a hotel were issued during this period.

3) The BPs for the structure reference the occupancy code used to determine the appropriate structural and building standards. At the time, the occupancy code for hotels and MFDs was called H-Apt. There was also a time when the underlying zoning district was Hotel and Apartment, but this shouldn't be confused with the occupancy codes. A variety of structures with different uses could have been developed in the Hotel and Apartment District. Our records indicate that that

structure on the subject site was considered an MFD; at no point in time was the structure considered a hotel.

4) Our records indicate the structure on the site does not now, and did not formerly, meet the definition of a hotel. The Land Use Ordinance definition of hotel is "a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24 hour clerk service, and facilities for registration and keeping of records relating to hotel guests." Also, at the time the structure was permitted, kitchens were only allowed in 50 percent of the units in hotels. Our records do not indicate that there is or was a 24-hour lobby or that the site was developed with lodging units lacking kitchens. As such, the MFD did not meet the definition of a hotel.

5) Some of the units may have previously been operating as lawful TVUs. In 1989, the City Council adopted legislation that allowed peopled operating TVUs to obtain NUCs until September 28, 1990. Those renting out individually-owned units in hotels or nonconforming hotels were not required to obtain NUCs. Several units on the subject site obtained NUCs, confirming that in 1990, the structure was recognized as an MFD, not a nonconforming hotel. With active NUCs, the owners of those units would have been able to lawfully rent the units for transient visitors. However, NUCs must be renewed at regular intervals, and over the last 28 years, all of the NUCs issued to owners of the MFD expired. At this time, there are no active NUCs for the site.

This letter is not a disclosure statement nor is it intended to substitute for mandatory disclosures in real estate transactions regarding the subject parcel. The City is under no obligation to investigate, research, or participate in the preparation of disclosure statements other than providing available public records. This letter does not create liability on the part of the City, or any officer or employee thereof, if used in or as a disclosure statement. The seller, buyer, lender, or their agent, not the City, is solely responsible for the use of any public record information in the preparation of a disclosure statement.

We hope this helps clarify the matter. Should you have any further questions, please contact Sarah Afong of our staff, at 768-8026.

Very truly yours,

FOR: Kathy K. Sokugawa
Acting Director

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:44 PM
Subject: Council Testimony

Written Testimony

Name	arieh levine
Phone	
Email	ariehlevine@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose the further restriction on rental property. The rules currently exist to keep rental minimums to 30 days. There has not been time for enforcement to even take effect. Furthermore the new rules will only go to further push money away from local wallets and into the large corporate mainland businesses that run hotels and keep locals employed in minimum wage jobs. The proposed bill will not help improve the rental costs. That will only happen when out of state ownership of property is abolished or taxes to the point where it is no longer desirable to own land in Hawaii and not live here.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:48 PM
Subject: Council Testimony

Written Testimony

Name	Kenji Oka
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Kenji Oka, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:49 PM
Subject: Council Testimony

Written Testimony

Name	Mikiko Okada
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Mikiko Okada, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

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Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:50 PM
Subject: Council Testimony

Written Testimony

Name	Akira Inagaki
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Akira Inagaki (Paddy Hedge, Inc), I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel.

The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

I am here to strongly **support Bill 41.** This is the first bill that actually addresses the loopholes and scheming that we have been dealing with by changing the definition of short term rentals as 180 days or less.

We have lived in Waialua for over thirty years. We have been fighting this problem in our neighborhood for over a decade. We attended hearings and submitted testimony but had to watch as our community was eroded by the loss of children, friends and neighbors that moved away to find **any** affordable rentals or houses to purchase. The excuses the short term operators used at hearings bordered on the absurd, from the loss of their job over 15 years ago to; they have to do illegal rentals so that they can take their 10 children to Disneyland. We are tired of the traffic, of walking on our bike path and seeing tourists, not residents.

This issue is so divisive, it has polarized our community and pitted neighbor against neighbor. The City could not enforce their own zoning laws because the **short term operators learned how to circumvent the rules.** They are invasive, they displace families and young workers and are not sustainable. The people doing the illegal rentals have their renters lie for them, saying they are friends and family or producing fake 30 day leases. This has been going on for years.

Waialua was a mill town and tended to have less expensive housing than Haleiwa & Sunset. Now we have tourists competing with service industry workers for the same housing. Where are people going to live? Business owners are struggling to find young workers, because they can't find affordable housing. Just look on the websites and compare the amount of vacation rentals vs. long term rentals. I looked and counted **300 rentals on Airbnb alone in Waialua, VRBO lists another 300+ on the website. I found 16 long term rentals on Craig's List.**

Please keep the minimum duration of 180 stays in your bill, regardless of the sad sob stories that the short term rental owners are good at inventing. Please limit short term rentals to resort areas. This will ease up much needed housing for our children and our workers that are needed for the service industry that the tourists utilize. Please do not add "Transient Occupants" allowing less than 180 days for easily exploited "temporary employees or students". Students are normally here for nine months, why would they qualify as transient? Illegal vacation rental owners and property managers have often hired expensive lawyers to help them find the loopholes. Increase fines and actually enforce them if these short term rental operators refuse to comply. If short term rentals are only allowed in resort areas, we can get our communities back.

Thank you for finally trying to regulate this highly important issue.

Kandis McNulty

kandis@mcengineer.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:52 PM
Subject: Council Testimony

Written Testimony

Name	Osamu Sato
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Osamu Sato (Shukyo Hojin Koshoin Kyokai), I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel.

The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.
Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

I am here to strongly **support Bill 41.** This is the first bill that actually addresses the loopholes and scheming that we have been dealing with by changing the definition of short term rentals as 180 days or less.

We have lived in Waialua for over thirty years. We have been fighting this problem in our neighborhood for over a decade. We attended hearings and submitted testimony but had to watch as our community was eroded by the loss of children, friends and neighbors that moved away to find **any** affordable rentals or houses to purchase. The excuses the short term operators used at hearings bordered on the absurd, from the loss of their job over 15 years ago to; they have to do illegal rentals so that they can take their 10 children to Disneyland. We are tired of the traffic, of walking on our bike path and seeing tourists, not residents.

This issue is so divisive, it has polarized our community and pitted neighbor against neighbor. The City could not enforce their own zoning laws because the **short term operators learned how to circumvent the rules.** They are invasive, they displace families and young workers and are not sustainable. The people doing the illegal rentals have their renters lie for them, saying they are friends and family or producing fake 30 day leases. This has been going on for years.

Waialua was a mill town and tended to have less expensive housing than Haleiwa & Sunset. Now we have tourists competing with service industry workers for the same housing. Where are people going to live? Business owners are struggling to find young workers, because they can't find affordable housing. Just look on the websites and compare the amount of vacation rentals vs. long term rentals. I looked and counted **300 rentals on Airbnb alone in Waialua, VRBO lists another 300+ on the website. I found 16 long term rentals on Craig's List.**

Please keep the minimum duration of 180 stays in your bill, regardless of the sad sob stories that the short term rental owners are good at inventing. Please limit short term rentals to resort areas. This will ease up much needed housing for our children and our workers that are needed for the service industry that the tourists utilize. Please do not add "Transient Occupants" allowing less than 180 days for easily exploited "temporary employees or students". Students are normally here for nine months, why would they qualify as transient? Illegal vacation rental owners and property managers have often hired expensive lawyers to help them find the loopholes. Increase fines and actually enforce them if these short term rental operators refuse to comply. If short term rentals are only allowed in resort areas, we can get our communities back.

Thank you for finally trying to regulate this highly important issue.

Michael McNulty

michael@mcengineer.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:56 PM
Subject: Council Testimony

Written Testimony

Name	Michiko Kawashima
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Michiko Kawashima, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

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Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:59 PM
Subject: Council Testimony

Written Testimony

Name	Kenji Itsutsuji
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Kenji Itsutsuji, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

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Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:00 PM
Subject: Council Testimony

Written Testimony

Name	Mariko Ohuchi
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Mariko Ohuchi, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels,

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Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Juan Bianchetti. I am an owner at the Association of Apartment Owners of Inn on the Park, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limit owners' rights is problematic, impractical, and unacceptable.

Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- Anything rented for less than 180 consecutive days is automatically considered a Transient Vacation Unit (currently, to be considered a Transient Vacation Unit, a dwelling/lodging must be rented for less than 30 days).
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Inn on the Park is in the heart of Waikiki. Bill 41 does not take into consideration the unique circumstances of condominium associations that are located in the Waikiki Special District. The impacts of short-term rentals are not the same in Waikiki as they are in single-family neighborhoods. However, Bill 41 does not acknowledge Waikiki's unique atmosphere and ambiance, and instead is an ill-fitting "one-size fits all" attempt at a solution.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

juanqui@prodigy.net

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:17 PM
Subject: Council Testimony

Written Testimony

Name	Janina Fernandez
Phone	
Email	janinarichard@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	against bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I'm confused on how the 180 minimum rental period proposed in bill 41 is not going to have a negative impact on housing on Oahu. As you all know many rental leases are broken or prematurely terminated primarily by tenants for various personal reasons. This is a very common scenario that has always occurred especially during economic decline. Now imagine what an added regulation of 180 min rental period will have on the anticipated housing shortage on Oahu? For months hundreds if not thousands of homes, condos and apartments will legally have to remain un-rented and vacant. As a result suppressing the low inventory of rentals as well as financially crippling a landlord out of a living out of thousands of dollars. This silly proposed 180 minimum rental period will actually contradict the State's Vacant Home Tax SB2216. So does this mean that someone else in government will have to draft yet another law that exempts a vacant home due to Bill 41? This does not make any sense when we are trying to but more rentals and availability for housing on the market. Who better to manage this and reinvest with than local landlords who provide all this housing throughout Oahu without need of subsidiaries from the County of Honolulu. Please revoke this bill 41 as any judge will easily file an injunction on such an ordinance based on an unreasonable and contradictory matter.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:22 PM
Subject: Council Testimony

Written Testimony

Name	Ralph Furley
Phone	
Email	rfmail2007@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a landlord for 30 years I can testify that I have rented to many local residents who wish month-to-month rental agreements to allow them the flexibility to move around due to their job situations. Unlike the other islands Oahu has a huge work force and businesses which exhibit a fluid relocation workforce. Who wants to commute to the other side of the island, fight traffic (mornings and evenings) and pay high gas prices when they have the option to relocate anytime they wish in order to live closer to work that pays them more and has better benefits. I'm sorry but DPP, who proposed this 180 minimum rental term, are government bureaucrats and not landlords. The failure to understand reality and market behaviors always ends distressing the lower income workers who desire month-to-month rentals. Besides what does a month-to-month rental have anything to do with tourists??? This is totally absurd and does not make any sense. Sincerely, Ralph Furley
Testimony Attachment	
Accept Terms and Agreement	1

From: Rex Tsai <rtsai@kw.com>
Sent: Tuesday, November 9, 2021 4:26 PM
Subject: Re: Council Testimony

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

And a correction to my testimony, I meant to say bill 41 rather 49. sorry for the typo

On Mon, Nov 8, 2021 at 9:38 PM <clkcouncilinfo@honolulu.gov> wrote:

Written Testimony

Name	I Hsiang Tsai
Phone	
Email	rtsai@kw.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20211108213722_Testimony_by_I_Hsiang_Tsai.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

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Languages Spoken: English, Mandarin, Taiwanese, Cantonese, Japanese
KW Honolulu Top 25 Multi-Million Producing Agent
Aloha 'Aina REALTOR® Awards Program Nominee 2018, 2020 and 2021
KW 夏威夷 排名25强内的千万房产经纪人唯一的华人

I-Hsiang Tsai MD, RA (RS 75236)
Keller Williams Honolulu (RB-21303)

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808-3928393
Email: rtsai@kw.com
Wechat ID: Tianruo1978

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Testimony by I-Hsiang Tsai

Real Estate Agent of Keller Williams of Honolulu

Dear Chair Waters, Councilmembers, and to whom this matter may concern

I am writing this testimony to oppose the idea of restricting the property owner's right to rent their units for a minimum of 30 days especially in the Waikiki area where many investors, local, foreign and out of the state, bought the properties because they liked having the flexibility of renting the unit out either for a minimum of 30 days or even just a few months out of the year while preserving some months for themselves if they or their family members want to come back to Hawaii.

Some of my clients also invested in those pre-sale high rise buildings such as the Sky Ala Moana and the Park on Keeaumoku for the fact that they could use it for a few months of out of the years while renting out for a minimum of 30 days. Their intention was to invest in Hawaii and to pay both TAT and GET as required for those leases that are below 6 months. While there are some bad players in the market that are renting out less than 30 days without proper license, it does not mean all the investors are doing that. By limiting the ability to rent for a minimum of 30 days for those buildings that allow it, it will hurt the real estate market, and take away the flexibility for both the landlords and the renters.

By giving some specific areas the ability to do the 30 days minimum rental and not others will not only be unfair to those investors or owners of the other properties, it will also affect the renters that need to rent less than 6 months because there will be even less options for them. Already it Is quite difficult to rent less than 6 months in Hawaii in most of the residential areas, if Hawaii is again lowering the number of the units that can be rented less than 6 months and leaving only those in the "Gold Coast" to do so, I wonder just how many people will be able to afford to visit Hawaii for more than 1 months. It will in turn affect the Hawaii economy I did a search online and find a unit in the Gold Coast call "Colony Surf" Unit 609 which is a 1 bedroom and 1 bath unit. The weekly rate is $4000. If you want to stay 1 month in Hawaii it would cost you $16000 not including the GE and TAT. So, this is what the people will be facing once we rid of all the current legal minimum 30-day rental and leaving people with just a few options such as the Gold Coast or the Ko Olina area.

If the idea of the bill 41 is to put more units back on the market for the long-term rentals so that more residents will be able to rent a unit, it may not be the best solution because it is affecting too many other aspects of our economy in Hawaii. And at the same time, we are hurting those that have already made their investment to legally rent for a minimum of 30 days. Usually those home owners that are doing minimum of 30 days rental will also welcome the longer-term tenants if the rent makes economical sense to them. Being able to do 30-day minimum rental, does not take away the possibility of longer-term leases.

Creating more affordable rental is really the way to solve the issues for the residents. More affordable units for purchase are also important for our residents. Perhaps some incentives for the landlord to rent it for a longer term would also work. However, by limiting the freedom of the law-abiding investors on their hard-earned investment and telling them that only those expensive Gold Coast apartments can rent for a minimum of 30 days for a much higher lucrative rent is not the direction it should be heading.

Therefore, I agree and support the HBR of Honolulu to oppose increasing STR to 180 days due to the unintended consequences that may result from it. Many of my local, out of state, and foreign investors are also against such bill.

I Hsiang Tsai

rtsai@kw.com

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:31 PM
Subject: Council Testimony

Written Testimony

Name	Tina Gray
Phone	
Email	Tinagray808@google.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Don't be swayed by the dramatic predictions by the STR owners, of catastrophic consequences if they can't be in residential neighborhoods, there will be no economic collapse, there will be a collective sigh of relief from neighborhoods and working people throughout Oahu. Stand strong in your convictions to do what's right for the people of Hawaii.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:36 PM
Subject: Council Testimony

Written Testimony

Name	Christina Warner
Phone	
Email	christina_maui@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

Our names are Christina and Randy Warner. We are owners and full-time residents at the Association of Apartment Owners of Waikiki Banyan, and we oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

• Transient Vacation Units will not even be allowed in Waikiki.
• The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
• Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
• Condominium-hotel units may not be used as primary residences.
• If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
• Each person may only own one transient vacation unit.
• Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
• Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
• Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, we oppose Bill 41.

Thank you for your attention to this important matter.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:37 PM
Subject: Council Testimony

Written Testimony

Name	BYRON HENDRIX
Phone	
Email	snbhendrix@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I wish to show our support for Bill 41 CD1. I live at 1379 Kahili street. On our street there is a newly constructed duplex where one unit has 4 bedrooms and the other unit has 5 bedrooms. All of the bedrooms have their own bathroom and each has its own key. This is an apartment building. It is made for airbnb. It is a short term rental building. This should never have been built on our street. Please get the short term rental problem under control.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 4:57 PM
Subject: Council Testimony

Written Testimony

Name	Mitch Werth
Phone	
Email	mitch.werth@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	I have been a residential homeowner in the Waimanalo Beachlots for over 44 years, living in this designated residential area that has become overwhelmed with the intrusive commercial activities of illegal bed & breakfast vacation rentals. This PROBLEM has been allowed to fester & grow out of control DUE TO A LACK OF ENFORCEMENT. The collection of fines against violators can easily cover all the costs of expanded enforcement. Please help protect our residential community from this intrusive commercial exploitation. The remedy: ENFORCEMENT, ENFORCEMENT, ENFORCEMENT. Thank you, Mitch Werth
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Joshua Tyau
Kanio Engineering
540 Punaa Street
Kailua, Hawaii 96734

To: Dean Uchida, Director Department of Planning and Permitting
Rick Blangiardi, Mayor

Date: November 10, 2021

Subject: Bill 41

I do not support the proposed changes outline in this proposed bill. The BACKGROUND provided in the STAFF REPORT is bias and one sided. I vehemently oppose amendments to the LUO based on perceived situational reaction to COVID-19 community conditions. It is the City's unified responsibility to perform an unbiased study of vacation rentals and bed and breakfast impacts on the community. This was previously done and under the direction of Mayor Caldwell years ago it was proposed to allow owner occupants the ability to legally rent out a portion of their home under Ordinance 19-18. By making owner occupancy a requirement 80% of the 10,000 vacation rentals at the time would be eliminated. These new proposed amendments are based on a one sided interpretation of conditions and DO NOT reflect a consensus view of short term rentals on Oahu. I realize that there will never be 100% agreement but a compromise must be made, and I believe that Ordinance 19-18 was very close to that compromise. Short term rentals if responsibly managed by owner occupants can provide this compromise.

I support the premise of the rules and regulations governing short term rentals outlined in Ordinance 19-18, however I DO NOT support a lottery system, I DO NOT support a proximity requirement and I DO NOT support continuation of existing NCU permits. As a licensed structural engineer in the State of Hawaii I am familiar with permitting requirements and Hawaii Revised Ordinances. I am a lifelong resident of Oahu where I attended Kamehameha Schools and am currently a homeowner in Kailua. I feel that bed and breakfast homes provide a much needed alternative to hotel accommodations and can be responsibly managed and taxed to maintain the integrity of our communities.

I do not agree with Bill 41 proposal to increase the minimum day requirement from 30 days to 180 days.

I firmly believe that by following the five key points outlined below, bed and breakfast properties in residential zones can be responsibility managed and effectively enforced. The five key points are as follows.

1. Bed and Breakfast may be allowed on owner occupied properties.
2. Provide one off street parking for each bedroom.
3. Pay Hawaii State TAT and GE tax.
4. Pay City and County property tax rate for Bed and Breakfast.
5. Basic requirements for registration and standards of care.

I firmly believe that if a homeowner meets these requirements that they may be granted a bed and breakfast permit. I believe that by meeting these requirements the bed and breakfast density in residential zones will be significantly reduced to meet the intent to reduce community impact and home price speculation.

However, I DO NOT support the following key points.

1. I DO NOT support continuation of existing NCU permits as they do not provide equality for existing and future homeowners
2. I DO NOT support a lottery.
3. I DO NOT support a proximity requirement (1,000 ft radius). I suggest issuing new permits on a 2 year TRIAL period and then re-evaluating the bed and breakfast density and impact in 2 years.

I support the following KEY rules and regulations for the following reasons:

1. I support limiting bed and breakfast units in residential zones to owner occupied dwellings. This proposal was first brought up by Mayor Caldwell in a state of the city address years ago and based on DPP's report would eliminate approximately 80% of short term rentals. This would eliminate proliferation of investment bed and breakfast owned and operated by off island owners/operators. I believe this requirement alone will solve the biggest problems of bed and breakfast homes as the owner lives on the property and is responsible for management. This requirement eliminates owners owning and operating multiple properties and reduces housing market investment speculation.

2. I support requirements to provide one off street parking per bedroom for bed and breakfast rentals. Parking is a huge problem for bed and breakfast units and this requirement eliminates parking impacts to neighbors and forces responsibility to the owner.

3. I support Hawaii State TAT Tax registration and payments. Bed and breakfast should be taxed as transient accommodations tax in equality with requirements of the hotel industry.

4. I support an increase in property tax rates for bed and breakfast homes pursuant of posted 2021 Real Property Tax rates listed at $6.5 per $1000 Net Taxable Property. This in conjunction with limits of 2 bedrooms and a maximum of 4 guests provides a balance between residential property tax rates and hotel property tax rates. I do however feel that a maximum of 4 guests should apply to 4 adults. A family of 2 adults and 2-4 children should be allowed. Per the ROH Chapter 16 a DWELLING UNIT is defined as "A building or portion thereof that contains living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for 16 or fewer persons." The single family limit of 16 or fewer persons is already established in the ROH. If a family is typically considered to be 6 people, a bed and breakfast rental within a single family home could feasibly be allowed to have up to 10 additional renters/occupants and still remain under the 16 persons limit established by the ROH. I understand that 10 occupants in a bed and breakfast appear to be too much, but I would propose to allow additional guests based on lot size requirements similar to duplex/multi-family requirements. I would propose the following occupancy limits to conform to the already established ROH occupancy person's limit.

    a. R-3.5, R-5 - A maximum of 2 bedrooms 4 Adult guests limit
    b. R-7.5 - A maximum of 3 bedrooms 6 Adult guest limit.
    c. R-10, R-20 - A maximum of 4 bedrooms 8 guest limit.

5. I support all other minor and basic requirements including but not limited to registration fees, quiet hours, standard health and safety requirements (smoke detectors, carbon monoxide detectors), insurance documentation, etc.

I DO NOT support the following KEY rules and regulations for the following reasons:

1. I DO NOT support allowing existing Non-Conforming Use properties to continue to operate as full home vacation rentals or bed and breakfast homes based on outdated permits specifically in residential zoning. All new vacation rentals and bed and breakfast should be subjected to the same fair and equal registration practices and requirements as outlined in the proposed ordinances. All existing NCU permits for vacation rentals and bed and breakfast in a residential zone SHOULD BE TERMINATED. If they meet the new requirements then they should be allowed to continue to operate under the same fair and equal requirements.

2. I DO NOT support a lottery system to determine who is allowed to operate a bed and breakfast rental in a residential zone. A lottery system is NOT CONSTITUTIONAL and goes against a fair and just system. I feel that if the rules and regulations as outlined in the previously supporting points (1-5) are implemented, bed and breakfast units will be required to be responsibly managed by local owners and easily enforced by the City. New permits should NOT be a repeat of the NCU permits which provided homeowners with a golden ticket to monopolize the bed and breakfast industry and prevent future homeowners from doing the same.

3. I DO NOT support the requirement that there shall be no new bed and breakfast within 1,000 ft of another bed and breakfast or NCU vacation rental property. Again this requirement is a "first come first serve" requirement that does not provide equality among current and future homeowners. This requirement along with a lottery system provides an unfair system which relies on luck and discriminates against future homeowners.

Mahalo,

Joshua Tyau
Kanio Engineering LLC
808.489.7115

joshtyau@gmail.com

November 9, 2021

RE: Bill 41 – Transient Accommodations

Dear City Council,

My name is Mark Gelhaus. I have owned a condominium at Waikiki Sunset for 20 years. Until 2 years ago with the passage of Bill 89, my condominium has been leased to the Aston hotel company, as are the vast majority of units in the building. I am opposed to Bill 41 because it doesn't acknowledge Waikiki Sunset as a condotel and it does a poor job of precisely communicating eligible properties in Waikiki that can rent as transient vacation units.

When bill 89 passed, it was apparent that Council members were unfamiliar with the zoning districts within Waikiki. Apartment zones butting up against resort zones in Waikiki and application of a previously unenforced NUC ordinance were vestiges of the past that had no place in a new ordinance that completely ignored the current reality of Waikiki's dominance as the center of tourism on Oahu. Now, Bill 41 seems to aim to correct these mistakes but instead does more harm by preventing long standing buildings such as the Waikiki Sunset from allowing all units to rent short term and in fact forcing a sizeable number of owners to rent for at least 6 months. The bill's poor definition of condotels places the Waikiki Sunset in limbo over what is or isn't allowed, making the bill unenforceable in its current version.

What is so surprising is that both politically and economically, it makes sense to return visitors to Waikiki from more residential areas. Naturally, in Waikiki there is an abundance of hotels and *other* properties that exist to serve the island's need and interest in serving the high demand from tourists who want to visit and spent money. At the same time, when properly managed, the Hawaii government benefits from multiple forms of taxation. So it is perplexing that the Council can't seem to accept more fully this transference of visitors. Is it because it is overly concerned with appeasing the hotel lobby? Do they really think that a huge increase in the availability of long term housing in Waikiki will result in a huge demand from locals to stay in hotel-like housing? The Council simply needs to follow through on the original goal to help balance the needs of tourism and the benefits it achieves for the government and people and the interests of true residential dwellers who don't want their neighborhoods destroyed. Otherwise, where will tourists stay? Probably in illegal short term residential housing that aren't taxed and that can't be regulated because of the failure to take into account the simple fact that tourists need to find housing somewhere. If simple facts are not taken into account, I expect media reports will ridicule the Council for its failures to meet its fiduciary responsibilities *and* earn the scorn of voters.

I have a simple suggestion to fix the dilemma the writing of Bill 41 has created: make it clear all of Waikiki is in a resort zone, tax us for it, and include the provision that individual building HOA's are able to make their building requirements more restrictive but in any way necessary to maintain the history and interests of homeowners for any particular building. I would like to hear your response to this suggestion.

Sincerely,

Mark Gelhaus, owner at Waikiki Sunset unit #1102 at 229 Paoakalani Ave., Honolulu, HI

marckiemark@gmail.com

November 8, 2021

Testimony re: Bill 41, CD1 – Relating to Transient Accommodations

To whom it may concern on the City Council,

My wife and I (Robert and Ellen Geffner) have just recently this past summer with our retirement savings purchased a newly remodeled, 1 bedroom condominium in the Waikiki Sunset building on Paoakalani Ave (Association of Apartment Owners of Waikiki Sunset). My wife is from the islands (born in Hilo) and her family is in Honolulu. We also have a branch of our nonprofit institute on Oahu that has been operating for several years, putting on a large annual conference for state agencies, nonprofits organizations, frontline practitioners and others who deal with abuse and trauma. We are in our 19th year for this. Since we visit the islands 4-5 time a year to visit my wife's family and for meetings, we decided to finally make this purchase. Since it is with our retirement funds for this second home, we planned to rent it out when we were not there to help with the payments so we could afford it. Since we do not have a NUC with our Condo, our unit now requires 30-day rental minimum. We were waiting in anticipation for the proposed ruling hoping it would do what makes sense for Condos like ours in Waikiki. This proposed Bill 41 does not make sense, sadly, is short sighted, and actually sets a dangerous precedent. **We strongly oppose it for many reasons**!! We hereby submit our comments and written testimony in opposition to several areas.

We fully support enforcement actions against illegal Short-Term Rental operators. There is NO need to change the definition from 30-days to 180-days for those units or homes to which this applies. We support every effort to properly enforce the 30-day minimum in locations where this makes sense. However, it does not make sense to even require 30 days minimum, with or without a NUC, in a condo unit and building like ours in Waikiki, which is over 90% non-owner occupied that has many other owners like us. Forcing us to either go to 180 days or to become part of a hotel management system where we have no say in who we rent to when we are not living there, the rates we can charge, can't stay in our own unit, or have any say about the management company we choose are absurd! In fact, nothing in these proposals has anything to do with, and will have no a\effect on, the reasons stated for doing the bill in the first place!

The draft Bill plans to ban the legal 30-day minimum vacation rentals in Apartment Precincts in Waikiki. We strongly oppose this if it means moving to either 180 days or forcing us into hotel management. There are people on Oahu who need rentals of less than 180-days, and there are people like us who rent our condos for the times between our trips for vacation tourists.

The reasons listed in the bill are not relevant to Waikiki which attracts millions of visitors each year which help contribute to the Hawai'i economy through taxes as well as purchases. We all have seen how the pandemic affected the islands in the past year when tourists were not coming here. Not all visitors need or want to stay at ocean front hotels paying expensive accommodation fees. There should be an option for them to stay at condos on a weekly or daily basis in Waikiki with affordable rates. Proposed bills should provide a win-win for all who own condos, stay or

work in hotels, patronize businesses, help the housing shortage in areas where the local people want to live, and affect the city, county and state economy. This bill will only help one of these groups at the expense of all the others: The Hotel industry. The proposed bill should be trying to bring as many people to the tourist areas such as Waikiki with as many options as possible, which helps both the condo and hotel industries. Not having the option of renting condos like ours on a short-term basis will discourage visitors from coming to HI who do not want to stay at hotels or NUC condos

Please pay attention to what recently happened when restrictions were lifted for a time after the pandemic subsided a few months ago. People came in droves from the mainland (not even including Asia that was still locked down). The hotels were filled as were condos. That is what should be an emphasis for Waikiki while helping open more homes and condos elsewhere on Oahu for the local people who need places to live. In trying to solve one problem, other problems will be created if the proposed Bill is passed.

Other specific issues:

1. Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals in their Building Bylaws, while there are some buildings that allow 30-day or short-term vacation rentals. If the purpose of this Bill is to protect neighbors, why not let Owners Associations decide by allowing their input? We do not believe the City Council or DPP should override those owners' rights and implement such a one-sided standardized rule ignoring each building's owners' opinion and right to decide. Condo and building owner associations should also not be forced into a particular hotel management if the owner does not so desire to do so (see below). Our Waikiki Sunset building, for example, only has 40% of the owners using the hotel as their management company and over 50% of the owners using their own management companies or themselves. Also note again that over 90% of our building is non-owner occupied. So you are trying to force a large majority of the owners in our and similar buildings in Waikiki that has operated like this for decades into a choice we do not desire!

We also **oppose this Bill for the following reasons**, some of which are also mentioned above but we want to repeat:

1. Transient Vacation Units (TVU's; including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
2. Taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to.
3. The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
4. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
5. Condominium-hotel units may <u>not</u> be used as primary residences.

6. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
7. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
8. Condo-Hotel properties MUST be operated by the Hotel according to the Bill: They are going to be zoned as Hotel/Resort and many privately owned condos as ours would be included. We are not attorneys, but we think it may violate antitrust laws in promoting a monopoly for hotel management companies. It also infringes on our rights as an owner regarding who we want to manage our property. We cannot see any rationale in this move other than monopolizing the tourism market by protecting the hotel industry's interest and destroying legal property management companies and individual condo owners.
9. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
10. Not allowing Transient Vacation Units in Waikiki Condo Hotels that have been rented like this for decades, including the Waikiki Sunset which is where we own a unit.
11. Competition in this industry is vitally important to keep improving Hawaii's accommodation services and attracting visitors to Hawaii. Competition results in better service, better property management with increased tax income to the State that benefits all local residents. It also allows us to receive income (from which we pay taxes) that enables us to make the payments for the condo when we do not live in it between trips. That was the goal of our retirement that this Bill is now threatening! We are sure there are many others in the same position as us.
12. There is a distinction with NUC vs other condos like us that do not have NUCs because of prior owners before the current ones. This also does not make sense in a building like ours and some others in Waikiki. Those condo buildings that have operated for years with rentals should all be on the same footing with daily or weekly rentals available in Waikiki. We will gladly pay more taxes for this as well since then that would be another win-win – for the city, county, state, and for us.
13. With only 40% of our building using the hotel management, we are obviously not a hotel but a condo rental building that includes management of some of the units by a hotel management company. This is an important distinction that seems to be lost in this Bill. This takes away our rights as an owner concerning who does the bookings, who arranges for the guests, who sets the rates, etc. For those who choose the hotel management company for their rentals should be allowed to continue to do this, just as we should be allowed to choose who we want.

It appears this Bill suggests a sledgehammer to put a nail into a piece of wood!! This could easily have been a bill that actually emphasized its goals and helped all of the entities we noted above, including housing in those areas of Oahu where it makes sense, but instead it went in an entirely different, unproductive, and unrealistic direction with a major overreach to solving the existing issues. There should be other ways to stop illegal vacation rentals and solve the issue of the shortage of housing for local residents.

Letting the Hotel Industry monopolize the Oahu's accommodation options will result in a ruined economy and severely hamper people like us who have spent retirement savings to live part-time on the islands and visit our family here.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, we oppose Bill 41. Thank you for your attention to this important matter.

Names Robert & Ellen Geffner

Date 11/8/21

HI condo address: 229 Paoakalani, # 2910, Honolulu, HI 96815

Home address: 3215 Lower Ridge Rd., San Diego, CA 92130'

bgeffner@pacbell.net (858) 481-7799

Signatures Robert Geffner Ellen M. Geffner

From: CLK Council Info
Sent: Tuesday, November 9, 2021 5:16 PM
Subject: Council Testimony

Written Testimony

Name	Greg Jones
Phone	
Email	Greg@jonesre.net
Meeting Date	11-10-2010
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We don't need government to tell us and mandate us on how to use our homes. This isn't a one size fits all situation here. Please do not allow this bill to pass or it will negatively affect our communities, values and sources of legitimate income. This is a mistake and everyone has different living circumstances.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 5:52 PM
Subject: Council Testimony

Written Testimony

Name	Wendy Hiraoka
Phone	
Email	wendyhiraoka@me.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose the 180-day change. A month-to-month, lease considers the owner's property rights and ease to oversee and upkeep property. If the tenant is a problem, the lease can be terminated efficiently. Long-term tenants can be a nightmare, cause major property damage and must be sued to evict, causing stress, legal expenses, 3 months or more lost rent, and costly repairs. Local renters often times know how to game the system. I disagree with Mayor Blangiardi's statement that short-term rentals are the solution to affordable housing or should be used to create more long-term rental stock (they're completely different markets). I disagree with the notion that TVU and B&Bs bring more traffic and noise into neighborhoods. 4 tourists will likely have 1 car whereas a local family will likely have 2-3 cars(55% of HI households) or 4-5+(20%, far exceeding national average). I disagree that with this legislation we will also notice a great reduction in the amount of cars at beaches, parks and residential areas. Ridiculous to assume that if tourists are kept in resort-zoned areas, they will not want to explore the island. If the goal is to limit tourism, why have 4 new hotels been built/approved in the non-resort zoned Kapolei, adding 800 rooms and cars to the snarl of traffic to the leeward side. If you are a mom&pop trying to make ends meet with a B&B, you have to end your activities but if you are Hilton or Marriott, go right ahead. Also, taxing short-term rentals as hotels is not equitable since hotels will not be held to the same rules.

Bill 41 obviously favors big hotels and developers and has cherry-picked their concerns along with those of a few persnickety neighbors with a few exaggerated stories of their experience with tourists. Their expectations are not based in reality. There are way more noise complaints to police about locals partying, popping fireworks, and revving loud cars and motorcycles at all hours than there are complaints against TVU and B&B guests. Like it or not, we live in a tourist-based economy. The County should focus on more impactful housing reforms to solve problems that don't threaten the recovery of our economy.

All the testimony at hearings from April 2021, were overwhelmingly in support of short-term rentals, this proposal is not a fair and balanced solution.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 5:54 PM
Subject: Council Testimony

Written Testimony

Name	debby hooks de Jong
Phone	
Email	dejongddd3@mac.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose to making a law that I would not be allowed to rent space in my home for 30 days or greater. Being able to rent to individuals for thirty days or greater gives me an income to support my family. But also allows me to have my home available to friends and family. I do not desire to do long term rentals in my home. There are many people that arrive on the island that have a need of housing for only 30 days. This group of people are relocated military needing temporary housing, family members visiting military that are stationed on the island, professions that contract with corporations on the island, contract nurses and many others that need a home and not a hotel for 30 days or longer stays on the island. I oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone. I oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject too. I do agree with the GE and Transient tax which should be paid on income that you receive from rentals and which I pay and have been for many years. I feel that your tax number should give you the right to rent your property as long as you adhere to rules that respect your neighbors. Banning vacation rentals is NOT the solution to our lack of affordable housing. Vacation rentals bring income to our state and give employment to residence on the island. The county should focus on more impactful housing reforms that do not threaten the recovery of our economy.
Testimony Attachment	

Honolulu City Council
Honolulu Hale,
530 South King Street, #202
Honolulu, Hawaii, 96813.

Written Testimony;
Faxed to: 808-768-3826.

November 8, 2021

Testimony re: Bill 41 (2021)- Relating to Transient Accommodations

Dear City Council,

We are writing to you today to **OPPOSE Bill 41** (2021) draft "Relating to Transient Accommodations". Bill 41 title should be: "Government Expropriation of Private Property for the Benefit of Hotel industry. The hotel industry is erroneous in blaming poor business performance on STR instead of Covid19 pandemic. No reputable City planner would consider setting long term policies during a period of health crises.

Bill 41 is overreaching and ultravirus in its attempt to regulate "property ownership" instead of "land use". Impact of STR on the community is irrelevant regardless of who manages or owns the property.

The principal concern of Waikiki Sunset condo owners is losing their "property ownership rights" and surrendering their control to the "hotel industry monopoly". We do not support Sec. 21-5.360 "Hotels and Hotel Units" and Sec. 21-5.360.1 "Condominium hotels" because we believe it violates our condominium ownership rights currently protected under Hawaii law.

Under Bill 41 draft, **Owners would lose** many of these **"property ownership rights"**, interalia, the following:

1. right to use our property as primary residence, short term rental (STR) or long term rental (LTR).
2. right to use our property for personal use such as "vacation home" per IRS Publication 527.
3. right to be taxed according to the "actual use" of our real property, as per Sec. 8-7.1 (c)(1)- Valuation.
4. right to choose the assignment of our unit in either: "hotel rental pool" or licensed property manager.
5. right to renovate or not renovate our unit as we so wish and as frequently as we wish.
6. right to exercise "1031 Exchange" to avoid any "capital gains tax", normally 25%, per IRS Title 26.
7. right to transfer your property to your heirs/beneficiaries without incurring inheritance tax.

We are respectfully requesting Honolulu City Council to consider the following five legally acceptable Options, rated as 'Oppose' or 'Support', along with a brief description of relevant facts:

1. **Maintain status quo (we Oppose)-** The post-Ordinance 19-18 (Bill 89) situation is not acceptable and sustainable since DPP continues to deny NUC permit to 178 (41%) Waikiki Sunset owners to legally operate STR's and because:
   a. Prior to Bill 89 (Ordinance 19-18) the perceived market value spread between NUC vs. non-NUC units was negligible.
   b. It imposes undue discrimination among all 435 unit owners who reside on the same parcel of land, with same residential zone classification, same AOAO maintenance fees, same property tax assessment, equal share of building infrastructure replacement costs and equal share of capital reserves for the past 30 years.
   c. It imposes economic inequalities to Waikiki Sunset owners resulting in 40% (-$204,000) lower sale price and significant annual rental reduction of about 2.2 times (or -$30,000) lower compared to NUCs units.
   d. The miniscule $200 annual NUC fees does not justify this inequality and indiscriminate price differential, if the City had not already punished these non-NUC owners over past two years.

2. **Condominium-Hotel unit (we Oppose)**- Waikiki Sunset should not be converted into "Condominium hotel units" with hotel operator managing centralized booking and controlling hotel's room inventory and rentals to general public and to unit owners at regular or discounted rental rates because:
   a. The conversion of Condominium units to Hotel units would significantly increase the number of STRs in Waikiki Sunset from 60% to 100% "use" which is contradictory to intended purpose of the Proposed Bill 41 draft.
   b. It is inconsistent with Hawaii Condominium Act, HRS § 514A-4 (514B-4)- Separate titles and taxation reads: "*Each unit that has been created, together with its appurtenant interest in the common elements, constitutes, for all purposes, a separate parcel of real estate*", for condominiums created before July 1, 2006 (as it applies to this case).
   c. Waikiki Sunset governing documents cannot take away property ownership rights. Each condo owner is "*a property owner under Hawaii law [4] by virtue of its ownership of the condominium and is therefore entitled to constitutional protection*". See link below: https://caselaw.findlaw.com/hi-intermediate-court-of-appeals/1745888.html
   d. "*Each apartment shall for all purposes constitute real property and may be individually conveyed, leased, or encumbered and for all other purposes be treated as if it were sole and entirely independent of the other apartments in the property of which it forms a part, and the corresponding individual titles and interest shall be recordable*", as per Condominium Property Act, HRS §514A-4 (Supp. 2015).

3. ***Grandfathered* Legal Nonconforming Use (we Support)**- Waikiki Sunset should be added to the list of legal nonconforming use buildings where all unit owners are exempt from the NUC requirement of Ordinance 89-154 (November 1989) because:
   a. Waikiki Sunset condotel have been matching the current LUO hotel definition since 1989.
   b. The record shows Aston-Resort rental pool managed up to 374 units (or 86%) without encountering any negative environment assessment impact, traffic congestion, noise concerns, illegal parking, neighbor complaints, or receiving any DPP violation notices for the past 30 years.
   c. Waikiki Sunset condotel deserves the same rights as other grandfathered non-conforming hotels (e.g. Aloha Surf, Hawaiian Monarch, Island Colony, Palms At Waikiki, Royal Garden At Waikiki, and Ala Moana Hotel).

4. **"Existing uses" of STR Units (we Support)**- All Waikiki Sunset condo owners should be allowed to continue operating STR under "hotel rental pool or property managers", which is allowed under Sec. 21-2.100 "Existing uses" (a) (b) because:
   a. Waikiki Sunset met all original 1979 LUO zoning requirement and building requirements.
   b. Waikiki Sunset building and its STR uses were operating lawfully prior to passing of the Ordinance 89-154 in November 30, 1989 and the amended Ordinance 19-18 in June 25, 2019 NUC zoning restrictions.
   c. The purpose of LUO Section 21-2.100 is to "*recognize the hardship imposed upon uses which were legally established, but which now fall under the procedures and standards of the following permits*" cluster housing.
   d. "*Preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate* (abolish)", as per Robert Ferris Tr. v. Planning Commission of City of Kauai (August 09, 2016), Pg #5.
   e. Non-NUC owners could compensate the City by paying retroactive NUC fee of approx. $200x30 (~$6,000), if the City had not already punished these owners over past two years.

5. **'Resort Mixed Use' Precinct (we Support)**- Current Waikiki Sunset zoning designation should be changed from "Apartment" to "Resort Mixed Use" Precinct under Table 21-9.6(A) Waikiki Special District Precinct because:
   a. Rezoning of Waikiki Sunset to 'Resort mixed use" would better reflect the reality of 'land use' over past 30 years. Eg., Waikiki Banyan and Waikiki Sunset have always operated STRs.
   b. Condominium owners should have their constitutional right to "use" their unit as they choose: either as (i) Residential use, (ii) vacation home use, or (iii) hotel-resort use; and being taxed accordingly, as per Sec 8-7.1 Valuation.
   c. City property tax income may increase substantially since most owners would choose "hotel-resort" use; however, this is a personal choice and not mandated by government policies.
   d. Consistent with historical "Declaration Regarding Condominium Use", as per DPP standard Form BFS-RP-P-71. DPP has allowed owners to "declare condo use" for many years in past.

Under Hawaii law, no one can legally take that real estate from an owner with Fee Simple title. The fee simple owner has the right to possess, use the land and dispose of the land as he wishes- to sell, give away, trade, lease or pass it to others upon owner's death. For instance, each Fee Simple owner of Waikiki Sunset has property right to his (apartment) condominium unit (average 600 ft^2) plus an undivided share of land of approx. 115 ft^2 (=49,996/435).

We respectfully request City Council to Oppose Bill 41 draft for the reasons described under Options #1 and #2 above. We have shown three other Options (#3 to #5) which are more applicable and appropriate for Waikiki Sunset owners. Waikiki Sunset building is a duly registered condominium and it is entitled to be treated legally differently than a "hotel" or an "apartment". In essence, it is a community of 435 individual owners, co-located in the same building and on the same parcel of land.

According to Hawaii court case ruling (August 9, 2016), under the United States and Hawaii Constitutions, *"preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate* (abolish)". Consequently, Waikiki Sunset governing documents (ie., Declaration and Bylaws) cannot override each condominium owner property rights, even by majority ownership interest, because "each condo owner is *a property owner under Hawaii law [4] by virtue of its ownership of the condominium and is therefore entitled to constitutional protection",*
as per Robert Ferris Tr. v. Planning Commission of City of Kauai (August 9, 2016); Footnote [4].

We respectfully request that City Council **oppose Bill 41 (2021)** draft to protect owners' property rights and give serious considerations to the legally viable Options #3 to Option #5 listed above.

Please give the above matter the attention it deserves.

Diana and Guido Panizzon, P.E. MEng. BSEE, IEEE.
Waikiki Sunset Owners of Unit #2006,
229 Paoakalani Avenue,
Honolulu, Hawaii 96815
Email: "panizzon@telus.net"
Tel: (808)-922-0511 (Ext 2006).

CC: **City Council members** website: "https://www.honolulu.gov/view-council-members.html".
Mayor Rick Blangiardi: email "mayor@honolulu.gov"

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:40 PM
Subject: Council Testimony

Written Testimony

Name	Faye
Phone	
Email	fmnak00@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Due to living off island, I wasn't going to comment, though I'm very familiar w/B&B's having helped family w/the cleaning, maintenance & hospitality....and am familiar w/others in the area who have opened up their homes to visitors. Many of the comments here who oppose this bill have made some great points....and most all who support it have generally only made the point that it's wrecking their neighborhood & that they want it back to what it was...10, 20, 30 years ago. This also goes w/their argument that "all" these B&B's are taking up valuable homes which should be made available to locals and not tourists.....Does it occur to them that many vacation rentals are run by locals or people who make Hawaii their home? The requirement of "owner-occupied" should not only eliminate those who only "invest," but it makes resolving issues like noise & parking, etc, quick & simple. The one point I'd make, which several seemed to harp on, is how Kailua, Waimanalo, etc have "really" changed. Having grown up in Kailua & returning annually, I know how much it's changed....BUT it changed way before B&B's. You could blame Obama for advertising us, or social media, or the modern world....if anyone noticed, the whole World has changed and it's a rare place that has any beauty, good climate, or is exotic/unique, that's escaped an influx of people due to fast flights. It's simple-minded to blame the tourism situation on B&Bs....it's more lack of vision on the part of politicians who have sold off parts of their souls all along the way, made bad decisions for the islands....and now want to punish and make suffer -- the entrepreneurial people who have paid into their system, played by their changing rules; been at

their mercy....and now are being bullied to close their businesses due to what can be seen as extreme illogical changes.
For most all people I know who run B&Bs, it is to make ends meet....but it's a 'job' that fosters "Aloha" in many ways -- it often involves families, friends who help; meeting people from around the world...some who become returning friends; giving guests a very local experience....This is why B&B's have become a popular alternate to hotels. It is only one phenomenon of modern times and it seems very tyrannical to make so many illogical restrictions, which clearly are meant to eliminate this segment of the industry.

I hope you take my perspective into consideration....MANY people's lives & livelihoods will be affected by this.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:43 PM
Subject: Council Testimony

Written Testimony

Name	Bill Public
Phone	
Email	billpublic@hawwaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Reminder that the CCH Zoning Code "R" stands for "R E S I D E N T I A L" and NOT RESORT. Keep tourist lodging in areas zoned resort and out of our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:43 PM
Subject: Council Testimony

Written Testimony

Name	Rosalia Bosch
Phone	
Email	apnlodging@twc.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The Committee has taken Bill 41too far. If passed, Bill 41 will negatively impact many people who are currently employed by short term rental business and depend on their jobs to feed their families, pay for shelter and enjoy a decent standard of living on Oahu.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:49 PM
Subject: Council Testimony

Written Testimony

Name	Shari Hooks
Phone	
Email	shari@hooksonrealty.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Changing from 30 to 180 days for EVERYONE across the board is ludicrous. We need access to 30 and 60 day rentals. The best solution is to allow "PRIMARY owner occupants" to have 30 day rentals and require out of state and out of country owners to do three or six months rentals. That is the perfect solution. Owner occupants deserve more freedom in their own homes. This is also a way for owner occupants to share "aloha". Big investors should be treated differently. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

November 9, 2021

Dear City Council Members,

My name is Lisa Marten. I represent State House District 51 which includes the neighborhoods by Lanikai Beach, Kailua Beach Park and Waimānalo Beach which were early locations for vacation rentals, but also neighborhoods such as Enchanted Lake which have seen dramatic proliferation of vacation rentals in the last decade or two. This is a very divisive issue in my community.

Our government policies are responsible for the huge profitable industry right in the middle of the neighborhoods in my District. The City has set the lowest property taxes in the nation, our tax dollars are used to market us as a vacation destination, and our zoning laws are not enforced. Offshore investors, people considering moving to Hawaii to run a vacation rental business in their future home, as well as long-term residents, are merely responding to profitable opportunity these policies created.

You will hear from many of these people – it is part of their job to be here today. Some are my friends and neighbors and I do not blame them for trying to get in on easy money. However, I am here today to tell you that their profit comes at too great a cost to others. I support the Administration Bill. I hope all City Council members will support the Bill as well.

The first reason is that my district is overwhelmed by tourists and my constituents are losing their aloha towards our visitors. This Bill is a tool to manage total numbers and especially those that have the biggest impact because they never go back to their hotels at night.

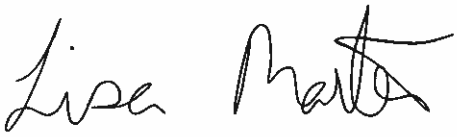
Second, we have an affordable housing crisis in Kailua and Waimānalo. Local people must pile in to crowded homes of family and friends, or they are forced to move away to find a place they can afford to live. Our home prices have increased extraordinarily. Even when the housing bubble burst, prices did not drop as they did elsewhere. When expected cash flow from a vacation rental business is factored into the price of a home, those business operators – whether they live there or not - are able to outbid people who just want to live there, or perhaps do long term rentals.

I understand that owners prefer higher paying short-term rentals that allow them to use the property themselves at times. However, those that are *not* property owners suffer from lack of long term rentals. When I was young those garage units and ʻohana units and shared houses used

to go to young people that could not afford to rent or buy a home yet. They also went to single people, retired people, or people with lower incomes like teachers, coaches and nurses. People that we want in our neighborhoods.

This is not a question of whether vacation rentals are desirable for tourists. They are. This is not a question of whether they financially benefit those in the business, including local residents. They do. This is a question of whether it is appropriate to take away our limited residential housing stock on O'ahu for this purpose. It is not. Please support the Mayor's Bill.

Mahalo for considering my testimony,



Representative Lisa Marten
House of Representatives District 51
Kailua & Waimanalo

repmarten@capitol.hawaii.gov

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:01 PM
Subject: Council Testimony

Written Testimony

Name	Joan graham
Phone	
Email	joang@cbpacific.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Rental bill
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	This is a violation of public property rights. I do not think government should tell you what to do. With your own property what happens when you get a tenant that does not pay or is not a good person?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:12 PM
Subject: Council Testimony

Written Testimony

Name	Theresa Galpin
Phone	
Email	Terrygalpin@gmail.com
Meeting Date	10-02-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We are being over run by illegal vacation rentals. As a homeowner in Hauula nearly all beach front property is a illegal vacation rental with zero enforcement, these homeowners have no fear. When reported we are the ones asked to gather the information. Why are we the ones having to do the jobs of the state? We need more enforcement and follow thru.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:28 PM
Subject: Council Testimony

Written Testimony

Name	Peter Forman
Phone	
Email	purchases@wecanfly.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this bill because it takes an extreme position on the issue of vacation rentals. We would be better served with a few modifications to the existing approach. In particular, I object to efforts to "close the loophole" on 1 month rentals. The type of visitors who use a 1 month rental are not your typical tourists. Every winter I enjoy the return of a few snowbirds who spend a month in Kailua every winter. We share coffee at the Kalapawai Market. These are people who love the character of the community, contribute positively to it, and should not be barred from ever wintering in Kailua again. Please show some Aloha spirit to the kind of visitors who do not detract from our communities. They do not want to reside in Waikiki any more than I want to reside in Disneyland the next time I choose to vacation in California. I have resided in Kailua for 19 years and have never made a penny by renting to visitors. I do enjoy their company, however.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:31 PM
Subject: Council Testimony

Written Testimony

Name	Paul Spriggs
Phone	
Email	pspriggs@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	This will help in freeing up more housing for long term residents to rent. Hopefully making it slightly more affordable for people. I fully support Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:36 PM
Subject: Council Testimony

Written Testimony

Name	Maureen Malanaphy
Phone	
Email	Momalanaphy@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am submitting this testimony in favor of strict regulations and enforcement of the 180 days or less definition of a Short-Term Vacation rental (STR). The estimated 14,000 vacation rentals on Oahu have contributed to our residential Housing Shortage, Housing Costs Rising & our Housing Crisis. Residential neighborhoods have turned into tourist destinations with STR overload which has changed the climate of communities. I am a 43 year resident of Hauula and at one point there were 10 illegal vacation rentals on my lane which is near the ocean. With the recent crackdown and fines for illegal STRs many were converted back to rentals and homes for local residents. I see children playing on my lane again and neighbors out greeting each other and socializing again. It is evident that there are more local residents enjoying our country-lifestyle. However, I know for a FACT that there are still MANY illegal vacation rentals operating in the Ko'olauloa area. This is NOT Waikiki or Turtle Bay or Ko'Olina - these owners (most from out-of-state) are skirting around the laws and getting away with it because there is no strict enforcement or high fines/penalties. Also, this is not FAIR to people who do want to follow the laws with proper permits in the key vacation areas. New Short-term rental (STR) definition of 180 days or less matches the State of Hawaii, Maui and Kauai definition for STR's. The 180 days or less definition for STR's will help protect and preserve residential zoned homes for "permanent residency". The 180 days or less

definition for STR's will stop illegal vacation rentals from creating "fake 30-day" leases to hide their Illegal Vacation Rental $$ activities.
The Planning Commission declared short-term rentals are inappropriate for “residential-zoned” neighborhoods and lodging businesses should be restricted to resort and commercial districts only. Both legal and Illegal Vacation Rentals in residential zoning have promoted Ove$rTourism sprawl ! They have invaded & damaged our Local Communities & Neighborhoods ! Illegal Vacation Rentals have contributed to resident’s negative sentiment toward Tourists and Tourism.
* * Strong Enforcement is a 'Must !' More Inspectors, Real Fines & their Choke Back Taxes should be paid.
***STOP ILLEGAL VACATION RENTALS and Ove$rTourism. Protect Homes for Local Families, Working People & Our Kupuna. Protect our Neighborhoods & put Residents 1st !
Mahalo!

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:15 PM
Subject: Council Testimony

Written Testimony

Name	Mialisa Otis
Phone	
Email	mialisa808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41 to know that our neighbors, and their tenants, actually live in the neighborhoods of Waimanalo and across the island.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:21 PM
Subject: Council Testimony

Written Testimony

Name	Laura Isola
Phone	
Email	laisola2@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose Bill 41 in its entirety, especially Sec.21-5.380 Hotels and Hotels Units (a) (b) (c) (d) and Sec.21-5.360.1 Condominium hotels, that have absolutely nothing to do with the purpose of this Bill that is to avoid disturbance in residential areas since these are about Resort areas with mixed use hotel-residential. These provisions would basically be forcing condotel units into the hotel pool that would decide nightly rates taking 50% management fee and not give any discount to the actual owners to stay in their own private property (!!!) and prohibiting the actual owners to live in their own unit?!!!!!! And prohibiting owners in mixed zone resort/residential to rent their own private property long term residential!?!! This is literally EXPROPRIATION. "Expropriation is a legal term used to describe the government taking control of private assets or property ostensibly for public use...This is ILLEGAL in the United States as the 5th Amendment to the Constitution states that private property cannot be expropriated for public use without compensation". Accordingly, if you dare to move forward with this ILLEGAL Bill the City Council will have to also be forced by The Law of This Land which is The US Constitution to pay us the owners for our stay in our own private property units plus pay us the difference between the income we have been so far generating with our own hard work and expenses in remodeling our own private unit beautifully increasing its value with kitchenette granite countertops porcelain floors and many precious decor as it is our own private home and job and livelihoods managing our own private unit reaching 4.6 stars high ratings vs the hotel 2 stars fair public ratings with old hotel rooms without kitchenette, and the income you would degrade us by forcing us into hotel pools benefiting the hotel management at our expense. But it is much worst than

illegal to attempt to expropriate private properties to directly benefit the DPP director's wife who is the top executive for budget and forecast of Aston the main hotel management company! And Tommy Waters signed this outrageous Illegal Bill containing such obvious conflict of interests?!? He is the Director of the City Council whose sworn duty and "responsibility is for serving and advancing the general welfare, health, happiness, and safety of the people through exercising its legislative power" (as reported on City Council website)!! This Bill is not making us happy and it's actually making us very angry. Bill 41 is UNACCEPTABLE. Again this is EXPROPRIATION. You cannot do this because it is ILLEGAL. Not only you should desist immediately with this Illegal Bill but an investigation should start into the obvious conflict of interests of the DPP Director since his own wife would benefit from this Bill along with all Hotels that actually participated in drafting this Bill without calling all stakeholders us the actual private property owners who would be damaged by this outrageous Bill. Just to come up with such folly ideas calls for the immediate resignation of all those who drafted and signed this Illegal Bill.

Furthermore, I specifically oppose the 30 days to 180 days change. International visitors have permission to visit the US for no more than 90 days therefore they would be forced into hotels which is the obvious plot of this Bill to benefit hotels giving them full monopoly which is outrageous while destroying so many of our communities whose livelihoods depends on vacation rentals.

Vacation rentals have proliferated because there is high demand! They are established and popular all over the world! Banning them in Hawaii, restricting and extremely reducing vacation rentals areas would be destructive for the tourism economy on which most livelihoods of the people in Hawaii depend and hurt the State taxes revenues. Instead of raising taxes and collecting millions of dollars to ban restrict and obsessively police vacation rentals use those money to build affordable housing instead! There are other more Aloha friendly ways to protect the wellbeing of residential neighborhoods while letting communities in Hawaii afford making a livelihood here with the best use of their own private property small vacation rental businesses that still need to recover form the pandemic!

Thank You in advance for voting NO to Bill 41!

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:38 PM
Subject: Council Testimony

Written Testimony

Name	James Wilson
Phone	
Email	kailuawilson@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Hello Council Member Kia'aina Please also consider local family's that rely on the additional income that a 30 day short term rental provides for these people. I have heard people say that if you can not afford Hawaii, you should move to a place you can afford. I feel that not everyone is blessed to have the resources and privilege that provides the income need to live in the place you were raised. The income that is generated from locals residents stays in Hawaii. Please consider allowing local residents to continue to provide short term rentals of 30 days or more. Thank you, James Wilson
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:43 PM
Subject: Council Testimony

Written Testimony

Name	Emma Knight
Phone	
Email	Hapa902@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Strongly agree that short term rentals should be changed to under 180 days. Short term rentals are ruining Oahus real estate and rental pool for local residents. -Support the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management. -STRONGLY Support taxing TV's and B&B's the same as hotels. -Support idea that banning vacation rentals is a solution to our lack of affordable housing.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:02 PM
Subject: Council Testimony

Written Testimony

Name	Maureen L McKeague
Phone	
Email	reeniemck@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony against Bill 41 limiting vacation rentals to 180 days. By Maureen McKeague 987 Mokulua Drive, Lanikai 96734 reeniemck@yahoo.com 808-352-2628 I agree that there needs to be something done about the increase of vacation rentals in Hawaii especially in our residential neighborhoods. The bill that passed before the covid-19 outbreak that was to already be in effect should not be ignored. Why do you need to start this process over again? It seems to be in order to completely eliminate any of the 30-day rentals that have not really been a problem especially if the owners of the property are present on the property. We live in Lanikai and the traffic and noise problem is not due to short term vacation rentals. We have a beautiful beach and pill box hike that have drawn crowds from all over the world through social media and tour advertisements to our once quiet residential neighborhood. My husband's parents bought our home which was built in 1928 purchased in 1938. My husband was born and raised here; he is now 81 years old. We raised our six children in this home and they are now married and have families of their own. The boys live on Oahu and the girls live on Kauai. Since my husband retired from the construction trade and handyman business, we have been able to maintain by renting our main 3-bedroom house out for 30 days or more to island visitors, traveling nurses, military & civilians in transition. We have made many wonderful friends and have several annual repeat guests from USA, Germany, and Canada. We live on the property in the one-bedroom unit we built for his mother in 1966. We choose to rent short term (30 days or more) so that we can block off our 3-bedroom house to allow our children and grandchildren the use of it occasionally

during the year. Many of the guests that come are 3 generation families with small children who have no desire to stay in the busy, noisy, resort area. They shop in our local stores, dine in our local restaurants, and are able to walk back and forth to the beach which is across the street. They are quiet friendly people who care for our community and our neighbors. It breaks my heart to think that I may have to notify them that they may no longer come and spend their cold months in our home because of this proposed new law or tell our children that they can't come home anymore because we have to long term rent the house to cover all our expenses.
I don't understand what you are going to gain from cutting off the TAT taxes that we and others have been paying for years if we are forced to close our 30-day rental business.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:23 PM
Subject: Council Testimony

Written Testimony

Name	Alex Ress
Phone	
Email	Alexress99@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We need significant disincentives to keep our residential housing from being taken for transient accommodations. Bill 41 is the best attempt yet to preserve our desperately needed residential housing.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:35 PM
Subject: Council Testimony

Written Testimony

Name	Ursula Retherford
Phone	
Email	robert.retherford@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (2021)CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Chair Waters and Members of the City Council, My name is Ursula Retherford. I am in support of Bill 41 CD1 I have actively opposed short-term vacation rentals in residential zoning since 1989. I did not do so because of noise or because of traffic. I did so primarily because of its effect on housing for our residents, the loss of neighbors, and other negative social and environmental impacts. Hence, it is refreshing to see that the City, at long last, finds that "any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods." The negative impacts are, however, not simply on our neighborhoods, but also on the City's increased social program costs, as well as on the State GET and tourist tax revenue. Visitors staying in short term vacation rentals spend less overall, and the income declared by the STR operators is more likely to be under-reported than if the visitors stayed at a hotel with a more rigorous accounting system. Those who have taken the law into their own hands for decades are hardly the persons to be entrusted with the honor system when it comes to conscientiously reporting their business revenue. During my fifty years of living in Kailua I have watched in dismay as short term vacation rentals ate away at our housing stock and undermined much of what we value in our community, our environment and our culture. We have lost much, some of it irretrievable, such as the loss of brain power as promising young

people saw no future here due to lack of affordable housing. After more than thirty years of testifying at hearings on the matter, and then seeing the wishes of visitors continuing to take precedence over the needs of local residents, I have to ask myself, "Is Bill 41 not just another charade? Has the City really grown some backbone, and will no longer be taken in by the myth that short term vacation rentals are mostly harmless mom-and-pop operations in need of our help?"

There has always been, since 1990, language on the books to enforce the law and prevent the proliferation of short-term rentals in residential neighborhoods. The problem has been the seeming collusion of government with special interests, the lack of political will to enforce the law, and failure to provide DPP with necessary enforcement tools. Given the City's abysmal enforcement record, including its record on collection of fines, it is hard for many of us to transition from cynicism to hope.

Bill 41 is a good bill that represents a welcome change of our City government's mind and heart on the issue of short term vacation rentals. The bill is however, only as good as the enforcement of its provisions. Once more, I put my faith in you and hope that you do the right thing by voting yes on Bill 41 CD1, securing its enforcement, and protecting our housing supply as well as the economic interests of our City and State.

Thank you very much.

Ursula Retherford
42 N. Kainalu Drive, Kailua, Hi 96734

Testimony
Attachment
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and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:51 PM
Subject: Council Testimony

Written Testimony

Name	helena von Sydow
Phone	
Email	helenavonsydow@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To Members of the City & Council of Honolulu Subject Bill 41 Honorable members On Sept. 1, the Honolulu Planning Commission held the first day of hearings for the proposal by the Department of Planning and Permitting to eliminate vacation rentals on Oahu. More than 150 people signed up to give testimony and a second day of hearings needed to be added so that all the community members could be heard. The testimony on Sept. 1 was almost unanimous. Those that showed up spoke clearly. We don't need new laws — we just need DPP to enforce the current one. Well it passed and is now Bill 41 on the hands of City Council Bill 41 negates years of effort that went into the current law, which was passed in 2019 but has never been enforced. In 2018 and 2019 the Honolulu City Council considered multiple versions of bills to address issues with illegal vacation rentals. In October of 2019, after a long and contentious debate, Ordinance 19-18 was signed into law. To be clear, Ordinance 19-18, combined with the court order, confirmed and clarified city rules regarding rentals that had been in place ever since regulations began decades ago. Those rules defined

rental periods of 30 days or longer as long-term rentals, which are perfectly legal in residential areas throughout Oahu.

It also gave extremely strong enforcement tools to the city to prevent rentals of less than 30 days unless the property had a TVU license, all but 115 of which are in the Resort Zone.

Changing Definitions
Along with the new law were requirements that DPP would create administrative rules to enact portions of the law. Unfortunately, DPP did not create the rules and go through the required public process, which is a necessary step to begin enforcement of the law.
In April of 2021, with a new mayor and DPP director, the first draft rules were finally created and put out for public comment.
Unfortunately, shortly after the public hearing, DPP then decided that rather than completing the administrative rules required under Ordinance 19-18, they would start over with a completely new, more draconian bill.

The results of DPP's work were released to the public on Aug. 20. The new proposed bill is a drastic departure from Ordinance 19-18 and is a clear giveaway to the hotel industry. If the hotel lobby didn't write this bill, they certainly got their wish list fulfilled.

In addition to changing the definition of a long-term rental from 30 days to 180 days, the proposed bill is full of proposals that would strip property owners of their private property rights in what appears to be an effort to benefit the hotel industry and its multinational corporate owners in every possible way.

We don't need to go through the tumultuous, expensive, and exhausting process of crafting and passing a new bill. We just need to enforce the one that was passed after much time, effort, and community input in 2019, and which, if enforced, would fully eliminate illegal vacation rentals.

Based on the overwhelming testimony for the Honolulu Planning Commission, the community is clear on what they would like to see. They would like to see the current law enforced. The City and County of Honolulu has agreements in place with Airbnb and Expedia Group (VRBO) for reporting and enforcement.

I pledge you honorable members of the City & Council of Honolulu to listen to your constituents and not the hotel lobbyists

Thank you for listening

Helena von Sydow

Testimony
Attachment

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:04 PM
Subject: Council Testimony

Written Testimony

Name	Judith Nursalim
Phone	
Email	judith.nursalim@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear City Council, My name is Judith Nursalim. I am an owner at the Association of Apartment Owners of Island Colony, and I oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41: Transient Vacation Units will not even be allowed in Waikiki. The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. Condominium-hotel units may not be used as primary residences. If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. Each person may only own one transient vacation unit. Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000,00 in commercial general liability insurance), etc. Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limit owners' rights is problematic, impractical, and unacceptable.

Based on the above. I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:07 PM
Subject: Council Testimony

Written Testimony

Name	Harald von Sydow
Phone	
Email	nztrendshi@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To the Honolulu City Council Re: Bill 41 I agree that ten million visitors annually has become too much, however disagree that attacking and penalizing the TVU and B&B who are by far the smallest receiver of the tourist population, will not solve the problem. It will only feed the Hotels and time share with more greed since they are not owned by locals. The hotels are corporations who's only goal is to make profit. TVU properties with NUC license, according to the DPP website are 759 units The census of 2019 published that Oahu had 166 properties (Hotels) with 46,980 rooms. TVU's and B&B's accommodate 0.08% of tourists Making the math versus DPP's intent to abolish short term rentals, going after less than 0.08% of the problem will not solve the influx of tourism in Hawaii Again DPP's and the City's plans and measurements are very disappointing. If there should be any action from the City and the DPP, it is obvious that the reduction of Hotel rooms and Time shares would be more

effective than eliminating short term rentals

Ordinance 19-18 generated nothing more than confusion, which I believe was purely a rotten intent to benefit the Hotel industry due to lobby from the Hotels. There is even a new hotel "Hui" called The Hawaii Hotel Alliance lead by Mr Gerry Gibson.

The hotels are the biggest beneficiary of the Ordinance 19-18
The verbiage says the ordinance is to protect the residential neighborhoods, when in truth it hurt thousands of local residents who lost their income.
In turn the real estate market never dropped nor did the price of long term rentals.

the hotels, the city and the people have to work together to achieve a balance, where the residents and people of Hawaii (not foreign or mainland corporations) should inform the city of inconveniences of neighbors that rent and stress the areas. We all know that "monster houses" are a bigger problem in most neighborhoods, than short term rentals

Increasing fine to up to $25,000.00 per day will not solve the problem

I oppose Bill 41

Thank you
Harald

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IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:04 PM
Subject: Council Testimony

Written Testimony

Name	Kimeona Kane
Phone	
Email	kimeonakane@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Mai, Kimeona Kane keīa, kupa wau o Waimānalo, mau a mau. Aloha members, I am Kimeona Kane, proud lifelong resident of our beautiful country town of Waimānalo. I was raised with my grandparents on dairy farm, operated by Meadow Gold Dairy, and sent many years enjoying the freedoms of living in a country, rural, culturally grounded community such as ours. I recognize that living in Hawai'i only continues to get harder, with median home prices at one million dollars, cost of living is excessively high, and the minimum wage is at $10.10 among other very inflated circumstances that add up to making it harder and harder to make a life worth living here. On top of that heavy burden, we are faced with the ever increasing illegally operated short term rentals that have plagued our and other communities. The operations of these illegal businesses within our rural community have, are and will continue to cause extended issues between neighbors, community members and illegal guests, and trust in processes and government. We are terribly lacking enforcement and accountability is almost visible. This is a problem. The added traffic, behaviors and attitudes are just a few of the things that community members have to deal with. These short term rentals destroy the fabric and integrity of communities and do not belong in communities. They should be operated in line with hotels, and even then, pose a threat to the quality of life for those that call those areas home. We must not allow these rentals to continue to go unchecked. We must not allow these operators to believe it is okay to disregard the impacts on their neighbors and communities. We must not create

a normality of overlooking these impacts to serve a budget that has become dependent on tourism and travel particularly as the tourist dollars that go into the preservation of our home, is appallingly low. While my heart is troubled by local families struggling to maintain the payments on properties, and have moved into this path of hosting illegal rentals, I must advocate that Bill 41 press forward, collaboratively working to ensure that the community and their quality of life, is not overshadowed by providing a short term vacation opportunity for visitors. WE, the people, should always be the priority, and should not have to leave our ancestral homes. Mahalo nui for your support in furthering Bill 41.
Ke Aloha Nui,
Kimeona Kane 808 398 8989

Testimony Attachment

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IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:05 PM
Subject: Council Testimony

Written Testimony

Name	Andrea Anixt
Phone	
Email	andreapeatmoss6@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Resident People need rental housing that is being used illegally as transient vacation rental units... Enforcement is extremely lacking by the DPP. They have proven to be incapable of handling the job so far. Ease the housing problem and let neighborhoods get back to a new normal...please!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:18 PM
Subject: Council Testimony

Written Testimony

Name	Darcy Hu
Phone	
Email	kuhuddj@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear Councilmember Kia'aina, I am one of your Kailua constituents and would like to voice my support for Bill 41. As pandemic restrictions ease, I see illegal short-term rentals again popping up in our neighborhood. I feel strongly that the simplified, streamlined, blanket restrictions offered in this bill are the only enforceable way to prevent Kailua (and doubtless other neighborhoods) from once again becoming overrun with illegal rentals. We live here because we like the small-town feel and caring neighbors. Uncontrolled vacation rentals simply are not compatible with either attribute. While I don't know for certain that short-term rentals are contributing to the current exorbitant real estate prices, if they are, this is yet another reason to simply prohibit them in residential areas such as Kailua. My son, who works in natural resource conservation, will never be able to buy a house here, and probably not a condo, either. Cost of living on this island is splitting families up as kids are forced to move away. I hope you will consider my concerns at tomorrow's hearing. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Vicky Ho. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Owners should have the right to decide how to use their units, whether as short-term rentals (with NUC), long-term rentals, or as primary residences; and who to manage their units. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

Vicky Ho

818 401 3221

vickynguyenho@gmail.com

TO: Members of the Honolulu City Council

FROM: Natalie Iwasa
808-395-3233

DATE: Wednesday, November 10, 2021

SUBJECT: Bill 41, Transient Accommodations - **OPPOSED**

Aloha Chair Waters and Commissioners,

Thank you for allowing testimony on Bill 41, regarding transient accommodations. **I oppose the change in definition for short-term rentals from 30 days to 180 as well as the proposed limited areas. Such changes will end up hurting residents who have legitimate reasons for renting short term.**

Under "Residential A," please increase the threshold for the assessed value to at least $1.5 million. Given the recent increases in median prices of single-family homes, I estimate there will be about 5,300 properties added to the Residential A classification assuming an average increase of 10% in values. Landlords will only put up with so much increase in their real property taxes before they increase rents.

Section 7 of the bill includes a new special fund. I oppose the creation of this new fund. The city should set priorities and make appropriations accordingly.

Please vote "no" on this bill and provide adequate funding to the city to enforce the current law.

From: CLK Council Info
Sent: Wednesday, November 10, 2021 1:07 AM
Subject: Council Testimony

Written Testimony

Name	Joanne
Phone	
Email	snow2136@netzero.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Short Term Rentals/Transient Vacation Units
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear Chairman Waters: The Hawaiian tourism industry is a big part of the economy. According to the Hawaii Tourism Authority, tourism is the largest single source of private capital for Hawaii's economy. In 2019, Hawaii's tourism economy has recorded visitor spending at $17.75 Billion dollars. O'ahu alone took in $22.4 million dollars per day. If the Department of Planning and Permitting (DPP) proposed amendments to Chapters 8 and 21 relating to transient vacation units (TVU), bed and breakfasts (B&B) homes and hotels pass, this will greatly affect the economy negatively as well as thousands of jobs and people in general from residents to tourists. Even Oahu residents solely depend on short-term rental condos to financially support themselves. This was emphasized through public testimony at two recent DPP public hearings. After listening to hours of testimony, most of the people at the hearings were against the proposed amendments The DPP wants to force condominium hotel units into the same tax bracket as a Hotel & Resort tax category. How can that be? Condominiums are not equal to hotels or resorts in so many ways. Condominiums are basically homes with full kitchens including full refrigerators, stoves and a kitchen sink. Hotels just consist of units with a mini-fridge sometimes with a bed and bathroom but with all the other amenities and services. Condominium short-term rentals (aka condo-hotels) do not have the extra income hotels are able to generate from hotel restaurants and bars, hotel spas, entertainment, gift shops, convention centers, ballrooms etc. Again hotels have the extra sources of income to cover the higher tax bracket, condo owners

do not. Condo-hotel owners should have a separate more reasonable tax bracket close to a B&B tax bracket that has similar home settings and nothing else to offer like hotels do.

The DPP wants to force an entire condominium building to be entirely short-term rentals, against the will of those who want to be solely homeowners or long-term rental units in the building, to look more like a hotel. Therefore, to charge condo short-term rentals at the higher Hotel & Resort tax rate who look like they are in a hotel setting but are truly not. If the entire condo building does not become short-term rentals (STR), then no one can operate STR's. This denies the freedom of many entrepreneurs and a taking of one's property. Possibly forcing many condo owners to sell their units at a major financial loss and it would give less STR choices to tourists and locals.

The DPP also does not want to allow a person or legal entity the ability to own more than one short-term rental unit. Thus, denying our right to own land and our Constitutional pursuit of happiness through entrepreneurial means. Again, it could possibly force many owners to sell their condos at a loss given the high taxes and HOA fees.

The Oahu DPP wants to charge those who could have short-term rental status an outrageous $5000 initial application fee and $2500 renewal fees annually. That is crazy when Kauai DPP does not charge short-term rentals at all in their Visitor Destination Area with only a $750 renewal fees for those outside the VDA. Maui DPP application fee is much less at $857 than Oahu DPP proposes. Maui even has a sliding scale for additional approved years from $250 to $500 with renewal application fees for $700. Such disparity!

The DPP claims they want these high application fees and renewal fees along with the General Excise taxes and Transient Accommodation taxes to help fund an enforcement arm for short-term rentals. We absolutely do not agree to the proposed high application fees, high renewal fees and proposed high "hotel" tax category but the DPP wants to collect all this money to fund an enforcement arm that they have no plans in how to form or know how to execute the enforcement upon short-term rentals when they don't have any rules in place to enforce. The DPP's primary proposals for short-term rentals are to only have short-term rentals in certain areas and make sure they are paying all their high fees and taxes with proper registration. Many short-term rental condo-owners have been compliant for many years paying their GE and TA taxes as the State of Hawaii gladly received the taxes allowing short-term rentals to operate in quiet agreement to their existence for many years as-is. We were never contacted by the local government or DPP that we were operating our short-term rental in violation. Never were we asked if we had a non-conforming use certificate as they collected GE and TA taxes for many years.

The DPP should allow compliant short-term rental condo owners, who

have been paying their fees and taxes for years and can provide at least 5 years of tax returns for documented proof, to immediately resume STR operation with or without a non-conforming certificate. Allow STR condo owners to own more than one unit to operate responsibly. Allow condo owners to transfer the STR capability to new owners at time of purchase with proper registration. Restrict or deny those who have no proof of compliance for many years and make them file an application for registration at a reasonable cost like Kauai or Maui DPP does. Other compliant STR's in the Oahu "Apartment Precinct" or resort zones should register with no fee like Kauai's VDA. This ordinance is ultimately supposed to be for compliance enforcement and not punishment to benefit the hotels.

DPP should allow short-term rentals under the expanded proposed resort areas but restrict any new short-term rentals in the residential areas. If those under the resort or residential areas are not compliant then possibly fine the owners on a sliding scale from not paying fees to noise complaints. If the owners accumulate so many fines, then revoke their short-term rentals with a chance to make amends. This is similar to business license restrictions to operate with possible punishment if the business is not compliant. This way the DPP enforcement arm would know what to fine or investigate such as noise complaints and then take appropriate action.
All we see is that Oahu DPP wants to charge high application fees and taxes, restrict multiple ownership of STR's mostly by individuals or entities and where they can operate. It seems hotels wait silently to accept the fall out of DPP trying to cap the STR's and drive more tourists and short-term rental seekers towards hotel operators. STR's can peacefully coexist with long term rentals and residents in residential areas. Once the DPP clears the non-paying STR's for not paying GE and TA taxes for years, there could be an increase in long-term rentals but that is no guarantee.

With the pandemic, there has been an increased interest by tourists and locals to stay in short-term rental condominiums with full kitchen homes to keep social distance, ability to cook their own meals for health and safety, and being economical. Why lessen the choices of short-term rentals for tourists and locals by trying to force short-term rental owners out of the market by putting egregious restrictions? Short-term rentals are a big part of the accommodations in the Oahu tourism industry that attracts residents from around the state of Hawaii and tourists from around the world to stay and visit. Short-term rentals welcome visitors who spend and drive the Oahu economy. DPP proposed egregious restrictions and high taxes will negatively affect STR compliant condo owners and the economy while only benefiting some residents and hotels.
I hope you can help us small short-term rental condo owners find a better solution to coexist with residents in resort and non-resort areas and with and without non-conforming use certificates without destroying our livelihoods.

Thank you for your time and attention,
Joanne

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Accept Terms and Agreement	1

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Dong Ik Lee, I am an owner of both NUC and non-NUC units at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights, especially for the condominium owners.

Waikiki Sunset is a condominium complex maintained by a well-structured Declaration, Bylaw, and House-Rule. In Hawaii, condominium associations used to be governed by self-governance rule with minimal intervention from the government. At Waikiki Sunset there have always been transient vacation units running under the Non-conforming Use Certificate ('NUC' hereafter). Until Bill 89 was placed, even some units without the NUC have been doing transient rental business, loyally paying both excise and transient taxes unlike tax evaders in other areas. We never had any serious problems that are not handled by the Association's self-governing rule.

Below are the main problems with the proposed Bill 41.

1. **Problem with Sec. 21-5.730.3 Use and development standards for bed and breakfast homesand transient vacation units**

   =>This section should NOT apply to the NUC units within the well-established condominium complex like Waikiki Sunset that is run by the self-governing Association.

   Bill 41 treats the NUC units in the Bed and Breakfast detached homes and condominium units in the same manner, and by this, committed serious mistakes. The initiator of this Bill is as if trying to convert the State of Hawaii a police state in the way past dictatorial government had converted the democratic state into a police state, whether they intended it or not. It could become a shameful thing in the 21st Century for the democratic City of Honolulu, if unchecked.

   Do the Honolulu Councilmen and City Mayor want to create a police state? I don't think so. Is Honolulu DPP trying to deny the self-governing rule of the condominiums that have been running the Association with no public problems for so many years? Have there been any serious violations that were not well detected and enforced by the self-governing Associations under the well-established Bylaw and House Rule? Did any transient rental guests create any serious complaints not handled by the Association? Waikiki Sunset's governing rule has all the provisions that the above Section 21-5.730.3 tries to enforce, for example, occupancy limits, parking requirements, insurance requirements, visitor's conduct, etc. During the pandemic, the Association adopted a very stringent rule for registration of the visitors, self-quarantine, and their conduct, way above the standard adopted by the City.

   The above section seems to be designed to tackle the social problems created by the poor self-governing rule especially for the detached homes in the transient rental business that disrupts

the residential neighborhood. But this restriction should not apply to the units within the well-established self-governing condominium association.

If there are any non-compliance or violations by the transient vacation units within the condominium complex, enforcement should be done by the Association. DPP should not be allowed to step in and become the police state enforcer, denying the self-governing rule by the condominium Association.

2. Below are further itemization of some critical problematic provisions found in Bill 41:

   a. **Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.**

      => A sharp rise in the property tax rate by a 1% point, roughly $5,000 in our condominium will seriously hurt the transient rental business operators, while their immediate gross revenue stays stagnant. Many owners will go bankrupt. Foreclosures will sharply rise, reducing the property value. Tax revenue will also fall as result.

      The Hawaii State councilmen and City Mayor will be responsible for this financial crisis. Some lobbyists could whisper to the City DPP or Councilmen that transient rental gross income can immediately rise by simply raising the transient rental rate even if property tax and other expenses rise sharply, so don't worry about the bankruptcies!

      This is never true! Yes, gross rental may rise in twenty years, but it is the market demand interacting with market supply that determines the present price and sales in the free market. Just by raising the transient rental rate overnight, gross income by the NUC owners in the condominium complex does NEVER rise! Rather, those tourists that used to use the condominium transient rental units will dwindle sharply and they will rather go to the hotels with no such rise in room rates, thereby increasing the income of the hotel oligopolists. Isn't that what some lobbyists would have wanted?

   b. **The application cost for initial registration is $5,000, and the cost for <u>annual</u> renewals is $2,500, replacing the current biennial NUC renewal fee.**

      ⇨ This is to kill the transient rental business by the NUC operators, as wished by some lobbyists. Combined with the sharp rise in the property tax rate, total expenses for the NUC operators rise by $10,000 in the first year. But such a sharp rise in expenses cannot be accommodated by sharp transient rent charged by the NUC operators. If they raise the rental rates sharply, while hotel room rates do not get affected, what will happen? The result is obvious: NUC owners will run out of their business, will face bankruptcies or foreclosures, while hotel oligopolists enjoy sharply increased tourists.

   c. **Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.**

⇨ I already mentioned this problem. Why is DPP trying to become the police state enforcer, denying the democratic self-governing rule by the condominium associations? Please let the self-governing condominium association keep governing their constituents using their well-established Bylaw and House Rule. If some Associations fail seriously in their self-governing rule, then DPP can enforce their actions against the Association, but never against the individual owners themselves by becoming the police state enforcer.

d. The danger of condominium-hotel conversion attempt

There is a possible war between non-NUC owners and NUC owners within the same condominium complex, especially if Board is dominated by non-NUC members. Bill 41 should place a provision that makes the conversion to condominium-hotel very hard without almost unanimous approval.

=> NUC units used to be transacted in our condominium with a premium value of $150,000 to $200,000 after Bill 89. Prior to Bill 89, the premium was slightly less. Some condominium associations, especially with the pro-non-NUC Board members, may attempt to force conversion of the condominium complex into a condominium-hotel. If successful, the non-NUC owners will take windfall gain, while the NUC owners will lose their NUC premiums all of a sudden. Serious war and lawsuits can arise if forced conversion into condominium-hotel is attempted. A specific clause that prohibits forced conversion into condominium-hotel without almost unanimous approval of all owners should be in place.

The Waikiki Sunset has been home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limit owners' rights seriously, and to replace the self-governing authority of the Association by the police state's dictatorial authority is very unconstitutional, undemocratic, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

dondleek@gmail.com

From: CLK Council Info
Sent: Wednesday, November 10, 2021 5:20 AM
Subject: Council Testimony

Written Testimony

Name	Jason Shelton
Phone	
Email	js107340@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	NO! on Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear Chair of the Planning Commission, please read my following letter, As a proud homeowner (finally) in Kailua for the past 6 years, I am writing to express my strong opposition to DPP's newly proposed bill (Bill 41) to increase the short term rental limits from 30 to 180 days. Legally speaking, this proposed bill is the illegal TAKING OF AN EXISTING USE and is therefore a ridiculously unconstitutional attempt at restricting private property rights and harming homeowners in an immoral and reckless way. In Hawaiian terms, this is just so DISRESPECTFUL to current homeowners in Oahu that the new Mayor should be ashamed to put this new bill forward. Someone has to speak up for our rights! Some of us worked hard for years to save up and eventually achieve the dream of owning a home in Hawai'i. Approving this bill would make owning a home even more impossible for many families who help cover their monthly home bills by occasionally and LEGALLY renting out their own single family home for a month or so. Homeowners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use. Homeowners are not big hotel/resort operators. We're just people trying to earn a living, own a home of our own, keep it for our retirement, and hopefully pass along more to our kids than we had.

Using our home as we choose is the only thing that allows many of us to continue to own a home in Hawai'i. Taking that from us is wrong - legally and ETHICALLY. We're not harming anyone and we have rights too as property owners and taxpayers. This new bill goes way too far to violate our rights by raising the minimum number of nights rental to 180 days! In fact, it's just outrageous. YOU HAVE NO RIGHT TO TAKE OUR ABILITY TO RENT OUR HOMES FOR 30 DAYS.

This whole thing is just an alliance between the big resorts and the (actually republican) "independent" Mayor to shut out the little guys and keep the money in the pockets of the big corporations instead of individual families and small businesses who benefit from tourism outside of the resort zone. (By the way, the resort zone sucks and more and more people know it.)

Years were spent coming up with Bill 89. That's enough! Just enforce that rule through ordinance 19-18. This new proposed bill is a lazy overreach and is totally unethical to not only people who own homes in Oahu, but also to people who rely on the tourism industry to operate and work in small businesses.

YOU MUST REJECT THE NEW PROPOSED BILL IN ITS ENTIRETY!

This is simply wrong. And all of you know it. Please don't be opportunists by sacrificing our rights for your own political benefit.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 6:15 AM
Subject: Council Testimony

Written Testimony

Name	Carol Anne Philips
Phone	
Email	carolphilips1@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement 1	

IP: 192.168.200.67

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is JAMES SANDERL . I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41.

- Transient Vacation Units will not even be allowed in Waikiki.
- The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

jsanderl@yahoo.com

From: CLK Council Info
Sent: Wednesday, November 10, 2021 6:34 AM
Subject: Council Testimony

Written Testimony

Name	Lorraine Matagi
Phone	
Email	matagil52@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	For several years I have watched our beautiful North Shore communities of Hau'ula and Laie be overrun with illegal vacation homes. Not only has this contributed to a lack of affordable homes for locals, it has also led to an increase in homes being purchased by rich non-locals. That's bad enough but what really gets me is how many are illegal rentals and the owners are not even paying their share of the taxes. There is one lady in Laie who makes more in a month that most of us make in a year. Not only do we need higher fines, we need stronger enforcement. Many here laugh about how far we are from town so inspectors hate to come out. That's unacceptable. And somehow people need to be charged and made accountable for back taxes. Why should we shoulder all the tax burdens, including your salaries, while these people laugh all the way to the bank. Please don't let this continue. We are losing our islands and what will there be for our future generations?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

November 10, 2021

Council Chair Tommy Waters
Honolulu City Council
Honolulu Hale
530 South King Street
Honolulu, Hawaii, 96813

Testimony re: Bill 41 (Short-Term Rentals)

Dear Chair Waters and Members of City Council:

On behalf of Airbnb, mahalo for the opportunity to comment on the Department of Planning and Permitting (DPP) proposed revisions to Ordinance 19-18. For the past four years, Airbnb has worked diligently and in good faith with the City and County of Honolulu in advocating for sensible short-term rental policy that allows our community to be compliant with local laws, and supports Honolulu's tourism industry. The latest proposal by DPP is deeply disappointing as it completely ignores years of community input, hearing, letters, testimony and negotiations between all stakeholders on this issue.

The Department's revised short-term rental ordinance will hurt local residents who rely on supplemental income from sharing a room in their primary residence. The revisions to Ordinance 19-18 completely subverts the Memorandum of Understanding (MOU) which Airbnb and Expedia signed in good faith with the City and County of Honolulu in November 2020, less than one year ago. The execution of the MOU took months of negotiations between the Mayor's Office, DPP, Corporation Counsel, and hosting platforms, providing the city effective compliance tools to regulate short term rentals. Instead, the rules set forth in the draft ordinance are rash, fail to articulate a sensible long-term policy on short-term rental accommodations, and most importantly, punish local residents looking to share an extra room in their home to help make ends meet. Provisions in the draft ordinance are an unnecessary giveaway to hotels at the expense of Honolulu residents who were granted the opportunity to legally share their homes under Bill 89 and are now having that opportunity taken away with little to no rationale for the action.

We urge the Honolulu City Council to please reconsider this ill-conceived proposal and weigh the long-term consequences of approving the revised draft.

Bed and Breakfast Homes

Throughout the short-term rental discussion of Bill 89, it was widely expressed by policymakers and in staff reports that Bed and Breakfast Homes Hosts were supported by the County, since rentals would be owner-occupied and generally the use was seen as less impactful than Transient Vacation Rentals Units (TVUs). As Section 1 of Ordinance 19-18 states, "Residents are generally comfortable with bed and breakfast homes because an on-site resident manager or owner is responsible for the bed and breakfast home, and can respond to any problems associated with short-term guests." It is worth pointing out that initially, the short-term rental omnibus package offered by then Mayor Kirk Caldwell called for unlimited bed and breakfast homes throughout Oahu. After the Planning Commission voted down the Mayor's initial draft proposal in 2018, Bill 89 was amended to allow bed and breakfast homes in no more than 1% per planning district. As Bill 89 progressed through the City Council, the bill was amended to only allow for .5% of housing stock and members of the Council also implemented rules that placed a 1,000 ft. distance requirement buffer between each Bed and Breakfast home.

Unfortunately, under the current proposed amendments, the Department of Planning and Permitting has fully reversed its policy on bed and breakfast homes stating, "STRs are disruptive to the character and fabric of our residential neighborhoods. They are inconsistent with the land uses that are intended for our residential zoned areas, they decrease the supply of long-term housing for local residents throughout the City, and increase the prices and rents of housing, making living on Oahu less affordable for its resident population. Any economic benefits of opening-up our residential areas to tourism are far outweighed by the negative impacts on our neighborhoods and local residents." The Department of Planning and Permitting fails to recognize Bed and Breakfast hosts are primary residents and would require a homestead exemption in order to secure a B&B permit. DPP fails to acknowledge the hundreds of local residents who leverage a portion of their home to make ends meet in one of the least affordable cities in the United States. Moreover, the City has never implemented Bill 89 and the agreed upon enforcement program, so there is no way to know if the B&B program that the City Council and the Mayor supported would work or not.

DPP's reversal on Bed and Breakfast hosts is short-sighted and based on no quantifiable data and insights. Tourism and the visitor industry is the economic lifeblood of Honolulu. Local residents should be able to also enjoy those economic benefits, not just large corporate hotels.

MOU and Additional Registration

After the passage of Bill 89 and adoption of Ordinance 19-18, to support Honolulu's short-term rental compliance efforts and provide a clear path for our hosts to offer short-term stays, in November 2020 Airbnb signed a Memorandum of Understanding (MOU) with the City and County of Honolulu. As outlined in the MOU, Airbnb created two new fields on host facing listings – one for the City-issued Tax Map Key (TMK) number and another for the Transient Accommodations Tax License Number (TAT) issued by the State of Hawaii. As part of the agreement, every month Airbnb will share a report with the City that includes the URL for each listing and the corresponding host-provided TMK number and TAT number for each property listed on our platform. The City and County of Honolulu will verify the TMK and TAT numbers for compliance. Airbnb hosts that fail to provide a TMK or input an invalid TMK will be removed from our platform and only allowed to relist once they provide the required tax and TMK information.

Airbnb, in partnership with the Department of Planning and Permitting, negotiated terms to ensure the MOU provided the City and County of Honolulu the enforcement tools needed to implement fair and effective enforcement of it's short-term rental rules. The revised proposal imperils the hard work and deliberate action taken by Airbnb to comply with Ordinance 19-18.

The draft amendments call for an additional registration number to be posted on all advertisements, this is in addition to TMK, TAT, and unit number if a listing is located in a multi-unit development. This change will only cause confusion and hurt compliance for hosts and the County alike. The provision completely backtracks on the TMK framework which the County agreed to and serves little purpose for actual enforcement.

Additionally, the DPP's insistence on registering every single TVU including in the resort zones will only cause years of costly bureaucracy and bog down city staff. After passage of Bill 108 in Hawaii County, we warned County officials their lengthy registration process would have an adverse impact on County resources, and our comments were largely ignored. Months later, the County was overwhelmed by its own registration process and in turn, it caused significant delays to other parts of the County's permitting process for non-STR issues. At the same time, Kauai has adopted a compliance system in collaboration with both Airbnb and Expedia which relies on the TMK and works effectively by all accounts. Registering each TVU, which is already allowed by right in resort zones, is extremely time intensive and costly. We urge DPP and the County to thoroughly evaluate this provision with more detail and analysis.

Legal Concerns

DPP's proposed revisions to Ordinance 19-18 raise significant legal concerns under Hawaii state law and the federal Constitution.

As an initial matter, Hawaii Revised Statutes, Section 46-4(a) states, in pertinent part, that "[i]n 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." Honolulu's own DPP made clear, in February 4, 2021 testimony to the Hawaii Legislature in connection with proposed amendments to this law (HB 76, 2021), that this provision "disallows the amortization or phasing out of nonconforming residential uses" because short-term rentals "could be interpreted as 'residential uses' and therefore not subject to amortization or phasing out." By DPP's own admission, its proposed law violates Hawaii state law by subjecting a broad class of hosted B&Bs and TVUs (i.e., those hosting for stays greater than 30 days but less than 180 days) to onerous registration requirements that could, in many instances, prohibit the use of these properties for short-term rental use.

DPP's aborted implementation of Ordinance 19-18 also raises the spectre of numerous federal constitutional challenges. With respect to regulatory takings, the proposed prohibitive revisions coupled with the County's abrupt reversal on the legality of hosted B&Bs lend significant support for a judicial finding of a regulatory takings, given the evident significant economic impact, interference with investment backed expectations, and arbitrary government action at issue here. And with regards to equal protection, the proposed revisions are particularly vulnerable. The County's prior embrace of hosted B&Bs and TVUs across all resort districts and applicable A-1/A-2 districts, new approach that permits TVU's in some resort and A-1/A-2 district but not others, and the significant limitations imposed on hosted B&Bs call into question the defensibility of this convoluted and arbitrary land use scheme.

We are concerned that this proposed law subverts the aim of state and federal laws designed to prevent anticompetitive and harmful consumer outcomes. By both diminishing the availability of short-term rentals while simultaneously allowing for more hotels in expanded use districts, the County is acting in a manner that leads to less competition, increased prices, decreased consumer choices, reduced accommodation quality, burdensome limits to travel accommodation entry and expansion, and, ultimately, harm to consumers who benefit from a fair, balanced, and competitive marketplace.

***

The City and County of Honolulu, residents, industry leaders, and hosts spent the last four years debating short-term rental policy that meets the needs of Oahu. The latest revisions to land use ordinance completely ignores and bypasses Bill 89's deliberative multi-year process and in turn, MOU agreement with the major hosting platforms. The amendments will only hurt Honolulu's ability to settle long-standing issues such as registration and compliance. We urge the City Council to take these issues into consideration before taking action on DPP's revised short-term rental proposal. Mahalo for the opportunity to comment.

Sincerely,

Adam Thongsavat
Airbnb Public Policy, Hawaii

CC: Mayor Rick Blangiardi, City and County of Honolulu
Director Dean Uchida, Department of Planning and Permitting

adam.thongsavat@airbnb.com

From: F Nakamura <fmnak00@yahoo.com>
Sent: Wednesday, November 10, 2021 6:59 AM
Subject: Fw: Bill 41.....Written comment

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

J. Yamane....I was told by Gloria Takara at DPP to send my comment RE: Bill 41 to you, though I think my initial comment via OSTRA site may have reached you.
Just in case, I'm sending this to you as suggested, so apologize if this is redundant!
Mahalo, Faye Nakamura

----- Forwarded Message -----
From: F Nakamura <fmnak00@yahoo.com>
To: gtakara@honolulu.gov <gtakara@honolulu.gov>
Sent: Tuesday, November 9, 2021, 09:14:59 PM PST
Subject: Bill 41.....Written comment

To: DPP
I sent a public comment to the City Council via the OSTRA form, but someone told me I might also send one to DPP.
I am opposed to Bill 41....hope to catch the hearing online.

From: Faye Nakamura

Due to living off island, I wasn't going to comment, though I'm very familiar w/B&B's having helped family with the cleaning, maintenance & hospitality....and am familiar w/others in the area who have opened up their homes to visitors. Many of the comments here, who oppose this bill have made some great points....and most all who support it, have generally only made the point that it's wrecking their neighborhood & that they want it back to what it was...10, 20, 30 years ago.

This also goes w/their argument that "all" these B&B's are taking up valuable homes which should be made available to locals and not tourists.....Does it occur to them that many vacation rentals are run by locals or people who make Hawaii their home?

The requirement of "owner-occupied" should not only eliminate those who only "invest," but it makes resolving issues like noise & parking, etc, quick & simple.
The one point I'd make, which several seemed to harp on, is how Kailua, Waimanalo, etc have "really" changed. Having grown up in Kailua & returning annually, I know how much it's changed....BUT it changed way before B&B's. You could blame Obama for advertising us, or social media, or the modern world.....if anyone noticed, the whole World has changed and it's a rare place that has any beauty, good climate, or is exotic/unique, that's escaped an influx of people due to fast flights.

It's simple-minded to blame the tourism situation on B&B's...it's more lack of vison on the part of the politicians who have sold off parts of their souls all along the way, made bad decisions for the islands....and now want to punish and make suffer -- the entrepreneurial people who have paid into their system, played by their changing rules; been at their mercy.....and now are being bullied to close their businesses due to what can be seen as extreme illogical changes.

For most all people I know who run B&B's, it is to make ends meet....but it's a 'job' that fosters "Aloha" in many ways --it often involves families, friends who help; meeting people from around the world...some who become returning friends; giving guests a very local experience....This is why B&B's have become a popular alternative to hotels. It is only one phenomenon of modern times and it seems very tyrannical to make so many illogical restrictions, which clearly are meant to eliminate this segment of the industry.

I hope you take my perspective into consideration....MANY people's lives & livelihoods will be affected by this.
****

Mahalo ~ F Nakamura

From: CLK Council Info
Sent: Wednesday, November 10, 2021 7:17 AM
Subject: Council Testimony

Written Testimony

Name	Manfred
Phone	
Email	mzapka@hawaii.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41 (2021) – "Relating to transient accommodations"
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill 41 (2021) – "Relating to transient accommodations" I have been a Hawaii resident for more about 35 years. The proposed bill 41 (Bill) seems like an unacceptable intrusion of our right to responsibly use our property. In our experience, the reality of having month-to month renters is different from the horror stories of loud parties and "invasion" of mean people which the proponents of the Bill have mentioned. There are other means of making sure tourists are behaving according to our rules. This Bill, if adopted, will transform Hawaii to a domain of rich tourists who are able to pay high hotel rates, and leave ordinary citizen out, who want to come to the island and respect our culture and way of life and have not the deep pockets to stay for a month. The Bill of only being able to rent places for 6 months and more instead of the established 1 month discriminates. For us normal people, who do not have the money to leave our houses empty while we divide our time between Hawaii and the mainland to help family, not being able to rent our place month-tp-month for less than 6 months, is a looming catastrophe. This Bill will rob us of taking care of family and other obligations and will force us out of our property, thus robs us of affording living in what we consider our island home. We pay small businesses to take the property, including cleaning, landscaping and fixing things. Our service providers are very anxious that the government will destroy their means of making a living, since they are not hired by large hotels and are not unionized. These are hardworking small business owners who will be hard hit by the Bill. We have friends, normal people and not rich residents, who need to supplement their income with renting on a month-to-month basis. For them the income is vital because of Hawaii's high cost of living. For

them to pay a $5,000 registration fee would be out of reach since their rental income is only minor.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 7:23 AM
Subject: Council Testimony

Written Testimony

Name	laura safranski
Phone	
Email	musicmind75@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	rentals for your citizens and constituents are almost impossible to find... I would love to talk privately and not put my comments in a public forum.. it's a ginormous mess
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Mollie Foti
1343 Mokulua Drive, Kailua, 96734
808 261 5550

November 10, 2021

RE: Bill 41

For the past 20 years I have been actively working to keep illegal vacation rentals out of our residential neighborhoods and that was starting before AirBNB, VRBO and Expedia were aiding and abetting the business. Bill 41 is the first piece of legislation that offers a real way to keep the vacation rental industry in check. It must be passed if we are to have any hope of keeping the illegals out of residential neighborhoods and curbing over-tourism.

First, it provides funding for enforcement. Lack of enforcement has kept the DPP from being able to rein in all the illegals. Give them the money to hire the people to do the job. Charging hefty fines to law breakers will only work if there is enforcement.

Vacation rentals in residential neighborhoods remove housing for local residents. A major problem for young workers is finding an affordable rental or an affordable home to buy. Most of these illegal short term rentals are owned, not by local people, but by investors from all over the globe. How does this help one of our major problems--- affordable housing?

Turning our residential neighborhoods into resorts is a sneaky way of changing the zoning without actually changing the legal designation. If we allow residential zoned areas to be used as resorts, we have in effect made that change.

The 180 day minimum rental lease takes away the backdoor that illegals used to write a 30 day lease and then rent it out for only a week or two. Not so easy to get around 180 days.

Hotels have in the past few years realized that the vacation rental industry is serious competition, an industry that does not play by the same rules: they don't pay the same property taxes and don't offer resort area amenities. Some don't even pay the hotel tax that must be charged on short term accommodations. And they've been able to get away with it.

Bill 41 is our best hope to right size our over-tourism problem. Twenty years ago most Hawaii residents weren't affected by too many tourists in their neighborhoods. That has changed, as illegal rentals have seeped into every corner of our island and the tourists who rent them have over-run our beaches and parks and hiking trails, without paying their way.

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 4:18:48 PM HST	808 931 6081	40	1	Received

11-09-'21 15:19 FROM- 808-931-6081 T-190 P0001/0001 F-302

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Stanley N. Young. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

11/9/21

Date: 11/9/2021

To: Honolulu City Council

Fax # 808-768-3826

Pages 2 to follow

From: Bob & Carol Hamel

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED
November 9, 2021 at 4:32:00 PM HST

REMOTE CSID

DURATION
123

PAGES
3

STATUS
Received

Nov 10 21 02:38a

p.1

Honolulu City Council

REF: Bill 41

November 9, 2021

Sir:

As the owners of a unit in the Waikiki Sunset, we ask that you will oppose Bill 41. When Bill 89 was passed, our unit dropped by $100 K in value. In the opinion of Hawaii realtors, they predict this loss may be as much as $200 K if Bill 41 passes. The owners that are affected by these bills have been faithfully paying state, federal, TAT, and GET taxes. This without complaint because it was fair. The costs could be made up in rental income. Sometimes even with a profit, this was put back into the unit to improve it.

Never was it mentioned to us in 19 years that what we were doing was illegal We were upfront and above board in what we were doing. Nothing was avoided in order to keep our unit pristine. These bills 89 and 41 are truly a stab in the back in this 19 year lie.

When we purchased our unit, we did so according to Hawaii law. Neither the Sunset, the State of Hawaii, the City of Honolulu, nor the Banks ever mentioned that we should be careful. We were dealing honestly and are now being punished for it by the greedy big hotel chains and this board.

We will join in a lawsuit against the board and any other entity that is responsible for this thievery. The "Grandfather clause" should apply to all who entered into a legal transaction at the time of purchase. Please do not let this travesty continue. OPPOSE BILL 41 AND STOP BILL 89.

Does anyone in Honolulu understand that many vacation rental realtors will have to close their door if we cannot rent our units as vacation units.

This slight of hand is patently unfair and most likely illegal. Help us fight for this nonsense.

Respectfully submitted,

Bob and Carol Hamel

Bob Hamel

Carol Hamel

Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Carol and Robert Hamel. We are the owners at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

** INBOUND NOTIFICATION : FAX RECEIVED WITH ERRORS **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 5:46:16 PM HST	780 451 6876	75	1	Failed to receive

ERROR CODE (700)
Error in fax transmission.

FROM : FAX NO. :780 451 6876 Nov. 09 2021 10:51PM P1

Honolulu City Council
Honolulu Hale,
530 South King Street, #202
Honolulu, Hawaii, 96813.

Written Testimony;
Faxed to: 808-768-3826.

November 8, 2021

Testimony re: Bill 41 (2021)- Relating to Transient Accommodations

Dear City Council,

We are writing to you today to **OPPOSE Bill 41** (2021) draft "Relating to Transient Accommodations". Bill 41 title should be: "Government Expropriation of Private Property for the Benefit of Hotel industry. The hotel industry is erroneous in blaming poor busi

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
November 9, 2021 at 6:01:18 PM HST	780 451 6876	170	3	Received

FROM : FAX NO. :780 451 6876 Nov. 09 2021 11:05PM P1

Honolulu City Council
Honolulu Hale,
530 South King Street, #202
Honolulu, Hawaii, 96813.

Written Testimony;
Faxed to: 808-768-3826.

November 8, 2021

Testimony re: Bill 41 (2021)- Relating to Transient Accommodations

Dear City Council,

We are writing to you today to **OPPOSE Bill 41** (2021) draft "Relating to Transient Accommodations". Bill 41 title should be: "Government Expropriation of Private Property for the Benefit of Hotel industry. The hotel industry is erroneous in blaming poor business performance on STR instead of Covid19 pandemic. No reputable City planner would consider setting long term policies during a period of health crises.

Bill 41 is overreaching and ultravirus in its attempt to regulate "property ownership" instead of "land use". Impact of STR on the community is irrelevant regardless of who manages or owns the property.

The principal concern of Waikiki Sunset condo owners is losing their "property ownership rights" and surrendering their control to the "hotel industry monopoly". We do not support Sec. 21-5.360 "Hotels and Hotel Units" and Sec. 21-5.360.1 "Condominium hotels" because we believe it violates our condominium ownership rights currently protected under Hawaii law.

Under Bill 41 draft, **Owners would lose** many of these **"property ownership rights"**, interalia, the following:

1. right to use our property as primary residence, short term rental (STR) or long term rental (LTR).
2. right to use our property for personal use such as "vacation home" per IRS Publication 527.
3. right to be taxed according to the "actual use" of our real property, as per Sec. 8-7.1 (c)(1)- Valuation.
4. right to choose the assignment of our unit in either: "hotel rental pool" or licensed property manager.
5. right to renovate or not renovate our unit as we so wish and as frequently as we wish.
6. right to exercise "1031 Exchange" to avoid any "capital gains tax", normally 25%, per IRS Title 26.
7. right to transfer your property to your heirs/beneficiaries without incurring inheritance tax.

We are respectfully requesting Honolulu City Council to consider the following five legally acceptable Options, rated as 'Oppose' or 'Support', along with a brief description of relevant facts:

1. **Maintain status quo (we Oppose)**- The post-Ordinance 19-18 (Bill 89) situation is not acceptable and sustainable since DPP continues to deny NUC permit to 178 (41%) Waikiki Sunset owners to legally operate STR's and because:
   a. Prior to Bill 89 (Ordinance 19-18) the perceived market value spread between NUC vs. non-NUC units was negligible.
   b. It imposes undue discrimination among all 435 unit owners who reside on the same parcel of land, with same residential zone classification, same AOAO maintenance fees, same property tax assessment, equal share of building infrastructure replacement costs and equal share of capital reserves for the past 30 years.
   c. It imposes economic inequalities to Waikiki Sunset owners resulting in 40% (-$204,000) lower sale price and significant annual rental reduction of about 2.2 times (or -$30,000) lower compared to NUCs units.
   d. The miniscule $200 annual NUC fees does not justify this inequality and indiscriminate price differential, if the City had not already punished these non-NUC owners over past two years.

2. **Condominium-Hotel unit (we Oppose)**- Waikiki Sunset should not be converted into "Condominium hotel units" with hotel operator managing centralized booking and controlling hotel's room inventory and rentals to general public and to unit owners at regular or discounted rental rates because:
   a. The conversion of Condominium units to Hotel units would significantly increase the number of STRs in Waikiki Sunset from 60% to 100% "use" which is contradictory to intended purpose of the Proposed Bill 41 draft.
   b. It is inconsistent with Hawaii Condominium Act, HRS § 514A-4 (514B-4)- Separate titles and taxation reads: "*Each unit that has been created, together with its appurtenant interest in the common elements, constitutes, for all purposes, a separate parcel of real estate*", for condominiums created before July 1, 2006 (as it applies to this case).
   c. Waikiki Sunset governing documents cannot take away property ownership rights. Each condo owner is "*a property owner under Hawaii law [4] by virtue of its ownership of the condominium and is therefore entitled to constitutional protection*". See link below: https://caselaw.findlaw.com/hi-intermediate-court-of-appeals/1745888.html
   d. "*Each apartment shall for all purposes constitute real property and may be individually conveyed, leased, or encumbered and for all other purposes be treated as if it were sole and entirely independent of the other apartments in the property of which it forms a part, and the corresponding individual titles and interest shall be recordable*", as per Condominium Property Act, HRS §514A-4 (Supp. 2015).

3. ***Grandfathered* Legal Nonconforming Use (we Support)**- Waikiki Sunset should be added to the list of legal nonconforming use buildings where all unit owners are exempt from the NUC requirement of Ordinance 89-154 (November 1989) because:
   a. Waikiki Sunset condotel have been matching the current LUO hotel definition since 1989.
   b. The record shows Aston-Resort rental pool managed up to 374 units (or 86%) without encountering any negative environment assessment impact, traffic congestion, noise concerns, illegal parking, neighbor complaints, or receiving any DPP violation notices for the past 30 years.
   c. Waikiki Sunset condotel deserves the same rights as other grandfathered non-conforming hotels (e.g. Aloha Surf, Hawaiian Monarch, Island Colony, Palms At Waikiki, Royal Garden At Waikiki, and Ala Moana Hotel).

4. **"Existing uses" of STR Units (we Support)**- All Waikiki Sunset condo owners should be allowed to continue operating STR under "hotel rental pool or property managers", which is allowed under Sec. 21-2.100 "Existing uses" (a) (b) because:
   a. Waikiki Sunset met all original 1979 LUO zoning requirement and building requirements.
   b. Waikiki Sunset building and its STR uses were operating lawfully prior to passing of the Ordinance 89-154 in November 30, 1989 and the amended Ordinance 19-18 in June 25, 2019 NUC zoning restrictions.
   c. The purpose of LUO Section 21-2.100 is to "*recognize the hardship imposed upon uses which were legally established, but which now fall under the procedures and standards of the following permits*" cluster housing.
   d. "*Preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate* (abolish)", as per Robert Ferris Tr. v. Planning Commission of City of Kauai (August 09, 2016), Pg #5.
   e. Non-NUC owners could compensate the City by paying retroactive NUC fee of approx. $200x30 (~$6,000), if the City had not already punished these owners over past two years.

5. **'Resort Mixed Use' Precinct (we Support)**- Current Waikiki Sunset zoning designation should be changed from "Apartment" to "Resort Mixed Use" Precinct under Table 21-9.6(A) Waikiki Special District Precinct because:
   a. Rezoning of Waikiki Sunset to 'Resort mixed use" would better reflect the reality of 'land use' over past 30 years. Eg., Waikiki Banyan and Waikiki Sunset have always operated STRs.
   b. Condominium owners should have their constitutional right to "use" their unit as they choose: either as (i) Residential use, (ii) vacation home use, or (iii) hotel-resort use; and being taxed accordingly, as per Sec 8-7.1 Valuation.
   c. City property tax income may increase substantially since most owners would choose "hotel-resort" use; however, this is a personal choice and not mandated by government policies.
   d. Consistent with historical "Declaration Regarding Condominium Use", as per DPP standard Form BFS-RP-P-71. DPP has allowed owners to "declare condo use" for many years in past.

Under Hawaii law, no one can legally take that real estate from an owner with Fee Simple title. The fee simple owner has the right to possess, use the land and dispose of the land as he wishes- to sell, give away, trade, lease or pass it to others upon owner's death. For instance, each Fee Simple owner of Waikiki Sunset has property right to his (apartment) condominium unit (average 600 ft^2) plus an undivided share of land of approx. 115 ft^2 (=49,996/435).

We respectfully request City Council to Oppose Bill 41 draft for the reasons described under Options #1 and #2 above. We have shown three other Options (#3 to #5) which are more applicable and appropriate for Waikiki Sunset owners. Waikiki Sunset building is a duly registered condominium and it is entitled to be treated legally differently than a "hotel" or an "apartment". In essence, it is a community of 435 individual owners, co-located in the same building and on the same parcel of land.

According to Hawaii court case ruling (August 9, 2016), under the United States and Hawaii Constitutions, *"preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate* (abolish)". Consequently, Waikiki Sunset governing documents (ie., Declaration and Bylaws) cannot override each condominium owner property rights, even by majority ownership interest, because "each condo owner is *a property owner under Hawaii law [4] by virtue of its ownership of the condominium and is therefore entitled to constitutional protection"*,
as per Robert Ferris Tr. v. Planning Commission of City of Kauai (August 9, 2016); Footnote [4].

We respectfully request that City Council **oppose Bill 41 (2021)** draft to protect owners' property rights and give serious considerations to the legally viable Options #3 to Option #5 listed above.

Please give the above matter the attention it deserves.

Diana and Guido Panizzon, P.E. MEng. BSEE, IEEE.
Waikiki Sunset Owners of Unit #2006,
229 Paoakalani Avenue,
Honolulu, Hawaii 96815
Email: "panizzon@telus.net"
Tel: (808)-922-0511 (Ext 2006).

CC: **City Council members** website: "https://www.honolulu.gov/view-council-members.html".
Mayor Rick Blangiardi: email "mayor@honolulu.gov"

From: CLK Council Info
Sent: Wednesday, November 10, 2021 7:36 AM
Subject: Council Testimony

Written Testimony

Name	Mialisa Otis
Phone	
Email	mialisa808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 41. Too many houses are being over bid by Elite Properties and investors, to be used for profit as vacation rentals in Waimanalo. We would like to see more residents reside here, instead of a constant revolving door of visitors. We would like to maintain our country town by not having it inundated with tourist like Kailua or Waikiki. There are already over 30 vacation rental listings on VRBO, and 56 vacation rentals on AirBnb. What's crazy is, the listing I mention are condensed on 10 street stretch of an area known as beach lots. This needs to stop. Mahalo.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 7:52 AM
Subject: Council Testimony

Written Testimony

Name	Vicki L Basil
Phone	
Email	vleebasil@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	STR Bill41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Hello DPP commitee members. I am writing to give my views on short term rental properties within a few blocks of what is considered the resort zone. Why is the city not considering rezoning for this area? If you look on any map; it shows Waikiki begins at Kalakaua, to Kapahulu to Ala Wai Canal and down to Ala Moana. This would make more sense For the resort zone. This is not a residential area and would provide STRs for tourists who would like to stay in the resort area and cannot afford the expensive hotels. This also brings more revenue to the city; as these guests shop at all the local stores and frequent the local restaurants. Kindly look into this before making a hasty judgment that will be difficult to reverse. Thank you, Vicki Basil
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:12 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Shari Hooks
Phone	
Email	shari.hooks@cbrealty.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Bad idea. Changing the transient accomodations limit to 90 days or more is not the answer. 30 day limits are best for all in need, people coming and going from the islands and homeowners, as Hawaii is a very transient location. Long term owners and tenants need 30 day rentals frequently, when they move to, from, or within the islands. Owners also deserve the freedom to schedule family visits between 30 day paying occupants, in their own homes. 30 days is fine. 30 days works. 30 days is best for everyone. Please- it will have a terrible dent and negative effect in the Hawai'i economy if you make it 90 days. And it will not be able to serve the needs of the community. I agree with the paying of GET and the TAT. Crack down on that. Where would you expect someone needing a 30 or 60 day rental to go? Big hotels? I stand FOR the people, the homeowners of Hawai'i! I support individual owners. Please- keep the 30 day limit. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:00 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Bri Steel
Phone	
Email	bri_chmel@yahoo.com
Meeting Date	11-09-2021
Council/PH Committee	Housing and the Economy
Agenda Item	6 month minimum rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please keep it at 30 days, it is how we making a living as a family.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:34 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Antony james ELLMAN
Phone	
Email	jamesellman@gmail.com
Meeting Date	11-10-2022
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	

Written Testimony

Short Term Rentals Do Long Term Economic Damage.

As the date for decision on amending rules for short term rentals (STRs) approaches, coverage of the issue has often been overly simplified in nature. The debate has been framed as a choice between profits and jobs for those who own and service short term rental properties on one side, and peace and quiet for neighborhood residents on the other. The real issue is how much economic harm STR owners are allowed to impose on the State of Hawaii. Those who are in favor of strong, stable neighborhoods on Oahu should support the proposed rules to constrain STRs.

STRs allow property owners to increase their profits while they dump significant costs on local communities. These are called externalities by economists and include: 1) the loss of income tax receipts from homes no longer occupied by full-time residents who leave the state, 2) rising wealth inequality through the removal of affordable housing from the market, and 3) a decline of civic involvement in the community due to a smaller, more impoverished population base.

Almost every residential home within two blocks of the beach in any Oahu neighborhood has a higher economic value if converted to a STR rather than when utilized as a long-term rental property or lived in by a full-time resident. In a free market and with the current ease of listing vacation properties on the internet, a large percentage of makai home on Oahu will eventually become a STR. The entire island will increasingly become one of visitors frolicking along the coast and residents confined inland.

Oahu is not the only place where residents have fought back against the rapid growth of STRs which have negatively impacted vibrant areas famous for their climate, architecture or culture. Cities as diverse as New York City, Santa Monica, Las Vegas and New Orleans have successfully imposed rules which significantly constrain STR activity. Studies from Harvard

Business Review, McGill University and the Economic Policy Institute* show that STRs drive up the cost of residential housing, that a very small percentage of STR owners reap the majority of rental income received in a market, and that STRs reduce the stability of tax receipts. These are important reasons to effectively regulate and limit STRs in residential neighborhoods and should be mentioned along with residents' commonly cited complaints about noise, garbage and parking issues by visitors who 'party' when renting houses or apartments in residential areas of Oahu.

Accurate reporting should also question spurious statements made by STR proponents who raise the specter of job losses if this industry is constrained. Assertions that many housekeepers and landscapers would be thrown out of work if Oahu regulates STRs in residential neighborhoods make little sense as full-time residents of houses and apartments are at least as likely to make use of such services as STRs which are often empty for a portion of each month. Similarly, arguing against effective STR regulation due to 'edge cases' such as the 'plight' of travelling nurses, military contractors or Oahu homeowners renting temporarily during renovations, can easily be alleviated through minor carve outs in the rules rather than allowing entire residential neighborhoods to morph into a sea of single-unit hotels.

James Ellman

Kailua

* Links to these studies can be found at

https://hbr.org/2019/04/research-when-airbnb-listings-in-a-city-increase-so-do-rent-prices

http://www.sharebetter.org/wp-content/uploads/2018/01/High-Cost-Short-Term-Rentals.pdf

https://files.epi.org/pdf/157766.pdf

Note - a version of this testimony ran as an Op-Ed in the Star-Advertiser on 9/26/21 and can be found at the following url:
https://www.staradvertiser.com/2021/09/26/editorial/island-voices/column-vacation-rentals-cause-economic-harm/

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:10 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Kathryn Carey
Phone	
Email	kathycarey18@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Testimony on Bill 41 and Proposed Bill 41 (CD1) Relating to Transient Vacation Units I am OPPOSED to Bill 41 and proposed Bill 41 (CD1) for the following reasons: 1. Owners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use. 2. As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. The exception list defined in the Transient Occupant definition is an administrative nightmare, adding more complexity and enforcement challenges than simply keeping the definition of a "transient vacation unit" at 30 days. 3. Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply and limit transient activity in our neighborhoods, while filling a much needed void in the housing market. I oppose changing the definition of TVUs from 30 to 180 days Although I fully support enforcement actions against illegal Short-Term Rental operators, there is no need to change the definition from 30 to 180 days. As a real property owner, and a lifelong Hawaii resident, I encounter many people on Oahu who need rentals of less than 180 days. People need short term rentals for many reasons, including: • Families from out of State that are taking care of loved ones • People moving to Oahu and looking to buy a home

• Families who are waiting for their new home to complete construction
• Government contract workers
• Traveling nurses
• Professionals such college professors working here for a short term such as a semester.
• Military PCS while looking for a home to buy
• Home Sellers who need to rent until they find a new property
• Film and TV crews while on a shoot

This is a very different market than vacation rentals, which are under 30 days. Changing the definition would virtually eliminate this market for the above renters and cause additional hardship on many levels. I oppose changing the definition.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:14 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Vera Williams
Phone	
Email	williamsv010@hawaii.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am long time resident of the North Shore. I live at Turtle Bay, which is a resort area, so I have a legal Short Term Rental Bedroom attached to my home. I work as a Substitute Teacher, and this income from my rental allows me to afford my property taxes which have more than doubled. I am the caretaker and host, there is an assigned parking space with the room. I need this income in order to afford to live here. Oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone. I oppose the extra tax on my unit that this Bill proposes, as it hurts my small business while benefiting large hotels. I also oppose the added restrictions on my unit which hotels are not subject to.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:21 PM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Charles Willson
Phone	
Email	icuryy2c@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I completely oppose the take-over of our government regulatory apparatus to favor the Hotel Interests. We live in a democracy, a government OF, BY, and FOR THE PEOPLE. We are not second-class citizens, beholding to the Hotel Interests. The Hotel Interests have far too much influence over local politics and local regulation. These are NOT kama'aina companies, they are outsiders, trying to dictate that visitors must stay in their $800 hotel rooms in enclaves of outsiders who learn little about Hawaii, our local culture, where to experience the real Hawaii on a budget, respect for the aina -- the things that are important. Local people, often those trying hard to get enough cash to put their children through college, make ends meet in retirement, pay property taxes, and generally keep their heads above water, (etc.) sometimes make rooms available for rental when their children are away at college, but want their room available so their kids can return at Christmas, or other friends can visit. These are commonly rooms not available as rentals, but can bring in extra cash when they are not in use by the family. And now the big malihini hotels want to be in charge of all visitor rentals. This is NOT right, and NOT what we elected you to do. Yes, it is nice when you can help keep rental places available for local families, and prevent outside (non-resident) owners from buying up real estate to convert for vacation rentals (which you CAN, and SHOULD do something to prevent), but please respect the rights of local seniors (and other residents) to manage their own homes, Residents welcoming travelers into their homes are the best vacation experience a visitor is likely to have. They show true aloha, and give visitors a superior experience, while allowing seniors to be able to afford to remain in their homes in retirement. There should be NO special taxation on any resident renting one room for any term. There should be NO special taxation of homes as if they were hotels. There should be NO restriction on any resident renting a unit within a resort zone.

Hotels should not be treated as a privileged class. Legislators should represent the PEOPLE, not the hotels.
Please get rid of mainland and other outsiders owning and controlling local real estate, they should not be able to tie up housing to use as short-term vacation rentals.

Thank you for listening.
Some of us are old and retired now, but we ALWAYS remember to vote, and we do pay attention to those protecting us local folk, vs those working to expand the influence of hotels.
Please do right by us, and we will stand by you.

Mahalo,
Charles Willson
(resident of Kuhuku, prev, 2-term Democratic Party
precinct president for downtown Honolulu)

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 6:20 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Denise Bolt
Phone	
Email	denisebolt@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a homeowner who has been legally renting my home at once per thirty days or none, I feel it is my right to continue to do so. Many people love to visit the islands and could not afford to do so at a hotel. I have 4 children and the only way I could afford to visit would be to stay in a home with kitchen etc. I believe it is my vested right to continue to rent the property as I have been doing. With this new world of virtual work, there is an interest in moderate term rentals. Hawaii will lose many opportunities of having people visit and work contribute to the economy if they can not find housing. I feel there is a need in the housing market that we are helping to fill. This will be a big problem and a logistical nightmare. Legal rentals of properties 30 days or longer do not take away from the affordable housing supply. Please don't take away our rights as home owners. We have been good law abiding citizens.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 6:24 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Elliot Bolt
Phone	
Email	elliotgbolt@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 7:52 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Tonya Reid
Phone	
Email	alohatonya@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Housing and the Economy
Agenda Item	Vacation rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Any thing we can pass to stop the illegal vacation rentals on our precious North Shore must be done! Stop this insanity for the sake of the Hawaiian people who have lived here their whole life! Stop being money hungry & allowing people who do mot even live here make money on the backs of the locals!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 3:46 PM
Subject: Public Safety Testimony

Written Testimony

Name	Kenji Oka
Phone	
Email	japanese@kokoresorts.com
Meeting Date	11-10-2021
Council/PH Committee	Public Safety
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Kenji Oka, I am an owner at the Association of Apartment Owners of Waikiki Banyan, and I strongly oppose Bill 41. Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41. - Transient Vacation Units will not even be allowed in Waikiki. - The rental period for Transient Vacation Units is increased from less than 30 days to less than 180 consecutive days. - Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public. - Condominium-hotel units may not be used as primary residences. - If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates. - Each person may only own one transient vacation unit. - Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500. - Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc. - Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the much higher hotel/resort rates. Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Banyan, that are located in Waikiki. The Waikiki Banyan is just across the street from three hotels - Waikiki Beach Marriott Resort & Spa, Hyatt Place Waikiki Beach, and Hilton Waikiki Beach Hotel. The Waikiki Banyan is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Banyan is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.
Thank you for your attention to this important matter.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 5:55 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Keisuke Koshijima
Phone	
Email	kck888@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	TRANSIENT ACCOMMODATIONS Bill 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	This bill will hurt property values and make Hawaii a place that second homeowners would feel punished. I agree that the length of transient accomodations should be limited and believe the current one month minimum should be enough to protect neighbourhood.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 6:10 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Dede Heiman
Phone	
Email	diamondheadgem@gmail.com
Meeting Date	11-18-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 amendment to stop illegal short term rentals
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	I wish to ask Mayor Blangiardi to further modify his proposal to allow a greater selection of renters to rent for less than six months. I am a rental operator and I do not wish to see legitimate short term rental operator business limited to a minimum of six months to only permit certain types of renters eligible for less than 6 months. This arbitrary rule affects business people, independent contractors, temporary construction workers, faculty on research, and other knowledge workers who wish to domicile in Hawai'i for shorter periods than six months. This is arbitrary and needs further consideration to broaden the renters exceptions to Bill 41. for the good of Oah'u.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

November 10, 2021

ekiaaina@honolulu.gov
www.honolulu.gov/ccl-testimony-form.html

The Lanikai Association supports Bill 41(2021), Relating to Transient Accommodations.

The Draft Bill's Findings and Purpose, copied below, aptly describe the impact of short-term rentals on residential communities and the City and County of Honolulu as a whole.

"Short-term rentals are disruptive to the character and fabric of our residential neighborhoods; they are inconsistent with the land uses that are intended for our residential zoned areas and increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets. The City Council finds that any economic benefits of opening- up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents."

Thank you for the opportunity to provide testimony on this important Bill.

Sincerely yours,

Thomas W. Cestare

Thomas W. Cestare, President
The Lanikai Association

From: CLK Council Info
Sent: Tuesday, November 9, 2021 7:37 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Grant Newcombe
Phone	
Email	grantnewcombe@elitepacific.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am in opposition of bill 41 and the re-definition of long term lease being proposed shifting from 30 to 180 day minimum. for many reasons and strongly believe in the following below: 1. Owners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use 2. As the business, education, medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. The exception list defined in the Transient Occupant definition is an administrative nightmare, adding more complexity and enforcement challenges than simply keeping the definition of a "transient vacation unit" at 30 days. 3. Legal rentals of properties for periods of 30 days or longer do not take away from the affordable housing supply and limit transient activity in our neighborhoods, while filling a much needed void in the housing market.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 8:22 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Doug Seelig
Phone	
Email	dstemp1@verizon.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 041(21) RELATING TO TRANSIENT ACCOMMODATIONS
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	If you allow commercial activity, such as short term vacation rentals, in a neighborhood zoned for residential use, you deprive the residents of the safety, security, peace and quiet they seek when raising their children and caring for their elderly parents. What are homeowners to do when they are plagued by commercial activity in their residential neighborhood? Class action lawsuit to hold the county responsible for their loss?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:34 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Meister
Phone	
Email	meister@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I invested in property on Oahu knowing I could rent it out. To now take the right to rent one's own property away from vested residents , to push tourism into corporate areas, does not support Oahu residents. Tourists will be in my neighborhood every day regardless of where the stay. Making them stay in other areas only increases traffic on the North Shore; a more negative impact than if there were affordable lodging on the North Shore that supported vested home owners. It is an overreach of government to tell home owners that they cannot do 30 day rentals from their homes.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 9:45 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Wilfrid Meister
Phone	
Email	mikeandsusanmeister@icloud.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I invested in property on Oahu knowing I could rent part of it out. To now take the right to rent one's own property away from vested residents , to push tourism into corporate areas, does not support Oahu residents who need to meet their mortgages and had been able to up until now with vacation rental. Tourists will be on the North Shore where I live, every day. Why should a hotel somewhere else on the island profit from the impact? Making visitors stay in other areas only increases traffic on the North Shore; a more negative impact than if there were affordable lodging out here that supported vested home owners. It is an overreach of government to tell home owners that they cannot rent out their homes for less than 180 days. This rules out all traveling nurses, college students and tele workers. This is TOO imposing!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:13 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tracy Hoevel
Phone	
Email	tracyhoevel@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Help our neighborhoods remain residential.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:17 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Yilan Wilcox
Phone	
Email	yilan808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Help enforcement against these illegal businesses in our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:19 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jessica Nishikawa
Phone	
Email	jessica.nishikawa@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation rentals do not belong in residential neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:20 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Deborah Glazier
Phone	
Email	deb@deborahglazier.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation rentals do not belong in residential neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:22 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jeremy Lum
Phone	
Email	lumjere@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Enforce laws against vacation rentals in residential areas to preserve our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:23 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jennifer Lum
Phone	
Email	jennyholzmanlum@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Enforce laws against vacation rentals in residential areas to preserve our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:28 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Don Wilcox
Phone	
Email	donwilcox808@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	This bill will help save our neighborhoods from the scourge of transient vacation rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Steve Glazier
Phone	
Email	ssglazier@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	This bill will help save our neighborhoods from the scourge of transient vacation rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Martine Bissonnette
Phone	
Email	bissoma@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Support this bill to help protect our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:33 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Amy Tousman
Phone	
Email	a.tousman@hawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Do everything you can to prevent our neighborhoods from transient vacation rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:34 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Paula Ress
Phone	
Email	paular@haawaiiantel.net
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We need this bill to protect our residential neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:35 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tad Gernert
Phone	
Email	tadcycle7@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Enforce laws that help neighborhoods remain residential.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:38 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Monique Canonico
Phone	
Email	mmcanonico@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Support this bill that aids enforcement against the proliferation of vacation rentals in our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:40 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Leslie Niebuhr
Phone	
Email	leslie.niebuhr@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Keep residential residential.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:43 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mara Langevin
Phone	
Email	hula65@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Help save our neighborhoods by supporting this bill.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:45 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marc Langevin
Phone	
Email	budha366@aol.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Support this important bill.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:49 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marisa Nguyen
Phone	
Email	mypillbuggy@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Supporting this bill will be key in helping the housing crisis on Oahu.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:51 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Thinh Nguyen
Phone	
Email	marisatin@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Short term vacation rentals do not belong in our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:54 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Robyn Doo
Phone	
Email	robyn.doo@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Support this bill to help our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:57 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Lani T
Phone	
Email	lanitara@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this bill because I believe that hosting STR benefits our kupunas that no longer have the energy to work full-time jobs and can pay their mortgages with that income instead. Same for the families with special needs members that need to be able to support their families and take care of them. More restrictions on STRs will just hurt our community.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:57 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Robert Ress
Phone	
Email	ress.bob@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation rentals have been a blight to our residential neighborhoods. Please support bills that help eradicate them.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 10:59 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Pamela Deboard
Phone	
Email	pamdeboard@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Residentially-zoned areas are not the place for transient vacation rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:01 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Raven R
Phone	
Email	Magic.Railroad@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Being that I'm disabled if this bill passes I'll have to depend on the state to survive.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:23 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Adam Rose
Phone	
Email	islandrose@live.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am writing to strongly oppose the Bill 41. I'd like to speak to the inaccuracy of many of the arguments made in the recent Draft Bill. First, shutting down STRs in August did not lead to the reduction in traffic mentioned in the Draft Bill. The lockdown of the state and shutting down of hotels reduced traffic. Closing STRs would not reduce the number of people and vehicles in our neighborhoods. Rather, it would bring more vehicles into our neighborhoods. If tourists were to be restricted from staying in STRs in Kailua and Lanikai, for example, it would not keep them away from these neighborhoods. Tourists would now create more traffic by driving to these beaches from Waikiki or continue to drive to other desirable areas around the island. In addition, many local families have multiple cars that are parked on side streets, whereas tourists typically only rent one car for the entire family. If the DDP's goal is to keep the tourists in the resort areas, they should limit the number or rental cars and cars available on ride-sharing platforms like Uber & Turo. The state could also extend the rail to Waikiki so visitors can go directly from the airport to Waikiki and have less car options for leaving Waikiki. Changing the minimum rental from 30 days to 180 days would change the long standing land use ordinance for residential properties across Oahu. Many Oahu residents need short-term housing options that allow them to stay in rentals on a "month-to-month" basis. In addition, there are many home-owners who bought their homes with the understanding that they could rent the property on a month to month basis. A true Transient Vacation Unit should remain 30 days or less. My family depends on the revenue from our Transient Accommodation to offset the outrageously high price we paid for our home in Hawaii. We have registered, and have been paying the appropriate TAT and GE taxes on a unit that we rent out for the legal 30 day minimum to rent to traveling nurses, military, students, returning residents, etc. We rely on the help of our parents to visit with us from the mainland to take care of our young children while we work multiple jobs to pay for our mortgage. We don't have the luxury to rent our property for a minimum of 180 days since our parents have moved to the mainland. They come back several times a year to visit their two grandchildren so we need the extra bedroom

vacant when they come. If we were required to rent out our unit for the 180 days our parents would be forced to stay in Waikiki, rent a car and drive to the windward side everyday. They would not be able to afford the accommodations and rental car, not to mention that this would add to the traffic problem. In the end, our children will grow up not being able to see their grandparents or benefitting from the help they provide our young family.

We are in favor of some regulation of the Short-Term Rental industry to protect our island and its residents. The ability to enforce Bill 89 was not realistic, in particular the "1000 foot rule." Oahu would benefit from a realistic and legal path for its residents to operate a limited number of short-term rental outside of the resort areas. We feel the proposed bill goes too far and will financially hurt many of its current residents who rely on short-term rental income and should be reconsidered.

Thank you for your time and consideration.

A. Rose

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, November 9, 2021 11:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	PAUL W TUCKER
Phone	
Email	paul_tucker@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, I am a Property Manager and Realtor for Captain Cook Resorts. I personally manage 50 legal STR and monthly units in Waikiki. I have worked in the vacation rental business for 15 years. I strongly oppose this bill for the following reasons: 1. Bill 89 already addressed the illegal STR problem. Funding and enforcement should be the focus. 2. The demand for vacation accommodations has experienced a paradigm shift. Visitors don't want to stay in hotels anymore. Demand for AirBnB type properties is experiencing exponential growth. Its obvious this bill was influenced by the HLTA and hotel operators. If tourism is considered important to our economy our leaders should rezone ALL of Waikiki for STR and embrace these trends. Just get the tourists out of residential neighborhoods outside Waikiki. 3. Passing this bill will not stop illegal operators. There are too many loopholes. Its like saying "murder" is REALLY illegal now. 4. My company is a "local" company. The owners and all the employees are local. ALL or our income stays in Hawaii. My company provides a "living wage" to ALL its employees. Hotels are all owned my big corporations that suck all the income out of Hawaii and provide low wages to its employees which are mostly immigrants. And of course they make the maximum political contributions to all our politicians to keep their influence. 5. It is wishful thinking to think that owners are going to succumb to this bill and offer their high priced property to the general public at affordable rent rates. 6. It seems illegal and unconstitutional to force owners in "hotel regime" buildings to have only one option to manage and rent their expensive property. What does this have anything to

do with getting tourists out of neighborhoods? Obviously influenced by the HTLA. I see lawsuits galore over this one. Hotels gave up their right to manage those units when they sold them off years ago.

7. I have many clients that have stayed in units I manage in Waikiki every winter for one, two, or three months for the past 20+ years. These are mostly seniors from Canada and US mainland. I also have many Japanese guests that come every summer and put their kids in summer camps for a month. Do you think they will stay in a hotel? No way!

Please figure out how to get the tourists out of the neighborhoods! This bill is too biased toward the hotels.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 12:51 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tao E. Miller
Phone	
Email	taomiller@gmail.com
Meeting Date	10-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose to this bill because I disagree with it!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 5:32 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Lisa Ferentinos
Phone	
Email	lisa.ferentinos@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support this bill to further restrict vacation rentals in residential neighborhoods. Our neighborhood of Waimanalo Beach Lots has been emptied of families and children, parties have gone on all night long, while limos and even tour buses have clogged our streets.The lack of affordable rental housing is damaging our society on many levels. Many families live in over-crowded conditions; as children grow up they can't afford to move out and experience becoming independent. This in turn creates more stress on already struggling families. For many years now, when houses go up for sale in our neighborhood, rich people from outside Hawaii have offered more than the asking price and turned the property into a vacation rental. For those of us that have lived here for 30 years or more, our property values have increased around 400% which means we pay more taxes even though we have no interest in selling, so we will make no gains. Our taxes are based on prices paid for properties that are being used illegally as short term rentals. How can this be legal? Mahalo for considering my views. Lisa Ferentinos
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 7:19 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Torrey Meister
Phone	
Email	torreymeister@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, I am a professional surfer. I own a home on the North Shore. My colleagues all come to the North Shore for a short time in the winter for surf contests EVERY YEAR. Bill 41 CD1 keeps me from being able to provide them short term lodging as well as prohibiting them from being able to find lodging ont he North Shore. This bill DOES NOT support North Shore residents. We need to be able to rent our investments as we choose and to find lodging on the North Shore. This only supports corporate interests. People who are complaining that there is not affordable rent here will still NOT find affordable rent here...they'll find nothing to rent here because you will run out owners who depend on rent incomes to support their mortgages. PLEASE DO NOT pass bill 41 CD1
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Accept Terms and Agreement	1

IP: 192.168.200.67

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

TESTIMONY TO THE
HONOLULU CITY COUNCIL
Regular Meeting 14th Session
Wednesday, November 10, 2021
RE: Bill 41 (Relating to Transient Accommodations)

Testifier: Representative Patrick Pihana Branco
House District 50 (Kailua, Kāne'ohe Bay)
Position: In Strong Support

Aloha and mahalo for allowing me to testify in strong support for the proposed Land Use Ordinance Amendments relating to Transient Accommodations. I represent Hawai'i State House District 50 (Kailua, Kāne'ohe Bay), a community severely impacted and inundated by illegal vacation rentals. For at least two decades, residents endured the noise, inconvenience, lack of parking, and safety concerns caused by homes operating as hotels. Sadly, it took a significant pandemic for us to realize what a residential neighborhood truly is meant to be. These carefully considered and crafted proposed amendments not only will better protect our communities but will stimulate much-needed affordable housing.

Locating vacation rentals in areas zoned explicitly for tourism is not only the right thing to do; it is the only sensible option. Our hotel visitor industry will be better supported, and the mounting strain on our small town infrastructures will be reduced. It has been said that this island has been run for tourists at the expense of local people. By clearly delineating tourism from residential areas, the City & County is sending the message we will protect our neighborhoods for those who live here.

New regulations and requirements are meaningless without strong enforcement. I encourage the City & County of Honolulu to expedite investigations promptly and issue collectible fines as warranted. In Kailua alone, there is one property accruing over $1.5 million in uncollected fines. This bill will allow for generous funding, and there is no reason violators cannot be quickly and efficiently prosecuted. These amendments not only provide the funding but the personnel for effective enforcement.

For the constituents and community I serve, mahalo for voting yes on these welcomed and long-waited Land Use Ordinance Amendments relating to Transient Accommodations.

repbranco@capitol.hawaii.gov

From: 이아우구스띠노 <dondleek@gmail.com>
Sent: Wednesday, November 10, 2021 8:57 AM
Subject: Re: Council Testimony

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Dear Sirs:

I want to participate in today's Council meeting by Zoom. I submitted written testimony as below, but it was not within 24 hours.
I would like to present the verbal testimony as well, if possible.
Can I have the link and passcode for the Zoom meeting?

Dong-Ik Lee

On Wed, Nov 10, 2021 at 11:30 PM <clkcouncilinfo@honolulu.gov> wrote:

Written Testimony

Name	Dong Ik Lee
Phone	
Email	dondleek@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The Waikiki Sunset has been home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limit owners' rights seriously, and to replace the self-governing authority of the Association by the police state's dictatorial authority is very unconstitutional, undemocratic, and unacceptable. Based on the above, I oppose Bill 41. Attached is the file with my full testimony.
Testimony Attachment	20211110042918_Testimony_against_Bill_41_by_Dong_Ik_Lee_Nov_10.docx

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:00 AM
Subject: Council Testimony

Written Testimony

Name	Michele Compton
Phone	
Email	Mmcompton@juno.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Support for Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am a constituent and support Bill 42 CD1. I am a Kailua resident and do not want my neighborhood to continue being converted into a resort area. The profits of vacation rentals in Kailua and Waimanalo come at the expense of us residents. Michele Compton
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:03 AM
Subject: Council Testimony

Written Testimony

Name	LINDA J PAUL
Phone	
Email	lindajoan.paul@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I currently own 3 units in Hawaii. Two are in Waikiki and one is in downtown Honolulu. I have been renting out the units in Waikiki as long term rentals however there is a mix of different units in the building. I purchased the other unit in downtown at Executive Centre to use for my self and family members when we visit my daughter who lives nearby and with the thought of using it for extended stays when I retire in the next year or so. My initial plan to rent on a short term basis during periods where I was not there was quashed due to the initial rule changes in 2019. CoVid added to the problem and I ended up renting it on a long term basis, however the combination of fees and taxes and insurance were higher than the rental amount I was able to receive and I had no ability to use the property. I cannot afford to keep it as a rental property and the provisions in this proposed legislation would also make it impossible to keep for my own use with occasional rental as the costs are prohibitive and the "all or nothing" designation does not allow for this type of use. All of my units are in buildings which are considered "condo-hotels", and the intent to force buildings to select a single usage is very disturbing. It will displace individuals who are owners living in their units or possibly renting them out long term to individuals. One of my tenants has been in the unit for over 5 years. She is a Special Ed teacher who retired from California and came to Hawaii to teach. I have never increased her rent. If the legislation goes through and that building decides to be short term rental only, she will need to move. So will the multiple retired couples I know who live there. If it becomes long term rental only, all of those who have invested in and upgraded their units will sell because they won't be able to afford to keep them going. Buildings won't be able to keep up maintenance if too many quit paying their fees or if units go

into foreclosure. You are setting up untenable situations without consideration of all parties. While I understand the concerns and need for affordable housing, taking these actions and the potential consequences for others are not being considered. We have invested in your state and you are turning your back on us. We have not abused the rules, but due to the few who have, we all will suffer. Please think about those of us who have been doing things the right way and don't penalize us in the process.

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:09 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Waialua Resident
Phone	
Email	waialuaresident@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha e Council Member, I am writing to you today in response to the new proposal (Bill 41) to change the short term rental laws to a minimum of 180 days for property rentals. My understanding is that this would require all rentals on Oahu to be a long-term rental unless they are in or around a designated resort area. If this is correct, I do NOT support this bill from proceeding. As a teacher, I (and many of my colleagues) spend much of the year working countless hours to support my students and contribute to the well-being of the larger community. I put in many hours of work outside of my normal "work day" in the evenings and weekends to support the learning and education of our keiki, often to the detriment of my own family. Needless to say, our family looks forward to the summers when I am finally able to spend quality time with them and not have my time divided between my students and my family. Just like many of my colleagues, my family tries to travel during the summer and grow from those enriching experiences. And, just like many of my colleagues, we are able to rent our homes and to defray financial costs while we are away. Oftentimes teachers will rent their homes to incoming summer school teachers or teachers that are new to the island. The news that we may no longer have the ability to rent out our home to others' for a period of less than 180-days is crushing and I ask that you vote NO to this bill. I understand that there are concerns about unregulated short-term rentals that take place on the island, but I do not believe this bill is the answer. There are many local people that pay their taxes and handle short-term rentals responsibly, in ways that are respectful of their neighbors. I ask that you vote NO to this new bill (Bill 41) and allow short-term rentals (property rentals under 180-days) to continue to exist on Oahu.

Mahalo for your time and consideration

Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:21 AM
Subject: Council Testimony

Written Testimony

Name	Barbara Mayer
Phone	
Email	bamayer@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	My name is Barbara Mayer, and I have been a resident of Waimānalo since 1976. I support Bill 41; I am opposed to transient vacation rentals and bed-and-breakfasts in residential neighborhoods. As we lose residents who are owners of homes or long-term, stable renters in residential neighborhoods – and gain transient visitors – the stability of a neighborhood deteriorates. Our children have fewer friends to grow up with, and we have fewer families to help us monitor the safety of our neighborhoods. Visitors care very little about getting along with others, who live in the vicinity of the TVR or b&b where they're staying, and so generate loud party noise. For these and more reasons, I'm in support of Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

November 9, 2021

TO: Councilmember Tommy Waters, Chair
Councilmember Esther Kia'aina, Vice- Chair
Members of the Honolulu City Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION OF HAWAII (ARDA-Hawaii)

RE: Comments on Bill 41 Relating to Transient Accommodations

Aloha Chair Waters, Vice-Chair Kia'aina and members of the Honolulu City Council,

We are writing to offer, for your consideration, **COMMENTS AND PROPOSED AMENDMENTS** to Bill 41 proposing amendments to Chapter 21 (Land Use Ordinance [LUO]) relating to transient accommodations.

The stated purpose of the proposed measure is to better protect the City's residential neighborhoods and housing stock from the negative impacts of short-term rentals by providing a more comprehensive approach to the regulation of transient accommodations within the City. The City Administration has determined that any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents.

While ARDA-Hawaii understands and appreciates the Administration's concerns, our organization finds that there are specific provisions in the proposed draft that may have unintended consequences that could ***bring the development and construction of condominium hotels and timeshare projects to a halt and have a significant negative impact on Hawaii's economy and the hospitality industry.*** The reason for this is that the financial model for new projects depends on the viability of the real estate that will be built. If buyers do not buy, the project will not be built. The restrictions will damper the appetite for these real estate projects and will likely result in the loss of thousands of construction jobs and jobs for people who will be needed when the project opens.

First, a "timeshare unit," may either be classified a hotel or transient vacation unit (TVU) subject to a timeshare plan. Accordingly, some timeshare units may be subject to restrictions on TVUs in the proposed amendments, which include: 1) limitations on which zoning districts TVUs will be permitted in; and 2) a new required registration process for TVUs that also limits the number of TVUs a natural person can register, to one.

Secondly, timeshare and condominium hotel units appear to be included in the definition for "hotel." Under Section 24 of the proposed measure, the definition of "hotel" was amended to mean a building or group of buildings containing lodging and/or dwelling units that are used to

offer transient accommodations to guests. A hotel building or group of buildings must contain a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. "Hotel units" means a dwelling unit or a lodging unit located in a hotel building. It is unclear whether these definitions mean that any unit in a "hotel" is a hotel unit. The proposed amendments to the definition of "hotel" may be construed to include timeshare and condominium hotel units, thus creating confusion. Accordingly, this could subject timeshare and condominium hotel units to the new restrictions set forth in Sec.21-5.360 that: 1) prohibit hotel units from being used as a TVU; and 2) require that hotel units be booked by guests through a centralized hotel booking system that is managed by the hotel operator or through the hotel front desk.

Thirdly, timeshare may get swept up in the broader definition for "condo-hotel." Under Section 25 of the proposed bill "Condominium Hotel" has been amended to mean "a hotel in which one or more hotel units are separate real property interests created by a declaration of condominium property regime." If timeshares are deemed to fit within this definition, such as where a timeshare or other project may be submitted to a condominium property regime, the units will be subject to limitations set forth the newly-amended Sec.21-5.360.1. The limitations in the Sec.21-5.360.1 state that units in a condominium hotel must be part of the hotel's room inventory available for rent to the general public. Requiring condominium hotel units to be apart of the hotel inventory is impractical and difficult to accomplish. It is rare for every unit in a condominium project to be a part of the hotel's room inventory as some owners use their unit as a residence.

Fourthly, Section 21-5.360(c) prohibits condominium hotels and third-party booking services from providing discounted rental rates to the owners of condominium hotel units or hotel guests arranged for by the owners of condominium hotel units *unless the same discounted rates are available to members of the general public.* This capability is what attracts the majority of condominium hotel purchasers who stay in the unit for part of the year and rent it out for the remaining times. This provision may have the unintended consequences of: 1) preventing timeshare unit owners from renting out unused timeshare weeks at discounted rates which is an integral aspect of their ownership; and 2) requiring such owners to make their discounted rates available to the general public. Additionally, this proposed limitation may also impact developers of such projects who offer low rates as an incentive to potential buyers considering a purchase of a timeshare unit. ARDA Hawaii understands the purpose and intention of the bill, however, it is unclear how limiting an owner's ability to utilize their own unit furthers the stated policy goals of the proposed measure.

Lastly, in Sec. 21-5.360.1, the use of a condominium-hotel unit as a primary residence or usual place of abode is **not** allowed. This is a departure from the current ordinance that is silent on whether long term occupancy of such a unit is permitted. The provision would deprive many condominium hotel unit owners of their right to reside in their unit. Unit owners who utilize these units as their primary residences will be forced to relocate. Limiting occupancy of condominium hotel units does not further the stated policy goals of the proposed measure.

Due consideration should be given to the broader impacts of the proposed measure. There are many considerations that should be vetted and addressed. Respectfully, ARDA-Hawaii asks this Council to consider at least the following recommended amendments to address the aforementioned concerns. There may be others that surface.

1. Amend the definition of "hotel" and "hotel units" to distinguish the definitions from condominium hotel and timeshare to eliminate confusion and unintended consequences.

2. Amend the definition of "Condominium Hotels" to expressly exempt timeshare.

3. Remove the restriction on discounted rates for condominium hotel unit owners from Sec. 21-5.360 (c).

4. Amend Sec. 21-5.360.1 to allow a for a condominium hotel unit to be used as a primary residence. For example, Sec. 21-5.360.1 should be amended to expressly state the "use of a condominium-hotel unit as a primary residence or usual place of abode is ~~not~~ permitted"

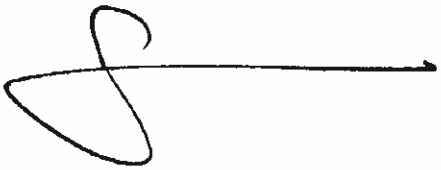
5. Further amend Sec. 21-5.360.1 to remove condominium hotel units being utilized as primary residences from being required to be part of the hotel's room inventory. For example, language could include "Units in a condominium hotel may or may not be part of the hotel's room inventory available for rent to the general public."

6. Amend the definition of TVUs to expressly exempt TVUs that are part of a legally established time-share program from the registering under the newly-added Sec. 21-5.730.2.

7. Include resort zoned property in Hoakalei in Sec. 21-5.730.1(a), thus permitting transient use at that property.

We look forward to working with the members of the Council to create language that preserves our local neighborhoods, protects the rights of unit owners, does not result in stopping the development of worthy projects in properly-zoned areas of Oahu, and clearly regulates transient accommodations. Thank you for your consideration.

Respectfully submitted,



Mitchell Imanaka
Chair
American Resort Development Association of Hawaii

HAWAI'I TOURISM AUTHORITY

Hawai'i Convention Center
1801 Kalākaua Avenue, Honolulu, Hawai'i 96815
kelepona tel 808 973 2255
kelepa'i fax 808 973 2253
kahua pa'a web hawaiitourismauthority.org

David Y. Ige
Governor

John De Fries
President and Chief Executive Officer

Statement of
John De Fries

Hawai'i Tourism Authority
before the
HONOLULU CITY COUNCIL

November 10, 2021
Honolulu Hale

In consideration of
BILL 41

Dear Chair Waters. Vice Chair Kia'āina and members of the Honolulu City Council, the Hawai'i Tourism Authority (HTA) **SUPPORTS,** Bill 41 which will further enhance their ability to enforce unpermitted short-term vacation rentals throughout the City and County of Honolulu.

The Hawai'i Tourism Authority supports efforts at both the state and county level that address the proliferation of illegal, non-compliant, and potentially unsafe transient vacation rentals. We continue to reaffirm our position that illegal vacation rentals negatively impact the quality of life of our residents by taking potential rental properties off the market, increasing traffic in residential neighborhoods, and by placing additional burdens on infrastructure and facilities.

While the number of visitors 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 2009, there were 67,335 of these units and, in 2019, there were 65,707 units available representing a decrease in these types of accommodations of 2.4%. During the same period, we experienced an increase in visitor arrivals from 6.4 million to 10.2 million, a 59.5% increase but without a corresponding increase in accommodations. We believe these additional visitors likely stayed in non-traditional units, including illegal vacation rentals, located throughout Hawai'i's residential neighborhoods.

The proposed amendments by DPP will protect our residential communities by not allowing new short-term rentals to be permitted in areas where these types of accommodations were never meant to exist. Allowing new short-term rentals, in properly zoned areas, such as next to existing resort zoned property, will direct any new units into areas away from residential communities further preventing friction between residents and visitors. Additionally, the overhauling of enforcement procedures along with the enhancement of DPP's enforcement operations will greatly improve the effectiveness of their actions and ability to address illegal short-term rentals.

It is for these reasons that the HTA welcomes these proposed amendments which will address the proliferation of unregulated vacation rentals and improve the quality of life of our residents. Mahalo for the opportunity to share our testimony in **SUPPORT** of these proposed amendments.

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:38 AM
Subject: Council Testimony

Written Testimony

Name	Keith Regan
Phone	
Email	keith@gohta.net
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Organization
Organization	Hawaii Tourism Authority
Written Testimony	We are in support of Bill 41 and would humbly request that the Council support this measure as well. We look forward to the continued discussion as this bill moves through the legislative process.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:55 AM
Subject: Council Testimony

Written Testimony

Name	Michelle Pillen
Phone	
Email	michellepillen@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	

Written Testimony

I strongly support Bill 41.

I was born and raised on Oahu, and currently live in my family's home in Lanikai. Since the early 1970s when we moved here, the neighborhood has changed dramatically in large part due to the proliferation of illegal short-term vacation rentals. Over the years, we watched family after family sell their homes as property taxes soared. Many of these homes were bought by off-island companies or people that do not live full-time in Hawaii. New owners sometimes occupy their homes. More likely though, these homes are rented out as illegal short-term rentals or go vacant for months at a time. This has negatively impacted the quality of life in our neighborhood. When visitors, local and non-local, stay in illegal short-term rentals, they are usually here to party and make a lot of noise. They definitely increase the traffic flowing in and out of Lanikai, which is a safety issue for all of us. Plus, the additional burden on our roads, pipes, but especially the beaches and ocean is huge. The coral, which was once thriving, is struggling or dead. Our residential neighborhood was never meant to be a resort area!!

I support Bill 41 because it limits new legal vacation rentals to the four areas of the island designated as resort areas, enhances enforcement, closes a loophole that allows properties to be used as a vacation rental once a month, and allows short-term rentals for those coming to Hawaii for short-term work, study, medical care, and those in transition between homes.

Thank you,

Michelle

Testimony Attachment

From: CLK Council Info
Sent: Wednesday, November 10, 2021 9:44 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Richard L Catalan MD
Phone	
Email	richcatalan@hotmail.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My wife and I, former US Army personnel, have been vacation home owners in Honolulu since 2015. We have been legally renting our home for occasional short term rentals with the help of Elite Pacific Property Management no more frequently than every 30-60 days. This process has allowed us to afford the expense budget associated and has provided a good relationship with small business owners in Oahu for the purpose of home maintenance needs. Oahu has been our annual vacation destination ever since we left the island relative to our military assignment at Tripler Army Medical Center in 1998. If we are restricted to rentals no more frequent than every 6 months, this will jeopardize are ability to use our home for vacation and may potentially force us to sell our home, which would be tragic. Given the very high personal value to us as owners and the Oahu small business infrastructure, we respectfully request that you vote to not make bill 41 a law. Thank you. Richard and Janice Catalan
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

FAITH ACTION FOR COMMUNITY EQUITY

Board of Directors

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Ikaika Hussey
President

Rev. Jessica Kawamura
Vice President of Clergy

Danicole Ramos
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Secretary

Jon Davidann
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Director

Ashleigh Loa
Executive Director

November 10, 2021

City Council
City & County of Honolulu
530 S. King Street
Honolulu, HI 96813

RE: BILL 41 (2021) RELATING TO TRANSIENT ACCOMMODATIONS

Aloha Chair Waters, Vice-Chair Kia'aina and members of the City Council:

On behalf of Faith Action for Community Equity, a grassroots interfaith organization representing over 25 churches and community groups, **I would like to offer our support of Bill 41** (2021).

Faith Action members have consistently identified the need for affordable housing as an issue that we focus our community organizing efforts around for over 25 years. We appreciate the opportunity to work with the City to address the proliferation of illegal vacation rentals that are affecting the affordable housing inventory stock.

Each unit that is taken off the market to provide temporary transient accommodations to tourists is one less unit on the market for a local family who lives, works, and belongs to this community. In the same city where families are struggling to make ends meet after losing their jobs and homes during the pandemic, transient visitors are being allowed to occupy homes for just a few weeks.

As previously referenced, the need for affordable housing has not changed in decades. Our members have worked tirelessly to address the issue of increasing the inventory of affordable housing. Closing the loophole on short-term rentals is not only crucial to addressing the issue, it is our kuleana as a community to ensure that we all have a roof over our heads.

Mahalo,
Ikaika Hussey, President

PO Box 235950 | Honolulu, HI 96823 | 808-746-2741
www.faithactionhawaii.org

From: CLK Council Info
Sent: Wednesday, November 10, 2021 10:03 AM
Subject: Council Testimony

Written Testimony

Name	Ann Auman
Phone	
Email	aeauman@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please oppose this bill. It prevents homeowners who live in their homes from renting out units as short term rentals - one month rentals. I live in Lanikai and I cannot find an affordable rental for my family for a wedding here in Kailua. Single women in particular who are in their homes need the income. Also is it even enforceable?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 10:06 AM
Subject: Council Testimony

Written Testimony

Name	Phil Hopkins
Phone	
Email	phopkins@san.rr.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am understanding that not allowing dwelling units to be used as vacation rental units will increase the number of dwelling units for people to live in. But, I am questioning changing the intended use of a building that was built almost fifty years ago as a vacation location without a parking space for all units to be dwelling units. The building, Pat's at Punaluu. Half of the units only have parking for 2/3 of a space each, plus we're zoned not to have full kitchens. There were not meant to be occupied full time. I do not see how this can be changed. People are not supposed to be living there full time or have parking for their cars. I know that there has always been vacation rentals from the very first day it was built. Times have changed, vacation rentals required someone there to manage 24/7, but this is not the case now. Many of the units have been used for vacation rentals and this should not be changed. This building was on the list that did not need NCU to continue being used as vacation rentals. The Association does not want this to change. Each owner should have the right to continue using as they presently are. Yes, those using for resort vacation rentals should pay resort property tax and those not renting out short term should pay a much lower property tax rate. This is the right way to handle this property. The current use and original intended use of each property should be evaluated, not just try to make one size fit all.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 10:21 AM
Subject: Council Testimony

Written Testimony

Name	Mary Farkash
Phone	
Email	mary.farkash@corcoranpacific.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As the business, education, and medical center of the State, there is an overwhelming need for moderate term rentals that cannot be captured in an exception list. Managing, administering, and enforcing the exceptions listed under "transient occupant" is a complex administrative process compared to simply enforcing the current one rental per 30 day rule. i have little faith that we won't end up with more layers of problems if the 30 day minimum is not allowed to continue. Thank you very much for your consideration.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 10:03 AM
Subject: Council Testimony

Written Testimony

Name	Ana Slater
Phone	
Email	anafslater@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Vacation homes
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation Rentals Deserve Clarity Tourism is vital to the local economy, and vacation rentals are a critical aspect of the industry. They are portals through which guests can avail themselves to the sights and experiences that Oahu has to offer—all while frequenting and supporting local businesses. DPP's proposed vacation rental bill proposes to ban vacation rentals and replace them with a minimum 180 day rental minimum. This will not create affordable housing for locals. Instead, it has caused confusion and non-trust in our government leaders after years of working towards a compromise in Ordinance 19-18. Enforce the ordinance banning illegal vacation rentals as promised. Vacation rental owners deserve input in regulations concerning the future of their properties. As valuable drivers of local economic activity, we want an even playing field and a way forward. Any policies involving our businesses should accommodate input from all stakeholders involved in the issue. Ana Slater
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 10:29 AM
Subject: Council Testimony

Written Testimony

Name	Gerald Gordner
Phone	
Email	gg3@vt.edu
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

I am writing to oppose Bill 41, which would effectively prohibit residents from renting all or part of their home to earn income.

The main beneficiaries of this bill are hotel owners, who would continue to enjoy a legal monopoly on the lucrative tourist accommodations industry. Under this law, tourist dollars will be more concentrated than ever in a few wallets on a few streets on the island, including, notably, DPP director Uchida's through his wife's employment. While I have no doubts about Director Uchida's personal character, the council should recognize this conflict of interest and weigh the evidence with extra care.

The main losers are ordinary residents like my friend. Recently, after years of saving, she bought her first home on island for nearly 800 thousand dollars. She is fun and outgoing and loved hosting tourists in her tiny New York apartment years ago. Moreover, it helped her pay her exorbitant rent! She thought she could do the same here--rent a spare bedroom occasionally and receive income directly from tourists towards her mortgage. But she was mistaken: the council made it illegal for her to benefit from her home in that way. Now Bill 41 would restrict her even further.

Research suggests that short-term rentals may raise house prices and rental costs by 3-4% in the long run. For comparison, the FHFA reports that home prices are up 10% *this quarter alone* in Urban Honolulu. Short-term rentals are a tiny part of unaffordability. Moreover, unlike other problems, they also provide residents with a way to meet increasing prices. Don't make them the scapegoat for larger problems.

I recognize that current rules allow wealthy families to keep condos on island for the occasional vacation and rent it to tourists otherwise. I recognize that some residents may dream of short-term rental empires, buying up homes specifically for the purpose of renting

them out to tourists. I recognize that you are receiving many angry messages from residents about how much they dislike having tourists in their neighborhood. And yet, these groups are each a tiny fraction of the overall population who overwhelmingly *don't* mind the occasional tourist in their neighborhood, *don't* own multiple homes, and *don't* want to lose the option to rent out their one home occasionally. Moreover, most tourists don't throw loud parties or antagonize neighbors. You're just more likely to hear about the ones that do.

It is reasonable to ask that people renting their homes register with the city. It is reasonable that they pay taxes on that income. It is reasonable that they abide by the residential nuisance regulations already in place around noise and trash and that there be fines for failing to comply. But it is not reasonable to prohibit short-term rentals altogether, or to reserve them for a handful of lucky (or well-connected) homeowners who fill out the right permits and are chosen by DPP. Such a restriction invites the sort of arbitrary decisions and graft that have placed DPP under scrutiny in the past. It also does not change the economic reality that incentivizes people to rent out their homes. Stepping up rules commits you to an expensive cat-and-mouse game of enforcement, mostly on good people trying to make a living. Is that really the best use of our budget? I contend that the funds raised from short-term rentals would be better spent on increasing housing supply for residents. That is what a portion of the hotel taxes should have been doing all along, and that is what will lead to meaningful improvements in housing affordability.

Hardly a month goes by without an article in Civil Beat discussing how we might spread the benefits of tourism more equitably. Short-term rentals present exactly that opportunity for residents struggling to afford their home and the owners of nearby businesses that tourists visit. If you move forward with this bill, I encourage you to distinguish between space rented in a primary residence and property held exclusively for the purpose of short-term rental. Targeting the latter could marginally increase the housing supply. Targeting the former will only make it harder for your constituents to make ends meet.

Testimony Attachment	
Accept Terms and Agreement	1

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Testimony re: Bill 41 – Relating to Transient Accommodations

Dear City Council,

My name is Ritsuko Yang, owner of Waikiki Sunset 3502. I am an owner at the Association of Apartment Owners of Waikiki Sunset, and I oppose Bill 41.

Bill 41 is an overreach and infringes upon owners' property rights. Below are some of the problematic provisions found in Bill 41:

- Transient Vacation Units (including units with nonconforming use certificates) will be taxed at the higher hotel/resort rates.
- The rental period for Transient Vacation Units is increased from less than 30 days to 180 consecutive days.
- Units in a condominium-hotel must be part of the hotel's room inventory, which must be available for rent to the general public.
- Condominium-hotel units may not be used as primary residences.
- If owners of condominium-hotel units want to stay in their own units, they must pay the full rental rates.
- Each natural person may only own one transient vacation unit.
- Application cost for an initial registration is $5,000, and the cost for annual renewals is $2,500.
- Restrictions are imposed on Transient Vacation Units, including, among other things, occupancy limits, parking requirements, insurance requirements (a minimum of $1,000,000.00 in commercial general liability insurance), etc.
- Not allowing Transient Vacation Units in Waikiki.

Bill 41 does not take into consideration the unique circumstances of associations, such as the Waikiki Sunset, that are located in Waikiki. The Waikiki Sunset is within a block of two (2) hotels - the Hyatt Place Waikiki Beach Hotel and the Waikiki Beach Marriott Resort & Spa. The Waikiki Sunset is in the heart of Waikiki, surrounded by hotels, and has been a prime tourist destination. However, the Waikiki Sunset is also home for many owners. Owners have the right to decide how to use their units, whether as short-term rentals, long-term rentals, or as primary residences. Bill 41's attempt to limits owners' rights is problematic, impractical, and unacceptable.

Based on the above, I oppose Bill 41.

Thank you for your attention to this important matter.

From: CLK Council Info
Sent: Wednesday, November 10, 2021 11:48 AM
Subject: Council Testimony

Written Testimony

Name	Barbara
Phone	
Email	bambufish@gmail.com
Meeting Date	11-10-2021
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support bill 41. I disagree that is only benefiting hotel industry. I believe it will benefit the broader community of Oahu. Owners still have a choice of whether to do STR or not if they are in a properly zoned area. I do have empathy however for those that previously had permits in residential neighborhoods and possibly bought their property with that right.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 10, 2021 11:42 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	C.Young
Phone	
Email	alohadiva@yahoo.com
Meeting Date	11-10-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am writing in strong support of Bill 41. We desperately need proper enforcement and resources to protect the integrity or our communities and already limited housing market. You have heard all the arguments in regards to this for YEARS, and it's only gotten worse- the detrimental effects are more noticeable and far reaching than ever. Mahalo!
Testimony Attachment	
Accept Terms and Agreement	1

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