Bill 41 (2021)
Testimony

MISC. COM. 9

ZP

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 (2021)
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, January 7, 2022 6:53 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marilyn Katzman
Phone	
Email	penthouseparadise@aol.com
Meeting Date	01-13-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please consider this for Bill 41. Kapuna (60+) deserve a break and are a very small percentage of short term rental owners. If you remember the heartbreaking live testimony at the previous hearings, the income is crucial to Kapuna survival. Please consider "KSTR" (Kapuna Short Term Rentals) Kapuna who operate a short term rental in a condo hotel should not lose control to a hotel operator if somehow this poor idea passes. Kapuna living in Waikiki, who operate a short term rental in a building where it is allowed should be able to continue to support themselves and offer a welcoming tourist accommodation. Please show some compassion for the Kapuna
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: Georgietta Chock [mailto:gkchock1@gmail.com]
Sent: Tuesday, January 11, 2022 12:13 PM
To: Tupola, Andria <atupola@honolulu.gov>; Tsuneyoshi, Heidi <htsuneyoshi@honolulu.gov>; Kiaaina, Esther <ekiaaina@honolulu.gov>; Say, Calvin <ckysay@honolulu.gov>; Fukunaga, Carol A <cafukunaga@honolulu.gov>; Cordero, Radiant <rcordero@honolulu.gov>; Elefante, Brandon <belefante@honolulu.gov>; Tulba, Augie <atulba@honolulu.gov>; Waters, Tommy <tommy.waters@honolulu.gov>
Subject: Hearing January 13, 2022 - Bill 41

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Aloha,

I've attached a copy of my testimony covering Bill 41 which I am against and have provided information as to why.

Thank you for your reconsideration.

Georgietta K. Chock

City Council Members

RE: Bill 41 – I STRONGLY OPPOSE THIS BILL AND Its AMENDMENTS

I'm not sure if Bill 41 will be added to the hearing's agenda on 1/13; however, I just wanted to share my comments as to why this bill should not pass as there are many other serious issues that should be considered instead of focusing on getting rid of vacation rentals or STRs.

(1) The purpose of fireworks here in Hawaii began as a tradition by many to ward off evil spirits and to protect ones' home and property. Each year the tradition has lost its intent and this year was the worst with so many illegal fireworks that sounded like bombs frightening all of our animals with inconsiderate residents that don't follow the time limits and shooting fireworks over homes and main streets and highways! Many of us believe that fireworks should be BAND COMPLETELY and only displayed under controlled methods by the State or County! It is well known by many that these illegal fireworks are being brought into our State and County through individuals working the docks. Why is there not an investigation concerning this?

(2) I recently received a letter from the city indicating that a 3% tax increased would be levied on Transient accommodations. The transient tax is already 10.25%. If the City Council decides to get rid of all STRs except for 150, what kind of revenue would this generate for the city, and would this increase be worth it? Example: I paid the State $4,929.84 in Transient tax for 2021. Multiple that by l,000 STRs minimum - that comes out to $4,929,840. As a comparison let's use 150 STRs x $4,929.84 which

equals a mere $739,476 a loss of $734,546. Can the city afford to lose all this revenue and it would be a lot more as some charge a lot more per night?

(3) According to the recent Star-Advertiser, the State is forecasting that tourists will increase to approximately 10M by 2023 and into 2024 and beyond! Do you think that the hotel industry as well as your 150 STRs will be able to handle this increase? Absolutely not! Again, I repeat – KEEP THE OWNER-OCCUPIED STRs that are able to control the noise factor! With most of us owners retired, we depend on this income to survive with mortgage payments, utilities, groceries and medical bills since social security is not enough to handle these expenses.

(4) E-Guns or Taser – REALLY? I realize that it was the State that approved Hi Revised Statues 134-81 and signed off by the Governor. Another one of his ridiculous decisions! Do we really want this in our State? I guarantee you that Hawaii will see more deaths, eye injuries, heartaches, etc. from the "uncontrolled" use of this item. Why can't the City Council band this on Oahu?

(5) There are so many other areas that need attention which were mentioned in my previous emails to each of you which included street signs missing or are unable to read; streets that need repair, streets that need the use of street bumpers to help control speeding; monster units that are still being constructed in the Kaimuki area from 18th avenue down with neighbors posting signs that read, "NO MONSTER HOUSE! SHOW RESPECT FOR THE NEIGHBORS AND COMMUNITY".

I beg each of you to please reconsider and look in the future as to what is important to Hawaii's future. Doing away with every STR except the 150 will, in the long run, kill the tourist industry which is not in the best interest of Hawaii's future.

Sincerely,

From: CLK Council Info
Sent: Wednesday, January 12, 2022 5:07 PM
Subject: Zoning and Planning Testimony
Attachments: 20220112170654_20220113PZTestimonyPDF.pdf

Written Testimony

Name	Edward Jones
Phone	
Email	honolulu@paradiseip.com
Meeting Date	01-13-2022
Council/PH Committee	Zoning and Planning
Agenda Item	#7 - Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220112170654_20220113PZTestimonyPDF.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

TO:

Brandon J.C. Elefante, Chair
Esther Kia'āina, Vice Chair
Councilmember Radiant Cordero
Councilmember Calvin Say

CC:

Mayor Rick Blangiardi
DPP Director **Dean Uchida**
Chair Tommy Waters
guehara@honolulu.gov
Amanda D Zepeda
Davin Aoyagi
Cory Chun
Allison Yanagi
Shaun K (Keola) Fisher

BILL 41 (2021) HONOLULU BAN ON AFFORDABLE RESIDENTIAL RENTING

OPPOSED

Planning and Zoning Committee THURSDAY, JANUARY 13, 2022 9:00 A.M

This is a request to orally testify on Item 7 for one minute.

Aloha Chair Elefante and members of the Planning and Zoning Committee,

Open Mindedness

Attached is a Bill 41 promotional letter for Chair Waters' office. From the quotes, this constituent can't help but conclude that my councilmember just wants to get to final reading and vote to criminalize auntie & uncle renting a room for a little extra money to survive in this economy. Would a genuine solicitation of testimony and feedback include quotes from "Mom & Pop" and others who dependent on Ord. 19-18 as framework for lawful renting?

In including the quote from Larry Bartley, are members taking the position that property managers "skirt the intent of the law"? How do you think we feel as we spent countless hours with aloha writing compliant listings and perfecting piles of tax returns?

I hope that this committee will instead state exactly what you what do to facilitate and listen to civil discussion. What are the dates and locations of townhalls? What neighborhood boards will each committee member personally attend for discussion (not just delivering reports)?

Remembering the discussions during the break before a vote on Bill 89, in the hallway there was civil discussions going on between constituents with diverse points of view. Together in just a few minutes we found ourselves in agreement about the solutions. A resident who very much disagreed with me wondered why council members wouldn't just come out and listen to us.

An "Illegal Vacation Rental" is a rental determined by DPP to be in violation, documented here:

https www.honolulu.gov/dppstr/notices-of-order.html

Of the 10s of thousands of rentals, there are only violations 77 over the life span of 19-18 through 11/15/21. It would be appreciated if all refrain from villainizing legitimate businesses as "illegal" without offering some proof of violation carefully developed by the DPP.

Oversight

Some of our communities are suffering greatly from the impact of STRs. What specific steps will be taken implement Bill 89 Ord. 19-18 special account appropriations to fund 7 DDP enforcement positions $1.3m in advance of Bill 41 consideration?

Existing law provides the revenue streams for enforcement (STR property tax category, TAT Bill 40, Bill 89 fees/fines). Will this committee continue to use the lack of funds excuse while at the same time collecting these taxes? *See Chair Elefante's lecture on funding Bill 41 in PBS Insights forum.*

Refine Bill 40, repurpose TAT amounts collected from residential renting gross proceeds from the transportation fund (the rail project), instead to the STR enforcement fund.

What is the downside of a narrow STR enforcement appropriations bill using the authority you have now, then follow up with a non-controversial city charter amendment?

Residents are suffering! Bill 41 will delay relief.

Focus

What studies have been done that show strong evidence that room renting has a negative impact on housing stocks? If none, then reinstate BnB 30 day nonpermitted use.

Instead, focus on real 30-day STR enforcement.

"No Hunting Policies" give focus to enforcement resources. The enforcement process begins with a complaint from an impacted resident. The complainer's duty is to present at least one item that in the opinion of an enforcement officer is a violation.

Legislative Process -- Legal and Constitutional Review

"month to month rental agreements" is consistent with the state HRS 521 Residential Landlord Tenant Code.

"month to month rental agreements with the same tenant" is an affordable **residential renting ban** because it prohibits timely replacing a tenant who has given proper notice.

What legal and constitutional scoring position statements will be issued by our city attorneys in advance of Bill 41 consideration?

What 1-on-1 discussions will the members have with property managers to escape from your bubble and learn how we conduct the business of offering affordable housing? This would be the equivalent of do a HandiVan ride-along before amending the transportation ordinances.

Will this committee commit to continued cooperation with the platforms, maintaining and enhancing MOUs it the interest of having the data for effective and fair enforcement?

What is the exact text of the bill being considered? "Bill 41"?

.. on the council website?:

https: hnldoc.ehawaii.gov/hnldoc/document-download?id=12306

... or? ...

Has a criminal attorney been consulted? Burden of proof shifts to the government in criminal cases. The homeowner has protections from self-incrimination. Amended ordinances for criminal liability will be catastrophic to the cause timely enforcement and reducing the impact of violators to our communities.

"CD1" from chair Waters' office?:

https: hnldoc.ehawaii.gov/hnldoc/document-download?id=12380

Transparency

Have you carefully considered the oral testimony given by hundreds before the Planning Commission (supermajority opposed)? At each public hearing public posting of the video was **promised**. On what date will the links be posted publicly?

What white papers do you have from DPP that documents the unresolvable barriers to 19-18 rule making with justification for draconian solutions? When will you make this documentation public?

In Conclusion

To conclude, Chair Elefante, I disagree with your comment on PBS Insights. The process is not to create a bill that everyone dislikes. Bill 89 is one of your crowning achievements. It is confusing why you now believe it is a failure. Statesmanship-like conduct facilitates new ideas that bring opposing views together to resolve a crisis with consensus. Affordable housing is possible.

I ask that this committee table all version of Bill 41 allowing it to expire at the conclusion of the 120-day period. With existing legal tools, ensure immediate relief for those impacted communities and all residents seeking an affordable place to live.

With Pono,

Edward Jones
Resident, District IV
Honolulu@paradiseip.com
292-7512

ATTACHMENT – CHAIR WATERS' OFFICE LETTER PROMOTING BILL 41

Amanda Zepeda | Constituent Services Director

Office of Council Chair Tommy Waters

District IV, Ala Moana to Hawaii Kai
O: 808.768.5043 | **F:** 808.768.1175

E: Amanda.morales@honolulu.gov

Aloha Mr. Jones,

Thank you for contacting Chair Waters' office regarding DPP's proposed changes to short term rentals. As this discussion moves from the Planning Commission to City Council, Chair is taking note of and appreciates the feedback we've received and acknowledges there is still much work to do to improve and further clarify the bill.

Bill 41 (2021) is scheduled for first reading and public hearing on Wednesday, **November 10, 2021**. We strongly encourage you to share your feedback via written or oral testimony:

https://www.honolulu.gov/ccl-testimony-form.html

11/10/2021 FULL COUNCIL AGENDA: https://hnldoc.ehawaii.gov/hnldoc/document-download?id=12384

City introduces amended short-term rental bill in response to community feedback

HONOLULU – The Blangiardi administration today submitted to the Honolulu City Council a proposed amendment to Bill 41 that would amend Ordinance 19-18 relating to short-term rentals. The committee draft (CD1) would provide the Department of Planning and Permitting (DPP) with greater enforcement powers and incorporate many comments and issues raised by the community at recent public hearings.

The administration is asking the Council to consider the amendments when the Council discusses Bill 41 Relating to Transient Accommodations, which was transmitted to the Council by the Honolulu Planning Commission last month and is scheduled for First Reading at its full Council meeting on Nov. 10, 2021.

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.

"Illegal vacation rentals have been disruptive to our residential neighborhoods and have gone unchecked for far too long," said Mayor Rick Blangiardi. "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."

The stricter regulations have gained widespread support from the visitor industry, neighborhood boards, community associations, and individual residents. Among them:

Jerry Gibson, president, Hawai'i Hotel Alliance

"The Visitor industry is extremely pleased with the Mayor's and DPP's new legislation on illegal short term rentals. This new enforcement will not only help give the residents back their neighborhoods on O'ahu, but also help to provide long-term rentals for those in need. We will also notice a great reduction in the amount of cars at beaches, parks and residential areas. Thank you for this excellent piece of legislation."

Larry Bartley, executive director, Save O'ahu's Neighborhoods

"Save O'ahu's Neighborhoods welcomes this administration's grasp of the problem of short-term rentals in residential-zoned houses and condominiums. Even after passage of Ordinance 19-18, savvy STR operators successfully skirt the intent of that law. We thank the administration and DPP for introducing Bill 41. It is quite encompassing and has many features that will aid the city in enforcing against the illegal activity. We have some concerns about the methods of allowing the expansion of short-term rentals in apartment zoning, but believe those can be worked out in Council hearings."

Jeanne Ohta, president, 'Āina Haina Community Association

"As the Department of Planning and Permitting has acknowledged, the character of our neighborhoods has been negatively affected by the use of residentially zoned properties for mini hotels. Our neighbors have complained about increased parking and traffic congestion and the noise of visitors arriving late at night and rolling their luggage from their cars.... Tourists are on vacation while residents need to work the next day. These schedules are just not compatible."

John De Fries, president and CEO, Hawai'i Tourism Authority

"We have heard loud and clear from the community that illegal vacation rentals must be managed. They greatly impact quality of life in our neighborhoods, and circumvent our collective efforts to manage the number of visitors to our islands – a major action item in O'ahu's Destination Management Action Plan. We appreciate and value the hard work of the Planning Commission, the City Council, and Mayor Blangiardi's administration to tackle and resolve this issue."

The proposed CD1 would:

- Create a STR Enforcement Fund.
- Reinstate the enforcement of Hosting Platforms.
- Allow existing owners of a hotel unit who occupy the unit as "a principal place of residence" to continue.
- Add Makaha Valley and the Waikiki Resort Mixed Use Precinct as areas that permit bed and breakfast homes and transient vacation units.
- Add a new definition for "transient occupant" that would allow for non-tourist related rentals of less than 180 days.

To submit testimony on Bill 41 for the Honolulu City Council Meeting on November 10, please visit: https://www.honolulu.gov/ccl-testimony-form.html

To view the proposed CD1 for Bill 41 please visit: https://hnldoc.ehawaii.gov/hnldoc/document-download?id=12380

Aloha Pumehana, Amanda

From: CLK Council Info
Sent: Friday, January 14, 2022 5:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Craig Brunner
Phone	
Email	craigcbrunner@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I don't specifically oppose the bill considering the removal of condotel provisions(granting that that is actually removed). I would say as someone who is working very hard to follow all rules and pay all taxes and run a legal rental (NUC) in Waikiki. I think the NUC renewal fees are excessive jumping from $600 to $4000. This does not seem like a fair way to raise revenue. Taxes and fees should be the same for corporations/hotels as for private business owners like ourselves. I have no issue paying GET/TAT that hotels have to pay, but hotels do not have to pay $4000 every 2 years for every unit that they have in the hotel. This seems like a tax solely directed at small business and individuals. If revenue is needed you should raise it in a fair way that affects large corporations the same as individuals. Please keep in mind we use local property management and our revenue stays on island. Thanks Craig
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, January 14, 2022 5:55 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kekoa McClellan
Phone	
Email	kekoamcclellan@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Organization
Organization	American Hotel and Lodging Association
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Friday, January 14, 2022 8:43 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Arl Friedl
Phone	
Email	Carlkailua@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	41 cd1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support bill 41 cd1 to regulate vacation rentals on Oahu and enforce zoning codes so we have a separation between resort areas and community neighborhoods. The profiteering from non-regulated vacation rentals has perverted our neighborhoods and created a culture of selfish entitlement and a disregard for community standards. The disrespect of those crying about the infringement on their pursuit of happiness spit on community norms of respect and aloha. The excessive exploitation of a basic community need, housing, simply demonstrates the desperate need for sensible and enforceable regulations to return our communities back to the people who live there. I get it, tourism is part of our economy, but it's a business that needs regulation so we can all coexist. The recent excessive exploitation of an essential resource on Oahu, housing, coupled with a blatant disregard for existing laws screams for strict, punitive and enforceable laws. Don't listen to those exceptional outliers, the majority have been breaking the law and reaping the reward at the expense of their neighbors and that's not right. Give us back our communities and hold people accountable. Come up with rules that address the problem, make sure their is adequate enforcement, and get going. Mahalo for the opportunity to speak on this concern.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Saturday, January 15, 2022 12:45 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Nelda Neuffer
Phone	
Email	neldaneuffer@msn.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose Bill 41. This bill will have devastating impact on those who have been playing by the rules and legally engaging in vacation rentals. It is difficult enough to survive in Hawaii's economic environment. This bill will simply destroy too many livelihoods. It follows too quickly on the previous transient accommodation law. Give the first law a chance before completely destroying an industry.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Sunday, January 16, 2022 10:23 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Snyder
Phone	
Email	susan@susansnyder.biz
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	Dear Honolulu City Councilmembers, Please keep Bill 41 regarding Short Term Rentals at the initial proposed 180 day minimum stay, (preferably 12 months) do not issue any new vacation rental licenses of any kind, hire investigators, (not building inspectors) give them enough funding and have strict penalties for violations. Keep the designated resort areas of Waikiki, Kapolei and Turtle Bay and the rest of Oahu residential. This is important for the following reasons: 1) First and foremost, the land and ocean are fragile environments and need protection, as do the birds and marine animals. For many years, visitors to Oahu stayed in designated resort areas, there were fewer visitors who spent more money and supported local businesses. 2) Residents deserve to live in a residential neighborhood, that's why we chose to live here in the first place.Over tourism diminishes the residential experience in Kailua. 3) Short Term Rentals make it virtually impossible to find decent rentals in Kailua and elsewhere. Opening STR's up to long term rentals would provide much needed housing. 4) Many STR's are being operated illegally. Owners ask renters to sign 30 day contracts when in reality they are staying for less than 30 days, I was made aware of this at my previous residence. Mahalo, Susan Snyder
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Sunday, January 16, 2022 12:20 PM
Subject: Zoning and Planning Testimony
Attachments: 20220116121936_comments_on_Bill_41_CD1_by_Dale_Jensen.docx

Written Testimony

Name	Dale Norman Jensen
Phone	
Email	dalejensen2@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220116121936_comments_on_Bill_41_CD1_by_Dale_Jensen.docx
Accept Terms and Agreement	1

IP: 192.168.200.67

Date: 1-16-2022

To: Honolulu City Council Zoning and Planning Committee
From: Dale Jensen, Kailua, HI

REF: CD1 Bill 41

My comments are as follows:

1. Chairman Elefante has some nerve introducing such substantive changes to the bill with such short time before a review hearing. Is a member of the voting/working public supposed to wade through such a complex amendment to the bill and provide testimony in a period of 5 days or less before a hearing is held? Is this how reasonable decision-making that has been the subject of so much public complaint and criticism is conducted by the Council?

2. Elimination of section 7 related to setting aside $3.125 million in 2022 for administration and enforcement of the provisions of the proposed ordinance causes a major problem. It is not clear that any other set aside is provided for admin/enforcement of this ordinance. Does the department referenced by the term "Director" in this Bill have adequate staff and funding to administer and enforce this ordinance without any new funding? The City and County has always had a problem with enforcing the provisions of past transit accommodation ordinances, so removing this ordinance's funding for admin/enforcement would seem to cripple the new ordinance's usefulness. If specific funded enforcement is not included, no one will take this seriously and violations will proceed almost unabated. Let's not overlook that there are still thousands of illegal transit accommodations in our communities. It is not a small job to monitor and then enforce the provisions of this ordinance.

3. The change from a 180 day to 90 day rental period as the definition of a fundamental transit accommodation may be workable, but I am not sure it "works" as written in CD1. Council should understand that this would allow people to rent out their unregistered homes or dwelling units to "snowbirds" for the winter months (>90 days) and then to summer vacationers who want to come for the whole summer season (>90 days). Probably renting for only these two periods of >90 days may provide enough income to meet an owner's mortgage or provide a desired amount of additional income. <u>Thus, a 90 day rental period does not necessarily eliminate unregistered transit accommodations or put units back into the long term rental market which would help ease the housing crisis on Oahu.</u> I personally have met several retired people who come to Kailua from a mainland cold climate for the entire winter season and are renting a residential rental unit. It is also not hard to imagine people who can work remotely via the internet doing the same thing for a winter or summer season.

4. Could not the proposed ordinance be circumvented as follows: If a homeowner has a rental unit on his property and represents the he/she has no desire to provide a transit accommodation. Therefore, this owner asks for a 6 mos or 12 mos lease from

prospective tenants. If a tenant leaves in less than 90 days breaking his lease and leaving the state, i.e. like a tourist or transit visitor, would the owner be liable for the fines listed in this ordinance for operating a transit accommodation? If not, does he have to meet some special reporting requirement? In other words, a transit accommodation can be created by a tenant that breaks his long-term lease with a "wink or handshake" deal in which the individual homeowner does not pursue such a tenant for his lease obligation once he/she has left the state.

5. The following requirement: "Any advertisement for the lease or rental of a dwelling unit that does not have a registration or NUC number, but may reasonably be read as being an advertisement for the lease or rental of a bed and breakfast home or transient vacation unit must include a statement that the property may not be rented for less than 90 consecutive days." I am not sure how this is communicated or enforced; there is no mention of a penalty for not including such a statement, and now that funds for enforcement have been removed, who will be watching all the posting sites?

From: CLK Council Info
Sent: Sunday, January 16, 2022 6:14 PM
Subject: Zoning and Planning Testimony
Attachments: 20220116181356_Letter_to_Zoning_and_Planning_Committee.docx

Written Testimony

Name	Jim Tree
Phone	
Email	ssitree@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220116181356_Letter_to_Zoning_and_Planning_Committee.docx
Accept Terms and Agreement	1

IP: 192.168.200.67

To: Zoning and Planning Committee

From: Jim Tree

Date: 1/16/2022

Re: Bill 41, CD1 – BE1

Dear Committee:

There are substantive matters that I desire changed in CD1[1], but the focus of this letter is to offer suggestions on how to make CD1 less vague and internally consistent[2]. By training I have a predisposition to view proposed Ordinances in a way to make them defensible if challenged in Court. In the past I have drafted Ordinances and reviewed them for government bodies. I have noticed a few potential drafting weaknesses in CD1 that could give rise to legal challenge. My hope for the community is when passed the Ordinance will survive legal scrutiny based on issues of inconsistent construction or vagueness. I offer no opinion on the merits of the Bill regarding illegal taking without proper foundation, constitutional issues, or other such challenges.

Table 21-3 Master Use Table and corresponding text seem to be inconsistent.

At page 12 of CD1, the Master Use Table, shows that Bed and Breakfasts (B&Bs) and Transient Vacation Units (TVUs) are permitted with conditions in the A-1, A-2, and Resort zones. However, in the text of the Proposed Ordinance at Sec. 21-5.730 (a) (1) (2) and (3) at pages 16-17, it states in part, "Bed and breakfast homes and transient vacation units are permitted in the following areas" then goes on to set out (1) A-2 in the Gold Coast area, (2) A-1 and A-2 near Ko Olina Resort, and (3) the A-1 area close to Turtle Bay Resort. There is no mention in the text that B&Bs and TVUs are also permitted in the resort zones. This is significant because if there is a conflict between the Table and the text, the text prevails. In CD1 the language is changed enough in the text to offer a reasonable interpretation that the areas described are the only areas where B&Bs and TVUs are allowed. To avoid a dispute on this issue it is recommended that the Resort zones be added to the text of Sec. 21-5.730(a). This should remove this issue from dispute.

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[1] My references to CD1 is a reference to the version submitted by Councilman Elefante and not to DPP's CD1.

[2] CD1 is less vague or more consistent that Bill 41, but there are few items that need to be cleared up.

Language in the Insurance Requirement section should be cleaned up.

Sec. 21.5.730 (b)(3)(F) (pages 27-28) sets forth requirements for owners of B&Bs and TVUs to obtain minimum levels of insurance coverage. Owners must have $1,000,000 in commercial general liability insurance (no problem here). In addition, the insurance must also include: (i) bodily injury and property damage arising out of the premises or the negligent acts of the … (ii) Personal and advertising injury arising out of lability for libel… and (iii) necessary and reasonable medical, surgical, ambulance, hospital, professional nursing, and funeral expenses for a person injured or killed in an accident taking place on the premises.

The opening requirement is to obtain "general liability insurance". It seems the idea is for the owner of the property to have insurance to cover for damages caused by the owners "liability". Then the additional insurance, particularly at (iii) leaves a question if the requirement is still only talking about liability based on fault or based on strict liability even if the owner is not at fault and the renter is solely at fault. Subsection (iii) only mentions coverage for a person injured or killed in an accident and doesn't say if the insurance needs to cover a renter even if the renter caused their own injuries or if the owner was not at fault. Such strict liability insurance to cover for the damages to another when the other person caused their own injuries is not available on commercially reasonable terms. Subsection (iii) should be revised to make clear the insurance is to cover when the injury is caused by the negligent acts of the owner, or consideration should be made to elimination of subsection (iii) as it is sufficiently covered in the requirement to obtain $1,000,000 in general liability insurance and does not need to be restated.

Clear up the Multifamily Dwelling Density Limit section.

Sec. 21.5.730(b)(3)(D) at page 26 states: "Unless otherwise specified in apartment bylaws, covenants, or correspondence from a homeowners association, apartment owners association, or condominium property regime, the total number of bed and breakfast homes and transient vacation units must not exceed 50 percent of the total dwelling units in a multifamily dwelling". What if a multifamily dwelling allows 100% of the units to offer TVUs? In that case are 100% of the units able to be used as TVUs or is there a cap at 50%? The plain language interpretation is it

would be 100%. However, based on the language in Bill 41 where this came from and understanding the normal rule is when there is a conflict between what an association allows and what the government allows the more restrictive rule applies. In this case CD1 says it is capped at 50% unless otherwise specified in the association rules. Many associations allow for 100% TVUs (for example Beach Villas at Ko Olina and Ocean Villas at Turtle Bay and several Waikiki properties). If a property in the Resort zone allows 100% TVUs why would the City and County restrict TVUs to only 50%. The purpose of the Resort Zone is to serve the visitor population. The Planning Commission recommended removing the Resort Zone from Bill 41 and CD1 seems to have taken the recommendation seriously by removing restrictions on hotels and condo hotels. If the intent in CD1 is to never allow more than 50% density of TVUs in the Resort Zone this would be contrary to the purpose of the Resort zone and recommendation of the Planning Commission. There are properties in the Resort Zone that allow over 50% TVUs and that currently have well over 50% of their units as TVU. If the intent is to limit to 50% this would definitely be a government taking. What would be the compelling reason to take away TVUs in the Resort Zone? It is not demonstrated in the stated purpose of CD1, which is to protect the residential neighborhoods. As the government has not come forward with any specific or compelling reason for such a taking it can not be supported. It is strongly urged to clean up this language by making it clear that multifamily dwellings in the Resort Zone may offer 100% of their units as TVUs unless the project documents limit TVUs to a lower density.

CD1 should be revised to make clear that TVU requirements do not apply to hotels, condo hotels, or time shares.

It can be reasonably argued that TVU requirements, except for advertising requirements, apply to hotels, condo hotels, and time-shares. I do not believe this is the intent of the drafters, nor should it be. However, CD1 says ""Transient vacation unit" means a dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing, for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home." That could include a hotel or condo hotel. Someone arguing this position would have added power to their argument by noting that there is only one subsection that exempts hotels from TVU requirements and that is the subsection

on advertising. (See, Sec. 21.5.730 (c)(3) where it is stated, "(3) Exemptions. The following are exempt from the provisions of this subsection.

(A) Legally established hotels, whether owned by one person, or owned individually as unit owners but operating as a hotel as defined in Chapter 21, Article 10.

(B) Legally established time-sharing units, as provided in Section 21-5.640."

No other subsection exempts hotels or time-sharing units. If TVUs were not meant to include hotels, condo hotels, and time-sharing units then why is there an exemption for these only in the advertising section. The argument would be because the TVU requirements were meant to apply to hotels, condo hotels, and time-sharing units. For example, 21-5.730 (b)(1) registration fees of $1,000 and annual renewal fees of $2,000 were meant to apply to each hotel unit, condo hotel unit, and time-share unit, (b)(3) occupancy limits, exterior sign prohibition, density limits, gathering restrictions, and informational binders all are required of hotels, condo hotels and time-share units. Even if DPP did not enforce such a provision a Declaratory Judgment action could result in an order to enforce. It is much better to clear up the language by adding an explicit statement that TVUs are not hotels, condo hotels, or time-share units.

Also, the definition of TVUs is inconsistent with the current Land Use Ordinance. In CD1 TVUs are defined as being a lodging unit, while a "lodging unit" in the current LUO is explicitly prohibited from being a transient vacation unit. The definition of a transient vacation unit should be changed to state it does not include hotel units, condo hotel units, time-share units, and should not use the term "lodging unit".

Mahalo,

Jim Tree

From: CLK Council Info
Sent: Monday, January 17, 2022 6:54 PM
Subject: Zoning and Planning Testimony
Attachments: 20220117185429_Letter_to_Zoning_and_Planning_Committee_re_Bill_41.docx

Written Testimony

Name	Jim Tree
Phone	
Email	ssitree@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220117185429_Letter_to_Zoning_and_Planning_Committee_re_Bill_41.docx
Accept Terms and Agreement	1

IP: 192.168.200.67

Dear Zoning and Planning Committee: January 17, 2022

Thank you for your actions to bifurcate the Resort Zone from Bill 41 as was recommended by the Planning Commission. The removal of the hotel and condo hotel restrictions, and removal of prohibition against Transient Vacation Units (TVUs) and Bed and Breakfasts (B&Bs) in the Resort zone are important steps. I support these changes with a few suggested modifications and ask the entire City Council to replace Bill 41 with a version that deletes the condo hotel restrictions and allows TVUs and B&Bs in the Resort Zone. Here are my thoughts on why it is important to follow through on the Planning Commission's recommendation.

The Planning Commission's recommendation to bifurcate the Resort Zone from Bill 41 is well supported in the evidence.

- The purpose of Bill 41 is to protect the residential neighborhoods from the adverse effects of illegal short-term rentals.
- Contrast this with the purpose of the Resort Zone, which is to serve the visitor population.
- Transient Vacation Units (TVUs) and Bed and Breakfasts (B&Bs) have always been allowed in the Resort Zone and this continued when Oahu enacted its first Land Use Ordinance.
- Bill 41 **prohibits** TVUs and B&Bs in the Resort Zones. STRs prohibited in the very zone STRs were designed for.
- Even people and entities that are in favor of regulating STRs and support Bill 41 spoke out in support of the position that the Resort Zone is designed for STRs, are the place for STRs, and STRs inside the Resort Zone should be encouraged to lessen the demand for STRs in the residential neighborhoods.
    - **Representative Patrick Branco, House District 50**. (p. 726, page number references are referring to letters submitted to the City Council regarding Bill 41) Supporter of Bill 41. "Locating vacation rentals in areas zoned explicitly for tourism is not only the right thing to do; it is the only sensible option."
    - **Hawaii Lodging & Tourism**, Mufi Hannemann Supporter of CD 1. (pp. 528-29) Representing more than 50,000 hotel rooms and nearly 40,000 lodging workers. "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."

- **Good Neighbor** (p. 509) Supporter of Bill 41. Indicated that TVUs should be allowed in the Resort zone, and this should be in Master Use Table 21-3.
- **Lori Teranishi (p. 430)** Supporter. "our visitors should be directed to areas that have been zoned for tourism".
- **The Resort Group, the master developer of Ko Olina Resort.** Submitted to the Planning Commission on 9/7/2021. "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."

The City Council needs to allow TVUs and B&Bs in the Resort Zone without conditions, remove the restriction to only own 1 TVU, and remove the restriction of registering a TVU in the name of a legal entity.

In Bill 41 TVUs and B&Bs are prohibited in the Resort zone. In CD1 TVUs and B&Bs are allowed with conditions and with confusing language regarding Density Limits. However, there is no reason to further regulate TVUs and B&Bs in the Resort zone in order to protect the residential neighborhoods from the adverse effects of illegal STRs, therefore, I request you amend Table 21-3 to a "P" permitted use, instead of the "P/c" use in CD1.

There is a clear consensus from supporters of Bill 41 that visitors should be encouraged to stay in the Resort Zone, an area "**intended primarily to serve the visitor population**..." ROH Sec. 21-3.100. DPP in their CD1 is recommending allowing TVUs in the Resort Zone but with the same harsh conditions for TVUs in the residential neighborhood. Allowing TVUs in the Resort Zone with conditions is not bifurcating the Resort Zone from Bill 41, but placing Resort Zones clearly in the mix of Bill 41 and imposing new, harsh conditions on STRs in an area that was designed to serve tourists. The only way to bifurcate out the Resort Zone from Bill 41 is for the City Council to change Table 21-3, The Master Use Table to "P" (Permitted) from not allowed, the Council should not follow DPP's recommendation to change Table 21-3 to "P/c" as such a change would not take the Resort Zone out of Bill 41. (See, page 19 of Bill 41.) Corresponding text

changes are necessary, because when Table 21-3 is contrary to the text in the LUO the text prevails over the Table.

Also, regarding TVUs and B&Bs, Bill 41 only allows each person to own one TVU or B&B and prohibits legal entities from registering TVUs. The DPP has recommended that both of these restrictions be removed from Bill 41, as set forth in their CD1. I agree with CD1 – BE version which eliminates these two provisions and encourage the Committee recommend that the entire Council adopt these changes.

The City Council also needs to adopt CD1 – BE version regarding removing the regulations placed on condo-hotels in Bill 41.

- Bill 41 requires Condo owners in a condominium hotel to place their condo for rent by one central hotel operator. This is clearly a government mandated monopoly scheme. This requirement brings significant legal exposure to the City and no one, not even hotel operators are asking for this. So, it must be asked, why are provisions restricting how condo-hotels can be operated in a Bill dealing with protecting the residential neighborhoods from the adverse effects of STRs?
    - **Aqua-Aston Hospitality** (pp. 552-554). "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." (p. 553). "**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.**" (p. 554, emphasis supplied).
    - **Marriott Vacations Worldwide** (pp. 549-551) "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." (p. 550)

- **Nerijus Puida. Rental Management Business Owner.** To Planning Commission. 8/30/2021. **"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)
- **Lehua Slater, Accountant, Ali'I Beach Rentals, Inc. To Planning Commission. 8/30/2021.**
  "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."

- **The Resort Group, the master developer of Ko Olina Resort.** Submitted to the Planning Commission on 9/7/2021.
  "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".

This provision in Bill 41 that requires all owners of condos in a condo-hotel to place their condo for rent with one central hotel operator is bad policy; it is a government mandated monopoly scheme, raises securities law problems, and changes 50 years of history in how condo-hotels are governed. I support CD1 – BE version that deletes the restrictions that are suggested by Bill 41. The only way to bifurcate the Resort Zone from Bill 41 is to remove all restrictions on condo-hotels.

- **Bill 41 requires an owner of a condo in a condo-hotel to pay rent to the central hotel operator to stay in their own condo. No one is asking for such a thing, and many have spoken out against this provision.**
  - **Marriott Vacations Worldwide** (pp. 549-551) "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." (p. 549) Marriott recommends removal of this provision. (p. 550)
  - **Aqua- Aston Hospitality** (pp. 552-554). "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…Prohibiting discounted rental rates does nothing to further the goal of preserving residential neighborhoods." (p. 553)

DPP has recognized that this provision puts the City into the business of regulating rental rates and is now recommending removal of these sections that require owners to pay advertised rates to stay in their own unit. This provision keeps the

Resort Zone in Bill 41. I support the CD1 – BE version which deletes this regulation of rental rates from Bill 41.

- **Bill 41 prohibits an owner in a condo-hotel from using their condo as a primary residence. There has been no support for such a provision, and this provision is an attack on the purpose of Bill 41.**
    - **Faruq Ahmad** (p. 72) "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 a primary residence."
    - **Valaree Albertson** (p. 84-86) "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?" (at p. 85, emphasis in original)
    - **Arthur Deffaa** (p.87) Owner at Waikiki Sunset. "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."
    - **Douglas Ng** (p. 319) "I am the owner of a condo in the Waikiki Banyan…I do not want it to be part of the hotel's room inventory. I do not want 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 unprece[d]ented."
    - **Aqua-Aston Hospitality** (pp. 552-554). "[T]here 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." (p. 553).
    - **Marriott Vacations Worldwide** (pp. 549-551). "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." (p. 550)

In DPP's draft 1 (which is Bill 41) DPP prohibits an owner from using their condo in a condo-hotel as a primary residence. After a consensus opinion from the public DPP reversed this restriction in Draft 2 and said an owner could use their condo as a primary residence. The only way to follow the Planning Commission's recommendation to bifurcate the Resort Zone from Bill 41 is to continue to give owners the right to live in their condo. This has always been the practice in Hawaii. Displacing local families from their homes in the Resort Zone is an unprecedented move that violates the stated purpose of Bill 41. There are local families that enjoy the hustle and bustle of the Resort Zone. Displacing these families will require them to purchase homes in the residential neighborhoods, shrinking the supply of residential homes, driving up prices, and creating less affordable housing. I support the CD1 – BE version which keeps the status quo and allows owners in a condo hotel to continue to use their condo as a primary residence.

The mantra, "Protect the Residential Neighborhoods" is a great battle cry, but DPP has overreached in ways that have nothing to do with protecting the residential neighborhoods and in a way that punishes owners in the Resort Zone, a zone whose stated land use purpose is to serve the visitor population.

CD1 – BE should be further revised to make TVUs and B&Bs in the Resort zone a "P" permitted use, the definition of transient vacation unit should be revised to make clear that TVU and B&B standards, fees, and requirements do not apply to hotels, condominium hotels, nor time shares.

Jim Tree
92-102 Wailaii Place
B-208
Kapolei, HI 96707
Owner of a condo in the Ko Olina Resort Zone

For more in-depth memoranda on Bill 41please visit Bill41Resort.com

From: CLK Council Info
Sent: Monday, January 17, 2022 7:26 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marisa Nguyen
Phone	
Email	mypillbuggy@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Support this good bill to help limit vacation rentals in our residential neighborhoods. Help keep home feeling like home, before the brain drain worsens.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 9:18 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Catherine Orlans
Phone	
Email	corlans@outlook.com
Meeting Date	01-20-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Thank you to the city and council members for taking the time to review this bill and make the needed amendments as the original bill seemed to be causing some confusion and frustration with some of the local small business owners that benefit from legally running this type of business. With that said, we need the council members to remember that the minority of business owners should not dictate the overall need for better enforcement around the many illegal operators. I support Bill 41/CD1 as it supports the need to protect our residential neighborhoods from these illegal VR operators. Our resident sentiment in this area has gotten better since the law changed in 2019, but we now know with the COVID-19 pandemic, truly, how many illegal rentals there are on O'ahu. At this point it's not the tourism industry's responsibility to correct this issue, this is a city and state issue to correct. Please pass this bill and uphold the chance for many local residents to be able to affordably rent and own homes here in their homelands.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 10:35 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Joli Tokusato
Phone	
Email	jtokusato@5.unitehere.org
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Organization
Organization	Unite Here Local 5
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 2:00 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Richard Hagstrom
Phone	
Email	rehagstrom@aol.com
Meeting Date	01-21-2022
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, CD1 as it relates to residential zoned property for many reasons, most important of which is long-term housing availability needs to be increased, reducing overcrowding of residential neighborhoods with tourists, and providing better enforcement of existing laws.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 3:33 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	vicky Poland
Phone	
Email	rainbowinnaiea@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	January 17, 2022 Aloha Council Members My name is Vicky Poland and together with my husband Grant we own Rainbow Inn Aiea. A Licensed NUC (# 90/BB0038) Bed and Breakfast in Aiea. Rainbow Inn has been a part of this community for over 30 years without complaint. I am writing in relation to Bill 41 CD 1 proposed amendments. As you know many of the NUC's have been in operation for many years and are owned by local Kapuna. They have been supporting their local communities in many ways by guests frequenting local eateries and local vendors providing services for them. We understand that there may be an adjustment in the NUC license fee, but with that said over 300%? I think that the council may wish to consider the funding coming into the state from the tourist industry, for example the $8 Billion reported for the last financial year. Far in excess of what was predicted and in addition, the City and County will be receiving funds from the added OTAT tax already in place. It has been reported in the media that Kauai has made great progress in decreasing the number of illegal vacation units on the Island with collaboration from the advertising platforms example Expedia and VRBO. I would like to thank the members of the Zoning and Planning Committee for the work they have done regarding Bill 41. This is a large, complicated issue and I understand the complexity of the varied parts of the bill and their stakeholders. Kind regards Grant and Vicky Poland Rainbow Inn Aiea 98-1049 Mahola Place Aiea HI 96701

Kathleen M Pahinui
67-237 Kaui St
Waialua, HI 96791

November 9, 2021

Chair Tommy Waters
Council Members
530 S. King St
Honolulu, HI 96813

RE: 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.

Their comments only focus on how much good they do (debatable at best).

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 that hotel? 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

From: CLK Council Info
Sent: Monday, January 17, 2022 4:23 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Denise Boisvert
Phone	
Email	infofordenise@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, CD1
Your position on the matter	Support
Representing	Self
Organization	

Written Testimony

Aloha Chair Elefante and Committee members,

I am in full SUPPORT of Bill 41, CD1; it is an excellent compromise to have the 90- day minimum, and for legal STR owners in Waikiki's Resort Area to continue to operate their own businesses.

As a longtime resident of Waikiki's Apartment Precinct, I have seen so many landlords and condo buyers kick out good, hard-working, long-term tenants in order to operate (illegal) vacation rentals despite the 30-consecutive day minimum rental zoning. People suddenly had to find another place to live to make way for illegal "hotels".

Waikiki's Apartment Precinct is full of residents from all the islands, all other states, and from many other countries – families, singles, couples, roommates. It is the most diverse neighborhood in the state, but still one where many of us recognize, know, and wave to each other, watch children grow up, do errands for kupuna, learn and appreciate each others' cultures and customs.

People want to live in Waikiki to be near their favorite surf breaks and beach; or simply walk or bike to work in one of the many hotels, restaurants, and businesses just a few streets away; to hop on any of a dozen public buses, or drive to work elsewhere. And it is easy to enjoy nightlife without having to find expensive parking!

Please pass Bill 41, CD1 because it will help provide more available and stable housing to residents of Waikiki and all of Oahu's other residential neighborhoods. Mahalo!

Testimony Attachment

From: CLK Council Info
Sent: Monday, January 17, 2022 4:47 PM
Subject: Zoning and Planning Testimony
Attachments: 20220117164649_Bill_41_testimony_backup_Zoning_2022-01-20.pdf

Written Testimony

Name	Kim Jorgensen
Phone	
Email	hawaiicondo@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha, I am in FULL SUPPORT of Bill 41, CD1. One change I could suggest is to have the ordinance take effect 90 days after approval instead of up to 180. By the time the bill has all its committee meetings and Council hearings, and is approved, another six months will be well into Autumn. That means there will be thousands of illegal vacation rental nights on the island, especially during Summer, before the new law would start. There are several operators at Waikiki Lanais on Tusitala St., for example, who advertise a 30-day minimum, but somehow the tenants always seem to need to leave after 1 or 2 weeks! Then, the condo just happens to have more tenants arrive almost immediately for another "30 days". Just have the DPP ask for the security camera footage to see it all! There are many ways for illegal vacation rental operators to be creative with the current law. It is good that the CD1 has language to address how an ad could be reasonably read to be for a B&B or TVU, such as in the attached examples. Other creative ads require a person to contact the host to book instead of being able to book online; and hiding the calendar that would how the rental's real availability. Strict enforcement is badly needed, and DPP needs all the tools it can get to stop the scofflaws who are keeping housing away from residents who need it.
Testimony Attachment	20220117164649_Bill_41_testimony_backup_Zoning_2022-01-20.pdf
Accept Terms and Agreement	1

Ways around a 30-day lease – combining unrelated reservations and "allowing" early departures

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

$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

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 yourself, 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

HomeAway.com, Inc. [US] | https://www.vrbo.com/624058?noDates=true

Apps LLC Bookmarks

Overview Amenities Reviews Map Rates & Availability

$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

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

From: CLK Council Info
Sent: Monday, January 17, 2022 7:32 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Roberta Ubersax
Phone	
Email	ubersax@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, short-term rentals
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 8:14 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Elizabeth (Betsy) Connors
Phone	
Email	betsyconnors60@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I fully support Bill 41 CD1
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 10:05 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Diliaur Tellei
Phone	
Email	diliaur@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Chair Elefante, Vice Chair Kia'āina and members of the Committee on Zoning and Planning, I heard about this bill from Unite Here Local 5. As a Honolulu resident I firmly believe that vacation rentals eliminate housing stock for residents and I've followed the push to regulate vacation rentals over the years. Therefore appreciate the Council's continued effort to strengthen the existing laws, close loopholes, and provide tools for enforcement. I support Chair Elefante's proposed CD 1 and advocate for the detailed suggestions as outlined in the sign-on letter from the neighborhood advocacy groups including UNITE HERE Local 5 and provided to the Council. Mahalo, Diliaur
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 2:38 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Elogin Onaga
Phone	
Email	elgino22@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I have been fighting these illegal vacation home owners by exposing them on the internet. These people buy single family residential homes and use it for a illegal vacation home. That's fraud.. a felony... They get single family home insurance, but they use the house for illegal vacation home that's insurance fraud another felony. When I went to a city council meeting to testify against them they stole my car while I was at the City council meeting against illegal vacation homes.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 6:35 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Dowsett
Phone	
Email	sdowsett@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Support housing for our local people--no more illegal activity. DPP needs to work better hours to catch the illegal activities--not just 8 to 4. They cite very few and are ineffective.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 6:41 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	virignia dudden
Phone	
Email	virginia@dudden.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Thank you for considering my testimony in opposition to proposed Bill 41.

For many years, my family has enjoyed renting rooms, studios, and homes to people who come to Oahu for personal and professional reasons. Guests and clients come to Oahu for 30 days. Far less than the proposed 90 day months lease.

We have had the privilege of renting weekly and monthly accommodations for more than 20 years. And yes, we have paid GET and TAT taxes all of those years. Now we will pay the 3% TAT the City and County of Honolulu is imposing. IF you, the City Council will allow us to continue renting our properties in 30 day blocks.

The families and individuals often choose to stay in our self-managed rental units not just for vacations but for a lifestyle choice for their children, elderly parents, and themselves. Parents of our military service members, especially Marines, come to Oahu for a few weeks to spend time with their children before they deploy. Families have chosen to stay at a legal 30-day rental home rather than a hotel in Waikiki or Koolina.

Civil Beat reports from July 2020 to July 2021, Hawaii lost 10,358 residents. People are fleeing Hawaii for various reasons, but an important reason is the lack of jobs. Many flexible, well-paying jobs servicing30 day rentals have vanished, along with 49% of the short-term rentals that have ceased to operate since 2019.

It appears to me the City Council is proposing rules that are a sledgehammer to smash a problem that does not exist. A sledgehammer to further damage the economy and people of Oahu.

Enforce the provisions of Ordinance 19-18, which the City Council passed two years ago but never implemented. Allow us to continue renting our properties for 30 days or more. Use

Ordinance 19-18 provisions to fine those who violate the 30 day or more requirements or otherwise operate outside the rules.

Support local people, not corporate off-island hotels and paid hotel lobbyists. Oppose advancing any of the provisions which alter Ordinance 19-18.

Virginia Dudden
122 Kaapuni Drive
Kailua, HI 96734

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:23 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mary Ann Marciel
Phone	
Email	maryannm@marciel.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please understand I have no problem with tourism. My problem is our neighborhood is being destroyed by illegal rentals for vacationers. There's disruption constantly for parking. There is too little available space as it is and the rental cars are adding constant pressure and confusion for parking problems. Neighbors are seeing people who they've never seen before walking through their yards in groups talking at all hours of the night and early mornings. People who are vacationing tend to play music loudly and want to party. Understandable but very disruptive. Please put a stop to this by actually doing enforcement. Thank you so much.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:25 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	David Kimo Frankel
Phone	
Email	davidkimofrankel@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Bill 41 CD1 is a significant step forward in making more affordable housing for locals. It will help to ensure that residential dwellings are available for people who live here. It will help to ensure that our neighborhoods are residential rather than resort-oriented.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 8:51 PM
Subject: Council Testimony

Written Testimony

Name	Jan Tillmann
Phone	
Email	Nyctill@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear Council, please know that most of us are in full support of affordable housing but to clamp down on homeowners that are trying to pay their mortgage since they decided to make the leap into homeowner ship is not right. You already took away the little we made to get by renting our condo when not on island and you called it preserving the neighborhood. Now living in lower Manoa we are witnessing the construction of massive housing complexes that will house thousands of transients throughout the year paying a steep monthly to the slum lords of UH and other private corporate owners. It's a nasty game of politics and corruption taking away our constitutional rights as property owners. If this is your solution to affordable housing we are in trouble people. Born and raised here I slaved away and earned every bit of right to my property so don't give me the locals can't afford bla. Socialists take - capitalist create and progress and that is why Hawaii is in shambles. We are run by a bunch of socialists. Aloha and out.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 9:36 PM
Subject: Council Testimony

Written Testimony

Name	Heidi kreul
Phone	
Email	hkreul@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha mai Kakou, Thank you for the opportunity to submit testimony in support of bill 41. As a life long resident of kailua, Oahu I have seen the fabric of our residential neighborhood change to a transient area. Many families have been push out of long term rentals so owners can rent to tourist at a premium price. Oahu has a shortage of homes. Residential neighbor are zoned for long term residents. To house our community members. Firefighters, teachers, nurses, doctors, store clerks among many others need for us to function as a community. We need to protect theses zones. To be able to give our children safe places to grow up and hopefully raise their families. I hope that you will reconsider the change in the amendment and make the minimum rental for 180 days. Please also remember many of our community members can not testify during these hearings. They are working often multiple jobs to exist here. Unlike the businesses, real estate investors, real estate agents and those who run illegal Bnb and stvr. Their jobs and incomes depend on keeping these businesses running at the expense of our community. Please remember that every illegal rental takes a home away from a resident in our community. Often forcing them to relocate to other areas or out of state. Thank you for you time and consideration. Malama kekahi I kekahi Heidi

From: CLK Council Info
Sent: Tuesday, January 18, 2022 8:43 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Linda Legrande
Phone	
Email	malamamanoa12@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, CD1
Your position on the matter	Support
Representing	Organization
Organization	
Written Testimony	ALOHA Chair Elefante and Council Members, The mission of Mālama Mānoa is to promote community; celebrate our cultural diversity and heritage; and preserve, protect, and enhance the special qualities of historic Mānoa Valley. On behalf of our 4,100+ members, our board of directors has unanimously approved to send written testimony in SUPPORT of Bill 41 CD1, however we suggest an amendment to make it tougher. It is extremely vital to save our residential neighborhoods from vacation rentals to preserve our quality of life and sense of place. We would prefer the language to more stringent about allowing transient accommodations in or near resort areas. A very low quantity, expressly enumerated, would be preferable than leaving it open ended. DPP Director Uchida should be consulted to confirm that this bill could possibly flood the market with upwards of about 20,000+ vacation rentals in the Waikiki area alone. That seems outrageous to consider even as a remote possibility because those units are currently, most likely, rented out to local people. So the big question looms: Where will everybody go? We already have a crisis with a lack of affordable housing. That part of the bill unchecked could worsen the situation our communities face. Thank you for your consideration. Sincerely, Linda Legrande , President, Mālama Mānoa
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Monday, January 17, 2022 10:57 AM
Subject: Council Testimony

Written Testimony

Name	Bryantt Bernardo
Phone	
Email	bryantt.bernardo@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	My wife and I have lived in Hawaii our whole lives. I'm a teacher and we don't make a lot of money so we have slowly been saving for a home for the past 15 years but it feels like we'll never get there. The prices just keep going higher and there's hardly any available. I have heard from friends in past years that their relatives from California was buying up places to rent as Airbnb's as they can make plenty money that way. How are we supposed to compete with rich mainland people who are not looking at buying a home but paying over the normal cost because they see this as an investment to become even richer? For those residents who are doing Airbnb and saying they'll lose their income, that's not true at all. They just want to make plenty money. This bill doesn't stop anyone (local or mainland) from renting their home as a long-term rental to Hawaii residents. RESIDENTS should be able to find a place to rent or buy. Rich residents that have multiple houses, they already have that box checked. What about everybody else that doesn't even have one house? All of us that aren't rich enough to have more than one house has to suffer so that rich people can make EXTRA EXTRA money? They can make money by renting the house to a resident, this doesn't stop them from being rich. All the complaints are coming from people who want to make more money with Airbnb than they would renting to locals. They don't care what they're doing to everyone else. Have them rent to locals and stop ruining it for everyone who just wants one house to live in. Even better, sell it so a local family can find a home on this island.
Testimony Attachment	

From: CLK Council Info
Sent: Monday, January 17, 2022 1:08 PM
Subject: Council Testimony

Written Testimony

Name	Marya Grambs
Phone	
Email	mgrambs@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41, CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	It is very important that B&Bs and TVUs be regulated in this manner. The proliferation of these entities in residential neighborhoods has gone on for far too long.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 8:55 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kyle Buel
Phone	
Email	theoutsidelifelandscaping@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose increasing STR to 6 moths. The fines should be different for residents and out of state people. Not every family member can afford expensive $500 a night hotel roos for loved ones to visit. STRs provide an alternative to expensive hotels and a lot of people find them more comfortable that a big Resort full of tourists, specially during the pandemic.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 8:51 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rebeca Buel
Phone	
Email	happyhalerentals@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha Chair Elefante, Vice Chair Kia'āina and members of the Committee on Zoning and Planning, I am a resident of Oahu and strongly oppose this bill. Please do not allow the expansion of these anti STR bills, we all have family and friends that visit this islands and forcing them to stay and $500 hotels a night instead of affordable STR is such an imposition on the residents. Not everyone likes staying in a crowded, expensive hotel. Please find another way to create affordable housing if that is really the point to expand this bill. Additionally, The fine amounts for residents who want to do STR is incredibly high. WHY are you trying to punish us residents that barely can afford to live here let alone support our properties? why is there no separation between people who live here in the islands and others that have investments here but do not reside on island? Please reconsider and do not support the bill.
Testimony Attachment	
Accept Terms and Agreement	1

Zoning Committee Testimony

Re: Opposition to Bill 41

Members of the Zoning Committee,

I oppose Bill 41 as I believe it targets and punishes those following the law. Its goal is to protect neighborhoods, but those renting monthly are our neighbors. We have yet to see any data from the DPP related to the size of this market, who these renters are and the associated taxes that would be lost if the market is eliminated. How can you decide on an arbitrary cutoff without this information? Does it really matter if someone is occupying a property for 30, 60 or 90 days? I think you'll be surprised at the range of folks that come to our island for less than 90 days. I have personally rented to the following:

- Engineers working on the Wind Turbines in Kahuku (30 days)
- Families moving back to the island (30 days)
- Remote workers (30 – 60 days)
- Surf contest personnel (30 days)
- Family affected by flood (30 days)

I'm sure there are many, many more types of residents/ visitors that would be affected by eliminating the monthly rental market. Please do your homework before making this drastic change. **If the goal is to eliminate those skirting the 30 day rule, please just go after them rather than destroying a whole market that is important to the island and its residents.**

I am also opposed to raising my non-conforming use certificate fee from $600 to $4,000. **This is a 566% increase that I cannot afford.** This feels targeted as the hotels are not paying a fee per room like this.

Lastly, pushing off the property tax changes feels like a "divide and conquer" technique. Will this be a one-two punch to push us out of business? I'm not sure if there is any other market/ profession that has to fight for survival every couple of years. There is a constant feeling in the pit of your stomach of what is to come next.

Please do your homework on the monthly rental market and reconsider the huge fee increases.

Mahalo,

Jill Paulin

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:24 AM
Subject: Council Testimony

Written Testimony

Name	Ellen Floyd01
Phone	
Email	nonifloyd@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The passing of this bill will bring havoc to the following: traveling nurses; military in transition; remote workers here for a limited time; single family homeowners who rent out a room for a month but can't do long leases to keep it for family visits. (Families who have moved away). Why can't the last bill which is to enforce 30+ days just be enough? Why is this being done to our community?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:58 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Pamela Small
Phone	
Email	PamelaBigIsland@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Dear Sir or Madam:

I would like to go on record that I am deeply opposed to Bill 41 CD1. As per usual, an anti-vacation rental bill appears to have been written by the hotel lobby and submitted under the name of a council member.

It is NOT the obligation of private citizens to provide low cost/affordable housing to other private citizens. That is the job of the government. A job at which you have failed.

Raising taxes and fees on constituents WHO VOTE, pay taxes, and have followed your arbitrary rules is punitive and will have repercussions.

People of the islands are doing nothing more than making a living renting rooms in their homes. Instead of applauding their ingenuity, you follow the commands of the hotel lobby and attempt to shut them down at every turn. You should be ashamed of yourselves that you have had two years during covid to try and come up with another industry besides tourism as the main money maker of the islands. Locals are doing nothing more than trying to get some crumbs from the larger pie of tourism that feeds the islands since there is nothing else to sustain us.

Bill 41CD1 is punitive and does nothing for the local people of Hawaii. I am against this bill.

Pamela Small
Kawaihae

Testimony Attachment

From: CLK Council Info
Sent: Tuesday, January 18, 2022 10:08 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mollie Foti
Phone	
Email	fotiprmk@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am strongly in favor of Bill 41 CD1. We are at a critical moment in the attempt to manage tourism on Oahu, which before 2019 had grown to proportions beyond our island's carrying capacity. This bill is critical in providing an avenue to some control by better oversight of tourist accommodations. Since by Federal law, we cannot limit the number of visitors to our island, we can control where they can and cannot stay. Bill 41 CD1 does that. It limits vacation rentals of 30 days or less in residential areas and provides means of enforcement. The 90 day rental lease gives land owners flexibility to rent short term to students and temporary workers while discouraging vacationing tourists here for a quick visit. This bill has many benefits for our local residents including freeing up homes for long term rentals as well as protecting residential neighborhoods from becoming mini resorts. Tourists will still come but they will stay in resort zoned areas to the benefit of all. Thank you, Mollie Foti
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 10:14 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Chito Gebhart
Phone	
Email	chitogebhart@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	#1 - Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To Whom It May Concern, 1/18/2022 I am taking this opportunity to write directly to you in my own words rather than merely signing a prepared statement. First, I want to state that I am Opposed to Bill 41 as it is written. My wife and I are on the verge of retirement and our lifelong dream is to retire on Oahu. We had the fortunate opportunity, through hard work, tight budgeting and wise investments to purchase a home in 2014. Shortly after our purchase we became aware of home sharing as a way to supplement our costs. We applied for and received from the State, a GET and a TAT license. Little did we know at the time, about the furor surrounding the short-term rental industry in Hawaii. We have been visiting Hawaii as a family for the past 30 years. Most of our family holidays have been spent in Hawaii. We've visited all the major islands. We've owned a timeshare at the Hilton Hawaiian Village for the past 15 years. Our adult daughters spend all their vacations at our home. Our youngest daughter and her husband last Fall chose Lanikuhonua as their wedding venue and were married by Auntie Neti. We are in the process of becoming residents. I empathize with the residents who wish to turn back the hands of time. The lessons of life teach that the only thing which is constant is change. My Family and I, together, spend over three months out of the year at our hale. We are sensitive to the claims of over-crowding, raucous partying, illegal parking, rude neighborhood behavior but none of us have ever witnessed any of that. And these are activities which have laws against, already on the books. I don't know the exact statistics, but I believe the primary industry in Hawaii is tourism. The

massive number of jobs, most small businesses and the fabric of modern Hawaiian life is geared toward tourism.
It is unrealistic to expect that function to be contained in small enclaves of "resort districts" which were established decades ago.

There MUST be a better solution other than draconian, abusive policies which criminalize thousands of property owners, jeopardize tens of thousands of jobs and small businesses. This is an issue which has developed over decades. Isn't it logical that it will take more time and effort than a few Bills attempting to solve the issue immediately?

For example, one website claims that 27% of short-term rental property owners, own an average of 20 properties, EACH. Sounds like a fabricated statistic to me but I think they are trying to imply that most property owners have little care for the impact on the community, of short-term rentals. Wouldn't it be better to start there and restrict ownership to one TVU to one owner?

Such dramatic changes in policy has many unintended consequences. Among others are:
1. Disabling many small businesses which support the Home sharing industry. I personally employ over 10 persons, part time, in support of my home sharing
2. Hurting small local businesses outside of the tourist centers; stores, shops, restaurants which are supported in large part by local visiting tourists.
3. Loss of revenue for the State from associated taxes, GET and TAT. I submitted over $10,000 in taxes last year to the State and County. Airbnb published an article recently which calculated that if they were able to collect and submit GET and TAT taxes for 2019 as an example, the State would've benefited in the amount of $68 million dollars!
4. Adversely effecting residents who depend upon the income in order to live
5. Eliminating competition in a free market economy, benefitting the Mega Corporations based on the Mainland. The claim that Hotels are being harmed has been debunked by their own statistics: for the seventh year running, during 2019, Waikiki hotels experienced 100% occupancy!

I am just one individual. If there are truly over 10,000 home sharing properties, multiply my figures by 10,000 and consider the loss of revenue, loss of jobs (and these people are voters).

I am in compliance with the recent legal settlement over Bill 89 which established the rule restricting a single visitor per 30 day period. I believe all parties to that agreement settled in good faith. What has changed? Please reconsider the law as it is written and make rules which strike a balance between economy and culture.

Thank you for your time and consideration.

Sincerely,
Chito Gebhart
949 291-2117
chitogebhart@gmail.com

Testimony
Attachment

From: CLK Council Info
Sent: Tuesday, January 18, 2022 10:26 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mark Petritz
Phone	
Email	markpetritz@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Petritz Realty
Written Testimony	Enforce the rules that are already in place. Do no increase minimum stays past 30 days. We just helped a family find a place to stay for 6 weeks. They weren't military or nurses and moved out because of the water issues around red hill.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 10:22 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mark Petritz
Phone	
Email	markpetritz@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	BnBs are not the problem. Allow the permitting of BnBs. Please do not increase minimum past 30 days.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

January 17, 2022

Council Member Brandon Elefante
Committee Chair, Zoning and Planning
Honolulu City Council
Honolulu Hale
530 S. King St
Honolulu, HI 96813

Aloha Council Member and Committee Chair Elefante:

This letter is being sent by the representatives and supporters of several organizations that have been fighting, in aggregate, over 20-years against the proliferation of illegal transient vacation rentals (TVUs). Together our groups represent well over a 10,000 O'ahu residents who wish to keep the zoning integrity for their communities and not allow them to be overrun with this illegal use of property.

We also represent communities across the island - we are hard-working, middle-class working families who value the concept of community, the safety of knowing your neighbors, and enjoying the peace of our neighborhoods. This illegal proliferation of TVUs has hurt our housing market, making it near impossible to buy a reasonably priced home and next to no long-term rentals in some areas. It is turning our island into the land of haves and have-nots.

Finally, with the recent passage of the O'ahu General Plan, we want to ensure that its objectives and policies are being considered and followed:

> **Balanced Economy Objective B Policy 3**
> Guide the development and operation of visitor accommodations and attractions in a manner that avoids unsustainable increases in the cost of providing public services and infrastructure, and that respects existing lifestyles, cultural practices, and natural, cultural, and historic resources.
>
> **Housing and Communities Objective B Policy 2**
> Discourage speculation in lands outside of areas planned for urban use, reduce the prevalence of vacant dwelling units, and reduce the use of residential dwelling units for short-term vacation rentals.

We reviewed with great interest Bill 41 and your CD 1 and are heartened by the number and types of changes you are recommending and would like to comment on and suggest a few others:

- The 180 days or less to 90 days or less definition change for STR's (This would allow STR's to potentially do 4 STR rentals per year. We still advocate for 180 days as it solidly blocks any potential loopholes that the illegal providers may try and exploit as they have done with the current 30-day rule.

- **It takes two Notices of Violation (NOV) before a fine can be issued.** We strongly recommend a fine with the first NOV. This illegal operation is lucrative and operators will not comply if there are no significant fines attached. DPP issues NOVs that are constantly ignored as there are no fines attached to them. Our current laws and practices have no teeth. In addition, fines should apply equally TO use violations and the advertisement violations.

- **Advertising violations and offering/rental violations are still considered different types of violations.** So, an advertising violation followed by an actual rental violation would not be considered a reocurring violation and would not trigger a notice of order/fine. Any type of STR violation should be consider a recurring violation.

- **All ads without a permit # must include the following statement: "This property may not be rented for less than 90 consecutive days. Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied."** Language should be added that the renter has full rights to use the property for 90 days and the property may not be subleased. No other renters may occupy the property, including the owners or their guests during the 90-day rental period. This same language should be included in other sections of the bill, but elaborated on. We need to make sure the owners are not able to claim the rental is for cohabitating with them. Otherwise, they could have 4 vacation rentals per years and utilize the property whenever they want.

- **Publishing companies and internet service providers will not be held responsible for the content of advertisements that are created by third parties.** We should not let Airbnb, VRBO and other platforms off the hook. They say they don't condone illegal activity but they do nothing to discourage it and have specifically campaigned for STRs in residential-zoned neighborhoods where it is forbidden. They must be held to the same standards as any other business and cannot be allowed to claim either ignorance of the law or be allowed a pass. The existence of these platforms has led to the proliferation of illegal rentals and many communities across the world are taking a stand and are holding them accountable.

- There should be language that requires the DPP inspectors to interview renters, gather contact information, specify how long they rented and/or occupied the property, if they compensated the owner and sign a statement stating the information they gave is truthful. The inspector must also explain lying to an inspector is a crime. Lack of doing so by the renters could be considered prima facie evidence.

- We recommend additional language be added that declares daily or avg. daily rates are not allowed for non-permitted rental advertisements. And the rental advertisement must include a monthly rate. The Bill should also state that any advertisements that implies the rental cost could be reduced based upon a less than 90-day occupation could be used as prima facie evidence.

- There also needs to be language added that makes violations reoccurring if the violator is the same induvial or entity and owns or manages/promotes different properties. At the moment the violation is only reoccurring of it's the same property.

- We support removing the Gold Coast from the areas of considering for expansion of TVUs. We have no idea of the impact on long-term rentals as well as the impact it could have on

current owners and their ability to enjoy their home in peace. Expanding TVUs into the Gold Coast area is a discriminatory benefit in a clearly defined residential area.

Additional concerns regarding NUC's:

- NUC B&B's are no longer limited to 2 rooms and 4 guests. They can rent to two adults for every bedroom on the property.
- B&B & TVU's may have gatherings/parties for guests and additional 10 people.
- Quiet hours were changed from 10pm to 8am to 10pm to 7am.
- It takes 3 NOV's within a one-year period for a B&B or TVU to automatically revoke a permit. But the director could revoke the permit or deny renewal if they believe the property is nuisance to the neighborhood.

We believe the above changes would strengthen Bill 41 and provide the Department of Planning and Permitting the necessary tools to enforce the law.

We stand ready to work with you and your team to get a bill out and approved that will protect housing for local residents and our communities from being turned into mini-illegal resorts.

Mālama ʻāina,

Kathleen M. Pahinui, Save North Shore Neighborhoods
Larry Bartley, Save Oʻahu's Neighborhoods (SONHawaiʻi)
Stu Simmons, Housing Advocate
Chuck Prentiss, Keep it Kailua
Cade Watanabe, UNITE HERE! Local 5
Christine Otto Zaa and Tyler Dos Santos-Tam, HI Good Neighbor

From: CLK Council Info
Sent: Tuesday, January 18, 2022 10:55 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Wayne Tanaka
Phone	
Email	wctanaka@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please accept this personal testimony in strong support of Bill 41. Our residents' ability to live here should be prioritized over the commercial transient use of our limited housing supply. Thank you for your consideration of this matter.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 11:19 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Richard Wainscoat
Phone	
Email	wainscoat@me.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am strongly opposed to this bill increasing the minimum rental period from 30 days. There are strong community needs for rentals of 30 or more days. These include visiting family, including supporting mothers with new borns, new Hawaii residents requiring bridging accommodation while finding longer term accommodation, short term medical workers, and remote workers who bring much needed money into the Hawaii economy (but would not come here if forced to stay in a hotel).
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 11:40 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Heather Shank
Phone	
Email	hallenshank@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I strongly oppose illegal vacation rentals and want enforcement to stop them. People have built ADUs to capitalize on the ability to get rental income. They did this knowing it was illegal! We do not owe them or others violating zoning rules an income! The housing stock is needed for full time residents who need a place to live. They are getting aced out by visitors who pay more. I live next to a house that rents illegally and has a rental every 30 days, but visitors stay just a week or so. These loud vacationers area very disruptive to people who go to work and school and don't party all night.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 11:48 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Craig Hara
Phone	
Email	thnlinc@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha I have been following Bill41 and have been listening to the testimonies and complaints On a discussion onPBS , a gentleman stated that 70% of vacation rentals on Oahu are owned by people who do not reside on Oahu. So with this data , a solution sounds kind of simple Allow the 30% of Owners who do reside on Oahu to operate their vacation rental , no matter the zoning Many countries do not allow non citizens or residents to even purchase real estate Why not draft a bill with the stipulation that you must be a resident of Oahu and currently living here to operate a vacation rental This way the bill would benefit the people of Oahu , the way it should and who you all should be representing Wouldn't this 30% be manageable for the DPP? The question will come up as to vacation rentals in residential areas When you go to the mainland and stay in a vacation rental, you really experience the people and culture It is an awesome way to travel You cannot generalize that all vacation rentals in residential areas are bad As with any bill, there will be bad eggs Then these people that disrespect and disrupt residential neighborhoods should be fined and when that doesn't work banned from operating How many of us local people experienced renting a beach house for a weekend at someone's Aunties house? What good memories and times were had by all How can you all suggest to take this away from us? Not to mention allowing local people to make some money would be a great idea too I can imagine that their property tax must be sky high especially if they live by the beach

	I think most local people don't live in the DPP's vacation zone like Waikiki,Kuuima,Koolina So bill 41 would not help the local residents Mahalo
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 12:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Shiyana Thenabadu
Phone	
Email	shiyanat@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

I'm strongly opposed to Bill 41 or any bill that eliminates much needed month to month rentals in areas outside resort zones. Here's why:

There are digital nomads that have made Hawaii their home for a few months. These people should not have to pay sky high hotel rates to stay in Waikiki. The Hawaii tourism industry lured these people to Hawaii with the Movers and Shakas program dangling free air tickets and other incentives. Many digital workers who heeded the call found suitable and affordable accommodation in neighborhoods. When tourism tanked, the hotel industry wanted the whole pie so they crafted and are now lobbying hard for Bill 041 which would eliminate rentals of less than 180 days in neighborhoods.

There are military personnel who often need accommodation for 6 to 8 weeks while they look for permanent housing or await their furniture to arrive in Honolulu.

And there are visiting family members who want to stay close to their 'ohana. When our first son was born, many moons ago, my parents came to help. At the time, we lived in a studio apartment in Kailua and did not have space for them. They rented a room from a retired couple down the street and went there to sleep every night for about 6 weeks. It was affordable, convenient and it prevented my dad from driving back and forth to Waikiki with failing eyesight which often comes with age.

Years later, when we purchased a home, we bought one with a spare bedroom so my family and friends had a place to stay when they visit. Both my family as well as my husband's family live overseas. Unfortunately, not everyone has a guest room in their home and many need affordable accommodations close by for family or caregivers who visit. Bill 41 will only hurt ordinary families.

No one wants to live next to a home where tourists party all night and there is no homeowner

in sight. Whole house party rentals should be shut down. But why shut down a responsible and accessible homeowner who lives on site, pays all taxes, provides parking and rents out a room to a remote worker, family caregiver or even a snowbird (gasp! tourist) who is here for a couple months? There has to be a balance when it comes to rentals in neighborhoods.

One cogent argument against allowing 30+ day rentals is that unscrupulous realtors are creating fake 30 day contracts. The answer is to shut these people down. If a neighbor sees this happening, they can report it to the authorities. Don't shut down all month to month rentals because of the bad apples. Throw the book at the rotten ones.

NIMBYS will scream that shutting down 30 plus day rentals in their neighborhoods will magically solve the housing crisis for locals. It will not. Most locals on a median income cannot afford the high rents or home prices in neighborhoods such as Lanikai. They are and will continue to be outbid by investors who pay with cash. Most investors and corporations that own properties in desirable neighborhoods would rather keep their properties empty than rent at an affordable rate. IF they do sell the property, it will be to the highest bidder and this will not be a struggling local family, Let's get real.

Most remote workers come to Hawaii for about 6 weeks to 2 months. Bill 41 is requiring a minimum stay of 3 months or 6 months. Either way, this will force remote workers to go elsewhere. The biggest impediment to remote workers coming to Hawaii is the cost of living, which includes the cost of housing.

I urge the City Council to reject Bill 41 and allow the present requirement of 30 plus day rentals to stand in areas outside resort zoned. The present law is fair, strikes the right balance and fills a critical need for month to month accommodation in neighborhoods. As mentioned earlier, enforce this law and shut down the violators.

Finally, I don't believe that Bill 41 is legal. Should the City pass Bill 41, I believe the City will waste a lot of taxpayer money defending an illegal law that will be knocked down by the Supreme Court. Is this a chance you are willing to take to pacify the hotel lobby and a few loud mouthed NIMBYS? I sure hope not. Thank you for reading.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 1:06 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jeremy Lam
Phone	
Email	drjlam@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	This bill is long overdue. Hopefully, it will keep out single family neighborhoods intact without the unenforced negative consequences that always occur. DPP has been absent in their duties over the years. Kathy Sokugawa remarked that her department tried NOT to be punitive to illegal actions by bed and breakfast rentals, monster homes and short term vacation rentals. This bill will start to correct the lack of enforcement of our rules and outline special zones for these short term rental tenants. I strongly support the new efforts by DPP. Thank you
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 1:06 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Chuck Prentiss
Phone	
Email	prentissc001@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha: My name is Chuck Prentiss, I am a retired City Planner and Economist. I was the former Chair of the Kailua Neighborhood Board, and former Executive Secretary of the Honolulu City Planning Commission. I want to commend Chair Elefante all others who worked to prepare the current draft of Bill 41. CD 1 is much more focused on the basic problem of short-term rentals, especially where it requires a 90-day minimum stay and where it removed the provision (in Table 21-9.6(A)) to permit hotels in the Waikiki Apartment Precinct. Others will be recommending some modifications to the wording of the Bill with the intent of further strengthening enforcement procedures. I just want to remind everyone of two important facts related to the negative effects of short-term rentals (STR's) on our housing supply and our economy. The Hawaii Tourism has pointed out that 70% of STR's are owned by off-shore owners. The State DBEDT has data in their "Data Book" which shows that tourists in STR's spend 20% less than those in hotels. So it is important to adopt Bill 41 to help with housing supply problems as well as to support the health of our primary economic base. Mahalo.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 1:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Farrah Larson
Phone	
Email	FarrahLarson@yahoo.com
Meeting Date	01-18-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I'm submitting my written opposition to Bill 41. The bill seeks to punish holders of valid NUC certificates. I specifically sought out a home with an NUC certificate so that I would be in compliance with all the laws and regulations regarding short term rentals for the local jurisdiction. I paid a premium on my unit with the understanding of the fees, property taxes and other costs associated with my unit. The new bill raises fees for NUC holders to be consistent with all new, recently allowed legal short term rentals. The NUC holders should not be put in the same category as the new STRs and punished with new fees and property taxes. The new bill raises our property taxes to the level of the hotels, however we are not hotels. Hotels offer many amenities and offerings for tourists with additional costs and resort fees, our homes do not offer the same amenities and level of resort and thus should NOT be taxed the same. In addition, the registration fees for an NUC have always been every two years at $ 600, now you want to raise our fees to be in line with other newly licensed STRs and this is not appropriate. We carefully budgeted for our second home and made financial decisions on taxes and fees that have been in place for many years. We have ran a short term rental out of our second home and have paid all of our GE and TA taxes on time. If NUCs are required to pay much higher renewal fees, does this mean you are going to charge the hotels registration fees and yearly renewal fees per room? It seems that law abiding and legally operating NUC holders are being punished and the laws put in place when the NUCs were granted are now being pushed aside. I request that NUC holders are exempt from the new rules, property taxes and renewal fees and that we be allowed to operate in good faith in the manner we have been for many years. Thank you for your consideration.

From: CLK Council Info
Sent: Tuesday, January 18, 2022 1:34 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Amber Mather
Phone	
Email	Kaicleaning808@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, My name is Amber Mather and I am writing in hopes that the City and County will please take a serious look at the hardships they are causing for so many locals who are living in their residence and also sharing a part of their property with short term guests that visit the island. The fact that we pay property taxes and want to have the option to open our homes to visitors should be entirely up to us. My particular property on the North Shore has a unit for long term local renters and then another unit we would like to make available for those visiting the island. We were recently given a notice to no longer "short term" and this is taking a huge hit on my income. We have always reported all earnings and been respectful of our neighbors when renting. I strongly urge the committee to reconsider the 30 day rental law being enforced. It is NOT something that should be forced on us local home owners. Sincerely, Amber Mather
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 1:57 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Shahriar Fesharaki
Phone	
Email	sfesharaki@hotmail.com
Meeting Date	01-20-2022
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 CD1 There are numerous illegal vacation rentals run by absentee owners that have changed the dynamics of our residential neighborhood. Its time to return residential housing to residents, not to offshore investors.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 2:03 PM
Subject: Zoning and Planning Testimony
Attachments: 20220118140316_2022-01-20-BMayer-testimony-Bill41-CD1.docx

Written Testimony

Name	Barbara Mayer
Phone	
Email	bamayer@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220118140316_2022-01-20-BMayer-testimony-Bill41-CD1.docx
Accept Terms and Agreement	1

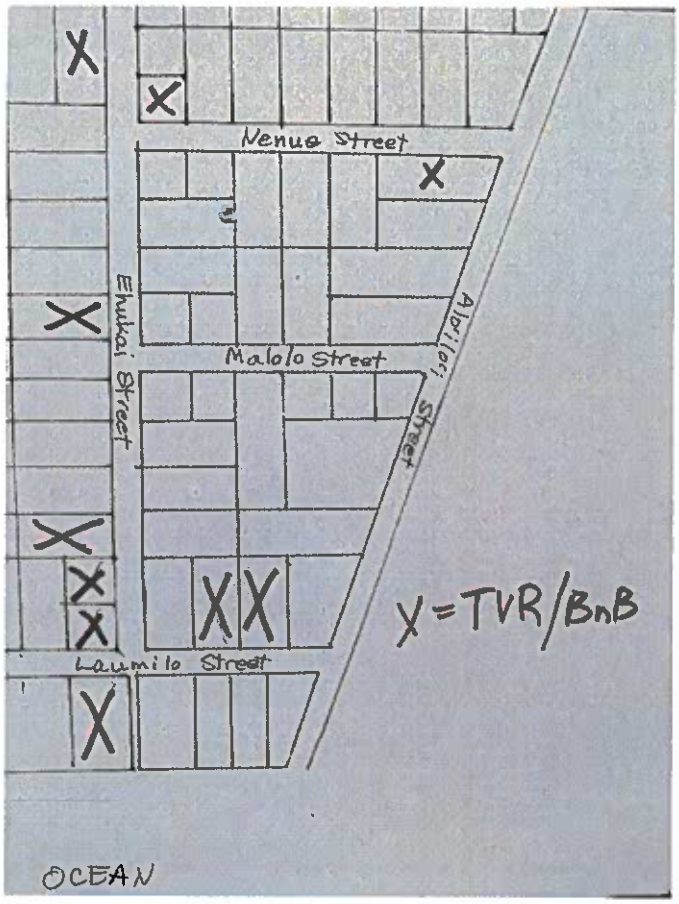
IP: 192.168.200.67

Barbara Mayer 01-20-22 testimony on Bill 41-CD1--

My name is Barbara Mayer; I've lived in the Waimānalo beach lots since 1976. I'm testifying in **super-strong** support of Bill 41 CD1.

However, I have 2 items that I would suggest be added to the document concerning what is required of legal short-term rentals.

(1) First, perhaps I missed it, but I don't think there is a cap on the total number of legal short-term rentals in a neighborhood. This is a draft map of my immediate neighborhood, with red Xs indicating illegal TVRs/BnBs. Out of 59 properties, there are 10 illegal short-term rentals, equalling 17% of the homes. I would like to have Bill 41 CD1 add a restriction that the total number of legal short-term rentals be capped at 15% or less of the total properties in any residential neighborhood.



(2) My 2nd suggestion is that every legal short-term rental be required to display a C&C standardized placque on the outside wall of the unit. The words "short-term rental" would be clearly visible on the placque from the public street.

From: CLK Council Info
Sent: Tuesday, January 18, 2022 2:13 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Ann Shaver
Phone	
Email	alshaver@me.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As currently written, the bill makes it virtually impossible for individuals to operate short-term vacation rentals. Units such as these are particularly important for the economies of out-lying areas such as Waianae. Visitors tend to spend their dollars in nearby groceries, restaurants, gas stations, personal services and other shops in those depressed areas. The proposed registration fees and tax rates are unrealistically high. Limiting rentals to a minimum of 180 days is ridiculous. Please revisit Bill 89 and adjust it to fit the realities of these pandemic times. Citizens are suffering!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

To: Honolulu City Council, Zoning Committee January 18, 2022

From: Lucinda and John Pyles, Kahala Residents

RE: Testimony in **SUPPORT of BILL 41-CD1 (2021)**, relating to transient accommodations.

We are whole-heartedly in **support** of BILL 41 CD1 for all the reasons councilmembers, planning commissions and DPP have heard for decades from effected citizens pleading for help to regain the quality and character of their residential neighborhoods. We have seen evidence of a significant increase in short term transient rentals (STRs) in the Kahala neighborhood in the past few years. As you are aware of, illegal operators have found any number of ways to continue to operate. Thankfully you have realized that legal 30 or 60 day transient rentals have the same negative impact on the neighborhood, the housing inventory, etc. as a rental of 30 days or less but have escaped regulation and the hotel tax.

We have been Kahala residents since 1973, raising a family in what was a wonderful family neighborhood populated by local residents. For more than twenty years we have testified against permitting short term transient rentals in our residential neighborhoods and begged for better enforcement. Where we once had local families for neighbors we now have on two of our nearest neighboring properties whole-home short term vacation rentals which either sit empty or are occupied by transients. Both properties are owned by non-residents, a Japanese Corporation and a California attorney in the name of an LLC, one with a NUC and one that has operated illegally since purchased in 2005. Both own additional rentals in the Diamond Head / Kahala area. Both are gated and have property managers.

What we really like about Bill 41 CD1:

- the amended definitions of B&B and TVUs as being units rented for periods of less than 90 days (though we liked the 180 days even better),
- restricting STRs to only resort zoned districts, returning our residential neighborhoods to residents,
- registration requiring a title report,
- requirements that TMK and NUC numbers be included in advertising and increased fines for violations,
- increased registration renewal fees for NUCs,
- registration of occupants and limitation on number of occupants related to bedrooms,
- restricting the number of guests to 10 who are not overnight, registered occupants of the STR,
- requirement for informational binder to be given to transient occupants,
- statement that provisions do not supersede private restrictive covenants and
- clarification of circumstances under which the DPP Director may revoke a certificate.

It's taken more than three decades but we applaud DPP and the council for finally being on the cusp of effectively addressing the short term rentals and giving our residential neighborhoods back to those that reside or wish to reside there (the Webster dictionary defines "**reside**" as "to dwell permanently or for a considerable time" or to "live" or "be present habitually"). The **reside**ntial zoning that we took for granted existed to protect and preserve **reside**ntial neighborhoods has failed us so please adopt Bill 41 CD1 as a measure to remedy that.

Thank you.

From: CLK Council Info
Sent: Tuesday, January 18, 2022 2:26 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Emma guo
Phone	
Email	Emmaguo6122@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
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, January 18, 2022 2:52 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Barbara Krasniewski
Phone	
Email	barbarak@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41,CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I'm a long time resident of Kailua which has been adversely affected by the proliferation of an incredible number of TVU's and B&B's using homes, cottages and rooms for tourists while Oahu's citizens are unable to compete for these rentals prices at resort rates. It has made it virtually impossible for people employed in Kailua to live in Kailua. Having so many tourists in the community robs us of young folks to coach sports teams and destroys the fabric of what a community means. This must stop and Bill 41CD1 can do that. I urge you council members to place Hawaii residents ahead of tourists' dollars. Our housing shortage should improve dramatically if these accommodations become homes for Hawaii residents. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 2:53 PM
Subject: Zoning and Planning Testimony
Attachments: 20220118145310_Bill_41_Protecting_the_Residential_Neighborhoods.docx

Written Testimony

Name	Jim Tree
Phone	
Email	ssitree@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41, CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220118145310_Bill_41_Protecting_the_Residential_Neighborhoods.docx
Accept Terms and Agreement	1

IP: 192.168.200.67

Bill 41 – Protecting our Residential Neighborhoods

The Stated purpose of Bill 41 and CD1 – BE is to protect Oahu's residential neighborhoods from the negative impacts of short-term rentals (STRs). Both drafts find that STRs are inconsistent with the land uses that are intended for our residential zoned areas.

The current Land Use Ordinance (LUO) defines any rentals of less than 30 days as a STR. Bill 41 proposes changing STRs to less than 180 days and CD1 proposes less than 90 days. STRs are allowed if staying in a hotel, condo hotel, transient vacation unit (TVU), bed and breakfast (B&B), time share unit, or a property with a nonconforming use certificate (NUC).

Residential Neighborhoods:

STRs are prohibited in the residential zone unless a NUC has been issued for a property. Currently there are only 115 NUCs in residential zones on Oahu[1]. "It is estimated that there are roughly 20,000 illegal STRs operating throughout the State. There is a need for more and better enforcement to shut down these properties that constantly disrupt our neighborhoods and impact our visitor industry[2]."

The problem is illegal STRs in the residential neighborhoods, and there is a consensus that enforcement needs to be beefed up to shut down all illegal STRs. This is the purpose and intent of Bill 41. A healthy debate is occurring in the community regarding whether new legislation is needed to protect the residential neighborhoods or whether the residential neighborhoods can be better protected by providing better enforcement tools for Ordinance 19-18. Some have argued there needs to be totally new legislation while others have argued the years of community work in passing Ordinance 19-18 and the alliances made during that process need to be used to clamp down on illegal STRs. Another question that is asked, is whether the problem in the residential neighborhoods is created by 30 day rentals or is the problem the 20,000 illegal STRs of less than 30 days? These are all excellent questions that should be debated in the public square. An issue that

[1] See referral letter from DPP to the Planning Commission dated August 30, 2021 at page 2.
[2] Id.

should not need to be debated is whether STRs should be encouraged in the Resort zone.

The Resort Zone:

"This district is intended primarily to serve the visitor population…" ROH Sec. 21-3.100. Representative Patrick Branco, House District 50 and a supporter of Bill 41 wrote to the City Council, "Locating vacation rentals in areas zoned explicitly for tourism is not only the right thing to do; it is the only sensible option." (at page 726 of City Council testimony.) The provisions in Bill 41 and CD1 that restrict STRs in the Resort Zone are not the right thing or the sensible thing to do. As Lori Teranishi, a supporter of Bill 41 said, "our visitors should be directed to areas that have been zoned for tourism". (City Council written testimony at page 430).

CD1 – BE1 clears up some, but not all of the problems created in Bill 41 where STRs are regulated in the Resort zone. The removal of the hotel and condo hotel restrictions is a good first step at cleaning up Bill 41. However, placing conditions on TVUs and B&Bs inside the Resort zones directs tourists away from the Resort zone and back into the residential neighborhoods. Table 21-3 should be revised to permit TVUs and B&Bs in the resort zone without conditions. These STRs in the Resort zone already pay the Hotel and Resort Property Tax and already pay TAT and GET taxes. "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." (Mufi Hannemann at City Council testimony, pp. 528-29).

Conclusion:

Please (1) Keep the restrictions on hotels and condo hotels out of Bill 41. (2) Change Table 21-3 in the Resort Zone for TVUs and B&Bs to "P" a permitted use from "P/c3" as set out in CD1. (3) Clean up the Multifamily Dwelling Density Limits in Sec. 21-5.730 (b)(3) (at page 26) to make clear that if the dwellings project documents allow 100% of the dwelling units to offer TVUs or B&Bs and are in the Resort zone that 100% of the building may participate in STRs.

Mahalo for your work on Bill 41. I look forwarding to working with you to protect our residential neighborhoods from the adverse effects of STRs.

Jim Tree

From: CLK Council Info
Sent: Tuesday, January 18, 2022 3:17 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kathleen Ochsenbein
Phone	
Email	crjjsp@comcast.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose bill 41. I have several vacation rentals on the street I live on and there has NEVER been one problem. However, the neighbor that has 5 dogs, 3 of which are Pekingese has caused the entire neighborhood to want to move. Also, I own an NUC and I don't understand why you are proposing such a drastic increase in our fees. Are the hotels paying the same fees? There are only 700 of us left and raising the fees would not generate a great deal of income for the city. During the testimony of Bill 19-18, the city council refrained from doing this even though it was proposed. Please consider the impact that the fees will have on the few of us that have NUCs.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 3:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	STEPHEN KOFSKY
Phone	
Email	STEVELOVESMUSIC2@YAHOO.COM
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear Council Member Elephante, et al, On behalf of my family and our neighbors, we strongly support passage of Bill 41 and CD1. We also believe that the Jan 17 document of suggestions submitted to you by Cade Watanabe, Larry Bartley, Chuck Prentiss, et al, are good suggestions. My recommendations in regard to the updated draft of the Bill for an Ordinance (41) that was sent out last Friday by Council Member Kia'aina, are a tightening of some of the loopholes, that I know by personal experience are currently and knowingly being exploited by an adjacent property owner who has been served 3 NOV's and 3 NOO's! The violations continue unabated. I have particular concern starting with pgs 16-18 of the Bill modification beginning with Section "j" and continuing through Section "m" and am suggesting that, based on what is currently occurring at 451 Keolu Dr, in all of its flagrancy following issuing of even the recent NOV's and NOO's, which were supposedly deemed as "corrected", that the language be tightened up to preclude the need for future re-writing or amendment as it relates to Enforcement of the proposed Bill. I am thinking along the lines of adding language to the effect of: "subpoenaing neighbors of the property in question to testify to their knowledge of the frequency, duration, and extent of the short term rentals if verification is not otherwise available to the Department (DPP) as it relates to deeming the Violation corrected." A neighbor would be more willing to disclose what they have observed under subpoena, and though I know that a subpoena is an instrument of a Court proceeding I am hopeful that such an instrument would give the Department an alternative to surveilling the property to determine the true extent of the violation. Not to be looked at as neighbor's turning in neighbors, but more so getting the community involved in an issue that directly impacts their life on a day to day basis by offenders who put profit ahead of concern for their fellow citizens.

The mere allowing of the violation correction "to be reported in writing by the violator" opens a wide door of problems, and should the matter wind up going to a Civil court, how can perjury be determined without outside help, i.e. testimony by adjacent neighbors (who like many neighbors, now have CCTV type security cameras)? It is extremely hard to argue against time-stamped photos, videos, etc. corroborated by witness testimony, preferably done under subpoena or another similar official instrument which either exists or be created specifically to prevent this obvious loophole.

I know from experience with the DPP investigators that they feel frustrated with wearing the 2 hats of "inspecting" and "enforcing". Let the community affected help in matters of evidence so that quick resolution results. Allow Process to be served outside of the DPP for NOO's, and NOV's if the property owner is serially evasive, as our problem owner, of supposedly Oahu 6 properties, is.

Thank you,

Stephen Kofsky, Enchanted Lake, Kailua

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 3:22 PM
Subject: Council Testimony

Written Testimony

Name	Lloyd Kuribayashi
Phone	
Email	llk8877@gmail.com
Meeting Date	01-20-2023
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	By making 6 months minimum will eliminate the TAT taxes income for the state. It will also run all the vacation rental homes out of business. Small business like us have no chance against big businesses like hotels so hope some council people are not getting paid off from big businesses. But that's life!!!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 3:59 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Stu Simmons
Phone	
Email	stu_simmons@hotmail.com
Meeting Date	01-20-2022
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 CD1 for the following reasons: * It follows sound and reasonable land-use and zoning principles. * It protects and preserves residential zoning for permanent residency of our residents. * It eliminates many of the loopholes that have allowed illegal vacation rentals to skirt the law. Specifically the use of fake 30-day leases by illegal vacation rental owners & managers. * It discourages investors from buying residential zoned homes and use them as transient lodging & second homes. * It helps curb tourism sprawl and compliments a sustainable tourism industry. Thank you Zoning Chair Elefante and members of the Zoning Committee for your hard work.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 6:23 PM
Subject: Executive Management Testimony

Written Testimony

Name	Beverly Cunningham
Phone	
Email	scentofwater6@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Executive Management
Agenda Item	Illegal vacatiom rentals
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We want to suport the ban of illegal vacation rentals. Vacation rentals that don't follow the law should not be allowed. We live in a coastal community and my husband. Lou, served on a committee for our city that halted the negative effects of illegal vacation rentals.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:25 AM
Subject: Council Testimony

Written Testimony

Name	Jeffrey J. Sol
Phone	
Email	solj001@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please pass Bil 41 Bill 41 CD1 will add much-needed enforcement tools to the Department of Planning & Permitting's (DPP) ability to crack down on this illegal sapping of much needed housing.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:09 AM
Subject: Council Testimony

Written Testimony

Name	Dayla
Phone	
Email	dayladee22@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Do not make short term rentals illegal.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:51 AM
Subject: Council Testimony

Written Testimony

Name	William Li
Phone	
Email	wli123@yahoo.com
Meeting Date	01-19-2022
Council/PH Committee	Council
Agenda Item	Zoning and planning
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, January 18, 2022 4:45 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mike K Dailey
Phone	
Email	mdhawaiipolo@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	As a 50 plus year resident of the Waialua area, Ive watched the increasing difficulty for local renters and families to find housing in our community. Illegal vacation rentals on the north shore are like a plague and a cancer destrying the fabric of our community as more and more people get pushed out of their rentals..or priced out of thier homes.. so that these houses can then be used for Vacation rentals. And it is the prosepect of this illegeal(but commmonly accepted...and promoted by many realtors) rental income that has helped drive up the cost of homes and apartments in our community.... beyond the affordability of kamaaina families. The recent influx of "remote workers" with high incomes (by our rural standards) has only made this situation that much worse. Everyone knows that illegal vacation rentals are a problem and an issue..... Its time to actually do something about it! Mahalo, Mike Dailey
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:04 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Karen Young
Phone	
Email	kareny402@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The vast majority of rentals operate responsibly and legally and eliminating the few bad actors who do not operate responsibly would benefit the County and its visitors. This is why the rules we already worked so hard to come to and the MOU signed by the county must be enforced. The MOU is working effectively on Kauai and could benefit Oahu as well if enforced correctly. In addition, the existing law was never enforced by the DPP. The City should first enforce Bill 89 for at least one year to identify what works and what needs improvements and revisit for adjustments after enforcing the existing regulations. The Bill continues to establish hotels as the privileged class which is unacceptable and will be challenged to the full extent possible on takings of property rights. Any restrictions or registration requirements proposed on STRs must be equally applied to hotels. So, if the county charges $1000 to register a unit, then each hotel must also be charged $1000 to register. Similarly, if condos are limited to 50% so should hotel rooms. Managing tourism on our island is an important issue-but not one that CD1 addresses. Tourists rarely come for 30 days and almost never stay for 90. When we talk about a 90-day minimum, it will only harm the people who work here, including members of the military and medical staff and local families who need an alternative from pricey hotels. Those are the people impacted by a 90-day limitation. The increased NUC renewal fee for $600 to $4000 on top of the proposed 90-day minimum would be devastating to local STR owners. These steep costs make it nearly impossible to operate. Sincerely, Karen Young
Testimony Attachment	

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:08 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Spencer lee
Phone	
Email	sspence37@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 (2021) RELATING TO TRANSIENT ACCOMMODATIONS
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The vast majority of rentals operate responsibly and legally, and eliminating the few bad actors who do not operate responsibly would benefit the County and its visitors. This is why the rules we already worked so hard to come to and the MOU signed by the county must be enforced. The MOU is working effectively on Kauai and could benefit Oahu as well if enforced correctly. In addition, the existing law was never enforced by the DPP. The City should first enforce Bill 89 for at least one year to identify what works and what needs improvements, and revisit for adjustments after enforcing the existing regulations. This Bill continues to establish hotels as a privileged class, which is unacceptable and will be challenged to the full extent possible on takings of property rights. Any restrictions or registration requirements proposed on STRs must be equally applied to hotels. So, if the county charges $1000 to register a unit, then EACH hotel room must also be charged $1000 to register. Similarly, if condos are limited to 50%, so should hotel rooms. Managing tourism on our island is an important issue—but not one that CD1 addresses. Tourists rarely come for 30 days and almost never stay for 90. When we talk about a 90-day minimum, it will only harm the people who work here, including members of the military and medical staff and local families who need an alternative from pricey hotels. Those are the people impacted by a 90-day limitation. The increased NUC renewal fee from $600 to $4000 on top of the proposed 90-day minimum would be devastating to local STR owners. These steep costs make it nearly impossible to operate
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:20 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mabel Ann Keliihoomalu
Phone	
Email	mabelannspencer@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support Bill 43 We need to stop the Bed & Breakfast that have turned neighborhoods into a business venture, escaping from paying taxes and bringing more population here in an already overpopulated island. We must keep our communities for the populous people here and protect our valuable resources. Mahalo, Mabel Ann Keliihoomalu
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Nancy Taylor
Phone	
Email	taylorn005@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support the change in the definition for B&Bs and TVRs to any unit rented for less that 90 days and especially the part restricting short term rentals in residentially zoned neighborhoods where the disruption to the lives of residents has been so difficult for so long.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mark Baker
Phone	
Email	markbaker@compuserve.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I love to travel and when I do I stay somewhere with a resident, be it a BnB or TVU. The way to positively impact communities and change the world is with conversation. We can change the world by bringing and providing Aloha to those we meet. We do this by talking with real people in real places. There is a need and a demand for hotels, but there is also a need for lodging that includes more personal contact, communication and Aloha. Please find a way for the visitors who want to be integrated into the community to stay with community members and allow them to benefit from our Aloha spirit. Otherwise we are just succumbing to the wishes of business. My street has TVSs, none of us object, I enjoy meeting people who can visit, experience community based Aloha, and take it home to share. Mark Baker, MD
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:26 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Catherine Tang
Phone	
Email	tang.catherine13@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As small business owners of short term rentals, we also support stopping illegal rentals. HOWEVER, it is unjust to benefit one party (hotels) at the expense of another (small business owners) to achieve the same goal. My small business helps three generations of my family survive. Without it, we have no means of income. We will also need to let go of our housekeeping team, who help take care of our properties. This is also their main source of income for their families. Please do better and reconsider the sheer number of citizens' whose livelihood would be destroyed all to benefit the few large hotel operators. Why should I give up my condo to a hotel management company who forces upon us a 50% service fee on revenue (not including the HOA, taxes, etc.)? Please think about all the small business owners who will go under at the huge benefit of large hotel operators.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:32 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Catherine Tang
Phone	
Email	waikikiph201@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As small business owners of short term rentals, we also support stopping illegal rentals. HOWEVER, it is unjust to benefit one party (hotels) at the expense of another (small business owners) to achieve the same goal. My small business helps three generations of my family survive. Without it, we have no means of income. We will also need to let go of our housekeeping team, who help take care of our properties. This is also their main source of income for their families. Please do better and reconsider the sheer number of citizens' whose livelihood would be destroyed all to benefit the few large hotel operators. Why should I give up my condo to a hotel management company who forces upon us a 50% service fee on revenue (not including the HOA, taxes, etc.)? This effectively results in negative income for all condo owners, and will crash the real estate market. Please think about all the small business owners who will go under at the huge benefit of large hotel operators.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:33 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Liqiang Tang
Phone	
Email	ltng255@yahoo.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As small business owners of short term rentals, we also support stopping illegal rentals. HOWEVER, it is unjust to benefit one party (hotels) at the expense of another (small business owners) to achieve the same goal. My small business helps three generations of my family survive. Without it, we have no means of income. We will also need to let go of our housekeeping team, who help take care of our properties. This is also their main source of income for their families. Please do better and reconsider the sheer number of citizens' whose livelihood would be destroyed all to benefit the few large hotel operators. Why should I give up my condo to a hotel management company who forces upon us a 50% service fee on revenue (not including the HOA, taxes, etc.)? This effectively results in negative income for all condo owners, and will crash the real estate market. Please think about all the small business owners who will go under at the huge benefit of large hotel operators.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 5:35 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Liqiang Tang
Phone	
Email	louis.tang868@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
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, January 18, 2022 5:36 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jun Tang
Phone	
Email	juntang1699@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
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, January 18, 2022 5:38 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Charles Yu
Phone	
Email	123pinksmiley321@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
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, January 18, 2022 5:38 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Louis Tang
Phone	
Email	louis.tang868@yahoo.com
Meeting Date	01-18-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
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, January 18, 2022 5:41 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Neil Frazer
Phone	
Email	neilfrazer@icloud.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Organization
Organization	Frazer - Mac Neil Ohana
Written Testimony	I strongly support Bill 41 CD1 because it appears to give DPP the mechanisms and funding necessary for enforcement. Without timely and effective enforcement nothing will change. Short term rentals in residential neighborhoods push every resident of O'ahu downward on the ladder of affordability with the lowest-income residents pushed into homelessness. Moreover, by inflating the price of long-term rental housing, short term rentals make it more difficult for knowledge-based businesses to recruit employees, thus preventing O'ahu from diversifying its economy into industries less cyclical than tourism. Although I lack the expertise to parse out the implications of each part of the Bill, I suspect that the enforcement provisions are the most important. Until DPP has the personnel and funding necessary for rapid and effective enforcement, no ordinance or regulation has any chance of success. I have no sympathy for homeowners who claim they cannot afford their homes without short-term rentals. My observations over 35+ years in Lanikai are that such owners are simply greedy, or recent investors from the mainland, or both. I suspect that if all Lanikai rentals were long term, it could easily hold twice as many O'ahu resident households as it does now.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 6:10 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Patrick Mehring
Phone	
Email	patrickmehring@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am a 25 year resident of Hawaii living in Waikiki. I own a condo in Waikiki that I currently live in. I completely oppose the new ordinance Bill 41 CD1 because it takes away my right to lease for less than 90 days. I do not currently lease my home, but I have in the past for a minimum of 30 days and maximum of 90 days when I was traveling more. I understand restricting rentals for less than 30 days for tourism purposes, but restricting the right for owners like myself to rent my property for a minimum of 30 days but less than 90 days is punitive and hurts property flexibility. This plus the burden of possibly having to pay a large fee for the right to rent an apartment for more than 30 days but less than 90 days? Renting for more than 30 days minimum is not renting to tourists which is the intent of this measure. Regulate short term rentals, NOT the locals who do not rent for less than 30 days. Vote NO on Bill 41 CD1 now. Sincerely, Patrick Mehring
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 6:47 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marianne Martin
Phone	
Email	marem@aloha.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	I have seen illegal rentals destroy Kailua and Lanika Oahu. Then on Maui poor Lahaina. Now it is ruining several residential areas on Kauai. Your Hawaii resident are begging for affordable housing and rentals, Communities are toned residential to protect our Keiki. Please stick to zones and keep residential residential.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 6:51 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jerry Gibson
Phone	
Email	jgibson@turtlebayresort.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 (2021)
Your position on the matter	Support
Representing	Organization
Organization	Hawaii Hotel Alliance
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:00 PM
Subject: Zoning and Planning Testimony
Attachments: 20220118185952_Testimony_Re_Proposed_CD1_to_Bill_41_2021_Ivan_M._Lui-Kwan.PDF

Written Testimony

Name	Ivan M. Lui-Kwan
Phone	
Email	iluikwan@starnlaw.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 (2021)
Your position on the matter	Support
Representing	Organization
Organization	Attorney for Hawaii Hotel Alliance
Written Testimony	
Testimony Attachment	20220118185952_Testimony_Re_Proposed_CD1_to_Bill_41_2021_Ivan_M._Lui-Kwan.PDF
Accept Terms and Agreement	1

IP: 192.168.200.67

STARN · O'TOOLE · MARCUS & FISHER
A LAW CORPORATION

January 18, 2022

Chair Brandon J.C. Elefante and Members of the
Committee on Zoning and Planning
City Council
City and County of Honolulu
530 South King Street, #202
Honolulu, Hawaii 96813

Committee on Zoning and Planning
Remote Meeting Via Zoom and at Council Multi-Purpose Room, Room 205, Honolulu Hale
Thursday, January 20, 2022 at 9:00 am

Testimony of Ivan M. Lui-Kwan Re CD1 to Bill 41 (2021)
LUO Amendment Relating to Transient Accommodations

Aloha Chair Elefante and Members of the
Committee on Zoning and Planning:

Thank you for this opportunity to provide testimony.

I am legal counsel for the Hawaii Hotel Alliance ("HHA"), and join in the written testimony by Mr. Jerry Gibson on behalf of HHA. HHA's written testimony strongly supports CD1 to Bill 41 (2021) ("Bill 41"). Bill 41 strengthens the enforcement tools in Ordinance 19-18 which is designed to eliminate illegal short-term rentals which negatively impact our communities and the quality of life in our neighborhoods.

Bill 41 complies with the 9th Circuit Court decision in ***HomeAway.com, Inc. v. City of Santa Monica*, D.C. Nos. 18-55367 & 18-55805 (9th Circuit March 13, 2019) ("9th Circuit Decision"),** filed March 13, 2019. The 9th Circuit Decision is the benchmark court decision in short-term court actions throughout the United States, particularly lawsuits involving legal challenges by online platforms to municipal ordinances based on the Communications Decency Act ("CDA"), the Stored Communications Act ("SCA"), and Fourth Amendment ("4th Amendment") and First amendment ("1st Amendment") of the U.S. Constitution. The 9th Circuit Decision confirms defensibility of Bill 41. The 9th Circuit Decision is the most significant court decision because (1) decisions of the U.S. Circuit Courts of Appeals, which in the federal judiciary sit just below the U.S. Supreme Court,

Pacific Guardian Center, Makai Tower – 733 Bishop Street, Suite 1900 – Honolulu, HI 96813
Telephone: (808) 537-6100 – Fax: (808) 537-5434 – Website: www.starnlaw.com

carries more weight than U.S. District Court decisions; and (2) the 9th Circuit Court of Appeals has jurisdiction over U.S. Courts in Hawaii.

HHA believes strongly that eradicating illegal short-term rentals through sound regulatory enforcement provisions in Bill 41 will help our economy and community. The 9th Circuit Decision provides firm legal authority for the regulatory enforcement provisions in Bill 41.

HHA commends the Honolulu City Council for your commitment to further strengthening the enforcement tools of Ordinance 19-18 through Bill 41.

HHA strongly urges the Zoning and Planning Committee to advance Bill 41.

Mahalo nui,

Ivan M. Lui-Kwan

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:06 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Ronald Paul Tario
Phone	
Email	ronaldpaultario@gmail.com
Meeting Date	01-02-yyyy
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 (2021)
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	We are Airbnb host in beautiful Nuuanu. We have adhere to all rules and regulations of the city. Our guest are from everywhere, U.S., Canada, Asia, and Europe. They enjoy the Hawaiian experience that we provide to them. We teach them to respect our Aina and its people. We inform them about the protocols of our culture and historical landscape. Lot of our visitors want more than Waikiki has to offer, with a homey feeling. If you just keep changing zoning laws to force us to close, everyone loses. Except the large Hotels that take all those tourist dollars back to their corporate offices in the mainland. Aloha the Tario Ohana
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:19 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Belmer Negrillo
Phone	
Email	remleb@hotmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I have three main points against the bill: 1. We don't solve a problem of enforcement by making the threshold for illegality larger. To address the eventual illegal abuse of the current rental laws we need proper tracking of use and fee payments, not artificially creating a condition that will promote more abuse due to its excessive requirement. As an analogy, we wouldn't solve the problem of drunk drivers by closing all the bars at 6pm. 2. Not all the renters are "bad" renters. Instead of creating a blanket statement and blocking the good renters to return and spend money in the island, we should understand which rental conditions would increase the likelihood of blocking undesirable renters to come to residential neighborhoods. For example: only families, or max 6 people, or signing a community rules commitment with a fine for infringement. 3. Tourists that are staying for circa 30 days in a community are much more likely to be respectful to the local nature and neighbors than people driving to the location for the day. Promoting tourism with local emotional attachment is a better practice for sustainable tourism than focusing on resort scale and concentrated hubs.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rob James
Phone	
Email	Grjames@gmail.com
Meeting Date	01-20-2002
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha, Please protect our neighborhoods and preserve them for residential uses. R James
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:41 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Donna Ching
Phone	
Email	donnalching@icloud.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	There is absolutely no question that unpermitted vacation rentals need to be curbed. We have zoning laws for a reason - to protect the public and our island. An R-5 neighborhood should NOT be used as a resort destination. Alllowing this to happen has driven up the price of housing, reduced the inventory of rentals for residents AND adversely impacted the quiet pleasant enjoyment of homes in residential neighborhoods. It is unconscionable to allow illegal vacation rentals to continue outside of resort zoned areas. Mahalo for supporting the rights of residents just trying to sleep and enjoy their homes. Donna L. Ching Haleiwa
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 7:46 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Robert Katzman
Phone	
Email	RobandMare@Gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	#1. Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Waikiki is one of the most popular tourist destinations in the world. Families save for this "trip of a lifetime" and usually stay 5-7 nights. The Waikiki Banyan is not an apartment building. It is a condo hotel with 8 elevators, parking garage, pool & jacuzzis and just one block from the beach. Bill 41 would take away my ability to rent my condo to these short term visitors. The Bill doesn't want people renting their homes in outlying neighborhoods and you are greatly limiting their choices in Waikiki. A privately owned condo at the Waikiki Banyan is the perfect accommodation. It is safe, clean, good value and it allows a senior owner, like myself to live in Waikiki and be a good host to our visitors.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 8:21 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rita X Albina
Phone	
Email	delfina@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I would like to ask your support for Bill 41 CD1. I have seen the negative changes that the many illegal vacation rentals have brought to our Kailua community. I regret very much that the City did not enforce the existing zoning laws earlier. Hopefully Bill 41 will help to do so and restore some housing back to us residents. Mahalo for your support.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 8:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Lia Bosch
Phone	
Email	apnlodging@twc.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose Bill 41 as it is currently written! Bill 41sets out unnecessarily harsh measures for managing rentals. The vast majority of rentals operate responsibly and legally, and eliminating the few bad actors who do not operate responsibly would benefit the County and its visitors. We have an example where the original MOU that was established is working effectively on Kauai and could benefit Oahu as well if enforced correctly. This Bill continues to establish hotels as a privileged class, which is unacceptable and will be challenged to the full extent possible on takings of property rights. Any restrictions or registration requirements proposed on STRs must be equally applied to hotels. So, if the county charges $1000 to register a unit, then EACH hotel room must also be charged $1000 to register. Similarly, if condos are limited to 50%, so should hotel rooms. Managing tourism on our island is an important issue. The restrictions imposed by Bill 41 will severely harm the tourism industry by limiting the opportunity for tourist to visit and have choices as to where to stay. Local folks who live here, including members of the military, are also affected by the requirements for more than 90 day rentals. Bill 41 clearly favors hotels and big business. Small business owners and local residents who are currently making ends meet by renting to tourists and are more harmed than the hotels.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:09 PM
Subject: Zoning and Planning Testimony
Attachments: 20220118210844_Untitled_19.pdf

Written Testimony

Name	Jessica Smith
Phone	
Email	jesnmarley@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220118210844_Untitled_19.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

01/18/2022

To City Council Members of Hawaii,

My name is Jessica Smith and I am a born and raised resident of Kailua, Oahu. I am opposed to the new bill 41 even with the adjustment from 180 days to 90 days. I am a tax paying citizen and have a small studio in the back of our house. Once in a while we like to rent it out because it help us pay bills and expenses due to the high cost of living here on the island. The studio is too small to have a long term renter. We have one parking on property so neighbors have never been upset with us renting our unit. The good thing is that we are on property so there is never loud noise or any issues with renters. It is so small we only allow 2 renters to rent at a time. The city already passed ordinance 19-18 in 2019 and it has not even been three years and the city wants to regulate locals again on their right to rent a property that is their own. Focus on the current ordinance that was passed and implement better enforcement so that illegal renters can be fined and stopped. The enforcement has been effective because I look on platforms and see that renters are advertising their places for 30 days. So for the city to say that the reason for implementing this new bill is to regulate short term rentals, I think they need to focus on regulating the rentals currently so that they abide by the new 30 day minimum rental law. I would like the City to disclose how many illegal short term rental are still being advertised? Because I am sure that the number has drastically went down. Is there a graph to show data regarding this so that the local people can see the impact the new ordinance has achieved? If there has been a decrease in short term rentals because of the new ordinance then why are we jumping to increase the minimus more. If we do this then two years from now the city will want to increase to 180 days, etc. Lets just keep the 30 days for a few years and see how this pans out for everyone involved.

I know some issues are that mainland investors are buying property and renting them out short term which reduces inventory and increases home prices. Maybe make a bill that proposes home owners can only rent out one property short term to resolve this issue. This will reduce investors from buying multiple properties in Hawaii. Each home owner has to register their home that they are going to rent short term and maintain the 30 day minimum.

Please don't implement bill 41 all it is doing is hurting locals that are try to survive here on the island. I have neighbors that are retired that are renting their studios for 30 days to help supplement their incomes. I feel it is our right to rent our own property since we are paying taxes and doing it the right way. We need council members to stand up for our rights here on this island because lately its been looking negative. The rail seems to be the priority when it

should be public schools this is a sad reality. Lets work together and support residents of Oahu.

Thank you
Jessica

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:10 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Alex Ress
Phone	
Email	alexress99@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	There is an insatiable thirst for short-term lodging in our residential zoned areas. Bill 41 CD1 with it's minimum stays, stiff penalties, registration requirements, NUC renewal fees and many other improvements including enforcement measures is our best shot at breaking the obvious line between short term rentals in our residential zoned areas and the housing crisis. Yes, we are trying to keep short term rentals out of residential zoned areas. That's the whole idea.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:14 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	John Pyles
Phone	
Email	kahalalwp@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	We must preserve of residential neighborhoods for local residents. After all what is zoning for if not to protect the quality and character of defined areas within our communities for specific, defined uses. Please pass BILL 41 CD1. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:22 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Paul Spriggs
Phone	
Email	pspriggs@hotmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Please pass this bill, and include the 180 days minimum. As a resident of Kailua I have been fighting a losing battle to shut down illegal TVUs in my neigbourhood. This Bill will allow the DPP to better act on mine and their efforts. My neighbourhood is full of investment / rental properties owned by people living outside Hawaii.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Gerard Banel
Phone	
Email	gbanel@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 (2021) – LUO AMENDMENT RELATING TO TRANSIENT ACCOMMODATIONS.
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Hi, I own units in the Pacific Monarch and have been managing them myself as TVUs for 13 years. Although some units in the building are managed by Aqua Hotels, mines are not. This is my business, I manage my units myself. I offer visitors a place that looks more like a home away from home, a much better stay than a bland hotel experience. I live in Kailua, but I also spend time in my units, living in them for a weekend or a week in Waikiki. I oppose this bill, and specifically Sec. 21-5.360.1, for the following reasons: - It will destroy many small local businesses like mine, that were fully legal for decades, and will not replace them. - It will lower the quality of visitors experiences. - It will lower the amount spent by visitors: my accommodations can be more expensive that what the condo-hotel charges, because I offer more, so businesses like mine can attract visitors that will spend more in Hawaii. - It will put all the control of visitor accommodations in the hands of a few companies, creating a dangerous monopoly. - Part of the revenues generated from tourism will directly flow outside of Hawaii, as most of the Hotel companies (Especially in condo-hotels like Aqua Hotels) do not fully operate in Hawaii, damaging the economy, instead of benefiting it. - It will not protect the City's residential neighborhoods and housing stock in Waikiki, on the contrary, it tries to remove local people from living in the hotel and resort area of Waikiki, requiring special authorization. - This is my unit, and I should be able to live in it, whenever I want, to spend a weekend, or a week, or a month in my condo in Waikiki, without paying a company to rent it! Forcing somebody to pay a rent to stay in a place that he fully owns should not be permitted. - I bought this unit for the specific reason that I could use it as both a TVU and for my own use. You are changing the rules to make both illegal, and without any valid motive that will benefit the local population.

- The rules to own and manage a TVU should be the same, regardless of them being in a condo hotel or not. Making it illegal to personally manage a condo in a building that is partially managed by Aqua does not bring any benefits to the state and its population.
- There is a conflict of interest on this bill. The wife of the person who drafted it (Mr. Uchida) is an executive at Aqua, which explains this section in the bill. This conflict must be resolved, and the whole bill must be rewritten with the interest of the people of Hawaii in mind, not the interest of a specific corporation.

This section of this bill will not improve the economy, will not improve the neighborhood of Waikiki, will not improve our lives in Hawaii. On the contrary, it will damage Waikiki for locals, will damage the economy, will damage our lives, will damage the image of Waikiki for visitors, and will only profit to a few big companies.

For these reason I urge the committee to remove this section in the bill, or to fully rewrite this bill.

Thanks

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 9:47 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Ursula Retherford
Phone	
Email	robert.retherford@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Chairman Elefante and Members of the Zoning and Planning Committee, First of all, thank you Chairman Elefante and all who had input in crafting Bill 41CD 1. Much work and thought went into its formulation. I am in support of the revised version. Why? It is for all the same reasons that I have submitted in earlier testimonies on the matter of vacation rentals in residential zoning. My involvement with the issue has been long. Except for two occasions when I was off island, I submitted testimony to all hearings since 1989. And there were many hearings. My last testimony in favor of Bill 41 may still be in your files. I continue to support the present Bill with its revisions. Bill 41 CD1 addresses several of my major concerns, such as the adherence to the zoning laws governing residential neighborhoods; the negative impacts on housing by short term vacation rentals; and the impact on the quality of life of our residents by the incompatible use of residential zoning for resort activities. A concern that remains for me is the source of funding for the enforcement of this bill. The City always had the legal tools to enforce the law on illegal operations. Yet, the illegal operations continue to operate undeterred, with seemingly little to fear. Lack of resources has been used as an excuse for the City's past enforcement inaction. Lack of political will to provide the needed resources is probably closer to the truth. Now that City has finally openly acknowledged the deleterious impacts on housing and quality of life of our residents, I hope it will back Bill 41 CD1with political will and sufficient resources. Again, thank you very much for your work on Bill 41 CD1. Please all vote in favor of it. Ursula Retherford

42 N. Kainalu Drive
Kailua, HI 96734

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 10:10 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	A. Rose
Phone	
Email	islandrose@live.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose CD1. The bill that was passed several years ago but never enacted & enforced was the most fair option to homeowners and best supported the community. The existing law was never enforced by DPP. The City should first enforce Bill 89 for at least one year to identify what works and what needs improvements, and revisit for adjustments after enforcing the existing regulations. This Bill continues to establish hotels as a privileged class, which is unacceptable and will be challenged to the full extent possible on takings of property rights. Any restrictions or registration requirements proposed on STRs must be equally applied to hotels. So, if the county charges $1000 to register a unit, then EACH hotel room must also be charged $1000 to register. Similarly, if condos are limited to 50%, so should hotel rooms. Managing tourism on our island is an important issue—but not one that CD1 addresses. Tourists rarely come for 30 days and almost never stay for 90. When we talk about a 90-day minimum, it will only harm the people who work here, including members of the military and medical staff and local families who need an alternative from pricey hotels. Those are the people impacted by a 90-day limitation.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, January 18, 2022 11:13 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	David Lee Slusher
Phone	
Email	kailuadave5@hotmail.com01
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Transient B&Bs in Kailua are a difficult zoning issue. Enforcement of current zoning law will surface many illegal B&B and tax losses on all levels of government. I moved to Kailua in 1988 to live in a residential community instead of Waikiki. I understood and was happy with the six-month rental rule in my condominium and in Kailua in general. Our neighbors who rent long-term in Kailua are an important part of our community. B&Bs were not commonplace in Kailua for many years. It became apparent that B&Bs were causing house prices to rise more quickly than families could afford. The change of Kailua from residential to short-term rental must be stopped. Otherwise, Kailua will become a low-rise Waikiki. Several attempts to control the number of short-term rentals in Kailua were made. Each time some B&Bs were declared legal, but no more legal ones could be added. This did not stop the constant expansion of illegal B&Bs. When many homeowners and realtors do not get their way, they are happy to go the illegal route. Without zoning enforcement there are not consequences. Let's be honest here. It is the rich getting richer. During COVID Times it was even better to be an illegal B&B. You were not restricted like the legal B&Bs to close to control the spread of COVID. As a result, they did not close. During COVID restrictions people would not say where they were stay because they new it was illegal. I worked very hard on my condo board to keep short-term rentals out of our building. We have a six-month rule and enforce it. Even with the six-month policy, we had a drug dealer operating in the building tossing out drugs to people from his lanai. In addition, how many Illegal B&Bs are paying proper transient, local, state, and federal taxes. How much tax revenue is being lost? On moral grounds, you are creating an underclass who find they can evade taxes while running an illegal B&B. What is next? I support Bill 41 to enforce current laws and find out the true extent of illegal B&Bs. Then the future zoning of short-term rentals can be done on real information.

From: CLK Council Info
Sent: Tuesday, January 18, 2022 11:19 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Vlad Gurovich
Phone	
Email	vlad.gurovich@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I strongly oppose Bill 41 because it takes away the right of every property owner on Oahu, including myself, to rent their property for 30 days or more and does so without compensating for taking that right. When I purchased my condo in Waikiki Apartment Precinct, I knew that when Im not in Waikiki, I would be able to LEGALLY rent it out monthly without any issues. This bill takes this currently LEGAL use and makes it ILLEGAL by changing the minimum to 90 days. I oppose this change
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 12:40 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Larry Bartley
Phone	
Email	sonhawaii@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Organization
Organization	Save O'ahu's Neighborhoods
Written Testimony	Please support Bill 41 with the proposed CD-1. We need to return residential housing to residents. Bill 41 CD1 will help.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:19 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	LILLIE MCAFEE
Phone	
Email	lilliemcafee@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	If the goal is to shut down all ILLEGAL VACATION RENTALS on Oahu, why punish the LEGAL NUC-HOLDING VACATION RENTAL OWNERS, who have done everything right, by increasing the renewal fee to a WHOPPING $4000?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:55 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Ken Kribel
Phone	
Email	kkribel@icloud.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	CD1 will eliminate STR. It will make it to financially difficult for the individually who rely on that income to make ends meet. I agree that STR's need to be regulated but with sensible regulations. Tourists are not coming to stay for 90 days. So many rely on STR's because of the convenience. They also cannot afford the high price of staying in a hotel. I also think that one size does not fit all. There are areas that rely of the tourists to support local businesses along with housekeepers, maintenance gardeners and others who are employed by STR owners. CD1 is not a solution.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:05 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Thomas Edwards
Phone	
Email	onvaconhi@aol.com
Meeting Date	01-20-2021
Council/PH Committee	Zoning and Planning
Agenda Item	Bill CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a vacation rental business owner since 1997, I oppose the bill being proposed for the following reasons: Vacation Rentals in Waikiki fill a need for vacationing tourist who are looking for a condo atmosphere where a full kitchen is provided, allowing guest for more independence while vacationing in Hawaii. Full kitchens allow guest to cook for their own special needs and during the times of covid, guests fell safe not visiting eating establishments and preparing their own meals. Vacation rentals also are less expensive than hotels in Waikiki, offering a value for the budget traveler. I feel there are plenty of tourist coming to Waikiki to support hotels and vacation rentals. We are also providing jobs for our locals community with our cleaners and condo management team. Please allow vacation rentals to continue to operate in Waikiki and fill our tourist travel needs.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

Dear City Council Members,

Opposition/Testimony Re: Bill 41 Relating to Transient Accommodations

Our names are Arthur and Debbie Riggs. We are owners at the Association of Apartment Owners of Waikiki Banyan, and we strongly oppose Bill 41 because it appears to have been written by the Hotel Industry for the Hotel Industry, detracting from the original intention of Bill 89. What is particularly disturbing is how the proposed Bill would bring widespread economic challenges and infringe upon owners' property rights.

If Bill 41 is taken beyond the proposal stage, many, including ourselves, will suffer economic hardship. The current proposals of this Bill do not provide reasonable regulations and they greatly limit our ability to provide pensionless income for our retirement, and more importantly from a local economic perspective, steady jobs for countless local workers.

Waikiki Banyan vacation rentals are a valuable part of Honolulu's tourism economy. Our vacation rentals provide needed affordable accommodations. Our visitors who stay in our vacation rentals can afford to patronize local shops and restaurants, rent vehicles, take adventure outings because all their money is not being spent at expensive hotels. These visitors in turn share their experiences with family and friends, keeping the economic cycle alive and vibrant.

In addition to the contribution our visitors make to the local economy, as owners, we contribute a great deal to the local economy by purchasing furniture, appliances, housewares, insurance, and various utility services. More importantly, we contribute to the local job market. We employ a local management company which in turn hires cleaners, book-keepers, accountants, maintenance workers, and trades people. If owners like us are forced to sell our properties because of Bill 41, small businesses will be forced to shut down. The Hotel Industry wants this but surely City Council does not. As a City Council Member, you need to ask yourself what is going to happen to all the local workers if these businesses are forced to close.

A final way we contribute is through the taxes we pay to the State and Federal Governments on our vacation rental earnings and property taxes. This money goes directly into government coffers for a whole range of programs benefitting Hawaii society.

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 limit owners' rights is unacceptable and will be challenged vehemently at all levels in the courts. Therefore, we ask that you consider the interests of the wider community other than just the Hotel Industry when making the final proposals of this one-side and discriminatory Bill.

Thank you for taking the time to read our concerns. We urge you to be prudent and consider the full range of society's members when making your decisions regarding Bill 41.

Sincerely,

Arthur and Debbie Riggs
2103, Tower 2

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:49 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	erica levin
Phone	
Email	erica@sfsweetsf.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	

Written Testimony

Dear city council member,

My husband, kids and I rented a home this summer in the Lanikai neighborhood through Private Homes Hawaii for 2 months. We would not have come to Oahu and stayed for 2 months had it not been for the private home that we were able to rent. We would not have stayed in a hotel or in Honolulu for 2 months. We wanted to be safe from Covid and in a quiet community so that we could see how it feels to live in Kailua as we have long considered a move there.

Our intention was to get a sense of the area and community, begin to build community and get a sense of the various schools and meet people in person to discuss all aspects of a move. For 2 months we got to know some really nice people from very diverse walks of life and we began to build community and became friends with neighbors and so did our kids. Through going to the farmer's market each week we came to know a local, multi-generational farmer and began visiting his farm and hope to build something with him in the future. We shopped at the local stores and ordered out from the local restaurants. None of this would have happened had we not been able to rent a home long term through a trusted local agency.

From what we observed at the beach and on the loop each day, there seemed to be many other families, some multi-generational, visiting and enjoying the area in a grounded and respectful manner. Our kids went to a local summer camp with some of the kids of these families and had fun together and are still in touch. We did notice a good amount of inflow and outflow to the Lanikai and Kailua beaches and at times felt uncomfortable with the endless instagramers, drones and posing people. But, after all, the beach belongs to all of us so we did our best to laugh it off and even began a daily trash pickup walk. Most of what we found were micro plastics but we did do our part to tidy up after the day visitors.

Because of our positive experience, we ended up purchasing a home and are planning to

build a life for the future and are contributing to the local economy and will for years to come.

We hope that the city council will choose to come to a more equitable solution to the perceived problems at hand. We are not well versed on the hotel lobby and the money involved in trying to undermine the private home rental agencies. We are also not aware of the complex layers of why the Lanikai community can be so interested in perpetuating their exclusivity by looking to exclude the renters. Ultimately we believe that the best case is always to find solutions for both sides and that new comers must be welcomed and positively engaged. For us, the many retirees and families that we met all seemed to genuinley engage in the local scene in a positive way and supported the local economy.

We wonder how Kailua town will continue to have viable businesses minus the longer term renters and tourists overall. From what we saw over the months we were there as visitors and since, it does not seem economically realistic that 30 day rentals could be ended as then possibly the entire local commerce may collapse as day visitors likely don't come to visit the bakery, crystal shops, sign up for classes, visit the book store, purchase a meaningful gift at the jewelry store, frequent the restaurants etc. They probably go straight to the gorgeous beaches with a quick stop at a market for food. Maybe they rent a kayak and grab a shave ice. And, if the folks come over for the day, the actually don't engage in a positive way more than simply taking a peek and heading back to the city. There is no deeper connection. While we lived on Mokulua we met one family that rents a house each summer for many years and helped direct up to the local spots they had enjoyed. This is special, this is engagement and care.

Another factor to give great weight to, if the owners of the homes that offer 30 day or more rentals are unable to rent them out, what happens then? Many appear to be inherited properties with owners who live far away. How do those folks maintain homes and pay for them? Do they sell their grandparents or parents home because they cannot afford to keep it empty? And, if all these people sell the homes, who is the buying pool and do the "locals" want those folks as neighbors? There seems to be a frenzy to purchase at the moment and we have been told many of the new folks are also not intending to occupy the homes as they are third, fourth or even fifth residences of the super affluent. One house, under construction, sits eerily still as the reportedle the owners cannot get money out of their country to continue the work. Is this what makes more sense than well vetted short terms renters most of whom are families? Ghost houses on the loop don't seem welcoming to us. And, what of all the web of rental agents, grounds keepers, gardeners, house keepers etc. who work for the established short term rental agencies? Are those people all going to find other well paying and satisfying work easily on an island that has deep roots as a tourist economy?

We hope that you seek to support the private home rentals in offering homes for 30 day, or more, to well qualified, vetted and honorable people. We hope you choose to use your resources to focus on enforcement rather than exclusion. We welcome the renters and know we will find friends amongst them who will grow to care deeply for the area, conservation and ocean life just like we do.

Thank you for your time and consideration.

Erica Levin

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:57 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rachel Johnson
Phone	
Email	rachel.johnson@uvm.edu
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	Self
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:46 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Devon Dailey
Phone	
Email	hawaiipolo@gmail.com
Meeting Date	01-20-2022
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 cd1. We need to close the loopholes and return badly needed housing units to residents. Tourists belong in hotels not in neighborhoods. Vacation rentals eating up housing are one of the biggest factors pushing local people off the island.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:52 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Leslene Collado
Phone	
Email	lyuki@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Illegal Vacation Rentals
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We have experienced our neighbor using their 2nd level home as a vacation rental, the bottom is the home owners ex-boyfriend (who claims for months they were not renting to tourist or using the 2nd level as a vacation rental). Called homeowner and she told me that she's renting and earning over $5,000 a one month versus long term rental. Fortunately we were able to have them shut down by the C&C, it took daily and weekly calls to HPD and the C&C to report when new vacation renters had moved in. We were working with Colin Ishikawa at C&C. We were never given a report but the address of the home is: 2553 Peter Street, Honolulu, HI 96816, I'm sure the C&C can look it up and find the information on the illegal vacation rentals that was happening at 2553 Peter Street. We need to STOP illegal vacation rentals, they are taking away homes from local who could find a place to live.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 8:44 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Sean
Phone	
Email	seanbrady808@yahoo.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 411
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Aloha Chair Tommy Waters and Members of the City Council,
I am testifying today as a very concerned small business owner who stands to be impacted greatly by Bill 41 to which I am opposed. I purchased a condo unit in Waikiki's special district for permitted legal 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.

This bill should not be attempting to address the issues in residential neighborhoods and make changes to the legal resort zone units simultaneously as these are two completely different issues. The legal resort zone units have always operated in good faith and have been better neighbors than the hotels that surround us. What do these proposed changes and regulations to the resort zone accomplish besides benefiting the hotel and hotel operators by shutting down the small amount of competition they have? Do these changes to the resort zone keep tourists out of residential neighborhoods as Dean Uchida claims? Absolutely not. Everyone agrees that Illegal short term rentals need to be shut down, and the consequences for violations need to be stiff. Those of us operating in the legal resort zones are no different that the hotels that surround us, with the exception that we are small business and they are large international corporations. Why are the hotels exempt from these proposed restrictions? Can you explain how their operation is any different than ours?
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. Please remove the restrictions on the resort zones from bill 41 and focus solely on regulation and enforcement in the residential areas. Please do not confuse the operators in the resort zones with those who are operating illegally in the residential neighborhoods.
Thank you for your consideration.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 8:52 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Paula Ress
Phone	
Email	paular@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	All parties want to make it easier to enforce the ban on short-term rentals in residential areas. Please support Bill 41.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

ELITE PACIFIC
PROPERTY MANAGEMENT

January 20, 2022

Honorable Brandon Elefante
Chair, Zoning and Planning Committee
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 Elefante and Members of the Zoning and Planning Committee:

My name is Kristin Counter, Chief Operating Officer of Elite Pacific. Elite Pacific 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 the change in definition of a short term rental to either 180 or 90 days as written in 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. The community agreed upon the 30 day definition of a short term rental though the heavily contested process of passing Ordinance 19-18, and the County has yet to enforce that through administrative rules and the MOUs with Expedia Group and Airbnb.

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 Recommendation: RESTORE 30 DAY DEFINITION OF A TVU.

Our major concern of Bill 41 and the proposed (CD1) relates to the proposed 180 and 90 day definition, respectively, of a transient vacation unit. The amended definition eliminates moderate

term rentals that are less than 180 or 90 consecutive days and creates a legal dilemma for the County in addressing the vested rights of current legally operating owners.

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. We ask the County to enforce this instead of undoing the years of work it took to get to this point.

Thank you for the opportunity to testify on this matter.

Sincerely,

Kristin Counter
Chief Operating Officer

From: CLK Council Info
Sent: Wednesday, January 19, 2022 8:59 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Alana Barrera
Phone	
Email	alanabarrera@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	we need to keep residential areas for residence- NOT TOURIST! We need to have communities stay intact. Vacation rentals don't belong in our communities. Keep tourists out of our residential areas! By keeping residential areas for residence, we can help the housing shortage.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:01 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jeannine Johnson
Phone	
Email	jeannine@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
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

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:06 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	David B McCarrey
Phone	
Email	davemccarey@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	NUC's Fee Increase
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	The proposed NUC's fee increase from $ 600.00 every 2 years to $ 4,000.00 every 2 years is both punitive and chilling. It's design can only be is to punish individuals, who have maintained previous regulatory requirements and to prevent the quiet use and enjoyment of property owners. This proposal, along with other proposed regulatory changes will have a negative impact on one class of property owner in Hawaii while shielding and promoting another class of property owner. These changes, on their face, are discriminatory in nature and hint at a racial bias. The proposed changes should be rejected.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:09 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Michael Anderson
Phone	
Email	mapasince1980@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support our council taking action to better amend the enforcement around illegal short term vacation rentals on O'ahu. If attracting a more conscious and higher spending traveler to help fund pad our county's funding now that we are collecting TAT, the county should also make every effort to enforce penalties on these illegal rentals that not only attract lower spending tourists but but our local residents at burden from finding affordable housing. The council shouldn't penalize legal operations but focus on making amendments to this bill that makes it less attractive to landlords that are only taking advantage of the loopholes in our laws to maximize their profit off of this amazing opportunity our county has allowed to fester on our island for too long, they now see this as a lifeline to affording a lifestyle many locals could only dream of having, multiple homes as opposed to just one home. This minority that are opposing this bill seems entitled wanting to keeping up their illegal operations when the overwhelming majority of our islands residents see this as a major issue that continues to bring many problems into our residential communities. I urge the council to continue to take steps from all angles to protect the limited housing stock for the local workforce that is needed to work in our service oriented industries.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:09 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Rocky Toomey
Phone	
Email	btfxhawaii@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Bill 41 is a heavy-handed reaction, and it unfairly punishes property owners. Moreover, the provision to increase NUC fees to $4,000 is completely absurd. Owners with NUCs have been playing by the rules year after year, since 1989. They've been paying their fees, and submitting their paperwork on time…otherwise, they wouldn't have their NUCs anymore. Why punish these owners at all?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:15 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	William Barrera
Phone	
Email	cuchillo@live.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation rentals are destroying our communities. I have personally reports multiple STRs in my neighborhood alone and nearly ever get a response. When the DPP does respond, its the Hawaii government classic answer, "We have NOONE to enforce these laws." It has become a problem for residence to be able to find or rent a place to live, adding to the "housing shortage." It has also brought excessive trash, lack of parking, daily witnessed harassment of native endangered marine life, and other safety concerns within our residential communities. It would be nice to see, not only new legislation, but to see actual enforcement of these laws. Because what good are laws, if they are never enforced? A possible solution would be a trained Taskforce of volunteer residents that could work in conjunction with the law enforcement agencies. ("citizen policing") This would ensure the upholding of these laws that are currently severely being negated. Please pass Bill CD1.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:23 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Leah Retherford
Phone	
Email	leahretherford@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear Members of the Zoning and Planning Committee: On August 31, 2021 I submitted testimony in favor of Bill 41 to your committee. I am also supporting the revised bill. As I mentioned in my earlier testimony, I have witnessed firsthand the negative impacts that the explosion of vacation rentals in my Kailua neighborhood had on the community and the housing market. Many of us who moved to the mainland, including my two sisters and school friends, could not afford the cost of housing and raising a family in the place where we were born and grew up. The exodus from Hawaii of so many young people is not healthy for Hawaii economically, socially, or culturally. I urge you to support Bill 41 CD1. Please help restore badly needed housing to use by our local residents and help preserve the special qualities of our neighborhoods. Thank you. Sincerely, Leah Retherford 1021 McKinley Ave., #12 Oakland, CA 94610
Testimony Attachment	
Accept Terms and Agreement	1

THE KAHALA

HOTEL & RESORT

Honolulu, Hawaii

Testimony of
Joe Ibarra
General Manager
The Kahala Hotel & Resort

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 Kahala Hotel & Resort.

The Kahala Hotel & Resort – representing 338 luxury hotel rooms, with six full service food and beverage operation outlets, employing nearly 500 residents who support their families across the entire island of Oahu believes that it is imperative to regulate short-term units on Oahu. As a member of HTA's Oahu Destination Management Action Plan Steering Committee for the island of Oahu, we identified this as a key item to be addressed to ensure that we preserve Oahu and its resources for the enjoyment of all, both visitors and community members.

Visitors to our island need to stay within resort areas that have capacity and infrastructure to handle and support their activities. Resort areas have individuals who are trained to engage with visitors and most importantly teach visitors how to enjoy our islands and all it has to offer in a *pono* manner. Visitors need to be respectful of our communities and be taught to enjoy our natural resources in a way that will ensure it will remain pristine for generations to come. Ensuring that visitors are accommodated in appropriate locations also ensure that the appropriate taxes are collected that are imposed on everyone within the hospitality industry.

Many of our employees have been impacted due to illegal vacation rentals. Many have found it difficult to find affordable housing in neighborhoods as many are operated by out of state owners and rental prices have skyrocketed. Neighborhoods with illegal vacation rentals also have visitors within them who are not *maa* to the nuances of being in a multi-generational area. Increase in noise, traffic and congestion are clear concerns. The increase of these units in neighborhoods and its effects, have contributed to many discussion on over tourism. All of this could be mitigated with strict enforcement of illegal vacation rentals and ensuring visitors remain in areas that are adept and ready to receive them.

Finally we express support for the proposed CD1 offered by DPP Director Uchida, which supports legal short-term rentals in designated areas and expands the definition of "transient occupants".

Given the above items, The Kahala Hotel & Resort strongly supports Bill 41 and asks the council consider the amendments set forth in proposed CD1.

Thank you for the opportunity to offer this testimony.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 8:46 AM
Subject: Council Testimony

Written Testimony

Name	Sebastyen Jackovics
Phone	
Email	sjackovics@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Requiring stays longer than a month for any rentals will be devastating to my family and our ability to maintain our Hawaii residence. We travel back and forth to Hawaii and rely on our ability to rent our home to longer stay clients (30 days plus) to secure our home and make sure it's being occupied and taken care of while we are gone. Making this illegal will not create more housing for homeless or reduce long term rental costs but rather just hurt more Hawaii based homeowners and returning guests to our island and focre many just to keep their homes empty or as happening more recently, be forced to sell to wealthy off island folks who keep their places empty when they are not there. This will just hurt our local neighborhoods even more and our local economy as well. Stop the nonsense already!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:33 AM
Subject: Council Testimony

Written Testimony

Name	Gena Whitten
Phone	
Email	genawhitten@gmail.com
Meeting Date	01-20-2020
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	As a long time homeowner, I wish to voice my opposition to items in Bill 41. I am a former President of the HOA for Kuilma Estates West. My experience in the community over 18 years is that the nature of our neighborhood has changed from a comfortable residential neighborhood to a constant turnover of vacationers, noise, and overuse of our common areas. Our HOA ByLaws does not give the HOA authority to enforce or limit this activity. Changing our By-Laws is a lengthy process legally and costly to the HOA. Vacation rental use is adding extra burden on the HOA of many extra costs which are a burden on long term residents who choose to make this as their home. The extra costs are: increased security, increase costs of maintaining infrastructure, increased cost of garbage collection. Residents should not have to bear the costs associated with running what in reality is a business and hotel operation in our neighborhood. Residents who do not rent their units should not have increased taxes due to this activity. The HOA is not equipped to enforce any restriction which the City and County enact. If C & C of Honolulu enacts restrictions, then they must follow through with enforcement. One of the worst parts of this changed use is the removal of residential housing which had been available to Hawaii residents in the past. I ask the City Council to limit long term vacation rental activity because of the impact on the community. I suggest rentals no less than 30 days with enforcement by the City.

I suggest that Residents who live in the community are not burdened with extra taxes or costs due the the business nature of Short Term Rentals.

Any restrictions which lessen the impact in our quiet residential neighborhood would be greatly appreciated.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 10:39 AM
Subject: Council Testimony

Written Testimony

Name	Jack
Phone	
Email	jackmaas10@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	My name is Jack Maas. My wife Angie and I own two condos at Beach Villas at KoOlina. We use our condos several ways. Spending several months a year in one unit and renting the other. During the past couple of years we elected to rent out both units. Our units generate a lot of tax revenue, GET TAT and property taxes. When the units are occupied which is at least 80%, residents spend money on food, entertainment, rental cars etc. This also generates income for the community. With the help of a guest service manager and an accountant, my wife and I manage our two condos personally. We have a five star rating with air B&B and VRBO. The ability to utilize our condos as a permanent residence, second home, rent to guests and offer our condos to our friends and family were major reasons that we decided to purchase one unit in 2007 and the other in 2012. Because beach villas are located in a resort zone with additional regulations maintained by our AOAO we were shocked after evaluating Bill 41. At Beach Villas we don't block traffic, do not allow loud guest, parking spots are reserved , our in-house security walks the property night and day and we are not depleting housing . Our front desk is staffed 24/7 so tracking tax payments should be efficient. So a resort zone area is much different than something zoned residential. Please consider eliminating new regulation planed for resort zoned property.
Testimony Attachment	

January 17, 2022

Council Member Brandon Elefante
Committee Chair, Zoning and Planning
Honolulu City Council
Honolulu Hale
530 S. King St
Honolulu, HI 96813

Aloha Council Member and Committee Chair Elefante:

This letter is being sent by the representatives and supporters of several organizations that have been fighting, in aggregate, over 20-years against the proliferation of illegal transient vacation rentals (TVUs). Together our groups represent well over a 10,000 O'ahu residents who wish to keep the zoning integrity for their communities and not allow them to be overrun with this illegal use of property.

We also represent communities across the island - we are hard-working, middle-class working families who value the concept of community, the safety of knowing your neighbors, and enjoying the peace of our neighborhoods. This illegal proliferation of TVUs has hurt our housing market, making it near impossible to buy a reasonably priced home and next to no long-term rentals in some areas. It is turning our island into the land of haves and have-nots.

Finally, with the recent passage of the O'ahu General Plan, we want to ensure that its objectives and policies are being considered and followed:

> **Balanced Economy Objective B Policy 3**
> Guide the development and operation of visitor accommodations and attractions in a manner that avoids unsustainable increases in the cost of providing public services and infrastructure, and that respects existing lifestyles, cultural practices, and natural, cultural, and historic resources.
>
> **Housing and Communities Objective B Policy 2**
> Discourage speculation in lands outside of areas planned for urban use, reduce the prevalence of vacant dwelling units, and reduce the use of residential dwelling units for short-term vacation rentals.

We reviewed with great interest Bill 41 and your CD 1 and are heartened by the number and types of changes you are recommending and would like to comment on and suggest a few others:

- The 180 days or less to 90 days or less definition change for STR's (This would allow STR's to potentially do 4 STR rentals per year. We still advocate for 180 days as it solidly blocks any potential loopholes that the illegal providers may try and exploit as they have done with the current 30-day rule.

- **It takes two Notices of Violation (NOV) before a fine can be issued.** We strongly recommend a fine with the first NOV. This illegal operation is lucrative and operators will not comply if there are no significant fines attached. DPP issues NOVs that are constantly ignored as there are no fines attached to them. Our current laws and practices have no teeth. In addition, fines should apply equally TO use violations and the advertisement violations.

- **Advertising violations and offering/rental violations are still considered different types of violations.** So, an advertising violation followed by an actual rental violation would not be considered a reocurring violation and would not trigger a notice of order/fine. Any type of STR violation should be consider a recurring violation.

- **All ads without a permit # must include the following statement: "This property may not be rented for less than 90 consecutive days. Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied."** Language should be added that the renter has full rights to use the property for 90 days and the property may not be subleased. No other renters may occupy the property, including the owners or their guests during the 90-day rental period. This same language should be included in other sections of the bill, but elaborated on. We need to make sure the owners are not able to claim the rental is for cohabitating with them. Otherwise, they could have 4 vacation rentals per years and utilize the property whenever they want.

- **Publishing companies and internet service providers will not be held responsible for the content of advertisements that are created by third parties.** We should not let Airbnb, VRBO and other platforms off the hook. They say they don't condone illegal activity but they do nothing to discourage it and have specifically campaigned for STRs in residential-zoned neighborhoods where it is forbidden. They must be held to the same standards as any other business and cannot be allowed to claim either ignorance of the law or be allowed a pass. The existence of these platforms has led to the proliferation of illegal rentals and many communities across the world are taking a stand and are holding them accountable.

- There should be language that requires the DPP inspectors to interview renters, gather contact information, specify how long they rented and/or occupied the property, if they compensated the owner and sign a statement stating the information they gave is truthful. The inspector must also explain lying to an inspector is a crime. Lack of doing so by the renters could be considered prima facie evidence.

- We recommend additional language be added that declares daily or avg. daily rates are not allowed for non-permitted rental advertisements. And the rental advertisement must include a monthly rate. The Bill should also state that any advertisements that implies the rental cost could be reduced based upon a less than 90-day occupation could be used as prima facie evidence.

- There also needs to be language added that makes violations reoccurring if the violator is the same induvial or entity and owns or manages/promotes different properties. At the moment the violation is only reoccurring of it's the same property.

- We support removing the Gold Coast from the areas of considering for expansion of TVUs. We have no idea of the impact on long-term rentals as well as the impact it could have on

current owners and their ability to enjoy their home in peace. Expanding TVUs into the Gold Coast area is a discriminatory benefit in a clearly defined residential area.

Additional concerns regarding NUC's:

- NUC B&B's are no longer limited to 2 rooms and 4 guests. They can rent to two adults for every bedroom on the property.
- B&B & TVU's may have gatherings/parties for guests and additional 10 people.
- Quiet hours were changed from 10pm to 8am to 10pm to 7am.
- It takes 3 NOV's within a one-year period for a B&B or TVU to automatically revoke a permit. But the director could revoke the permit or deny renewal if they believe the property is nuisance to the neighborhood.

We believe the above changes would strengthen Bill 41 and provide the Department of Planning and Permitting the necessary tools to enforce the law.

We stand ready to work with you and your team to get a bill out and approved that will protect housing for local residents and our communities from being turned into mini-illegal resorts.

Mālama ʻāina,

Kathleen M. Pahinui, Save North Shore Neighborhoods
Larry Bartley, Save Oʻahu's Neighborhoods (SONHawaiʻi)
Stu Simmons, Housing Advocate
Donna Wong, Hawaii Thousand Friends
Chuck Prentiss, Keep it Kailua
Cade Watanabe, UNITE HERE! Local 5
Christine Otto Zaa and Tyler Dos Santos-Tam, HI Good Neighbor

From: CLK Council Info
Sent: Wednesday, January 19, 2022 10:51 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Chuck Gray
Phone	
Email	Chuckla808@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	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 homes 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. The truth. Do what's right.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 11:27 AM
Subject: Council Testimony

Written Testimony

Name	Peter Osborne
Phone	
Email	Pdohawaii@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	#1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Bill 81 intends to restrict every Oahu homeowner from renting their property for less than 180 days. Two of the noted exemptions are college students and military personnel. Does anyone believe that living next door to a bunch of college students or a house full of young marines will be less disruptive than a family visiting from Wisconsin? Unregulated short term rentals have proven to be problematic in certain areas and should be controlled. However, impacting the property rights of every Oahu homeowner in an attempt to solve an almost non-existent problem is absurd. Eradicating vacation home rentals may serve the interests of the hotel industry but promoting short term rentals to unrelated 20 year olds will certainly make what ever problem we have much worse. We are led to believe that tenant noise and additional traffic congestion are the overriding reasons for this legislation. Consider that college students and military personnel either go to class or work every day of the week. And each would likely have their own car or motorcycle. The visiting family from Wisconsin would typically rent one car and avoid rush hour traffic. The financial contribution visitors make to our tax base and retail businesses cannot be overstated.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Wednesday, January 19, 2022 11:29 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Larry McElheny
Phone	
Email	lkmcelheny@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Aloha Chairman Elefante and Committee Members I strongly support Bill 41. The lack of enforcement of zoning laws and regulations is ruining our communities and compromising the future for our children. Please give those responsible the wisdom, fortitude and resources to strictly enforce Bill 41 and all other zoning laws. Mahalo Larry McElheny (808) 237-9354
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 12:09 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Zoe MG Williams
Phone	
Email	zoesterbmc@gmail.com
Meeting Date	01-20-2022
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 express my opposition to Bill 41 in its current state. I fully support clamping down on rich investors who buy up properties for the sole purpose of renting them as short-term vacation rentals. I do NOT support taking away income from owner occupants. We talk about making Hawaii more affordable for working / middle class residents. If I can't rent a room in my home to visitors, it will be that much harder for me to pay my mortgage. As a resident landlord, I make sure anyone who rents from me, short or long term, is respectful to the neighborhood community. This is not an easy black and white issue. Please approach it with subtle concern for the needs of all involved. Mahalo, Zoe Williams, Kailua
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 12:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Geoffrey Chang
Phone	
Email	gchang@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I am in full support of Bill 41. I purchased my house in a RESIDENTIAL neighborhood not a COMMERCIAL neighborhood. I wish the minimum transient rental period would remain at 180 days. We have already seen at least one house in my neighborhood stop with renting short term and return to a long term local residential rental. The owner says it is because Bill 41 will make the short term rental too difficult. Now one more family who is part of our community, works here, plays here, goes to school here, has a home to live in instead of having to move to the mainland so tourists can live here. Lets push Bill 41 through and save our neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 1:09 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tina Gray
Phone	
Email	Tinagray808@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
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 long term rental properties off the market.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

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, President & CEO of the Hawai'i Tourism Authority

before the
COMMITTEE ON ZONING AND PLANNING, HONOLULU CITY COUNCIL

January 20, 2022
Honolulu Hale

In consideration of
BILL 41 CD1

Aloha Chair Elefante, Vice Chair Kia'āina and Committee Members,

The Hawai'i Tourism Authority **SUPPORTS** Bill 41 CD1 which will further enhance the ability to enforce unpermitted short-term vacation rentals throughout the City and County of Honolulu. This position is in alignment with our 2025 Strategic Plan, Action A of our O'ahu Destination Management Action Plan (DMAP), and our kuleana to Mālama Ku'u Home (Care For Our Beloved Home).

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.

It is for these reasons that the HTA thanks this body for its work on this bill, 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 this measure.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 1:37 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Paul E. Nachtigall
Phone	
Email	nachtiga@hawaii.edu
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	1. Section 21.530 Only 50% of the units allowed to be rented in a building is absurd. The current text is unclear. If the 50% rule stands it will be very hard on HOAs. Who is to decide who can rent and who cannot? 2. I appreciate the revision where the resort tax was not levied on small retired owners of a single unit. The proposed 13.5 dollars per assessed thousand dollars is exorbitant. Please be reasonable for small one unit owner Kapuna when writing the new tax law? 3. Keep license fees low. $1000 is better than $5000 but still high. Why $2000 the following years? Single unit owners cannot afford these high license fees.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 1:40 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	J. Nielsen
Phone	
Email	yato14k@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Submission of written testimony Date: Jan 18, 2022 By: J. Nielsen Email: yato14k@yahoo.com Reference: PROPOSED CD1 TO BILL 41 (2021) PART I. BRIEF SUMMARY BY SUBJECT MATTER 8. Nonconforming Use Certificates ("NUCs"). Amends ROH Section 21-4.110-1 (NUCs for TVUs) and Section 21-4.110-2 (NUCs for B&Bs) to require B&Bs and TVUs with NUCs to comply with the restrictions and standards in ROH Section 21-5.730(b)(3). Increases the fee for renewal of NUCs for B&Bs and TVUs from $600 every two years to $4,000 every two years. PART II. DETAILED SUMMARY BY BILL SECTION B. Adds a new SECTION 2 of the bill to increase the fee for renewal of nonconforming use certificates ("NUCs") for B&Bs and TVUs from $600 every two years to $4,000 every two years. Position: We are OPPOSED to these provisions raising the permit fee to $4,000 for two years. The fee was just raised two years ago – when we were shut down and had no income coming in. Now you want to raise the rate 587% which is an unreasonably amount for Bed and Breakfasts. Remember we are small operations and do not generate revenue like the investment properties that are vacation rental homes and condos. We recently had to raise our rates to compensate for the new Oahu TAT of 3%. We can not in good faith raise the rates again for this proposed extreme permit fee increase.

PART II. DETAILED SUMMARY BY BILL SECTION
Renumbers subsequent bill SECTIONS.

L. Adds a new SECTION 8 of the bill to amend ROH Section 21-5.730 as follows:

r. Adds a requirement that an informational binder be provided to transient occupants. The binder must include a floor plan, parking plan, trash collection and disposal instructions, house rules (including quiet hours between 10 p.m. and 7 a.m.), emergency contacts, copies of the registration certificate and certificate of insurance, and copies of the GET and TAT licenses.

PART II. DETAILED SUMMARY BY BILL SECTION

3. In subsection (c), relating to advertising requirements:

b. Requires advertisements to include the tax map key number of the B&B or TVU (in addition to the registration or NUC number).

Position: We are OPPOSED to any requirement for listing of tax numbers in a public forum. This is equivalent of giving out ones Social Security Number in the business forum. Listing the NUC number is proof that the establishment has meet all the requirements to obtain the permit. Listing the elements (Tax key number, and GET and TAT numbers) that one must produce to obtain the NUC permit is redundant and evading the privacy of the establishments.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 1:48 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119134815_bill_41.pdf

Written Testimony

Name	Lois Crozer
Phone	
Email	lbc@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220119134815_bill_41.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

Bill 41 is so flawed that you need to JUST START OVER! It's torture to have to go over each addition and deletion and make comments every few months. There is so much wrong here on so many levels!

First off, you are penalizing everyone because of the few who are buying houses to use as vacation rental investment properties. The people making money this way are the real estate agents and the homebuyers who obviously care more about money than the neighborhoods because they don't live here. This is why I've been advocating for OWNER OCCUPIED rentals for years. If you are living in your home, you are not buying for investment, and you only have one, and you supposedly care about your neighbors, and if you don't, I agree that you should be reported.

I can't even begin to comment on Bill 41 CD1 with all the additions and deletions. I say just start over and invite those to the table who want to bring constructive ideas instead of preaching the same old rhetoric. Either that or go back to Bill 89 and enforce. These new bills and revisions are just absurd because it seems everyone is just pulling ideas out of the air to see if they stick.

I am against this CD1. I am against Bill 41. I am for figuring out a sensible way to all live together in harmony and bring in income for the homeowners and the city and county without harming neighborhoods. Doesn't anyone think this could work??

I'd also like to add that there is so much hypocrisy regarding this issue. Half of those fighting against vacation rentals have been caught asking neighbors if they could house their visiting friends or families when they visit and then say to them when confronted about it "oh I'm not against YOUR rental" or "my friends stayed in a LEGAL rental". Tell me, if rentals are so bad for neighborhoods, then why are you even renting a legal one? Shouldn't your friends be staying in a hotel? Residents have been trying to get licensed forever but you'd rather ban than work with them.

Homeowners are so tired of fighting that many have just gone under the radar or built more rentals on their property (illegally) or whatever because building codes are not enforced, and after the DPP was caught taking bribes, nobody trusts them to do the right thing. It's time to work together with residents and not just listen to the hotel lobby and the same few outspoken naysayers who don't have the facts.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 2:13 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jeff and Lee Ann Foresman
Phone	
Email	lee.foresman@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	We are writing to voice our opposition to Bill 41. My husband and I recently purchased a property in Island Colony, a high rise in central Waikiki. We purchased the property as a way to provide income in our retirement, and as a place for us to spend a month or so each winter. When we purchased the property, we made certain the building allowed for legal short-term rentals. We are set up as a business in Hawaii and pay all respective taxes to local authorities. We have spent a significant amount of money improving the property and turning it into a welcoming place. We self-manage the rentals through Airbnb and have consistently been given 5-star ratings. If Bill 41 passes, we will more than likely have to sell the condo. It will no longer be cost effective if we must pay the increased fees to utilize the hotel booking program along with the increased registration fees. We do not see that changes included in Bill 41 would improve the current situation; it would only have a huge negative impact, especially for those who are legally renting their properties.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

TO: Honolulu Committee on Zoning and Planning

SUBJECT: Public Comment Regarding Bill 41 CD1 Relating to Transient Accommodations

Aloha Committee on Zoning and Planning,

While Bill 41 CD1 is an improvement from the original Bill proposed by the DPP, it is still highly problematic across the board.

In the Resort Zone, CD1 establishes hotels as a privileged class that is not subject to the same registration fees per unit or to the restrictions imposed on property owners. There has NEVER been any distinction between corporate hotel owners and individual owners in the Resort Zone. Any changes of the law should apply equally to all kinds of owners.

If the goal is to generate revenue, much more revenue could be generated each year by imposing a reasonable fee equally to all hotel rooms, regardless of ownership. Corporate hotel owners own thousands more rooms than individual owners. If a reasonable fee per hotel room was charged to all owners (including the corporate hotel chain owners), such as $100 per unit per year, millions more dollars in revenue could be generated every year. Instead, this Bill proposes extremely unreasonable and oppressive fees for individual owners only that would not generate nearly as much revenue as a reasonable fee would charged equally for every hotel room, regardless of ownership.

Why would the government of Hawaii even consider discriminating against individual property owners this way? Why would you want to provide special benefits to corporate hotel owners and punish individual owners who have played by the rules and have always paid the same taxes as the corporate hotel owners?

The simple fact is that the current law (Ordinance 19-18) has never really been enforced. The online platforms have even provided the government with special tools, as agreed in their MOU, but the government has never used those tools. Why doesn't the government of Hawaii just enforce the current laws instead of trying to make new laws?

Those who have decided 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 fees and restrictions.

Mahalo,

CJ Schneider

From: CLK Council Info
Sent: Wednesday, January 19, 2022 2:24 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Karen Simmons
Phone	
Email	sksb@earthlink.net
Meeting Date	01-20-2022
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 cd1. I would also like to see the 180 days put back into the bill. Our communities need long term rentals and stability. A residential zone is for residents and there is a shortage of housing. The bottom line is a 30 day rental is transient, they are not residents. And every transient accommodation in our residential zones displaces residents who need housing. Please protect our residential zones, so that residents will have a place to call home and vote yes for Bill 41 cd 1. Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 2:27 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119142651_Waikiki_Banyan_-_Testimony_re_Bill_41_Relating_to_Transient_Accommodations__1.19.22.pdf

Written Testimony

Name	Cheryl A. K. Fraine
Phone	
Email	cfraine@hawaiilegal.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Association of Apartment Owners of Waikiki Banyan
Written Testimony	
Testimony Attachment	20220119142651_Waikiki_Banyan_-_Testimony_re_Bill_41_Relating_to_Transient_Accommodations__1.19.22.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

January 19, 2022

VIA EMAIL

Chairman Brandon J.C. Elefante
Members of the Committee on Zoning and Planning
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41 – Relating to Transient Accommodations

Dear Chairman Elefante and Members of the Committee on Zoning and Planning:

This testimony is submitted on behalf of the Association of Apartment Owners of Waikiki Banyan (the "Association" or "Waikiki Banyan") regarding Bill 41, relating to Transient Accommodations. The Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impact of short-term rentals. However, the Waikiki Special District, as a central and prime tourist destination, is not a typical residential neighborhood. Moreover, the Apartment Precinct of the Waikiki Special District is separated from the Resort Mixed Use Precinct by a single street - Kuhio Avenue. This separation exists only on paper as the overall tourist atmosphere pervades the area. Bill 41 does not take into consideration the unique circumstances of resort style condominium buildings, such as the Waikiki Banyan, that are located within the Apartment Precinct.

Located in the heart of Waikiki, the Waikiki Banyan is a twin tower, eight hundred seventy-six (876) unit, condominium resort project located at the intersection of Kuhio Avenue and Ohua Avenue. Visitors to the Waikiki Banyan are, and always have been, immediately met by the ground floor front-desk, and an expansive resort lobby with authentic Hawaiian flair, including a lava koi pond with cascading waterfall. The Waikiki Banyan features a 24-hour front desk, bell service, and housekeeping.

When the developers of the Waikiki Banyan applied for their building permit in 1974, the land on which the Association was to be constructed on was zoned "H-2", which permitted, among other things, hotels and multiple-family dwellings. In 1976, the Waikiki Special Design District (later called the Waikiki Special District) was created, which divided the Waikiki Special District into four precincts: Apartment Precinct, Resort Hotel Precinct, Resort Commercial Precinct, and Public Precinct. As a result, the Waikiki Banyan was rezoned from H-2 to Apartment Precinct. While the newly created Apartment Precinct prohibited the *construction* of a hotel, nothing prohibited use as a condotel,[1] i.e., a condominium project providing, among other things, transient

[1] The Waikiki Banyan has always been a condominium project whose individual owners have operated their units primarily for short-term vacation rentals, seasonal short-term vacation rentals, or time-shares, in a hotel style environment. The term "condotel" will be used herein to refer to this use. This definition is consistent with the Waikiki Banyan's uninterrupted operations for over 40 years and consistent with the operations at over 30 other buildings that were conducting transient accommodations and included

accommodations, such as short-term rentals and/or hotel-like operations. Subsequently, in 1986, the Land Use Ordinance ("LUO") was adopted,[2] by which time the Waikiki Banyan had already been continuously operating as a condotel with transient accommodations for over seven years. In 1989, the LUO was amended by providing for the issuance of non-conforming use certificates for nonconforming Transient Vacation Units which operated prior to the enactment of the LUO, thereby implicitly acknowledging that transient vacation units were permitted in the Waikiki Special District Apartment Precinct prior to the enactment of the LUO.

In or around 1994, DPP created a list exempting certain buildings from the nonconforming use certificate requirements (the "Exempt List"). In doing so, DPP acknowledged that a project-wide exemption could be granted and that nonconforming use certificates were not required to operate transient accommodations, such as short-term rentals, at buildings it granted an exemption to. Without explanation, the Waikiki Banyan was not included on this list.[3]

For over 40 years, the Waikiki Banyan has openly operated as a condotel. In fact, the Association's use of the Waikiki Banyan was challenged several times by DPP's predecessor, the Department of Land Utilization (collectively, "DPP"). Each time, however, any citations and/or questions were resolved and any alleged violations were corrected. Moreover, the City treated the Waikiki Banyan as a hotel. For example, in 1992, the Waikiki Banyan was forced to comply with the City's requirement to install an automatic fire sprinkler, because the City considered the Waikiki Banyan a hotel. During the planning phase for the fire sprinklers, DPP, consistent with its previous position, acknowledged that the Waikiki Banyan was a condotel and acknowledged that the Waikiki Banyan would be denied reasonable use if it were unable to put in sprinklers.

Despite the fact that the Association openly admitted that many units were operating as transient accommodations and short-term rentals, and consistent with the other buildings on the Exempt List, DPP made no enforcement attempts against the Waikiki Banyan. The Waikiki Banyan and its owners continued to rely on DPP's representations in conducting and allowing transient accommodations at the Waikiki Banyan.

Bill 41

Given the open and obvious use of the Waikiki Banyan over the past 40 years as a condotel and the City's own interactions with the Waikiki Banyan, on which the Association and its owners have relied, the Association feels that Bill 41, as originally introduced, infringes on vested property rights. Not only does Bill 41 prohibit short-term rentals in the Waikiki Special District Apartment Precinct and attempt to force entire association buildings to choose to be classified as either residential or hotel, thereby depriving individual owners of their control over their units, but it also, among other things, requires unit owners to submit their units to a hotel

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by DPP on the Exempt List. The term "condotel" as used in this testimony differs from the definition in Bill 41, as originally introduced.

2 The adoption of the LUO was the first regulation of short-term rentals of any kind.

3 Many, if not all, of the properties on the Exempt List were, and are, "condotels" operating similar to the Waikiki Banyan.

room inventory, pay rent in order to use their own property, and even limits how many transient vacation units a person may own (i.e., one).

As for the proposed Bill 41, CD1, it is a step in the right direction in that it has removed some of the more troubling aspects of the original bill. Nonetheless, CD1 does not take into consider the unique circumstances of the Waikiki Banyan in the Apartment Precinct of the Waikiki Special District. While Bill 41's goal to protect residential neighborhoods makes sense in single-family communities, its application to the Waikiki Special District is not as clear. The Waikiki Special District is vastly different from single-family residential communities where residents expect a more traditional neighborhood. Waikiki abounds with tourists, hotels, and large condominiums (containing hundreds of units), such as the Waikiki Banyan. In some cases, hotels and condominiums are separated by just a street (e.g., Kuhio Avenue). Bill 41, as originally drafted and CD1, in its application to the Waikiki Special District, does not take these realities into consideration.

The Waikiki Banyan has been in operation as a condotel for over 40 years. The Waikiki Banyan's continued use as a condotel will not increase noise or traffic, as it is located right across the street from hotels and itself consists of 876 units. Moreover, allowing for the continued operation as a condotel will not cause parking problems, as the Waikiki Banyan has ample parking to accommodate visitors. The Waikiki Banyan has been part of the special atmosphere of Waikiki for over 40 years and it has provided an alternate type of accommodation from hotels as it promotes family vacations and the aloha spirit that Waikiki is meant to represent. Bill 41 should be revised to take the unique circumstances of resort style condominium buildings, such as the Waikiki Banyan, into consideration.

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: Wednesday, January 19, 2022 2:54 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Gay Gale
Phone	
Email	gay@gaycoburngale.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 2:58 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Matthew Luchinskas
Phone	
Email	mattsrainbows@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	CD1 Bill 41
Your position on the matter	Support
Representing	Self
Organization	

Written Testimony

Aloha Council Members

Having read Bill 41 (2021) and CD1 intently, I am honestly supportive.

Personally I have make it a point to follow closely all drafts and revisions concerning Land Use Ordinances ever since ordinance 86-96 in October 1986 and the nonconforming use certificates.

Having lived on the Northshore of Oahu for 50 years, and as a resident homeowner in a community association where I have served on my association's Board of Directors in the past, I felt it important to understand the issues that affect all our communities.

It goes without saying that this can be a rather passionate issue you each face concerning transient accommodations, and for rightful reasons.

This Bill 41 and the CD1 draft being reviewed in my modest opinion offers equality and fairness to all sides. There is accountability incorporated into this ordinance.

There are concessions now because of CD1 where compromise has been added, particularly for those concerns that legitimate investors of STR properties do have.

On the other hand, there are provisions for neighbors where needed that will help balance holding those inconsiderate responsible.

Most importantly it offers the opportunity for those communities that are in proximity to the resort hotel districts for which are zoned A-1 & A-2 low density residential the ability to maintain 50% for needed long term housing needs.

Bill 41 CD1 as proposed will not supersede for example an association of homeowner's governing documents, rather it would act as an example or guide, working almost complimentary.

Finally there are requirements, a process to register. Making available taxable income and other pertinent information to register will hopefully separate the lawful from the unlawful. My assertion has always been that if you are willing to circumvent government ordinances, you may indeed be inclined to ignore community association by-laws or even your neighbor's harmony if it is to your benefit monetarily.

I am grateful for your thoughtful considerations with this Bill 41 CD1.. Mahalo..

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:04 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Judy Bishop
Phone	
Email	Jbishop@bishopco.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	B41CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I have submitted testimony mini mini times before on this issue -as a resident of Kailua I feel that the proliferation of vacation rentals is completely out of control and it has completely destroyed my neighborhood /there are strangers everywhere all the time morning noon and night and the traffic is insufferable and dangerous :if there was an emergency we would not live, simply we would not survive. In addition I believe that housing has been lost to permanent residents to a significant degree , and as a professional recruiter, I know that people are leaving Hawaii ,quitting their jobs because of housing ,and when we try to recruit people to move to Hawaii, they will not come because they cannot find adequate housing :they may be able to spend $4000 a month but they still can't find housing, so we're not just talking about affordable housing ,we're talking about adequate housing at every price point ! it's not here ,it's not available to permanent residents! this is destroying our economy /you're losing workforce and you're ruining neighborhoods -no Professional wants to live in a place that doesn't have a home and a residence and a neighborhood if they have any sort of family life whatsoever ,so do something about this now please . Thank you.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:16 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Roth
Phone	
Email	hi2mom@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	It is so important to our families to keep our neighborhoods for our neighbors. We have just put up with a rental of partying renters and we don't need that. I think the present definitions of TVRs and B&BS works. Short term. rentals need to be out of residential neighborhoods. Thank you for your support! Aloha
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:17 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Kimo Smigielski
Phone	
Email	kimo@portfoliohawaii.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Sandwich Isles Realty, Inc. dba Portfolio
Written Testimony	Dear Council Members, I will keep this short, I believe that an exemption should be made for the building known as the Kahala Beach Apartments as you have done for parts of the Gold Coast. The Kahala Beach Apartments (KBA) resides adjacent to a resort hotel (The Kahala Hotel) and the KBA has operated as a pseudo extension of the hotel with 30-day rentals being permitted by the AOAO and current zoning rules. Given the proximity of the KBA building to a Hotel, it would only seem fair to grant this building an exemption.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:17 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	B.A. ALEXANDER
Phone	
Email	babs@ladybuglan.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	PROPOSED CD1 TO BILL 41 (2021)
Your position on the matter	Comment
Representing	Self
Organization	SELF
Written Testimony	I agree w the Bill's regulations pertaining to 'hotel' districts. I am in opposition to ANY STR/TVU in residential area except for those w current NCU certificates. ALL whole house rentals ought to be banned in residential areas. Exemptions to this straight-forward/B&W approach would be STRs/TVRs to visiting medical personnel, house-hunters and/or military personnel on S-T/temporary (Those owners wishing to rent to these exempted renters ought to register to do so, pay the same fees as legal STRs/TVUs. In addition they ought to file ea. contract w DPP and after the end of the contract term, DPP ought to send Enforcement staff to the site periodically ti insure it is not otherwise being rented S-T illegally. DPP Enforcement staff ought to speak to the owners of suspected illegal STRs/TVUs. If the owner does not comply w a request from DPP, that ought to give rise immediately to a NOV. Dragging out 'investigations' w uncooperative owners/renters, as is done done will continue otherwise. Fines ought to be collected immediately. Unpaid fines ought to result in forfeiture of the house/residential building. While all this might seem harsh, the current 'maybe we will/maybe we won't' DPP method of enforcement has given us thousands of illegal STRs/TVUs in our so-called neighborhoods. Yes, tax the property rented out as STRs/TVUs legally at a higher rate. They are, in fact, businesses.

All I desire is a true neighborhood, where I actually know my neighbors.

Mahalo.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:08 PM
Subject: Council Testimony

Written Testimony

Name	Gena Whitten
Phone	
Email	genawhitten@gmail.com
Meeting Date	01-20-2020
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	As a long time homeowner, I wish to voice my support to items in Bill 41. I am a former President of the HOA for Kuilma Estates West. My experience in the community over 18 years is that the nature of our neighborhood has changed from a comfortable residential neighborhood to a constant turnover of vacationers, noise, and overuse of our common areas. Our HOA ByLaws does not give the HOA authority to enforce or limit this activity. Changing our By-Laws is a lengthy process legally and costly to the HOA. Vacation rental use is adding extra burden on the HOA of many extra costs which are a burden on long term residents who choose to make this as their home. The extra costs are: increased security, increase costs of maintaining infrastructure, increased cost of garbage collection. Residents should not have to bear the costs associated with running what in reality is a business and hotel operation in our neighborhood. Residents who do not rent their units should not have increased taxes due to this activity. The HOA is not equipped to enforce any restriction which the City and County enact. If C & C of Honolulu enacts restrictions, then they must follow through with enforcement. One of the worst parts of this changed use is the removal of residential housing which had been available to Hawaii residents in the past. I ask the City Council to limit long term vacation rental activity because of the impact on the community. I suggest rentals no less than 30 days with enforcement by the City.

I suggest that Residents who live in the community are not burdened with extra taxes or costs due the the business nature of Short Term Rentals.

Any restrictions which lessen the impact in our quiet residential neighborhood would be greatly appreciated.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Sam Fisk
Phone	
Email	samfisk63@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I support the enactment of Bill 41 CD1 to properly address excessive growth of short-term rentals. Having tourist housing infiltrate our communities rather than confining it to resort areas introduces stresses local people and reduces hotel income and potential for those employed by the hospitality industry of a livable wage.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 3:50 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Sun Wong
Phone	
Email	sunrosam@gmail.com
Meeting Date	01-20-202y
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear City Council Members, I ask for your support for Bill 41 managing the number of short-term rentals in our neighborhoods and to the enforcement of said illegal rentals. We live in Hawaii Kai and my old neighbor used operate illegal rentals where we experienced strangers not respecting the land nor the neighborhood. I have two little boys and I didn't feel safe having strangers rotate a few times a month. Please help us protect our community.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

WAIKĪKĪ IMPROVEMENT ASSOCIATION

Testimony of Rick Egged
President, Waikiki Improvement Association
Before the
City Council Committee on Zoning and Planning
Thursday, January 20, 2022
In consideration, of

Bill 41 (2021) – LUO Amendment Relating to Transient Accommodations

Aloha Chair Elefante and Members of the Committee:

My Name is Rick Egged, representing the Waikīkī Improvement Association (WIA). The WIA is a membership organization consisting of major stakeholders in Waikīkī including, landowners, hotels, retailers and restaurants, the businesses that serve them and those interested in the future of this important part of our community and economy.

The Waikīkī Improvement Association (WIA) strongly supports the proposed amendments.

WIA favors stronger regulations and enforcement measures in dealing with the illegal transient vacation rentals in our county.

The Proposed Amendments apply stricter limits of where transient vacation units may exist than the ordinance passed in 2019. The amendments also change the definition of a short term rental from 30 days to 90 closing a large loop hole in the existing law.

WIA strongly believes that whether and where to permit such vacation rentals should be a matter of careful City and County of Honolulu-wide planning, that any and all such short-term rentals should be legally conforming, that the operation of such rentals should be fully transparent, and that the City should have full enforcement mechanisms and resources. We are comfortable that the proposed amendments help accomplish that goal.

Thank you for the opportunity to testify.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:12 PM
Subject: Council Testimony

Written Testimony

Name	Cynthia Bersson
Phone	
Email	bersson@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I stongly agree with the following statement included in the bill: "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." Further, I note that windward communities, in particular Kailua, Lanikai, and Waimanalo, are disproportionately affected by short-term vacation rentals, compared to may other communities on Oahu.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:20 PM
Subject: Council Testimony

Written Testimony

Name	Rachel Sheffield
Phone	
Email	rachel@hawaiisheffieldhouse.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Nonconforming Use Certificates ("NUCs"). Amends ROH Section 21-4.110-1 (NUCs for TVUs) and Section 21-4.110-2 (NUCs for B&Bs) to require B&Bs and TVUs
Your position on the matter	Oppose
Representing	Self
Organization	Hawaii Sheffield House
Written Testimony	Dear sirs, I am concerned about the 587% increase of administrative fees for licensed bed and Breakfasts. Please explain this increase. With the proposed increase on property tax in the pipeline this is another exorbitant amount to charge on this legal business. Are all of the unlicensed bed and breakfasts also being charged this fee? Are all business licenses being increased that much? Are all pemits such as building permits being increased 587%. Please explain this logic. If not why is this type of business being singled out for this much of an increase in payment. Also, can you explain the requirement for a one million liability policy which must be disclosed to guests in a binder. Are all businesses being required to display their insurance papers to guests and clients? In this day of litigious. climate and sue happy people, requiring that the provider information available to all seems to be asking for problems. Are doctors or car repairmen being required to make their insurance provider information available to all of their clients. Is it equitable to single out one industry and require onerous and expensive provisions to doing business?

Please explain the logic of these requirements.

Paul and Rachel Sheffield
Hawaii Sheffield House

131 Kuulei Road
Kailua, Hawaii 96734
808 262-0721

90/BB-0077

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:21 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119162104_Bill41-Testimony-MD_Wheeler-Jan_19_2022.pdf

Written Testimony

Name	MD Wheeler
Phone	
Email	planetconcierge@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	20220119162104_Bill41-Testimony-MD_Wheeler-Jan_19_2022.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

Aloha City Council Members,

Please support Bill 41 with regards to managing the number of short-term rentals in our neighborhoods and with regards to the enforcement of said illegal rentals. I humbly ask that you consider the points I have made below as representative of our communities.

Our neighborhoods are being overrun by illegal short-term rentals, where the owners (whether local or from outside of Oahu) are not advising their renters/visitors on community living regarding parking, driving and ordinance. It is causing unnecessary friction (in a time that is already charged with division), upsetting neighbors and is dangerous for us as residents. In many ways, I don't blame the visitor as they are not use to our narrower neighborhood roads, the fact that many of our homes are on smaller lots (vise e vie where they may be visiting from) and are built right up to the sidewalk making it dangerous for our keiki and kupuna who walk. It is island living. I have a lot of kupuna who live in my neighborhood and need the walk for health reasons. Many have shared that they feel stressed and unsafe when walking as there are so many unknown vehicles that were never there before.

There is no issue with those owners who have legal permits. **But, illegal is ILLEGAL.** This needs to be enforced. Bill 41 attempts to provide solutions to make changes to enforcement. There may be a lot of work ahead for DPP and the county, but at least it's moving forward with efforts to help with this situation. We cannot keep the status quo. Owners who do not have permits are illegal operators and "illegal is ILLEGAL".

There is a reason we limit the number of these short-term rentals in neighborhoods, so that as residents we feel safer and mentally less stress (that comes from not knowing who these "new" people are) in our own community home. It is also to ensure that our own locals and residents of Hawaii have access to housing and rentals.... In other words, they have the choice to rent around the island and live closer to their workplace and families. For those who depend on rentals, like the kupuna who depend on rentals to support them, there is nothing stopping them from renting legally, by renting long-term versus short-term. In many ways, it is safer for them to rent legally long-term. As kupuna, it is more stressful finding short-term renters, getting the house cleaned, etc. They are also not set up with staffing (like a traditional hotel) to take care of these renters/visitors should there be an emergency. Again... placing strain on the community. Thus, I really question the real motivation and the lack of Aloha for our own residents. I am close to being a kupuna and am saddened by the efforts to use kupuna as the "sad story" to sway this bill that is working towards helping legal usage of homes versus illegal usage of homes.

We are empowering and permitting those who are illegal renters to break the law. This is not right. In my own home, I have a rentable unit. As my neighborhood is not zoned for new permits, I have no issues agreeing not to rent "short-term" because I respect my neighborhood and neighbors and it is my kuleana to play my part in ensuring we all feel safe. My neighborhood is not designed for the continuous flow – in and out – of outsiders that comes with renting short-term. Particularly now, as we see the pandemic stretching out. Long-term renters become part of our neighborhood... the units they rent becomes their "home" and they live as neighbors. I, too, need the income, but I can derive that from renting long-term.

If this bill is not passed, the message is that I don't have to listen to the law and myself and anyone living on Oahu can rent short-term because it is income that every resident on Oahu can use. The message is that we can act illegally.

Once again, I ask that you consider supporting Bill 41, to respect us as residents, keep the larger community's mental and physical health in mind. Please allow the City & County of Honolulu to protect us and to enforce. Please consider the zoning and neighborhoods. Illegal is still ILLEGAL. We just cannot keep it the same way.

January 19, 2022

From: Robert Finley

Subject: Council Bill 41 (2021) CD1

Aloha Chair Brandon Elefante and members of the Zoning and Planning Committee

After review of Council Bill 41 (2021) as refined by CD1, this bill fits the concept supported by the Waikiki Neighborhood Board. However, our January meeting failed to gain Quorum so we could not vote on the matter.

While impact will mainly be in our neighbor districts the use of unlicensed Transient Vacation Units (TVUs) impacts the following and probably other issues:

- The availability of reasonable residential cost housing.
- Noise and congestion in those residential neighborhoods.
- Loss in tax revenue to both the City and State.

CD1 seems to address most of the initial concerns from current TVU operators who are licensed and pay taxes.

I stand in support of the Kailua and other residential neighborhoods who have for so long opposed unlicensed TVUs that impact their ways of life.

Again, my apologies for not having a formal position available for this hearing from the entire Waikiki Neighborhood Board.

Robert Finley
2222 Aloha Drive, #704
Waikiki, Hawaii 96815
(808) 923-5482

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:20 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Harald von Sydow
Phone	
Email	nztrendshi@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	latest iteration of Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

To:
City Council member Elefante
City Council member Waters

Re: Proposed Amendments to LUO relating to Transient Accommodations

My name is Harald von Sydow, I am 61 years old and have been living in Hawaii most of my life.

I can agree the Ten million visitors annually is a lot of visitor specially if Oahu does not offer enough infrastructure for the visitors to spend their time in tourist attraction areas, and activities to do, hence they all move around with no destination.

If you take the island of Palma De Mallorca in Spain, for example, they have 30,000 visitors a year in a much smaller island. Their small air port is very organized and fast, with affordable and plentiful taxis as well as public transport, causing almost no need to rent a car. Regardless of where on the island you choose to stay there are short term rentals and hotels available in designated areas
Plenty of tourist attractions in these same areas, therefore the visitors don't interfere with the local population, who on the other hand benefit from the visitors.

The bottom line is that Hawaii can manage the demand much better, just needs to be creative and competent. The Hawaii Tourism Authority should be the organization that acts on behalf of the people of Hawaii and of the tourists, not only benefiting Hotels and large corporations.

Hawaii should see Tourism, which is our number 1 industry, as a benefit for the Islands making laws to favor all communities, and not to stress the system, only favoring the hotels and the time shares.

It is unfortunate that Hotels export all their profits since none are locally owned and there is no tax incentive for that to happen.

I personally own a property in the Turtle Bay (Kuilima) , which I bought specifically to do short term rental (as permitted), as an investment for my retirement. 100% of what I make stays in Hawaii.
I have 8 people on my pay-roll who are dependent of this income

Accordantly to this new amendment I will be penalized with additional regulations and restrictions overly burdensome and costly, which will most likely cause a ripple effect by owner such as me having to cut costs and letting go of my staff in order to make ends meet

If the DPP will like to charge a fee, then be reasonable! DLNR for example charges $20.00 to registered a boat and not $5,000.00! Their annual fee remains at $20 and not $2,500 ever year to renew this permit.
What DPP is proposing seems more like a penalty not a fee.

Another disgrace is the property taxes passed by bill 55 penalizing local TVU operators to pay Hotel property taxes. Hotels are built in a fashion to be money machines, with service 24/7. TVU's are homes that families can stay in while visiting and does not have full time service.

If there is an extra fee, that should be applied to properties that are not locally owned. Such as the hotels! every room can afford to pay the $2,500.00 per year for not keeping the profits in Hawaii.

I understand the necessity to maintain the integrity of the neighborhoods and to provide the local residents with additional houses to rent at a more affordable price, However in order for a local owner to be able to sustain the property in Hawaii, likely purchased based on higher revenue needs, and not have the property go into bank foreclosure, the owners and investors will have to increase their long-term rental amounts, again making it unaffordable to most locals

I am a strong believer local residents have the right to run a TVU in the permitted areas as their source of revenue, and to be able to pay for the very high property taxes

Housing in Hawaii has never been cheap and will never be cheap. These bills DPP's proposal is a shameful excuse to favor Hotels.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:33 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Michelle Yao
Phone	
Email	yyao2008@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I fully support the stated goal of cracking down on illegal TVUs in the residential areas and protecting residential neighborhoods. But I oppose the restrictions imposed on resort zone TVUs. TVU has been the permitted principal use without conditions in the resort zone for decades, just like hotels in the resort zone. 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, bought and operated legal TVUs in the resort zone, we paid TAT, GET and hotel-resort rate property tax, in accordance with law. Bill 41 CD1 proposed restrictions, financial hurdles and conditions on the TVUs in the resort zone, but exempt hotel rooms. We have to ask why you are seeking to put restrictions on legal resort zone TVUs, while exempt hotels? Both legal TVUs and hotels are in the same resort zone, doing the same business. The only difference is legal TVUs are small business owners, and hotels are big business corporations. What is the justification for different treatment between resort zone legal TVUs and hotels? TVUs in the resort zone should have the same vested property rights as hotels in the same zone. All we are asking is to be treated fairly, treat us just like our neighbors, i.e. the hotels. We operate the same business in the same resort zone and already pay all applicable taxes as required by current regulation, just like the hotels.TVUs in the Resort Zone should be able to operate on a playing field equal to the hotels. 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.

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

TESTIMONY TO THE
COMMITTEE ON ZONING AND PLANNING
Special Meeting
Thursday, January 20, 2022
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 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. For this reason, I do support the creation of a special fund of up to $3.125 million consisting of real property taxes collected annually from B&Bs, hotels and resort classifications; for use towards administrative and enforcement purposes. 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-awaited Land Use Ordinance Amendments relating to Transient Accommodations.

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
January 19, 2022 at 3:54:57 PM HST		30	1	Received

TO: City and County Zoning Committee

I, Shelly Andrews Testify that I support the Bill 41- no short-term rentals in residential and apartment zoned areas. In my neighborhood there are illegal short-term rentals. I have called and reported the addresses of these illegal short-term rentals numerous times over many many years.

I agree with Bill 41. This is definitely illegal activity occurring.

Tourists are driving and using our neighborhoods as if they were resort areas and the owners of these illegal short-term rentals are making very large sums of money without paying any state or federal taxes on the income they receive.

Thank you, Mrs. Shelly Andrews S.A.

434 Ilimano Street
Kailua, HI 96734
Phone: (808) 254-4146 Email: skyandrews@hotmail.com

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:38 PM
Subject: Council Testimony

Written Testimony

Name	Lisa Vlachakis
Phone	
Email	lisavlachakis@outlook.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this bill and think the proposed changes will give the hotel industry a monopoly on the market, and makes month-to-month rentals illegal for those living in Hawaii. The current law (Ordinance 19-18) has never really been enforced. The online platforms have provided the government with special tools, as agreed in their MOU, but the government has never used those tools. Why doesn't Oahu enforce the current laws instead of trying to make new laws? Kauai has been able to do this, why not Oahu? Airbnb and Expedia/VRBO have both stated they will end their MOU if the 30-minimum stay requirement is increased. Then what? This will make enforcement even harder. Also, this Bill proposes extremely unreasonable and oppressive fees for individual owners that would not generate nearly as much revenue as a reasonable fee would if charged equally for every hotel room, regardless of ownership. It's hard to imagine that the elected officials of Hawaii would discriminate against individual property owners, but here we are. There should be special accommodations for residents of Hawaii, instead the special treatment is going to corporate hotels who don't pay living wages and aren't bring back staff despite the increase in tourists. They're only about their bottom line, not Hawaii. The DPP should engage all stakeholders, not just the corporate hotels, if any meaningful changes need to be made. Allowing 1-minute of oral testimony, while letting spouses of hotel VP's lead the DPP is not right.
Testimony Attachment	

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:45 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119164455_Inn_on_the_Park_-_Testimony_re_Bill_41_Relating_to_Transient_Accommodations__1.19.22_with_attachment.pdf

Written Testimony

Name	Cheryl A. K. Fraine
Phone	
Email	cfraine@hawaiilegal.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Association of Apartment Owners of Inn on the Park
Written Testimony	
Testimony Attachment	20220119164455_Inn_on_the_Park_-_Testimony_re_Bill_41_Relating_to_Transient_Accommodations__1.19.22_with_attachment.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

PMK

PORTER · McGUIRE · KIAKONA · LLP

January 19, 2022

VIA EMAIL

Chairman Brandon J.C. Elefante
Members of the Committee on Zoning and Planning
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41 – Relating to Transient Accommodations

Dear Chairman Elefante and Members of the Committee on Zoning and Planning:

This testimony is submitted on behalf of the Association of Apartment Owners of Inn on the Park (the "Association" or "Inn on the Park"). The Waikiki Special District, as a central and prime tourist destination, is not a typical residential neighborhood. Moreover, the Apartment Precinct of the Waikiki Special District is separated from the Resort Mixed Use Precinct by a single street – Ala Moana Boulevard. This separation exists only on paper as both sides of Ala Moana Boulevard have a tourist atmosphere. Bill 41 does not take into consideration the unique circumstances of resort style condominium buildings, such as Inn on the Park, that are located within the Apartment Precinct.[1]

Inn on the Park is a two hundred thirty-eight (238) unit condominium resort style project located on Ala Moana Boulevard, in the heart of Waikiki. Inn on the Park's location is one of its best features. It is located next to the Double Tree by Hilton Hotel Alana – Waikiki Beach. Right across Ala Moana Boulevard is Fort DeRussy Beach Park, and the lobby for the Hilton Hawaiian Village Waikiki Beach Resort is within minutes walking distance.

Inn on the Park was designed and permitted/intended, pursuant to its By-Laws, as a condotel, i.e., a condominium project providing, among other things, transient accommodations, such as short-term rentals and/or hotel-like operations. For instance, Inn on the Park has a porte cochere, commercial spaces on the ground floor, and living units that are hotel-like and small (approximately 244 sq ft or thereabouts).

In 1976, the Waikiki Special Design District (later called the Waikiki Special District) was created, which divided the Waikiki Special District into four precincts: Apartment Precinct, Resort Hotel Precinct, Resort Commercial Precinct, and Public Precinct. While the newly created Apartment Precinct prohibited the *construction* of a hotel, nothing prohibited use as a condotel,[2]

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1 Inn on the Park is located in the Apartment Mixed Use Subprecinct.

2 Inn on the Park has always been a condominium project whose individual owners have operated their units primarily for short-term vacation rentals, seasonal short-term vacation rentals in a hotel style environment. The term "condotel" will be used herein to refer to this use. This definition is consistent with

i.e., a condominium project providing, among other things, transient accommodations, such as short-term rentals and/or hotel-like operations. Subsequently, in 1986, the Land Use Ordinance ("LUO") was adopted.[3] In 1989, the LUO was amended by providing for the issuance of non-conforming use certificates for nonconforming Transient Vacation Units which operated prior to the enactment of the LUO, thereby implicitly acknowledging that transient vacation units were permitted in the Waikiki Special District Apartment Precinct prior to the enactment of the LUO.

In or around 1994, DPP created a list exempting certain buildings from the nonconforming use certificate requirements (the "Exempt List"). *See attachment.* In doing so, DPP acknowledged that a project-wide exemption could be granted and that nonconforming use certificates were not required to operate transient accommodations, such as short-term rentals, at buildings it granted an exemption to. Inn on the Park was one of the exempted buildings and it should be allowed to continue to operate as a condotel.

Bill 41

Bill 41, as originally introduced, drastically infringes on individuals' vested property rights. Not only does Bill 41 prohibit short-term rentals in the Waikiki Special District Apartment Precinct and attempt to force entire association buildings to choose to be classified as either residential or hotel, thereby depriving individual owners of their control over their units, but it also, among other things, requires unit owners to submit their units to a hotel room inventory, pay rent in order to use their own property, and even limits how many transient vacation units a person may own (i.e., one), and how owners hold their personal/individual property values.

As for the proposed Bill 41, CD1, it is a step in the right direction in that it has removed some of the more troubling aspects of the original bill. Nonetheless, CD1 still does not allow transient vacation units in the Apartment Precinct and thereby fails to take into consider the unique circumstances of Inn on the Park. While Bill 41's goal to protect residential neighborhoods makes sense in single-family communities, its application to the Waikiki Special District is not as straight forward. The Waikiki Special District is vastly different from single-family residential communities where residents expect a more traditional neighborhood vibe. Waikiki abounds with tourists, hotels, and large condominiums (containing hundreds of units), such as at Inn on the Park. In some cases, hotels and condominiums are separated by just a street (e.g., Ala Moana Blvd.). Bill 41, as originally drafted and CD1, in its application to the Waikiki Special District, does not take these realities into consideration.

Inn on the Park has been in operation as a condotel for many years, and its continued use as a condotel will not increase noise or traffic, as the Association is located right next to and across the street from several hotels. In fact, Inn on the Park is a mere 4 minutes walking distance away from the *lobby* of the Hilton Hawaiian Village Waikiki Beach Resort. Moreover, Inn on the Park has been part of the special atmosphere of Waikiki for many years and it has provided an

---

Inn on the Park's operations for years and is consistent with the operations at over 30 other buildings that were conducting transient accommodations and included by DPP on the Exempt List. The term "condotel" as used in this testimony differs from the definition in Bill 41, as originally introduced.

[3] The adoption of the LUO was the first regulation of short-term rentals of any kind.

alternate type of accommodation from hotels as it promotes family vacations and the aloha spirit that Waikiki is meant to represent. Bill 41 should be revised to take the unique circumstances of resort style condominium buildings, such as Inn on the Park, into consideration and explicitly allow for the continued operation of such condotels.

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

Attachment (1)

PLEASE DO NOT REMOVE

LIST OF BUILDINGS REVIEWED
FOR
EXEMPTION FROM THE NONCONFORMING USE CERTIFICATE REQUIREMENTS
OF ORDINANCE 89-154

Transient Vacation Units are permitted in areas zoned H-1 Resort and Resort-Hotel Precinct. They are permitted in other zoning districts only with a nonconforming use certificate, except that nonconforming hotels are exempt from the certificate requirement. Research has been completed on the following buildings to determine if they qualify for this exemption:

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
2121 Ala Wai	2121 Ala Wai Blvd.	2-6-17: 003	Apt. Precinct	No
2211 Ala Wai	2211 Ala Wai Blvd.	2-6-20: 033	Apt. Precinct	No
ALA MOANA AMERICANA	410 ATKINSON	2-3-038:002	BMX 3	YES
Ala Wai King Hotel	2003/2007 Ala Wai Blvd.	2-6-15: 033,034	Apt. Precinct	Yes
Ala Wai Terrace Apts.	1547 Ala Wai Blvd.	2-6-11: 004, 024	Apt. Precinct	No
Ala Wai Terrace Hotel	1684 Ala Moana Blvd.	2-6-11: 022	Apt. Precinct	Yes
Aloha Surf Hotel	444 Kanekapolei St.	2-6-21: 016	Apt. Precinct	Yes
Aloha Towers	430 Lewers St.	2-6-17: 005	Apt. Precinct	No
Ambassador Hotel	2040 Kuhio Ave.	2-6-15: 001-006	Apt. Precinct	Yes
Canal House	2611 Ala Wai Blvd.	2-6-28: 001	Apt. Precinct	No
Coconut Plaza	450 Lewers St.	2-6-17: 028	Apt. Precinct	Yes
Colony Beach	2893 Kalakaua Ave.	3-1-32: 009	A-2	No
Colony Surf	2895 Kalakaua Ave.	3-1-32: 010	A-2	Yes
Colony Surf East	2895 Kalakaua Ave.	3-1-32: 016	A-2	Yes
Coral Reef	2299 Kuhio Ave.	2-6-22: 002	Res. Comm. Precinct	Yes

xmptnuc.ebw
December 18, 1994

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
Diamond Head View	230 Makee Rd.	2-6-28: 020	Apt. Precinct	Yes
Drifwood Hotel	1696 Ala Moana Blvd.	2-6-11: 020	Apt. Precinct	Yes
Edmund's Apartments	2411 Ala Wai Blvd.	2-6-24: 094	Apt. Precinct	No
Fairway Villa	2345 Ala Wai Blvd.	2-6-21: 021	Apt. Precinct	No
The Governor Cleghorn	225 Kaiulani Ave.	2-6-24: 097	Apt. Precinct	No
Hale Hui	2406 Kuhio Ave.	2-6-24: 021	Apt. Precinct	No
Hawaii Dynasty	1830 Ala Moana Blvd.	2-6-12: 005	Apt. Precinct	Yes
Hawaiian Colony Hotel	1946 Ala Moana Blvd.	2-6-07: 020	Res. Comm. Precinct	Yes
Hawaiian Crown	236 Liliuokalani Ave.	2-6-24: 032	Apt. Precinct	Yes
Hawaiian King	417 Nohonani St.	2-6-21: 102	Apt. Precinct	Yes
Hawaiian Monarch	444 Niu St.	2-6-14: 032	Apt. Precinct	Yes
Hawaiian Princess	84-1021 Lahilahi St.	8-4-04: 006	A-2	No
Haw'n Seaside Hostel aka Backpackers Hostel	419 Seaside Ave.	2-6-21: 060,061	Apt. Precinct	No
Holiday Surf	2303 Ala Wai Blvd.	2-6-21: 028	Apt. Precinct	Yes
Honolulu Prince	414 Nahua St.	2-6-21: 107	Apt. Precinct	Yes
Ilima	445 Nohonani St.	2-6-21: 068	Apt. Precinct	Yes
Inn on the Park	1920 Ala Moana Blvd.	2-6-07: 026	Apt. Precinct	Yes
Island Colony	445 Seaside Ave.	2-6-21: 026	Apt. Precinct	Yes
Kaiulani Apts.	222 Kaiulani Ave.	2-6-21: 004	Apt. Precinct	No

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
Kuhio Banyan	2310 Kuhio Ave.	2-6-21: 023	Apt. Precinct	Yes
Kuhio Surf Club	2170 Kuhio Ave.	2-6-17: 051	Apt. Precinct	No
Lealea Hale	2423 Cleghorn St.	2-6-24: 095	Apt. Precinct	No
Maile Sky Court	2058 Kuhio Ave.	2-6-16: 046	Apt. Precinct	Yes
Marine Surf	364 Seaside Ave.	2-6-19: 001	Res. Comm. Precinct	Yes
439 Nahua Street	439 Nahua Street	2-6-21: 039	Apt. Precinct	No
444 Nahua Street	444 Nahua St.	2-6-21: 049	Apt. Precinct	No
Outrigger Hobron	343 Hobron Ln.	2-6-12: 047	Apt. Precinct	Yes
Outrigger Malia	2211 Kuhio Ave.	2-6-19: 021	Res. Comm. Precinct	Yes
Outrigger Surf	2280 Kuhio Ave.	2-6-21: 078,081	Apt. Precinct	Yes
Outrigger West	2330 Kuhio Ave.	2-6-21: 099	Apt. Precinct	Yes
Pacific Islander	249 Kapili St.	2-6-24: 041	Apt. Precinct	No
Pacific Palms	441 Lewers St.	2-6-20: 069	Apt. Precinct	Yes
Park Plaza Waikiki	1956 Ala Moana Blvd.	2-6-07: 027	Res. Comm. Precinct	Yes
Pat's at Punaluu	53-567 Kam. Hwy.	5-3-08: 002	A-2	Yes
Prince Kuhio	2500 Kuhio Ave.	2-6-25: 024	Apt. Precinct	Yes
Promenada Apts.	423 Kaiolu St.	2-6-17: 006	Apt. Precinct	No
Royal Aloha	1909 Ala Wai	2-6-14: 026	Apt. Precinct	No
Royal Kuhio	2240 Kuhio Ave.	2-6-20: 058	Apt. Precinct	No

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
Sat Grand Hotel	440 Olohana St.	2-6-16: 039	Apt. Precinct	Yes
Seaside Hotel	342 Seaside Ave.	2-6-19: 009	Res. Comm. Precinct	Yes
Seaside Suites	440 Seaside Ave.	2-6-20: 001	Apt. Precinct	No
Waikiki Banyan	201 Ohua St.	2-6-25: 005	Apt. Precinct	No
Waikiki Beachcomber	2300 Kalakaua Ave.	2-6-22: 010	Res. Comm. Precinct	Yes
Waikiki Gateway	2070 Kalakaua Ave.	2-6-16: 065	Res. Comm. Precinct	Yes
Waikiki Imperial	225 Liliuokalani Ave.	2-6-25: 032	Apt. Precinct	No
Waikiki Joy Hotel	320 Lewers St.	2-6-18: 007,083	Res. Comm. Precinct	Yes
Waikiki Lanais	2452 Tusitala St.	2-6-24: 069	Apt. Precinct	No
Waikiki Park Heights	2440 Kuhio Ave.	2-6-24: 024	Apt. Precinct	Yes
Waikiki Parkside	1850 Ala Moana Blvd.	2-6-12: 003	Apt. Precinct	Yes
Waikiki Sand Villa	2375 Ala Wai Blvd.	2-6-21: 011	Apt. Precinct	Yes
Waikiki Skyliner	2415 Ala Wai Blvd.	2-6-24: 074	Apt. Precinct	No
Waikiki Skytower	2410 Cleghorn St.	2-6-24: 053	Apt. Precinct	No
Waikiki Sunset	229 Paoakalani Ave.	2-6-28: 011	Apt. Precinct	No
Waikiki Surf	2200 Kuhio Ave.	2-6-20: 018	Apt. Precinct	Yes
Waikiki Surf East	422 Royal Haw'n Ave.	2-6-20: 022	Apt. Precinct	Yes
Waikiki Surf West	412 Lewers St.	2-6-17: 007,049	Apt. Precinct	Yes
Waikiki Terrace	2045 Kalakaua Ave.	2-6-06: 002	Res. Comm. Precinct	Yes

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
Waikiki Townhouse	2421 Tusitala St.	2-6-24: 059	Apt. Precinct	Yes
White Sands Waikiki	431 Nohonani St.	2-6-21: 029,103	Apt. Precinct	Yes

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:46 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119164626_HLTA_Testimony_Bill_41_Zoning_and_Planning.pdf

Written Testimony

Name	Mufi Hannemann
Phone	
Email	mhannemann@hawaiilodging.org
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Organization
Organization	Hawai'i Lodging & Tourism Association
Written Testimony	
Testimony Attachment	20220119164626_HLTA_Testimony_Bill_41_Zoning_and_Planning.pdf
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
Committee on Zoning & Planning
Bill 41 (2021)
January 20, 2022

Chair Elefante and members of the Committee on Zoning & Planning, 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 and throughout the state. 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.

We are especially 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 the Department of Planning & Permitting, the administration, and the City Council have made to address these issues through meaningful legislation and support your proposed Committee Draft 1. We also support the shift of the minimum stay threshold from 180 days to 90 days. We feel that the proposed CD1 brings Bill 41 overall closer to the version of the original bill submitted by DPP and approved by the Honolulu Planning Commission, but we would like to bring the current lack of exemptions to the Committee's attention. We feel strongly that a measure that sets the minimum rental period at 90 days should include an exemption for occupants who are not seeking to abuse the system but require less that the minimum rental period for the purposes. For example, these could include traveling nurses, students, or military personnel. These occupants could, for any number of reasons, require short-term housing of periods less than 90 days and should be allowed to utilize short-term units within their budgets without being penalized.

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

These things considered, HLTA continues to Bill 41 (2021) and the proposed Committee Draft 1.

Thank you for the opportunity to offer this testimony.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 4:53 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Helena von Sydow
Phone	
Email	helenavonsydow@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	A year and a half ago City & Council passed Ordinance 19-18 outlawing and controlling short term rentals. A new regime was elected for City Government. Mayor Blangiardi and the new City Council was not satisfied with Ordinance 19-18 and is redoing the whole thing. SHAME ON THE CITY & COUNTY FOR NOT PLANING AN ENFORCEMENT BUDGET WHEN PASSED ORDINANCE 18-19. The DPP is now trying to head down the same road that we just travelled in 2018 and 2019 with Bill 89. But we don't need to go through the tumultuous, expensive, and exhausting process of crafting and passing a new law. 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. Enforcement of the existing Ordinance 19-18 would achieve all of the policy goals of the administration, preserve private property rights, and actually get the results everyone wants, much faster. In addition to the above Maor Blangiardi signed Bill 40 requiring all Short term rentals and hotels to pay 3% OTAT which primarily goes to pay for the rail Item 1 With the worldwide Covid19 pandemic Hawaii neighborhoods began to see what life was like before. Traffic, crowding, tourists invading residential neighborhoods, and noise at all hours of the day that were typical issues created Tourists, disappeared during the pandemic lock down. While the visitor industry is a main driver of Hawaii's economy, discussions have begun on how we might limit the number of visitors to Hawaii. Ten million (10,000,000) visitors

annually has become too much.
THE MAIN CONSIDERATION AT THIS POINT ARE:
THE HOTELS AND TIME SHARES OFFER ALMOST 50,000 ROOMS/ACCOMMODATION.
LEGAL TVU's DON'T EXEED 4,000 rooms
To address these issues, we believe it is necessary to improve upon Ordinance 19-18 by simplifying the City's approach to regulating STRs and other transient accommodations.
TO SOLVE THIS PROBLEM HOTELS AND TIME SHARE ACCOMMODATIONS HAVE TO BE PART OF THE EFFORT TO REDUCE THIS INFLUX OF VISITORS.
TOURISTS ARE ALL OVER THE CITY, LOCAL STORES, RESTAURANTS, TRAILS, BEACHES ETC
Due to the lack of the city's organization and the Hawaii Tourist Authority for not creating enough activities, restaurants and the such in the tourist areas only.
Please note that 90% of the tourist above mentioned are staying in HOTELS, AND TIME SHARE ACCOMMODATIONS and NOT in TVU's
A REDUCED AMONT OF TOURISTS IN HOTELS AND TIME SHARE ACCOMMODATIONS WHICH REPRESENTS MORE THAN 90% OF THE PROBLEM
LOCAL RESIDENTS WILL BENEFIT MORE THAT JUST REDUCING STRs
USE HAWAII TURISM AUTHORITY AND THE HAWAII HOTEL ALLIANCE DATA BASE TO ENFORCE A $5,000 PER HOTEL ROOM PER YEAR MINIUM COMPENSATION FEE FOR THE HAWAII RESIDENTS AND ALSO CAN BE USE TO SOLVE THE HOME LESS PROBLEM, PARKS LAND SCAPE BEAUTIFICATION, MAINTENANCE OF TRAILS, REPAR ROADS, IMPROVE TOURIST FACILITIES, IMPROVE SEWER SYSTEM IN WAIKIKI, HELP GRATE A GOVERNMENT PROGRAM TO EDUCATE IMPORTANCE OF HAWAII ECO SYSTEM

Item 2
City claims 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,
IT IS KNOWN THAT 25% OF THE HOUSES SOLD IN HAWAII ARE SOLD TO NONE LOCAL RESIDENTS. The increase the prices and rents of housing, making living on Oahu less affordable for its resident population is NOT due to STR's, it is due to the global real estate market.

Item 3
City is trying to impose registration, renewal and revocation processes B&Bs and TVUs
Well, EXISTING HOTELS AND TIME SHARE ACCOMMODATIONS should also be imposed the same registration, renewal and revocation processes PER EVERY ROOM
Imagine multiplying the 50,000 hotel rooms available by the registration and renewal amounts imposed? Then yes the city will make the fair revenue it needs to support the visitor industry Hawaii needs

In addition Advertisements must contain the lawful registration number and tax map key number not only of the TVU or B&B units but EXISTING HOTELS AND TIME SHARE ACCOMMODATIONS MUST CONTAIN THE LAWFUL REGISTRATION NUMBER AND TAX MAP KEY NUMBER PER EVERY ROOM

Testimony
Attachment

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:00 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Andrew Beh
Phone	
Email	andrewbeh808@yahoo.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	with the cost of living so high in Hawaii it really helps to supplement income. Why not let people who go on a vacation to the mainland let them rent their house out for the week they're gone on Airbnb to make some money and help pay for their trip A certain amount of times a year. Even if it's just one two or three times. Also, why not let people if they're living in their house rent out a room like a bed-and-breakfast? You hear of so many people moving away because they can't afford the cost of living here in Hawaii and that would help them pay the bills. Is it really a lack of affordable housing that this bill will address or just bowing down to the hotel lobby?
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:04 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119170421_2022.01.19_HNL_Council_Bill_41_STR_rules.pdf

Written Testimony

Name	Representative Tina Wildberger
Phone	
Email	repwildberger@capitol.hawaii.gov
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	Hawaii State House of Representatives
Written Testimony	
Testimony Attachment	20220119170421_2022.01.19_HNL_Council_Bill_41_STR_rules.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

January 19, 2022

Committee on Zoning and Planning
Honolulu City Council
530 S King St.
Honolulu, HI 96813

Chair Brandon J.C Elefante
Vice Chair Esther Kia'āina
Councilmember Radiant Cordero
Councilmember Calvin Say

Re: 2021 BILL 41, PROPOSED CD1 RELATING TO TRANSIENT ACCOMMODATIONS

Aloha Chair Elefante, Vice Chair Kia'āina, and Honorable Councilmembers,

Mahalo for the opportunity to share my mana'o on Bill 41, CD1. I support regulating and enforcing rules on Transient Vacation Rentals (TVRs), especially the sections regarding mandatory registration for B&Bs, fees, and critical framework for administrative enforcement. I appreciate that the CD1 draft of this bill has reduced the proposed 180-day rental requirement to a much more reasonable 90-days, but 30 days would be better for travel nurses and similar professions who sometimes have two-month contracts.

While this bill is certainly well-intended, its ripple effects that will impact the whole economy. In addition to travel nurses, students, film productions, and seasonal workers will no longer want to stay for extended work assignments.

How would this affect regular month-to-month rentals? Even after the proposed amendments, Bill 41 still requires all non-TVR landlords to also commit to 90-day leases, only allowing month-to-month rentals after the expiration of a 90-day lease. This inadvertently incentivizes a market for unpermitted units, and deters landlords who may have otherwise been willing to take a 1-2 month chance on a young single parent, a college student, or someone who was recently incarcerated.

Maui's TVR policy is 180 days, but without proper enforcement, it doesn't really matter what the limit is. Essentially, the 180-day rule just prevents people who are coming to work on a 90-day basis from finding legal housing. Rather than increasing the allowable rental period, increasing enforcement on existing policies would be a much simpler, more effective route to

the desired outcome of reducing TVRs in residential areas.

San Francisco has a much better TVR ordinance. Their policy is very nuanced: they allow short term rentals for periods of less than 30 nights, but there are residency requirements for the landlord, and limits to the number of nights that a unit can be rented within a year. Full details and a link to the complete ordinance can be found on their municipal FAQ page here, I hope you will find it useful as you consider amendments to this bill: https://sfplanning.org/str/faqs-short-term-rentals

Mahalo,

Representative Tina Wildberger

Kīhei · Wailea · Mākena

Office of Representative Tina Wildberger
Proudly serving the 11th House District
415 S. Beretania St. Honolulu, HI 96813, Room 327
Phone: 808.586.8525 | Fax: 808.586.8529 | email: repwildberger@capitol.hawaii.gov

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:11 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Lexi Campbell
Phone	
Email	lexisoup1@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	

Written Testimony

Allow me to begin by stating that I support the overall goal of eliminating illegal TVUs in residential areas, thereby protecting residential neighborhoods.

However, I strongly oppose the changes proposed in Bill 41 CD1 that will affect resort zone TVUs. For decades, the TVU has been the permitted use without conditions in the resort zone, just like hotels in the zone. Recent testimonies have stated that if owners wanted to offer short term rentals, then they should do so in the resort zone and pay the same taxes as the hotel, pay the transient accommodation tax, and therefore would be on equal competitive grounds with the hotels. As a result, this is exactly what we have done. Purchased and operated legal TVUs in the resort zone, paid TAT, GET, and hotel-resort rate property tax... just like we're supposed to by law.

As written, Bill 41 CD1 will provide preferential treatment to hotels over TVU owners/operators, despite TVU owners paying equal to hotels in taxes and fees. This change states that hotels are granted "special treatment," and will not be subject to the proposed rule of two occupants per bedroom for TVUs. As I recall from my hotel stays, one of the most frequent layouts is the two queen beds in one hotel room, which provides sleeping arrangements for 4. Yet, under this Bill, the hotels will be able to continue as such, while crippling TVUs. As an example, I own a studio which comfortably sleeps 4, much like a hotel. However, if this bill passes I will be limited to only 2 guests at a time. It goes without saying, but this will negatively impact my revenues. I, like many others, rely on this income stream as my livelihood. Furthermore, this bill seeks to punish TVU owners by charging a $2000/year fee. Again, unfair treatment relative to hotels.

Bill 41 CD1 restricts TVUs in the resort zone with occupancy limitations and financial burdens that the hotels are not subject to. The hotels are exempt. Why? All we seek is fair treatment, and to be on equal footing to our hotel neighbors. TVUs in the resort zone should be allowed to continue to operate without conditions.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:13 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Thomas Link
Phone	
Email	Link4Tom@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Although I support efforts to rid Honolulu of illegal vacation rental properties, I oppose Bill 41. Bill 41 creates fees, expenses, regulations and restrictions for private rental property owners that do not exist for corporate rental properties/hotels. It is unfair.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:21 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Eileen Hilton
Phone	
Email	ehiltonmd@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. Proposed CD1 bill 41 (2021
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Jessika Lawrence
Phone	
Email	jessika.lawrence@me.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	As a responsible homeowner with an ohana house, who pays general excise tax and transient accommodation tax and rents to people moving to and from Oahu for at least 30 days, I would like to see the city deliver on its promise for short-term rental lottery that was supposed to be offered in October 2020. Renting to non-permanent residents allows me to offer my own mainland extended ohana a place to stay that is furnished when they come to visit us and helps me to offset the cost of supporting less financially stable members of my family. I comply with all laws, all taxes and all rules that are preliminary set up for the lottery system, including living on the property. I feel this bill is over reaching and we should pursue the system that simlar to the short term rental lottery (ie, houses with 2 rooms or less, with hosts living on the property, with neighbors aware of unit etc). If we don't keep up with the type of accomodations that visitors want, they will find other destinations to visit instead of Hawaii.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:01 PM
Subject: Council Testimony

Written Testimony

Name	Leo Vlachakis
Phone	
Email	leonidasvlachakis@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this bill. It unfairly penalizes those who legally operate 30-day rentals. Increasing the 30-minimum stay does not address the problem of those who already break the rules. Enforce the laws that are on the books.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:03 PM
Subject: Council Testimony

Written Testimony

Name	Skylar Breen
Phone	
Email	skylarbreen9@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I continue to oppose this bill. While Bill 41 CD1 is an improvement from the original Bill proposed by the DPP, it is still highly problematic across the board.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:14 PM
Subject: Council Testimony

Written Testimony

Name	Linda Vela
Phone	
Email	linda@bvmetals.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 CD1 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Stop building hotels if you want to give Hawaii back their neighborhoods and have affordable housing. Ordinance 19-18 was supposed to solve the problems with STRs, and it wasn't even enforced using the MOU agreement with Airbnb and VRBO. Both of these platforms have stated (I was in the meeting), that they will back out of their MOU if the 30-day minimum stay is not honored as agreed upon when Ordinance 19-18 was drafted. I'm not sure how enforcement will get any better if you don't have their assistance.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:33 PM
Subject: Council Testimony

Written Testimony

Name	Ann
Phone	
Email	anndewey1@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose bill 41 because I believe we should enforce 30 day/ monthly rentals. There are numerous times when resident families might need to rent a home for a month instead of staying in the Waikiki hotels. For instance, the month of a family members funeral or a wedding. Thirty day rentals, if enforced, can be a welcome part of our community.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:05 PM
Subject: Council Testimony

Written Testimony

Name	Ralph Furley
Phone	
Email	rfmail2007@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	against bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear council members. Please modify bill 41 to minimum 30 day rentals for the following important reasons: 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. Oahu has a dwindling "service work force" consisting of blue-collar jobs primarily filled by local residents. This work force is in dire need of flexible rental terms to be able to move, frequently in order to attain better pay and benefits with another employer. Nobody 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. In contrast, it is the white-collar teleworkers who prefer long term rentals because they can easily switch jobs "virtually" without having to relocate like local residents in service related jobs. Military tenants also have long term rentals since they are assigned to a designated base. So the only people this bill will adversely affect are the local residents with service jobs. DPP and the City Council are horribly confusing lodging lengths among tourist with local residents. What tourist stays on Oahu for 90 days? The facts are that tourist only stay on Oahu for just under 2 weeks.

Sincerely,
Ralph Furely

Testimony
Attachment

Accept Terms
and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:08 PM
Subject: Council Testimony

Written Testimony

Name	Cecilia Gomez
Phone	
Email	ceciliagomezhawaii@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose bill 41 because it has nothing to do with tourist. Such rental term limits will have an adverse affect on not being able to rent out in the event my tenant leave prematurely.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:29 PM
Subject: Council Testimony

Written Testimony

Name	Janet Montgomery
Phone	
Email	janhawaii@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41, CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Our neighborhoods are being overrun by these illegal B&Bs, and it's a convenient myth that they are all run by auntie who rents out a room so she can pay her mortgage. Most of them are whole houses with no owner anywhere near. Enough is enough.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 8:25 PM
Subject: Council Testimony

Written Testimony

Name	Justin
Phone	
Email	Justinserush@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Organization
Organization	People of Hawaii
Written Testimony	I am against the propsal of Bill 41 CD1.vacation rental 180 day minimum. This is a slap in the face to the people who do offer vacation rental/transient employee accomondations. People don't stay for 180 days vacation. Transient workers are here for 2 weeks to 4 months. This has increased now, teleworking is available due to covid. Most are teleworking while on a 3 week vacation. So many rely on additional income to survive. Hawaii's low pay accross the board makes it so a family need a side job or buissiness just to survive. Doing this 180 days is a loss of revenue for State City and County and local businesses let alone the people who have them. This is definetly a step backwards making Oahu a destination. Which make no sense as the bill only serves hotels. Not everyone wants a hotel experience. I do not know why this is even an issue. We are not talking about 10 of thousands of rentals and taking from hotels huge occupency numbers. Its a minority at best, a tiny number compared to hotels. So why go after a minority. The time spent could have been better used for preventing human trafficing, prostitution, heavy drugs and gambing that utilizes our hotels on a regular. Why is the tourism comittee not working on this? This is a hard no and should be once and for all. Why cant there be more options for visitors not just a corporate hotel. Instead of trying make it illegal to offer a place. Create a system that benifits e everyone not a select few.
Testimony Attachment	

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:11 PM
Subject: Council Testimony

Written Testimony

Name	Mialisa Otis
Phone	
Email	mialisa808@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Is a support bill 41 to keep our neighborhoods neighborhoods in Waimanalo. That is to know thy neighbor. I appreciate vacation rentals/ short term rentals adhering to the 30 day policy.. at least on their website. There are still rogue vacation rentals that are ruining for those that comply with the rules. We get attached to our neighbors and it would be nice to see the houses rented for at least 3 months. The cost of living is high but if people (locals) have the opportunity to stay here, it would be nice, instead of transient visitors here for an extended vacation. I hear the concern of people not being able to have family that visit stay near to them, but we're an island. They would be 20 minutes away.. better yet, we have friends/ or acquaintances that can put them up for free or with a simple cleaning fee. Let's keep our neighborhoods neighborly. Mahalo
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 6:02 AM
Subject: Council Testimony

Written Testimony

Name	Maria Arias
Phone	
Email	alohaflor@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am an owner and also property manager. I am opposed to bill 41. This bill will destroy many local businesses and leave many families without an income. It will also destroy hawaii economy. I'm a single mom of 2 kids and I invested all my savings in to properties that are resort zoned I manage myself to make an income to pay for my kids education, roof and food. I'm also a real estate agent and I manage for other investors just like me. We all pay the high tax that imply to operate these rentals, and hire several people to do work for us, like cleaners, plumbers, handyman , which also pay taxes. This bill will only benefit the hotels! They will monopolize the markets and profit big time by charging high hotel rates. Most people won't be able to come to Hawai'i since there will be shortage of rooms and very high prices. I understand the need of regulation and that why the zoning was created, this is bill is ridiculous and it also violates our rights! I purchased properties that were zones commercial and resort, now the use of the property will change one they feo an other making my investment worth nothing... I will be loosing my job, my income, my investment.... Me an many other residents that worked very hard to make something to live in this expensive state.... All so the corporative hotels can become richer. I OPPOSE TO BILL 41!!!!! Please be fair and don't destroy our economy and take away our hard work

From: CLK Council Info
Sent: Thursday, January 20, 2022 6:12 AM
Subject: Council Testimony

Written Testimony

Name	marcela gama
Phone	
Email	celagama@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am a single mother that have been working hard for my business, clients, and community. I manage vacation rental properties and not only do my clients need me so they can pay their property taxes and HOA but also give locals jobs: cleaning, maintenace, plumbing, electrical… etc.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:45 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Michael Heh
Phone	
Email	mikeheh100@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha Committee on Zoning and Planning, While Bill 41 CD1 is an improvement from the original Bill proposed by the DPP, it is still highly problematic and discriminatory. In the Resort Zone, CD1 establishes hotels as a privileged class that is not subject to the same registration fees per unit or to the restrictions imposed on individual property owners. There has NEVER been any distinction between corporate hotel owners and individual owners in the Resort Zone. Any changes of the law should apply equally to all kinds of owners. If the goal is to generate revenue, much more revenue could be generated each year by imposing a reasonable fee equally to all hotel rooms, regardless of ownership. Corporate hotel owners own thousands more rooms than individual owners. If a reasonable fee per hotel room was charged to all owners (including the corporate hotel chain owners), such as $100 per unit per year, millions more dollars in revenue could be generated every year. Instead, this Bill proposes extremely unreasonable and oppressive fees for individual owners only that would not generate nearly as much revenue as a reasonable fee would charged equally for every hotel room, regardless of ownership. Why would the government of Hawaii even consider discriminating against individual property owners this way? Why would you want to provide special benefits to corporate hotel owners and punish individual owners who have played by the rules and have always paid the same taxes as the corporate hotel owners? The simple fact is that the current law (Ordinance 19-18) has never really been enforced. The online platforms have even provided the government with special tools, as agreed in their MOU, but the government has never used those tools. Why doesn't the government of Hawaii just enforce the current laws instead of trying to make new laws? Those who have decided 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 draconian and discriminatory fees and restrictions. Mahalo,

	Michael Heh 808-382-4515
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:46 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Leonard Rossoff
Phone	
Email	lrossoffmd@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. Proposed CD1 bill 41 (2021}
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 5:56 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Maria Chen
Phone	
Email	Michael.heh@va.gov
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear Committee on Zoning and Planning, While Bill 41 CD1 is an improvement from the original Bill proposed by the DPP, it is still deeply flawed. In the Resort Zone, CD1 establishes hotels as a privileged class that is not subject to the same registration fees per unit or to the restrictions imposed on individual property owners. There has NEVER been any distinction between corporate hotel owners and individual owners in the Resort Zone. Any changes of the law should apply equally to all kinds of owners. If the goal is to generate revenue, much more revenue could be generated each year by imposing a reasonable fee equally to all hotel rooms, regardless of ownership. Corporate hotel owners own thousands more rooms than individual owners. If a reasonable fee per hotel room was charged to all owners (including the corporate hotel chain owners), such as $100 per unit per year, millions more dollars in revenue could be generated every year. Instead, this Bill proposes extremely unreasonable and oppressive fees for individual owners only that would not generate nearly as much revenue as a reasonable fee would charged equally for every hotel room, regardless of ownership. Why would the government of Hawaii even consider discriminating against individual property owners this way? Why would you want to provide special benefits to corporate hotel owners and punish individual owners who have played by the rules and have always paid the same taxes as the corporate hotel owners? The simple fact is that the current law (Ordinance 19-18) has never really been enforced. The online platforms have even provided the government with special tools, as agreed in their MOU, but the government has never used those tools. Why doesn't the government of Hawaii just enforce the current laws instead of trying to make new laws? Those who have decided 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 draconian and discriminatory fees and restrictions. Mahalo,

	Maria Heh 808-382-4515
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:03 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119180243_Waikiki_Sunset_-_Testimony_re_Bill_41_Relating_to_Transient_Accommodations_-_1.19.22.pdf

Written Testimony

Name	Cheryl A. K. Fraine
Phone	
Email	cfraine@hawaiilegal.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Association of Apartment Owners of Waikiki Sunset
Written Testimony	
Testimony Attachment	20220119180243_Waikiki_Sunset_-_Testimony_re_Bill_41_Relating_to_Transient_Accommodations_-_1.19.22.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

PMK

PORTER · McGUIRE · KIAKONA · LLP

January 19, 2022

Chairman Brandon J.C. Elefante
Members of the Committee on Zoning and Planning
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41 – Relating to Transient Accommodations

Dear Chairman Elefante and Members of the Committee on Zoning and Planning:

This testimony is submitted on behalf of the Association of Apartment Owners of Waikiki Sunset (the "Association" or "Waikiki Sunset") regarding Bill 41, relating to Transient Accommodations. The Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impact of short-term rentals. However, the Waikiki Special District (the "WSD"), as a central and prime tourist destination, is not a typical residential neighborhood. Moreover, the Apartment Precinct of the WSD is separated from the Resort Mixed Use Precinct by a single street - Kuhio Avenue. This separation exists only on paper as the overall tourist atmosphere pervades the area. Bill 41 does not take into consideration the unique circumstances of resort style condominium buildings, such as the Waikiki Sunset, that are located within the Apartment Precinct.

The Waikiki Sunset is a four hundred thirty-five (435) unit condominium resort project located on Paoakalani Avenue. The Waikiki Sunset's location is one of its best features, as it is in the heart of Waikiki. Just down the road from the famous Waikiki Beach, the Waikiki Sunset sits near the Hilton Waikiki Beach Hotel, the Waikiki Beach Marriott Resort & Spa, and the Hyatt Place Waikiki Beach. Iconic tourist attractions such as the Royal Hawaiian Shopping Center, International Marketplace, the Kahanamoku Statue, and Honolulu Zoo are all within a few blocks.

Since opening in 1979, the Waikiki Sunset has offered its guests the typical hotel/resort experience with condominium-style suites. It has always, and continues to operate as a condotel. When visitors arrive, they proceed to the 24-hour front desk to check-in and request bell service to deliver their luggage to their suites. The Waikiki Sunset offers concierge services that assist visitors with creating the perfect itinerary, a convenience store, taxi stand and a large parking structure.

In 1976, the Waikiki Special Design District (later called the WSD) was created, which divided the WSD into four precincts: Apartment Precinct, Resort Hotel Precinct, Resort Commercial Precinct, and Public Precinct. Waikiki Sunset is in the Apartment Precinct. While the newly created Apartment Precinct prohibited the *construction* of a hotel, nothing prohibited use as a condotel,[1] i.e., a condominium project providing, among other things, transient accommodations, such as short-term rentals and/or hotel-like operations. Subsequently, in 1986, the Land Use Ordinance ("LUO") was adopted. In 1989, the LUO was amended by providing for the issuance of non-conforming use certificates ("NUCs") for nonconforming Transient Vacation Units which operated prior to the

[1] The Waikiki Sunset has always been a condominium project whose individual owners have operated their units primarily for short-term vacation rentals, and seasonal short-term vacation rentals in a hotel style environment. The term "condotel" will be used herein to refer to this use. The term "condotel" as used herein differs from the definition in Bill 41.

Porter McGuire Kiakona, LLP
841 Bishop Street, Suite 1500
Honolulu, Hawaii 96813

www.HawaiiLegal.com
Phone: (808) 539-1100
Fax: (808) 539-1189

enactment of the LUO, thereby implicitly acknowledging transient vacation units were permitted in the WSD Apartment Precinct prior to the enactment of the LUO.

In or around 1994, DPP created a list exempting certain buildings from the NUC requirements (the "Exempt List"). In doing so, DPP acknowledged that a project-wide exemption could be granted and that NUCs were not required to operate transient accommodations, such as short-term rentals, at buildings it granted an exemption to.[2] However, the Waikiki Sunset was not included on this list, even after being regulated and treated like a hotel by the City. For instance, in or around 1989, the Waikiki Sunset was forced to comply with the City's requirement to install automatic fire sprinklers, as the City considered the Waikiki Sunset a hotel.

Given that the Waikiki Sunset has openly operated as a condotel for over 40 years, Bill 41, as originally introduced, infringes on vested property rights. Not only does Bill 41 prohibit short-term rentals in the WSD Apartment Precinct and attempt to force entire association buildings to choose to be classified as either residential or hotel, thereby depriving individual owners of their control over their units, but it also, among other things, requires unit owners to submit their units to a hotel room inventory, pay rent in order to use their own property, and even limits how many transient vacation units a person may own (i.e., one).[3]

As for the proposed Bill 41, CD1, it is a step in the right direction in that it has removed some of the more troubling aspects of the original bill. Nonetheless, CD1 does not consider the unique circumstances of buildings such as the Waikiki Sunset that are located in the Apartment Precinct of the WSD. Bill 41's goal to protect residential neighborhoods makes sense in single-family communities. The WSD, however, is vastly different from single-family residential communities where residents expect a more traditional neighborhood. Waikiki abounds with tourists, hotels, and large condominiums, such as the Waikiki Sunset. Bill 41, as originally drafted and CD1, in its application to the WSD, does not take these realities into consideration.

As the Waikiki Sunset has operated as a condotel for over 40 years, its continued use as such will not increase noise or traffic, as it is located right across the street from hotels and itself consists of 435 units.[4] Allowing for the continued operation as a condotel will not cause parking problems, as the Waikiki Sunset has ample parking to accommodate visitors. The Waikiki Sunset has been part of the Waikiki landscape for over 40 years. As such, Bill 41 should be revised to take the unique circumstances of resort style condominium buildings into consideration. Condotels, such as the Waikiki Sunset, should be allowed to continue operating as such in the WSD.

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

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[2] Many, if not all, of the properties on the Exempt List were, and are, "condotels" operating similar to the Waikiki Sunset.

[3] Not only are owners affected by Bill 41, but the effects of Bill 41 can also impact local employment and tax revenues.

[4] There are no single or double family residential housing near or adjacent to the Waikiki Sunset building that might be concerned about being disturbed.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:07 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119180721_ARDA_Hawaii_Testimony_Bill_41LUO_Amendments_1-19-22.pdf

Written Testimony

Name	Evan Oue
Phone	
Email	eoue@imanaka-asato.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Organization
Organization	ARDA Hawaii
Written Testimony	Please find attached the testimony for ARDA Hawaii. Please let me know if councilmembers need additional information.
Testimony Attachment	20220119180721_ARDA_Hawaii_Testimony_Bill_41LUO_Amendments_1-19-22.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

January 19, 2022

TO: Councilmember Brandon J.C Elefante, Chair
Councilmember Esther Kia'āina, Vice Chair
Members of the Committee on Zoning
And Planning

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION OF HAWAII (ARDA-Hawaii)

RE: Comments on Bill 41 CD1 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. ARDA-Hawaii understands the Administration's concerns and appreciates the substantial revisions to Bill 41 to reduce the impacts on the hotel and timeshare industry.

In reviewing the CD1, ARDA-Hawaii recommends that the definition of "Transient Vacation Unit" (TVU) be amended. As currently drafted, dwelling and lodging units located in a hotel and timeshare units could unintentionally be incorporated into the definition of TVU which is defined as "[A] dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing, for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home." In order to clearly state that dwelling and lodging units in a hotel and timeshare units should not be included, ARDA-Hawaii recommends that the definition be amended to read as follows:

""[A] dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing, for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home <u>or timeshare unit</u>. For the purposes of this definition:

(1) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants;

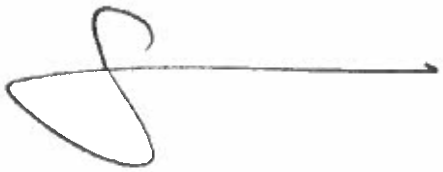
(2) Month-to-month holdover tenancies resulting from the expiration of longterm leases of 90 days or more are excluded; and

(3) Dwelling units or lodging units in a hotel are not included."

The amended definition would clearly distinguish hotels and timeshare units from TVUs and prevent any unintentional consequences created by this measure.

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, and clearly regulates transient accommodations. Thank you for your consideration.

Respectfully submitted,



Mitchell Imanaka
Chair
American Resort Development Association of Hawaii

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:34 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Toral Patel
Phone	
Email	toral.patel@airbnb.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1
Your position on the matter	Oppose
Representing	Organization
Organization	Airbnb
Written Testimony	Please see attached
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:44 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Tony Burrowes
Phone	
Email	tonyburrowes@xtra.co.nz
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 Short Term Rental
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I'm specifically concerned for our property, the Waikiki Banyan if this bill proceeds as drafted. In our building, nothing will change in relation to there still being short term visitors staying in Banyan units, under a hotel management. The disruption to the fabric and character of the community would be non-existent, as there would essentially be no change in visitor dynamics. The only change in our building would be that the independent management companies would be made redundant, but the rooms would still house short term visitors under different management. What would change dramatically however are the choices available to visitors to Hawaii who may not be mainstream hotel users and wish to make other decisions. This is clearly a strong market sector given the demand for such accomodation. The other change is to the legal rights of the property owners, who have made the decision to invest in Hawaii, who are now threatened with being dictated to about how they can access that investment and what they can do with it. This represents a punitive and unfair change and feels completely unconstitutional. It is my belief that Bill 41 is a broad brush approach to a wider issue for which the Waikiki Banyan, by the Bill's own definition, should not be the actual target, and so our building could easily be viewed differently and permitted to continue to operate as it has always done. I therefore oppose bill 41 as written and look for a review to more specifically address the purpose the bill is trying to achieve, and whether this is actually applicable in our case at all.
Testimony Attachment	
Accept Terms and Agreement	1

From: CLK Council Info
Sent: Wednesday, January 19, 2022 6:59 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Martha German
Phone	
Email	hi.daywalker@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Uli Frowein
Phone	
Email	uli@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Revised Bill 41 short term vacation rentals
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Unfortunately, short term vacation rentals have changed Oahu neighborhoods in a dramatic way and it can only get worse if restrictions are not put in place soon. There is no time here - a large increase in expected visitor arrivals (10+ milion) will take place immediately after the epidemic. Then 12 million etc. What Oahu's population and the City's infrastructure need are visitors that are willing to pay national and international tourism market rates (vs lowest possible rates to attract as many visitors as possible). The first step toward this goal is to restrict vacation rentals in the sensible way that this bill provides. Otherwise the Aloha spirit will dim and Hawaii will loose its attractiveness. I agree that the min. 90 day rental period might be a problem for certain non-tourist visitors (for instance traveling nurses) but this should not be in the way to adress the greater problem now.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 7:29 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Terri Needels
Phone	
Email	windwardcoalition@gmail.com
Meeting Date	01-19-2021
Council/PH Committee	Zoning and Planning
Agenda Item	1. Proposed CD1 bill 41 (2021)
Your position on the matter	Support
Representing	Organization
Organization	Windward Coalition

January 19, 2022

Council Member Brandon Elefante
Committee Chair, Zoning and Planning
Honolulu City Council
Honolulu Hale
530 S. King St
Honolulu, HI 96813

Aloha Council Member and Committee Chair Elefante:

Written Testimony

This letter is submitted by the Windward Coalition, a voluntary organization without political affiliation, representing what we believe are the best interests of the Windward community. We have and continue to oppose the proliferation of illegal transient vacation rentals (TVUs). We support those who wish to keep the zoning integrity for their communities preventing illegal use of property.

This illegal proliferation of TVUs has hurt the quality of life of long-term residents, our housing market, driving up the price of homes and effectively rezoning residential areas into commercial ones.

On review of Bill 41 and your CD 1 the types of changes recommended:

• The 180 days rather than the current 30-day rule.

• It takes two Notices of Violation (NOV) before a fine can be issued. We feel that this should be enforced on the first NOV as done with traffic and other offences were initial "ignorance"

is not a difference.

• Advertising violations and offering/rental violations are still considered different types of violations. As others, we believe that anyTVU violation should be consider a recurring violation.

• All ads without a permit # must include the following statement: "This property may not be rented for less than 90 consecutive days. Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied." We believe that the renter should retain the right of use of the property for 90 days without the ability to sublease.

• Publishing companies and internet service providers will not be held responsible for the content of advertisements that are created by third parties. As do others we believe that rental platforms (e.g. Airbnb, VRBO) be held to the same standards as any other business and be able to claim ignorance of the law.

• We support the view that DPP inspectors be allowed to interview renters to confirm the legal terms of these rentals. The renters should be informed that lying to an inspector is a crime.

• We agree with others that language be added that makes violations deemed reoccurring if a violator is an individual or entity owning, managing or promoting different properties in violation.

• We support removing the Gold Coast from the areas of considering for expansion of TVUs. We have no idea of the impact on long-term rentals as well as the impact it could have on current owners and their ability to enjoy their home in peace.

We believe that the recommended changes would strengthen Bill 41 and provide the Department of Planning and Permitting the necessary tools to enforce the law.

Yours sincerely,

Terri Needels
President, Windward Coalition

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 8:36 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Marina and Richard Whyte
Phone	
Email	marinahoshi@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation rentals with NUCs should be treated the same as all the other vacation rentals: with rules. Currently, NUC holders do not need a special education, their houses are not built any differently from ordinary single-family units even though they accommodate large groups of paid guests, and, as far as we know, the DPP does not even inspect these houses regularly to make sure they meet building codes, or have the right septic systems, etc. The certificates, which were issued over thirty years ago, allowing people to continue operating their businesses in quiet neighborhoods, should have expired by now. Whatever rules the city makes for regular vacation rentals should also apply to the ones with NUCs. And most importantly, NUCs should NOT be sold to the next investors.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 9:26 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Dawn Bruns
Phone	
Email	dawnbbruns@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Whole-home short-term rentals should be unlawful (there are so many problems with the homeowner is not there). We don't have any more short-term rentals in our neighborhood - home prices (and rents) are skyrocketing because wealthy remote-workers are moving here. I would rather our remaining tradesmen neighbors, who's families have lived generations in Hawaii, rent out a spare bedroom to a visitor so they can afford to stay in Hawaii, than lose them from our neighborhood because they can't afford to live here any more because they have family coming and going so they can't rent the bedroom long-term to a tenant. Spare bedrooms in owner-occupied homes do not constitute residential housing units in the first place - renting a single bedroom to visitors in an owner-occupied home should be allowed. Additionally, we need a place away from wind turbines to rent with our pets when we tent our house; when all the Kahuku Wind Farm turbines were on in past years we've needed to rent a room in someone's house > five miles from wind turbines to get normal REM sleep to recover our short-term memory (but we can't afford to do that six months in a row).
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

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
Thursday, January 20th, 2022
Honolulu Hale

RE: Proposed CD1 to Bill 41 (2021) - in opposition with comments

Aloha Chair Elefante and Councilmembers:

Thank you for the opportunity to provide testimony on this bill. The Honolulu Board of REALTORS® (HBR) on behalf of our over 7,000 members and its City Affairs Committee **opposes the proposed CD1 to Bill 41 (2021)**. While we appreciate the time and effort that DPP 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. In addition, we believe in equitable property tax rates and that properties should be taxed based on their assigned classification. We would support adding back that amendment to this measure.

With that being said, we **oppose** amending the definition of Bed & Breakfast Home and Transient Vacation Unit from 30 days to 90 days. **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 ability to advertise nightly and weekly rates be removed, and we also support registrations as a means to streamline enforcement for DPP. These would eliminate continued illegal activities and assist the DPP in their enforcement. See court stipulation in attached exhibit A.

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.

Exhibit A

Of Counsel:
DAMON KEY LEONG KUPCHAK HASTERT
Attorneys at Law
A Law Corporation

GREGORY W. KUGLE 6502-0
gwk@hawaiilawyer.com
MATTHEW T. EVANS 9002-0
mte@hawaiilawyer.com
LOREN A. SEEHASE 10414-0
las@hawaiilawyer.com
VERONICA A. NORDYKE 10609-0
van@hawaiilawyer.com
1003 Bishop Street, Suite 1600
Honolulu, HI 96813
www.hawaiilawyer.com
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

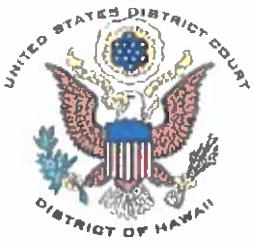
/s/ Gregory W. Kugle

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"

From: CLK Council Info
Sent: Wednesday, January 19, 2022 10:14 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Torrey Meister
Phone	
Email	torreymeister@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	bill 1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, Please vote NO to bill 1. I am a professional surfer who was born and raised in Hawaii. I have invested in the North Shore so that I will have a place to reside when I return here (usually 3 months of the year, Oct.-Jan), and at the end of my career. My comrades from around the world travel to the North Shore for a stay of between one and three months every year. If I were forced to rent out my place "long term" when I am away working, it would not be available for myself when I need it. If my work mates, their staff, crew and fans were forced to stay in "resort zones" they would not come to the North Shore or would be forced to do stay out here " illegally". When I was a kid coming over from the Big Island, working on my career, I needed to be able to stay, short term, on the North Shore. This is a need. Bill 1 will prevent resident owners from earning the rental income they incorporated into their financial plans when they bought their homes.; it will force vested home owners out. Also, it will deter professional and amateur surfers, and the money that they bring, from the North Shore. Why should visitor's money go into "resort zones" while North Shore residents get extra traffic and are deprived planned on income? Why should other Hawaii residents not be able to stay on the North Shore without paying for Turtle Bay? This is too much government regulation and it will be detrimental to North Shore residents. Please consider the North Shore residents who live here full time and who have purchased homes. Most every one of them has a rental. This bill will really hurt local people. Thank you Torrey Meister
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 10:26 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Susan Meister
Phone	
Email	mikeandsusanmeister@icloud.com
Meeting Date	01-20-2020
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha, I am asking that you vote NO to bill 1. I have been a resident of the North Shore for 25 years. I see that nearly every family that lives on the North shore has and has always had, a rental of some sort in their home to help them pay their monthly bills. These long term residents are counting on their vacation rental income to be able to continue to afford to live here. Transient visitors complain that there is no affordable rent on the North Shore. Homeowners should not be priced out of their homes by having an established income source taken away so visitors can afford cheap rent. The argument that affordable rentals will be created by forcing home owners to rent 6 months or longer is misguided. Restricting rentals to six months takes away the possibility of renting to students (BYU), traveling nurses (Kahuku and Wahiawa) and military personnel. Allowing invested long term homeowners to continue to have their rentals will keep them from being displaced. If you force them to sell or go into foreclosure by not letting them do short term rental, outsiders will move in and raise the rents. It is unduly unfair that our part of the island is SO affected by this. It is a burdensome imposition of government to dictate what local home owner/residents can and cannot do with their private assets. Please support North Shore residents by voting NO to bill 1.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 10:39 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Hsiao Chun Chang
Phone	
Email	hccclc2020@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To whom it may concern, I strongly oppose this bill. Allowing hotel to manage, it is really taking away the right of the owner to make their choice for whom they would like to hire for lower fee. With all the rises expanses, hotel fee are unreasonable and monopolized the market. During slower season, we have to pay out of our own pocket. It is definitely forcing out the market of Airbnb / Vrbo and other platform. Such proposal from DPP is really unfair and taking third party broker management out of the business. This bill is really design for hotel industry and having them to monopolize in tourism at Hawaii. Mahalo, Hsiao Chun Chang
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 10:47 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Charlie Chang
Phone	
Email	charlie.li.chang@gmail.com
Meeting Date	01-19-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	To whom it may concern, I strongly strongly oppose this bill. This bill is design to take away managing broker like us, also taking away the business from the virtual platform. Allowing hotel to manage, it is really giving owner to no choice for whom they would like to hire for lower fee. Such proposal from DPP is designed for hotel industry and having them to monopolize in tourism at Hawaii. I'm hopping the DPP is not siding with hotel and lost the focus to keep tranquil of the residential areas. Warmest Regards, Charlie Chang
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

TO: Members of the Council Committee on Zoning & Planning

FROM: Natalie Iwasa
808-395-3233

DATE: Thursday, January 20, 2022

SUBJECT: Bill 41 (2021) and CD1 Transient Accommodations – **OPPOSED** to Change from 30 to 90 Days and **Comments** on Specific Sections

Aloha Chair Elefante and Councilmembers,

Thank you for allowing testimony on Bill 41 and the proposed CD1 regarding transient accommodations.

Under Sec. 21-2.150-2, part (b)(3) to be added indicates that anyone who benefits from the violation will be held responsible for violations. How far does that go? Does it mean that advertisers and house cleaners will be held liable? Certainly they would benefit from guest or tenant turnover. It seems some people may be held liable for violations when they have no control over the situation.

Sec. 21-5.730(b)(1)(C) requires applicants for a bed and breakfast home to submit evidence of a real property tax exemption and a minimum of 50% ownership interest in the subject property. Why is there a 50% minimum ownership requirement? This adds to the administrative burden rather than provide any real benefit.

Paragraph **(E)** of that section indicates proof of insurance is also required. This also adds to the administrative burden. The same applies to paragraph **(2)(F).**

Paragraph **(2)(C)** requires a state tax clearance certificate from the State Department of Taxation. **Please do not burden our state tax department any further.** They already have enough to do. **Please remove this section**.

Paragraph **(3)(F)** requires a minimum of $1 million coverage of *commercial general liability insurance.* While I haven't gotten quotes, this seems a bit overboard and as far as I can tell unwarranted. This insurance is to cover not only bodily injury but "mental injuries and emotional distress." Why is this even included?

I oppose the restriction of rental periods of 90 days or more in paragraph (d)(2)(A) and (C). (The 90 change is also noted in paragraphs (c)(2)(B), page 32 and the removal paragraph (3)(C) on page 33.)

I also oppose the change in definitions of "bed and breakfast home" and "transient vacation unit" from 30 days to 90 consecutive days.

There are legitimate reasons a resident may need housing in their own neighborhoods for less than 90 days.

From: CLK Council Info
Sent: Wednesday, January 19, 2022 11:33 PM
Subject: Zoning and Planning Testimony

Follow Up Flag: Follow up
Flag Status: Flagged

Written Testimony

Name	John T Hoogsteden
Phone	
Email	johnh2oog@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Vacation Rentals in residential neighborhoods: --Reduce housing supply (the trickle-down effect is to increase "houselessness". --Allow visitor arrivals to increase infinitely (hotels must be approved by the county). I have seen owners divide their properties to increase the number of transient rentals. --Place a burden on neighborhood infrastructure (witness the horrendous traffic problems on the North Shore, Kailua, Waimanalo) --Often do not pay a Transient Accommodation Tax --Are oblivious to the "accepted standards of conduct" that exist in residential neighborhoods.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, January 19, 2022 11:57 PM
Subject: Zoning and Planning Testimony
Attachments: 20220119235728_AHCA_Bill_41_ZP_01.20.22_LUO_Amend.pdf

Written Testimony

Name	Jeanne Y. Ohta
Phone	
Email	jyohta@hawaii.rr.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 (2021)
Your position on the matter	Support
Representing	Organization
Organization	Aina Haina Community Association
Written Testimony	
Testimony Attachment	20220119235728_AHCA_Bill_41_ZP_01.20.22_LUO_Amend.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

'ĀINA HAINA COMMUNITY ASSOCIATION

c/o 'Āina Haina Library, 5246 Kalanianaole Highway, Honolulu, HI 96821
ainahainaassoc@gmail.com; www. ainahaina.org

Jeanne Ohta, President • Melia Lane-Kanahele, Vice-President • Art Mori, Treasurer • Kathy Takemoto, Secretary • Directors At Large: Jeff Carlson, Wayson Chow, Marie Riley

January 20, 2022

To: Chair Brandon Elefante,
Vice Chair Esther Kia'āina and
Members of the Committee on Zoning and Planning

From: Jeanne Y. Ohta, President

RE: Bill 41 CD1 (2021) LUO Amendment Relating to Transient Accommodations

Position: Support with Amendments

The Board of Directors of the 'Āina Haina Community Association (AHCA) write in support of Bill 41 CD1 (2021).

This bill provides enforcement tools that are needed by the Department of Planning and Permitting to enforce zoning laws. The bill also closes some of the loopholes in Ordinance 19-18 which are exploited by the operators of illegal rental units.

AHCA continues to believe that the City must be able to shut down illegal operators in our neighborhoods. Without effective tools, illegal rentals will continue to flourish in residential neighborhoods and continue to degrade our quality of life.

We respectfully ask that the Committee pass this measure. Thank you for the opportunity to provide testimony on this very important issue.

From: CLK Council Info
Sent: Thursday, January 20, 2022 4:18 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	A. London
Phone	
Email	info@ivorydome.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Special Zoning and Planning Committee
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	

Hello,

I am writing to voice my continued concern regarding short term rentals in Hawai'i.

It is important that we take into consideration the culture of Hawai'i and keep the integrity of the land and its people in mind when making decisions.

With the ever increasing cost of housing (both for sale and for rent) it is important that we limit or stop Hawai'i from becoming a breeding ground for investors many of whom are not residents and are not pumping money into the local economy.

We want to maintain integrity in our neighborhoods so they can remain what they are, neighborhoods. Not to be overrun by tourists and irresponsible short term renters who have no regard for the communities intact.

Being on an Island we have limited space and cannot continue to build and sustain the environment as well. Over tourism has taken a negative toll on the environment.

Some thoughts to consider:

1. Any one who engages in B&B or TVU regardless of zoning must provide the renter copies of certificates and phone number for complaints.

2. Any complaints filed should give DPP immediate and unrestrictive access to the property to make a determination of violations.

3. We continue to see unpermitted work especially in areas such as Kuilima Estates where stays are around $500 per night. Many properties are taking in over $100,000 in yearly rental

revenue yet the local government and departments don't see any of the share and thus are unable to perform much needed regulation.

4. Create an amnesty program for properties that are not up to code, where issues can be resolved in a timely manner and revenue can be brought into relevant cities and departments.

5. Remove resort zones to provide and open up housing for locals. Many resort zones such as Kuilima Estates with units that are owner occupied constantly deal with irresponsible tourists and other negative factors that come with over tourism. Apartment zoned properties should be just that, apartments, regardless of the initial master plan that is not in line with the current housing crisis in Hawai'i.

6. Start modeling ourselves after other cities and communities that are dealing with housing crisis in which they have completely banned short term rentals less than 30 days.

7. Start enriching our communities and make them safer. Have our residents not being disturbed at all hours from lodgers who could just as well stay in a hotel. Bring the housing market back to reality as there is no such thing as quality affordable housing for many individuals in Hawai'i.

8. Aloha. How can we keep the spirit of Aloha when locals are constantly being deprived of their enjoyment of their home and their land due to over tourism. John De Fries commented on how over tourism became evident during the pandemic and the effects it has had on the people of Hawai'i as well as the environment.

We need to make bold choices for the future of Hawai'i. It is a special place that deserves respect and good will.

Thank you for your time.

Best,

A. London

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 4:37 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mike Jackson
Phone	
Email	mikejacksonatlarge@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Clearly anyone voting for this bill as written is in favor of shutting down vacation rentals on Oahu. The 90 day minimum stay requirement would be the death of Vacation Rentals. The proposed increase in the every- other-year NUC fee from $600 to $4000 is grossly exorbitant, and unfair. It sends the message that Oahu wants to shut down LEGAL VRs too. Those owners have been following the rules for over 30 years, and paying large amounts in GET and TAT as well as employing local workers and contractors. Now the CC is willing to make it much more expensive for them to operate their legal businesses!! Closing all VR business will impact the Oahu economy, and result in a large amount of lost jobs and lost taxes for the state and City/County.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 6:04 AM
Subject: Zoning and Planning Testimony
Attachments: 20220120060345_Expedia_Group_Letter_to_Honolulu_Planning_Cmte.pdf

Written Testimony

Name	Ann Simons
Phone	
Email	asimons@expediagroup.com
Meeting Date	01-29-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Expedia Group
Written Testimony	
Testimony Attachment	20220120060345_Expedia_Group_Letter_to_Honolulu_Planning_Cmte.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

January 20, 2022

Councilman Brandon J.C. Elefante
Chair, Zoning and Planning Committee
Honolulu City Council
580 South King Street
Honolulu, Hawai'i 96813

Re: Opposition to Bill 41

Chair Elefante, Vice-Chair Kia'āina, and Members of the Zoning and Planning Committee,

Aloha, my name is Ann Simons, Expedia Group's Regional Government Affairs Manager for Hawai'i. On behalf of Expedia Group, I'd like to thank you for your engagement on the important topic of vacation rental regulations.

Expedia Group's mission is to power responsible travel for everyone, everywhere through our family of brands includes Expedia.com, Hotels.com, and vacation rental leader Vrbo, among others.

A critical part of that effort is our longstanding commitment to nurturing a holistic approach to public policy, one that fosters a healthy tourism marketplace and benefits the communities we serve. We pride ourselves on being a trusted partner to local communities, tourism-related small businesses, and elected officials alike, working to balance the needs of all stakeholders. Our team has a passion for helping cities, counties, and states address neighborhood concerns while preserving the benefits and opportunities short-term rentals (STRs) provide.

Expedia Group supports reasonable regulation of STRs, as well as compliance with those laws. STRs play a critical role in the travel ecosystem. They are an essential option for traveling families seeking to enjoy Hawai'i's cultures in a more personal setting, especially those who may not be able to afford other types of accommodations. They also are important for military families relocating and looking to purchase a home, homeowners remodeling their residence, and, most importantly, local families visiting with or traveling to care for their 'ohana.

We strongly oppose Bill 41, both as introduced and the CD1 Version, because we believe there is already a structure in place to achieve the stated goals of the proposal. Following months of community dialogue, Bill 89, which was enacted by the Council but never implemented by the Department of Planning and Permitting (DPP), established a regulatory framework for STRs. Rather than debate radical changes that threaten economic recovery, we urge the County to implement existing law.

Doing so will not only bring regulatory stability to the County's STR community but will also trigger the enforcement provisions of the Memorandum of Understanding (attached) between the County and Expedia Group. This agreement requires Expedia Group to include TMK and TAT numbers on all listings, provide monthly reports of our listings to DPP,

and to remove properties from our platform when DPP identifies them as ineligible for STR. This MOU, alongside a similar agreement signed by Airbnb, is critical to the County's effort to eliminate illegal vacation rentals.

While we stand ready to work with the Council and DPP to strengthen the framework established in Bill 89, the sweeping policy changes in Bill 41 are the wrong direction for Honolulu County. Our specific concerns include:

New Zoning Restrictions
Bill 89 significantly restricted the zones in which STR could be permitted. While we understand and support the concept of responsible limitations on STR in residential zones, Bill 41 limits STRs far beyond what is necessary to address community concerns, cutting many communities off from the economic opportunity these flexible rentals can provide.

We respectfully urge the Council to reject this new restriction and implement the zoning limitations already enacted through Bill 89 after months of public engagement.

Ban on "Intermediate" Rentals
Nearly every jurisdiction in the world that regulates lodging—including Honolulu under existing law—recognizes 30 nights as the threshold between transient accommodation and long-term tenancy. Bill 89 acknowledges this global standard and limits visitor stays in unpermitted rentals to 30 nights or more. Bill 41, as introduced, would have raised this threshold to 180 nights. While we appreciate that the CD1 version amends this restriction to 90 nights, the consequence remains: this restriction bans "intermediate-term" stays of between one and three months—effectively closing the door on the local vacation rental industry.

Short and intermediate-term rentals are a necessity for travelers, in particular non-tourist visitors such as refugees, military servicemembers and families, medical professionals, educators and students, and many others. Moreover, intermediate-term rentals are critical to Honolulu residents who may be unable to stay in their home due to natural disasters such as wildfires, floods, or landslides.

Previous drafts of Bill 41 have attempted to exempt specific groups of travelers from the intermediate-term ban based on their occupation or traveling purpose. This is unenforcible and needlessly burdensome on travelers, homeowners, and compliance officials. Honolulu County should remain consistent with global standards and maintain the 30-night threshold in existing law fro all travelers.

Protecting Legacy Operators
Honolulu's STR community, the vast majority of which is made up of individual owners and small businesses, has endured years of uncertainty through the debate and passage of Bill 89, a global pandemic that devastated the travel and tourism economy, and the introduction of new restrictions in Bill 41 before existing law was even implemented. Throughout this period of instability, STR hosts have played a vital role in welcoming travelers to Honolulu, fueling the local economy and generating critical TAT revenue. This role is only magnified as traveling families increasingly look to vacation rentals as an affordable, safe lodging option as the travel economy recovers. STR operators who can demonstrate a

history of responsible contribution to the local economy—such as consistent tax records and an absence of noise or nuisance issues—should be protected and allowed to continue operation unless and until they choose to sell their property.

Mahalo for the opportunity to provide this comment. On behalf of Expedia Group, I respectfully urge you to reject this proposal and move forward with implementation of existing law and we stand ready to assist and advise efforts to strengthen the framework passed by Council in Bill 89.

Ann Simons
Government Affairs Manager, Hawaii
Expedia Group

From: CLK Council Info
Sent: Thursday, January 20, 2022 6:13 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Steve Villiger
Phone	
Email	svilliger@aol.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD 1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	I strongly support bill 41
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 6:34 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Leslie Michelle Rush
Phone	
Email	lesliemrush@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am writing in opposition to Bill 41 CD1. The proposal changes the short-term vacation rental from 30 days minimum to 180 days minimum which many of us find as a slap in the face. There are many people who are professionally abiding to the 30-day rule and providing an important service for transient workers that are here working from several weeks to a few months. Teleworking is now becoming normal, and we should welcome people to the islands to help stimulate the economy. When we remove residential properties from the inventory of choices, families, workers, individuals are forced to stay in a hotel, which may not be conducive to their stay. This bill throws the baby out with the bathwater. By going after island residents who are supplementing their income, finding ways to provide hospitality service, and generally carving out a living is just wrong and goes firmly against keeping Hawaii sustainable. Instead, we are giving this income to large and international corporations. This is very wrong and should not be allowed. Support local and please vote against Bill 41 CD1!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 6:49 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Mike Mester
Phone	
Email	meister@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	It is wrong of government to regulate home owners by crippling the income they need to make their mortgage payments. Without the short term rental income that I planned for when I invested in the North Shore 18 years ago, and that I am dependent upon to make my mortgage, I would fall into foreclosure and outside investors would purchase my home as has happened to so many homes around me. I pay property taxes, g.e. taxes, and T.A.T. taxes, all of which bolster the economy of our island. Our roads are terrible. Our traffic problem is bad. To have guests stay on other parts of the island is only going to increase the traffic to the North Shore. Surf is transient. Surfers are transient. This is what the North Shore needs to be able to offer..... why force these people to "go underground", not come to Oahu because they can't afford the "resort zone", or to cripple the surfing industry by removing lodging for the international community of surfers and spectators who repeatedly come to the North Shore? This is an overreach of government and it does not hold the best interest of the residents or Oahu's economy in mind. Vote NO on Bill 1
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 7:02 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Torey Meister
Phone	
Email	meister@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Please vote NO to bill 1. I am a professional surfer who was born and raised in Hawaii. I have invested in the North Shore so that I will have a place to reside when I return here (usually 3 months of the year, Oct.-Jan), and at the end of my career. My comrades from around the world travel to the North Shore for a stay of between one and three months every year. If I were forced to rent out my place "long term" when I am away working, it would not be available for myself when I need it. If my work mates, their staff, crew and fans were forced to stay in "resort zones" they would stop coming to the North Shore, would be forced to do stay out here " illegally", or will contribute to the huge traffic and road problems that we already suffer. When I was a kid coming over from the Big Island, to surf for my career, I needed to be able to stay, short term, on the North Shore. This is a need. Bill 1 will prevent resident owners from earning the rental income they incorporated into their financial plans when they bought their homes.; it will force vested home owners out. Also, it will keep professional and amateur surfers, and the money that they bring, from the North Shore. Why should visitor's money go into "resort zones" while North Shore residents get extra traffic and are deprived planned on income? Why should other Hawaii residents not be able to stay on the North Shore without paying for Turtle Bay? This is too much government regulation and it will be detrimental to North Shore residents. Please consider the tax paying invested residents who live here full time and who have purchased homes. Most every one of them has a rental. This bill will really hurt local people. Thank you Torrey Meister
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 7:11 AM
Subject: Zoning and Planning Testimony
Attachments: 20220120071119_Expedia_Group_Letter_to_Honolulu_Planning_Cmte.pdf

Written Testimony

Name	Ann Simons
Phone	
Email	asimons@expediagroup.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Organization
Organization	Expedia Group
Written Testimony	Comments with attached MOU
Testimony Attachment	20220120071119_Expedia_Group_Letter_to_Honolulu_Planning_Cmte.pdf
Accept Terms and Agreement	1

IP: 192.168.200.67

January 20, 2022

Councilman Brandon J.C. Elefante
Chair, Zoning and Planning Committee
Honolulu City Council
580 South King Street
Honolulu, Hawai'i 96813

Re: Opposition to Bill 41

Chair Elefante, Vice-Chair Kia'āina, and Members of the Zoning and Planning Committee,

Aloha, my name is Ann Simons, Expedia Group's Regional Government Affairs Manager for Hawai'i. On behalf of Expedia Group, I'd like to thank you for your engagement on the important topic of vacation rental regulations.

Expedia Group's mission is to power responsible travel for everyone, everywhere through our family of brands includes Expedia.com, Hotels.com, and vacation rental leader Vrbo, among others.

A critical part of that effort is our longstanding commitment to nurturing a holistic approach to public policy, one that fosters a healthy tourism marketplace and benefits the communities we serve. We pride ourselves on being a trusted partner to local communities, tourism-related small businesses, and elected officials alike, working to balance the needs of all stakeholders. Our team has a passion for helping cities, counties, and states address neighborhood concerns while preserving the benefits and opportunities short-term rentals (STRs) provide.

Expedia Group supports reasonable regulation of STRs, as well as compliance with those laws. STRs play a critical role in the travel ecosystem. They are an essential option for traveling families seeking to enjoy Hawai'i's cultures in a more personal setting, especially those who may not be able to afford other types of accommodations. They also are important for military families relocating and looking to purchase a home, homeowners remodeling their residence, and, most importantly, local families visiting with or traveling to care for their 'ohana.

We strongly oppose Bill 41, both as introduced and the CD1 Version, because we believe there is already a structure in place to achieve the stated goals of the proposal. Following months of community dialogue, Bill 89, which was enacted by the Council but never implemented by the Department of Planning and Permitting (DPP), established a regulatory framework for STRs. Rather than debate radical changes that threaten economic recovery, we urge the County to implement existing law.

Doing so will not only bring regulatory stability to the County's STR community but will also trigger the enforcement provisions of the Memorandum of Understanding (attached) between the County and Expedia Group. This agreement requires Expedia Group to include TMK and TAT numbers on all listings, provide monthly reports of our listings to DPP,

and to remove properties from our platform when DPP identifies them as ineligible for STR. This MOU, alongside a similar agreement signed by Airbnb, is critical to the County's effort to eliminate illegal vacation rentals.

While we stand ready to work with the Council and DPP to strengthen the framework established in Bill 89, the sweeping policy changes in Bill 41 are the wrong direction for Honolulu County. Our specific concerns include:

New Zoning Restrictions
Bill 89 significantly restricted the zones in which STR could be permitted. While we understand and support the concept of responsible limitations on STR in residential zones, Bill 41 limits STRs far beyond what is necessary to address community concerns, cutting many communities off from the economic opportunity these flexible rentals can provide.

We respectfully urge the Council to reject this new restriction and implement the zoning limitations already enacted through Bill 89 after months of public engagement.

Ban on "Intermediate" Rentals
Nearly every jurisdiction in the world that regulates lodging—including Honolulu under existing law—recognizes 30 nights as the threshold between transient accommodation and long-term tenancy. Bill 89 acknowledges this global standard and limits visitor stays in unpermitted rentals to 30 nights or more. Bill 41, as introduced, would have raised this threshold to 180 nights. While we appreciate that the CD1 version amends this restriction to 90 nights, the consequence remains: this restriction bans "intermediate-term" stays of between one and three months—effectively closing the door on the local vacation rental industry.

Short and intermediate-term rentals are a necessity for travelers, in particular non-tourist visitors such as refugees, military servicemembers and families, medical professionals, educators and students, and many others. Moreover, intermediate-term rentals are critical to Honolulu residents who may be unable to stay in their home due to natural disasters such as wildfires, floods, or landslides.

Previous drafts of Bill 41 have attempted to exempt specific groups of travelers from the intermediate-term ban based on their occupation or traveling purpose. This is unenforcible and needlessly burdensome on travelers, homeowners, and compliance officials. Honolulu County should remain consistent with global standards and maintain the 30-night threshold in existing law fro all travelers.

Protecting Legacy Operators
Honolulu's STR community, the vast majority of which is made up of individual owners and small businesses, has endured years of uncertainty through the debate and passage of Bill 89, a global pandemic that devastated the travel and tourism economy, and the introduction of new restrictions in Bill 41 before existing law was even implemented. Throughout this period of instability, STR hosts have played a vital role in welcoming travelers to Honolulu, fueling the local economy and generating critical TAT revenue. This role is only magnified as traveling families increasingly look to vacation rentals as an affordable, safe lodging option as the travel economy recovers. STR operators who can demonstrate a

history of responsible contribution to the local economy—such as consistent tax records and an absence of noise or nuisance issues—should be protected and allowed to continue operation unless and until they choose to sell their property.

Mahalo for the opportunity to provide this comment. On behalf of Expedia Group, I respectfully urge you to reject this proposal and move forward with implementation of existing law and we stand ready to assist and advise efforts to strengthen the framework passed by Council in Bill 89.

Ann Simons
Government Affairs Manager, Hawaii
Expedia Group

From: CLK Council Info
Sent: Thursday, January 20, 2022 7:38 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Levani Lipton
Phone	
Email	Levani.rachel@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	Dear City Council Members and Chair Elefante, I am testifying in strong support of Bill 41. Our community of Kailua has long suffered the impacts of the proliferation of illegal vacation rentals and TVUs. I am in support of the stronger regulations, fines, enforcement and rules around advertising that Bill 41 puts forth. We love our community and want to preserve the integrity of our neighborhoods. We have always felt that one of the most important and critical aspects is the enforcement piece along with the ability to identify vacation rentals through advertisements. The listing of the TMKs on the advertisements, the extended time frame for minimum time rental, the fines for violations and the provisions for better, stronger enforcement are essential to Bill 41 being effectively implemented. Thank you for your consideration. Sincerely, Levani Lipton
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 8:13 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Holly Itoga
Phone	
Email	Hollyitoga@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am writing in opposition to Bill 41 CD1. This bill does not properly address the underlying issues it is trying to regulate. We should be discussing illegal vacation rentals and what should be legalized and how to properly tax and enforce these laws. I am against Bill 41 CD1.
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

I am here to strongly **support Bill 41 CD1.** This bill addresses the loopholes and scheming that we have been dealing with by changing the definition of short term rentals to 90 days or less from 30 days. However we are disappointed that the minimum stay has been watered down to 90 days instead of the 180 days in your original bill, **please do not back down from this part of the Bill.**

We have lived in Waialua for over thirty years. We have been fighting this problem in our neighborhood for over a decade. We watched as illegal vacation rentals spread throughout our community, displacing our children, friends and neighbors. We attended hearings and submitted testimony that was not always user friendly yet still had to watch as our community was eroded by the loss of residents that moved away to find **any** affordable housing. The excuses the short term operators used at hearings bordered on the absurd, from the loss of their job over 10 years ago to; they have to do illegal rentals so that they can take all their children to Disneyland. Now they are trying to use the David vs. Goliath example saying they are small businesses trying to compete with big business (the hotels). The hotels employ residents. Now we have tourists competing with these same resident workers for the same housing. **Where will people live?** Business owners are struggling to find young workers, because workers can't find affordable housing. Do we really want to be an island of only the rich that bring in low paid workers to do the labor?

Please be wary of the sad sob stories that the short term rental owners are good at inventing. Please limit short term rentals to resort areas. Please do not allow exceptions for easily exploited "temporary employees or students". Please keep the rules easy to enforce and difficult to circumvent. Illegal vacation rental owners and property managers often hire 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.

This issue is so divisive, and so polarizing that neighbors have been pitted against neighbors for many years. The City could not enforce their own zoning laws because the **short term operators learned how to circumvent the rules.** They 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. We have the right to come home after work and not have to listen to parties going on until all hours of the night, or hear suitcases being rolled in and out at unreasonable times. Ultimately, residents are the ones that matter. We are what make communities thrive, we are the people that vote, that care.

Thank you for finally trying to regulate this highly controversial yet important issue.

Kandis McNulty

I am here to strongly **support Bill 41 CD1.** This bill addresses the loopholes and scheming that we have been dealing with by changing the definition of short term rentals to 90 days or less from 30 days. However we are disappointed that the minimum stay has been watered down to 90 days instead of the 180 days in your original bill, **please do not back down from this part of the Bill.**

We have lived in Waialua for over thirty years. We have been fighting this problem in our neighborhood for over a decade. We watched as illegal vacation rentals spread throughout our community, displacing our children, friends and neighbors. We attended hearings and submitted testimony that was not always user friendly yet still had to watch as our community was eroded by the loss of residents that moved away to find **any** affordable housing. The excuses the short term operators used at hearings bordered on the absurd, from the loss of their job over 10 years ago to; they have to do illegal rentals so that they can take all their children to Disneyland. Now they are trying to use the David vs. Goliath example saying they are small businesses trying to compete with big business (the hotels). The hotels employ residents. Now we have tourists competing with these same resident workers for the same housing. **Where will people live?** Business owners are struggling to find young workers, because workers can't find affordable housing. Do we really want to be an island of only the rich that bring in low paid workers to do the labor?

Please be wary of the sad sob stories that the short term rental owners are good at inventing. Please limit short term rentals to resort areas. Please do not allow exceptions for easily exploited "temporary employees or students". Please keep the rules easy to enforce and difficult to circumvent. Illegal vacation rental owners and property managers often hire 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.

This issue is so divisive, and so polarizing that neighbors have been pitted against neighbors for many years. The City could not enforce their own zoning laws because the **short term operators learned how to circumvent the rules.** They 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. We have the right to come home after work and not have to listen to parties going on until all hours of the night, or hear suitcases being rolled in and out at unreasonable times. Ultimately, residents are the ones that matter. We are what make communities thrive, we are the people that vote, that care.

Thank you for finally trying to regulate this highly controversial yet important issue.

Michael McNulty

From: CLK Council Info
Sent: Thursday, January 20, 2022 8:28 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Gregory Thomas
Phone	
Email	artcare@mac.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	Dear Honolulu City Councilmembers, As a long time Kailua resident, please keep the 180 day minimum stay at Short Term Rentals. Also, please hire investigators (not building inspectors) to enforce the law and provide the necessary funding to them. Mahalo, Gregory Thomas
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 8:33 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Edward
Phone	
Email	wave808rider76@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	AMENDED BILL 41
Your position on the matter	Comment
Representing	Self
Organization	
Written Testimony	Aloha City Council Members. Mahalo for allowing me this opportunity to give a brief statement regarding the proposed changes to Bill 41 CD1 for short-term vacation rental from 30 days minimum to 180 days minimum. Many people professionally abide by the 30-day rule and provide an essential service for transient workers working from several weeks to a few months. Teleworking is now becoming normal, and we should welcome people to the islands to help stimulate the economy. When we remove residential properties from the inventory of choices, this action pushes families, workers, and individuals to stay in a hotel, which may not be conducive to their stay. Many of our residents use short-term rentals to supplement their income by finding ways to provide hospitality service and generally carving out a living. There may be alternatives to the proposed changes. Mahalo nui, for your time and understanding. Malama Pono!
Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 8:42 AM
Subject: Council Testimony

Written Testimony

Name	Martine Aceves-Foster
Phone	
Email	acevesfoster@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Bill 41: January 20, 2022 Aloha! My name is Martine Aceves-Foster. Thank you for allowing me to speak. I own a home, and I rent out my guest room for $50/night, with a 30-night minimum, so the most I earn in a month is $1500. In reading Section 1, Findings and Purpose in Bill 41, I noticed some comments that don't reflect my very small business in any way: • My guests or tenants are not noisy and disruptive. If they were, I would have heard from my neighbors by now. • My very modest business does not create instability in the community. It has no impact on the value of homes in my neighborhood, and it does not remove stock from the market, except for the fact that I live there. I've owned my home for 20 years and have no plans of leaving anytime soon. • Sometimes I have guests who stay for a month, others for several months or years, depending on their needs. As a retiree, the income I earn is important to me. Renting out my guest room actually provides stability in my living arrangements, and I'm sure I'm not alone. Please, don't create legislation that harms local residents like me. As you consider this draft of Bill 41 for the next hearing, please take into account those who are not disruptive and not causing harm to our local economy — just making ends meet. Please, don't throw my type of small business in a barrel with other larger types of businesses. A $5000 application fee and a $4000 renewal fee are far too much, especially once excise, property, state and federal taxes are factored in. Also, requiring that the title for the owner of a bed & breakfast home

must be one natural born person puts that individual's ownership at risk. Many homes are owned by couples or family members. Ownership should clearly be linked to the person, couple or family living in the home. That could be in the form of direct ownership, in a trust in the owner's/owners' name, or in an LLC clearly linked to the owner(s)/residents of the property.

Before closing, I have one question about the 90-day minimum stay indicated by this legislation: Will there be exceptions for short term rentals if the tenant is:

• a traveling nurse?
• a student? or
• a Hawaii resident awaiting a more permanent housing arrangement?

Mahalo for your time.

Testimony Attachment	
Accept Terms and Agreement	1

IP: 192.168.200.67

MARRIOTT
VACATIONS
WORLDWIDE
SM

January 19, 2022

TO: Councilmember Brandon J.C Elefante, Chair
Councilmember Esther Kia'āina, Vice Chair
Members of the Committee on Zoning
And Planning

FR: Denis Ebrill, Marriott Vacations Worldwide Corporation

RE: Comments on Bill 41 CD1 Relating to Transient Accommodations

Aloha Chair Elefante, Vice-Chair Kia'aina and members of the Committee,

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, which proposes 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 and hospitality jobs in Hawaii each 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 appreciates the substantial revisions made to Bill 41 and would like to provide comments on the newly amended CD1.

As currently drafted, dwelling and lodging units located in a hotel and timeshare units could unintentionally be incorporated into the definition of "Transient Vacation Unit" (TVU) which means "[A] dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing, for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home." The definition of TVU should be amended to clearly state that dwelling and lodging units in a hotel and timeshare units should not be included. MVWCrecommends that the definition be amended to read as follows:

""[A] dwelling unit or lodging unit that is advertised, solicited, offered, or provided, or a combination of any of the foregoing, for compensation to transient occupants for less than 90 consecutive days, other than a bed and breakfast home <u>or timeshare unit</u>. For the purposes of this definition:

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

(1) Compensation includes but is not limited to monetary payment, services, or labor of transient occupants;

(2) Month-to-month holdover tenancies resulting from the expiration of longterm leases of 90 days or more are excluded; and

(3) Dwelling units or lodging units in a hotel are not included."

Such a revision would clarify the intent of the measure and resolve any confusion in identifying a TVU.

Furthermore, MVWC would like to provide comments on certain requirements in Section 21.5.730(b)(3) and (c) for units with Nonconforming Use Certificates ("NUC"). First, Section 21.5.730(b)(3)(B)(ii) requires that all sleeping accommodations for transient occupants must be provided in bedrooms. This provision would be problematic as the language would eliminate the use of sofabeds which have been purchased and installed at many resort properties for the specific purpose of accommodating transient guests and are located in many living rooms of units.

Second, Section 21.5.730(b)(3)(B)(iii) stipulates that the total amount of occupants may not exceed 2x the number of bedrooms in the unit. This provision would also limit occupancy of units containing sofabeds that can accommodate additional transient occupants. Bill 41 could be revised to allow for sofabeds in living rooms as alternative permitted sleeping accommodations and increase maximum occupancy for units with sofabeds accordingly.

Additionally, certain documents required in the informational binder under Section 21.5.730(b)(3)(H) may be more useful to store at the front desk for all transient occupants. Specifically, storing the Certificate of Insurances, GET and TAT licenses and NUCs at the front desk rather than in the binder in each unit would be more efficient. This information would be available to each transient occupant for review upon request by a transient occupant.

Lastly, MVWC would like to highlight a point of clarification in Section 21.5.730(c) regarding the advertising requirements for transient vacation units TVUs. Currently, Section 21.5.730(c)(2) requires that all advertisements must include the NUC and Tax Map Key ("TMK") numbers. Bill 41 defines an "Advertisement" is defined as "any display or transmission of communication that may cause a reasonable person to understand that a dwelling unit or portion thereof is available for rent." This provision could be read to require the NUC and TMK numbers of all units implicated in a generic advertisement be included. This requirement would be cumbersome and unnecessary. Accordingly, inserting clarifying language to specify that NUC and TMK numbers are only required for unit specific advertisement would resolve any confusion.

Based upon the foregoing, MVWC recommends the following amendments to Section 21.5.730(b)(3)(B) and (C):

1. Amend Section 21.5.730(b)(3)(B)(ii) to except the use of sofabeds from the requirement that all sleeping accommodations must be provided in bedrooms;

2. Amend Section 21.5.730(b)(3)(B)(iii) to: 1) increase the total number of adult occupants per unit to greater then 2x the number of bedrooms to accommodate sofabeds; or 2) except units containing sofabeds from this requirement.

3. Amend Section 21.5.730(c)(2)(A) to state that the advertising requirements are only applicable to advertisements specific to one TVU unit.

We sincerely thank you for your time and consideration of MVWC's comments and recommended amendments. We sincerely appreciate all the time and effort the Council has put in to revise the measure.

Aloha,

Denis Ebrill
Senior Vice President
Marriott Vacations Worldwide Corporation

AQUA-ASTON

HOSPITALITY

January 19, 2022

TO: Councilmember Brandon J.C Elefante, Chair
Councilmember Esther Kia'āina, Vice Chair
Members of the Committee on Zoning
And Planning

FR: Aqua-Aston Hospitality

RE: Comments on Bill 41 CD1 Relating to Transient Accommodations

Aloha Chair Elefante, 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, which proposes 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 appreciates the substantial revisions made to Bill 41 and would like to provide comments on the newly amended CD1.

Aqua Aston has concerns with certain requirements in Section 21.5.730(b)(3) and (c) for units with Nonconforming Use Certificates ("NUC"). Section 21.5.730(b)(3)(B)(ii) requires that all sleeping accommodations for transient occupants must be provided in bedrooms. This provision would be problematic as the language would eliminate the use of sofabeds, which have been purchased and installed by many unit owners for the specific purpose of accommodating transient guests and are located in many living rooms of units. Further, Section 21.5.730(b)(3)(B)(iii) stipulates that the total amount of occupants may not exceed 2x the number of bedrooms in the unit. This provision would also limit the use of sofabeds as a means to accommodate transient occupants in a unit. Bill 41 could be revised to allow for sofabeds in living rooms as alternative permitted sleeping accommodations and increase maximum occupancy for units with sofabeds accordingly.

Office: 820 Mililani St, Ste. 600, Honolulu, HI 96813 T 808-931-1400
Mailing Address: 6649 Westwood Blvd., Orlando, FL 32821

In addition, certain documents required in the informational binder in each room Section 21.5.730(b)(3)(H) may be more efficient to store in a central location for all transient occupants. Specifically, it may be more beneficial to store the Certificate of Insurance, GET and TAT licenses and NUCs at the front desk rather than in the binder in each unit. This information will be available to each transient occupant for review upon request.

Moreover, Aqua Aston would like to highlight a point of clarification in Section 21.5.730(c) regarding the advertising requirements for transient vacation units ("TVU"). Currently, Section 21.5.730(c)(2) requires that all advertisements must include the NUC and Tax Map Key ("TMK") numbers. Section 21.5.730(c) defines an "Advertisement" is defined as "any display or transmission of communication that may cause a reasonable person to understand that a dwelling unit or portion thereof is available for rent." This provision could be read to require the NUC and TMK numbers of all units implicated in a generic advertisement be included. Such a requirement would be cumbersome and unnecessary. Accordingly, inserting clarifying language to specify that the NUC and TMK numbers are only required for unit specific advertisement would resolve any confusion.

Based upon the foregoing, Aqua-Aston recommends the following amendments to Bill 41:

1. Amend Section 21.5.730(b)(3)(B)(ii) to except the use of sofabeds from the requirement that all sleeping accommodations must be provided in bedrooms;
2. Amend Section 21.5.730(b)(3)(B)(iii) to: 1) increase the total number of adult occupants per unit to greater then 2x the number of bedrooms to accommodate sofabeds; or 2) except units containing sofabeds from this requirement.
3. Amend Section 21.5.730(c)(2)(A) to state that the advertising requirements are only applicable to advertisements specific to one TVU unit.

We sincerely thank you for your time and consideration of Aqua-Aston's comments and recommended amendments. We sincerely appreciate all the time and effort the Council has put in to revise the measure.

Respectfully submitted,

Denis Ebrill
Aqua Aston Hospitality, LLC, Managing Director

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: Thursday, January 20, 2022 8:54 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Laura Isola
Phone	
Email	Laisola2@yahoo.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	1. BILL 41 (2021)
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Aloha! I'm a 57 yrs old single woman self managing my transient accommodation small studio at the Hawaiian Monarch in the mixed use Resort/Residential area in Waikiki which was/is/would be my main source of income and livelihood. While I am grateful and applaud the removal of many of the most insane provisions on the previous version of Bill 41 there are still some provisions that are out of touch with our reality and that still need to be deleted as follows: - insurance currently proposed increased to $ 1 million is out of touch with the value of my small studio which is 1/4 of that amount and would result in a unnecessary increased too expensive insurance premium that would overburden my small business already struggling during the ongoing pandemic. It makes no sense. Please delete this insurance proposed too oppressive increase. - I'm not sure if your proposed huge increase of registration fee for transient accommodation would apply only to other kinds of units (NCU) and not mine. Nonetheless just in case I inform you that our community's vacation rentals small businesses need your support not your oppressive fees especially during this too long ongoing pandemic crisis. Just to give you an idea: in 2020 due to pandemic strict restrictions my unit was empty for months with great distress since my vacation rental small business was/is/would be my main source of income and livelihood but when pandemic restrictions lifted I had to finally rent it long term (6 months lease) because too risky short term while still awaiting for visitors to return. In 2021 I had to continue to rent my studio long term for half year (while still having to pay $3,000/year huge hotel&resort unfair property taxes! Please remove the 5 years commitment to property tax category because too unfair during pandemic!) and restarted renting it short

term for the second half of the year 2021 and according to my year end calculations the short term rental net income was much lower than the long term rental net income because bookings are not at all returned at pre-pandemic levels so short term rentals are struggling already still and your proposed huge burden on them with hugely increased registration fee plus crazy non sense huge increase in insurance way beyond their value would surely put many people in our community out of business. Which would mean the State would not only loose the very valuable TA tax revenue but the State might even have to assist people put out of business by your out of touch proposed provisions given the still current ongoing pandemic crisis. Please don't do that for the sake of our community and the State!!

- the current proposed change for short term rental from 180 days minimum to 90 days is an improvement thanks but it's not enough. There are many visitors that enjoy coming to our islands for an average of 3 or 4 weeks that need short term rentals for their stay because 3 or 4 weeks for a family in an Hotel would be out of budget for most people. Most visitors cannot visit for the proposed minimum 90 days because they have jobs and commitments back where they are from. Therefore this proposed 90 days minimum for short term rentals would make it impossible for most average visitors to come to Hawaii resulting in loss of revenue for everyone in our community and for the State! Please for the sake of everyone return the short term rental back to 30 days minimum and delete the 90 days proposed minimum because it would damage everyone.

Thanking you for your kind attention I thank you in advance for your wisdom in further revising Bill 41 according to all of the above.

Best Regards,

Laura Isola
Owner and property manager of small studio at the Hawaiian Monarch (mixed use zone) in Waikiki.

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 9:03 AM
Subject: Council Testimony

Written Testimony

Name	Marcus Rosehill
Phone	
Email	mjrosehill@hotmail.com
Meeting Date	01-20-2021
Council/PH Committee	Council
Agenda Item	AMENDED BILL 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	Dear counselman, I am against the propsal of vacation rental 180 day minimum. This is a slap in the face to the people who do offer vacation rental/transient employee accomondations. People don't stay for 180 days vacation. Transient workers are here for 2 weeks to 4 months. This has increased now, teleworking is available due to covid. Most are teleworking while on a 3 week vacation. So many rely on additional income to survive. Hawaii's low pay accross the board makes it so a family need a side job or buissiness just to survive. Doing this 180 days is a loss of revenue for City and County and local businesses let alone the people who have them and definetly a step backwards making Oahu a destination. Which make no sense as the bill only serves hotels. Not everyone wants a hotel experience. I do not know why this is even an issue. We are not talking about 10 of thousands of rentals and taking from hotels huge occupency numbers. Its a minority at best, a tiny number compared to hotels. So why go after a minority. The time spent could have been better used for preventing human trafficing, prostitution, heavy drugs and gambing that utilizes our hotels on a regular. Im asking for your office to vote no once and for all on this. All options for visitors should available not just a corporate hotel.
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From: CLK Council Info
Sent: Thursday, January 20, 2022 9:07 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	John R. Smith, Jr.
Phone	
Email	jrsmith@hawaiiantel.net
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	BILL 41 CD1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 9:38 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Michael Brant
Phone	
Email	michaeljbrant@hotmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	DPP already has all the legal authority they need to enforce STR regulations. Even before 19-18, ROC 21-5.730 gave them the right to end operations that caused nuisances in the neighborhood. Bill 41 damages vacation rental hosts who have been operating legally and ethically for years, and making important contributions to the local economy and YOUR tax revenues. Support DPPs enforcement efforts against the small number of bad operators who no one is defending, and don't cripple hosts who have been operating ethically for years and really deserve better treatment than this.
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 10:38 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Michael Brant
Phone	
Email	michaeljbrant@hotmail.com
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	Bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I would like to respond to Councilman Say's comment that owners of STR are denying local people the opportunity to purchase the units for residential use. The 300 sq ft studios I own in Waikiki are not going to be long-term residences for anyone, they are not made for that purpose and are only designed for short vacation stays. To prohibit them from being used for that would make them worthless and cause me substantial loss, when I have been glad to be supporting the local economy and government revenues.
Testimony Attachment	
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IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 10:13 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Alan
Phone	
Email	alanlink@shaw.ca
Meeting Date	01-20-2022
Council/PH Committee	Zoning and Planning
Agenda Item	bill 41
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose bill 41 because it goes after the legal rentals and punishes us for abiding by the rules. Go after the over 20 000 illegals, that is the only problem!
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IP: 192.168.200.67

Aloha Committee on Zoning and Planning,

I oppose Bill 41 CD1 and recommend that Bill 89 (Ordinance 19-18) be enforced instead.

I have a STV rental outside the resort zone, but I have a Non-Conformance Use Certificate (NUC) for my condo.

The reasons for my opposition are with the sections of Bill 41 CD1 as follows:

1. The increase in annual renewal fees from $600 to $4000 / room as oppressive and treats the hotels, who are not subject to this fee as special class. The recommended and better solution would be have all TVUs and Hotel operators businesses pay the exact same annual fee.

2. Section 21-4.110-1, subsection (b) (2): The current wording states "...and that there were transient occupancies (**occupancies of less than 30 days apiece**) for a total of at least 35 days during each such year..." . This section of the bill to renew a NUC should be changed to match the current definition of a short term rental which is now proposed to be 90 days. The recommended language should be: "...and that there were transient occupancies (occupancies of less than <u>90</u> days apiece) for a total of at least 35 days during each such year..." or it should match whatever the final decision is with the definition of a duration for a short term rental.

3. Section 21-5.730 Bed and breakfast homes and transient vacation units, Subsection (b) (3) (B) (ii) and (iii). The current wording only allows TVU's to have 2 adults per bedroom. Unless the hotel industry is under the same constraints, this is another oppressive regulation that favours the hotel industry. The recommend wording should be changed to allow a family of 3 or 4 to stay in a single bedroom condo as the hotels are allowed. Also, the hotels are studio suites and do not technically have a separate bedroom as do many condos in and out of the resort district.

From: CLK Council Info
Sent: Thursday, January 20, 2022 10:55 AM
Subject: Council Testimony

Written Testimony

Name	Mel Wildman
Phone	
Email	wildman1101@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Council
Agenda Item	Bill 41 cd1
Your position on the matter	Support
Representing	Self
Organization	
Written Testimony	As it is, the Hawai'i Tourism Authority estimates over 10,000 O'ahu residentially zoned living units are being misused as tourist vacation rentals. This must stop. Local people need a place to live much more than low-budget vacationers need a bargain place to party. JUST THAT ALONE IS THE PROBLEM BEHIND DPP AND THE COMMON SENSE NEEDED TO CORRECT THIS ENTIRE - BILL 41. There are several problems in this BILL 41. One is the overlook of the community concerns of traffic and the overflow of tourism at the worst in areas that can be later a disruption between tourist and community. This bill should be struck down and amended by the Community Board for each District and not by an entity of the state. DPP is a known corrupted entity of the State , I know that, and so do many more publicly. The decisions to amend this bill should be taken by each District and applied for each district SEPARATELY ! The reason is , each district is NOT THE SAME AS THE OTHERS ! KAHALA , HAWAI'I KAI, WAIMANALO are not the same in their community. WAIPAHU , EWA BEACH , WAIANAE are not the same in their community. The next reason is the beaches locations or private homes and lots where local communities are situated do not always except public parties or extreme weddings groups to engage for public viewing. Parking, and loud noises or social gatherings can be a situation. Each district needs to be mandated for their own by the Community Board of that District and NOT BY THE DPP or a State ENTITY. In fact , All community BOARDS of their DISTRICT should have the AUTHORITY to decide to reject any changes to their district or compliance to additions to their DISTRCT including such BILL's that may affect their DISTRICT ! Wildman.
Testimony Attachment	

From: CLK Council Info
Sent: Thursday, January 20, 2022 11:30 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name	Bethine J Kenworthy
Phone	
Email	kenworthy2000@msn.com
Meeting Date	01-20-2022
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 rental unit in Waialua since 1968 I strongly oppose the change in law with regards to Bill 41. Transitioning from 30 to a 180 day rental minimum would significantly impact our ability to find renters, as well as impact our ability to enjoy the home ourselves throughout the year. Having a 30 day home rental gives visitors an option outside of hotels for extended stays offering a more relaxed island experience.
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IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 1:32 PM
Subject: Council Testimony

Written Testimony

Name	Yanagi Yoshiko
Phone	
Email	uchinoneisan@gmail.com
Meeting Date	01-20-2021
Council/PH Committee	Council
Agenda Item	1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I oppose this hotel industry backed scheme to single handedly take rightful income and property owner rights away from fee simple resort zoned legally zoned STR condotel owners that are actually paying extra hotel rate taxes and keeping tourists in resort areas of Waikiki and help keeping them out of local neighborhoods. Our HOA governing body of house rules and owner declarations specifically approved fee simple owner rights inherently oppose 1: Sec 21-5.360 Condominium Hotels: "Units in a condominium-hotel must be part of the hotel's room inventory" & our right to rent short term while paying appropriate tax rates, especially in our resort zone that was exempt from original version of bill 41 and yearly permits and fees. This has nothing to do with tourists staying/ravaging in residential neighborhoods. All condotel owners specifically purchased resort zoned condotels in Waikiki for this specific exemption to operate and manage short term rentals as they desire while obeying tax laws. We specifically have a right to choose how we want to rent our condotel. Some choose the hotel pool other don't and there are concrete reasons we make this important choice for our real property. Hotels and their general managers are not able to manage effectively and have been underperforming for years. So private owners and managers have been working at perfecting to meet tourists needs advancing in better service and hospitality, this is why hotels cannot keep their occupancy rates high anymore during and after the pandemic era. And now hotels want to gravy train profits over private condotel owners that have been providing what guests want instead of the hotel management offerings.

I will not relinquish my right to carefully vet, screen and choose who stays in my condotel especially after covid and witnessing what kind of guests had stayed in aqua aston hotels during covid unmasked, drug using, noisy, belligerent, smoking, prostitution, and underaged guests. I have witnessed how aqua aston responds to pandemics and they do not do what they advertise in covid social distancing and sanitize protocols because they're more focused in saving money and overworking housekeeping staff instead of following covid safety procedures. My guests, I require must be over 50 years old and no more than 2 guests and we check ID and vaccine cards while getting to know them with a phone conversation and interview. We build personal relationships that aqua aston could never achieve thus my guests stay with us every year. The aqua aston staff are not adhering to covid protocol nor are they screening guests like I want to do for my owner condotel.

I will not relinquish my rights to provide my guests with our better than Aqua Aston provided econo beat up fixtures, such as my bigger screen 65" smart TV's, high quality mattress steam cleaned beds and additional bathroom details and linens that aqua aston will not pay to provide. Aqua aston guests break and damage and abuse our good stuff that's the basic rule we experienced.

I will not relinquish my guests safety by allowing aqua aston housekeeping staff to rush through my condotel cleaning process and reuse and clean out dishwashing liquid bottles because the general manager will not pay for new .25 cents dishwashing liquid traveler size bottles.

I will not relinquish my right to charge what nightly rate I want to charge my guests or family, cancer recovery patients, seniors, long time guests, associates and friends and allow the hotel to set their seasonal rate for me and take half 50% away from me that I built relationships with over the many years of above level service.

I will not allow aqua aston to prevent me and my 90 yr old kapuna from escaping the most dangerous period of the covid pandemic and safely staying isolated in my condotel unit for 2 years. It was our safe house. How can you even think of charging fee simple owners a nightly rate to use their own condotel for safe isolated living quarters during a pandemic? It saved my kapuna's life to get to 91 yrs old.

I refuse to relinquish my right to come to my condotel when I desire and not require a months in advance reservation to do so because the hotel has booked it for months in advance or made a booking mistake at the front desk, changing guest rooms because of a room not being ready or a last minute complaint. There are many times at any moment any room can be made available to anyone that requests a change or complaints enough to the front desk about thier original booked room. Not including unnecessary maintenance closures and

unauthorized free promotional nights the owner must pay to aqua aston.

Remove all language related to resort zone condos, condotels and hotel management pool inventory overreach. It has no place in this bill to keep tourists out of residential neighborhoods. We should be thanked for keeping tourists out of residential local neighborhoods not taxed more and punished.

Don't waste time and effort helping hotels get subsidized because they cannot keep up with their customer standards.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Thursday, January 20, 2022 8:13 AM
Subject: Housing and the Economy Testimony

Written Testimony

Name	Holly Itoga
Phone	
Email	Hollyitoga@gmail.com
Meeting Date	01-20-2022
Council/PH Committee	Housing and the Economy
Agenda Item	Bill 41 CD1
Your position on the matter	Oppose
Representing	Self
Organization	
Written Testimony	I am writing in opposition to Bill 41 CD1. This bill does not properly address the underlying issues it is trying to regulate. We should be discussing illegal vacation rentals and what should be legalized and how to properly tax and enforce these laws. I am against Bill 41 CD1.
Testimony Attachment	
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