

From: CLK Council Info
Sent: Wednesday, March 23, 2022 10:22 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name mike dixon
Phone
Email 22pokoli@gmail.com
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item Bill 41
Your position on the matter Oppose
Representing Self
Organization

Written Testimony My self and lots of our neighbors often take extended holidays especially to see our kids. If this Bill 41 passes we will leave our homes empty without short term renters and they will not contribute to the local economy, Our homes are all worth more than one million \$ so not part of the long term rental market. So whats your point??

Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 10:27 AM
Subject: Council Testimony

Written Testimony

Name Jim Kohara
Phone
Email jmkohara@gmail.com
Meeting Date 03-23-2022
Council/PH Committee Council
Agenda Item Bill 41
Your position on the matter Oppose
Representing Organization Self

Written Testimony Rather than enforce the previous bill 89, which was forced through (Caldwell: "I realized this is not perfect, but..."), the Honolulu city council now once again side with the off-shore hotel lobby. Rather supporting local owners, and the rights of local people. Furthermore, this will severely damage our most important industry even further.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 11:29 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name Sherrie Cumming
Phone
Email Sherrie.BeachVillas@gmail.com
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item Bill 41-CD2
Your position on the matter Oppose
Representing Organization Organization
Beach Villas at Ko Olina

Written Testimony Bill 41 as written is flawed in that the conditions that would be imposed on Resort Districts is contrary to the stated purpose of the Bill, which is to address the issue of short term rentals in residentially zoned areas. The purpose of the Resort District is to provide areas that properly serve the visitor population, and thus should be viewed as the one of the answers to the issue of STR's operating in residential neighborhoods. Please consider an exemption for Resorts such as Beach Villas at Ko Olina who are legally operating as a Resort in a Resort Zone.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 11:37 AM
Subject: Zoning and Planning Testimony

Written Testimony

Name victor tong
Phone
Email vtong1978@gmail.com
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item bill 41
Your position on the matter Oppose
Representing Organization
Organization
Written Testimony
Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 12:04 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name Blaine MacMillan
Phone
Email blaine@cowan.ca
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item Bill 41, CD2
Your position on the matter Oppose
Representing Organization Self

Written Testimony

We are an owner at the Beach Villas in koOlina. We are in a resort district and pay our taxes on a rental basis. We rent our villa ourselves to offset some of the high cost of owning a property on Oahu. We do not cover our costs on our rentals so have to contribute financially each and every year. We spend 3 - 5 weeks per year on property and rent as much as we can for the remaining time. We will have no choice but to sell if we are subjected to an annual fee, or a minimum 30 day rental. We are already in the Resort District and pay a heavy fee to the KoOlina resort complex (KOCA and KORA). Are we not already following what the city and county is expecting of us? Our property was built and deeded as a condo hotel. Should we not be left as exempt from this bill. It can't be intended for our property. We are asking for an exemption. We are proud to provide short term vacation rentals. We do not charge on a predatory basis and our current market rates leave us already having to supplement our income to support the investment we have made. We love our property and respect the intent of Bill 41. CD2 is much better but it still leaves us vulnerable. With some tweaking we would fully support the bill. Thank-you
Blaine & Claudine MacMillan.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 12:10 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name Kapohuolahaina Pa Moniz
Phone
Email alohaina77@gmail.com
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item Bill 41
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, March 23, 2022 12:20 PM
Subject: Council Testimony

Written Testimony

Name Kathy young
Phone
Email Kkyoung@sbcglobal.net
Meeting Date 03-23-2022
Council/PH Committee Council
Agenda Item Bill 41
Your position on the matter Oppose
Representing Organization Self

Written Testimony

You council members all are very smart elected official, don't need me to remind you, the more restriction is works against the principle of the capitalism. Our society needs fair competition not the protection of a small special interest group. We need to look after the society as a whole, benefit the majority of the people work so hard to make an honest living, not the special interest group, not because they have money they can speak louder. I hope you all know Hawaii is a very limited industrial state, people are heavily rely on tourism, mom and pop just want to stand on their own feet to make a living, why do you want to kill them, obviously, you do not want to see Hawaii become a welfare state, when people are poor, it tends to have more crime then Hawaii will not be a Paradise state. I hope you all want to keep the good reputation of Hawaii owned now. Vote No to Bill 41.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 12:27 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name Louisa Keawe
Phone
Email louisakeawe@gmail.com
Meeting Date 03-23-2022
Council/PH Zoning and Planning
Committee
Agenda Item Bill 41
Your position on the matter Support
Representing Self
Organization

To: Zoning & Planning
Chair & Committee members

My name is Louisa Keawe
I am a resident in Waimanalo

I Support Bill 41 to STOP illegal collecting of CASH that is not reported or accounted for under State of Hawaii Tax's Laws.

I Support Bill 41 to STOP the party that is unlicensed and not registered under Commerces of Business or without a General License in State of Hawaii.

I SUPPORT Bill 41 to keep our Residents on Oahu in check on there Vacation Rentals business that is unlawful.

I understand we need food, clothes, and shelter to live and own a business but we need to do it the right way and not let these people be rich to satisfy themselves and not report or be responsible for the taxes on every \$ 1.00 dollars they collect.

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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 1:38 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name Pamela Domingue
Phone
Email Beachvillasb903@gmail.com
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item Bill 41
Your position on the matter Oppose
Representing Self
Organization

I do not support Bill 41 CD-2 for the following reasons.

1. Section 1 Findings and Purpose-Beach Villas are located in a Resort District. None of the negative impact issues explicitly called out in the Bill 41 CD-2 are endemic to the Beach Villas located in a Resort District and through an over reaching revision to the LUO are being subjected to a loss of rights, subject to punitive fees, penalties, prosecution, and registration unnecessarily. BEACH VILLAS ARE LOCATED IN A RESORT DISTRICT AND SHOULD NOT BE SUBJECT TO RESTRICTIONS DESIGNED TO LIMIT AND CONTROL TVU'S IN RESIDENTIAL ZONES.

Written
Testimony

“Findings and Purpose. 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.”

“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 by providing a more comprehensive approach to the regulation of transient accommodations within the City.”

The Beach Villas are located in a Resort District, the entire Ko Olina project was designed to address the issues that the Bill 41 CD-2 proports to correct, from day one in 1986 when it was approved by the State of Hawaii and City and County of Honolulu. Residential areas (A-1 and A-2) were separated from the Resort District in which the Beach Villas are located. If the purpose is to protect Residential zones, Ko Olina Resort already has the necessary restrictions in our current governing documents including Resort District, A-1 and A-2. No further

provisions are necessary for the Ko Olina Resort or Resort District for the purported purposes of the Bill.

2. Beach Villas have three uses permitted for any of the 253 apartments located in the project. "the Apartments may be used for long-term residential use, hotel or transient vacation rental purposes". Hotel Use wholly exempts the Beach Villas from the provisions contained within CD-2, IF THE C&C ACCEPTS THAT USE OF THE BEACH VILLAS. However both transient vacation rental and long term residential (both permitted & conforming uses) are negatively impacted by even CD-2.

a. Long Term residential Use impacts owners that have selected to offer long term rentals (considered long term residential use). It forces owners who prefer to offer longer term accommodations (currently greater than 30 days to greater than 90 days) for times when they are not in residence and FORCES them to become a TVU subject to the restrictions, fees, taxes, reporting, penalties. This is a property right that owners who do not want the intensive use of short term rentals (less than 30 days) will lose. While in the minority of owner use at the Beach Villas, it is a right that is being eliminated for owners at the Beach Villas. Beach Villas are located in a Resort District rentals for 30 days or more will not impact surrounding residences nor will they impact the housing stock available. Within a Resort District Long Term Rental should be remain at longer than 30 days and Short Term rentals remain 30 days or less.

b. TVU-

i. Requires unnecessary additional registration and documentation where all owners are currently already required to opt in or opt out of their respective uses. The \$2000.00 fee is unnecessary for properties located in the Resort District. All owners at the BV already have registered with the City and County as either Hotel/Resort Use or Long Term Residential for Tax purposes. Why is there a \$2000.00 fee? Or any fee for that matter for a property located in a resort district.

ii. Adds additional significant, punitive and unnecessary annual fees on individual owners without providing any supporting documentation other than vague justifications of need AND after putting into place additional city and county taxes for the purposes of funding the C&C efforts. The excessively high amount of \$1000.00 will collectively cost owners approximately and additional \$200,000.00 per year, in addition to State GET, State TAT, C&C TAT, additional tax on property valued at over \$1,000,000.00, additional taxes as non-resident owners, where does it stop? These fees are to fund the enforcement of issues in the Residential areas of which the Beach Villas does not impact due to its location in a Resort District.

iii. Unnecessary and excessive documentation where the Beach Villas already is in compliance to correct issues of properties located in Residential Districts. What is the Bill trying to correct at the Beach Villas Resort?

1. Beach Villas already has occupancy limits on units of 8 adults for 3 bedroom and 6 for two bedroom and in fact is MORE restrictive since it counts all guests above the age of two.

2. Beach Villas Declarations already requires one million dollar insurance policies for those that rents as required.

3. Beach Villas as mid rise building in a resort district already has smoke detectors and a fire control system.

4. Why are owners required to provide a copy of their deed and governing documents when its uses were already filed with the state IN 2008 OR EARLIER

5. Why are owners required to keep records of every single guest for years when the Beach Villas already maintains a registration system for owners through its RDP registration system.

6. Why are owners now subject to a penalty of having the rights of their Use being eliminated?

7. Beach Villas already provides a copy of the house rules to guests
8. Beach Villas already has quiet periods
- iv. Allows the C&C to charge substantial penalties/fines on the Beach Villas owners of up to \$10,000 to correct issues with TVU's located in a Residential Zoned area which should not apply to TVUs located in a Resort District.
- v. Allows for TVU's in the Master Table as a conditional use but does not include TVU's as a conditional use in Section 21-5.730 (a) (2)
- vi. Ko Olina Resort District Map (Figure 21-5.2) is not highlighted as permitting TVU's.
- vii. Unnecessary limitation on group gatherings to less than ten when the Beach Villas members lounge permits up to 40 attendees.
- viii. Already provides instructions on trash locations-how are owners supposed to know the dates and time of scheduled trash collection which is handled by the association?
- ix. Beach Villas already has designated parking and a parking plan

3. Section 11 creates a potential conflict within our Condominium Declarations. While the Beach Villas Declaration states there are three uses (maximum flexibility for owners) Section 11 states that a TVU "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 [30] 90 consecutive days, other than a bed and breakfast home[.], timeshare unit, or hotel unit." This provision could work against the BV owners if the C&C determines that the BV are TVUs by preventing owners from selecting Hotel Use. It could work FOR owners if the Hotel Use of the Beach Villas apartments (as stated in the Declarations) is supported through a legal opinion/litigation or determination by the C&C based on the governing documents in that if decided it could NOT be considered a TVU. This provision removes the flexibility that Owners have and unfairly restricts their use along with their property rights which were established when they originally purchased their units.

4. Support of Bill 41 CD-2 will weaken any position, rights, legal challenge an owner may take against this LUO or any future restrictions which arise or result from this legislation.

Testimony

Attachment

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and Agreement

1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 1:39 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name Jack Domingue
Phone
Email info@jsdsales.com
Meeting Date 03-23-2022
Council/PH Committee Zoning and Planning
Agenda Item Bill 141 CD2
Your position on the matter Oppose
Representing Self
Organization

Bill 41 was originally proposed to address, among other things, the enforcement by the Department of Planning and Permitting of transient vacation rentals throughout the City and County. However, Bill 41 does not clearly provide any mechanism that addresses the enforcement issues related to transient vacation rentals. Rather, Bill 41 purports to expand the scope of vacation rentals to all rentals of less than 90 days without offering any bolstered enforcement mechanisms. The likely result is simply more vacation rentals without enforcement of the same. In short, Bill 41 increases the problem without offering any solutions.

Written Testimony

We are also very concerned with the legal issues related to Bill 41 specifically as it relates to property rights. Bill 41 CD1 and proposed CD2 infringes on the rights of property owners in the use of their property. Often in legislation, laws are passed that promote the restriction of property uses, which can be done through zoning on the local level. However, State law sets the direction of how the Counties can regulate land use. As such, the Counties cannot supersede State law. State law, particularly Hawaii Revised Statutes § 46-4, provides protections for the lawful use of property. Bill 41 attempts to subvert state statutes, which will invite litigation to invalidate Bill 41 and preserve the property rights of owners. In contrast, if Bill 41 is allowed to stand, it appears likely that the City and County would be liable for unconstitutional takings without just compensation. The compensation that could potentially be due to property owners no longer allowed to rent their properties for 30 – 90 days would be staggering.

Bill 41 CD1 and CD2 does not address what it set out to do: the issues of enforcement of current laws. But even worse, bill 41 removes an owner's right to use their property as allowed by current law. Therefore, the Council and this committee should not pass Bill 41. Thank you for this opportunity to testify.

From: CLK Council Info
Sent: Wednesday, March 23, 2022 5:31 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name George Churchill
Phone
Email gchurchillus@yahoo.com
Meeting Date 03-24-2022
Council/PH Zoning and Planning
Committee
Agenda Item Bill 41, CD2
Your position on the matter Oppose
Representing Self
Organization

I oppose Bill 41, CD2, specifically the 90-day minimum rental period for B&Bs and TVUs. The minimum rental period should remain at 30 days because there are many non-tourist-related needs for renting more than 30 days but less than 90 days, including:

- Home sellers/buyers renting until they close on a new property
- Residents waiting for their home to complete construction or renovations
- Military PCS while looking for a home to buy
- Traveling nurses
- Families from out of state who are on island caring for loved ones

Written
Testimony

Testimony
Attachment

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IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, March 23, 2022 6:11 PM
Subject: Zoning and Planning Testimony

Written Testimony

Name Jamie Johnson
Phone
Email yabas14@hotmail.com
Meeting Date 03-23-2022
Council/PH Zoning and Planning
Committee
Agenda Item BILL 41 CD2
Your position on the matter Oppose
Representing Self
Organization

Written Testimony Short term rentals are and continue to destroy neighborhoods and communities across Hawaii. From reducing housing for locals, to reducing tax revenue for hotels, and eliminating jobs because visitors no longer need hotels, this is destroying the fabric of Hawaii. Let us learn from others, like New Zealand, and Vancouver Canada, and take action to save Hawaii before it's too late.

Testimony Attachment

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