

BILL041(21)
Testimony

MISC. COMM. 110

COUNCIL

COUNCIL Meeting

Meeting Date: Apr 13, 2022 @ 10:00 AM

Support: 241

Oppose: 255

I wish to comment: 37

| | | |
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| Name: Stu Simmons | Email: stu_simmons@hotmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 7, 2022 @ 07:36 PM |
| Testimony: Please pass Bill 41 CD2 | | |
| Name: Tyler Dos Santos-Tam | Email: tylerdst@gmail.com | Zip: 96813 |
| Representing: HI Good Neighbor | Position: Support | Submitted: Apr 7, 2022 @ 07:48 PM |
| Testimony: Written testimony from HI Good Neighbor in support of Bill 41 will be submitted shortly. | | |
| Name: Kathleen Pahinui | Email: pahinuik001@hawaii.rr.com | Zip: 96791 |
| Representing: Save North Shore Neighborhoods | Position: Support | Submitted: Apr 7, 2022 @ 07:58 PM |
| Name: William Henry Kekoa McClellan | Email: kekoamcclellan@gmail.com | Zip: 96782 |
| Representing: The American Hotel and Lodging Association | Position: Support | Submitted: Apr 7, 2022 @ 08:11 PM |
| Testimony: Testimony Provided to Clerk | | |
| Name: christine otto zaa | Email: ottozaa@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 7, 2022 @ 08:18 PM |
| Testimony: i support bill 41! | | |
| Name: John Otto | Email: ottobond808@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 7, 2022 @ 08:22 PM |
| Testimony: I support Bill 41! | | |
| Name: Alex Ress | Email: alexress99@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 7, 2022 @ 08:52 PM |
| Testimony: Please support Bill 41. You can draw a direct line between the housing crisis in Honolulu County and rooms and houses being rented out to transient accommodations. Bill 41 addresses the illegal selling out of our housing with changes to our laws requested by the DPP and changes that have worked in other locations. Predictions for 2023 have us returning to tourist levels of 2019 and increasing. There is an insatiable thirst for tourist accommodations in our local's housing. Please help protect our residential housing. | | |
| Name: Sean Brady | Email: seanbrady808@yahoo.com | Zip: 96734 |

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| Representing: Self | Position: Oppose | Submitted: Apr 7, 2022 @ 08:55 PM |
| <p>Testimony:</p> <p>Aloha Council Members,</p> <p>I am opposed to bill 41 and I urge you to vote "no". This bill will not accomplish it's stated purpose and it treats legal vacation rental business' unfairly. This bill was written to benefit the hotel industry and not your constituents. This bill should be scrapped and rewritten after engaging stakeholders representing all interests. The only way to succeed in eliminating short term rentals from residential neighborhoods is to work with the platforms. Please listen to the overwhelming testimony against this bill and vote "no". Thank you for your consideration.</p> <p>Sean Brady</p> | | |
| Name: Toral Patel | Email: toral.patel@airbnb.com | Zip: 94103 |
| Representing: Airbnb | Position: Oppose | Submitted: Apr 8, 2022 @ 08:03 AM |
| Name: Gerard Gibson | Email: jerry@hawaiihotelalliance.com | Zip: 96815 |
| Representing: Hawaii Hotel Alliance | Position: Support | Submitted: Apr 8, 2022 @ 08:51 AM |
| <p>Testimony:</p> <p>Written testimony will be submitted to clerk.</p> | | |
| Name: Michelle Andrews | Email: mailehume@yahoo.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 10:13 AM |
| <p>Testimony:</p> <p>Aloha,</p> <p>In regards to bill 41,</p> <p>Originally I owned a legal STR as an investment property while working in the hospitality industry as my main job. After the pandemic and having 2 children, I now solely rely on my vacation rental to survive and take care of my family. It barely provides enough to cover all of my expenses especially with the rising taxes. My plan was to inquire another STR to actually start to make money and save for my sons future. With all of the new restrictions is bill 41 it makes me uncertain about what decisions to make regarding future investments. I strongly oppose bill 41. Please consider my testimony. Mahalo,</p> <p>Michelle Andrews</p> | | |
| Name: Vicky Poland | Email: rainbowinnaiea@gmail.com | Zip: 76701 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 10:33 AM |
| <p>Testimony:</p> <p>Aloha Council Members. I appreciate all the work you have done on bill 41 but I still oppose it. It will do nothing to enforce regulations on illegal rentals and only burden legal NUC's. Without a MOU with the advertisement platforms as has been done in Kauai and Maui successfully I cannot see this bill reducing illegal vacation rentals at all . In fact I see it making more illegal vacation rentals. Mahalo</p> | | |
| Name: Thomas Mckay | Email: tom@eltoma.me | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 10:37 AM |
| <p>Testimony:</p> <p>I'm just writing to oppose any rental restrictions over 30 days. After renting a place in Waikiki, I fell in love with Hawaii and ended</p> | | |

up buying a place there. . I plan on retiring, living and paying tax there. Most people end up buying there from the mainland having been on vacation or a work related jobs. It would be a shame to limit anything over 30 days. Driving out prospective future tax payers.

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| Name: Michelle Yao | Email: seankuhio@gmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 11:03 AM |

Testimony:

The CD2 draft continues to penalize the resort zone TVU owners, and added special treatment for two specific buildings in the Waikiki Apartment Zone . CD2 calls for a blanket registration process, restrictions and fees across all residential and resort zone Transient Vacation Units (TVUs) treating all of us (resort zone TVUs) as though we are operating in residential neighborhoods, but exempt all hotels and timeshare units.

1) Comparing Resort zone TVUs to hotels and timeshares in the same zone: All these three are the principal uses of the resort zone, and all pay hotel and resort property taxes. But only TVUs are subject to the registration requirements and fees per CD2. Additionally, under the current proposal, how is DPP going to be able to handle the flood of registrations for the resort zone TVUs? This will take away a lot of DPP resources that would have been used on enforcement to crack down on the illegal STRs in the residential neighborhoods.

2) Comparing Resort zone TVUs to Residential zone TVUs: Resort zone TVUs pay hotel and resort property tax rate, which is 4 times the residential rate that TVUs in the residential zone (i.e. NUC holders, and TVUs in other residential neighborhoods) have been paying. Additionally, NUC TVUs holders are not subject to the same license renewal requirements imposed on the Resort zone, which makes it much easier to renew a NUC as they bypass the entire tax clearance requirements and information binder and insurance requirements. So all these loopholes make the resort zone the least desirable place to operate a TVU, and make residential neighborhoods a preferred place for TVUs. We believe this goes against the intention of Bill 41. There needs to be a uniform TVU property tax rate that should be set lower than the hotel and resort rate and applied to all TVUs across the board.

3) Allowing TVU in two Buildings in Waikiki Apartment Zone is problematic: CD2 added two specific buildings (Banyan and Sunset) to the allowed TVU map. Per LUO for decades, Waikiki apartment district does not allow TVUs. CD2 now picks two buildings in this zoning district, which is lack of transparency and lack of adequate legal consideration. TVU is not allowed in any apartment zone, and it needs to be applied to everyone in the same district across the board. If the bill is trying to give special consideration for mauka side of Kuhio Avenue in Waikiki due to the complicated history of this part of Waikiki, then a transparent and fair process should be proposed, rather than giving special treatment to two buildings only.

4)Considering changing to 180 days minimum: Defining TVU as rental period of less than 180 days is consistent with state tax law. The 90 day rule is confusing to public, and does not have the same strong legal backing as 180 day rule. I would also suggest granting exceptions to the 180 days rule. Exceptions list was previously posted by DPP, and that was a good list to use.

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| Name: Alan Gregg | Email: Condo@alang.us | Zip: 95008 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 11:10 AM |

Testimony:

I own a unit within the Royal Garden Waikiki and this bill would make it totally inoperable for me. I have STR renters scheduled through August 2023 and when there are vacancies I visit and use the unit myself. You new rules would negate both of those uses and I will be forced to sell and purchase in a more understanding environment. I have property in Cyprus without any restrictions and I know there are many other locations around the world which are vacation favorites. You will lose tax revenue and vacation revenue if you enact this bill. You will even reduce the US income as many like me will move our holdings to other countries.

Alan Gregg

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| Name: Stephanie Brooker | Email: stephmignon@gmail.com | Zip: 90293 |
| Representing: | Position: | Submitted: |

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| Self | Oppose | Apr 8, 2022 @ 11:50 AM |
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Testimony:

Ko'olina and Oahu will LOSE money with Arbitrary Zoning Changes! Focus efforts on enforcing CURRENT 30-day zoning allowance.

I'm a Hillside Villas property owner who appears to be impacted by the most recent proposed zoning map of Ko'olina. It appears that half of my neighborhood may lose the ability to continue with 30-day rentals – simply because it's a few feet from an arbitrary line the zoning study has created.

PLEASE vote NO to the proposed zoning changes in 41 (2021), CD2 Figure 21-5.2 to preserve the property rights of long-standing Ko'olina owners while retaining the taxable income 30-day rentals allows, retaining the sales tax obtained from patronage by visitors of local establishments, and allowing families with deeply imbedded relationships with Hawaii to visit on a 30-day basis!

As a Kalaheo graduate (class of 1999), Hawaii Pacific University Graduate (class of 2004), and Ko'olina property owner since 2017, I have successfully and legally rented my property for 30-days when my family isn't using it. I have also provided housing for military personnel and local families for 3 to 8-months at a time, over the years. As a result, I have paid the state close to \$40,000 in taxes, not to mention the sales tax paid by my family and my many guests when visiting the resort restaurants and gift shops.

When my family visits, we eat at Roy's, Monkey Pod, and all of the Four Seasons restaurants regularly spending thousands each time we come to Ko'olina! We also pay our cleaning staff a living wage, utilize local contractors to update our properties, and buy all goods from local establishments making our rental a small economy unto itself. During the pandemic we spent 5-months on the island, even sending our children to Mary Knoll summer school.

During the time we've been conducting 30-day rentals, we have not had a single complaint from our neighbors.

Please VOTE NO on the zoning changes proposed in the resort community of Ko'olina. 30-day rental ability is what makes Ko'olina special and was the sole reason we've invested there in the first place. A large portion of Ko'olina homeowners are unaware or confused about these changes, but regardless, it's completely inequitable to arbitrarily change property status in an already zoned resort zone after 20-years. Furthermore, the state will lose tax dollars and businesses will suffer as a result. Please vote no to the zoning changes related to Ko'olina, 41 (2021), CD2 Figure 21-5.2 and preserve the zoning already in place in ALL of Ko'olina.

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| Name: | Email: | Zip: |
| Jenny Kono | jennykono808@gmail.com | 96816 |
| Representing: | Position: | Submitted: |
| Self | Oppose | Apr 8, 2022 @ 12:16 PM |

Testimony:

My name is Jenny Kono. I oppose Bill 41 (CD2).

I believe that every kind of rental delivers valuable and unique benefits to neighborhoods and small businesses, and deserve a permanent place in the local community. I believe 30-day are not only essential, but also positive to our local community.

I will acknowledge those who have suffered because of illegal rentals. But Bill 41 (CD2) does nothing to address illegal rentals. It only addresses legal rentals by adding fees and changing usage rights. What is the problem with legally rented property? Some people don't like it? Hotels feel threatened by month-to-month rentals? What is YOUR reason for restricting and tacking on fees to homeowners legally renting their property?

Nothing could change the fabric of our neighborhoods more than making month-to-month rentals illegal.

Bill 89/Ordinance 19-18 took years of discussion, community input and revision. To change the law again without even implementing Ordinance 19-18 completely undermines the democratic process. Just because you didn't get your way doesn't mean you should just draft a new bill and a new bill.....!! IT UNDERMINES THE DEMOCRATIC PROCESS. Should we expect a new Bill changing the land use ordinance to 180-days in a couple months...because it didn't work this time?

The community spoke out with Bill 89/Ordinance 19-18 and that is what should stand.

Thank you,
Jenny

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| Name: Rebecca Jay | Email: bbjsurfs@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 12:16 PM |

Testimony:

Aloha! My name is Rebecca Jay. I have been a resident on the North Shore of Oahu for 56 years. I have witnessed the growth of tourism and while I am not very happy with the influx of visitors we now have on a consistent basis, I also realize there's not much we can do about it. The tourist are going to come, like it or not.

I also understand the views of many local residents that are opposed to short-term rentals. I believe, however, that there is a place for these types of rentals. For example, places that are designed for tourists, such as Turtle Bay on the North Shore & Makaha Valley Towers in Makaha. Turtle Bay is already legal for short-term rentals, however, Makaha Valley Towers is not. Makaha Valley Towers was once a hotel and with the adjacent golf course it should be considered to be in a resort zone. The MVT's has its own off-street parking, 24 hr. security, office management with strict rules in place. Allowing short-term rentals would bring much needed business to the Waianae & Makaha areas. And, there are no hotels in the area for visitors to stay. It is situations like this where I believe short term rentals should be allowed.

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| Name: martin haas | Email: haas32@msn.com | Zip: 96712 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 8, 2022 @ 12:55 PM |

Testimony:

My vacation provides retirement income for me! Couldn't make it without. It also provides for my workers. I provide on-site parking. I make sure my clients do not cause problems!

Taking away my right to do this on my own property is WRONG!

Martin Haas

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| Name: Thomas Cestare | Email: cestare@hawaii.rr.com | Zip: 96734 |
| Representing: The Lanikai Association | Position: Support | Submitted: Apr 8, 2022 @ 01:04 PM |

Testimony:

The Lanikai Association supports Bill 41(2021) CD1, proposed CD2, Relating to Transient Accommodations.

The Draft Bill's Findings and Purpose, copied below, aptly describe the impact of short-term rentals on residential communities and the City and County of Honolulu as a whole.

"Short-term rentals are disruptive to the character and fabric of our residential neighborhoods; they are inconsistent with the land uses that are intended for our residential zoned areas and increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets. The City Council finds that any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents."

Thank you for the opportunity to provide testimony on this important Bill.

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| Name: Pamela Cabrera | Email: pam.cabrera@outrigger.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 01:54 PM |

Testimony:

I support Bill 41 for both myself and my family. I have worked in the hospitality industry for over 30 years and I have witnessed first hand what illegal rentals have done to our business. We are forced to lower adjust our pricing models in order to remain competitive within the marketplace which hurts everyone in the end. This is unfair to our homeowners who choose to work with

legitimate hotel owners and companies who manage their property in the right way when often times another unit in the same building does not.

From a personal perspective, illegal vacation rentals in my neighborhood take away the sense of security and peace that we work hard to protect as homeowners. Many different people coming and going, parking congestion, litter, strain on our eco systems as well as disrespect for our property.

Please pass Bill 41- Pam Cabrera

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| Name: Paul Nachtigall | Email: nachtiga@hawaii.edu | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 02:00 PM |

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| Name: Shawn Zaa | Email: szaa1@yahoo.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 8, 2022 @ 03:20 PM |

Testimony:

Please support Bill 41. We need the 180 or 90 day definition with NO EXCEPTIONS to close loopholes. Long term housing for residents is more important than tourists or those who need to rent for 90 days or less. PEOPLE OVER PROFITS!

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| Name: Torie Nakata-Nagao | Email: tatatatorie@gmail.com | Zip: 96817 |
| Representing: Self | Position: Support | Submitted: Apr 8, 2022 @ 03:26 PM |

Testimony:

SUPPORT Bill 41, version that defines short term rentals at 180 days or less. We desperately need housing for locals. I have a master's degree and can barely afford to live where I was born and raised. Stop the commercialization and gentrification of our neighborhoods.

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| Name: Steven Yamamoto | Email: yamamoto.steven@gmail.com | Zip: 96822 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 03:35 PM |

Testimony:

I whole heartedly support enforcement of illegal vacation rentals, but I oppose Bill 41, CD2 in its current form. I do support Councilmember Fukunaga's floor draft of the Bill that contains key exclusions and ask you to adopt this form.

My main concern about this Bill is not knowing what good it will do for the very people that it has been created to help. Affordable housing is a big concern for myself as well as many people in our society. I would like to ask the council if a real study has been completed that shows how much this will help this problem? If not, why not? Should something to this magnitude be finalized without this key piece of information? Is the intent of this bill to cause a housing market collapse to make housing more affordable? Don't you think that this would cause even more non-resident investors with deep pockets to come in and purchase their piece of paradise? This will cause more harm than good.

The exclusions contained in Councilmember Fukunaga's floor draft are necessary to enable the essential workers and individuals that are included to be able to rent for less than 90 days in non-resort areas.

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| Name: Thomas Welch | Email: wmaswel@yahoo.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 04:24 PM |

Testimony:

I totally support Having fair regulations for vacation rentals. The 30 night minimum limits the majority of the rentals to retired families. They make excellent neighbors

And are a great addition to our neighborhoods. Areas like The Leeward Coast depend on the vacation rentals to keep the restaurants & many small business open. Making a longer minimum is the wrong move in and creates a monopoly for the hotel/resort as tourist are forced in at any price. The tourists are the life blood of the islands and should not be forced into hotels or resorts. Please consider this as a vote to stop over regulation of our island

Mahalo for listening

Aloha.

Tom

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| Name: Levi Brooker | Email: levibrooker@gmail.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 8, 2022 @ 04:44 PM |

Testimony:

Dear Councilmen/women,

I am an owner of a townhome in the Hillside Villas community of Ko Olina (A-1 zone). According to Figure 21-5.2, it appears that a line has been drawn through my neighborhood, as well as The Fairways across the street (A-2 zone), which precludes us from continuing to rent our homes for less than 90 days. In speaking with many of my neighbors, it has become clear that no one has a clue that this is happening, because the first version of Bill 41 exempted Ko Olina completely and everyone assumed that the proposal is still that way. This is why you may have not heard much opposition from Ko Olina owners to date, but I assure you everyone I've spoken with in our communities is strongly opposed to the arbitrary "within 3,500 feet from resort" exemption language.

Our neighborhoods operate as entire communities, so stripping these rights from some owners within the community and not others makes no sense, and is not something that our communities have asked for. The reason we bought in Hillside years ago was that it was in a resort zone and the HOA allows 30-day rentals. While I can understand the perception that Airbnb guests may come to residential neighborhoods and disturb the peace, that is not the case in our community. Many of the owners hold these townhomes as 2nd homes, and they lease them out to guests when they are not physically on island. The HOA and residents have been OK with this for 2 decades, as evidenced by the fact that our bylaws still allow the practice. It is a drastic overreach on the part of the City Council to unilaterally take away the rights of its constituents when we have not asked you to do so.

Not only is this proposal a violation of our rights, it will cause us significant financial damages. It is an objective fact that losing the ability to lease our homes for less than 90 days will decrease the value of our homes. We have had the right to lease our homes under 30-day rentals for the past 20 years, and the City Council taking that right away from us immediately decreases the value a buyer will be willing to pay (compared to our current values with the right to lease for 30 days).

Further, the basis for the argument of banning 30-day rentals in portions of Ko Olina is inherently flawed. Again, these communities are zoned for resort, and most of the residents made large financial investments here based on this zoning and its benefits. If the current map in Figure 21-5.2 passes, then many residents will stop leasing their homes and they will just sit there vacant. That is the opposite of the City Council's intent. Additionally, the residents of Ko Olina are not taking business away from the local hotels. The hotels all run at max capacity regardless, and are at max employment. Getting rid of the surrounding 30-day rental inventory will not increase employment or occupancy at these hotels. All it will do is allow them to charge more and improve the bottom line that gets distributed to shareholders. On the other hand, when we lease our home to families for a month or two, we pay 17.75% tax on the income, and we employ housecleaners, a property manager, maintenance personnel and more. And the guests spend thousands of dollars at all the local businesses (including the hotels that were too booked to take them in).

In summary, we humbly ask that you not cause significant financial damages to the owners of Hillside Villas and The Fairways who are outside of the arbitrary "3,500 foot from resort" lines that are currently reflected in Figure 21-5.2. Let our HOA's govern our communities as they always have, and if they choose to no longer allow 30-day rentals then so be it, but please don't step in to solve a problem that doesn't currently exist. If there are issues with people abusing the current short term rental laws, then enforce the rules and run them out of business. But for those of us who abide by the rules and pay the State and County significant GET/TAT taxes (while creating employment and supporting local businesses), please leave us alone.

Thank you for your time.

Best regards,
Levi Brooker

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| Name: Kevin Johnson | Email: kjddrp@earthlink.net | Zip: 96707 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 9, 2022 @ 05:40 AM |
| <p>Testimony:</p> <p>I support the overall intent and language in this bill, however the map in reference to KoOlina seems to be in error. At the East end of Aliinui Drive, the shaded areas do not cover the entirety of either Hillside Villas or Fairways. As the A-1 zone covers both of these properties it would make sense if the shaded areas covered the entire A-1 zone in these locations. The way the map is drawn, Bill 41 would cover two units in the same building, differently.</p> | | |
| Name: Lori Rough | Email: lorirough1@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 05:59 AM |
| <p>Testimony:</p> <p>I am opposed to Bill 41 for several reasons:</p> <ol style="list-style-type: none"> 1. Homeowners rely on TVUs to pay for mortgage and property taxes, both of which are very high. 2. You are dictating how homeowners manage their personal assets--that is wrong and inappropriate. 3. You are putting the interests of multinational hotel chains before the concerns of Hawaii property owners who live here. Profits made by the hotel chains leave Hawaii and go to benefit mainland and international stockholders. 4. You are dictating how tourists experience Hawaii. TVUs offer tourists a completely different experience than hotels. It's a more culturally rich exposure to our islands. 5. Local families can no longer rent beach homes for a vacation on-island. 6. Short-term renters support the local economy--they buy food at grocery stores, they eat at restaurants, they buy souvenirs, and they book tours. By extension, they employ housekeepers, yard services, and repair workers. Housekeepers can make over \$60/hour, which is double what hotel maids are paid. 7. If you raise the minimum stay to 90 days, you will be putting a hardship on visiting nurses and professors as well as people who are moving here and need a temporary home while they look for a home to buy or rent. <p>Please do NOT squeeze out local homeowners who need the income from their TVU to pay for their mortgage and property taxes. Do NOT make any amendments to the existing laws.</p> | | |
| Name: becca Batkin | Email: fhb1305@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 07:18 AM |
| <p>Testimony:</p> <p>i oppose bill 41</p> | | |
| Name: Fred Batkin | Email: fhb1308@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 07:20 AM |
| <p>Testimony:</p> <p>i oppose bill 41</p> | | |
| Name: Thomas Dalbert | Email: thomas@dalbert.us | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 08:55 AM |
| <p>Testimony:</p> <p>Aloha Council Members,</p> <p>Bill 41 makes it impossible to have Mom-and-Pop B&Bs in most remote areas. With Ordinance 19-18 we had a very good solution</p> | | |

to allow owners who permanently live on the single property they own to use up to 2 bedrooms in this same home for short term rentals. This is easy to control. With limited permits for each neighborhood, no area of the island could have been overwhelmed by these kinds of B&Bs.

Short term B&Bs are clearly not disruptive to our residential neighborhoods since the owners are required to live on the same property. Our two bedrooms that we intended to rent to professionals, students, and tourists do not remove any housing stock from the market but allow us to hold on to our expensive property even with a lowered retirement income. It also allows us to reserve the space for our kids and relatives when they come to visit us and take care of us.

We don't think there are many people that would object to this kind of B&B but we have not received a direct response to why the planning commission is pursuing to take this option away from us?

Thank you,
Thomas and Melissa Dalbert

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| Name: Maria Morgan | Email: mmorg1029@aol.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 09:15 AM |

Testimony:

I am against Bill 41. It will hurt so many people who rely on STR's for income. Things are difficult enough without being cutoff from income.

The hotels will not suffer if it does not pass but if it does pass the the little people will suffer.

Please vote NO.

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| Name: Loren Pulice | Email: lpwaikiki@aol.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 09:25 AM |

Testimony:

The type of visitors that stay in Airbnb accommodations are not ones that can afford to get multiple hotel rooms, or who can afford the expenses of resort.

The visitors that stay in Airbnb's are more budget minded and try to save possibly cooking a few of their meals in their accommodation so they can give their families the opportunity to experience our Hawaii.

If Bill 041 is passed, it will continue to hurt the local resident from helping them make their mortgage, or provide that retired person from having funds to help with the household expenses.

It would devastate the economy in providing jobs for cleaners, handyman, plumbers, grocery stores, local businesses

Why is the city trying so hard to hurt others by extending the minimum days?

I oppose this bill and strongly ask the council to vote against extending the minimum days.

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| Name: Kyle Gillick | Email: kylegillick@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 09:40 AM |

Testimony:

I am disabled and depend on this income to make ends meet. This benefits hotels only , and hurts independent contractors and healthcare and emergency workers. I pay lots in taxes each month , this will cause the state to lose that income , just like me.

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| Name: Lisa Hendrickson | Email: lisahendrickson.hi@gmail.com | Zip: 96734 |
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| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 09:59 AM |
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Testimony:

I am emailing to oppose Bill 41 and believe you should, too. My husband and I moved to Hawaii in 1989, the year the moratorium went into effect on further legal permits for TVUs and B&B's. This issue has been in the news since the time we moved here in 1989 with various bills proposed and even passed over the years. Now, another unfair bill is being hastily pushed through. Why can't the City Council and Mayor appoint a panel composed of all parties that would be affected by a new TVU and B&B bill to work on the various issues and come to some compromise rather than wholly caving in to the desires of the hotel industry as the current proposed Bill 41 does?

I object to the change in definition of short-term rental to 90 days from the current 30 days. First of all, it makes no sense for a lease to be either more than 30 days or less than one year. Many fewer renters will be looking for a lease of three months rather than a month-to-month or year-long lease. Second of all, the change to 90 days will bring on a class action law suit against the City and County that will drag on for years. Do you really want this?

Why can't responsible residential owners living on their property rent out a room or two to not only enhance their income, but also to provide a more residential and cultural experience for visitors to Oahu who would prefer this to staying in Waikiki, Turtle Bay, or Ko Olina? When my family travels anywhere for more than one evening, we always stay in a home, apartment, or condo rather than in a hotel as we need more space and prefer a homelike atmosphere to a sterile hotel. It appears that the Mayor and City Council want to completely wipe out any TVUs and B&Bs that are outside the three tourist areas on Oahu. I believe doing that will mean the end of a special group of travelers coming to Oahu and a notable decrease in tourism and revenue.

Finally, I object to your "cherry-picking" of apartment buildings in Waikiki (i.e., Waikiki Banyan and Waikiki Sunset owned by Aqua Aston) that will be able to receive TVU permits when other buildings in the same area and zone do not "qualify." Another under the table, buddy-buddy agreement like those that have recently blemished the County and State? This will lead to another law suit leveled against the City and County of Honolulu because this makes no sense.

Please vote "NO" on Bill 41 and appoint a panel of all interested parties to work out a more reasonable bill to allow for more legal TVUs and B&Bs and sensible management of them.

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| Name: Elaine Andrews | Email: elainemaedavis@gmail.com | Zip: 96815 |
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| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 09:59 AM |
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Testimony:

Esteemed Council Members,

I strongly oppose Bill 41. This bill will do nothing to help with affordability on Oahu. If anything, it will increase housing costs due to the demand for vacation accommodations not letting up. With a limited supply, prices will increase. Practically all of these costs will be passed along to the consumers as they are more elastic. This is basic economics. I strongly encourage you to see this bill for what it is: a bias towards the hotels that will do nothing for housing affordability on Oahu. Vote NO to Bill 41.

Sincerely,
Elaine Andrews

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| Name: Martin BLANDFORD | Email: martinblandford@me.com | Zip: 96815 |
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| Representing: Self | Position: I wish to comment | Submitted: Apr 9, 2022 @ 10:05 AM |
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Testimony:

I oppose Bill 41!

I have followed Bill 41 through its various stages and tweaks.

I couldn't believe my ears at the last hearing when I heard no calculations had been done to determine the costs of reduced TAT and GET from implementing this bill. Such a reckless action by a council that seems hellbent on bulldozing this bill through to

completion.

I urge you to work with STR owners to find common ground and regulations that work for all, continue minimum 30 day rentals and scrap registration fees for short term rentals.

Mahalo.
Martin.

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| Name: Robert Koncal | Email: weromahi@gmail.com | Zip: 96717 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 10:17 AM |

Testimony:
Opposing the bill 41

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| Name: Benjamin Rafter | Email: ben@springboardhospitality.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 9, 2022 @ 10:58 AM |

Testimony:
Aloha. My name is Ben Rafter and I am one of the last individual hotel investors on Oahu. I spend significant sums of money and time abiding by local laws and zoning, while paying taxes, ensuring our hotels are life/safety compliant and more. Finally, my company also employs hundreds of people. Removing COVID from the equation, Honolulu hotels have not really made significant gains as tourism numbers and operating costs have increased.

Owning hotels has been good for me and I hope the company has given back to the broader community. However, quite simply, it would be far easier to just own dozens of homes while renting to transient guests (in areas that mostly aren't zoned for transient) and/or invest out of state than continue this fight. In a home in Kailua or Lanikai or Kaneohe or wherever, there are no employees, no life/safety, limited taxes (for those who choose to bother paying which is probably very few) and few regulations. Investors can and have bought scores of them draining resources from the state/county and creating problems for residents while disrupting neighborhoods and providing little value to the community. Renting to them is also illegal. It's time to stop condoning this activity.

Thank you.

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| Name: Suzie Wallace | Email: suzwallace11@hotmail.com | Zip: 96813 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 11:03 AM |

Testimony:
I oppose because all of Waikiki should be open for tourists. This will keep the pressure away from areas outside of Waikiki from becoming tourist destinations.

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| Name: Ai Saysamone | Email: hollers-dizzy-0q@icloud.com | Zip: 96814 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 11:04 AM |

Testimony:
I believe all of Waikiki should be open to tourists to encourage safety and awareness for residents and owners of unwanted vagrants (homelessness) to wander into our neighborhoods.

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| Name: J Joa | Email: pageonehawaii@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 11:07 AM |

Testimony:

Councilmembers Please Hear Us, Really Hear the people you serve:

I very Strongly stand with the real-estate, property mgrs, and short-term responsible private owner/operators. Oppose Bill41. Stand with us to courageously OPPOSE.

THIS bill continues to over-ride the small bussinesses, pushing out the backbone workers and every day poorer people struggling to take care their families. They are daily, hard workers. Good people with specific hospitality skill sets. They send visitors to enjoy music, hotel and waikiki tourist business & entertainment.

Tourist will stop coming. Mark my words!! Democracy is dead, if ohana spirit is left to deteriorate due to job losses and corporate greed. We all help provide services for visitors, month to month rentals are necessary for non-visitors, remote workers, to attract and younger workforce to islands and young couples need flexiblty as many landlords wont take chance long term; or they need closeness to elderly family member for caregiving, or temp jobs. Shorter month to month rentals, are necessarily all over the island as property mgmt team have said repeatedly to this and previous councilmembers.

Tourists Love choices.

Location, location, location is everything. Supply is lacking because of piss-poor decisions from 1989-2019, and it continues to this decision on Bill41.

If passed, public officials will once again cripple private economy, citizens, families, and workers in a long, long list of PUBLIC services and venues islandwide. These are businesses that are wonderfully and unique. Valued by locals and visitors alike! With gas prices on the rise, tourist will not come. They'll avoid highest food, hotel, electricity, car rentals costs, traffic, and waiting in long lines at the cheesecake factory! You will force them to commute daily to a friend or family house, or to their favorite beach that isnt crowded. Continue down the same path is giving into Rich Hotel owners, mostly foreigners, and cater to corporate greed that has capitalized on poor neighborly issues toward their gain.

Vote for the people first! Vote 1st for Oahu!

USA first, not the rich to be richer!

Fix the neighbor issues, work toward fair balanced fair, Reasonable fees, taxes, for all!

Our Aloha Spirit will thrive with happier people and tourists. Tourists I have received feedback from 20++years. Waikiki is a one & done stay for accommodations. Repeat visitors Do NOT enjoy crowded restaurants, dirty bathrooms, homeless vagrants noise, police & ambulance sirens, and Traffic!

They spend Ltd time, if they can PARK there. Hotels and City, and Tourist Industry leaders have done Nothing to Improve the filth that plagues Waikiki.

How much time to you Coucilmembers yourselves like to spend in Waikiki?

Bill41 Forces, creates more Traffic PROBLEMS PARKING AND LONGER. LINES for the overwhelmed, poorly, staffed and run down Restaurants and old, and older, ugly, smelly hotels, who are too cheap to change their carpets.

Why can't you folks listen to the ones who aren't being greedy to force this monopoly on "Board Walk and Park Place".

The well run, local areas, small bussiness and owners provide Much Needed, diversified, balance; to Traffic patterns, mom & pop shops, and spread out crowds towards all area beaches. Personalized and RESPONSIBLE owners give visitor and workers a very professional option for services, and flex accommodations. (99% of which are complaint free and tax abiding)

Our community needs blue collar workers, young and old.

The importance of variety, helps us islandwide. If managed with fairness, and affirdable reason for all operators. Fairness and reason will win out for the hotel industry as well.

Cramming too many rats into already confined space, will cause carnage and kaos. Waikiki, Turtle bay, KoOlina are too high price and very limiting for the average mainlander family. They want clean streets, bathrooms, safe beaches and sidewalks to walk with the kids. Not exaggerating this! Don't over look the bigger picture of sustainability. The consequences to not foreseeing a poor, degrading infrastructure. Future planning, water & sewer, plus gas & energy services are completely lacking. Dont over look Waikiki especially can't handle more, if other area operators are continously forced out by allowing this Bill 41 to pass.

No Bueno for all!

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| Name: martin haas | Email: haas332@msn.com | Zip: 96712 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 9, 2022 @ 11:30 AM |

Testimony:

My vacation rental provides retirement income for mehat I needto live in HI.It also makes income for my wookers.I provide off street parking for my guests.I make sure my guests do not make problems for my neighbors!To take the full use of my property from me is WRONG!!!!!!!!!!!!

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| Name: Debbie Kuri | Email: llk8877@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 11:37 AM |
| Testimony: We all know that this will pass as the hotel industry is very powerful. All of us will go out of business and only the hotel industry will win. | | |
| Name: Preet Gill | Email: garrygill12@yahoo.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 11:47 AM |
| Testimony: I strongly oppose the bill that favors the hotel industry and oppose the voice of Hawaiian residents. | | |
| Name: Bernadette Metzler | Email: amazinghawaii01@gmail.com | Zip: 96826 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 02:17 PM |
| Testimony: I oppose this bill, because it restricts local homeowners to supplement their income in an ever increasing high cost of living environment in Hawaii. | | |
| Name: Tyler Murdoch | Email: tjmurdoch@aim.com | Zip: 96717 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 02:23 PM |
| Testimony: Do what's best for local families, I am all for getting rid of whole home vacation rentals because they away our housing but there are plenty local families who rent out an extra bedroom in order to afford living here. I am one of them, there is no way I would be able to pay my mortgage and all my other bills without renting out our extra room downstairs. Why would you take that away from local families? That would only hurt us more. Please make a bill that exempts local families who live in the house full time. | | |
| Name: William Li | Email: wli123@yahoo.com | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 04:30 PM |
| Testimony: I oppose 90 days. We had the 30 days for years. It works so far, why breaks something that works well! | | |
| Name: Denise Lindo | Email: deniselindo77@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 9, 2022 @ 04:40 PM |
| Testimony: I support Bill 41 CD2 . We must protect our neighborhoods and our neighbors from the glutony of the vacation rental industry. The extraordinary amount of illegal vacation rentals in Kailua and other communities is driving up long term rental prices and causing our local children to move away. We need to save our neighborhoods and make the vacation rental landlords take their illegal operations elsewhere. Just because they have been skirting the laws this long does not make it right. Just think what 10,000 homes opened up for sale or long term rentals could do to bolster our economy and keep our keike home. Support this bill with no exceptions. | | |
| Name: | Email: | Zip: |

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| Aya Kudo | ayakudo0105@gmail.com | 96717 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 05:03 PM |
| <p>Testimony:</p> <p>I strongly oppose this Bill as it will effect many local familys trying to make extra income renting rooms to combat the high cost of living on the island.</p> | | |
| Name: Jason VanB | Email: jasonvanb@gmail.com | Zip: 96717 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 05:05 PM |
| <p>Testimony:</p> <p>I strongly oppose this Bill as it will effect many local familys trying to make extra income renting rooms to combat the high cost of living on the island.</p> | | |
| Name: RICHARD STULA | Email: richestula@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 05:34 PM |
| <p>Testimony:</p> <p>This Bill blankets Oahu and doesn't take into consideration areas that were developed and purchased by residents for vacation rental accommodations. There certainly should be restrictions in strictly residential areas, however, areas such as Waikiki, Ko'Oolina and parts of the North Shore were developed for vacation rentals. Many residents purchased these units at prices set by Short Term Rental CAP rates. Passing this Bill as constructed would force significant financial harm on Hawaii Residents by dramatically lowering the FMV of these properties as well as the income they generate.</p> <p>The premise of Bill 41 is good at its core but it has evolved into an over reactionary reach by our politicians that will cause undue hardships to many residents in Hawaii. Tourism is our most important industry. Acquiescing to the lobbying of the Hotel Industry is inherently unfair to owners of investment properties in these Tourist areas. Bill 41 needs to be fine-tuned.</p> | | |
| Name: helena von Sydow | Email: helenavonsydow@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 07:03 PM |
| <p>Testimony:</p> <p>Honorable council members thank you for allowing me to testify</p> <p>I oppose bill 41</p> <p>There is no study made about the economic impact this bill will have in small businesses and hawaii residents hired to the many different jobs surrounding STR</p> <p>Distrust in government Accountability by DPP How do we know DPP will follow through? They should report back to the City & Council who are approving this bill on behalf of their constituents</p> <p>We, the legal short term rentals are necessary in a tourism based economy, although the hotels may not think so, We are located in a resort area built for tourism and yet we are penalized with registration and rental fees</p> <p>This bill is putting the hotels in a special category Why is our government allowing such a category in favor of hotels when they don't even keep their revenue in our state?</p> <p>To be fair to all participants in the tourism industry (the #1 in Hawaii) Hotels should also pay registration and renewal fee per room</p> | | |

Our Island is in recovery mode after Covid it seems government is taking the opportunity to hurt us even more

Penalizing and trying to remove the legal short term Rentals will not bring affordable housing to the market

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| Name: Harald von Sydow | Email: nztrendshi@gmail.com | Zip: 96731 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 07:16 PM |

Testimony:

Honorable Council members

I oppose Bill 41

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.

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

The economic impact of Bill 41 leads to shutting down many small businesses such as surf lessons, small restaurants, boutiques and other locally owned and operated businesses. All of which provide added jobs to local residents.

We are in agreement to keep residential homes regulated and enforced. However, the true nature of Bill 41 is to benefit hotels and to kill small businesses that need that visitor income.

If legal Short Term Rentals are obligated to pay registration and renewal fees, the Hotels should also!

Why are they carved out of the bill?

Will DPP be held accountable to follow through with enforcement?

Vote No on Bill 41. Implement and fund existing laws that will help us all.

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| Name: Patrick Chandler | Email: DralionMG@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 07:23 PM |

Testimony:

I oppose the Bill 41 for the 90 day minimums that are going to to remove TAT revenue from the county right after they have begun to collect. In addition the hotel interests are looking to remove the competition before coming in and reversing this legislation after they put together there own programs:

<https://www.wsj.com/articles/vacation-rentals-with-hotel-luxuries-11647465107>

<https://homes-and-villas.marriott.com/>

Pushing this legislation through will place the Council members in the poor position of defending their records in the future after expensive legal actions burn through taxpayer dollars.

Please vote NO on Bill 41.

Thank you!

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| Name: Leina'ala Riela-Enoka | Email: leina_ala@yahoo.com | Zip: 96744 |
| Representing: | Position: | Submitted: |

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| Self | Support | Apr 9, 2022 @ 09:31 PM |
| Testimony: I support Bill 41 cd2 | | |
| Name: Yoh Kuwano | Email: yohkuwano@hawaiiproperty.com | Zip: 96822 |
| Representing: Self | Position: Oppose | Submitted: Apr 9, 2022 @ 09:34 PM |
| Name: John An | Email: jsan@mac.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 03:36 AM |
| Testimony: <p>I write to oppose Bill 41, and urge the council to vote no. Bill 41 was authored behind closed doors by Director Uchida, who has only recently acknowledged that he may have a conflict of interest. The potential conflict was raised VERY early on in the process, and Director Uchida was even interviewed about the conflict, to which he declared that he does not speak with his wife about Bill 41, and so there is no conflict. If an abundance of caution was taken back in Fall of 2021, and the Director had recused himself at that point, perhaps the perception of conflict could have been managed.</p> <p>Bill 41 initially had a provision that gave his wife's company a wind-fall, specifically that all privately owned condo-hotel units MUST be managed by the front desk condo-hotel operator. Fortunately, this provision was removed from the Bill. However, in Bill 41 CD2, two specific buildings in Waikiki's Apartment zone were identified as being excluded from the provisions of Bill 41 — the Waikiki Banyan and the Sunset. The front desk operators of these two buildings happen to be managed by Aqua-Aston, where Director Uchida's wife is a high-level executive. Other buildings such as the Hawaiian Monarch or Royal Kuhio that also have a front desks are not included in the exemption. Regardless of the reasoning behind why only two buildings were selected for exemption, this further creates the public perception that the potential conflict of interest helped to identify two specific buildings as 'winners' while others 'lose.'</p> <p>I and almost everyone agrees that fair and balanced regulations should be enforced. And that such regulations will curb the small fraction of people who decide to operate illegally. To that end, I call for the creation of a multi-stakeholder task-force or commission (similar to the liquor commission), that includes ALL stakeholders to thoughtfully evaluate the issue and arrive at a fair and balanced solution. Stakeholders should include not only the hotel lobby and th HTA (who currently have almost exclusive voice in the process), but also neighborhood groups, local business owners, realtors, AND short term rental representatives. Only with a diverse and multi-stakeholder approach is a fair and balanced Bill possible. Without multi-stakeholder engagement, a thoughtful, fair and balanced bill is extremely difficult to achieve.</p> | | |
| Name: Gloria Hum | Email: humz@mac.com | Zip: 95060 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 06:55 AM |
| Testimony: <p>Bill 41 will cause unintended consequences</p> <p>Emergency workers, medical personnel, students, professors, nonprofits, companirs doing business outside the Honolulu area and many more will be impacted</p> <p>Without exemptions there is no recourse to address unforeseen issues. Many homes included in this bill would not go back into the housing market.</p> <p>Unanticipated impacts may require yet another bill to fix</p> <p>Our family home has been used by companies doing business on the North Shore for time periods of less than 90 days. It would have been very inefficient and environmentally wrong for them to be in Honolulu and driving daily to the North Shore</p> <p>Legal flaws make Bill 41 unenforceable</p> <p>Changing definition of short-term rentals from 30 to 90 days is not allowable</p> <p>Preempted by state law prohibiting counties from phasing out grandfathered residential uses</p> <p>Litigation or legal challenges are likely costing the city money and further delaying any enforcement</p> <p>More time needed to consider and debate Bill 41</p> | | |

Initial ordinance (Bill 89) was confusing, complex, not enforced and was caught in legal challenges
 Bill 41 even more complex and confusing than ordinance
 Avoid potential unintended impacts - add more time to discuss and refine the measure
 Bill 41 puts hotels in a privileged class. Why? Not all folks visiting want to stay in a hotel in the greater Honolulu area. Exemptions for specific areas are needed.

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| Name: Janalee Kaluhiokalani | Email: janalee.kaluhiokalani@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 07:40 AM |

Testimony:
 I support Bill 41. I hope that if it passes, more homes can be available to help with the housing crisis on Oahu. We are currently struggling as first time home buyers. The affordable single-family homes don't last long on the market, and end up in a bidding war to an amount that we cannot afford. We residents, and even more specifically knaka maoli, are getting outbid and pushed out. I have plenty of friends and family that had to move to the mainland because Oahu is unaffordable. Buying a house at this time is a nightmare. Vacation rentals should NOT be this prevalent on Oahu, where there is such finite space. Tourism has no place within our residential neighborhoods. We love knowing our neighbors and surrounding families to help our communities. There are so many vacant homes bought from non-residents, military, or foreign investors, yet there are so many Native Hawaiians that cannot even afford to live on our homeland. Please consider the impact this bill will have on helping the housing crisis. If this bill passes, I believe that some owners will have to sell these illegal vacation rentals, which will greatly benefit our residents, especially first time home buyers like myself! Residents really should come first! Not only those affected by the noise, parking, disrespect, etc of the tourists, but on a larger scale it can really open the housing market inventory back up! Putting more restrictions will also discourage foreign investors and non-residents from buying STVR's in the future. We want future generations to afford to live here. If we just allowed free reign of STVRs, then there will be even more houses getting bought, flipped, and turned into vacation rentals. They will outnumber our single family homes. These houses will all be extravagant and once again unaffordable to residents when it's time to sell. Ultimately, this bill supports families! As Native Hawaiians, we fully support this bill. Hawaii should always put its residents first, NOT the tourists and guests. If there's no residents and no Hawaiians, there's no Hawaii.

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| Name: Juan Yu | Email: yajuan921216@gmsil.com | Zip: 96819 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 08:54 AM |

Testimony:
 I'm a co- host of Airbnb. If the Bill approved, I will lose my job. Because I have two little kids, base on school hours, it's hard to find a job to match it. So I hope I stii can get this job.

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| Name: Gabriel Riela-Enoka | Email: gabe.riela@yahoo.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 08:55 AM |

Testimony:
 I support Bill 41 CD2

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| Name: Jill Paulin | Email: jillpaulin@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 10:06 AM |

Testimony:
 Aloha Council members,

 I oppose the Bill in its current form but appreciate the hard work and compromises that the Zoning Committee has sought thus far.

 I'm sure you or most people you know have stayed in a short-term rental rather than a hotel while traveling. It is a trend that continues to grow. The world has become more transient with families needing to visit, remote working and contractors that are

needed by our island. I strongly urge the Council to consider having Short-term Rental representation and input on the HTA and other groups that look at tourism strategy. We need an overall clear strategy with all stakeholders represented, including those focused on affordable housing. Initiating new legislation that is not based on research and facts seems haphazard and detrimental. It pushes forward the narrative that special interests like the hotels continue to drive favoritism and possible corruption within our government.

Please take a step back and search out the facts about those that rent from 30 to 90 days. Please don't eliminate these rentals before you know the demographics and number of people this will impact. If you do add exceptions to this rule, please ensure it is a simple, streamlined process that includes language allowing advertising (with the details of the exceptions). Please add sporting event participants and personnel to the exceptions as the North Shore cannot have world-class surf competitions without places for the surfers and personnel to stay.

I appreciate your time in considering our views.

Mahalo,

Jill Paulin

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| Name: Jerilyn Burke | Email: jeribhi@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 10:12 AM |

Testimony:
I fully support this bill.

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| Name: Cedar Kehoe | Email: cedarkehoe@comcast.net | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 11:39 AM |

Testimony:
Oppose Bill 41 CD1
Short Term Vacation Rental (STVR)
90 days is Unreasonable
DPP has failed us all. Lets not make another mistake. DPP never attempted to implement the rules adopted in 2019. I rent my legal guest suite compliant with the 30 day rules. I live on site and I have on-site parking, insurance, and pay taxes. I will never open-up my guest suite for long term renters so that I can keep the unit for my family to visit. I believe if the homeowner is a resident on property, they should be allowed 30 – 90 day rentals. Changing the term of a STVR to require a 90-day rental period will result in new problems. I often rent to traveling professionals who stay 1 to 3 months working on the island, they do not want to stay in Waikiki. Keep the rental period to 30 days and require that the owner live on property. Do not require that the owner have tenants live within the same home – that is not safe for our seniors like me, just on property, not within the same home.

Cedar Kehoe
68-003 Laau Paina Place Waialua, HI 96791
808-425-0523

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| Name: Arlys Borjesson | Email: aborj@aol.com | Zip: 98607 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 12:24 PM |

Testimony:
I thank each of you for your time and effort in serving on the Council.
Regarding Bills 41 & 4, I have concerns over these Bills that have become unanswered questions over the past weeks.

Firstly, I have yet to see any impact information that Bills 41 & 4 will have on the Island economy. And no information was attached or a part of the original Bill when it was introduced.

Secondly, in the content of the Bills accountability of DPP is not addressed. There is no provision for any reporting or feedback to the Council by DPP in any form. As the Council you need to know the impact of the Bills, you are the elected officials.

Lastly, the portion on Registration of the units. In Bill 98 (passed a couple of years ago) the Resort areas were already found to be acceptable. It seems redundant to readdress an area which has already been accomplished by the Council and made law.

I do not believe Bills 41 & 4 will benefit the Island economy. Please consider your vote and vote NO on both Bills.

Thank you for your consideration

A. Borjesson

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| Name: Matthew Grauso | Email: mgrauso@alohilaniresort.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 12:42 PM |

Testimony:

Aloha. My name is Matthew Grauso and I am the General Manager at Alohilani Resort Waikiki Beach. I live in Hawaii Kai on the Island of Oahu. Our Islands significantly depend on tourism for our economy to thrive. Illegal short term rentals threatens our industry and the livelihood of thousands upon thousands of employees who make the hospitality industry their profession. I support Bill 41 (21).

Thank you.

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| Name: Larry Bartley | Email: sonhawaii@hawaii.rr.com | Zip: 96813 |
| Representing: Save O'ahu's Neighborhoods | Position: Support | Submitted: Apr 10, 2022 @ 12:45 PM |

Testimony:

Chair Waters and Councilmembers,

After 17 years of working towards a solution to the problem of losing our residential and apartment neighborhoods to the illegal hotel industry, SONHawaii'i strongly supports passage of Bill 41 (2021) CD2.

We believe that the regulation and enforcement tools will go a long way in aiding the city's efforts to eliminate this threat to our neighborhoods and housing supply.

However, please DO NOT include the proposed FD-1, which would burden the DPP with hundreds of burdensome affidavits that would be impossible for the DPP to handle, read, and evaluate – they simply could not. FD-1 would negate much of the effectiveness of the law.

Please pass Bill 41 (2021) CD2 as is.

Thanks much,

Larry Bartley, Exec Director

Save O'ahu's Neighborhoods

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| Name: Kathy Fay | Email: fay.kathy@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 01:36 PM |

Testimony:

Please support local residents and pass Bill 41 to control the number of short term vacation rentals in our neighborhoods.

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| Name: Reyna Sueoka | Email: 00komorebi00@gmail.com | Zip: 96816 |
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| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 02:14 PM |
| Testimony: If housing is so desperately needed for residents, why would vacation rentals be allowed as investments? | | |
| Name: Greg Tjapkes | Email: gtjapkes@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 02:18 PM |
| Testimony: We have a lack of housing for residents. Tourist accommodations should not be in our neighborhoods. Please protect our residential housing. | | |
| Name: Karyl Garland | Email: karyl原因86@gmail.com | Zip: 96825-1413 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 02:26 PM |
| Testimony: Dear Councilmembers, I am writing in support of Bill 41 CD2. Now is the time to finally protect Hawai'i and those who wish to continue living here by taking action against non-island resident investors who are buying up properties to operate illegal vacation rentals and build monster homes. Locals cannot compete with these for-profit buyers and are being priced out and forced out of our beloved state. Thus, I am taking a stand against those who steal housing from our local families, drive up prices, and ruin our communities. We need to make housing a priority for long-term residents and cannot make exceptions and create loopholes that would make this bill ineffective. Please stand along with me as my council representative and do what's right by supporting this bill as I do. Karyl Garland | | |
| Name: Melissa Maii | Email: lelemissy@mac.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 03:26 PM |
| Testimony: We must protect our own. The people that are trying to stay in Hawaii and live. We must stop the ugliness from wrecking Hawaii and it's natural beauty. | | |
| Name: Forest Frizzell | Email: forestaf@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 03:30 PM |
| Testimony: I stand in full support of Bill 41. Short term rentals are setting a dangerous precedence for who can afford to own a home in Hawaii. We need to promote connected communities that care about our neighbors, friends, and families. Thank you, Forest | | |
| Name: ShatLyn Foo | Email: bpacker@maui.net | Zip: 96712 |

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| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 04:17 PM |
| <p>Testimony:</p> <p>Aloha, This bill is still misguided in some respects.</p> <p>Making 90 day minimum for short term is wrong, even with exceptions. No one can possibly cover every possibly of peoples needs . DPP cannot handle what they have now. More paper work is unrealistic</p> <p>Limiting number of persons is infringing on property rights</p> <p>Open to inspection anytime doesnt seem reasonable or constitutional</p> <p>Even though Uchida has recused himself. He is still the head guy and the folk that work under him will do his bidding. Allowing only 2 Aston properties to be legal is obviously suspect.</p> <p>Booking platforms will find away around advertisements. As Federal government has said, they are not responsible</p> <p>Ultimately all this will just force more to go underground as it has been for all these years .</p> <p>Mahalo</p> | | |
| Name: Patricia Moore | Email: mooreohana@gmail.com | Zip: 96839 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 04:49 PM |
| <p>Testimony:</p> <p>More time needed to consider and debate Bill 41!!</p> <p>The initial ordinance (Bill 89) was confusing, complex, not enforced and was caught in legal challenges</p> <p>Bill 41 is even more complex and confusing than the initial ordinance and will create litigation or legal challenges which are likely going to cost the city money and further delaying any enforcement</p> <p>This bill needs more time to discuss and refine the measure.</p> | | |
| Name: Dale Evans | Email: evans@hawaii.edu | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 05:02 PM |
| <p>Testimony:</p> <p>This has been going on too long. The city MUST enforce its zoning ordinances. DPP MUST be empowered, and unrestricted, from this enforcement. Please get this done and done right.</p> | | |
| Name: Kai Duponte | Email: kaiduponte@yahoo.com | Zip: 96768 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 05:03 PM |
| Name: Joan Mccarthy | Email: kailuajoan@hawaii.rr.com | Zip: 96735 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 05:29 PM |
| <p>Testimony:</p> <p>We need to keep our neighborhoods for the residents, not a lot of tourists passing through.</p> | | |
| Name: John Niebuhr | Email: jjtomatoes@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 05:44 PM |
| <p>Testimony:</p> <p>I support the bill however I do not support FD1.</p> | | |
| Name: KUMI TRAU SCH | Email: westwahine1@yahoo.co.jp | Zip: 96822 |

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| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 05:47 PM |
| <p>Testimony:</p> <p>Aloha Mai Kakou!</p> <p>My name is Kumi Japanese. I have been hosting vacation rentals for about 5 years in the west of Oahu, I have lived in hawaii Oahu for nearly 10 years. I have many questions about the abolition of their vacation rentals. I have lived in Makaha since my parents' generation.</p> <p>*Actually There is no resort in this Makaha right now. I think it is necessary to review the resort area. There is no place to stay here even if tourists come. Many of our guests are happy to stay away from this person. Also, I often communicate with my neighbors and there is no problem. He always says, "Most of your guests are very good." On the other hand, some time I call to security because my neighbor they are some time too noisy.It's a resident.</p> <p>*Also Due to pandemics, we Japanese are still losing a lot of work. I still main on vacation rental income. when I met to DR.Green, that we should reconsider the strict rule changes to vacation rentals during the pandemic.</p> <p>It is not possible for all tourists in Oahu to stay in expensive hotels. Hotel employees are very curious about why they are protected.</p> <p>*Do you know how difficult it is to clean a vacation rental? Why do hotel housekeepers keep their jobs after this pandemic and afflict us with the same Oahu residents doing the same job and paying taxes to the state and city?</p> <p>*We pay a lot of personal taxes(GE/TA and now OTAT)total about \$18-19%. but move on very hard life situation. * I sorry , but this is Not fair to us.</p> <p>**I think It the job of the city or state to crack down on hosts who do not follow the rules! *</p> <p>**I think most of the owners who are not in control nearby and have problems are the owners of the mainland.</p> <p>***For example, I think there is a proposal such as adding TAX to people other than Oahu residents. I think it's the wrong choice to afflict even the owner who adheres to the rules.</p> <p>Why are our guests, who are paying taxes properly and bringing local money, being cut down for people because they do not keep them?</p> <p>Please let me know if there is anything We can do.</p> <p>*Also I think we should deliver this content from airbnb to President Biden (he have Twitter) and the mayor. Now in Ukraine they need help. With the support of people all over the world, this new proposal means that the city of Honolulu will not participate in it.</p> <p>Hotels in Honolulu will not help it. But owners of vacation rentals in Shorttown can do them.</p> <p>The mayors know that the city of Honolulu is not support the income and jobs of those who have lost their jobs due to pandemics, that only hotels are supported, and that they do not care about this world support in Ukraine. I think we should send a message to the president Biden Twitter that there is nothing.</p> <p>We Hope After the last two years of the pandemic, I pray for everyone to come to the happy. that it's not just people who have power for</p> <p>MHALO NUI!</p> | | |
| Name: Chuck Prentiss | Email: prentissc001@hawaii.rr.com | Zip: 96734 |
| Representing: Keep It Kailua | Position: Support | Submitted: Apr 10, 2022 @ 05:51 PM |
| <p>Testimony:</p> <p>Aloha: My name is Chuck Prentiss, I am a retired City Planner and Economist. I was the former Chair of the Kailua Neighborhood</p> | | |

Board, and former Executive Secretary of the Honolulu City Planning Commission.

I want to commend Zoning Chair Elefante and all others who worked to prepare the current draft of Bill 41 CD2. CD2 is much more focused on the problems created by short-term vacation rentals, especially where it requires a 90-day minimum stay, deleted vacation rentals from the "Gold Coast", and removed the provision (in Table 21-9.6(A)) which would have permitted hotels in the Waikiki Apartment Precinct.

Adding FD1 would essentially gut the enforcement provisions of the bill, and can be addressed in the required "rules of procedure."

The negative effects on our housing supply as well as on our economy are clear from the facts. Local residents cannot afford housing. The Hawaii Tourism Authority has reported that 70% of vacation rentals are owned by off-shore owners. In addition, the State DBEDT has data in their "Data Book" which shows that tourists in vacation rentals spend 20% less than those in hotels. It is imperative that we adopt Bill 41 CD2 to provide the tools necessary to improve our housing supply as well as to support the health of our primary economic base. Mahalo.

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| Name: Joslynn Ojiri | Email: Squanto0518@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 05:55 PM |

Testimony:

I support bill 41 CD 2.

We need to provide stable living in our neighborhoods for those residents in dire need of homes. Visitors and tourist should stay within the resort districts.

By allowing Transit housing in our communities, we are forcing our residents who are looking for affordable rentals to either move areas least desirable for locals and tourist. We also force many of our residents to out-migrate to the VERY HIGH COST OF HOUSING in our State. By taking away rental units and allowing Transit housing for visitors creates a domino effect in our community.

We currently do not have enough affordable rentals, affordable homes for purchase and many our residents cannot afford to live Hawaii due to the high cost of living and the low income rate. As stated in yesterdays news we probably have atleast 50% of our residents failing to meet their basics needs, let alone find an affordable home.

In today's paper, an article stated that we are building ANOTHER hotel near the airport...why not build more rental units? Most of the developments either in the permitting phase or starting to be built are focusing on people from the "outside" who can afford to buy, turn around and RENT for a ridiculous amount of money. These are not local residents supplementing their income to pay their mortgage. These are residents trying to make a quick buck.

I say Stop this now. I support Bill 41CD2.

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| Name: Kathy Shimata | Email: kshimata@hawaiiantel.net | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 06:46 PM |

Testimony:

Please support Bill 41 CD2 to make housing a priority for residents. Do not weaken the bill by making exceptions and creating loopholes. I see that Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.

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| Name: Denise Lindo | Email: Deniselindo77@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 06:47 PM |

Testimony:

I strongly support Bill 41 Cd2 and feel it is our last chance yo save our neighborhoods and our islands. And I strongly oppose the

FD 1 the amendment that would make this bill impossible for the DPP to enforce. Which is of course it's intent. My mother in law, god rest her sole, along with other like minded neighbors have been working on this issue for 33 years. Enough is enough. We are selling our neighborhoods for profit. This must stop. Illegal is illegal. Just because it has been happening doesn't mean it should continue to happen. Please please please save our island. It is your job after all.

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| Name: Jeanne Ohta | Email: jyohta@hawaii.rr.com | Zip: 96821 |
| Representing: Aina Haina Community Association | Position: Support | Submitted: Apr 10, 2022 @ 07:33 PM |

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| Name: Denise Antolini | Email: antolinid@gmail.com | Zip: 96712 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 07:52 PM |

Testimony:
North Shore vacation rentals have been out of control for years, to the significant detriment of our community.

Illegal vacation rentals hollow out communities, create nuisances for residents, artificially raise property rents and values, and squeeze local residents out of the rental and sale market.

Please pass Bill 41 and give DPP the tools, budget, and mandate -- clear and non-discretionary -- to enforce the law.

Please make enforcement actions transparent to the public. Help the public help DPP.

Mahalo!

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| Name: Charlene Amell | Email: camell752@aol.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 08:16 PM |

Testimony:
As a local home owner I do not want tourist in my neighborhood. It impacts the local rental population. Vacation rentals is not what we need. Affordable rentals is what we need. Owners of most vacation rentals do not live on island. Also with our water problems how can we limit this resource in vacation rentals. Keep tourist in hotels.

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| Name: Peter Davies | Email: peter@lanikaibeachhouse.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 10, 2022 @ 08:23 PM |

Testimony:
My family has been part of the history of the islands since the 1840s and has played an important part in the development of the Hawaii we know today. Our one remaining footprint is a property in Kailua which brings us back to Oahu every year to see our friends. As non residents in the state we pay a very large amount of tax on this property, contributing handsomely to the city of Honolulu's coffers. We support this by renting the property out on a normal monthly basis to low impact visitors who have no interest to stay in hotels or resorts. We have been doing this continuously since the 1970s, when my father acquired the property. In doing so we are able to give employment to cleaners, yard keepers, tree trimmers, as well as offering an affordable (low) rent to a retired couple who act as caretakers on the property.

Changing the minimum rental period to more than 30 days is legally flawed and unenforceable under Hawaii State Law, and conflicts with the Landlord/Tenant code. It is preempted by state law prohibiting counties from phasing out grandfathered residential uses. Litigation and/or legal challenges are likely to cost the city money and further delay any enforcement.

Bill 41 puts hotels in a privileged class, championing concentrated mass tourism at the expense of a much more dispersed low impact kind of visitor. Surely we have learnt from the past two years of covid lockdowns of the need to transition away from mass tourism towards a different type of visitor?

Passage of this bill would fundamentally affect the viability of using monthly rentals to fund the property tax and give employment and stable housing opportunities. As such it takes away our property rights, something that I could never imagine coming from a liberal western democracy of the kind that the USA tries to be a champion.

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| Name: James Bersson | Email: jamesbersson@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 08:40 PM |

Testimony:

I support Bill 41(21), Relating to Transient Accommodations.

The Draft Bill's Findings and Purpose, copied below, aptly describe the impact of short-term rentals on residential communities and the City and County of Honolulu as a whole.

"Short-term rentals are disruptive to the character and fabric of our residential neighborhoods; they are inconsistent with the land uses that are intended for our residential zoned areas and increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets. The City Council finds that any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents." Thank you for the opportunity to provide testimony on this important Bill.

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| Name: Mary Kobayashi | Email: maryloukobayashi@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 09:02 PM |

Testimony:

Request your support FOR Bill 041 (21) CD2. This measure will protect the housing stock for Hawaii's residents. It will make housing available and affordable for those who live here.

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| Name: Barbara Krasniewski | Email: barbarak@hawaii.rr.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 09:27 PM |

Testimony:

I'm a longtime Kailua resident testifying in very strong support of Bill41CD2 which will be an effective framework for DPP to finally restrict the large number of illegally operating B&Bs and TVUs in residential neighborhoods. At the last committee hearing on Bill41CD2 several people testified on behalf of the "thousands" of illegal operators. And therein lies the problem. It truly is thousands! Our residential neighborhoods need housing for local families, not for vacationing tourists. So I'm strongly supporting Bill41CD2 as written and opposing FD1 which provides loopholes that will be impossible for DPP to manage. Please give us back our neighborhoods and nextdoor neighbors. Help local families by passing and enforcing Bill41CD2. Thank you.

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| Name: Simon Cacy | Email: thecacyfamily@hotmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 09:52 PM |

Testimony:

While I strongly support Bill 41 CD 2, I oppose Floor Amendment FD1. As a renter in Lanikai, I have seen the price and availabilities of long term rentals skyrocket and disappear. The floor amendment represents everything wrong with government, unnecessary bureaucracy and rules that would make Bill 41 impossible to enforce. Keep it simple and just make short term rentals illegal, period. Those few people who really need short term rentals can rent in neighbor hoods set up for short term rentals, keep our neighborhoods filled with neighbors, not tourists and transients. Thank you.

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| Name: Gary Hirokane | Email: hirokaneg@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 10:19 PM |

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| Testimony: I support this bill. | | |
| Name: Phyllis Takara | Email: kina7pua@icloud.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 10:51 PM |
| Testimony: Representing myself in support of Bill 41 CD2. Please consider residents in local communities that want to live with island residents and keep island style without monster homes, extra cars and trucks that have no parking spaces in residential areas! | | |
| Name: Abe Shimoda | Email: a.shimoda.dpt@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 11:10 PM |
| Testimony: Support | | |
| Name: Lila Gardner | Email: lgard@hawaiiintel.net | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 10, 2022 @ 11:26 PM |
| Testimony: Dear Council Members, Please pass this Bill 041 (21) and do not create loopholes or water it down. We must focus on housing for local families and our neighbors and strengthen our local communities. Thank you, Lila Gardner Makiki | | |
| Name: Lisa Vlachakis | Email: lisaleach32@hotmail.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:20 AM |
| Testimony: Aloha, I'm writing to express my opposition to Bill 41 and think increasing the minimum stay from 30 days will give the hotel industry a monopoly on the market, plus it makes month-to-month rentals illegal for those living in Hawaii. The Initial legislation (Bill 89) was confusing, complex, not enforced, and was caught in legal challenges. Bill 41 is even more complex and confusing, and not any more enforceable. The focus should be on enforcement of what you have already. While I was glad to hear of the recusal of Director Uchida at the recommendation of the Honolulu Ethics Commission, his recusal isn't enough if the legislation he worked on is passed. The damage has been done. Corruption seems to be rampant in our government. It seems like I can't turn on the news without hearing of a new indictment for another corrupt politician. Not that I'm implying you are corrupt, but when you've been working with someone who has to recuse themselves, the optics aren't good. This has further diminished the trust I have in our government. My request is that you take a stand against corruption and throw out the now invalidated Bill 41. To restore the integrity of the legislative process and begin to rebuild trust from our community, the DPP should engage all stakeholders, not just the corporate hotels, if any meaningful changes need to be made. I ask City Council to institute a balanced short-term advisory board to consider all legislation carefully, with data and facts, with all voices heard and represented, and with a focus on solutions that will actually work for all. | | |

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| Mahalo for your consideration. | | |
| Name: Leo Vlachakis | Email: leonidasvlachakis@gmail.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:33 AM |
| <p>Testimony:</p> <p>I oppose Bill 41 specifically increasing the minimum stay from 30 days.</p> <p>I also have concerns that the Honolulu Ethics Commission recommended recusal of Director Uchida, and what that says about the integrity of this bill.</p> <p>Mahalo for your time.</p> | | |
| Name: Linda Vela | Email: linda@bvmetals.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:49 AM |
| <p>Testimony:</p> <p>I'm writing to express my opposition to Bill 41 and think increasing the minimum stay from 30 days gives the hotel industry an unfair advantage. It also makes month-to-month rentals illegal for those living in Hawaii.</p> <p>With the Ethics Commission's recommendation of the recusal of Director Uchida, I think city council needs to take a stand against corruption and throw out the now tainted Bill 41.</p> <p>I ask City Council to institute a balanced short-term advisory board to consider all legislation with all voices represented, with a focus on solutions that will actually work for all.</p> | | |
| Name: Skylar Breen | Email: skylarbreen9@gmail.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:53 AM |
| <p>Testimony:</p> <p>I oppose Bill 41. It should go away with Director Uchida. City Council should not be considering legislation work on by someone the Ethics committee recommended for recusal. It implies the council is complicit with the corruption.</p> | | |
| Name: Karen Krasniewski | Email: akailuagirl85@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 07:29 AM |
| <p>Testimony:</p> <p>I'm a long time Oahu resident who loves and cares about Hawaii, who wants to live and thrive in an community with neighbors and not random vacation rental transients. Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greed and people who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.</p> | | |
| Name: Eileen Hilton | Email: ehiltonmd@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:20 AM |
| <p>Testimony:</p> <p>I fully support Bill41 CD2.</p> | | |
| Name: Leonard Rossoff | Email: lrossoffmd@gmail.com | Zip: 96744 |

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| Representing: Windward Coalition | Position: Support | Submitted: Apr 11, 2022 @ 08:23 AM |
| <p>Testimony:</p> <p>The Windward Coalition is in support of Bill 41 CD2 which will modify the current city's short-term rental law (Ordinance 18-19 - formerly Bill 89). Its principal intent is to increase the minimal rental from 30 to 90 days. The legitimate goal of the bill is to "keep residential areas residential" especially in areas outside of the resort/ resort mixed use district unless the property already has a Non-Conforming Use Certificate (NUC). Operating these short-term rentals in a residential community has multiple adverse impacts. These include damage to the quality of life of fulltime residents, forcing up the prices of homes by selling them to nonresidents with the enticement of significant monetary returns.</p> <p>The adverse impacts of this bill are minimal and would largely impact real estate agents. The implied impact on vendors and services such as house cleaning would be minimal compared to the adverse impact on the overall community already suffering inordinately high housing prices and rentals. It will further drive, especially younger Hawaiians, to leave the islands to the mainland for a more affordable lifestyle. We already pay a high cost to support tourism. We must have some safe havens for Hawaii residents from the overwhelming impact of tourism. After a day's work, they should be entitled to go home to rest peacefully with their family in a home which they can afford to buy or rent.</p> <p>Leonard Rossoff MD, Executive Committee Windward Coalition</p> | | |
| Name: Mike Jackson | Email: mikejacksonatlarge@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:25 AM |
| <p>Testimony:</p> <p>* Changing TVUs/STRs from 30 to 90 days is a very bad idea. How many tourists, vacationers, business people, etc. can stay for 90 days minimum?!</p> <p>* Forcing VRs out of business will result in many lost jobs, and a huge reduction of GE, TA, and OTAT revenue as well as the associated visitor spending for those who will go where they have a greater choice in accommodations.</p> <p>The stated goal of Bill 41, by the mayor and city council, is to shut down illegal Vacation Rentals. A 90-day minimum stay alone will effectively accomplish that. Why then would you also choose to penalize LEGAL VR owners by increasing NUC renewal fees by 60% and increasing their property taxes by adding them to the Hotel classification or by creating a new classification for them?</p> <p>STR owners are trying to recover from the pandemic closure of their businesses for 8 months in 2020, and struggling with the current recession, while you are working hard to further increase their costs of business by upping NUC renewal fees, and raising their property taxes. Owners who have been legal for 40 years, following the rules, and paying GE and TA (and now OTAT taxes too) should be recognized and appreciated. Instead you choose to punish them.</p> <p>* Bill 41 puts hotels in a privileged class, and among other things, you will eliminate hotel competition by closing a large sector of preferred visitor accommodations. How could that possibly be good for the Oahu economy, the visitor industry, or our GE/TA/OTAT revenue base.</p> <p>* Oahu leaders..... Mayor, City Council members, etc. need to promote and assist local businesses by decreasing operating costs, removing burdensome regulations, decreasing the cost of living here instead of closing businesses, and/or increasing costs.</p> | | |
| Name: Brandon Kaya | Email: bkaya@highgate.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:41 AM |
| <p>Testimony:</p> <p>Illegal short-term rentals:</p> <ul style="list-style-type: none"> drive-up housing costs for local families...my neighborhood has seen record sales of homes; but not to other local families, but to investors | | |

- hurt the tourism industry...my family was severely affected by the tourism crash from covid. hawaii tourism is essential for the livelihood of so many local families in hawaii. we need hawaii tourism to succeed.

If Bill 41 is passed into law, it will:

- make it easier to crack down on operators of illegal short-term rentals by redefining short-term rental as any rental period of less than 90 days.
- limit any new legal short-term rentals to resort districts, like Waikk.
- empower the City to take action against the people and organizations profiting from illegal short-term rentals.

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| Name: Nicholas Kodani | Email: nkodani@hgiwaikikibeach.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:51 AM |

Testimony:

Aloha, as a resident of Oahu, I support this bill because of how it impacts me professionally as well as personally. I used to live in Palolo so I understand the concept of people building monster homes in order to rent them out much like hotel rooms. This effectively makes it harder for the residents of this city and state to live here since it drives up the property values of homes making it impossible for residents like me to own a home here in my own city. It also eliminates job opportunities for people such as myself and the hard working tourism workers by eliminating room nights. Tourism is our bread and butter and we need these room nights to be subject to taxes to cultivate our community and make it possible for people to live here.

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| Name: Linda Opple | Email: ljopple@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 09:14 AM |

Testimony:

I support Bill 41 CD2. It has taken over 20 years for an initiative to be taken to curb rampant vacation rentals throughout the islands and it is beyond time to do something about it.

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| Name: David Nash | Email: seedavego@gmail.com | Zip: 96822 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 11, 2022 @ 09:17 AM |

Testimony:

Any change to the existing laws and rules of home usage represent a huge taking from home owner's rights. For some reason this is being changed again without the laws that exist being given a time to work. I'm not sure why the council is doing this without giving the laws a chance to work as designed. 30 days is plenty long to defeat the use of homes as simple vacation rentals. So few people have the ability to travel for 30 days or more I don't think that it's a legitimate concern to move to 90 days. It will only hurt people who have engineering and building projects, medical professionals, consultants, and the many many other professionals that need a place to stay for less than 90 days to do their work. I guess the hotel industry hopes these people will have to pay the exorbitant fees to stay in a hotel in order to work on Oahu. You are also hurting local families who need to travel for medical, personal, and sporting reasons.

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| Name: Lillie McAfee | Email: lilliemcafee@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 09:17 AM |

Testimony:

Has the City and County of Honolulu and the State of Hawaii really thought about the HUGE tax loss if they change the minimum stay to 90 days (impossible for most visitors)?

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| Name: Barbara DeBaryshe | Email: Debaryshe@gmail.com | Zip: 96816 |
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| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:01 AM |
| Testimony: Strongly support this measure. We must preserve residential neighborhoods for housing year-round, full-time citizens of Hawaii. Our families cannot survive the loss of additional housing stock. | | |
| Name: Blair Bird | Email: bbird@highgate.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:07 AM |
| Testimony: Aloha - my name is Blair Bird, I'm currently living in the Kapahulu area and I work as the Director of Sales for the Aston Waikiki Beach Hotel. Illegal Short-Term rentals, especially in neighborhoods makes it increasingly tougher to find affordable housing for so many of our work force. Also it takes money out of the Hotels that provide so many with jobs and career growth potential in the Hospitality Industry. I believe they should be managed and limited to resort areas. Mahalo nui loa, Blair | | |
| Name: James Gebhard | Email: GebhardJim@aol.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:08 AM |
| Testimony: In the past five years in my neighborhood, four illegal vacation rentals have been purchased by off island investors. Vacationers arrive and stay for 7-10 days and show little regard for their neighbors. They party late at night with loud music and cars coming and going causing further neighborhood distraction. They violate private property by taking unauthorized access through beach-side homes to reach the beach.. Extending the time period to 90 days along with improved enforcement will greatly reduce future spread of mainland investment into illegal vacation rentals, allow access to long-term rentals and return our housing area to a safe bring safe community. Vacation renters are not interested in being good neighbors. They come to Hawaii to let there hair down and party. They may be the problem but the root of the problem is off island investors that create illegal rentals. I support Bill 041(21) to extend the rental requirement to 90 days. . | | |
| Name: Thomas Oakes | Email: oakes.thomas@gmail.com | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:09 AM |
| Testimony: I support this bill as a measure to curb an investment focused housing market that cripples Hawaii's working class. | | |
| Name: Sandra Van | Email: sandy@prpacific.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 10:10 AM |
| Name: John Lisoway | Email: Jlisoway@telus.net | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 10:12 AM |
| Testimony: I strongly oppose Bill 41, otherwise known as the "Hotel Lobby Bill". Within the resort zones especially (which has very little to do with residential housing), all business competing in the same industry need to be treated equally without any perception of | | |

favoritism.

First, there is no reason Hotel and Timeshares units should be exempt from the annual STR registration paperwork, registration fees as well as the annual advertising fees. Especially when LEGAL STR units in the resort zone already pay the same taxes as hotels but do not have other ways to generate revenue like shops and restaurants, etc. the same as hotels.

Second, it has been stated that large hotel chains are buying up homes in residential neighborhoods, remodeling them into monster homes and putting them back into the short term rental market as timeshares units or a vacation villa as part of their boutique hotel and timeshare inventory. There is no way for the DPP to stop this from happening under the current version of Bill 41.

Hotels and Timeshares should not be exempt from Bill 41 and should be required to list their registration ID (like a LEGAL STR) when advertising with on-line platforms like Airbnb. What will stop an ILLEGAL STR owners from listing their unit on an online platform and simply stating they are a "boutique" hotel and are exempt from bill 41?

Thirdly, with the DPP director's obvious conflict of interest in this whole process, it would appear in my opinion that the public's view of this administration is that it continues to be rift with corruption, which further erodes the public confidence not only in this process, but in governance and with future concerns in general. Those on council who continue to support this bill will need to be held to account for supporting the obvious DPP conflict of interest in this matter and supporting a bill that had its origins from a seemingly corrupt process.

To put the public trust back into the governance process, Bill 41 should be stopped immediately and a new bill drafted with ALL the stakeholders having input, not just the input from the hotel lobby and the HTA.

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| Name: Robin Erb | Email: rerb@worldsurfleague.com | Zip: 96712 |
| Representing: World Surf League Hawaii | Position: Oppose | Submitted: Apr 11, 2022 @ 10:19 AM |
| Name: Amy Oakes | Email: amylapo@yahoo.com | Zip: 96826 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:21 AM |

Testimony:

I support Bill 041(21). I am against short-term vacation rentals when Hawaii residents are struggling to find affordable housing. Investors are buying up properties and making profit, when the housing market for residents is dwindling.

Kindest Regards,
Amy Oakes

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| Name: Twu Yong Tan | Email: aloha@supercleanvacationrentals.com | Zip: 96817 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 10:21 AM |

Testimony:

Aloha,

I am writing to strongly oppose Bill 41. The current version of Bill 41 does not provide reasonable regulations, and advance to final hearing of the bill despite having more opposition than support during the committee hearing. Why? The bill as it is currently written favors only the hotel industry and lobbyist, and takes away property rights for individual owners. If individual owners has to pay registration fee as proposed by the bill, shouldn't each hotel room be imposed the same fee? Why the bill is trying to favor hotel industry while penalizing individual owners?

There is already an ordinance (Bill 89) passed by the city few years back, why isn't DPP trying to enforce that law, instead they spend their energy drafting yet another bill from the hotel industry's perspective? Bill 89 in itself is already confusing and hard to

enforce, and yet DPP and the city is trying to pass another Bill that may be un-enforceable and may be met with legal challenge down the road. DPP director is found by the ethics commission to "have indirect financial interest" and should recuse himself, but the damage is already done because the DPP director helped the city administration to craft this Bill.

Please consider engaging with multiple stakeholders to come up with a fair and effective solution for the entire community, not just the from the hotel industry's perspective.

The draft regulations also limits our ability to provide affordable accommodations to those wishing to visit Honolulu. There are many, including myself, who rely on vacation rental to supplement their income due to the high living expenses in Oahu, and do it legally. This bill seeks to take away long-established property rights in the resort zone that explicitly allow people to own and operate TVUs. By the way, why are certain properties in the Waikiki resort zone (or Turtle Bay, or Ko Olina) allowed to operate under Bill 41? How are these properties selected? There are many, including myself, who have chosen to operate short-term rentals in this zone and have done so in a good-faith effort to comply with existing laws.

Thanks for the opportunity to submit a testimony.

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| Name: Adam Rose | Email: islandrose@live.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 10:39 AM |

Testimony:

I strongly oppose Bill 41. I am requesting that Bill 41 not move forward for final passage by the full Council. Bill 41 needs to be held in committee for further stakeholder discussion.

Mayor Blangiardi is rushing to expedite and rubber-stamp Bill 41, while continuing to not enforce the current law (Ordinance 19-18), ignoring the many concerns and confusion around Bill 41. Responsible governance require that our elected officials take the time to carefully deliberate on complicated issues.

Changing the minimum rental period to more than 30 days is illegal based on Hawaii State Law, and conflicts with the Landlord/Tenant code.

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.

Bill 41 targets LEGAL short term rentals to pay for enforcement of ILLEGAL operators. Why does the bill punish LEGAL operators?

Passage of this bill which takes away property rights and creates a privileged class for the hotels will be challenged vehemently, first through the legislative process, and then through the local/state/federal court system which would be a significant cost to City and County taxpayers.

Any fees and restrictions imposed on short-term rental properties in resort zones must equally be placed on hotels on a room-by-room basis.

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| Name: Bob Ress | Email: ress.bob@gmail.com | Zip: 96734 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 11, 2022 @ 10:46 AM |

Testimony:

I support Bill 41. Short term rentals in residential neighborhoods has been illegal for many years yet lack of enforcement has allowed this illegal but lucrative industry to flourish. We need more rental housing for residents not tourists.

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| Name: Joli Tokusato | Email: jtokusato@5.unitehere.org | Zip: 96826 |
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| Representing: Unite Here Local 5 | Position: I wish to comment | Submitted: Apr 11, 2022 @ 10:57 AM |
| Testimony: Already submitted | | |
| Name: Ryan Oakes | Email: ryano@cbpacific.com | Zip: 96826 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 11:00 AM |
| Testimony: I personally support Bill 41 for several reasons. I have experienced first hand how disruptive vacation renters can be to a neighborhood and i think it is only fair that residents of residentially zoned neighborhoods be allowed the quiet enjoyment of their homes. I also support the Bill for reasons of the housing shortage in Hawaii. I think it's a shame that so many locals are priced out of our own housing market. There are investors who snap up properties without the intention of providing rentals at fair market value for the residents of Honolulu, but instead they seek a more lucrative income by renting their investment properties as vacation rentals. I've heard from those who oppose the Bill to simply "build more housing" as a remedy to the housing shortage, but where is there to build other than going way out west. Is it fair to the residents of honolulu who work in town to have to drive more than an hour each way because there is limited affordable housing in the urban honolulu area? The approval of ADU's a few years ago was intended to help with the housing shortage, but often times when visiting properties I discover that ADU's are being rented out to vacationers visiting Hawaii. I feel that the Bill being amended to a 90day minimum rental period is more than a fair compromise from its original draft and I hope that it is approved. Thank you very much for your consideration of my testimony. | | |
| Name: Mufi Hannemann | Email: mhannemann@hawaiilodging.org | Zip: 96815 |
| Representing: Hawai'i Lodging & Tourism Association | Position: Support | Submitted: Apr 11, 2022 @ 11:02 AM |
| Name: Andy Kuo | Email: andykuo@gmail.com | Zip: 77381 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 11, 2022 @ 11:03 AM |
| Testimony: Aloha esteemed committee members on Zoning and Planning. Bill 41 has all good intention to provide affordable housing and eliminate disruptions in residential neighborhood, but it failed miserably at sharing the beautiful island paradise aloha, denying visitors for their once-in-a-lifetime journey. Perhaps mother Papahanaumoku might have found this unwelcoming. My wife worked at Queens and lived in Makiki for 10 years before moving back to the States, to assist her aging father. Her mother bought our unit at Waikiki Sunset thinking that we'd retire in Waikiki someday soon. For the past few years, we have a certified STR operator managing our unit to offset cost of maintenance and taxes. We were especially proud of offering tourists a chance to come visit the beautiful Oahu with a reachable budget. As tourism continues to boom, hotel chains are expanding, applying for new permits and getting accepted to build more and bigger resorts. In the mean time, NUC remain stuck in 1989, accepting no new applications, not even for units that are designated condo hotels on Waikiki, unless these units are forced into hotel pool. Why is this happening? The owners in these condo hotels are not disrupting any residential neighborhood. They are only making the dream of Hawaii vacation affordable. I am pleading, urging the committee to consider allowing owners of ALL condo hotels with majority TVU/NUCs to have chance to apply for NUC going forward. | | |

Mahalo,
Andy

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| Name: Newel Cusick | Email: ncusick@paylocity.com | Zip: 84009 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 11:14 AM |

Testimony:

Hello- My family and I love Oahu. We come every year for 30-42 days and stay in Kaneohe. I am so fortunate to have this flexibility. The only reason we are able to spend extended time in HI with the accompanying money we spend on eating out, buying clothes, surf lessons and gear, rental cars, barber shops, grocery stores, tours, nannies, and on and on is because we can stay in Oahu for 30 days at a rental property. If this were removed and we had to stay in hotels we would no longer be able to afford to come for an extended trip. We spend anywhere from \$15,000-\$25,000 in discretionary while in Kaneohe which will all disappear if the rule pushes to a 90 day stay. Only the richest of the rich will be able to visit the islands for an extended period, local businesses will lose out, and my family will come for a week or two, likely to Maui and the be gone. This is a regressive measure that does not line up with true Aloha.

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| Name: Sean Breeze | Email: sean.breeze@yourcastle.org | Zip: 96731 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 11:16 AM |

Testimony:

I am writing to oppose the passage of bill 41 based on the following:

- There has not been enough emphasis on cracking down on illegal short term rentals. This bill further penalizes people that are operating legally.
- Additional taxes, regulations and fees will force some short term renters to take units off the market which will have a negative impact on the local economy as a whole.

Please place regulatory priority on eliminating illegal short term rentals rather than penalizing legal operators.

Please vote NO on bill 41

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| Name: kamala Belyeu | Email: billnkamala@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 11:45 AM |

Testimony:

I agreed with bill 89. The industry needed regulating but Bill 41 is ridiculous. The North Shore is a place where people come to from around the world to train for surfing and legitimately need a place to stay for 30 days or longer. Bill 41 would leave nowhere for surfers to stay on the North Shore and Turtle Bay is now \$800 a night, not affordable to anyone. The North Shore should be recognized differently then other parts of the island like Kailua, Lani kai or Waimanalo. Surfers don't train there. They go to Waimea, Sunset Beach or Pipeline where the contests are held. If people stay for 30 days and are staying in a home with the owners on island/site then there should be no problem. The C&C should regulate those who are still doing weekly rentals illegally and make off Island owners do 180 day rental. That would help with housing issues. Or maybe make some of those low occupancy hotels in Waikiki into low income housing or housing projects. You can go around the world and stay with local families but not here sadly. Travelers are forced to stay in overpriced hotels. The reality is most people don't want to stay in hotels anymore those were built for the rich. People today want to stay in a home with a local family, cook their own food and live a healthy lifestyle while training in these waters. Surfing is now an Olympic sport and we should have a place for our athletes (or anyone for 30 days) to train and feel comfortable about where they can stay. I strongly disagree with bill 41

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| Name: Haâaheo Zablan | Email: haaheo@kaimana.com | Zip: 96815 |
| Representing: Kaimana Beach Hotel | Position: I wish to comment | Submitted: Apr 11, 2022 @ 11:56 AM |

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| Name: Kandis McNulty | Email: kandis@mcengineer.com | Zip: 96791 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 12:03 PM |
| Name: Michael McNulty | Email: michael@mcengineer.com | Zip: 96791 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 12:04 PM |
| Name: Andrea Borgioli | Email: andiborgioli@hawaii.rr.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 12:18 PM |
| Name: s y | Email: hichumsley@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 12:28 PM |
| <p>Testimony:</p> <p>I support Bill 41 but DO NOT support FD1. We are in need of long term rental solutions for residents of Hawaii however FD1 will remove long term inventory for local residence and seems to be providing a loophole for Bill 41.</p> <p>For example FD1 creates a situation where local renters compete for rentals against remote workers. Please keep in mind Local renters need a place to stay locally, for remote workers it is optional.</p> <p>Also FD1 is not clear or enforceable. Does "Fulltime students" mean full time at local institutions? Or they can be full time students from a New York institution on break? How will it be verified that students or remote workers are full time? "Patients, clients, and temporary employees of healthcare facilities" are these only patients, clients and temporary employees of Health care institutions on Oahu? Do they have to prove they are on Oahu for medical reasons or their work status? How will this be done? Is this only for Emergency and life threatening situations? Or can someone visiting for non emergency, non life threatening, only superficial cosmetic surgery be allowed to circumvent Bill 41. "Homeowners in transition between selling and purchasing a dwelling unit" is this selling and purchasing only on Oahu?</p> <p>Employees who receive room or board as a part of their salary of compensation can stay in the designated areas that Bill 41 provides while not taking away rentals for residents. If a company is compensating an employee for housing accommodation, it would be between the employee and employer to agree to pay for 90 consecutive days or to pay for a place in the areas outlined in Bill 41.</p> <p>FD1 will allow for loopholes for this reason I support Bill 41 but DO NOT support FD1.</p> | | |
| Name: Gina Marcus | Email: gina.c.marcus@gmail.com | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 12:37 PM |
| <p>Testimony:</p> <p>I oppose bill 41. Renting out for 30 days is fairly reasonable for owners who want to use and enjoy their vacation home in addition to renting it out to help cover expenses. Longer rental agreements will leave homes empty because owners would not be able to use their own homes. It is unrealistic to expect ocean front homes to become affordable housing. Ocean front homes are too expensive to put long term renters in. The rent would be too high in order to cover the mortgage & other expenses that come with ocean front home ownership. 30 day rentals are long enough. Bill 41 will cause more homes to sit empty. Empty homes aren't good for neighborhoods. Homeless people frequent areas of vacant homes with no prying eyes. Vacant homes will be the next big issue if bill 41 passes. Please vote NO on bill 41. Save our properties and keep our neighborhoods safe.</p> | | |
| Name: | Email: | Zip: |

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| Gordon Aoyagi | gord.aoyagi80814@gmail.com | 96822 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 12:41 PM |

Testimony:

Dear Chair Elefante and Members of the Committee on Zoning and Planning

I am Gordon Aoyagi, a resident of Manoa. I live in a long established single family residential community. I, my neighbors and other Manoa community members will be directly affected by the action you take today on third reading of Bill 41CD2. I urge your support of Bill41CD2. I also urge your rejection of FD1, which would establish procedural and burdensome requirements for DPP negating the effectiveness of the law.

The diligence that most home buyers perform when purchasing their home is to look at the character of the community and to examine zoning requirements regarding permitted uses that sustains the community character. There is covenant between the homeowner and City and County government that the City will enforce their zoning ordinance to protect, maintain and promote the character of the neighborhood. In exchange, the homeowner makes home improvements and invests time in community common good. The vitality of our City is drawn from the strength and stability of community neighborhoods. Prohibiting the commercial use of single family zones for such things as transient visitor accommodations is the reason most municipalities and counties do not permit rentals for less than six (6) months. Why is Honolulu even considering accommodations to a recent technology platform intended to be a market disruptor for the hospitality industry and a destabilizer to established single family communities? And who benefits? A majority are offshore owners and visitor travel services who are not vested in our city's vitality sustained through livable communities.

Reject FD-1! Take care of the people who live and work here. Add value to our quality of life. If there is to be any amendment to be made to Bill41CD2, it should be to define rentals as prohibiting any term of less than 6 months to be consistent with most mainland zoning restrictions for single family use. I also urge you to consider a plan to evaluate the effectiveness of Bill 41CD2 after implementation for a period of time and to make changes as needed to improve enforcement.

Thank you for your support of Bill41CD2.

Gordon Aoyagi

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| Name: Hella Meek | Email: hella.meek@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 12:48 PM |

Testimony:

Aloha,

As a first time home owner and small business owner in Hawaii, and with the high cost of our first mortgage and other expenses, we needed to rent out a small part of our home to defray those costs. People and especially young people buying their first home simply cannot afford the costs with out supplementing their income in this way.

Many of the visitors who come here want the option of staying in a bed and breakfast community as hotels in Waikiki are very expensive, and many folks prefer the quiet environment of a small community, especially with children. Also, many small businesses in our town benefit greatly from the visitors who stay here. Limiting vacationers from staying here would negatively impact many struggling small businesses, only for the benefit of the hotel unions and large hotel chains.

Why not regulate the off shore investors? They have large sums of money at their disposal and can afford to buy a home here for the sole purpose of renting it out and making money that way, and those monies do not even stay in our state. Wouldn't it make more sense to regulate them?

Please allow resident home owners to supplement their incomes with a room for rent to vacationers who can only stay for a few weeks. Why make things harder for those who call Hawaii home, and let the out of state investors do as they please?

Please consider the struggle to survive here in this place we love and call home. So many are leaving the state due to the high costs and bad policies. Why not make life a little easier for residents by allowing them to host guests in their homes, it makes the visitors happy and it allows residents stay here. Win win!

Mahalo for your consideration of common sense.

Hella Meek

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| Name: | Email: | Zip: |
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| Hector Curedjian | bat.hawaii@att.net | 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 01:03 PM |
| <p>Testimony:</p> <p>My name is Hector Euredjian and I have been involved in the Hawaii travel industry since 1985.</p> <p>I have been attending every hearing that has taken place during the last few years for both Bill 89 and now Bill 41. As you have probably noticed, the overwhelming majority of testimony has been against Bill 41 as well as Bill 41 CD1- 01-20-22 ZP, even the latest and "improved" Bill 41 CD1 - BE1 and CD2 version will not fare much better. I honestly have a hard time coming to terms with the fact that it already passed second reading and it is about to be consider for final vote this week when we had a perfectly functional Bill 89 (Ordinance 19-18) that is a lot better fit for all parties involved.</p> <p>The City Council of Honolulu, is the last line of defense that the Honolulu residents have against special interests, we rely on you, our representatives to protect us.</p> <p>Bill 41 has been hijacked by the Hotel lobby to suffocate their main competition, the Short Term Rental industry.</p> <p>The declared objective of this bills was to control the proliferation of illegal Short Term Rentals in our residential neighborhoods. That objective was clearly achieved by Bill 89 and the MOU signed by the main Short term Rental booking engines. The problem for the hotels was that it left untouched a vibrant legal Vacation Rental industry operating within Resort Zoned properties particularly in Waikiki, so the solution was Bill 41, that effectively killed any viability for the STR industry and in the long run pave the way for Hotels to regain control of the market.</p> <p>Now, question yourself, what does suffocating the legal vacation rentals in Waikiki have to do with eliminating illegal Shot Term Rentals in our residential neighborhoods?</p> <p>After listening to hundreds of hours of testimony through the last several years I have yet to hear a single complaint against Waikiki legal STR operators and while the "old" Bill 89 specifically left the legal STR operators out of the new rules, bill 41 places so many restrictions, requirements and costs on them that most certainly will choke the industry to death.</p> <p>I urge you to vote against bill 41 and reconsider bill 89 instead or at the very least exclude the Resort Zoned properties from Bill 41 the same way as Bill 89 did.</p> | | |
| Name: Roland Kam | Email: rolandj.kam@gmail.com | Zip: 96814 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:05 PM |
| <p>Testimony:</p> <p>As someone that has worked and lived in a condo with illegal short-term rentals in Kaka'ako - I support this bill. I bought into a residential to live in a local community and I have seen the way short-term and Airbnb guests treat the place I live. It also upsets me to know other friends who also tried to purchase in my condo were not able to and instead it is being used to make money. More housing is needed for kama'aina at an affordable price.</p> | | |
| Name: Avery Aoki | Email: avery.aoki@outrigger.com | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:05 PM |
| <p>Testimony:</p> <p>As a resident in the Makiki area, as well as one working in the hospitality industry, I encourage the City Council to pass Bill 41. I see various homes that are likely operating illegally and this creates disruption to our neighborhoods in terms of more traffic, noise and limiting housing for our local residents. With the limited housing supply is driving costs so high for local families, passing this bill will assist in providing more supply of housing. The ST rental units should be contained to resort districts such as Waikiki and Ko Olina rather than infringing on residential neighborhoods. I encourage the committee to move this bill forward by passing Bill 41</p> | | |
| Name: | Email: | Zip: |

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| Kathy Foley | kathy.foley@outrigger.com | 96815-2939 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:18 PM |
| <p>Testimony:</p> <p>Aloha,</p> <p>As a resident of East Honolulu, I see the negative effects of illegal short-term rentals as there are several in our neighborhood. I believe residential neighborhoods should be so and resort districts likewise.</p> <p>As a 30+-year hospitality industry employee, I believe short-term rentals take away from the livelihood of those in the industry and if we don't redefine short-term rental and crackdown on illegal short-term rental operators, the problems will only escalate.</p> <p>Mahalo for allowing me to testify on this important matter.</p> | | |
| Name: barbara barry | Email: barbaraabarry@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 01:20 PM |
| <p>Testimony:</p> <p>Bill 41 will cause unintended consequences</p> <p>Emergency workers, medical personnel, students, professors, nonprofits, and many more will be impacted</p> <p>Without exemptions there is no recourse to address unforeseen issues</p> <p>Unanticipated impacts may require yet another bill to fix</p> <p>Add personal story of impacts</p> <p>Legal flaws make Bill 41 unenforceable</p> <p>Changing definition of short-term rentals from 30 to 90 days is not allowable</p> <p>Preempted by state law prohibiting counties from phasing out grandfathered residential uses</p> <p>Litigation or legal challenges are likely costing the city money and further delaying any enforcement</p> <p>More time needed to consider and debate Bill 41</p> <p>Initial ordinance (Bill 89) was confusing, complex, not enforced and was caught in legal challenges</p> <p>Bill 41 even more complex and confusing than ordinance</p> <p>Avoid potential unintended impacts - add more time to discuss and refine the measure</p> <p>Bill 41 puts hotels in a privileged class</p> | | |
| Name: Shari Fujita | Email: shari.fujita@outrigger.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:27 PM |
| <p>Testimony:</p> <p>I am in support of the passage of Bill 41 as illegal short-term rentals hurts the industry in which I work as well as many others in the tourism industry. If this bill is passed it will empower the city to take action against those who are running and profiting from illegal short-term rentals.</p> | | |
| Name: Chuck Gray | Email: chuckla808@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:28 PM |
| <p>Testimony:</p> <p>We keep saying we need more housing for locals. Stop illegal businesses from destroying our community, keep residential neighborhoods for families who live, work, play, and vote in Hawaii.</p> <p>Please take Responsibility and support Bill 41 CD2. Our people over profits!</p> <p>Mahalo,</p> | | |

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| Chuck Gray | | |
| Name: Ruthann Yamanaka | Email: rasy0825@gmail.com | Zip: 92621 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:39 PM |
| <p>Testimony:</p> <p>I work in the hospitality industry and have worked and lived in Hawaii for over 45 years. For me, illegal short-term rentals drive up housing costs for local families; and hurts the tourism industry and those who work with hotel owners and operators. I favor Bill 41 because if passed, it will:</p> <ul style="list-style-type: none"> • Make it easier to crack down on operators of illegal short-term rentals by redefining short-term rental as any rental period of less than 90 days. • Limit any new legal short-term rentals to resort districts, like Waikk. • Empower the city to take action against the people and organizations profiting from illegal short-term rentals. <p>Thank you for listening.</p> | | |
| Name: Barbara Mathews | Email: bpmathews@gmail.com | Zip: 96734-1966 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:41 PM |
| <p>Testimony:</p> <p>Aloha: Please support Bill 41. This will eliminate short term vacation rentals under 90 days in our residential neighborhoods. Many of us have been dealing with loud noise, increased traffic, trespassers on private property and the elimination of housing options for local residents. The previous bill has been shown to be unenforceable due to the loopholes that exist and the requirements for documented proof of violations. Data has shown that it is primarily mainland owners who buy properties for the purpose of illegal vacation rentals, as exists next door to my home. Under Bill 41, local residents can continue to rent for 90 days or full time to support their financial needs.</p> <p>This legislation has been decades in the making. Too often our elected officials have either turned a blind eye or have been unwilling to take the risk of angering some homeowners.</p> <p>Mahalo for your courage to do the right thing and pass Bill 41.</p> <p>Mahalo for the opportunity to provide feedback.</p> | | |
| Name: Edward Jones | Email: q@edjonesusa.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 01:45 PM |
| Name: Suz Delaney | Email: delaney_7@yahoo.com | Zip: 19380 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 01:48 PM |
| <p>Testimony:</p> <p>To change the rentals on Oahu from 30 day to 90 day would have a very negative impact on tourism to which I thought Hawaii wanted to encourage. My husband and I have visited Oahu for many years annually if not more often to spend time with family however we are not able to spend 3 months at one time due to other family obligations on the mainland.</p> <p>Changing to 90 days would be a hardship and cause this family to visit your beautiful island LESS often. That would be a shame. Please do not vote this into law.</p> | | |
| Name: Lucinda Pyles | Email: kahalabob@aol.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 01:59 PM |

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| Name: Emmaline Padeken | Email: emmakaolu@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 02:01 PM |
| <p>Testimony:</p> <p>I strongly support Bill 41 and while I wish short term rentals were 120 or less , a good compromise of 90 days or less is sufficient. There have been way too many illegal vacations rentals in and around the Windward side where i live and these units are not rented by residents of our state. These are all foreign and continent investors who plop their money into Hawaii to make a quick buck, they do not care about our people, our land and our causes. They come to Hawaii to merely rape our islands for their selfish wants. I strongly support the passage of Bill 41!!!</p> | | |
| Name: Michael Piasecki | Email: michael.piasecki@outrigger.com | Zip: 96821 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 02:03 PM |
| <p>Testimony:</p> <p>My name is Michael Piasecki and I work for Outrigger Hotels and Resorts as an Area Sales Manager. I live in Honolulu and it is so important to save our communities from illegal short-term rentals by passing Bill 41. The tourism industry has already suffered so much in the past two years and local families cannot afford the driving-up housing costs.</p> | | |
| Name: Terri Arnold | Email: tfarnoldi@gmail.com | Zip: 96795 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 02:04 PM |
| <p>Testimony:</p> <p>This bill is drafted and promoted by the hotel lobby to the detriment of individual property owners. It dictates the terms and conditions on which an individual can welcome guests into her own home, infringing on long-standing legal and constitutional rights to property and privacy. The bill makes findings based on conjecture and wishful thinking with a lack of factual and evidentiary support. Bill 41 does not begin to address the problems of affordable housing and over tourism, which will require a comprehensive approach. I encourage the city council to table this bill in favor of creating a community-based commission to study these issues and to propose real solutions, instead of kowtowing to the hotel industry. Please step up for the people.</p> | | |
| Name: Peter Hunt | Email: pshunt2@hotmail.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 02:04 PM |
| <p>Testimony:</p> <p>Aloha, My family and I currently reside in Hawaii Kai, Honolulu. I am taking time today to submit my vote and write to you in regards to the current rental crisis which exists on Oahu. The current rents in honolulu HI are in comparison to Manhattan NYC while the median household income is approximately 40% less for those who live in Honolulu vs Manhattan NYC. It is obvious that too many of the local market rentals are being listed legally and/or illegally as short term rentals for unit owners to maximize profits on their property. A lot of these unit owners do not live here and some do not even visit, it is only a business venture for them to make money. These short term rentals in my opinion are bad not only because of the skyrocketing rents but also the lack of investing in the community. The increasing costs to own make it more difficult for residents to buy which in turn creates more investment properties which increases the amount of short term rentals and decreases the inventory of long term rentals and increases the cost to rent for long term residents. In short, this bill needs to be passed to show the people that their council is looking out for them.</p> <p>Mahalo Nui Loa!</p> | | |
| Name: bryan furlong | Email: bryan@furlong.org | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 02:26 PM |
| <p>Testimony:</p> | | |

I grew up in Kailua. I am now retired and split my time between my home in Kailua and California. I periodically rent my Kailua home for a minimum of 30 days, in compliance with all regulations and tax requirements, when I am not there.

I strongly oppose Bill 41 for the following reasons:

- 1) it is NOT necessary. STR rules have been clarified and should be fully enforced
 - 2) it will have unintended consequences, like limiting needed housing for students, nurses, etc
 - 3) It is beyond okay to have C&C limit my ability to rent my house on a monthly basis. This is likely an unlawful over reach that will cost C&C resources to try and defend
 - 4) Hotels have really done a number here - rolling right over individual citizens and their rights - for their own special interests.
- Again, this should NOT be okay

I DO support C&C fully enforcing STR regulations.

Support us citizens that follow the rules and hold others accountable.

Bill 41 is unnecessary and will increase the mess we have on our hands trying to control STRs.

Respectfully,

Bryan Furlong

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| Name: Christeana Jones | Email: cmakajo@gmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 02:42 PM |

Testimony:

Disagreement re: the enforcement procedure and the realistic ability to assign actual manpower and hours to enforcing the stated rules. This also limits locals from having options for Stay-cations.

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| Name: Gerard Gibson | Email: jerry@hawaiihotelalliance.com | Zip: 96815 |
| Representing: Hawaii Hotel Alliance | Position: Support | Submitted: Apr 11, 2022 @ 02:46 PM |

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| Name: Thomas Ritchie | Email: ritchiet002@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 02:58 PM |

Testimony:

Aloha,

This is my 3rd written testimony against bill 41 and it's recent amendments. This bill is flawed. This bill was written for residential area without condominiums. This bill was written to affect rentals in areas that have homes, that have be affected by transient short term rentals. We sold our home so we could buy two places (both condominiums). Our plan was to have a place near kids and grandkids, and have a place at home to come back to. In order to do this we need to rent our condo here, which is in Waikiki, but in a residential building area of Waikiki. Who in their right mind would think of our part of Waikiki, is a residential area. Yes, there are many residents here, but not because they want to reside here, but because they have too. I'm sure many would be happier in a single family dwelling, with a yard to them selves, no elevator, no trips to a mailbox, no maintenance fee!

We moved to Waikiki because it is a visitor/tourist area! We chose to rent our place out monthly and return home to live here for part of the year 4 to 5 months. If you pass this bill we may not be able to afford to return for months at a time. We also have noticed that if we sell we will be getting less because rentals will need to be 3 months or more. My spouse is a long term rental agent. She says, 3 months is a hard sell. Most people want a 1 year lease. So you are going to hurt our income, make it difficult to rent for the new STR requirement. Most buildings in Waikiki support and enforce the present 30 day window. Most buildings had a 30 day requirement many years before 2019. At least consider grandfathering condominiums @ the 30 minimum. This is Waikiki for God sakes, people think this is a tourist destination. We chose Waikiki, because we thought it would rent well. Do the right thing! Help those of us that have followed the rules, paid our myriad of taxes and fees, to call Hawaii home. This is my home, I

have lived here for 55 years! Do not make me leave!

AT LEAST GRANDFATHER EXISTING OWNERS @ THE 90 DAY REQUIREMENT!!!!!!!

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| Name: Rep. Patrick Pihana Branco | Email: repbranco@capitol.hawaii.gov | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:00 PM |

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| Name: Claudia Webster | Email: clwswim@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:02 PM |

Testimony:
Please support Bill 41 CD2 to make housing a priority for local residents. Thank you for passing it now.

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| Name: Susan Callahan | Email: suec@hawaii.rr.com | Zip: 96821 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:14 PM |

Testimony:
This bill is much needed, and as such, much opposed. It is not " the hotels"
who are behind this bill, as the opposers would have you think; the hotels don't care.

The people who are behind this bill are your neighbors: we are sick of having illegal strrs next to us! We want our communities back and we have the right to peaceful enjoyment of our home. And residents of Oahu, including YOUR relatives, deserve to have homes to rent, to live in!

Those who oppose this bill are asking you to legalize short term rentals that ARE ALWAYS illegal, just like game rooms, for example, are ALWAYS illegal. They want to continue these illegal non taxed rentals for one reason ONLY. Greed.

The city and all others should take the
time to read the deed covenants for almost ALL single family neighborhoods on Oahu, (not just those that have HOAs). They all prohibit short term rentals. if NOT passed, the city will have a huge liability with the homeowners of Oahu.
Short term rentals are NOT good for our neighborhoods, and homeowners of Oahu are sick of them.

Be pono and pass this.

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| Name: Catherine Orlans | Email: corlans@outlook.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:29 PM |

Testimony:
As a lifelong resident of O'ahu, it's apparent that the proliferation of illegal short term rentals in our residential neighborhoods is what is making our cost of living skyrocket, as well as make our housing crisis worse than it has ever been. I am also a native Hawaiian millennial parent of a child with autism. I CONSTANTLY worry all the time how I'll ever be able to buy a home to support him in the future after I am gone; largely because most of the home's I would have considered buying are well over a million dollars, again no doubt a cost of living issue made worse by large companies like Airbnb and VRBO/Expedia. I encourage the city council to pass this bill and also consider matching the 180-days minimum to further close loopholes with the definition of the rest of the state and other cities that have also seen housing issues with illegal short term rentals taking over. The sad part of it all is that most residents that actually live and work full time on O'ahu and have been affected by illegal short-term rentals in their neighborhoods have no where else to turn. The news has highlighted threats from owners that have recently moved here looking to profit off of the illegal rental loopholes in our city. These are not the people we want to live next to while we raise families and are changing the fabric of our neighborhoods DRASTICALLY. Illegal activity is illegal activity even if it's described as a small business in their testimonies, illegal vacation rentals in residential neighborhoods are still illegal and yet we still see them on

Airbnb and VRBO advertising 30-day minimums with no penalties for early departures. I would also like to mention Canada has recently announced a ban to foreign real estate buyers over the next 2 years with the goal of cooling their real estate market. This should be an indication that this is a global problem and we can no longer be dictated by wealthy investors and companies profiting off our backs here on O'ahu. Please support and pass Bill 41.

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| Name: Scott Miyasato | Email: scott.miyasato@gmail.com | Zip: 96782 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:34 PM |

Testimony:
I support Bill 41. I'm in support of limiting any new legal short-term rentals to resort districts while ensuring that the City has the power to enforce action against those that are not following the law by operating illegal short-term rentals.

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| Name: Pamela Niesz | Email: pam.niesz@outrigger.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:42 PM |

Testimony:
I support limiting legal short-term rentals to resort districts, like Waikk.

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| Name: Susy Kuehner | Email: susykuehner@hotmail.com | Zip: 96734 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 11, 2022 @ 03:43 PM |

Testimony:
I am not personally affected by this bill but unfortunately my house cleaner, gardener are. In fact many people are going to be affected by this bill in a negative way.
Why is it you don't support our local families and let them rent for less than 3 months at a time? We have people coming here to work for less than 3 months and would like to stay closer to their job. I think I know the answer, the hotel lobby has you in its pocket. Their profits don't even stay here. So sad.
One month used to be OK. Money was allocated to go after those not following the rules but nothing seemed to happen. I know people who call and report illegal vacation rentals and nothing happens to the owners. They just keep renting short term. Maybe instead of having a new more restrictive bill enforce the one you have.
It reminds me of the ban on fireworks. Each year it gets worse, people want stricter laws, enforce the one on the books and your problem will be less.
I know I write this in vane because you have already made up your mind. Just like the photographers wanting to use the beach. No more, when we walk Kailua beach and the bride and groom are there we all clap. Then there are the high school graduates who often take pictures on the beach, a right of passage in a way. All gone. Sad. Don't do this to the folks who would like to rent for 30 days.

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| Name: Monica Salter | Email: monica.salter@outrigger.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:46 PM |

Testimony:
Aloha -
I am in support of Bill 41 as a means to cut down on illegal short-term rentals and help maintain the integrity of residential communities.

As someone who works in the visitor industry, I support tourism to Hawaii as it provides vast benefits to the State. However, the influx of illegal rentals - especially those in residential neighborhoods - are causing discord for community members and an overarching distrust of visitors.

Mahalo for your consideration.

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| Name: Ryan Sanada | Email: ryan.sanada@outrigger.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:48 PM |
| <p>Testimony:</p> <p>Illegal short term rentals are hurting our communities in several ways. Therefore, we need better laws that can (1) help crack down on illegal short term rentals and (2) limit STR's to resort districts.</p> | | |
| Name: June Meheula | Email: june.meheula@outrigger.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 03:52 PM |
| <p>Testimony:</p> <p>By passing this bill it will impact the following</p> <ol style="list-style-type: none"> 1. The hotel industry, occupancy will drop and cause a negative direct impact with hours scheduled affecting pay and pockets. 2. These people, who many have 2+ homes minimizes many true local people who cannot even purchase one home. Why should they rent out their for a day or month to make money and make it easier to maintain their second home. 3. Would the Governor or Mayor much less any politician or executive of a company allow this to occur next to their home or in their neighborhood? They can easily pick up and find somewhere else to live. <p>Think about it.....</p> | | |
| Name: Denise Freund | Email: gm@alawaihouse.com | Zip: 96815 |
| Representing: Ala Wai House LLC - Gold Standard Realty LLC | Position: Oppose | Submitted: Apr 11, 2022 @ 03:59 PM |
| <p>Testimony:</p> <ol style="list-style-type: none"> 1. Keep and enforce the 30-day minimum stay enacted in 2019. <p>OR</p> <ol style="list-style-type: none"> 2. allow Waikiki properties located between the resort zone to Ala Wai Blvd to continue to operate 30-day minimum stays. 3. Clearly define the following terms: Short-term Rental, Vacation Rental, Transient Vacation Unit <p>And be consistent with the usage of the terms. Define what a rental agreement for a longer term would be called.</p> <p>We have abided by the 30-day minimum stay at 263 Kaiulani Ave & 2411 Ala Wai Blvd. Most of our minimum stay residents are travel related workers or people relocating to the island. Waikiki is the perfect location for this kind of situation.</p> | | |
| Name: Thalya DeMott | Email: thal.ofmanoa@gmail.com | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 04:12 PM |
| <p>Testimony:</p> <p>Please support Bill 41 CD2. With resident housing in critically low supply, we need to prioritize housing for Hawaii residents. Hawaii has ample hotels and resorts to accommodate the visitor industry. Bill 41 CD2 should pass as written, without any exceptions or complicated and impossible enforcement requirements. Our precious 'aina needs to be protected from further exploitation by those who do care only about money and not about having kuleana for our local communities.</p> | | |
| Name: BRIAN GOO | Email: brian.goo@outrigger.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 04:18 PM |
| <p>Testimony:</p> <p>Thank you for considering my testimony. I support Bill 41 because I live and work in Honolulu and believe properly regulating short-term rentals will help keep our island paradise for both residents and guests. Unregulated commerce can be dangerous to visitors and give a negative impression of our home. It also heavily damages the hotel industry that has been tremendously</p> | | |

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| affected by the pandemic and increasing County taxes. | | |
| Name: Chris Godwin | Email: godwinc@hawaii.rr.com | Zip: 96731 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 04:26 PM |
| <p>Testimony:</p> <p>I am a fourth generation Kamaiana and have owned my property since 1978. It is the only piece of property I own. If I had wanted to live in a resort area I would have bought in a resort. There is a neighboring residence that now rents for 30 days but advertises that the property can accommodate up to 18 people. Recently there were 6 cars and 24 people at the property (I counted heads when they were taking a group picture on the stairs leading to the beach). The owner of the property resides primarily in California. There are other homes that advertise for a 30-day rental but whose renters never stay for 30 days. They either sign a fake 30-day lease or lie and say they are friends/relatives of the owner staying for free. Some of the properties have been cited in the past but none recently.</p> <p>I support Bill 41 CD2 but not the proposed FD1. I believe FD1 will reduce the effectiveness of Bill41 CD2 because the affidavits will bog down DPP. I sincerely ask you to support Bill 41 CD2 without any changes. The bill's provisions should go a long way in allowing local residents to again enjoy their communities, provide for a better neighborhood watch, make available more long-term housing and help reduce our ever escalating property values. The rental of vacation properties is a commercial activity occurring in a residential neighborhood. It is all about money. I wish the bill was for 180 days but 90 days is better than the current 30 day rule.</p> | | |
| Name: Kaety Tsukamoto | Email: kaetyenos@hawaiilife.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 04:33 PM |
| <p>Testimony:</p> <p>Oppose</p> <p>Not all short-term rentals are for vacation purposes. There are legitimate, non-vacation related reasons why our local residents, their families and our workforce need to rent housing for short-term periods of 30 days or more.</p> | | |
| Name: Robin O Estrada | Email: robin.estrada@outrigger.com | Zip: 96701 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 04:51 PM |
| <p>Testimony:</p> <p>Aloha All,</p> <p>I live in Aiea and work in Waikiki for Outrigger's vacation condo division. The negative impact seen in neighborhoods needs to be stopped; it's very sad to see what illegal vacation rentals are doing to neighborhoods and our community. It is also not fair that legal vacation rentals are following the rules, paying taxes and having to compete with these illegal rentals. Our jobs are affected by how successful we manage and fill vacation rentals in our program. Please stop illegal rentals now.</p> <p>Mahalo, Robin Estrada</p> | | |
| Name: Simeon Miranda | Email: simeon.miranda@embassysuiteswaikiki.com | Zip: 96814 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 05:02 PM |
| <p>Testimony:</p> <p>As General Manager of Embassy Suites by Hilton Waikiki Beach Walk with over 160 employees and part of the Outrigger Hospitality Group with thousands of employees in Hawaii as well as an executive board member of HLTA and as a native and resident of Kaka'ako , I support Bill 41. Honolulu needs to enforce stricter policies to minimize the impact these rentals have on</p> | | |

our kama'aina and tourism. Without these additional measures, short-term rentals will continue to drive up housing costs and make it harder for locals to live and work on our island. I encourage the bill to be passed into law so the City can take action on people and organizations who are only looking to profit from these rentals and do not care about the consequences it has on our community.

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| Name: Shiro Orito | Email: shiroorito@gmail.com | Zip: 96830 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:07 PM |

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| Name: Mari Hirano | Email: mari.hirano0124@gmail.com | Zip: 96826 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:13 PM |

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| Name: Yuta Yokoyama | Email: yuta.yokoyama@cbrealty.com | Zip: 96814 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:15 PM |

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| Name: Dwight Toomey | Email: btfxhawaii@aol.com | Zip: 96819 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:15 PM |

Testimony:
Why is the city council pushing a bill that is going to cost millions to litigate? There will be court actions from all sides. It's not just from vacation rental owners either. Even basic landlord-tenant codes are being superseded. Interfering with this commerce is not only going to greatly reduce the City&County's income (from TAT, OTAT, and GET paid) it's going to increase the costs to defend it in court., At least take the bill back, look it again, and rewrite it. The 30-day, month-to-month rental is industry standard. The 90-days is punitive, much like increasing fees for NUCs is punitive. And now there's a possible ethics issue with a councilman and his wife's position at a hotel corporation? It just looks bad.

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| Name: Janet Stern | Email: janetrstern@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 05:17 PM |

Testimony:
We support Bill 41 to protect our neighborhood

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| Name: Mika Kobayashi | Email: usamika@am-net.co.jp | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:27 PM |

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| Name: Mark Bogart | Email: bogartmh@yahoo.com | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 05:28 PM |

Testimony:
Dear Chair Elefante and Members of the Committee on Zoning and Planning

I and other Manoa community members will be directly affected by the action you take today on third reading of Bill 41CD2. I urge your support of Bill 41CD2. I also urge your rejection of FD1, which would establish procedural and burdensome requirements for DPP negating the effectiveness of the law.

The diligence that most home buyers perform when purchasing their home is to look at the character of the community and to examine zoning requirements regarding permitted uses that sustains the community character. There is covenant between the homeowner and City and County government that the City will enforce their zoning ordinance to protect, maintain and promote the character of the neighborhood. Prohibiting the commercial use of single family zones for such things as transient visitor accommodations is the reason most municipalities and counties do not permit rentals for less than six (6) months.

Please support Bill 41CD2 and reject FD-1 Take care of the people who live and work here. If there is to be any amendment to be made to Bill 41CD2, it should be to define rentals as prohibiting any term of less than 6 months to be consistent with most mainland zoning restrictions for single family use. I also urge you to consider a plan to evaluate the effectiveness of Bill 41CD2 after implementation for a period of time and to make changes as needed to improve enforcement.

Thank you for your support of Bill41CD2.

Sincerely,
Mark Bogart, Ph.D.

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| Name: Mitch Maxwell | Email: mitchatbt@aol.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:34 PM |

Testimony:

Bill 41 is a disaster. Oahu is trying to beat a pandemic, and and an economy that's headed toward recession. The inflation is already visible everywhere. This is the wrong time to interfere with tourist dollars coming in...we need every one of them. Millions of tax dollars will go out the window because hotels will see only a modest increase. Most tourists want what they want, so they'll go elsewhere. It's like cutting off your nose to spite your face. The whole thing needs another look. Don't pass a bad bill that will hurt us economically. We still have rail to pay for too.

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| Name: Kazuo Aoyama | Email: info@just-chintai.net | Zip: 96830 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:45 PM |

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| Name: Greg Siok | Email: greg@athomehawaii.com | Zip: 96826 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 05:51 PM |

Testimony:

I oppose Bill 41 for the following reasons:

1. Why force people to stay, up to 90 days, in a hotel? The cost would be ludicrous. Especially for temporary workers & large families. Regulate the vacation rental industry because it's not going away.
2. This bill will negatively affect vacationers/snow birds, home buyers/sellers, visiting/returning kama'aina, temporary workers, etc. because there are not enough legal BNB's/TVU's to meet the demand and possibly not enough hotel rooms during peak seasons.
3. Because there will not be enough accommodations on Oahu (except for the high end hotel rooms), hotels will have free reign to jack up hotel prices. Our average hotel prices are already one of the highest in the nation and this "Hotel Bill" will give the hotels a huge boost and have to accommodate the demand for stays longer than the average tourist stay of 7-10 days to under 90 days, but only for the people that can afford it.
4. It goes against the Landlord Tenant Code regarding month-to-month rentals.
5. Lacking the proper regulation of a continuously "growing and in-demand industry" of alternative accommodations for the last 25 years, in a tourist destination, when vacation rentals have historically retreated "under-ground" when not legitimized and recognized as legal entities, is short-sighted. In survey after survey, most residents don't have an issue with vacation rentals and prefer the lodging nearby for family, friends, for weddings, funerals, graduations, reunions, etc. Mostly the hotel union and a small minority of residents are pushing for Bill 41. This small minority, of mostly older people over the age of 60, has had a vendetta against vacation rentals for years and made it their mission to eliminate them. They want it the way it was in old Hawaii, when there were no vacation rentals (not true). They claim vacation rentals increased the island population, or that vacations rentals

effect the affordable rental inventory, or that vacation rentals increase property tax assessment values..

To those that want the old Hawaii back, vacation rentals date back to well before statehood, not with the invention of the internet. The amount of tourists increased on Oahu over the years, directly correlating to when the internet was invented, not because of vacation rentals but due to the ease of booking accommodations online, including hotels. To those that says there are too many people on this island due to vacation rentals, not true, if the vacation rentals switch too long term renters, there will be more occupants in the rentals (full time) and more cars on the road. For those who want more affordable rentals, switching vacation rentals to long-term rentals will not add affordable long -term rentals -- most are in beachside areas which will command high-end rent. For those that think shutting down vacation rentals will stop home values from going up, not true, the low inventory and high demand of people moving to Hawaii does that by itself.

I've been following this issue for the past 25 years, gone to hearing after hearing, sent in written testimony numerous times and I can't believe how stubborn people can be. Times change, and times have been changing for years now. Hawaii has been put on the map big time starting with magazine articles about our "best" beaches in the late 80's, to the opening of peoples eyes, due to the internet of the 90's, of other areas of Hawaii that are not portrayed on TV or in magazines. For years, before the internet, Waikiki was the only place to stay when visiting Oahu, not true anymore, that's changed not due to vacation rentals but the change in the way visitors want to experience Hawaii, remember Hawaii and feel the aloha of Hawaii. And that isn't always in Waikiki, Koolina or Turtle Bay for some people.

I oppose Bill 41 because I think it's bad for the people of Hawaii, bad for business, bad for people who offer furnished rentals for the niche that needs 30+ days. This is just more of the same - a vendetta against short-term rentals. And now this cancer is spreading to 30+ day rentals. When will it stop, when all leases are only for 1 year or more? Then what? Will we ban rentals altogether? It's getting harder and harder to find rentals due to the high tax rates on investment homes worth over a million. Who is trying to chase out ALL rentals in Hawaii? There seems to be an agenda.

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| Name: Makoto Takano | Email: takano@mtpartners.co.jp | Zip: 96830 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:02 PM |
| Name: Petra Rofoli | Email: petra@captaincookresorts.com | Zip: 96821 |
| Representing: Captain Cook Resorts | Position: I wish to comment | Submitted: Apr 11, 2022 @ 06:06 PM |
| Name: ASAI HIDEKATSU | Email: asai.g.main@hop.ocn.ne.jp | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:06 PM |
| Name: ASAI MARIKA | Email: asai.g.main@hop.ocn.ne.jp | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:09 PM |
| Name: Joyce Schwendimann | Email: joyce465b@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 06:22 PM |

Testimony:

Aloha,

We have an established area for tourist. We don't need to allow them into our residential neighborhoods. Our lots and streets are so small, we just don't have the space. This is impacting our neighborhoods and communities. Please keep this bill strong with no exemptions or loopholes. My own three children, who have college degrees and good jobs, are unable to buy homes in our neighborhood because they have been bought up by investors and B&B operators.

Mahalo,

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| Joyce Schwendimann | | |
| Name: Earl Wallace | Email: a1contractingllc@gmail.com | Zip: 96817 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:23 PM |
| Testimony: I oppose bill 41 due to the unfair nature it causes to local owners of AIR BNBS. | | |
| Name: Marianne Martin | Email: marem@aloha.net | Zip: 96766 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 11, 2022 @ 06:26 PM |
| Testimony: I oppose vacation rentals in residential areas. I have witnessed the damage on Oahu, Maui and Kauai. Illegal AirBnB and VRBo units are opening up everywhere. Quiet residential neighborhoods are becoming noisier and traffic is awful. Visitors don't have to work in the morning and don't follow parking to trash rules. Resident's that specifically chose to buy a home in a residential are to avoid the visitor and business zones. Resident like to know their neighbors and no one knows who is staying next door when they are vacationing. | | |
| Name: Max Towey | Email: maxtowey@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 06:27 PM |
| Testimony: Aloha, I strongly support Bill41 (21). I support keeping this bill strong with no loopholes or exemptions. Please protect our residential neighborhoods and zoning. Mahalo, Max Towey | | |
| Name: Nancy Nagamine | Email: alohanana@me.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:30 PM |
| Testimony: Aloha Honolulu City Council members and Mayor Blangiardi, I would like to point out some things no one seems to have considered when bill 41 was developed and challenge you to think deeply about my questions. There are many people who will be adversely affected by the harsh and unrealistic regulations proposed. Know that the bad actors that have operated illegally for years will still find ways to skirt the law. Ask yourself...who is a tourist? Think FAMILY...what about these very real examples? 1) Consider the grandmother comes to assist her daughter or son with a newborn. The parents and the newborn live in a 1 bedroom condo in Kaneohe. Where is the grandma to stay for 4-6 weeks? It's a long road trip (and prohibitively expensive stay) to stay in either Waikiki or Turtle Bay. There are hardly any grandfathered in bnbs on the Windward side. A legal 30 day studio rental where the owner lives on premises nearby is the perfect solution, but your bill prohibits these. 2) Did you know that over 67,000 people from Hawaii moved to the mainland in 2018 alone. I can only assume there are millions of Kamaaina on the mainland. How many of them long to come home for a month and see friends and family but don't have the means to rent a hotel room, or be able to secure one of the rare legal vacation rentals. They may prefer to be on the windward side where their friends and family are. Where are they to go? A legal bnb where the owner lives on premises is the perfect | | |

solution. This will be a heartbreaking situation for so many who only long to come home for a visit.

3) There are many parents who's adult children have secured a job here and the parents want to come visit, perhaps spend the holidays with them, but the adult child can only afford a 1 bedroom place. Again, where are the parents to stay, there is a long commute and expensive accommodations in Waikiki or Turtle bay, and finding a legal vacation rental nearly impossible. Do we not want parents to come visit their children?

4) And then there are the adult children who's parents are still here, perhaps in a care home or assisted living facility. Same thing...drive to Waikiki every night to stay in an expensive hotel every night? There are so few legal vacation rentals it is almost impossible to find one. So unfair that kids won't be able to come visit their parents and stay in a studio or one bedroom vacation rental for 30 or 45 days.

5) Of course you have considered the military families who are relocating, traveling healthcare workers, students and a few others, but why are they preferred over the examples cited in my points above?

6) Absolutely none of the above examples are typically loud, have broken junk cars, set up tents in the garage for beer parties, cause unnecessary noise, or any of the rare problems a handful of people cite related to vacation rentals. I personally see this type of thing going on with long term rentals. Rather they are so grateful to be here, feel part of the community, go to bed early, and are nothing but courteous and respectful. It's hard to imagine why you would consider taking all of this away from these people.

30 day rentals should be allowed with criteria as detailed in ordinance 19-18...operator must live on premises, parking must be provided, insurance in force, no noise or parties, etc.

Please shut down the bad actors as ordinance 19-18 was designed to do, do not punish everyone else.

This bill clearly chooses winners and losers, obviously the hotels are winners, along with a handful of other "chosen", and the losers are families, parents children, grandparents Kamaaina, and this bill is simply unfair.

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| Name: Jerry Joyer | Email: joyerjk8@earthlink.net | Zip: 95610 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 06:34 PM |
| Testimony: No loopholes or exemptions. | | |

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| Name: Connie Fossi | Email: toadly_toad@earthlink.net | Zip: 95661 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 06:37 PM |
| Testimony: Please support Bill41(21) with no exemptions or loopholes. | | |

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| Name: Janice Joyer | Email: jmjoyer@gmail.com | Zip: 95820 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 06:48 PM |
| Testimony: No exceptions or loopholes. | | |

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| Name: jeremy lam | Email: drjlam@aol.com | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 06:50 PM |
| Testimony: Dear Chairperson Waters and Councilmembers, | | |

I am a resident of Manoa and am writing in strong support of Bill 41CD2. Manoa is an older residential neighborhood where city codes have helped fend off large developments into our peaceful, green valley. The City has helped us crackdown on ugliness with its laws on monster homes which have brought troubles to us ranging from overburdened parking and traffic to stressed infrastructure. The City has assisted us in preventing the massive planned development at Paradise Park in the back of the valley.

Now we are asking the city to help the community resist the proliferation of short term rentals which feeds the tourism boom. We always speak about problems with parking, traffic, noise, pollution, parties, and not knowing who your neighbors are. We also speak about the lack of infrastructure in our old neighborhood. But the most important reason is we chose to live in a neighborhood that was zoned for a single family residence, not a neighbor with night and day drive thru with unruly strangers.

This Bill will limit legal short term rentals in our valley. It will set a limit to the definition of a short term rental to 90 days. It will make more rentals available in hotel zones where they belong. It will increase enforcement and fines. It will enable more affordable housing for our residents and decrease the numbers of rental owners from receiving their exorbitant profits. It will deter the giant advertising campaign by VBRO, Airbnb, and Expedia and overtourism to enable more short term rentals.

There is an orchestrated opposition led by developers of bigger homes, international rental websites, people in the short rental business (most are non-residents) and their myriad workers that provide yard care, house cleaning, food delivery, etc. I hope you will recognize these parties that are sending you input. They are NOT thinking of the preservation of our single family home neighborhoods that value the quiet ambiance they desire. They are thinking about their pocketbooks.

Please save our island and its wonderful residential areas from the growing intrusions by transient visitors. Protect our aina. We trust you will protect it from the untoward consequences that abound in other big cities. Thank you for the opportunity to testify in support of Bill 41CD2!

With with regards,
Jeremy Lam, M.D.
22230 Kamehameha Avenue 96822

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| Name: Norifumi Nakamura | Email: nnorifumi.nn@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 06:52 PM |

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| Name: L Thomas Tobin | Email: littobin@aol.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 07:01 PM |

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| Name: Shawn Ewaliko | Email: shawnewaliko@hawaiilife.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 07:05 PM |

Testimony:
I oppose bill 41.

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| Name: Anne Towey Joyer | Email: annetoweyjoyer@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 07:13 PM |

Testimony:
Aloha,

I am a retired hotel worker. I enjoyed my 35 year long career in the visitor industry very much. Unlike the jobs of the workers that service the many illegal vacation rentals and bed and breakfasts that operate in my Kailua neighborhood, my job provided me with many protections and benefits, such as medical, social security, and pension benefits that I continue to enjoy in my retirement. We should protect not only our badly needed housing and the quality of life of our neighborhoods, but also help provide and protect good jobs in our hotel industry that operates in properly zoned areas. The hotels pay resort property taxes! Bill41 is a step in that direction. DO NOT MAKE EXCEPTIONS OR LOOPHOLES that would make this bill ineffective. Please support it.

Thank you very much.

Anne Towey Joyer

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| Name: Tatiana Liua | Email: tatianakliua@gmail.com | Zip: 96761 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 07:34 PM |

Testimony:
Approve bill 41

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| Name: Yoshihisa Saito | Email: yasu@mist.ocn.ne.jp | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 07:58 PM |

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| Name: Randall Roth | Email: randy.roth.hawaii@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:01 PM |

Testimony:
I strongly support Bill 41 CD2, but I do NOT support FD1. I believe the latter creates unnecessary ambiguity and is potentially unworkable from an administrative and enforcement standpoint. But please pass Bill 41 CD2. Mahalo for this opportunity to comment.

Aloha,
Randall Roth

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| Name: Kunifumi Onoe | Email: kunionoe@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:14 PM |

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| Name: Makamae Shook | Email: makamaeshook@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:14 PM |

Testimony:
My name is Makamae and I currently live in Kailua. I'm passionate about regulating short term rentals because I have seen and felt the negative impact in numerous ways. My neighbors next to me own a short term rental and it hasn't been the most pleasant experience having so many people coming and going. Many short term rentals are owned by non Hawai'i residents, some even non US residents, but what about us local families? They drive the cost of housing up and I fear in the next 10 years I won't even be able to own a home here. I think there needs to be more regulations on these rentals.

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| Name: Kainoa Ah Quin | Email: kainoa.ahquin140@gmail.com | Zip: 96743 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:19 PM |

Testimony:
Aloha, I am Kainoa Ah Quin. I live in Waimea, North Kohala, Hawaii Island. I support this bill because my family and friends have and continue to be pushed out of our ancestral home. For years, I've had to say goodbye to local families that move away because housing became too expensive and rich folk end up buying land and houses for vacation rentals targeted for tourists.

As a young adult, in the past two years and in the midst of a pandemic, I've seen other young people on social media post about

moving to Hawaii so they can live their “dream life” of bumming around on a beach and eating acai bowls. Let me reiterate, young adults moved to Hawaii IN THE MIDST OF A PANDEMIC, likely staying in these short term vacation rentals, so they can sit on a beach and eat acai bowls. Too long have our lands and people been abused and taken advantage of by those looking only for short term pleasure. Too long have kanaka maoli been the ones to pay for their hana ino after they eventually leave because the reality of hawaii and price of paradise finally hits them.

Perhaps having a bill that makes things more difficult, preferably extremely difficult, when it comes to vacation rentals will deter some of those individuals looking to exploit Hawaii and her people. We need stronger laws and regulations surrounding this! We need this bill passed!

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| Name: Wendy Ichinohe | Email: wakako4425@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:21 PM |

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| Name: Susan Roth | Email: hi2mom@aol.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:27 PM |

Testimony:
I support Bill 41CD2. But I do NOT support FD1. Residential areas need to be protected. Bill 41CD2 is excellent. It goes a long way in protecting local residents. Mahalo, Susan Roth

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| Name: Teresa Shook | Email: resashook@gmail.com | Zip: 96707 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:27 PM |

Testimony:
I believe there needs to be more regulations on short term rentals. Most short term rentals are operating illegally and it makes owning a home here harder than it already is. Illegal short term rentals also hurt locals who work in the legal tourism industry.

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| Name: Kelly Nash Montone | Email: kellyenash@hotmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:30 PM |

Testimony:
Our investment property was an exciting journey my husband and I worked really hard to purchase, renovate and operate. We hire many locals who don't know what they would do without the work we provide. We find pleasure in hosting a variety of guest, not only tourist. Our property is a condotel and sits in the resort zone. I understand the hotels have fees and taxes and we should all be able to operate with the same freedoms.

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| Name: Roger Shook | Email: resashook@gmail.com | Zip: 96707 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:31 PM |

Testimony:
Most short term rentals are operating illegally and it makes owning a home here harder than it already is, it hurts job opportunities for locals who are in legal tourism industries and it destroys our beaches and residential areas.

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| Name: Barbara Mayer | Email: bamayer@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:31 PM |

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| Name: | Email: | Zip: |
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| Kaiula Jack | kai@aliibeachrentals.com | 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:36 PM |
| Testimony: h | | |
| Name: Tomoo Tama | Email: tamatomoo@gmail.com | Zip: 95415 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:46 PM |
| Name: Hisayoshi Tachihara | Email: hisa@k9.dion.ne.jp | Zip: 96830 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:50 PM |
| Name: Julian Ritchey | Email: jritchey808@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 08:50 PM |
| <p>Testimony:</p> <p>Dear Council Members,</p> <p>I am writing to thank you for taking on the issue of vacation rental regulation. I understand that it is a controversial issue, but hope that you will set up fair and reasonable regulations that work for the people who will be most impacted by them. Bill 41 does not accomplish that goal.</p> <p>I am writing in adamant opposition to bill 41. This bill imposes completely unfair hardships on homeowners like myself.</p> <p>In my particular case, I own a home in a residential area of Honolulu. Two years ago, my father passed away and my mother is in very poor health on the mainland. I have continued to live and work in Honolulu, but travel frequently to spend time helping out with my mother. I have been renting my home while I am gone to help cover the mortgage, insurance, taxes and upkeep. Without the income from these rentals, I would have been greatly limited to assisting my mother and family to just a couple of times a year. I report this income and pay taxes on it.</p> <p>No neighbors have ever complained about these activities or the guests that stay at my house. They are always respectful and quiet. This is my residence. This is not a business for me. I need to rent my house out when I am off-island to help to cover expenses.</p> <p>The situation has benefited some of our retired neighbors as well. They have been very supportive and have stepped in to act as hosts if guests arrive when I am traveling. They also provide assistance if needed to the guests while they are there. In exchange, I provide them with gift certificates to local restaurants and shops, take them out to dinners when I am on island. It is a win-win situation not only for myself and my neighbors, but also for our guests and our community as it pumps dollars into our economy. And, it has brought us together more than if we were not doing this by providing an additional sense of community. We are also benefitting all the businesses in our neighborhood as our tenants frequent them when they stay in our house.</p> <p>Additionally, it's been such a pleasure to hear from the people who have rented my home. I've received very positive feedback and have heard from people how much more they enjoy staying in a home rather than a hotel and how much more cost-effective it is for them. We primarily have families rent our home and a home type of environment is more comfortable for some people than a loud and busy hotel. We can relate to their comments as we have used AirBnB and similar services in other places in the US and abroad.</p> <p>I am in support of some limitations on short-term rentals. I think that you could solve most of the problems and legitimate objections by limiting short-term rentals to 90 or 120 days per year or to limit it to one rental per 30 day period and enforcing it. This would make it impossible to operate a short-term rental as a business. They would not make enough income to cover their costs.</p> <p>My home is just that, my home. Keeping me from renting it out while I am off-island would not be putting another home back in the market, not even for long-term rental. I think it is unfair, and likely unconstitutional, to limit my ability to rent my home out this way. Thank you again for your attention to this issue. I understand that it can be a contentious one and believe that with fair and thoughtful regulation, all parties' concerns can be heard and appropriately addressed in a manner that will allow this segment of the tourism industry to continue and be properly regulated. Bill 41 is not fair or thoughtful. Please do not pass this bil.</p> | | |

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| Mahalo, Julian Ritchey | | |
| Name: Ursula Retherford | Email: robert.retherford@hawaiiintel.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 08:54 PM |
| <p>Testimony:</p> <p>Aloha Council Chair Waters and Councilmembers,</p> <p>As stated in previous testimonies, I am in full support of Bill 41 CD2. I am, however, very much opposed to the FD1.</p> <p>I have been involved in the issue of short-term-vacation rentals in residential zoning for a very long time. Going through boxes of old proposed bills, their hearings, and my testimonies, I came across something I wrote in opposition to Resolution 05-187, a bill that was proposing the legalization of more STRs in residential zoning. I think what I said 17 years ago is still pertinent today. I shall quote what I wrote back then:</p> <p>"In the final analysis, all the wording in these proposed ordinances, all of the arguments for and against B&Bs and TVUs, leave me with one question. It is a moral question. What is morally right and what is morally wrong? What is our social responsibility? To whom does our government owe primary allegiance? Is it to the protection of the health and long-range welfare of our local communities? Or is it to visitors who want a different experience? Or to those whose greed is greater than their hearts and concerns for their neighbors and community? What kind of government do we have, what kind of society are we if we pander to an industry that removes sorely need rental housing to put it at the disposal of people lucky enough to vacation while so many of our hard working people cannot find a place to rent, a place to live? They have to forsake their dreams, they have to double and triple up if that is even possible, or they become homeless. Don't we owe our local people greater concern and dignity than to continue to take the roofs away from their heads and give them to strangers?</p> <p>I am leaving you with these questions as you ponder the further decimation of the right of our local people to a pace to live, other than the street or the beach. Please stop further licensing of B&Bs and TVUs in residentially zoned neighborhoods." End of quote.</p> <p>That was written in 2005. With Bill 41 CD2 some progress has been made in accepting moral responsibility. We are at this time no longer considering licensing more vacation rentals in our residential neighborhoods. I thank you very much for that. I am, however, very much opposed to the proposed FD1 which represents a loophole that would undermine the very essence of Bill 41. FD1 would also present a major logistical problem for DPP, a costly one that the City could not easily afford. It would create an enforcement nightmare, leaving our housing situation and our residential neighborhoods in a worse place than we are today.</p> <p>Please pass Bill 41 CD2 as is. After 33 years of involvement in the issue, I thank all of you who had input in this bill. I feel that its passage would enable me to finally say, AMEN!</p> <p>Ursula Retherford 42 N.Kainalu Dr. Kailua, Hi 96734</p> | | |
| Name: sean dee | Email: sean.dee@outrigger.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 09:19 PM |
| <p>Testimony:</p> <p>Aloha. I, along with many of my friends, neighbors and colleagues in Honolulu firmly support Bill 41. As a long time resident of Honolulu and executive at Outrigger Hospitality Group, it's clear that the rapid proliferation of illegal STR's and the platforms that enable them have seriously eroded the quality of life for residents and created to negative perceptions for the visitor industry that is so critical to the economy of Hawaii. Stronger regulation and limits on the illegal TVU's will improve the quality of life for residents, increase the rental inventory for residents, and improve resident sentiment towards our industry. Mahalo for your consideration.</p> | | |
| Name: | Email: | Zip: |

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| brooke channon | brookecdee@gmail.com | 96813 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 09:22 PM |
| <p>Testimony:</p> <p>We need Bill 41 to help better regulate enforcement and limit the illegal short term vacation rental business that has created major issues in Honolulu and across Oahu. We have lived here for a decade and witnessed the issue firsthand in Hawaii Kai, Waikiki and Manoa. Aloha</p> | | |
| Name: Donna Wong | Email: htf3000@gmail.com | Zip: 96734 |
| Representing: Hawaii's Thousand Friends | Position: Support | Submitted: Apr 11, 2022 @ 09:22 PM |
| Name: Robert Retherford | Email: robert.retherford@hawaiiantel.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 09:24 PM |
| <p>Testimony:</p> <p>Aloha Chair Waters and Councilmembers,</p> <p>I stand by my previous testimonies and would like to reiterate my support for Bill 41 CD2.</p> <p>I was disappointed to see the proposed FD1. Looking at the list of tenant types who would qualify for exclusion from the 90-day minimum stay, we could, if the FD1 were to pass, expect major exploitation of this new loophole. FD1 would undo much of the intent of Bill 41 CD2 and all the good work that went into the crafting of this bill. There would be no positive effect on our dire housing situation, or on the other vacation rental problems of our residential neighborhoods. Moreover, DPP is not set up to handle the logistics that FD1 would entail. Enforcement would be a nightmare.</p> <p>I hope that you will pass Bill 41 CD2 without any further amendments.</p> <p>Thank you for your consideration.</p> <p>Robert Retherford 42 N. Kainalu Drive Kailua, HI 96734</p> | | |
| Name: Nancy Taylor | Email: taylorn005@hawaii.rr.com | Zip: 96744 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 11, 2022 @ 09:35 PM |
| <p>Testimony:</p> <p>I strongly support Bill 041CD2. However, please note that I do not support the proposed FD1 because it makes Bill 41CD2 virtually irrelevant.</p> <p>Thank you for the opportunity to support Bill 041CD2. I hope this matter, after these many many months, can be passed for the sake of our communities and residents.</p> | | |
| Name: Patrick Lindo | Email: lindop001@hawaii.rr.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 09:46 PM |
| <p>Testimony:</p> <p>As a long-time Kailua resident, (who arrived a brand new infant) I appreciate the residential nature of our neighborhoods. We need to protect that nature as well as protecting the housing supply for residents. I continue to strongly support Bill 41 CD2.</p> | | |

What is the use of residential zoning if not enforced?', Operating an illegal vacation rental for years is no justification for continued illegal operation. This bill would allow the short-term-vacation rentals operating under the Non Conforming Use Certificates issued in 1989 (about 900) to continue. That's fine and should have been enforced. Failure by the City to enforce the zoning laws has allowed the proliferation of those illegal operations. It's time to rectify this mistake.

I see there is an attempt to basically gut Bill 41 in a proposed FD1, floor draft proposed amendment, to the bill introduced by Council member Carol Fukunaga. If it were to pass, it would invalidate the integrity and purpose of Bill 41. I strongly oppose the proposed floor amendment.

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| Name: Richard and Janina Fernandez | Email: janinarichard@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 09:47 PM |

Testimony:

We oppose bill 41 because it limits rentals on Oahu to 90 days. Many local residents with service jobs will be negatively affected because wish to have flexible rental terms in order to relocated based on their service related jobs. Everyone knows that tourist do not stay longer than 2 weeks on the average so the claim that this 90 min day limit will curtail tourist from residential areas is a lie.

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| Name: Paul Tucker | Email: paul_tucker@yahoo.com | Zip: 96826 |
| Representing: Captain Cook Resorts | Position: I wish to comment | Submitted: Apr 11, 2022 @ 09:51 PM |

Testimony:

1. I Fully support the original intention of Bill 41 which is to get the tourists out of residential neighborhoods.
2. I DO NOT support rezoning Waikiki to more than 30 days minimum. There is a legitimate requirement for 30 day rentals in Waikiki. Let the building AOA's decide if they want more than 30 days. This bill will drastically impact property values.
3. I DO NOT support increasing registration fees for STR if Hotels don't have to pay additional fees. This Bill is obviously written to help the Hotels. I propose we give monetary rewards to our LEGAL STR guests that turn in ILLEGAL STR solicitations. Let the public do the work.
4. I DO NOT support requirements that STR use only a single property management company that has a lobby front desk. This seems like government over reach and unconstitutional. This will empower those companies to charge anything they want to owners.

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| Name: Kenji Yamada | Email: kenjiyamada@yahoo.co.jp | Zip: 96830 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 09:56 PM |

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| Name: Cecilia Gomez | Email: ceciliagomezhawaii@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 10:22 PM |

Testimony:

Dear Honolulu city council,

I oppose bill 41 because many who complains about illegal B&B and too many tourist in residential neighborhoods are actually complaining about bill 89 (ordinance 19-18) not being enforced by DPP. First enforce the fundamental laws before ratifying other laws that affect landlords that have nothing to do with tourism. We need to have monthly rentals on Oahu as the economic showcase of the Hawaiian islands.

Mahalo,

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| Name: Neil Frazer | Email: neilfrazer@icloud.com | Zip: 96734 |
| Representing: Frazer-Frantz Family Hui | Position: Support | Submitted: Apr 11, 2022 @ 10:28 PM |
| <p>Testimony:</p> <p>Aloha Council Members,</p> <p>I write in strong support of Bill 41, CD2.</p> <p>I suppose you are receiving volumes of opposing testimony from TVU owners who have been monetizing and degrading Oahu's residential neighborhoods for so long that their entitlement disorder is incurable. Gird yourselves for the oral testimony in which they trot some poor tutu who claims to need the income to stay in her house, as if the owner of a \$2M house couldn't sell it and live high for the remainder of her life — or live quite well by renting long term. What those TVU operators really talk to each other about are their German luxury cars and their vacations in Italy.</p> <p>In my neighborhood, what I see are unscrupulous opportunists buying up local homes and turning them into mini-hotels. The result is increased home prices and displaced local people. The result is that you cannot start a knowledge-based company in Hawaii because the technical employees you need cannot afford to live here, and do not feel safe in our neighborhoods. The result is that we sink deeper and deeper into our addiction to tourism. The result is social disintegration—homeless people on our sidewalks is just an early symptom.</p> <p>The economists keep telling us that the number of tourists has gone up, but the per capita spending by tourists has declined. Every year our environment looks more and more tattered. The airlines use us as a loss-leader. Where is it written in stone that our fate is to be nothing more than a backdrop for the photos of economy-class tourists?</p> <p>The pandemic demonstrated how quickly tourism can dry up. Yes, the federal government indemnified nearly all of us to some extent, but I doubt it will be able to do that again. Let's try to diversify our economy. Here we are in the middle of the Pacific, with high-bandwidth communication cables running in every direction, and a world dependent on internet services. We are a natural place for knowledge-based enterprises to locate, if we could just get our neighborhoods back.</p> <p>And while you are at it, how about raising property taxes in parallel with the homeowner's exemption? How about a transaction tax on real estate? Neither of those measures would have much effect on those who genuinely live here, but they would reduce the inflation of residential property prices that follows when even the nearly wealthy can afford to trade Hawaii homes like party favors.</p> <p>Doubtless you have a great deal more testimony to read, so I'll stop here. Mahalo for your unselfish service to the people of Oahu.</p> | | |
| Name: Keith Watanabe | Email: ampeep@yahoo.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:33 PM |
| <p>Testimony:</p> <p>I am writing to ask you to support Bill 41 CD2 which will help to make housing more available for local residents. The deep pockets of Airbnb/Expedia claim to represent the majority of people, which is a farce. These illegal rentals constitute a taking by the owners. They are taking away the rights of their neighbors in terms of safety, security, noise, peace of mind, traffic, sewer, water and electricity. If the government was a party of this 'taking', they would have to compensate the affected community.</p> <p>By the adverse impacts of these rentals, they really are a nonconforming use. All legislative remedies should be used to stop them.</p> <p>Thank you for the opportunity to comment, Keith Watanabe</p> | | |
| Name: Kana'i Takemura | Email: ktbaseball@gmail.com | Zip: 96782 |

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| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 10:54 PM |
| Testimony: As a person who is born and raised in Hawaii, my dear for having to leave my home due to not being able to afford to live here is of great concern. I hope and pray that this bill will allow us local people and Native Hawaiians to result to such decisions due to the lack of affordability in Hawaii. | | |
| Name: Tomohiro Kuroyanagi | Email: tomohiro@kk-kuroyanagi.co.jp | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 10:59 PM |
| Name: Hitomi Yokoyama | Email: hitomi@hawaiiproperty.com | Zip: 96822 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 11:06 PM |
| Name: H Curedjian | Email: bat.hawaii@att.net | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 11, 2022 @ 11:24 PM |
| Testimony: Please vote no for Bill 41 | | |
| Name: Kapua Medeiros | Email: kapua40@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 11, 2022 @ 11:53 PM |
| Testimony: Aloha Chair Waters and City Council Members, I am in Support of Bill 41 though I would like to raise a concern regarding the fact that when our life-long residents or Knaka Maoli are operating as short term renters , it is more than likely that they are doing so just to make ends meet and as a means to stay in their homes. These owner/occupants, many of them Kpuna, should not be penalized because of the Greed and Money Hungry Practices of Foreign Investors. We don't want to see them displaced from their properties only for Millionaires to come in, purchase these lands and then turn around and find Loopholes to Operate Legally Illegal Short Term Rentals. I urge you to find a way to make this work for the betterment of All involved and I Mahalo you for allowing the Voices of our Communities to be Heard. Me ke Aloha nui, Kapua Medeiros Waimnalo Raised Resident | | |
| Name: Yoshihiro Kobayashi | Email: 88coba@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 12:00 AM |
| Name: Yas KOHARA | Email: yaskohara@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 12:15 AM |
| Testimony: The way hotels are overtly favored, it appears to be corruption. Last bill was passed, and council members and the mayor were | | |

paid off by the hotel union, which made it clear it was a form of govt. corruption. Hopefully this will not repeat itself, in this even more blatantly skewed bill.

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| Name: Kapohuolahaina Pa Moniz | Email: alohaina77@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 12:18 AM |

Testimony:
I support this bill with a suggestion to modify it for kama'aina local kpuna residents who are using this as a supplement to their low fixed income.

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| Name: Gloria Wong | Email: arienne082001@yahoo.com | Zip: 96822-4955 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 12:32 AM |

Testimony:
Bill 41 is very unfair for people who were following the law for Bill-89. My building is next to Island Colony and that is a hotel/residential building. My building was built for renting to vacationers and temporary professionals such as traveling nurses to stay minimum of 30 days. Even the condo by-laws states that we can not rent for less than 30 days. Which means when i purchased my condo at the Seaside Towers, I have the option of renting it minimum 30 days or more. That gave me the opportunity to come visit Hawaii annually during the summer months.
Furthermore, there are people transitioning to hawaii and would like to stay 30 to 60 days so that they have time to find a permanent place to stay. My condo has a washer/ dryer in the unit whereas the hotel doesn't. Also If those people were to rent a hotel for 30 days, it would be double the price I am charging monthly. Finally, why is it that only the hotels get exempt form the \$2000 per year fee for each unit? Should us folks be able to make some money per month instead having the hotels monopolizing this business?
Gloria

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| Name: Karen Luke | Email: nahele@yahoo.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 01:17 AM |

Testimony:
Bill 41 was built on misinformation and exaggeration. We all know that tourists are neither taking up affordable rentals nor the ones parking long-term on the streets or having pau hana Karaoke Fridays that last through the weekend. Councilwoman Kia'aina's input is a distraction from the real problem of housing. Her unenforceable parking and noise ordinances frustrates service providers.
VRBO's has 12,740 actively listings mostly in the Turtle Bay and Waikiki resort areas, so the viral content that there are 10's of thousands of vacation rentals in our residential neighborhood is false. Appleseed confirms there are over 10,000 vacation rentals. The reality lies somewhere just over 12,740.
When we allow an industry to write our laws and disregard basic rights, fundamental freedoms follow. And when the majority of public testimony is disregarded and fundamental freedoms collapse, so does democracy. When democracy is extinguished, illegal activity will flourish.
I submit my testimony against Bill 41, and ask for your representative vote against Bill 41.
Mahalo, Karen in Ewa Beach

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| Name: KOJI OTSUKA | Email: kozy77kozy@hotmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 02:41 AM |

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| Name: Mikiko Hata | Email: mikiko.0507@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 03:20 AM |

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| Name: Betsy Connors | Email: betsyconnors60@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 03:37 AM |
| Testimony: The integrity of residential areas must be maintained and zoning laws are intended to do this and should be adhered to. | | |
| Name: Hiroshi Takagi | Email: hiroshi.takagi@pwc.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 03:44 AM |
| Name: Karen Sahr | Email: 4ksahrs@cox.net | Zip: 85248 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 03:59 AM |
| Name: Rori Spriggs | Email: rorimichele@mac.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 05:08 AM |
| Testimony: I support Bill 41 CD2 | | |
| Name: Paul Spriggs | Email: pspriggs@hotmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 05:10 AM |
| Testimony: I support Bill 41 CD 2. Please pass this so that we can stop the spread of TVUs in our Kailua neighbourhood. | | |
| Name: Ralph Furley | Email: rfmail2007@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 06:24 AM |
| Testimony: I vehemently oppose bill 41 because it infringes on homeowner rights to reasonably rent for a minimum of 30 days. Even if the the city and county of Honolulu allows for exceptions what right does the state have to give approval on what type of renter I have as long as it is for 30 days or more. You all know the facts - tourist do not stay more than 2 weeks on vacation in Hawaii and there is bill 89 also known as ordinance 19-18 that already covers this minimum stay of 30 days to prevent tourist from staying in residential neighborhoods. DPP is got to get their act together and finally enforce ordinance 19-18 before you guys continue passing all these unnecessary regulations and infringement of property owner rights. Ralph Furley | | |
| Name: Mel Fukushima | Email: mfukushima4@gmail.com | Zip: 96821 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 06:45 AM |
| Testimony: Please support Bill 41 CD2 to make housing a priority for residents. I oppose FD1. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2. | | |

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| Name: Rey Ann Ka'auamo | Email: rkleilani@gmail.com | Zip: 96797 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 06:53 AM |

Testimony:

Please support Bill 41 CD2 to make housing a priority for residents. Long-term housing for residents is desperately needed, that should be the focus and not temporary housing. I oppose the FD1.

Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and stand up for our working class families! Pass Bill 41 CD2.

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| Name: Meylysa Duldulao | Email: meylysa@gmail.com | Zip: 96828 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:06 AM |

Testimony:

Aloha Chair Waters and Council Members,

My name is Meylysa Duldulao and I oppose Bill 41 CD 2. My husband Jomel and I own a 1911 Kalakaua, Apt 608, which is in the Resort/Mixed Use Special Precinct of Waikiki Special District.

We pay my mother Theresa Tseng to manage and clean the property.

I would also like to make it clear that our business JM 608 LLC also opposes and has always opposed Bill 41 CD 2 (please edit your advance copy of the Report of the Committee on Planning and Zoning, Committee Meeting Held March 23, 2022).

I've spoken personally to all of you except Council members Tupola and Kia'aina, and I remain committed to equal treatment among principal users of the Resort Zones.

Per the Land Use Ordinance, Hotels, Timeshares and Transient Vacation Units are all permitted uses within the resort zone.

However, upon the passing of Bill 41 CD 2, we will only be permitted conditionally.

We will have to go through a cumbersome and expensive annual registration process that Hotels and Timeshares will not have to follow.

If we can succeed in registering, if we decide to sell our property, the new owner must go through the whole cumbersome process from the beginning.

This devalues the properties of Transient Vacation Unit owners, without compensation.

I have seen many organizations already organizing to sue the City and County if this Bill passes, which hurts me as a local resident. Litigation is expensive and in the end I will have to pay for it with increased taxes.

I have mentioned this many times, and it is unfortunate that the Resort Zone TVUs are being put in this Bill, whereby the Hotels and Timeshares are exempt.

To remedy this, you need to add the Resort Zone owners to the list of exemptions on p. 33 (3). Then, to make sure there is no abuse of an exemption loophole in advertising, require all advertisements from Hotels, Timeshares and Resort Zone owners to display TMK and TAT numbers. See this 11 minute video I made with Yang Yao and Sean Brady on how the current Hotel and Timeshare exemption is creating a huge loophole in current enforcement - <https://youtu.be/C-qL68OsxAg>

Please edit the Bill appropriately, or vote NO to Bill 41 CD2.

I also oppose the current 30 day to 90 day change, without Council Member Fukunaga's amendments. My mother is currently

renting to a neighbor who was recently displaced (the owner sold the unit) and is looking for a new rental. What my mother is doing would be illegal if Bill 41 CD 2 were to pass as is.

Mahalo for all of the time you have spent speaking to me and my colleagues, and for the changes to the insurance requirements, density, occupancy, and 250 foot rule, as well as parking restrictions in the Resort Zone. I do appreciate the time and efforts you are spending on this.

Sincerely,

Meylysa Duldulao
808-203-8338

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| Name: Vladimir Gurovich | Email: vlad.gurovich@gmail.com | Zip: 94401 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:13 AM |

Testimony:

I oppose the CD2 of Bill 41 because it continues to remove my right as a property owner from renting my property in the Waikiki Apartment Precinct for 30 days or more without compensating for it.

All the while it allows nightly rentals in the same Apartment Precinct in condominiums such as Waikiki Banyan and Waikiki Sunset which have Aston-managed hotel pools. Is it a coincidence that DPP Director's Uchida's wife is an executive at Aston? I dont think so.

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| Name: Kathie Schmid | Email: kathie@captaincookresorts.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:24 AM |

Testimony:

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly opposed this Bill and recommend deleting the amendment of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. We need to implement different rules for Waikiki Special District apart from other residential areas.

Bill 41 CD2 FD1 has exemptions for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. Without advertisement, or a rental agreement. How do you propose the exempt people can stay less than 90 days?

If 30 days rentals are banned (especially in the Apartment Precinct in Waikiki), many people who need to stay 30 days or 60 days will most likely find illegal 30 or 60 day rentals in residential areas all over the island. Bill 41 cannot change the demand of those one or two month stays.

Waikiki Condos currently doing 30 days rentals in the Apartment Precinct in Waikiki Special district are only a short distance from the Resort Precinct where people can stay on a daily basis. Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors. Waikiki Special District should be completely excluded from the 90 days minimum rule

Some buildings in the Apartment Precincts in Waikiki already ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. Condo owners can protect themselves from vacation rentals with their building bylaws. I do not believe anyone should override those owners' rights.

Implementing a 90 day minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solve Housing shortages. Owners of condos in the Apartment precinct in Waikiki Special district have enough money to keep their condos empty when they are not here. The 90 days minimum rent rule will result in these condos to be empty in Waikiki for 10 months or more

with no tax benefit to the local economy. Waikiki Condos and Houses in Kahala, Hawaii Kai or Kailua are a very different investment. Owners in Waikiki invested because they have the option to rent at 30 days. Therefore, more than 1,000 Owners in the Apartment precinct in Waikiki are preparing legal action against this Bill.

I strongly recommend; adding Resort district back to the area where TVU are permitted and make it clear in Bill 41 that TVU are allowed in the Resort Area in Waikiki. Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register their unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Thank you for your consideration on this critical measure
Kathie Schmid

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| Name: Justin J | Email: justinjavier123@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:28 AM |

Testimony:

To whom it may concern,

I oppose Bill 41 specifically the change removing 30 day rentals.

As a landlord to long term tenants, 30 days is absolutely necessary for our locals.

Also signing a 90 or 180 day lease with a tenant that may not be a good fit will be incredibly costly to legally remove them during their lease.

Tenants have burned down my rental, beaten their wife, spray painted my rental, used drugs etc .. trying to break their lease with the courts verse not renewing a 30 day lease is very costly and not effective.

Please allow 30 day rentals.

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| Name: Mike Jackson | Email: mikejacksonatlarge@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:32 AM |

Testimony:

*The stated purpose of Bill 41 is the forced closure of illegal vacation rentals. The minimum 90 day rental requirement alone will be the death of Vacation Rentals. Everything else is punishment and overkill.

*Forcing VRs out of business will result in lost jobs, and a huge loss of GE, TA, and OTAT revenue as well as the visitor spending for those who will go where they have a greater choice in accommodations.

* If this is a shut-down of Illegal VRs why then are you proposing regulations that seriously hurt those VRs that have operated legally for many years, followed all the rules, and paid huge amounts of GE, TA and now OTAT taxes??

The proposed reclassification of legal VRs to hotel property tax rates, or establishing a new classification for their paying higher property taxes, is a big increase in their cost of doing business.

Also the 60% increase in NUC renewals is a punishment to LEGAL operators. Not only are the VRs still trying to overcome 8 months of total revenue loss due to the pandemic closure, they are struggling with our current inflation and possible coming recession.

Wouldn't this be a great time for the Mayor and City Council to show some leadership, and work to make the Oahu cost of living less expensive, reduce taxes and unfair regulations, create jobs, etc?

I suppose the 82 new positions Blangiardi wants for the DPP will ensure he has plenty of investigators to find those evil VR owners, and close them permanently.

*Hotels and VRs are not the same and not equal. The obvious reasons for not treating them the same are too many and too obvious to take time listing them. Bill 41 in its current form will effectively remove all competition for Oahu hotels....is it any wonder why they are lobbying so actively to support in favor of it.

Mike Jackson

Name:
Kendrick Morikawa

Email:
morikawakenny@gmail.com

Zip:
96814

Representing:
Self

Position:
Oppose

Submitted:
Apr 12, 2022 @ 07:37 AM

Testimony:

Aloha Chair Waters and Council Members,

My name is Kendrick Morikawa and I oppose Bill 41 CD 2. I own a 1911 Kalakaua, Apt 311, which is in the Resort/Mixed Use Special Precinct of Waikiki Special District.

I converted it to a long term rental during Covid, though it is costing me hundreds in losses every month (all the while paying Resort zone tax, which is the same as Hotels and Timeshares, the highest property tax on Oahu). I plan on converting back to it's original purpose, as an AirBnB business in May.

I ask the members of the City Council to vote NO as I believe the bill puts unfair restrictions on resort owners (we have to get 4 tax clearances a year, pay additional fees and so on) in favor of Hotels and Timeshares. The only difference between myself and a Hotel or Timeshare is that I am a small business owner.

I also own a cleaning business Smart Clean LLC. Some of our business also originates from cleaning Transient vacation units in the Resort Zone.

Again, if this Bill were to pass it would hurt my small business.

Please support small local business and vote NO against Bill 41.

Aloha and thank you for all of your time and efforts regarding this Bill.

Kendrick Morikawa

Name:
Ingrid Peterson

Email:
irpmailbiz@icloud.com

Zip:
96734

Representing:
Self

Position:
Support

Submitted:
Apr 12, 2022 @ 07:39 AM

Testimony:

Aloha, Councilmembers! My name is Ingrid Peterson, and I strongly support Bill 41 to end the explosion of short term vacation rentals in residential neighborhoods. This latest version of the bill has improvements that should resolve many concerns that have been voiced previously.

My parents bought the family home I now live in in Kailua in 1963 in a RESIDENTIALLY zoned neighborhood. They were teachers. We lived frugally to barely afford buying our house. Later, after the State Land Reform Act forced wealthy estates to sell to homeowners, they scrimped and saved to buy the land.

Their dream before they passed was to pass our home to their children and then grandchildren. They did not expect our beloved Kailua residential community to turn into a semi-resort area from the explosion of short term vacation rentals. This is wrong and it takes away the property right of being residentially zoned.

Short term renters not only can be badly behaved; they are not committed community members. Short term rentals take away housing from long term rentals and raise prices of both residential rentals and real estate. Local residents cannot find affordable rentals in Kailua anymore. I know because I tried to help my friends find one when their rent was about to be raised.

Please kokua and support Bill 41 in its current form. Mahalo nui,
Ingrid Peterson

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| Name: Theresa Tseng | Email: mthersty@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:40 AM |
| <p>Testimony:</p> <p>I oppose Bill 41 CD 2. My wife Meylysa and myself, Jomel Duldulao, bought a legally zoned property in the Resort district of Waikiki to do an AirBnB business that employs my mother in law.</p> <p>Please do not punish law abiding residents of Oahu and vote no on Bill 41 CD 2.</p> <p>Mahalo for your consideration,</p> <p>Jomel Duldulao</p> | | |
| Name: Jenny J | Email: 808beachrentals@gmail.com | Zip: 96712 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 07:40 AM |
| <p>Testimony:</p> <p>I oppose Bill 41 for the 30 day rental ban.</p> <p>This will make it difficult for landlords to rent to long term tenants.</p> <p>Landlords will not be able to evict trouble tenants easily, without a mountain of legal work and cash.</p> <p>Right now I can give a non renewal of lease if the tenant is not a good fit (after their 30 day, month 2 month lease is up). Landlord must still have this option.</p> <p>Moving to 90 or 180 days will not affect most STRs. Hosts will raise their prices to reflect what they need... and they will still get it!</p> <p>Enforce the problem- the illegal rentals!</p> | | |
| Name: V Javier | Email: vivencio2010@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:41 AM |
| <p>Testimony:</p> <p>I oppose Bill 41 for the 30 day rental ban.</p> <p>This will make it difficult for landlords to rent to long term tenants.</p> <p>Landlords will not be able to evict trouble tenants easily, without a mountain of legal work and cash.</p> <p>Right now I can give a non renewal of lease if the tenant is not a good fit (after their 30 day, month 2 month lease is up). Landlord must still have this option.</p> <p>Moving to 90 or 180 days will not affect most STRs. Hosts will raise their prices to reflect what they need... and they will still get it!</p> <p>Enforce the problem- the illegal rentals</p> | | |
| Name: Vanessa Distajo | Email: vanvanes@aol.com | Zip: 96822 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 07:43 AM |
| <p>Testimony:</p> <p>Aloha Chair Waters and Council Members,</p> <p>I strongly support Bill 41 CD2, and I implore you to vote to pass it in the third reading today. Local families in Honolulu have a God-given, constitutionally protected right to live happily in peaceful, safe neighborhoods. As voters and your constituents, we have entrusted you to represent us and protect our interests while you legislate. That social contract is the essence of a Democratic Republic, and we need you now, more than ever, to protect us and our way of life from companies and investors who seek to exploit us, our neighborhoods, our housing market, and our whole State economy.</p> <p>I'm sure that you would all agree that we need solutions to the housing crisis and high cost of living, as well as economic</p> | | |

diversification. Voting for Bill 41 CD2, not the weaker version with loopholes, will show that you actually care about those issues, the people who voted for you, and the families who live in your districts.

It's apparent that you are under immense pressure and scrutiny because of this bill. Some of you seem to be buckling to appease the businesses, investors, and campaign donors. This decision basically boils down to a moral dilemma. The bottom line is that we are more important than someone's fun vacation at a transient vacation rental. When you're making your vote today, ponder the essential question, "Do I support local families or Airbnbs?" Your vote to pass Bill 41 CD2 will show us the pono answer that you do care about our people and our way of life in neighborhoods. If you do not, then it will be plain to see who you've sold your soul to.

Respectfully,
Vanessa Distajo

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| Name: Tom Merrick | Email: tom@waikikiplace.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:54 AM |

Testimony:

I own and operate several short-term rentals in the Waikiki Resort Zone and OPPOSE Bill 41. It needs to be revised after taking ALL stakeholder discussions.

PLEASE make any new registration fees reasonable. I take exception to the huge registration/renewal fees being proposed (\$1,000/\$500 annually per unit). This is not needed and is specifically being proposed to hurt small operators like myself. If you are going to implement any new fees they need to apply to hotels in the same way, so if you apply \$1,000 per short term rental unit then you also need to apply \$1,000 per EACH INDIVIDUAL hotel room. My units are in the resort zone just like hotels and look just like hotels and we should be treated the same.

PLEASE talk to all stakeholders. In order to come up with effective and fair solutions for our entire community, we ask DPP to sit down with ALL stakeholders including vacation rental owners and operators, who can help provide insights and solutions it may not otherwise uncover and NOT solely with HTA and hotels who have paid lobbyists pushing for their expansion and control. It seems like DPP and Mayor Blangiardi are rushing this with only hotel interests at heart.

PLEASE focus on enforcing the current law. The current rules and regulations are more than adequate to control rental issues on island. It is just that there has been NO ENFORCEMENT!! The only thing that needs to happen is DPP needs to be given the resources to enforce the current rules. That has never been tried yet, so why would you try to make even more changes now without seeing what the enforcement of the current rules would be like? Get DPP the resources to do their job and you will see that the rental issues will be resolved. You do not need to hurt the hard-working Hawaii residents like myself. After you verify that proper enforcement is occurring and if there are still issues, then AND ONLY THEN, should you look at tweaking the rules. But, even then, you should not do it behind closed doors with only HTA and hotel lobbyists. You should involve ALL stakeholders including short term rental operators.

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| Name: Aimee Agnew | Email: aagnew2012@gmail.com | Zip: 96731 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:59 AM |

Testimony:

Please vote NO on Bill 41.

Small businesses are important and help make up the DNA of America. Please support small business and vote no on 41.

- Oppose the 30 day to 180 day change.
- Oppose the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management.
- Oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone.
- Oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to.
- Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. The County should focus on more impactful housing reforms that don't threaten the recovery of our economy.

THANK YOU.

Name:
Jason Agnew

Email:
agnew_jason@yahoo.com

Zip:
96731

Representing:
Self

Position:
Oppose

Submitted:
Apr 12, 2022 @ 08:01 AM

Testimony:

Please vote NO on Bill 41.

Small businesses are important and help make up the DNA of America. Please support small business and vote no on 41.

- Oppose the 30 day to 180 day change.
- Oppose the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management.
- Oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone.
- Oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to.
- Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. The County should focus on more impactful housing reforms that don't threaten the recovery of our economy.

THANK YOU.

Name:
Randall Moss

Email:
rmosshi2017@gmail.com

Zip:
96731

Representing:
Self

Position:
Oppose

Submitted:
Apr 12, 2022 @ 08:02 AM

Testimony:

Please vote NO on Bill 41.

Small businesses are important and help make up the DNA of America. Please support small business and vote no on 41.

- Oppose the 30 day to 180 day change.
- Oppose the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management.
- Oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone.
- Oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to.
- Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. The County should focus on more impactful housing reforms that don't threaten the recovery of our economy.

THANK YOU.

Name:
Sharon Moss

Email:
smossak@gmail.com

Zip:
96731

Representing:
Self

Position:
Oppose

Submitted:
Apr 12, 2022 @ 08:04 AM

Testimony:

Please vote NO on Bill 41.

Small businesses are important and help make up the DNA of America. Please support small business and vote no on 41.

- Oppose the 30 day to 180 day change.
- Oppose the provision that categorizes condo-hotel units as hotels and requires them to be managed by condo-hotel management.
- Oppose all provisions that are defining hotel operators as a privileged class with special rights, especially in the resort zone.
- Oppose taxing TVU's and B&B's the same as hotels despite severe restrictions on TVU's which hotels are not subject to.
- Reject the idea that banning vacation rentals is a solution to our lack of affordable housing. The County should focus on more impactful housing reforms that don't threaten the recovery of our economy.

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| THANK YOU. | | |
| Name: Sandra Sakka | Email: sakkasandra@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:05 AM |
| <p>Testimony:</p> <p>I'm in support of this bill as I work in Waikiki in the visitor industry which has been impacted by illegal short-term rentals. This bill will make it easier to crack down on operators of illegal short-term rentals, and limit any new legal short-term rentals to resort districts such as Waikiki. It will also empower the city to take action against the people and organizations profiting from illegal short-term rentals.</p> | | |
| Name: Sandy Ly | Email: sandy.ma.hawaii@gmail.com | Zip: 96813 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:07 AM |
| <p>Testimony:</p> <p>My name is Sandy and I am in support of this Bill as it will make it easier to crack down on operators of illegal short-term rentals by redefining short-term rental as any rental period of less than 90 days, limit any new legal short-term rentals to resort districts like Waikiki, and empower the city to take action against the people and organizations profiting from illegal short-term rentals.</p> <p>My husband and I work in the tourism industry and it is vital for us to do our part in protecting our community as well as the companies we are employed by. We currently live in Kaka'ako for the past seven years and love the community that is being built here. We would not want it to be deterred/saturated with illegal short-term rentals.</p> <p>We sincerely hope Bill 41 is passed as this will be the first of many steps to building a better community and rebuilding our tourism industry.</p> <p>Thank you!</p> | | |
| Name: April Pluss | Email: aprilpluss@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:08 AM |
| <p>Testimony:</p> <p>Please recognize how big business is pushing our middle class down. The upper class is obviously growing bigger and stronger. This Bill will deny any opportunities (Land of the Free) for a potential local home buyer to move out of poverty. The hotel industry is pushing this through. Have compassion for the locals trying to stay and live here.</p> <p>Please! Consider enforcing the 30 day legal rentals and those laws. No one will rent for 90 days. Locals will have no other means to supplement their income if needed.</p> <p>Land of the Free!! Not Land of Big Business!!</p> | | |
| Name: Ellen Lubrano | Email: Inlubrano53@gmail.com | Zip: 96740 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:09 AM |
| <p>Testimony:</p> <p>It is time to get housing in control in Hawaii and control the number of tourists that keep pouring into our Islands. Restricting short term vacation rentals is a great way to do this - many of us are tired of having different people staying in our neighborhood on a weekly basis and not allowing people from out of state to purchase up some many houses as second homes - our residents need a first home, a place to raise their families. And a neighborhood full of tourists coming and going is not the place to do that. Stop illegal short term vacation rentals now.</p> | | |

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| Name: Mark Baker | Email: markbaker@compuserve.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:13 AM |
| <p>Testimony:</p> <p>I support licensed short-term TVU rentals. The economy benefits from it. My neighborhood has no objections to vacation rentals and it is not a problem in a vast majority of neighborhoods. Please do not concede to the pressures placed on you by the hotel industry.</p> <p>Mark Baker</p> | | |
| Name: Amy Shimer | Email: amygshimer@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:16 AM |
| <p>Testimony:</p> <p>I oppose bill 41. Bill 41 is an obvious, corrupt attempt by the hotel industry to use the government to suppress any and all competition to the Hawaii hotel industry's sub par product. American visitors to Hawaii from the mainland – California, Oregon, Washington state – Do not and will not stay in a hotel in Waikiki. The high end mainland consumer will not be herded into a small hotel room, no matter how much they like the Hawaiian islands. These consumers will opt instead To go to Baja Mexico, Cancun, the Dominican Republic, Puerto Rico, or Costa Rica, where the rental options are more affordable, widely available, and better appointed. Bill 41 will cause the effective end of high end US mainland tourists to come to the Hawaiian islands - devastating small boutique business in Honolulu, Kailua and the North Shore. The timing of this bill could not be worse. We are on the front end of an economic tidal wave, driven by hyper inflation, that will cause a huge dip in travel to Hawaii regardless. Because of our remote location, the inflation will be accelerated in Hawaii and will get passed off to potential tourists in the form of increased plane tickets, accommodation cost, and leisure activity expense. The challenging economic scenario into which we are entering will make the crisis of 2008 look like a day at Kailua beach park. Passing this bill right now which will further hobble the tourist industry is madness, and a complete abrogation of the fiduciary responsibility of our local government to look out for the welfare of our people. This is a clear gift to the hotel industry, written by someone who personally benefits from the rotten fruits of this bill. It's illegal, unethical, and catastrophic for the economic health of the people of Hawaii. Please reject bill 41.</p> | | |
| Name: Kirk Madsen | Email: kandkmadsen@comcast.net | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:25 AM |
| <p>Testimony:</p> <p>I oppose Bill 41. Focusing just on one part of the amended document CD2, it exempts only two properties mauka side of Kuhio in Waikiki apartment district. Is it mere coincidence that these two properties have Aston hotel units or is it the pending litigation against the City? The process of exemption needs to be fair and transparent. Bill41 puts all property owners, residential, apartment districts, resort etc on the island of Oahu in one category. The Bill has singled out a few exemptions without transparency or due process for everyone. Litigation will be the only means to protect property owners rights</p> | | |
| Name: Taylor Barnett | Email: taylorrowl@gmail.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:27 AM |
| <p>Testimony:</p> <p>Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.</p> | | |
| Name: Jomel Duldulao | Email: jomeld12@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:28 AM |

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| Name: Megan Arita | Email: megan.tomiko@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:28 AM |
| <p>Testimony:</p> <p>My name is Megan Arita, I am a professional 30 day property manager and have managed LEGAL 30 day rentals over the last 12 years. While this bill has many flaws there are two I'd like to speak on.</p> <p>#1 When bill 89 was passed two years ago, while there were some terms in there I did not agree with over all I was happy to see that there was going to be action against illegal rentals. However, as we have all seen there was none taken and the enforcement of bill 89 never did happen. Now here we are with bill 41 which is legally unenforceable. We are going to be left in the same place we are today with the exception that you will weed out those who are only willing to rent legally. Further more with out a vested rights clause in this bill you will also see legal action on this bill, costing tax payers even more.</p> <p>#2 This bill puts hotels in a privileged class and the bill has been compromised. The DPP Director Dean Uchida only recently stepped down from working on the bill after conflict of interest concerns were filed with the Honolulu Ethics Commission. However this was far too late in the process. Due to Uchida's and DPP's actions, the Administration has a biased position and has tainted the legislative process. I would ask that this bill not proceed as the integrity of DPP has been severely impaired, and public trust has been violated.</p> <p>Further investigation need to be done to determine if Uchida used his position and influence to favor the hotels, including whether or not Uchida met with Aqua-Aston Hospitality; I Urge the City Council to defer all proceedings until an investigation is completed. I further urge the City Council to hold the bill due to Uchida's undue influence on DPP's position.</p> | | |
| Name: Tyler Barnett | Email: barnett.tyler7@gmail.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:28 AM |
| <p>Testimony:</p> <p>Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.</p> | | |
| Name: Danielle Valdez | Email: danielle.valdez@embassysuiteswaikiki.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:29 AM |
| <p>Testimony:</p> <p>I am an employee of Embassy Suites by Hilton Waikiki Beach Walk and I do not support illegal short-term rentals. These illegal rentals drive up housing costs for kama'aina and hurts the tourism industry I work in. I encourage the bill to be passed into law so the City can take action on people and organizations profiting from these illegal rentals."</p> | | |
| Name: Shelby Redinger | Email: shelbyredinger@protonmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:31 AM |
| <p>Testimony:</p> <p>Bill 41 is going to Greatly reduce the availability of housing for people in Hawaii. More regulations, more restrictions, more rules. All these things ever do is benefit wealthy people who can afford to own second homes in Hawaii while living on the mainland and allow them to sit empty. This bill has been misrepresented to the people of Hawaii as a pro housing bill, when the truth is that it is a gift to the hotel industry that harms people who are housing insecure and on the margins of Hawaii. Additionally, how are you going to enforce this? are you going to include the creation and maintenance of an additional agency to oversee, approve renters, and enforce this law? The likely outcome of this law is that people will throw their hands up and just go back to running illegal Rentals like they did before bill 89 was passed.</p> | | |

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| Name: Iris Kahaulelio | Email: iriskahaulelio@gmail.com | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:33 AM |
| <p>Testimony:</p> <p>Dear City Council Members,</p> <p>I urge you to oppose Bill 41.</p> <p>My name is Iris Kahaulelio and I live in Waialua. My husband works for the City & County of Honolulu and I Have been a public high school science teacher for 28 years. We were fortunate to be able to purchase an investment property to supplement our income so that we may continue living on Oahu with our five children.</p> <p>We are able to offer a more cultural experience to our guests. Our girls offer surf lessons with an educational and environmental component, have taught children how to make lei po'o, and have even been hired to perform hula at a wedding for our guests. We share our mana'o to give our guests a more authentic experience. Receiving heart felt emails and rave reviews are always gratifying. We have established relationships that will last a lifetime.</p> <p>During the pandemic, many owners had to sell their properties, which were scooped up by mainland investors. We depend on rental income to balance the high cost of living here on Oahu and our children are able to generate income as a result of our short term rental.</p> <p>Our ohana urges you to vote against Bill 41.</p> <p>Mahalo for your consideration, Iris Kahaulelio</p> | | |
| Name: Jeannine Johnson | Email: jeannine@hawaii.rr.com | Zip: 96821 |
| Representing: Niu Valley Community Association and Kuli'ou'ou / Kalani Iki Neighborhood Board #2 | Position: Support | Submitted: Apr 12, 2022 @ 08:35 AM |
| <p>Testimony:</p> <p>My name is Jeannine Johnson and I am the Secretary to the Niu Valley Community Association and I represent Niu Valley on the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2. We've been dealing with this issue for over a decade. Our community believes there are too many illegal Short Term Vacation Rentals (STRs) operating in our community. We believe they disintegrate the urban fabric of our well-established neighborhoods, increase homelessness by decreasing the available rental market and create a highly speculative housing market that out-prices local buyers in favor of wealthy non-residents.</p> <p>Fourteen years ago in 2008, Neighborhood Board No. 2 unanimously voted to compel the DPP to enforce the laws against illegal STRs and opposed their legalization in O'ahu's residential neighborhoods.</p> <p>When the issue came up again in 2014, Neighborhood Board No. 2 unanimously opposed including community hotels and alternative lodging as well as the legalization of STRs and again requested that the DPP enforce the law against them.</p> <p>Please kkua and support Bill 41(2021) CD2 and help stop the resortification of our neighborhoods by illegal STRs that steal housing from our local families, drive up housing prices and ruin our neighborhoods and quality of life for our residents. Mahalo.</p> | | |
| Name: Nancy Nagamine | Email: alohanana@me.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:36 AM |
| <p>Testimony:</p> <p>Aloha Honolulu City Council members. I would like to point out some things no one seems to have considered when bill 41 was</p> | | |

developed and challenge you to think deeply about my questions. There are many people who will be adversely affected by the harsh and unrealistic regulations proposed. Know that the bad actors that have operated illegally for years will still find ways to skirt the law. Ask yourself...who is a tourist? Think FAMILY...what about these very real examples? 1) Consider the grandmother comes to assist her daughter or son with a newborn. The parents and the newborn live in a 1 bedroom condo in Kaneohe. Where is the grandma to stay for 4-6 weeks? It's a long road trip (and prohibitively expensive stay) to stay in either Waikiki or Turtle Bay. There are hardly any grandfathered in bnbs on the Windward side. A legal 30 day studio rental where the owner lives on premises nearby is the perfect solution, but your bill prohibits these. 2) Did you know that over 67,000 people from Hawaii moved to the mainland in 2018 alone. I can only assume there are millions of locals and Kamaaina on the mainland. How many of them long to come home for a month and see friends and family but don't have the means to rent a hotel room, or be able to secure one of the rare legal vacation rentals? They may prefer to be on the windward side where their friends and family are. Where are they to go? A legal bnb where the owner lives on premises is the perfect solution. This will be a heartbreaking situation for so many who only long to come home for a visit. 3) There are many parents who's adult children have secured a job here and the parents want to come visit, perhaps spend the holidays with them, but the adult child can only afford a 1 bedroom place. Again, where are the parents to stay, there is a long commute and expensive accommodations in Waikiki or Turtle bay, and finding a legal vacation rental nearly impossible. Do we not want parents to come visit their children? 4) And then there are the adult children who's parents are still here, perhaps in a care home or assisted living facility. Same thing...drive to Waikiki every night to stay in an expensive hotel? There are so few legal vacation rentals it is almost impossible to find one. So unfair that kids won't be able to come visit their parents and stay in a studio or one bedroom vacation rental for 30 or 45 days. 5) there has been discussion about military families who are relocating, traveling healthcare workers, students and a few others, but why are they preferred over the examples cited in my points above? 6) Absolutely none of the above examples are typically loud, have broken junk cars, set up tents in the garage for beer parties, cause unnecessary noise, or any of the rare problems a handful of people cite related to vacation rentals. I personally see this type of thing going on with long term rentals. Rather they are so grateful to be here, feel part of the community, go to bed early, and are nothing but courteous and respectful. It's hard to imagine why you would consider taking all of this away from these people. 30 day rentals should be allowed with criteria as detailed in ordinance 19-18...operator must live on premises, parking must be provided, insurance in force, no noise or parties, etc. Please shut down the bad actors as the previous ordinance was designed to do, do not punish everyone else. This bill clearly chooses winners and losers, obviously the hotels are winners, along with a handful of other "chosen", and the losers are families, parents children, grandparents, and former residents. This bill is unfair and unjust.

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| Name: Irvin Heuchert | Email: irvinh@sasktel.net | Zip: 96815 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 08:45 AM |

Testimony:

Dear Council Members;

Bill 41 as it now stands is very unfair to the people that live in their homes for a large part of the year and only rent it out a short time. It paints everyone with the same brush without making allowance for all of the different situations. Their homes were not bought as a business venture but mainly for personal use and should not have to pay the same taxes as a hotel or someone who bought their property only as an income producing business. Bill 41 was not very well thought out and will be legally challenged on many different levels if it is passed in it's present form.

Thank you

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| Name: Ken Kribel | Email: kkribel@icloud.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:46 AM |

Testimony:

I am against Bill 41. It gives privileged treatment over individuals.

Many jobs I'll be lost.

The bill was written by the director of the DPP who's has a conflict because his wife works in the hotel industry.

His ethics are being questioned so why side with him.

Listen to the people and vote NO.

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| Name: Michelle PEARSON | Email: mpearson29@yahoo.com | Zip: 99587 |
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| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 08:48 AM |
| <p>Testimony:</p> <p>Short term rentals enhance tourism and are complimentary to traditional lodging, not a threat. Every time I've been to Hawaii I stayed in a short term rental with my family. Quite honestly, a family of five who has to pay for two hotel rooms for two - four weeks, just won't come. Middle income people who's visits are the basis of your economy are going to see that you pander to the hotel & lodging chains and are restricting where actual families can stay. I skimmed your bill. A max headcount at a B&B is four people now? So a family of five has to stay in a hotel! A B&B isn't even feasible if this passes. This bill is excessive regulation that is going to make visiting Hawaii unattainable.</p> | | |
| Name: Faruq Ahmad | Email: fa27sf@gmail.com | Zip: 94127 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:48 AM |
| <p>Testimony:</p> <p>I oppose the bill in its current form, it unfairly favors the hotel industry.</p> | | |
| Name: Vicki Basil | Email: vleebasil@yahoo.com | Zip: 90039 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:50 AM |
| <p>Testimony:</p> <p>Rezoning resort zone. Ala Wai Canal Blvd to Ala Moana Blvd to Kalakaua to Kapahulu. This is the same police zone of District 6 and is a natural boundary.</p> | | |
| Name: Laura Isola | Email: Laisola2@yahoo.com | Zip: 96717 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:53 AM |
| <p>Testimony:</p> <p>Aloha!</p> <p>I strongly oppose Bill 41.</p> <p>It's still very confusing impractical and deeply damaging small local businesses! Bill 41 benefits big hotels lobbies at the serious expense of small local businesses which has nothing to do with the purpose of this Bill namely "protecting residential neighborhoods". If this was really its purpose all resort areas must be exempted from bill 41 to start with! Make this very clear!!! The obvious conflict of interest of dpp director is evident as his wife is the financial forecast of Aston a major hotel management company. Dpp director just recused himself a little too late!!</p> <p>Condotels units currently charged by the City the highest property taxes in the Hotel classification must be clearly exempted from Bill 41 new impractical cumbersome registration fee since hotels are exempted!!! Please make this really clear!!!!!!!</p> <p>Considering the dpp current huge delays in processing any permits makes it totally impractical and impossible to process all the bill 41 required registration permits and fees without killing small local businesses that would be stuck in the wait! Vacation rentals is our livelihood and our small local businesses can't be stuck in a highly cumbersome process to be registered by dpp while also causing loss of high TA GE taxes revenues for the State!</p> <p>Bill 41 restrictions are a direct violation of private property rights and if bill 41 goes on there will be class law suites against the city and a big mess for everyone! The 90 days minimum is illegal and against State Laws!</p> <p>Bill 41 has been a huge mistake since the start and should be finally stopped now! Limiting visitors numbers by killing small local businesses and TA GE State taxes revenue is shameful and unacceptable!!! I remind you that City council duty is to uphold the wellbeing and happiness of the community they are supposed to serve!!! This is not done by killing small local businesses that are just only now coming out of a two years pandemic crisis!!! Your duty is to help small local businesses vacation rentals with sensible practical regulations not killing us!!!!</p> <p>Please focus on enforcing the already existing Laws (Bill 89) practical regulations that were patiently already created with all stakeholders and all platforms in agreement to protect residential neighborhoods!!</p> | | |

Thanks for your prompt understanding: PLEASE VOTE NO ON BILL 41!!!!

Name:
DEBBIE MISAJON

Email:
debbie@thecoconuttraveler.com

Zip:
96744

Representing:
The Coconut Traveler LLC

Position:
Oppose

Submitted:
Apr 12, 2022 @ 08:55 AM

Testimony:

To the City Council,

I am strongly opposed to Bill 41 and will consider leaving my home should the Bill pass and forming a company in a luxury tourism location. My business is a certified B Corporation focused on the luxury traveler to Hawaii, this certification took me and my team 22 months to complete and proves that we are doing good in our community and environment. I don't manage real estate property but rely on property managers to have legally operated, beautiful homes available for the highest-end client. My clients donated \$19,693 to what is called our Responsible Tourism Fee. This fee is donated to 501c3 organizations that benefit our entire community, they include ReTree Hawaii, Hawaii Association of Watershed Partnerships, and Malama Na Honu. To date, we have collected \$22,914 and it's only April. We are anticipating our donation will exceed \$60k this year and seeking other organizations to work with.

If the City Council would just enforce Bill 89 as they promised they would, then we wouldn't have this issue.

The high-end home market isn't going to go away if Bill 41 does pass, but it enforces Hawaii's backward global tourism stance to managing tourism for the benefit of its community and is another slap in the face of small business owners.

Thank you,
Debbie Misajon

Name:
Theresa Tseng

Email:
mthersty@gmail.com

Zip:
96815

Representing:
Self

Position:
Oppose

Submitted:
Apr 12, 2022 @ 09:00 AM

Testimony:

Aloha Chair Waters and Council members,

My name is Theresa Tseng, and my daughter Meylysa is helping me submit written testimony against Bill 41 CD 2. She submitted testimony from Jomel Duldulao under my name and email in error, in a previous submission, and apologizes if this causes any confusion.

I clean my daughter and son-in-law's AirBnB unit in the Resort District of Waikiki, and oppose Bill 41 CD 2.

Thank you Chair Waters for your time in meeting with me, my daughter and my son-in-law when we discussed Bill 41 with you.

Thank you Council members Elefante, Kia'aina, Say and Codeiro for hearing and considering my public testimony opposing Bill 41 in the Zoning and Planning Commission hearing in March.

Theresa Tseng

Name:
Kathleen Madsen

Email:
kathleenmadsen70@yahoo.com

Zip:
96815

Representing:
Self

Position:
Oppose

Submitted:
Apr 12, 2022 @ 09:00 AM

Testimony:

I oppose Bill 41 in its entirety. The current Bill 89 that has been in effect since July 2019 has never been attempted to be enforced. Why? Incompetence by the city, that's why. Easier to keep changing than to enforce. The reasons provided by the city council and DPP to revise and change are not justified and factually proven. Favoritism given to the properties of Waikiki Banyan and

Sunset were never granted with Bill 89 until lawsuit prevailed and have been given complete access to operate under 30 day STR without penalty. These buildings reside in a non resort zone and only a portion have NUC's but with Bill 41 all will be allowed to operate legally as a STR. There's a conflict of interest with a small majority in those building being operated by Aston hotels. There's the favoritism. Another reason being stated for the revision is STR's take away from residential housing. Another non-proven fact as a 32 story building called the Lilia, in Waikiki on Kuhio, now constructed right across from my building. This is ONLY rental and will never go condos while under the lease of Queen Emma as she owns the land and is leasing it to Brookfield properties with the clause of never to sell condo and only provide rental units. I oppose Bill 41 as it's not fair and equitable for all.

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| Name: Rose Wilson | Email: lmloke407@yahoo.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:02 AM |

Testimony:

The city council and its committee's seem to be ignoring the voice of the people. I have sat in on the zoom meetings and the majority of testimony seems to be in opposition. Why is Fukunaga's amendments to Bill 41(CD2) included at this third council meeting as a vote is going to decide the outcome. What happen to transparency and open meetings. Was this hammered out in close session during last committee meeting. Listen to the people not the mayor and Mufi. Stop this insane political ramrod. Take a breath and really look at bill 41. There are many unintended consequences. Do right for the people who have Voted you into a position of power.

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| Name: Virginia Dudden | Email: virginia@dudden.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:03 AM |

Testimony:

Aloha and thank you for the opportunity to ask each of you to vote against Bill 41. The way Bill 41 is written is confusing and complicated. Enforcing the results of Bill 41 be a mess. One can only suppose expensive law suites will result.

Send Bill 41 back to the Planning and Permitting Department for an impartial review. Better yet implement Ordinance 19-18 which is already in place. it only awaits Planning and Permitting to do their job and implement Ordinance 19-18.

Vote NO on Bill 41

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| Name: BRUCE CAMPBELL | Email: bdc@ema ukamakai.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:19 AM |

Testimony:

This bill will be a disaster for Honolulu County. Instead of focusing on the few bad actors and enforcing the previous bill 89, this bill is aimed at destroying the entire short term (30 days or more) transient rental economic eco-system -- owners, support people (cleaners, landscape, managers, etc), restaurants, convenience stores, gas stations, tourist experiences,...you get the idea....its called the multiplier effect. This bill will create a great subtractive and divisive effect. This is why I say that.

1. As an owner in the Waikiki apartment district between Kuhio and Ala Wai, since the passage of Bill 89 we have rented 30 days + to Traveling Covid Nurses, Remote workers, military personnel, families visiting local families, new residents waiting for their permanent residence to name a few. Not one of them could afford to stay in a hotel for that length of time and eat out every meal. Our accommodation as well as so many others in this district provided a stay that was affordable and allowed them to actually come and stay in Hawaii.

2. Almost all of them would not need or be able to afford a 3-month stay and they would simply have to cancel their plans and all of the money they would spend in Hawaii, as well as the TAT they would pay, would be lost.

3. If the City keeps changing the laws such as from Bill 89 to bill 41 they are inviting lawsuits for buyers of property based on the established laws. Many people buy condos in Waikiki and visit every year with the idea of future retirement. They figure in their

purchase the ability to rent out for 30 days or more when they are not there. Long-term rentals would prevent them from their visit. Few people will rent for only 6 months or 3 months. There will be lawsuits filed by such buyers and they will tie up this bill in court for years.

This will not help the Hotel industry who you should know better than anyone who strongly supports this Bill. The people the Hotel executives and their lobbyists think will book a hotel room instead of a place with a full kitchen for 90 days or more will never book that room! They will simply choose another destination and Hawaii will be in a lose-lose situation that will be squarely on your shoulder should you pass this bill.

Multi-national hotels are not your constituents. They are doing fine and will continue to serve short-term vacationers. However, your constituents are the local owners whose money stays in Hawaii, who pay taxes here, and who responsibly accommodate the type of visitors listed above. They are also the cleaners, landscapers, maintenance workers, plumbers, electricians, gift shop owners, travel tour operators, grocery stores, and convenience stores....you are taking money out of their pockets when they need it most.

VOTE NO ON BILL 41

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| Name: Debra Arakaki | Email: keiara815@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:22 AM |

Testimony:

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| Name: Carlos Pedro Acob | Email: cacob@pagodahotel.com | Zip: 96819 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:25 AM |

Testimony:

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| Name: Bryantt Bernardo | Email: bryantt.bernardo@gmail.com | Zip: 96826 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:26 AM |

Testimony:

I learned that Airbnb put out an email to people who have stayed recently on Oahu at one of their rentals asking them to email the city council to vote against this bill. Airbnb feels visitors/Non-residents asking the city council to vote against a bill will sway the council. I certainly hope that is not the case. I hope that the council will not weigh all voices equally.

I hope that the council will prioritize RESIDENTS that are the backbone of the economy, RESIDENTS that work hard but don't make the kind of money that can afford to buy even one home let alone multiple homes. I hope the council considers the interest of RESIDENTS who cannot find an affordable place to rent or buy because they are not the rich local, mainland or international investor who can buy up all the property at higher than asking price and then subsidize their investments and make profits with vacation rentals. I hope the council prioritizes RESIDENTS being able to LIVE in homes vs visitors being able to vacation in them especially when there are plenty of hotels and resort areas.

This bill is about choices. This bill will increase or reduce choices for certain segments. Which segment actually needs your support? Which people are TRULY suffering?

Rich multiple homeowners are currently getting richer off vacation rentals vs renting long term to residents. To have rich investors be forced to rent to residents long-term so residents have a place to live? Reduced profit margins...is that truly suffering?

Airbnb asking visitors to email the city council over choices. Visitors not getting to stay in local neighborhoods vs in the many hotels and vacation rentals in resort areas? To vacation in appropriate areas...Is that truly suffering? Perhaps only Airbnb is the

one suffering here.

Residents who work and live here having to competing with hotel rates in community neighborhoods to try to find a place to rent. Residents who simply want to find one primary home are forced to compete and lose out to rich people who can airbnb multiple properties and make even more money. Residents are also forced to compete with rich mainland and international home buyers who can subsidize their vacation home with airbnb while they actually live somewhere else most of the year. Right now, Oahu makes it so easy and attractive for rich people to take all the property off the market. How do residents compete? Where are we supposed to live? Having lived here your entire life here and not being able to find a place to buy or rent because you cant compete with rich people who can take advantage of current rules...having no choices on where to LIVE. I think that is truly suffering.

Residents dont have choices right now but you have a choice on who to support. I ask you to choose residents.

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| Name: Jim Tree | Email: ssitree@aol.com | Zip: 96707 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 09:31 AM |

Testimony:

Thank you for taking the time to study this important Bill for the people of Oahu. Most of the issues in Bill 41 are contested by the different parties. However, there are a couple issues where both sides of the argument are in agreement. One of the few areas of agreement concern the fact it is in the best interest of the community to provide for short-term housing for medical personnel and patients, fulltime students, fulltime remote workers, military, homeowners in transition, low-income renters, etc. Renters have typically asked to keep the 30 day rental period unchanged and consistently pointed out there is a need for these rentals to provide for these special groups of individuals who are non-tourists. One way to do this is to keep short-term rentals to less than 30 days. Another way is to include Councilwoman Fukunaga's Amendment regarding exemptions. Besides renters asking for the ability to rent to necessary non-tourist renters the travel industry has also supported exemptions for these individuals. For example, The Hawaii Lodging & Tourism Association (HLTA) has been an advocate of raising the short-term rental period, but even HLTA feels it is necessary to have exemptions if short-term rentals are raised to 90 days. In HTLA's January 26, 2022 submission to the city council they stated in pertinent part:

"we would like to highlight the current lack of exemptions in the CD 1. We feel strongly that this measure should include an exemption for occupants who are not seeking to abuse the system but require less than the minimum rental period for benign purposes. For example, these could include traveling nurses, students, or military personnel. These occupants could 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."

M-0014(22) – Testimony on Bill 41 (2021), CD1 for 01/26/22 Council Meeting, at pp 579-80.

Common sense speaks for exemptions for the groups of people in Ms. Fukunaga's Amendments. Both parties are asking for short-term rental opportunities for these groups of renters. DPP included exemptions in there third draft of Bill 41. If the Council does not keep short-term rentals to less than 30 days it makes sense for the good of the community and with a consensus from the community and DPP to include the list of exemptions.

Mahalo,

Jim Tree
Beach Villas at Ko Olina

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|-----------------------|---------------------------------|---------------------------------------|
| Name: Pamela Ching | Email: chingdynasty1@twc.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:36 AM |

Testimony:

I strongly oppose Bill 41 which limits the availability of short term vacation rentals as as it only benefits the hotel industry and is not good for the local population. Many of us have visiting friends and relatives or even the need for short term accommodations for reunions, weddings, first birthday parties, during home tenting or renovations or "staycations" when traveling to the mainland and beyond is not an option. Please do not pass this overly restrictive bill which will harm the local people who depend on short

term vacation rentals for their livelihood and in the process enrich the local culture and Hawaii's image elsewhere.

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| Name: Debi Bishop | Email: Debi.Bishop@hilton.com | Zip: 96815 |
| Representing: Hilton Hawaiian Village Waikiki Beach Resort | Position: Support | Submitted: Apr 12, 2022 @ 09:45 AM |

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| Name: Me Fuimaono-Poe | Email: maefuimaono@yahoo.com | Zip: 96813 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:47 AM |

Testimony:

Thank you for hearing testimony on bill 41 regarding transient accommodations. I live in urban Honolulu, and we have lived at our current home for over a decade. We have seen drastic changes in our neighborhoods, an increase in traffic, and difficulty parking because of the number of cars. We have also seen a rise in rent and overall cost of living.

Over the pandemic, my husband and I worked hard, picked up overtime shifts, and FINALLY saved a downpayment for a house (after 15 years). However, we are now competing with people who don't live here and want to use their rental for air BnB. I am not saying this is the source of the lack of housing, BUT it's contributing to it.

I am sure you will see fabricated stories about how this legislation will hurt mom-and-pop businesses. However, they are the minority. Honolulu has the third-largest commercial air BnB listings (1), and unless something happens, your children will not be able to afford a home here. Please pass this bill and protect housing in Honolulu.

<https://www.stratosjets.com/blog/airbnb-statistics/>

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| Name: Duwayne Freeman | Email: drf808@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:49 AM |

Testimony:

Hi, I definitely support bill 41, vacation rental properties should not be allowed in residential areas.

Thank you

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| Name: Glenn Wakai | Email: senwakai@capitol.hawaii.gov | Zip: 96813 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:49 AM |

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|------------------------|---------------------------------------|---------------------------------------|
| Name: Natalie Iwasa | Email: the-green-one@hawaii.rr.com | Zip: 93825 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:53 AM |

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| Name: Kawahine Kamakea-Ohelo | Email: kamakeaohelo@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:54 AM |

Testimony:

I am writing in support of Bill 41. Mahalo for the opportunity to give testimony.

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| Name: Karin OMahony | Email: k7omahiny@aol.com | Zip: 96795 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:54 AM |

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| Testimony: Oppose this bill Enforce law 19-18 | | |
| Name: Robert Ellison | Email: 3836543@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:54 AM |
| Testimony: I strongly oppose Bill 41, which is intended to dramatically tilt the playing field in favor of the hotel industry, and crush the legal vacation rental industry. Bill 89 was intended to be a crackdown on illegal vacation rentals and had the necessary provisions to do that. Inexplicably it was never enforced. The agreements signed with Expedia and Airbnb have been highly effective for Kauai and Maui counties, but Honolulu never implemented them. Instead, Bill 41 is now promoted as the solution to illegal vacation rentals, when it barely touches on them. Instead it focuses on punishing legal operators with massively increased operating costs, bureaucratic red tape, and completely arbitrary restrictions and penalties It's a miscarriage of justice that interest-conflicted DPP Director Dean Uchida has finally recused himself at the eleventh hour from shepherding Bill 41, yet the City Council majority is determined to ram the bill through, in spite of the bias and ill will that spawned it. The Mayor's office, the DPP and the majority of the City Council blame all of Oahu's problems on vacation rentals – residential area beaches being overcrowded with tourists, high residential rental prices and homelessness among other issues. Yet no objective data is ever presented to support these claims. If there was seriousness about slowing down the growth of tourism, a moratorium on all new visitor accommodations would be put in place. Instead, the legal vacation industry is targeted and the hotel industry is allowed to keep expanding. | | |
| Name: K'ike Kamakea-Ohelo | Email: kuike.farmaloha@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:55 AM |
| Testimony: I support Bill 41. Mahalo for the opportunity to submit testimony. | | |
| Name: Suzanne MacGill | Email: resortleader@aol.com | Zip: 96815 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 09:55 AM |
| Testimony: Waikiki has been known as a vacation destination for many decades. Most families cannot afford to pay high hotel rates and prefer to stay in condos of one or more bedrooms. If the current rules for short term rentals were ENFORCED for illegal neighborhood rentals and DPP had not issued permits for monster houses, there would be no discussion. Bill 41 will take away jobs from local workforce and keep money from flowing back into the community. Waikiki real estate prices are too high for local housing, Please do not pass Bill 41 | | |
| Name: Pili aloha Callahan | Email: pilialohak19@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:56 AM |

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| Testimony: I support Bill 41. Mahalo for the opportunity to send testimony. | | |
| Name: Chuck Larson | Email: waimanalochuck@gmail.com | Zip: 96795 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:57 AM |
| Testimony: This bill hurts my neighbors and neighborhood. I oppose bill 41 | | |
| Name: derek Bown | Email: derekbown@yahoo.com | Zip: 96795 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:59 AM |
| Testimony: Oppose bill 41 Enforce the 30 day law Stop wasting tax payers money | | |
| Name: Eva Chiu | Email: 3qhwaii@gmail.com | Zip: 96817 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:59 AM |
| Testimony: Hi council members, I strongly oppose Bill 41. The Bill 41 is drafted from the perspective of hotel industry and lobbyist, the city administration relied on DPP and its director to craft the bill. The DPP director is found by the city ethics commission "to have indirect financial interest". It's evident that the bill favors hotel industry - why the bill required owner to pay registration fee and not impose the same registration fee and annual renewal fee to each and every hotel room? why are certain properties "chosen" and be allowed to conduct short term rentals? and coincidentally the two chosen properties - Waikiki banyan and Waikiki sunset are both Aston properties, a company in which DPP's director wife works for. Council member, we need your help to engage with multiple stakeholders to come up with a fair and effective solution for the entire community - listen to all sides, and draft a regulation that can be enforced, regulate the short term rentals while providing alternative and affordable accommodations to those wishing to visit Honolulu. I am for regulating short term rentals and making sure all operate legally (after all, many including myself, have done so in good faith). However, the bill as it currently written, seek to eliminate short term rentals while allowing hotel to enjoy monopoly. Thanks for the opportunity to submit a testimony. | | |
| Name: Mike Muller | Email: beachfrontvillashawaii@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:00 AM |
| Testimony: oppose bill 41 | | |
| Name: Amika Hisamoto | Email: amika@captaincookresorts.com | Zip: 96816 |

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| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:01 AM |
| Name: Wendy Hiraoka | Email: wendyhiraoka@me.com | Zip: 96817 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:03 AM |
| <p>Testimony:</p> <p>I am very concerned that the Council is not listening to public testimony. In the case of Bill 41, it reeks of more corruption, favoring the hotel industry. Property rights of individuals are being stripped away under the guise of solving problems of affordable housing, lack of housing stock, over-tourism, street parking. Housing prices and lack of housing are nationwide problems, not unique to Hawaii. If over-tourism is the big concern, why then are more new Hotels being permitted in non-resort zones in Kapolei? Local families are the ones with multiple cars parked on the streets and are the ones making all the year-round fireworks, loud car, karaoke party noise. "Tourists are damaging the fabric of our neighborhoods"—get real. City Council should focus on creating more affordable housing, not allowing more luxury condo developments that sit empty. Enforcement of existing laws should take care of all the other problems cited in the creation of this bill.</p> | | |
| Name: Rose Wilson | Email: lmloke407@yahoo.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:03 AM |
| <p>Testimony:</p> <p>What happened to the Diamond Head district? Kapahulu to Coconut Avenue.</p> <p>There are condos, co-ops and apartments. Some have 30 day minimum rentals covered by there HOA when the building were built. This area listed in initial discussion on Bill 41 and the last two committee meetings have quietly disappeared. Does that mean Bill 41 does not cover the area and it is home free because we no longer exist?Please clarify.</p> | | |
| Name: Daniel Distefano | Email: dnoah19@gmail.com | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:07 AM |
| Name: Mathew Johnson | Email: MathewJohnson@gmx.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:20 AM |
| Name: Theresa Harden | Email: TH@Invest808.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:21 AM |
| <p>Testimony:</p> <p>I OPPOSE Bill 41 for the following reasons:</p> <p>The City and County cannot take away property rights (right to file for conditional use / nonconforming use permit) especially when the City and County has failed to implement Bill 89 to allow "due process" and is now trying to undo the progress made with Bill 89 after decades of failing to regulate the Short-Term Rental Industry at all. Bill 41 is a "gut" job to Bill 89 and for this reason, I OPPOSE.</p> <p>The City and County of Honolulu wants to destroy the short-term industry instead of making it work right WITH THE PROPER BALANCE of a supportive permitting, regulation and enforcement process to support the industry and protecting all residential neighborhoods from abuse. It has never worked properly because you failed to allow proper permitting, failed to create the regulations and therefore failed to implement rules that can be enforced. Enforcement does not work without a proper permitting & regulatory system which has been proven to be true. I OPPOSE BILL 41 because it is more about restricting then it is about allowing within unbiased regulations to support short term rentals whether weekly or monthly.</p> | | |

The approximately 5,000 property owners that complied with Bill 89 and have been lawfully waiting for the NEW permitting and regulatory system which is supposed to allow roughly 1700 new permits island wide are now being wronged with Bill 41 which main purpose is to restrict new permits to the resort zones only. However resort zones are already ALLOWED without a permit. All of these law abiding property owners are being harmed with Bill 41 and not being allowed due process to apply for the nonconforming permits that are supposed to be allowed IN RESIDENTIAL NEIGHBORHOODS. I OPPOSE BILL 41 for the unfair restrictions to resort zoned areas only.

Furthermore the unfair zoning changes in Waikiki in the 1980's removed the resort zoning creating Apartment zoning without correcting the grandfathered buildings which were H-1 and H-2 prior zonings and legally allowed. The Waikiki Banyan and The Waikiki Sunset are not the only buildings that the zoning was wrongfully changed. DPP failed us in the 1980's and continues to fail today. The Waikiki Park Heights, Hawaiian King, Royal Aloha, Waikiki Palms are among the DPP's "un-official" list from the 80's of the buildings/properties that were NOT required to get the NUC as those owners were told they are legally allowed to do short term rental without a permit. See the attached list provided to me from DPP directly in 2019 when Bill 89 was passed into law. I OPPOSE BILL 41 because it fails to grandfather all the H-1 and H-2 previously zoned buildings in Waikiki.

30 Day Minimum is the standard Long term renting minimum for residential leasing and a change to 90 day minimum will harm RESIDENTS not vacationers coming for 7-14 days. Any restriction other than the 30 day minimum is wrong and I OPPOSE this too.

Tourism as our only savior from the devastated economy which is still on the road to recovery and very fragile with many businesses on the verge of closure and more layoffs.

The City and County and the DPP have FAILED US AGAIN at a time when all efforts should be on rebuilding our Tourism industry not further destroying our economic recovery. The tax prayers of Hawaii cannot make up the difference in tremendous TAT revenue losses. Balance must be restored. We need our Hotels and LEGAL SHORT-TERM RENTALS working together to meet the needs and demands of our future recovery.

Theresa Harden, PB of Hawaii Dream Realty LLC
TH@Invest808.com

Legal Short Term rentals that are zoned to permit renting 30 days or less of Transient Accommodations SHOULD NOT BE REQUIRED ANY ADDITIONAL OR NEW REGISTRATION OR PAY A REGISTRATION FEE TO CONTINUE TO OPERATE IF THEY HAVE ALREADY LEGALLY COMPLIED with the TAT # & TMK # properly displayed in the advertisement and they're already paying the "RESORT ZONE" property tax rates giving them the right to conduct business legally. The permitting and registration process part of Bill 89 was for new permits that would have been allowed in small numbers within RESIDENTIAL ZONES and this new Bill 41 would limit new permits to within the residential zones for a few specific areas that are within 2500-3000 feet of the resort or resort mix zones. This is unfair to all the other property owners outside the neighboring resort areas who complied with Bill 89 and shut down operation until they were able to apply for a permit to continue to operate as they were promised in Bill 89 however Oahu has FAILED to implement Bill 89. I oppose the new permits only being allowed in the few areas surrounding the resort zones. The cap in Bill 89 was to ensure that no ONE NEIGHBORHOOD would be allowed to exceed the cap of 10 or 15% to make sure our neighborhoods stay residential neighborhoods.

Confusing Language and terms make it unclear which rules or map affect each parcel and the fact that they do not want any more TVU says it all. Over the decades, the different phrases have caused confusion and a failure to be transparent. Public Record must reflect allowable use clearly, i.e. "Residential Rentals of 30 days or more" (month to month, 3/6/9 months or 1 year) if SHORT TERM OR TA IS NOT ALLOWED or "Short Term Up To 180 DAYS of Transient Accommodations" is allowed. In the months after Bill 89 went into effect, many Waikiki buildings (not owned by a HOTEL BRAND) who were previously zoned under H-1 or H-2 zoning and were "grandfathered" to allow less than 30 day rentals as a permitted use after the zoning changes in the 80's, DPP was unable to determine which where exempted. Additionally, DPP had a list of buildings known as "LEGAL NONCONFORMING USE" where as OWNERS were told they need not apply for the NUC permits as the building was exempt meaning the short term use was allowed. Because these special cases of GRANDFATHERED buildings were not coded as such, once the H-1, H-2 or Hotel classification was removed and replaced with Apartment Precedent or Apartment Mix Use Precedent, DPP and the City and County of Honolulu caused confusion and mislead the public and property owners. The result is that the map currently being submitted with boundary lines of legally permitted short term rental zoning is not correct or include these GRANDFATHERED buildings as Legal NonConforming Use and many operating hotels. This is a loss of property owner rights

and this must be corrected or property owners will have the right to sue over the loss of use and or loss of value negatively affecting the unit.

Zoning Laws Conflicting with Condo Bylaws - there are a few buildings in Waikiki where zoning and bylaws have conflicting language. DPP has stated several times that the zoning laws do not take the condo documents (Bylaws, Amendments and or House Rules) into consideration or trump the zoning laws. However, when the zoning laws were changed in the 80's, there were several buildings which were grandfathered in as permitted use if the buildings were built as a hotel or operating as a hotel (these were referred to as **LEGAL NON-CONFORMING USE**). DPP has an "unofficial" list of buildings that were deemed exempted from the NUC permits of 1989. Additionally, DPP's unofficial lists (internal list from 1994) shows the buildings that were exempted, the exemption was for the whole building (not just a few units). Today DPP is saying that it is case by case for each unit. The issue I have raised is buyers/owners were told the use was permitted but not on a conditional basis or only for certain units or conditional as the use required an active hotel operation with a 24-hour front desk. This is the result when you fail to create fair regulations.

Multiple Governing Authorities - there are multiple governing authorities in addition to the DPP such as LUO (Land Use Ordinance), HCDA (Hawaii Community Development Authority) and HTA (Hawaii Tourism Authority) which has different zoning rules and the DPP has never compiled data per parcel and or per unit to clarify which zoning laws supersede the others. Waikiki is a special district and it is not clear what is legal for roughly a half dozen buildings. DPP has FAILED to implement Bill 89 and I do not believe DPP is the right department for the permitting, regulation and enforcement of Short Term Rentals.

Lodging units must be exempt from restricting Short Term use as they are LNU (Legal Nonconforming Use) aka legal TVU or Short Term Rental as they are not deemed a residential unit and are not allowed a permit to modify to add an oven. Some are called accessory units. Aloha Surf Hotel, Hawaiian Monarch, Island Colony, and Waikiki Park Heights are a few examples. Several existing buildings also have "accessory units" with separate entrances allowing the unit owner to live in one unit and rent out the other legally.

Legal Nonconforming Use must be exempt from restricting Short Term use as those buildings were grandfathered to permit the short-term use without an NUC as buildings were originally built as hotels and operating prior to the zoning changes of 1986. Owners bought with bylaws allowing less than 30 days use and zoning deemed Legal Nonconforming Use as exempted but there is nothing in writing given to the owner or annotated within the zoning code publicly. Kathy Sokugawa stated the list of exempted buildings is not current or official, and not all exempted buildings on the list are still operating a "hotel" with a 24-front desk. My unanswered question was "if the use was allowed without the NUC however qualifying factors were "conditional" (i.e. active hotel operation), were those zoning conditions "disclosed" to the individual owners who bought legal short-term transit rental units? Have owner's lost property rights if zoning negatively impacts the property owner? Most of these buildings have onsite security and several have a front desk operation just not 24-hour front desk and building or AOA management such as Waikiki Park Heights with lodging units and one, two or three bedroom units. Aloha Surf Hotel, Hawaiian King, Hawaiian Monarch, Inn on the Park, Waikiki Park Heights, Waikiki Townhouse are a few that were on this list. The fact that more and more buildings are being restricted is proof that these were allowed in the past and conditions for such uses were NOT disclosed to the private unit owners.

Fee Structures are intended to discourage participation instead of being **FAIR AND REASONABLE**. These are outrageous fees and I oppose this completely.

Suggested Solutions – The Short Term Rental Industry is vital to fill the needs that hotels alone can not fulfill. It is time to form an official committee and commission to do this right.

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|-----------------------|--------------------------------|---------------------------------------|
| Name: Bernie Ardia | Email: ba4bsinyc@aol.com | Zip: 92270 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 10:22 AM |

Testimony:

Hello,

My husband and I put our retirement money into a LEGAL STR at a Condotel unit. A building that was built as a hotel and has remained a hotel to this day. There are not kitchens in these units. Meaning they do not add to affordable housing for locals. In fact, we employ locals to manage, repair, redecorate and use local workers for all of these things. We were very careful to not try and be in any gray areas of the laws. 100% legal all the way.

Now you toss us in with this other mess that you already had laws for and could not enforce.
 For us - the ONLY benefit is for the Hotel management who would acquire rooms they do not now manage. As a owner, we could not even have family use our unit!!
 We are 100% opposed to this Bill as is.
 Please vote it down. Lawsuits galore will follow and all because you may vote yes to a ill written Bill.

Thank you

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| Name: Eric Shearer | Email: eshearer@mvnp.com | Zip: 96813 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:26 AM |

Testimony:
 Illegal vacation rentals negatively impact residents and neighborhoods and worsen our drastic inequality. For far too long we have turned a blind eye to regulating and enforcing these cancers on our neighborhoods, and they have metastasized. Do the right thing and stop illegal vacation rentals once and for all.

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| Name: Jacqueline Wah | Email: wah.jackie@gmail.com | Zip: 96839 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:27 AM |

Testimony:
 I urge you to SUPPORT Bill 41 CD2 and reject FD1.

As long-time renter, I have seen the pool of available rental properties decline precipitously. The introduction of short-term rentals has exacerbated the situation to the point where we are heading into a crisis situation for housing for long-term tenants.

At the same time, short-term rentals have disrupted the continuity of neighborhoods. Where you could count on neighbors in the past, if you live near a short-term rental, that property can be a constant in and out of people who are not invested in the community as they have no roots here, they are here for a short time so there is no incentive for them to be good neighbors.

This changes the fabric of our communities and the quality of life for those of us who are invested here, those of us who are here for more than 30 day, 90 days, for those of us who have made a commitment to being here full-time and for the long-term and want a healthy, secure community where we are connected to our neighbors. This reverberates outward to make our state, as a whole, more livable and sustainable for all.

Please SUPPORT Bill 41 CD2 and reject FD1. Make long-term residents a priority!

Thank you.

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| Name: Yukimichi yokoyama | Email: vm180@hotmail.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:27 AM |

Testimony:
 I support Bill 41. It's ridiculous how these businesses are buying up investment properties and driving up value to a point, I, an executive for my company, cannot buy a single family home with my income. It's ridiculous how so many locals have multiple jobs to support themselves to pay rent or a huge amount of mortgages. All residents and especially union workers like SHOPO and LOCAL 5 needs to support this bill and other bills to regulate rentals.

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| Name: Danette Bolosan | Email: dbolosan@aol.com | Zip: 96797 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:42 AM |

Testimony:

It is important to save our communities from illegal short-term rentals and I support Bill 41.

I have worked in the hotel industry for more than 30 years and have seen how these short-term rentals have hurt our industry. It also affects the local communities by driving up costs for the local families, crowds the streets, and brings in tons of transients into family safe areas.

Your consideration is greatly appreciated to help save our jobs and local communities.

Mahalo.

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| Name: John Smith | Email: jrs333@gmail.com | Zip: 96816-3942 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:48 AM |

Testimony:

While I support Bill 41CD2, I *DO NOT* support the proposed FD1, as it would render much of Bill 41CD2 ineffective by allowing vaguely defined exceptions and thus burdening DPP with numerous affidavits that would have to be reviewed, ideally fact checked, and decided upon.

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| Name: Cynthia Rubinstein | Email: cynthiabeachfront@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:50 AM |

Testimony:

At this time, I would like to just take the minute that will be allowed for this final vote on this crucial measure, by Zoom. Please email confirmation of this.

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| Name: James Kohara | Email: jmkohara@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:53 AM |

Testimony:

The way hotels are overtly favored, it appears to be corruption. Last bill was passed, and council members and the mayor were paid off by the hotel union, which made it clear it was a form of govt. corruption. Hopefully this will not repeat itself, in this even more blatantly skewed bill.

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| Name: Sierra Keolanui | Email: sierrakeolanui@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:53 AM |

Testimony:

With minimal government assistance and the high price of living in Hawai'i, most residents struggle for financial stability through the ongoing global pandemic. Knaka who have been here since time immemorial, and local families who have been here for generations, struggle to keep up with the rising price of homes and land in Hawai'i. Meanwhile, the rich and upperclass buy out homes to use for a few months out of the year, or for a vacation rental. Years of American occupation in Hawai'i have shown that the system is built for, and favors, those who hoard as much wealth, money, and assets, as possible. It is long past due to put the needs of the majority over the unequal preferences of the aforementioned hoarders. No one should be denied access to their ancestral homeland because they do not possess copious amounts of a currency introduced within the last two centuries. To introduce this currency, then chastise the natives without said currency for generations, is violence. The time for reparations is now. These part time residents bring pollution and corruption into our homes. Stop the spread.

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| Name: Larry McElheny | Email: lkmcelheny@gmail.com | Zip: 96712 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:56 AM |

Testimony:

Aloha

I am testifying in strong support for Bill 41CD2.

I DO NOT SUPPORT the proposed FD1.

Thank you for supporting this critically important bill.

Larry McElheny

(808) 237-9354

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| Name: Kevin O'Reilly | Email: kevinophotograph@gmail.com | Zip: 96795 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:58 AM |

Testimony:

Please oppose Bill 41. My mom grew up in Mililani and raised us as a single mom. She started out in housekeeping, then started helping neighbors take care of their rentals and learned the business. She then was able to get a neighbor to sell us a home he had been using as a vacation rental. We get to live in part of it and rent out the rest to families who stay for a month or so.

My mom works hard, is a substitute teacher, and pays her house payment and all her bills. She needs the income to keep her house. Since she only bought our house four years ago, long term rent isn't enough help with the payment. If you pass this bill she will have to sell her house. We want to stay in our community. I have been here since I was 9 years old. We are good community members. Our neighbors are so supportive of us. In fact, one of them stopped my mom in the street this morning and told her how proud he was of her.

If we sell our home, my mom will have a lot of money because the house prices are up but it won't be another local family that can buy it unless they are rich. Kicking us out of our house is what hurts the residents and our neighborhood. My mom follows the law. This is a legal 30 day rental. Please stop acting (and saying) my mom is doing something illegal. It is, and always has been, legal to rent for 30 days. Now the city needs to follow the law it passed a couple years ago.

Of course communities need to be protected from the bad actors but the LAW that was passed from Bill 89 would do this. Please help my family stay in our home.

Please do the right thing and throw this new bill in the trash.

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| Name: Jamie Kato Robinson | Email: katonatto@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:05 AM |

Testimony:

I ask for your support of Bill 41CD2 and strongly oppose FD1. Our working class families need you to represent us. We need you to focus on long-term housing above all else. We cannot make exceptions for every situation without creating loopholes for abuse, as we have seen with the fake 30-day contracts and why we are revisiting this issue again! We need housing for permanent residents.

Take a strong stand for the working class and don't be bullied by special interest groups who are motivated by money. Please vote YES for Bill 41CD2. Thank you!

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| Name: Valarie Leal | Email: lfrancesca050@gmail.com | Zip: 96817 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:08 AM |

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| Name: Lane Nagano | Email: lbnagano@yahoo.com | Zip: 96815 |
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| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:09 AM |
| <p>Testimony:</p> <p>Please support Bill 41 CD2 and oppose FD1 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. We need our elected officials to take a stand for the working class. Mahalo.</p> | | |
| Name: Nida Otto | Email: nchandeeing@gmail.com | Zip: 96817 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:10 AM |
| <p>Testimony:</p> <p>Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.</p> | | |
| Name: Dale Evans | Email: evans@hawaii.edu | Zip: 96795 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 11:11 AM |
| <p>Testimony:</p> <p>I believe that this bill was hastily conceived and is a gross overreaction to the problem CAUSED by the inability of Planning & Permitting to monitor and enforce the 30-day regulation. If the department couldn't do that, it is unreasonable to assume that it could do otherwise with a 90-day limit. I believe that the longer term will cause more problems without really solving any. For one thing, it makes it unreasonably difficult for residents to host visiting friends and family for weddings, funerals, etc. Also, it penalizes neighbors who have been realizing income by adhering to the 30-day rule. Very few of the problems that have affected neighborhoods during decades of non-enforcement of zoning regulations against short-term rentals are caused by the type of visitor who would choose to spend a month enjoying our island in a peaceful setting rather than the violent nightmare that is Waikiki.</p> | | |
| Name: Henry Robinson | Email: hardball1015@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:13 AM |
| <p>Testimony:</p> <p>Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2. Mahalo.</p> | | |
| Name: Heidi Kreul | Email: hkreul@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:20 AM |
| <p>Testimony:</p> <p>Aloha,</p> <p>Thank you for the opportunity to submit testimony in support of Bill 41.</p> <p>I strongly support Bill 41 protecting residential neighborhoods form misuse of stvr or bnb. I would prefer the original 180 day minimum rental over the 90 days.</p> <p>I strongly oppose FD1 Floor amendment purposes by City Councilperson Fukunaga. This amendment would make enforcement impossible and creat no length of time requirements further destroying our residential communities. Her broad categories of exempt people would make anyone with a cell phone or computer eligible as a remote worker.. I'm so very disappointed.</p> <p>Please protect housing for our future generations.</p> <p>Kekahi I kekahi.</p> <p>Mahalo piha,</p> | | |

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| Heidi | | |
| Name: Jason Shelton | Email: js107340@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:23 AM |

Testimony:

As a proud homeowner (finally) in Kailua for the past 6 years, I am writing to express my strong opposition to DPP's newly proposed bill (Bill 41) to increase the short term rental limits from 30 to 90 days. Legally speaking, this proposed bill is the illegal TAKING OF AN EXISTING USE and is therefore a ridiculously unconstitutional attempt at restricting private property rights and harming homeowners in an immoral and reckless way. In Hawaiian terms, this is just so DISRESPECTFUL to current homeowners in Oahu that the new Mayor should be ashamed to put this new bill forward. Someone has to speak up for our rights!

Some of us worked hard for years to save up and eventually achieve the dream of owning a home in Hawai'i. Approving this bill would make owning a home even more impossible for many families who help cover their monthly home bills by occasionally and LEGALLY renting out their own single family home for a month or so. Homeowners who have legally rented their properties once per thirty day period have a vested right to continue renting in this fashion. If the definition of a "transient vacation unit" changes, the County would have to create a new registration and non-conforming permitting process to address the taking of an existing use.

Homeowners are not big hotel/resort operators. We're just people trying to earn a living, own a home of our own, keep it for our retirement, and hopefully pass along more to our kids than we had. Using our home as we choose is the only thing that allows many of us to continue to own a home in Hawai'i. Taking that from us is wrong - legally and ETHICALLY. We're not harming anyone and we have rights too as property owners and taxpayers. This new bill goes way too far to violate our rights by raising the minimum number of nights rental to 90 days! In fact, it's just outrageous. YOU HAVE NO RIGHT TO TAKE OUR ABILITY TO RENT OUR HOMES ONCE EVERY 30 DAYS.

This whole thing is just an alliance between the big resorts and the (actually republican) "independent" Mayor to shut out the little guys and keep the money in the pockets of the big corporations instead of individual families and small businesses who benefit from tourism outside of the resort zone. (By the way, the resort zone sucks and more and more people know it.)

Years were spent coming up with Bill 89. That's enough! Just enforce that rule through ordinance 19-18. This new proposed bill is a lazy overreach and is totally unethical to not only people who own homes in Oahu, but also to people who rely on the tourism industry to operate and work in small businesses.

YOU MUST REJECT THE NEW PROPOSED BILL IN ITS ENTIRETY!

This is simply wrong. And all of you know it. Please don't be opportunists by sacrificing our rights for your own political benefit.

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| Name: Stella Leano | Email: mstella2550@gmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:26 AM |

Testimony:

We oppose Bill 41 CD-2 as written. This Bill in its current form contains provisions that would have a catastrophic effect on Oahu's tourism economy, hurting the thousands of people in industries supported by this activity. The state's tourism agency reported that all Short-term rentals injects capital into state and local governments through taxes and fees, adding up approximately \$3 billion in 2018, \$2 billion in 2017 and supported thousands of jobs.

Back when bill 89 was enacted, The University of Hawaii's Economic Research Organization (UHERO) realized a report, warning that Hawaii's economy was at a standstill and faced serious headwinds due in part to the uncertainty created by Oahu's overly punitive short-term rental regulations. Just like bill 41 today.

This report echoed the findings of other reports, including Oahu-based Kloninger and Sims, which predicted Oahu's short-term regulations would cost the Oahu economy more than \$1 billion in economic activity and up to 7,000 jobs, and another report by the Oahu Alternative Lodging Association which warned the new laws would lead to 50,000-80,000 fewer visitors per month.

Please conduct detail research on how much this law will affect our economy as residents, not the benefits to the hotels!!

In the nearly three months since the law went into effect, in 2019 UH Report estimates were correct "greater-than-8% drop in Oahu's overall visitor plant inventory."

But despite the research and many studies conducted in the past. Today you Oahu lawmakers want to enact hotel-backed short-term rental regulations that will run counter to your efforts by threatening the livelihoods of us residents and small businesses owners who rely on the income from visitors staying at alternative accommodations.

Please be reasonable and don't destroy an industry that allows Oahu's economy to keep stable and driven, Hawaii is a Top travel destiny in the world! You can't compare Hawaii to what is happening in any other state! Amend regulations in a way that address community concerns like the closure of a specific TVU or bed and breakfast after 2 consecutive disruptions have been documented. This way it may balance that role short-term rentals play in supporting our visitor economy. It looks that Kailua neighborhood is the main problem, please enact some more control over Kailua specifically, but don't punish the rest of the island. Many complaints are from Kailua residents regarding disruptions not the other neighborhoods.

The city will receive millions of dollars for the developing of affordable housing. Without more affordable housing, the supply will always be too low, and housing will continue to be out of reach for locals.

It is a fact that neighborhoods with high taxes and home values will continue to make rents high and out of reach for those in need of affordable housing. Eliminating TVUs will not solve the problem.

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| Name: Tiana Kennedy | Email: tianakkennedy@gmail.com | Zip: 96818 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:28 AM |

Testimony:

I am Tiana Kennedy and I was born and raised on Oahu. In my 24 years of life I've lived in Kuliouou, Ewa Beach and Salt Lake & have had landlords for short-term rental units as neighbors at all of those residencies. My husband and I make a decent living and still struggle to make ends meet because of the outrageous cost of living. These short-term rental units play a huge role in driving that cost even higher and I fear we won't be able to raise our future keiki in the home of their ancestors. All this to say, I am in support of Bill041(21).

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| Name: Kaiwiola Coakley | Email: kcoakley.hi@gmail.com | Zip: 96814 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:40 AM |

Testimony:

I oppose Bill 41.

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| Name: Lisa Asakura | Email: lakwock@gmail.com | Zip: 36825 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:55 AM |

Testimony:

I grew up in Hawaii Kai and moved back to Hawaii Kai over 10 years ago after living in town for a few years. We can tell which homes are being used as illegal short-term rentals due to the random late night parties that are disruptive to our quiet neighborhood. In addition, these illegal short-term rentals are having a negative impact to the local housing market. Rental housing is already in short supply and is made worse by homes taken out of the rental inventory to be used for short-term rentals, driving up rent for local families.

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| Name: F. Crowley | Email: fcrowl@aol.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:56 AM |

Testimony:

Support Bill 041

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| Name: Blake McElheny | Email: blakemcelheny@yahoo.com | Zip: 96712 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 11:56 AM |
| <p>Testimony:</p> <p>I am testifying in strong support for Bill 41CD2.</p> <p>I do NOT SUPPORT the proposed FD1 because of the overly burdensome mechanisms it requires DPP to utilize for enforcement.</p> <p>Thank you for supporting this critically important bill.</p> <p>Take care,</p> <p>Blake McElheny</p> | | |
| Name: Scott Brazwell | Email: sbrazwell007@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:57 AM |
| <p>Testimony:</p> <p>Bill 41</p> <p>Please oppose Bill 41.</p> <p>This bill is not a compromise. It will be a crushing blow to local residents and business. Bill 89 with the thirty day restriction was a big compromise. That bill has not been enforced and has not been given a chance to work. Enforce that bill first. Partner with hosting platforms to help with enforcement, if necessary.</p> <p>It is a positive thing that tourism Income shared with Oahu residents versus being consolidated in the hands of off island hotel companies. Local shops will lose revenue and have a devastaing impact on our economy. As a home owner we are able to subsidize the high cost of living here by renting out portions of our home to 30 day renters. It is a viable way to make ends meet here.</p> <p>Empirical evidence shows that short term rentals have little impact on affordable housing and is not the answer to our housing shortage. Proposed affordable housing has been rejected in many communities, such as Kailua.</p> <p>Help maintain a middle class here on Oahu and oppose this bill. The photo taken at the signing of Bill 89 showed the hotel lobbyists and hotel employees surrounding the mayor. Shutting down bnbs and short term rentals has been a goal of the hotels and is included in their manifesto. Only portions of the bill that support the hotels have been implemented. No permits have been issued, as was promised in that bill. again, please dont abandon local people and give Bill 89 a chance to work in its entirety. Stand up to big business and do the right thing. At the very least, address bnbs, where owners live on the property separately from whole home rentals. Oppose Bill 41.</p> <p>Mahalo.</p> | | |
| Name: Andrew Laurence | Email: a-laurence1@yandex.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 12:00 PM |
| Name: Robert Wankmuller | Email: bsr@yctroop6.com | Zip: 96768 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 12:02 PM |
| <p>Testimony:</p> <p>I went through the hoops required for short term leasing, spent over \$14000 to comply. Some of the requirements were onerous. Council members at the hearing to approve or reject the permits added documenting the proximity of the nearest fire hydrant in</p> | | |

addition to the county requirements. These type of hurdles discourage owners from proceeding through channels. I think this should be done away with and have a simple safety check performed. Following this the owners should be required to register for transient and excise tax numbers. They then could be given a simple identifying number which would be required to be entered on the agricultural form submitted on the air[planes]. With this or something similar, tabs could be obtained on what private rental facilities the travelers were using and collection of appropriate taxes could be more assured. On my three rentals I paid over \$12,000 annually on transient and excise taxes, so the revenue lost by illegal renting is considerable. I don't think private renting should be stopped. It makes visiting Hawaii more affordable and more homey. It helps the residents financially. I do think some method, maybe like the one I suggested, should be implemented to assure the state gets the appropriate taxes collected.

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| Name: Kimeona Kane | Email: Kimeonakane@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 12:06 PM |

Testimony:

Aloha nui kkou,

Kimeona Kane of Waimnalo where unregulated short term rentals continue to diminish the fabric of these processes and intentions. While I believe there may be room and a need to provide home owners the opportunity to rent their space, I do believe we are past the point of no return and are in need of a full makeover.

I believe that this bill has evolved so much so, addressing the concerns of those who have and are genuinely trying to follow the processes, and provides the county, renters and communities an opportunity to reset the button and dig deep into what is important for the future of Hawaii.

I acknowledge that the passing of this Bill may have negative impacts on members of our community and I empathize with them sincerely. I also acknowledge the challenges that has plagued our city government, the appropriate entities established to manage these systems and certainly the communities where these short term rentals have popped up.

I do support Bill 41 and hope the Council will support it and see it through, for all of us.

Mahalo nui,
Kimeona Kane

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| Name: Jaclyn Fontanilla | Email: jacfonti5@gmail.com | Zip: 96782 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 12:18 PM |

Testimony:

My name is Jaclyn Keaula Fontanilla. I live in Wai'aleale, O'ahu. I am kanaka iwi and I support BILL 041(21). Unregulated rental homes popping up in many different communities across O'ahu sets the precedent for tourists that these communities welcome their stay. The current community is indirectly expected to comply with tourism ideals in their own hometowns. These short-term rentals tell long-time homeowners in those areas that their communities are susceptible to more and more tourist accommodations. Long-time as well as up-and-coming knaka homeowners are finding it harder and harder to survive amongst the rising property values and taxes. By keeping this market unregulated, more units will continue to pop up to keep accommodating huge numbers of oblivious visitors. Expanding the supply of rentals on an island will lead to eventual disaster as more native people are displaced and communities are picked apart to nothing but houses waiting for their next occupant. We want our communities filled with homes of knaka whose roots run in these lands. Mahalo for your time.

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| Name: Dawn Borjesson | Email: friendsofkuilima@gmail.com | Zip: 98625 |
| Representing: Friends of Kuilima | Position: I wish to comment | Submitted: Apr 12, 2022 @ 12:20 PM |

Testimony:

My Written testimony is under a separate submission on behalf of Friends of Kuilima.

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| Name: William Henry Kekoa McClellan | Email: kekoamcclellan@gmail.com | Zip: 96782 |
| Representing: American Hotel and Lodging Association | Position: Support | Submitted: Apr 12, 2022 @ 12:22 PM |

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| Name: Geoffrey Chang | Email: gchang@hawaii.rr.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 12:30 PM |

Testimony:
Aloha Honolulu City Council,
I am writing to express my support for Bill 41. I live in the Waimanalo Beach Lots subdivision and my neighborhood continues to be plagued with illegal short term vacation rentals. Each one of these rentals takes a livable home off the rental market for local residents. Because of this the rental prices are rising and our young people are forced to move out of state. Residential zoned area are for residents, not tourists. Please support Bill 41 and help preserve Hawaii for our residents.
Mahalo,
Geoff Chang

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| Name: Krystal Bourget | Email: KrystalBourget823@gmail.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 12:31 PM |

Testimony:
Writing in support of this bill. I have been a Waikiki resident for over 10 years. In the past year I have witnessed a near elimination of rental options as well as seen rental prices increase/double in Honolulu and Waikiki specifically. This is largely due to the significant surge of remote workers coming in and occupying what would normally be long-term rental units, agreeing to pay much higher rates for shorter stays. This has greatly changed the landscape for residents normally renting long term, with the rental market essentially being priced out of reach, and with very limited to no options available as well. I have had several friends move off island due to this issue who were otherwise longstanding Honolulu residents in professional positions in the community. Thank you very much for your attention to this important matter and improving the livelihood, living options, and affordability for long term residents.

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| Name: Marguerite L Nobriga | Email: louise.d.nobriga@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 12:35 PM |

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| Name: Waialua Resident | Email: waialuaresident@gmail.com | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 12:45 PM |

Testimony:
Aloha Council Members,

Please do NOT pass Bill 41. This bill will have lasting negative effects on our economy and community and is poorly timed with recovery efforts from COVID-19. With regard to concerns about short term rentals/ vacation rentals, this bill will hurt many property owners that abide by the current regulations and will likely not impact properties whose owners disregard the current laws. It seems as though the C&C of Honolulu spent many years to come to an agreement about ways to move forward with regulation and enforcement of short term rentals on Oahu, but have yet to implement or enforce those existing regulations. Please follow through with existing agreements before attempting to create new laws that impact more people than just those engaged in short term rentals. Once a month rentals seem reasonable. Should there be problematic vacation rental properties, create an avenue for those affected to seek help/ enforcement. Also, please be aware that issues raised by affected parties (i.e. noise, cars, parties, etc.) occur in many neighborhoods across the island where there are disrespectful neighbors (many of which are not transient, may never leave). Perhaps proposed legislation should be applied to all residents regardless of their transient nature. In

either case, 90 days is too long for a minimum rental period. One rental per 30 days is reasonable. Enforce existing bill and OPPOSE and STOP Bill 41.

Thank you for your time and consideration.

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| Name: Rick Egged | Email: rick@waikikiimprovement.com | Zip: 96815 |
| Representing: Waikiki Improvement Association | Position: Support | Submitted: Apr 12, 2022 @ 12:49 PM |

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| Name: Zachary Johnson | Email: zakj2000@gmail.com | Zip: 96717 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 01:10 PM |

Testimony:

This bill hurts local tax-paying residents. Don't pass this bill. Pass one that restricts non-residents!

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| Name: peter knerr | Email: knerrm001@hawaii.rr.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:11 PM |

Testimony:

My name is Peter Knerr. My wife and I are both retired government employees and have lived in Lanikai for the past 38 years. We used to have a wonderful neighborhood with friendly hospitable people. Now the neighborhood is fast becoming Waikiki North. Just before covid-19 hit last year, I could throw a stone from our property and hit four illegal B & Bs or TVRs. Probably the only good thing that came out of covid was that it forced three of them to shut down and become long term rentals. Now that it appears that covid can be controlled, one of them is starting up again. There are several reasons why B & Bs/TVRs do not belong in our residential neighborhoods.

1. Infrastructure problems. Kailua is a residential neighborhood which has not been designed for, nor does it have the infrastructure capacity to become, a major tourist destination, which is what is happening.
 2. Parking problems. Many of the streets in our neighborhood do not have on-street parking. We live on a very narrow street on a hillside and the renters sometimes park in the street. When that happens, the garbage truck is unable to pass. The driver blows his horn and if no one comes out to move the vehicle, some people on the street don't get their garbage collected. We are concerned that if we were to need an emergency vehicle such as a fire truck or an ambulance on our street, there would not be enough room for it to pass. This is a health and safety issue.
 3. Crime problems. Because our neighborhood is becoming more of a tourist neighborhood, we have considerable crime as the visitors leave items in their cars and the smash and grab thieves have easy targets. The police tell us to get to know our neighbors, which is difficult to do when they change every few days.
 4. Traffic problems. What with more tourists living in the neighborhood, there is more traffic.
 5. Noise problems. Tourists don't have to get up in the morning to go to work and since they are on vacation, can stay up until all hours and party, and sometimes they do. The only owner occupied B & B in our neighborhood controls this. The others don't.
 6. Increased prices of real estate. Allowing vacation rentals encourages investors to purchase residences for lucrative rental to tourists, which has happened in our neighborhood. This escalates the price of real estate (and property taxes) and helps put housing prices out of reach of our local residents.
 7. The vast majority of local people are against vacation rentals in their residential neighborhoods. The Kailua Neighborhood Board has stated its opposition, as have many other community associations throughout Oahu.
- We hear a lot of stories from the pro- B & B folks about how some of our elderly have to rent out their places to tourists in order to afford to live in Hawaii. That may be true in a few cases, but definately not in our neighborhood. If these people need rental income, then why not support our local folks and rent out their property long term.
- Apparently there is a proposed amendment afoot to water down Bill 41 by allowing many exemptions to the 90 day rule. Let's get serious here: these exemptions are so ill defined that there is no way that they can be enforced, especially based on the current non-enforcement of the current rules which are at least specific. Currently, if illegal owners are caught, which happens very infrequently, they may be fined. However, the vast majority of fines are not paid. There has to be a law with teeth, such as putting tax liens on the property concerned.
- I realize that those of us who oppose illegal rentals are fighting an uphill battle, since vacation rentals are a lucrative business and

money talks. Please do what is right and give us our neighborhoods back.

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| Name: Jean Zaa | Email: jeanzaa@hotmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:14 PM |

Testimony:

I strongly support Bill 41CD2 and strongly oppose FD1. Please stand firm for the working class families of Hawaii. We need housing for locals and not tourists or temporary guests. My grandchildren cannot afford to live here where my family has been for generations. Stop the gentrification!

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| Name: Kiyomi Ka'awa | Email: kkawehi@gmail.com | Zip: 96825 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:21 PM |

Testimony:

As a kanaka maoli, it's disturbing to see Hawai'i become more and more unaffordable for our people. The divide between the rich and poor is greater than ever and only getting worse. We need our elected officials to do what's right and just for the working class.

Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2. Mahalo.

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| Name: Tami Nakasone | Email: taminakasone@yahoo.com | Zip: 96815 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:23 PM |

Testimony:

Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.

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| Name: Patricia Watson | Email: pat.watson@yahoo.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:35 PM |

Testimony:

I find it utterly defeating that this even continues to be an issue & why is it that this is even up for discussion. Let's just look at the facts, people illegally use residential housing for vacation rentals, along with the monster house room rental. We all know that if we can make \$10,000 a month by illegally renting my house, who wouldn't, right? That is why YOU cannot create loop holes by saying that there should be exceptions, that opens it up to cheating & it is not a solution. Let me tell you a story about me, true story. When Eileen Anderson was Mayor she created a program called Ohana Zoning, which had set criteria to adhere to in order to build. It was supposed to be a step to solving the housing problem, this was in 1985 or so. It was for families to help their children on a lot that had the square footage to be able to build. We did this, we were a family, on family owned property & we built a second house on the lot. However like anything else, it was misused by illegal developers & it went away. You don't create a law & then say let me show you how to cheat. You don't make exceptions for illegal use to continue. You have the integrity to do what is right without exception. As I read the bill with all of the exceptions, I thought to myself, why even bother with trying to enforce use. The exception bill creates an avenue to cheat, how do you even enforce all of the exceptions, you can't, so eliminate this "exception clause." Have all of you looked at the price of housing in Hawaii, I doubt it. You cannot find a decent house for under \$1,000,000 dollars. Why not take care of the residents who vote for all of you? I honestly believe they should limit campaign contributions because, maybe then, change would happen & no one would worry about funding the next campaign. Please think with your hearts & do the right thing for the people who live here. Support the bill without any exceptions. Thank you.

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| Name: Francis Hao | Email: hawaii realestate808@yahoo.com | Zip: 96815 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 01:42 PM |

Testimony:

Aloha

This is the first time in my life (I am 69 years old) that I feel compel to give my opinion in written form to a government entity or city council. I will try to keep it short.

I am concern about Bill041(21).

Here are my questions & concerns & opinion

1. How come separate legislation about ZONING laws cannot be passed to handle WAIKIKI and Heavy residential neighborhoods. Such as Lanikai, Kailua, Kaneohe, Manoa Valley, Ocean front, etc.....
2. What is future impact on tourism if our visitors only have the hotel rooms in Waikiki as their only option? Not all visitors are able to afford the HOTEL ROOM rates. And with the additional increase on Transaction fees being considered. With LEGAL vacation rentals available it makes visiting Hawaii more affordable. Especially for young families with children & young single people whom visit with 2 or 3 friend. This will increase their travel budget to do more activities such as TOURS, Visiting the Zoo, Sea Life park, The aquarium, Go to more restaurants, rent cars to go around the island, ETC....
3. Do we have enough hotel rooms to accommodate all our visitors? Even before COVID-19 there were a lot of over bookings in Waikiki. Since safe travel restrictions & masks have been lifted the increase in visitors have greatly increased, especially in Waikiki. I live in Waikiki so I see the increase daily. How much and How long will it take to build new Hotels? When was the last dedicated hotel built in Waikiki? Was it the Hawaii Prince in the on Ala Moana blvd.?
4. Not all owners of legal vacation rentals are wealthy people. Many need the additional income to supplement their SOCIAL SECURITY benefits. Especially the owners whom own studios & 1 bedrooms.
5. If Bill 041 passes will greatly impact me personally. I am now on Social Security. I have had some really bad financial challenges over the last 15 years. With COVID-19 it set me back even more. I have begged & borrow money from friends to keep my Real Estate Agent license active. over the last 4 years. I recently returned to a Real Estate company in Waikiki since a lot of what I know about Legal Vacation rentals & Condominiums is in Waikiki.

IN SUMMARY, I do understand something has to be done to regulate Vacation Rentals & short term rentals. BUT it is in my opinion, not in the current form of BILL041.

Mahalo for your time and attention on this matter,

Francis

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| Name: Gina Austin | Email: gaustin@austinlegalgroup.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 01:45 PM |

Testimony:

My husband and I are property owners in Hawaii Kai. We spend a few months a year there and rent out our home to military families that are transitioning to permanent housing, members of the Broadway touring groups that stay for less than 90 days, contract workers from other islands and the mainland, as well as people who have the opportunity to work from home and just want to work in beautiful Hawaii Kai.

I strongly support the need for enforcement against illegal vacation rentals that negatively impact our residential neighborhoods. However, I oppose Bill 41 (2021) CD2 in its present form. It is unreasonable to restrict the minimum rental period to 90 days. It is

important for everyone to understand that there are legitimate housing needs for our local residents, their families and our workforce for short-term rental periods of 30 days or more, as provided for in the Hawaii Landlord Tenant Code.

Floor Draft 2 provides a list of exceptions that will allow rental terms of 30 days or more for several categories of renters. However, the list of exemptions is not complete, and it does not address all housing needs in our community. Eliminating single family housing for these groups of people is unfair and unreasonable. Moreover, the complicated and cumbersome process for exemptions is unreasonable and unworkable given the frequently very last minute bookings. Bill 41 interferes with property owners' rights to rent their properties under the Landlord Tenant Code.

Please amend Bill 41 (2021) CD2 to remove the 90-day minimum rental period and allow property owners to continue to rent their properties for 30 days or more as provided in the Landlord Tenant Code.

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| Name: Christine Otto Zaa | Email: ottozaa@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:45 PM |

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| Name: Jacob Otto Zaa | Email: jacobottozaa@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:46 PM |

Testimony:
Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.

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| Name: Mialisa Otis | Email: mialisa808@gmail.com | Zip: 96795 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:55 PM |

Testimony:
I support Bill 41

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| Name: Lori Lindblad | Email: jjnzlor2@gmail.com | Zip: 96706 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 01:56 PM |

Testimony:
I support STR. I think they are good for Hawaii. People need to have a better choice than just a high priced hotel with too many fees. If the person hosting the STR is responsible and lives at the property it can be very good for everyone. We are trying our best just to make a living

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| Name: Mollie Foti | Email: fotiprmk@hawaiiantel.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 02:20 PM |

Testimony:
Vote yes on Bill 41-CD-2
For the past 30 plus years vacation rentals in residential zoned areas have been an ever increasing problem. Despite the fact that most are illegal, lack of enforcement has led to an explosion of these illegals to the great detriment of life in not just communities where they locate, but all of Oahu.
Housing, Housing, Housing, for our local population, not visitors, is the greatest need we have that is not being met. For every house turned into a short term rental, every cottage, every converted garage, every spare bedroom has meant one less available roof for our own people. People who are now boarding planes to seek their living elsewhere in the U.S. Our children and grandchildren who cannot make it here in these lovely islands--a brain drain, a loss of essential workers. The people we need the

most.

Bill 41-CD2 is the most sensible and effective legislation that has been yet introduced that will help control the proliferation of illegal rentals. It is very important that this bill provides means of enforcement, for without enforcement it will go nowhere.

Please pass this bill. Future generations will thank you as well as those of us here today.

Mollie Foti

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| Name: Gloria Wong | Email: arienne082001@yahoo.com | Zip: 96822 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 02:29 PM |

Testimony:

I disagree with bill 41 and I have many reasons to support my disagreement

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| Name: MOHEB GHALI | Email: GHALI@WWU.EDU | Zip: 98225 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 02:32 PM |

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| Name: Malia Sanders | Email: malia@nahha.com | Zip: 96815 |
| Representing: Native Hawaiian Hospitality Association | Position: Support | Submitted: Apr 12, 2022 @ 02:32 PM |

Testimony:

Aloha Chair Waters, Vice-Chair Kia'aina, Floor Leader Tupola, and members of the Council,

I am Malia Sanders, Executive Director of The Native Hawaiian Hospitality Association. NaHHA was founded in 1997 by Dr. George Kanahale, Sen. Kenneth Brown and other Native Hawaiian professionals to address concerns about how Native Hawaiians and Hawaiian culture were perceived and represented in tourism. They determined that, in order to have greater success in improving tourism and honoring Hawaiian culture and its people, they would need support. In 1997, they called a small group of Native Hawaiians together to form NaHHA, a 501(c)3 private nonprofit.

NaHHA stands in support of BILL041(21), which would provide a more comprehensive approach to regulating transient accommodations within the city and help curb the rampant expansion of illegal short term rentals. The sanctity of our residential neighborhoods has been corrupted by the drastic increase in these illegal STRs.

Passage of this bill is another step in the right direction to eliminate illegal vacation rentals and brings legislation in alignment with the Hawaii Tourism Authority's 2025 Strategic Plan, Action A of the O'ahu Destination Management Action Plan (DMAP), and the steps outlined in the Mlama Ku'u Home initiative.

In humbleness and thanks, we ask for your vigorous support of BILL041(21) CD2.

Aloha,

Malia Sanders
Executive Director
Native Hawaiian Hospitality Association

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| Name: Amante Castro | Email: amante.castro@outrigger.com | Zip: 96817 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 02:33 PM |

Testimony:

Aloha,

I am a resident of Honolulu and I live in the Kalihi area. I've worked with the Ourigger Hotels and Resorts for 29 years and they

have been my sole provider for my family. I do not support illegal short term rentals as they will hurt the livelihood of so many people specially those who work in the hospitality industry.

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| Name: Jeff Riley | Email: jeffariley@hotmail.com | Zip: 93455 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 02:35 PM |

Testimony:

am writing to once again express my sadness and outrage that elected public officials are considering enacting laws that will have devastating financial impact on the very constituents they promised to serve.

No one is fooled by the attempt to disguise the fact that the giant corporate hotel lobby is trying to stop Hawaiian residents from using their properties for personal income while saying it is for the betterment of the residents. The hotels want the proposes longer required stay periods for private residences because they know most people cannot visit the islands for the longer periods and therefore, they will receive the huge financial windfall when visitors are forced to stay at hotels if this proposed legislation is enacted. Simultaneously, the resident owners will be the ones who suffer the most!

We lived on Oahu for several years and have many friends throughout the islands. We still visit regularly and hear the concerns of our friends over the government's attempt to usurp their property rights and instead cave to the hotel groups.

Many of our friends lease out all or part of properties they own as their main means of personal income. These proposed changes to the current laws will inflict immediate and irreparable financial damage to them and force them to sell properties that have been in many of their families for generations.

Why should the large hotel corporations that are based on the mainland reap all the financial gains from tourism, while native Hawaiian private property owners suffer catastrophic financial loss?

Surely, cooler heads will prevail, and the council will ensure the financial stability of residents over out of state corporations who destroy the essence of the Hawaiian Islands with all the concrete behemoths that they construct all over the most beautiful areas of these sacred lands.

Please protect the 'Ohana of Hawaiian people you serve and who count on you to insure their individual property rights and their family's welfare is protected.

Regards,

Jeffrey Riley

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| Name: Theresa Yamanoha | Email: ty2read@gmail.com | Zip: 96791 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 12, 2022 @ 02:36 PM |

Testimony:

Please support Bill 41 CD2 to uphold residential zoning and enable enforcement of laws prohibiting illegal vacation rentals.

Please do not support the proposed FD-1 which would make much of Bill 41 CD2 impossible to enforce.

Please pass Bill 41 CD2. Respect our residential zoning and preserve residential housing for long term residential use.

Thank you.

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| Name: John Otto | Email: ottobond808@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 02:43 PM |

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| Name: Stann Reiziss | Email: Reiziss@hawaiiatel.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 02:49 PM |
| <p>Testimony:</p> <p>My neighborhood in Kailua has several properties offering illegal B&B rental units. At this time we have the misfortune of having our bedroom a few feet away from the rental unit on the property adjacent to ours.</p> <p>In the past I personally expressed my displeasure to each of these offenders in an "as neighborly way" possible.</p> <p>Each one responded in similar ways, ie:</p> <ul style="list-style-type: none"> •We cannot afford our mortgage without the rental income. •It is our property and therefore have the right to rent it whenever at to whomever we choose. <p>Another illegal renter a few properties away and who doesn't even live in Hawaii simply stated "Mind your own business"</p> <p>Unfortunately my complaints have resulted in very unpleasant neighbor relations.</p> <p>In these cases "the spirit of aloha" defines "ALOHA" as a good buy for illegal renters and goodbye to residential housing for island residents.</p> | | |
| Name: Delia Ann Leopoldino | Email: love_bug@me.com | Zip: 96778 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 02:54 PM |
| <p>Testimony:</p> <p>Aloha my name is Kamaka Leopoldino. I was born and raised in Oahu but current live on Hawaii mokupuni. There are far too many Hawaiians being forced to have to find home away from the islands. Many tourists are coming here buying up properties here and there just flip it and accommodate more like minded people like themselves. I believe that tourists should stay in areas that have been deemed tourist friendly because when they start to be in places they shouldn't, it starts to feel like we're being harassed for living our natural lives when we don't fit into this false reality they have and is constantly spread by social media of Hawaii .</p> | | |
| Name: Ken Bradshaw | Email: kenbradshawhawaii@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 03:14 PM |
| <p>Testimony:</p> <p>I have a small apartment in my home that I use for 30+ nught Vacation Rentals. The supplemantry monthltly Income is essential to help cover the mortgage payments and the ever increasing Property Tax. Without this supplementary income from the Vacation Rental I would not be able to make the mortgage payments and my wife, 2 small children and myself would be out on the street. I've been living in my current home for 30 years and this new proposed bill on banning Vacation Rentals is causing a lot of hardship and stress to my family. I also teach surf lessons to tourists which mainly stay in Vacation Hones on the North Shore so I would be out of a job if the number of tourists are reduced significantly because there's insufficient accommodation for them to stay at on the North Shore if Vacation Rentals are banned.</p> | | |
| Name: William Kernot | Email: william@kernotgroup.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 03:31 PM |
| <p>Testimony:</p> <p>I support my family with the income generated from the monthly Vacation Rental I own on the North Shore and by banning Vacation Rentals you would not only be taking my income away but also that of my cleaning lady and her employees amongst others. There's no way that i can cover the mortgage payments and property tax without the Vacation Rental Income as long term rent wouldn't be enough. Also, on the North Shore there's very limited hotel rooms so by banning Vacation Rentals you would be reducing the tourists that visit Oahu as they would go and stay on other islands where Vacation Rentals are permitted. This in turn would have a negative domino effect on the local economy which is only just recovering from COVID.</p> | | |
| Name: | Email: | Zip: |

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| ELLEN HARING | eharing79@gmail.com | 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 03:42 PM |
| <p>Testimony:</p> <p>Dear Elected Leaders,</p> <p>I am a homeowner in Kailua, HI. I am a retired woman living on a fixed income. I have a guest room with a private entrance that I rent in 30-day increments when my children are not visiting to help me supplement my limited income. I use the income from my guest room to help me pay my property taxes and my home owners' insurance.</p> <p>I am home when my guests are renting and I have never once had a problem with a guest being loud or causing any type of neighborhood disturbance.</p> <p>Nearly all of my guests are women who similarly have limited incomes and could not afford to visit Hawaii if they had to pay for expensive hotels. In fact, some of my guests have been Hawaii residents themselves who are relocating and need a temporary place to stay that is not cost prohibitive. Hotels and resorts are outrageously expensive for the average citizen.</p> <p>My guest room would not support a long-term renter as there is no kitchen available.</p> <p>If you take away my ability to rent short term you will impact my ability to support myself and you will take away an inexpensive option for many people who need temporary lodging, possibly further exacerbating the housing crisis here in Hawaii. Finally, the state will lose the quarterly taxes that I pay for my short-term rental because nobody is going to rent my guest room for 180 days with no kitchen.</p> <p>This bill will mean that the only people who can visit Hawaii are the wealthy and the only people who can own homes are those who have enough money that they don't need to rely on their biggest asset to help them generate income.</p> <p>Do we want to become a state where only the wealthiest can own homes and only the rich can visit?</p> <p>Sincerely, Ellen Haring 576 Paokano Place Kailua, HI 96734 571-331-0416</p> | | |
| Name: Cheryl Fraine | Email: cfraine@hawaiiilegal.com | Zip: 96813 |
| Representing: Association of Apartment Owners of Inn on the Park | Position: Oppose | Submitted: Apr 12, 2022 @ 04:07 PM |
| Name: Judy Bishop | Email: jbishop@bishopco.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 04:10 PM |
| <p>Testimony:</p> <p>Testimony in support of Bill 41 CD 2, but NOT in favor of floor draft FD1.</p> <p>As a 20 year+ resident of Kailua, I am terribly disappointed to now be living in a tourism destination instead of the quiet community I bought into.</p> <p>I bought in Kailua to live in a peaceful neighborhood where I would know my neighbors and build relationships and trust. Now I live where almost everyone is a stranger and residents hide in their homes till nightfall when it feels safe to come out.</p> <p>It is noisy ,scary and extremely crowded -there is no consideration paid to residents. It is a free-for-all, all night and all day. It's out of control -it is party city all hours of the night and day ;it's downright abusive.</p> | | |

Not only do the vacation rentals damaged and ruin life it for me and my friends and neighbors, it ruins the residential neighborhood itself ,and it is driving residents away from Hawaii.

Hawaii has a serious talent shortage -no one can find workers, which prevents economic growth and diversification. Workers young and old do not want to live in this very expensive state UNLESS the quality of life is here: vacation rentals are ruining that quality of life and ruining neighborhoods ! Also severe housing short shortages and housing up affordability caused by vacation rentals don't just affect Hawaii's renters and low income residents, it affects middle and even high income individuals and families who cannot find housing. Whether affordable or not the housing is just not there ! Inflation and Interest rates are rising , and as a professional recruiter, I know firsthand that people are leaving Hawaii for good and the talent we need from the mainland -at all skill levels -won't relocate here because it's not affordable , not available , nor do we necessarily offer the quality of life they already have on the mainland. People need more than just beautiful beaches to move here: they want livable residential neighborhoods to raise their children and or to retire in.

Jobs are being lost in the hotels as well because visitors are staying in vacation rentals instead. Yes, vacation rentals create some jobs ,but those jobs don't offer the benefits that the hotels provide, so to say that vacation rentals create jobs is a bit misleading since the vacation rentals also, cause job losses at hotels where the the better jobs are.

Most vacation rentals are not owned by Kapuna -they are owned by mainland investment firms. Many vacation rentals are owned by illegal operators. Why do non-resident corporations and lawbreakers have a voice in this debate? Why are you listening to them at all? Please remember that your job is to protect residents in this state and create safe neighborhoods to live in. It's not your job to promote tourism and violate zoning laws in residential neighborhoods. Please give us back our communities. Thank you.

Judy Bishop

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|---|------------------------------------|---------------------------------------|
| Name: Cheryl Fraine | Email: cfraine@hawaiiilegal.com | Zip: 96813 |
| Representing: Association of Apartment Owners of Waikiki Banyan | Position: I wish to comment | Submitted: Apr 12, 2022 @ 04:20 PM |

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|---|------------------------------------|---------------------------------------|
| Name: Cheryl Fraine | Email: cfraine@hawaiiilegal.com | Zip: 96813 |
| Representing: Association of Apartment Owners of Waikiki Sunset | Position: Support | Submitted: Apr 12, 2022 @ 04:25 PM |

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|-------------------------|-------------------------------------|---------------------------------------|
| Name: Andrew Pereira | Email: andrewpereira95@gmail.com | Zip: 96789 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 04:37 PM |

Testimony:

The main issue impacting the prevalence of illegal short-term rentals is a lack of enforcement by DPP - until that is solved the situation will remain status quo. The 90-day limit proposed under the current draft of Bill 41 will have a detrimental impact on local people's ability to afford to remain in Hawaii. The minimum limit of 30 days to rent a home should remain in place and more resources should be dedicated toward enforcement.

Mahalo.

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| Name: Theresa Galpin | Email: terrygalpin@gmail.com | Zip: 96717 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 04:40 PM |

Testimony:

As a homeowner in Hauula nearly all the current beachfront properties are illegal vacation rentals operated by either mainland investors or people who own these as second homes. We need to stop this. Investors pay over asking knowing they can recoup the funds doing vacation rentals. This is pushing our property taxes up, taking rentals off the market for residents, increasing criminal activities because the thugs know they are tourists with cash and goodies on hand and so much more. Please stop this. Owner occupied vacation rentals are a completely different subject and one I'm not totally against but changing the law to 90 days is a good compromise. Please also ENFORCE current and changing laws. Shut them down. What good is any law if there is no enforcement?

Name:

Pat Meyers

Email:

patmeyers88@gmail.com

Zip:

96734

Representing:

Self

Position:

Support

Submitted:

Apr 12, 2022 @ 04:45 PM

Testimony:

please pass Bill 041 (c21)
think about enforcing this bill.

I oppose the added on FD 1

Name:

Shari Hodge

Email:

sharihodge@yahoo.com

Zip:

96734

Representing:

Self

Position:

Oppose

Submitted:

Apr 12, 2022 @ 04:52 PM

Testimony:

To the Honolulu City Council:

April 11, 2022

I am very concerned with Bill 41 and the drastic change it would impose on short term Vacation rentals.

My retired elderly father of 93, and I, have been "legal" certificate NUC owners since the 1980's, renting 2 small units i now run for him, out of our home.

To pass Bill 41 into law, will create a "HUGE" financial hardship without the very needed income our 2 vacation rentals generate to help pay our property taxes - increasing yearly, home expenses, an simply to afford to live here in Hawaii. I am the primary care taker to my father an am having to hire extra help which has become very expensive. Our vacation rental is necessary to help to make ends meet..

By changing the "short term" stay, to long term stays, would defeat the purpose of creating a necessary profit essential for most homeowners to financially survive. None the less, vacationers typically don't visit for more than 1-2 week periods, and to rent monthly, or longer, would not be feasible.

Secondly, the DOP trying to do away with vacation rentals completely, would be devastating.

It would create a "HUGE" financial hardship without the very needed income to generate enough money to sustain financially.

This assault on 'legal' Vacation Rentals is very unrealistic, especially to those Vacation Rental owners who have been operating honestly an honorably. The financial burden would force us to most likely sell our home ... and where do we go at that point??

Along with financially crippling the lively hoods of licensed vacation rental owners, the 100's of small mom & pop businesses, restaurants, house cleaners, carpenters, & handy repair workers. . . to name a few, will all be hurt.

It would be a great disappointment, as well, to our long time tenants to not have a rental they love an much prefer to stay in, than in hotels and only drive tourism to other desired tropical destinations out of Hawaii, whose economy, depends on tourism.

Perhaps pouring more effort into seeking out and charging the 100's of "ILLEGAL" Vacation rentals would make a much greater financial gain for the state and solution, to what will continue to be an ongoing problem not focused on here.

The legislative branch needs to restore transparency, with a 'short-term' advisory board to review all legislation with data an facts.. This will allow ALL voices to be heard focusing on solutions for everyone.

I urge you to PLEASE STOP THIS!

Thank you very much,

Sincerely ~ Shari Hodge

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| Name: Kapohuolahaina Moniz Pa | Email: alohaina77@gmail.com | Zip: 96795 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 05:03 PM |

Testimony:

I support this bill with a suggestion that kama'aina kpuna live in landlords be an exception for those on a low fixed income needing to rent rooms in order to keep their property and afford their home insurances, maintenance and property taxes.

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| Name: Charles Carroll | Email: cclandc@yahoo.com | Zip: 96815 |
| Representing: Association of Apartment Owners of Ilikai Apartment Building, Inc., Board of Directors | Position: I wish to comment | Submitted: Apr 12, 2022 @ 05:14 PM |

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| Name: John Votsis | Email: johnvotsis@aol.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 05:30 PM |

Testimony:

I respectfully submit testimony in support of Bill 41CD, FD - 4/13. As a community we must take measures to ensure the few don't negatively impact the majority. Left uncontrolled Vacation Rentals and Monster Homes specifically built to compete in the vacation rentals business, will alter the peaceful environment of our communities.

When hotels are built they typically are built in areas zoned for the visitor industry and city/state public services are appropriately established to accommodate large volumes of non-residents. Our neighborhoods quite simply are not designed to accommodate an influx of visitors who like it or not, do not behave in the ways of our residents. Not that visitors are bad, but they do consume city/state services differently than do residents in neighborhood not established for visitors and do so in extraordinary peaks such as summer months and especially at year-end during the holiday period. Mahalo for the opportunity to submit my input on this important bill. John Votsis

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| Name: Cheryl Prince | Email: prince.of.kailua@gmail.com | Zip: 96734 |
| Representing: Ko'olaupoko Hawaiian Civic Club | Position: Support | Submitted: Apr 12, 2022 @ 05:52 PM |

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|-----------------------|-----------------------------------|---------------------------------------|
| Name: Cheri Michel | Email: cherimichel99@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 05:59 PM |

Testimony:

Bill 41

This bill will be devastating to local residents and small businesses all over the island. It will crush the middle class – those of us who depend on renting out a portion of our home to assist us holding on with the high cost of living here. We live here, work and pay our taxes. Our money goes right back into our community – to our gardener, cleaner, handyman, baby-sitter and to our neighborhood stores and restaurants.

We abide by Bill 89 and only rent for one-month and have been waiting for O'ahu to give out more short-term rental certificates

which was promised when this bill was passed. What happened to that promise? Why is Bill 41 being introduced when the promises of Bill 89 have not been fulfilled?

Vacation rentals, if managed, are a boon for our island residents, our economy and guests coming to visit the islands. Regulate them instead of decimating them. If you're concerned about noise and on-street parking then only allow vacation rentals at properties where the owners live here full time, where there is off-street parking, 2 rentals only per property, set a maximum number of guests per unit as was originally proposed. Again, please regulate vs. decimate...

Aloha

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|---|--------------------------------|---------------------------------------|
| Name: Bob Warren | Email: bob.warren@yahoo.com | Zip: 96815 |
| Representing: Association of Apartment Owners of Waikiki Shore, Inc., Board of Directors | Position: I wish to comment | Submitted: Apr 12, 2022 @ 06:03 PM |

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| Name: Sterling Wong | Email: CNHApolicycenter@hawaiiancouncil.org | Zip: 96707 |
| Representing: Council for Native Hawaiian Advancement (CNHA) | Position: Support | Submitted: Apr 12, 2022 @ 06:04 PM |

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| Name: Eva Iwanska | Email: 1409iva@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 06:13 PM |

Testimony:
I consider it wicked to take away from people the opportunity to earn money honestly. Such restriction are a communist method to make it difficult to rent an apartment.
And who is bothered by honestly earning money? Whom these restriction are intended to serve?
Such action is a restriction for tourism and is detrimental to the potential income for the city.
Thank you.

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| Name: Trish Sierer | Email: airstream101@yahoo.com | Zip: 96740 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 06:19 PM |

Testimony:
Hello,
I live in an area where there are short-term rentals and they really destroy the charm of living in Hawaii. Please pass this bill.

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| Name: Susan Dowsett | Email: sdowsett@hawaii.rr.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 06:26 PM |

Testimony:
Support Bill 41 in order to return neighborhoods to the community.
Hopefully, with some of the bill's provisions, DPP can up their enforcement statistics.
The key is enforcement.

Former Kailua NB member, retired HPD Assistant Chief, Investigative Bureau

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| Name: Suzanne Young | Email: suzanne.young@hicentral.com | Zip: 96816 |
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| Representing: Honolulu Board of Realtors (HBR) | Position: Oppose | Submitted: Apr 12, 2022 @ 06:27 PM |
| Name: Ivan Lui-Kwan | Email: iluikwan@starnlaw.com | Zip: 96813 |
| Representing: Hawaii Hotel Alliance and American Hotel & Lodging Association | Position: Support | Submitted: Apr 12, 2022 @ 06:28 PM |
| Name: Jeff Wagoner | Email: jeff.wagoner@yahoo.com | Zip: 96814 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 06:31 PM |
| <p>Testimony:</p> <p>In order to reduce tourists from infiltrating our neighborhoods, it's is critical that Bill 41 passes. The visitor industry has worked extremely hard to educate our visitors to respect our land and communities - and we need to ensure the appropriate controls are in place to stop allowing visitors to go into illegal short term rentals. Additionally the lack of affordable housing is only getting worse on Oahu and continuing to allow illegal short term rentals is taking away housing from our residents. I support Bill 41 and respectfully ask for your support as well.</p> | | |
| Name: Dianne Willoughby | Email: dwilloughby808@gmail.com | Zip: 96810 |
| Representing: Honolulu Board of Realtors | Position: Oppose | Submitted: Apr 12, 2022 @ 06:37 PM |
| Name: Karen Simmons | Email: sksb@earthlink.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 07:03 PM |
| <p>Testimony:</p> <p>I support bill 41 cd2 as written. I oppose FD1 and any exemptions. Thank you.</p> | | |
| Name: Faye Nakamura | Email: fmnak00@yahoo.com | Zip: 97403 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:08 PM |
| <p>Testimony:</p> <p>To the Mayor & HNL City Council members:</p> <p>I'm writing in opposition to Bill 41, hoping the Council is well-aware of what is happening on national & int'l front as economic uncertainty & financial hardship continues to grow more serious....as this issue will have a direct bearing on many in the STR sector.</p> <p>The 180 day requirement is so unrealistic, that even the proposed drop to 90 days is seen as unworkable to visitors, as many come for less than a month. I know people who sometimes visit twice a year, but only for 1-2 weeks. They no longer can afford the lengthy requirement. They don't want hotel stays.</p> <p>If the Council can't see to eliminating this requirement, they might consider how drastically the 30 day requirement has already impacted many STRs.</p> <p>I think the Council might've taken more incentive to visit some of the many STRs, especially in areas of concern, like Kailua....to check out the complaints of noise, parking, unavailability to local renters, to see first-hand the discrepancy of complaints. I'm sure you'll find the reality very different from the perception put out by those trying to stop time....and who resist the necessity to evolve with the times. Many of the complaints brought up could be easily rectified by requiring parking, noise restrictions or responding to situations w/fines, etc.</p> | | |

It's unrealistic to ban STRs due to sentiments about how you prefer the beaches empty or how it was 50 yrs ago. We ALL loved how it was 50 years ago.

Everyone wants to turn back the clock, but the reality of most all tourist destinations world-wide is that the industry is always evolving to accommodate travelers.

On the mainland, many states previously considered 'very livable' have real estate prices never seen before. My city is one of them. Lack of affordable housing has never been a factor here, like it is now. Many can't afford to buy homes...so rents are the highest we've ever seen as well.

Hawaii is not the exception....and its housing problem is not related to vacation rentals. Many of these homes are either owner-occupied, and /or are already priced much higher, so as not to qualify for "affordable" housing.

The Council needs to be honest about this situation as it's disingenuous to keep blaming the housing shortage on vacation rentals as many are simply finding a way to survive economicallyby using their residences as a source of income.

The Council needs to enforce what is already / previously in place....and not react in a manner creating more tyrannical measures, restrictions & fees which are so unreasonable, they hint at a set agenda--to kill this segment of the industry.

Having helped B&B businesses for years I know of the financial investment, the hard work & sweat, and the constant maintenance needed of keeping things in working order & presentable. It not only serves the proprietor, but the neighborhood....most hosts take great pride in creating clean, relaxing, beautiful accommodations.

The limitations on amount of bedrooms or even number of guests is also not fair or realistic as it penalizes those who can accommodate large families, even parties w/3 generations. Many families go on big vacations together and aside from not wanting hotel stays, they are looking for a "home away from home" experience where they can cook meals, gather informally w/o going out and not be separated.

The Council should make exemptions to any limitations they propose as every situation is different....No STR would think to pack more people into a dwelling than stipulated in their ad, as most people want privacy & their own rooms.

I would just like to add that I hope the Council really listens to the many people who've turned out at every hearing. It seems clear that some on the Council have already made up their minds, even before the hearings. This is such a serious issue that one-on-one visits to see & hear what is the reality of STRs is worth consideration. Your decision could bring much hardship to 1000's of residents who have invested time, energy, finances to come up w/a solution to their economic struggles. And it's a business that feeds the community in many ways....and those who give reason for others to complain should be investigated and fined appropriately.

Many would like the Council, to AT LEAST.... continue w/the previous bill changing the status to '30 days'.....which already caused difficulty in bookings.

It's far from ideal as it makes maintenance, up-keep, etc harder.

This span of time cuts out thousands who don't have the time & resources to stay for a month.

With all this time invested in trying to ban STRs, has anyone, or dept, spent any time researching the FACTS/stats about housing in HI; who & type of residence used as STR; the residual effects of tourist dollars in the communities; feedback from visitors about the changing requirements, etc? It would also be noteworthy to list how much revenue the state will lose when 1000's no longer can rent spaces in their homes....and how the State expects to make up for the loss.

These are facts that the Mayor NEEDS to address. Too many in charge have an agenda that caters to corp interests, while being short-sighted and lacking vision of the consequences of their actions....and the People suffer by having to pay for it.

Please consider those who are making Hawaii a memorable experience for others...it's truly a job of Aloha.

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|---|------------------------------------|---------------------------------------|
| Name: Brandy Ross | Email: justbrandy2009@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 07:29 PM |
| Testimony: No more vacation rentals! | | |
| Name: | Email: | Zip: |

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| Danielle Daligdig | Danielle.daligdig22@gmail.com | 96705 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 07:46 PM |
| <p>Testimony:</p> <p>My name is Danielle Daligdig and I am from Kauai. I am a recent undergraduate student from Seattle Pacific University. This Bill is important to me and my community because it will limit visitors and tourists living in residential neighborhoods. This will help Kanaka Maoli to be able to afford housing and increase the number of homes so we don't have to move away.</p> | | |
| Name: Martine Aceves-Foster | Email: acevesfoster@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 07:55 PM |
| <p>Testimony:</p> <p>Aloha Chair and Committee Members,</p> <p>My name is Martine Aceves-Foster. Thank you for allowing me to express my views on Bill 41.</p> <p>I oppose Bill 41 because it harms locals and our economy.</p> <p>Why I am a host:</p> <p>I'm a host because I own my own home, I'm divorced and retired. Without additional income, I cannot make ends meet. I love my home and wish to age in place, so I rent my guest room to one or two guests at a time. It makes just enough of a difference for me to get by.</p> <p>The complaints made against Illegal STRs have nothing to do with the small Bed & Breakfast Home that I host:</p> <ul style="list-style-type: none"> - I've adjusted to a 30-day minimum since the passage of Bill 89 . - Guests park on my property. - No wild, noisy parties at my house. - My neighbors aren't afraid of the people who stay at my home (never have been). - My home does not reduce housing stock or increase housing prices. - I operate within the current laws and pay all relevant taxes. <p>My Two Questions Are:</p> <ol style="list-style-type: none"> 1. Why are Bed & Breakfast Homes being lumped into the same basket as illegal STRs that may pose the kinds of problems discussed in testimony favoring Bill 41? 2. How does renting out for a minimum of 90 days as opposed to 30 days make any difference in enforcement when using the exact same tools provided for in Ordinance 19-18 -- but without the benefit of the MOU? <p>Bill 41 is not needed because Ordinance 19-18 and its corresponding MOU fulfill Oahu's needs:</p> <ul style="list-style-type: none"> - Ordinance 19-18 already provides the legislation and enforcement for STRs. - The corresponding Memorandum of Understanding between the County of Honolulu and Airbnb and Expedia provides four key mechanisms: <ol style="list-style-type: none"> 1. The ability to distinguish between legal and illegal STR operators. 2. The ability to fund enforcement via the collection of fees and fines. 3. The collection of General Excise and Transient Accommodations taxes. 4. The means to identify rental income that should be reported for state income tax. <p>Why Are STRs Still a Problem?</p> <p>The DPP is simply not funded to provide the resources for enforcement, which are personnel and equipment.</p> <p>What's the Solution?</p> <ul style="list-style-type: none"> - The DPP should be funded for STR enforcement and authorized to hire the necessary personnel and purchase the required equipment to effectively enforce STRs. - The Memorandum of Understanding between Airbnb and Expedia and the County of Honolulu should be reestablished and honored. | | |

How are Legal Bed and Breakfast Homes good for the community?

- They help create stability in the community by allowing Hawaii residents to continue living in their homes;
- They provide a rental safety net for locals when they're between homes;
- They contribute to our local tax revenues;
- And they allow visitors the opportunity to experience something other than the stereotypical Waikiki vacation.

Please, vote NO on Bill 41. Support our local communities.

Mahalo,
Martine Aceves-Foster

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| Name: Gildas Cheung | Email: gildasc@hotmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 08:20 PM |

Testimony:

Aloha councilmembers,

I have lived and worked in Hawaii and worked hard over the years saved enough money to buy and live in a small condo in the makai side of Kuhio Ave after Ordinance 19-18 has passed. Due to recent life events my job has taken me to another state. Bill 41 will be detrimental as someone who still commute back and forth between Oahu and my job in the mainland. It is normal for me to travel back and forth at least 4-5 times a year. With Bill 41, this would mean I will no longer be able to stay at my own home when I come to Oahu to visit family and friends. This bill is absolutely devastating to me and others in similar situation. I kindly ask the council to reconsider and oppose Bill 41. Mahalo.

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|---|------------------------------------|---------------------------------------|
| Name: Ilihia Gionson | Email: ilihia.gionson@gohta.net | Zip: 96815 |
| Representing: Hawaii Tourism Authority | Position: Support | Submitted: Apr 12, 2022 @ 08:20 PM |

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| Name: Kaycee Ann Tamayo | Email: kayceeannst@gmail.com | Zip: 96707 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:23 PM |

Testimony:

I am a local here on O'ahu from the west side and it's important to me that Hawaiians STAY on their lands.

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| Name: Taylor Mae Tabilisma | Email: ttabilisma@yahoo.com | Zip: 96797 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:48 PM |

Testimony:

I live and have grown up in Royal Kunia for 20+ years. I watched renters come and go and have met multiple people military families throughout that time, but it wasn't until recently that I have met a numerous amount of individuals who move to Hawai'i and move from rental to rental just for leisure and to avoid having to rent in large hotels. The 30-day rental period allows these people to come and go as they please and affect local residents from being protected in their own homes if their neighbors are those who rent out. I feel that this also contributes to the rise of housing prices.

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| Name: Martine Bissonnette | Email: bissoma@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:54 PM |

Testimony:

The appetite for tourist accommodations in residential areas is insatiable and will ruin our neighborhoods. Please enforce laws against short term rental in our residentially-zoned neighborhoods.

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| Name: Ann Medeiros | Email: ajmedeiros@hawaiiantel.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 08:55 PM |

Testimony:

I support bill 41 HOWEVER, I am opposed to the floor ammendment which provides exemptions and makes loopholes. The ammendment by Council member Fukunaga basically guts the bill. Please approve but WITHOUT her proposed changes. Restore my neighborhood. If i wanted to live in a resort town, I would have moved to Waikiki or Koolina. Mahalo for your consideration.

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| Name: Anne Morrison | Email: rbspmorrison@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:06 PM |

Testimony:

I support this bill.

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| Name: Brittany Duran | Email: brittanyryanduran845@gmail.com | Zip: 96786 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:08 PM |

Testimony:

Hi, my name is Brittany Duran and I live in Wahiawa. I'm a CNA(Certified Nurse Aide) and I believe that it's important to save our communities from illegal short term rentals by passing Bill41 because it helps the community not to get hurt from high rentals and it totally helps the locals afford housing here in Hawaii.

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|-----------------------|--------------------------------|---------------------------------------|
| Name: Garwin Souza | Email: kamasurfah@yahoo.com | Zip: 96744 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:11 PM |

Testimony:

Aloha Council Members,

Mahalo for representing the people of Hawaii. We are a hard-working Hawaiian family that worked very hard to acquire 2 small condo rental properties on Oahu. One is a vacation rental at Kuilima Estates, and one is a long-term (30 days or more) rental in Waikiki. We've sacrificed and worked very hard to have a rental business to supplement our income of our regular careers (firefighter and physical therapist assistant). We pay all our taxes and follow all the rules to run a Legal vacation rental and we provide a nice place for our guests, both Kamaaina and Malihini. The rule about changing long-term rentals from 30 day to 90 is especially troubling for our Waikiki rental, and the added exorbitant fees and costs for our Kuilima rental is also extremely troubling. The intent of Bill 41 is to crush us small Hawaiian business owners in favor of the International and non- Hawaiian big hotel businesses.

The fact that the DPP director needed to recuse himself recently from Bill 41 shows that from the inception of Bill 41 it is compromised and full of conflicts of interest. Some city council members also have conflicts of interest regarding this bill (i.e., receiving funds from hotel lobbies, unions, etc.)

Due to the overwhelming conflicts of interests of the people who are pushing this bill, please vote "NO" on Bill 41. It should be tabled and dismissed. It is intended to crush us local small business owners and favors the hotels and hotel unions. Please do be Pono and vote "NO" on Bill 41. The DPP director was instrumental in writing this bill and that alone should stop this bill from becoming law.

Bill 89 was written to address illegal vacation rentals and why was it not adopted yet? Please adopt and implement Bill 89 and address illegal vacation rentals. Please don't punish us Legal owners. We recently had a 3% increase in TAT. Use a small

percentage of that increase to use as funds to enforce Bill 89.

I truly believe in your heart you know that anyone voting for Bill 41 is wrong. It was written with dishonest intentions.

Regarding Bill 4, short term rentals should not have the same property tax rates as a large hotel. There should be a separate rate category for short-term rentals, like the Bed and Breakfast rate. My short-term rental condo is zoned residential and it's not part of a hotel resort. Hotels have commercial space that generates more income for the owner. As a small Legal short-term rental, we don't have potential for commercial income like the hotels do. Please also vote "no" on Bill 4. Please create a fairer category for Legal short-term rentals.

Please encourage your fellow city council members to be Pono and don't crush us small business Legal vacation rental owners.

Mahalo,

G. Kamakani Souza

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| Name: stephanie souza | Email: kaianasurf@yahoo.com | Zip: 96744 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:15 PM |

Testimony:

We are a hard working Hawaiian family have 2 Legal vacation rentals. We've sacrificed and worked very hard to have a rental business to supplement our income for our regular careers (firefighter and physical therapist assistant). We pay all our taxes and follow all the rules to run a Legal vacation rental and provide a nice place for our guests. The rule about changing rental from 30 day to 90 is especially troubling for one of our rentals, and the added exorbitant fees and costs for the other is also extremely troubling. It seems to be a way to crush us small local business owners in favor of the big business/hotels, etc.

Due to the fact that the DPP director needed to recuse himself recently from Bill 41 shows that from the inception of Bill 41 it is compromised and full of conflicts of interest. It is also known that certain city council members have conflicts of interest regarding this bill (i.e. receiving funds from hotels lobbies, unions, etc.) Due to the overwhelming conflicts of interests and people who are pushing this bill, please vote "NO" on bill 41. It should be tabled and dismissed. It is crushing to us local small business owners and favors the hotels and hotel unions. Please do the right thing and vote "NO". The DPP director was instrumental in writing this bill and that alone should stop this bill.

Why was Bill 89 (which was written to address illegal vacation rentals) never adopted? Implement Bill 89 and address illegal vacation rentals, don't punish us Legal owners. We recently had a 3% increase in TAT. Use a small percentage of that increase to use as funds to enforce Bill 89.

I truly believe in your heart you know that anyone voting for Bill 41 is wrong. It was written with dishonest intentions. Please do what is right.

Also in regards to Bill 4, short term rental should not have property tax rates the same as a large hotel. There should be a separate category (maybe a rate in-between bed and breakfast and hotel resort) for Legal short term rentals. It should not be the same as the astronomical tax rate of a big hotel/resort. Hotels have commercial space that they can generate more income. As a small Legal short term rentals, we don't have potential for commercial income like a hotel does. Please also vote "no" on bill 4 or create a more fair category for Legal short term rentals.

Please do what is right and encourage for fellow city council members to do what is right. Please don't crush us small business Legal vacation rental owners.

Mahalo,

Stephanie Souza

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|---------------------------|---------------------------|---------------------------------------|
| Name: Tristan McKenzie | Email: thm4@hawaii.edu | Zip: 96701 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:16 PM |

Testimony:

My name is Tristan McKenzie and I work for a retail company as a manager. I've received my bachelor's degree in Ethnic Studies and learned of the importance of saving our communities from illegal short-term rentals. Other people who are neither from Hawaii or even the United States claim these short-term rentals. As a 25 year old, owning homes is much harder nowadays with the cost of homes increasing, but having the availability of homes being taken away from locals is worse. If there is no room for locals in Hawaii, locals will leave Hawaii and there is data that proves that it is from the cost of living, lack of available homes, prices of homes, and even jobs. There needs to be room for locals for decades to come or else Hawaii won't have any locals, it will only be a place to accommodate tourists.

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| Name: Conan Donahue | Email: kiekie13don@gmail.com | Zip: 96916 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:32 PM |
| Testimony: I stand in strong support of CR-79 Bill 14 CD1 | | |
| Name: Noah Campbell | Email: kauanoah06@gmail.com | Zip: 96791 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:33 PM |
| Testimony: I stand in strong support of CR-79 Bill 14 CD1 | | |
| Name: Travis Rabellizsa | Email: rabellizsa1811@gmail.com | Zip: 96786 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:38 PM |
| Testimony: I stand in strong support of CR-79 Bill 14 CD1 | | |
| Name: Rena Sabagala | Email: rmsaba76@gmail.com | Zip: 96707 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 09:43 PM |
| Testimony: My name is Rena Sabagala. My husband and I both are State employees. We currently have 2 children that are currently in school. Due to the rising costs of living and the housing market being more expensive, we had to move in with my parents, because we're unable to afford our own place. Given with our combined salaries, we're unable to save to put a down payment on a home, and because of inflation everywhere, it's become a burden to live paycheck to paycheck. Our salaries are way below the average to financially survive. Our kids are of Hawaiian ancestry, and we always wanted to raise our kids in the state they were born and raised in. We would hate to leave Hawaii to live somewhere else, all because of people who don't live here buying houses left and right to have all of their illegal rentals. It's unfair for us who live here all of our lives and who are trying to make a decent living in the comfort of our land. | | |
| Name: HIDEO MAEHARA | Email: maeharanonchan1224@gmail.com | Zip: 96830 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:57 PM |
| Name: Héctor Curedjian | Email: bat.hawaii@att.net | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 09:58 PM |
| Testimony: Vote no for Bill 41 | | |
| Name: H Euredjian | Email: hectoreuredjian@att.net | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:03 PM |

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| Testimony: Vite no Bill 41 | | |
| Name: John Nolan | Email: shorebreak65@outlook.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:10 PM |
| Testimony: One of two Vacation Rentals on our street has changed hands recently with it's TA License number included in the sale. They have a Real Estate Services company listing this private home for \$47,890/month with a 30 day minimum. I wish the owners of both of these rentals could afford to leave their homes vacant or occupied by a resident caretaker when they aren't 'in residence'. I'll bet they can't afford it. So they burden our neighborhood with traffic and strangers so they can pay their mortgage...and make a profit. Auwe ho'ie | | |
| Name: Teresa Parsons | Email: Tapaka53@aol.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 12, 2022 @ 10:19 PM |
| Testimony: Councilmembers, I urge you to SUPPORT passage of this important Bill. I've lived across from an illegal vacation rental. It was hellish at times, including needing to call the police for late night parties, fights. I called the absent landlord so many times due to disruptive vacationers. The owners did not live in the home, in the neighborhood, or even in the State. I became so disgusted with the disruption to the neighborhood, I sold my house and moved to another community. Kailua was a wonderful place to live in the 90s, but no longer. I moved to a RESIDENTIAL neighborhood, not a commercial district. I follow the laws and zoning requirements and my expectation is my neighbors to do so as well. There are zoning laws for a reason; to keep people safe and protect long-term housing for residents. It is inappropriate to have a business in a residential district, whether a vacation rental, a martial arts gym, or a construction business. There are ample places on this island where these businesses can be housed outside the residential districts. Resort districts were created for tourists. We need housing for residents and need to maintain the integrity of local communities. State and local leaders keep saying we need housing for locals, estimates of more than 20,000 short. During the economic disaster of COVID-19, so many called for diversification away from dependence on tourism, yet here we are (AGAIN) defending residential neighborhoods. There are PLENTY of hotels and vacation rentals in designated resort districts. PLEASE take positive action and support local families by voting FOR Bill 41CD2. Mahalo for allowing me to provide testimony on such an important topic. | | |
| Name: sheryl kincaid | Email: sherylkincaid1@gmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 10:21 PM |
| Testimony: I feel that if Bill 41 is enacted, there will be serious negative consequences for the residents and City & County of Honolulu, and the State of Hawaii. Foremost will be a loss of income stemming from visitors choosing to vacation in another location where they will be able to rent a short term home. Many visitors, especially families, would choose to stay in a rental home where the whole group can be together to eat and relax and connect. If these visitors do not have the option of a short term rental and vacation elsewhere, not only with the City and State lose out on TAT income, but the homeowners and all of their employees will no longer have income to spend inside of our City and State. Unemployment will increase, local families will be forced to sell their homes, and less money will be spent in our City & State. I strongly oppose this bill. | | |
| Name: Tess Ho | Email: napua.ho@gmail.com | Zip: 96734 |
| Representing: | Position: | Submitted: |

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| Self | Support | Apr 12, 2022 @ 10:21 PM |
| <p>Testimony:</p> <p>I am a mother to a 4y/o. I Currently live in Kailua/Waimanalo and work at Old Navy. We are actually moving to the mainland soon because we can't find a place to stay here.</p> | | |
| Name: Margaret Aurand | Email: pegzaloha@yahoo.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:07 PM |
| <p>Testimony:</p> <p>It's a shame that taxpayers will fund the City and County of Honolulu's legal expenses when defending lawsuits brought by desperate short term rental owners who are weary of unwarranted and un-constitutional persecution by the City Council (the "City"). It's an even greater shame that these short-term rental owners ("Owners") must cough up their own funds to see that justice is done. It appears that the City's strategy is to come up with one poorly drafted ordinance after another, each more draconian than the last, in an effort to wear Owners down, until they are so tired of being threatened by their unresponsive legislators and so impoverished by paying legal fees that they give in, shut down and leave the islands. In this country today, being treated fairly by our courts is a matter of "How much justice can you afford?" After being shut down for 7 months in 2020 by a governor who vastly exceeded his emergency mandate provided in the Hawaii Revised Statutes, for most Owners, the answer to that question is "Darned little."</p> <p>At nearly 80 years old, I should be enjoying the fruits of a lifetime of labor and service to others. Yet I find myself repeatedly having to spend time and energy that I should be spending on other things fighting for my right to make a living—trying to defend myself against a civic blitzkrieg sponsored by the deep pocketed hotel industry. My Councilman refuses to meet with me and others who are similarly situated. Disgraceful. I ask myself why. If a Councilmember were in the right and knew s/he were being honest and fair, there wouldn't be a problem meeting with constituents, would there?</p> <p>It appears inevitable that passage of this latest incursion into our constitutional rights, Bill 41, will put Owners out of business. The lives of many small business owners, Mom and Pops (in my case, Mom without a Pop) will be ruined. I used to contribute \$625 thousand dollars to O'ahu's economy a year (and no, that's not my income—it's a combination of what I pay in taxes to the City and County of Honolulu and State of Hawai'i; business expenses paid to on-island businesses; and the number of guests I had during the year times the number of days each guest stayed; times the \$200 per guest per day that the average tourist spends each day on O'ahu. My income is a totally different thing and was nowhere near that.) Multiply my contribution by those of thousands of other Owners, and you have more than a billion dollars a year to lose. Is the hotel industry, most of whose profits leave Hawai'i, going to make up for that?</p> <p>Because I cannot cover my expenses from the long term rent I can charge for my property, when you pass Bill 41, I will probably be forced to sell a legacy home that has been in my family for 50 years, known and loved by generations of my family. I love my home. I don't want to sell it! I want to stay in it—even if it's in a little studio behind the garage! Where will I go until I die?</p> | | |
| Name: Peer Blichfeldt | Email: peer_b@hotmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:12 PM |
| <p>Testimony:</p> <p>Aloha,</p> <p>I appreciate the City Council's efforts to curtail the ill effects associated with the proliferation of unpermitted vacation rentals in residential areas. However, Bill 41 as written goes beyond just addressing transient rental accommodations. By changing the definition of short term from 30 days to 90 days it makes illegal current legitimate rental activities that benefit local residents. While tourists average stay is less than 10 days, there are many reasons residents may need a rental from 30 to 89 days.</p> <p>Examples:</p> <p>(1) A homeowners property is damaged by natural disaster, fire or other reasons or their property is being remodeled the home may be unsuitable for occupancy and temporary housing is needed.</p> | | |

(2) A military family or a new resident moving to the island may need temporary accommodations while pursuing the purchase of a property.

(3) A resident selling their property may need a place to stay while their new home goes through the escrow process.

(4) A family from a neighbor island may need a place to stay while a loved one is undergoing lengthy medical treatment or rehab.

Many people in the above situation are unable to afford extended stays in hotels and if they have pets it makes using hotel accommodations very difficult.

Please allow the definition of short term to remain at 30 days and remove provisions from Bill 41 that extend it to 90 days. Instead focus on the enforcing the existing regulations and evaluate the effectiveness of the efforts. If further legislation is needed it can be added at a later time.

Mahalo,

Peer Blichfeldt

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| Name: Joanne Moy | Email: snow2136@netzero.net | Zip: 60615 |
| Representing: Self | Position: Oppose | Submitted: Apr 12, 2022 @ 11:21 PM |

Testimony:

I think Bill 41 CD2 is much improved from where we were almost three years ago addressing enforcement and allowing for TVU's in the approved areas to get permits mauka of Kuhio in Waikiki. However, I strongly hope you hold rental hosting platforms like AirBnB, Vrbo and others to be held accountable to make sure they are only accepting legitimate NUC or Permitted numbered TVU's and B&Bs. Also if "Bed & Breakfasts" can have their own tax rate category, then the rest of the TVU's should have their own tax category "Transient Vacation Unit" at a similar tax rate as a B&B. TVUs should not be shoved into the "Resort & Hotel" tax rate category which is totally unfair! TVUs do not have the amenities and services that most Hotels & Resorts have such as restaurants, bars, entertainment, convention spaces, shopping, spas and so much more to help offset the higher tax rate. Again TVU's are just basically apartments with maybe a pool...not fancy. TVUs are an economical choice for families to stretch their budget by cooking their meals in the apartment/TVU kitchen. Not fancy. Most TVU owners are individuals who cannot spread the costs over many units like a hotels and resorts can. TVU's are not equivalent to a Hotel & Resort with room service and restaurants. Please make a separate TVU tax category at a more reasonable rate similar to B&Bs.

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| Name: Choon James | Email: ChoonJamesHawaii@gmail.com | Zip: 96762 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 03:07 AM |

Testimony:

Questions relating to Bill 41

Aloha Chair Tommy Waters, Brandon Elefante and city council members:

I'm sharing my first-hand experiences for over a decade living next to a non-occupant vacation rental owner from California. It has been a nightmare. On top of that, the environment, natural resources and beauty were irreparably destroyed due to greed and disrespect for the beautiful island that we live in.

In the case of this subject property, after the cliff collapse in October 1, 2018, the owners and their property manager Prof. Eric Glen Orr of BYU-Hawaii changed their rentals to 30-days duration. Prof Orr personally told me he had a totally free conscience that he was doing the right thing.

However, I've observed that were groups that came separately between the 30-day interval. I reported him last year to DPP about a big group. An inspector responded he was provided a contract for 30-days from the operator. And that was the end of the story of my reporting and DPP's involvement.

So, what am I supposed to do? To keep reporting and play this cat-and-mouse with the operator? At what point will DPP ignore a neighbor who keeps reporting neighborhood concerns? Other residents in Oahu have reported retaliatory feedback. While I have not received physical threats or TROs, I have received dirty looks and spreading of smears from him.

I do not think that residents should become the policing arm of DPP because another neighbor chooses not to respect their residential neighbors to protect their own profiteering.

Here are some of my questions as to how DPP is going to enforce and not place the burdens and onus on ordinary residents.

1. Will there be new window for property owners to apply for short-term rental anywhere in Oahu?

This subject property is located at 55-064 Naupaka Street, Laie, Hawaii, 96762. Short-term 30-day vacation rental will become illegal in this neighborhood, right? It will become a 3-months term?

2. I have asked this question before. Density. Do short-term vacation rentals or even 30-days rental allow the operator to turn a single residential home into a YMCA? In this subject property, the property manager who has since changed his Airbnb host name to his middle is advertising at least a possibility of 28 bodies. 12 beds in 7 bedrooms sleep 20 people in beds with Space for 8 more on convertible futon/couches. Listed price is for 16 people. Additional people option is available with extra fees. (350\$ per person) children under age 9 are free.

3. Is Anonymous Reporting available to residents? I believe that there is value in preserving the anonymity of a report on any issue. While I've made myself transparent in my reporting of 55-064 Naupaka last year, we have residents around Oahu who have expressed concerns that they fear retaliation and threats in trying to protect their quality of life in their own homes.

Thank you

Choon James.

REFERENCES ATTACHED:

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|---|--------------------------------------|---------------------------------------|
| Name: Choon James | Email: ChoonJamesHawaii@gmail.com | Zip: 96762 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 03:27 AM |
| Name: Doug Chang | Email: doug.chang@ritzcarlton.com | Zip: 96815 |
| Representing: Marriott International | Position: Support | Submitted: Apr 13, 2022 @ 03:31 AM |
| Name: Choon James | Email: ChoonJamesHawaii@gmail.com | Zip: 96762 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 03:35 AM |
| Name: Choon James | Email: ChoonJamesHawaii@gmail.com | Zip: 96762 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 04:00 AM |
| Name: Choon James | Email: ChoonJamesHawaii@gmail.com | Zip: 96762 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 04:05 AM |

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| Name: Choon James | Email: ChoonJamesHawaii@gmail.com | Zip: 96762 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 04:16 AM |
| Testimony: Our neighborhoods are being ruined by B n B's. Stop them. They make home feel like it's not home. | | |
| Name: Monique Canonico | Email: mmcanonico@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 04:45 AM |
| Testimony: I just wish to provide my support for Bill 41. I have owned my condo in Makaha since 2011. Over that time I have seen the problems that come with vacation rentals within the complex. There is the extra upkeep required on the property which comes from the large turnover of guests verses residents. There is always excessive noise from the guests, who are rightfully enjoying their vacation, but it infringes on my right to the quiet enjoyment and use of my condo. There is the security concerns due to the ever changing guests. We never know who belongs on property and who doesn't. These are just a few of the issues I have seen over these years. I bought my condo as a home not a hotel room. Please vote yes on bill 41 and help keep residential, residential. | | |
| Name: Richard Cooper | Email: rjcoop66@gmail.com | Zip: 96792 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:37 AM |
| Testimony: I'm from Waianae, and work in the plumbers union. No matter how good of a job I get I still feel like it's a struggle for me to one day but my own house. The prices are just ridiculous and pushing Hawaiians like me to move away from our home just to accommodate that be able to give our families and future families the life they deserve. | | |
| Name: Kelson Keawe-Wessel | Email: kelsonwesselwp@gmail.com | Zip: 96792 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:39 AM |
| Testimony: My name is Jonah, I live in Kailua with my family where our neighbors are actually a short term rental property. There are numerous houses that are being used for Air Bnb/VRBO especially in Kailua. It brings unwanted traffic, people not respecting the area and less opportunities for local families to live in those houses. | | |
| Name: Jonah Birch | Email: jonahkb808@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:44 AM |
| Testimony: We have lived in our home in Haleiwa for over 45 years. We have seen many negative changes to the community due to short term vacation rentals, next door, in our neighborhood, and throughout our northshore community. My husband and I and many of our friends are very much in favor of this bill. The life style of tax paying residents are being continuously ignored and this bill would be a positive way to focus tourism into tourist designated areas. Please support this bill. | | |
| Name: Mary Chun | Email: duhchun@gmail.com | Zip: 96712 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:48 AM |
| Testimony: We have lived in our home in Haleiwa for over 45 years. We have seen many negative changes to the community due to short term vacation rentals, next door, in our neighborhood, and throughout our northshore community. My husband and I and many of our friends are very much in favor of this bill. The life style of tax paying residents are being continuously ignored and this bill would be a positive way to focus tourism into tourist designated areas. Please support this bill. | | |
| Name: | Email: | Zip: |

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| Andrew Canonico | andrewcool808@gmail.com | 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:55 AM |
| Testimony: Short term vacation rentals do not belong in our neighborhoods. | | |
| Name: Leslie Niebuhr | Email: leslieniebuh@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:57 AM |
| Testimony: Keep residential residential. | | |
| Name: Don Wilcox | Email: donwilcox808@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 05:59 AM |
| Testimony: Illegal short term rentals have been allowed to flourish and ruin our neighborhoods. Do what you can to stop this. | | |
| Name: Susan Sofos | Email: susansofos@aol.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:02 AM |
| Testimony: I am unequivocally opposed to allowing tourists to rent homes in residential areas. While I sympathize with some homeowners who need to supplement their incomes, I recognize that the safety needs of residents are of paramount importance. Tourists should be able to play and party - they shouldn't do that in family neighborhoods. Tourists come and go - my neighbors and I stay and vote. | | |
| Name: Amy Tousman | Email: a.tousman@hawaiiantel.net | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:03 AM |
| Testimony: There is a reason short term rental businesses are not allowed in residential areas. Pursue enforcement. | | |
| Name: Tad Grenert | Email: tadcycle@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:08 AM |
| Testimony: Having B & B's in our neighborhoods ruins them. Enforce zoning laws that bar them. | | |
| Name: Keahi Birch | Email: ahibird@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:08 AM |
| Testimony: I see more and more of these illegal rentals try to skirt the existing law by offering their properties as "short term rentals" - meaning they will advertise it on websites such as Airbnb or VRBO claiming to have a 30 day rental agreement, while continuing to rent to visitors for shorter stays. Extending the requirement to 90 days will make it harder for these types of rentals to do business as unpermitted short term vacation rentals in residential neighborhoods on Oahu. | | |

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| Name: Jennifer Lum | Email: jennyholzmanlum@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:11 AM |
| Testimony: Allowing transient vacation rentals in our residentially-zoned neighborhoods has stolen housing from our local population. Remove these businesses to help address the homelessness problem. | | |
| Name: Jeremy Lum | Email: lumjere@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:13 AM |
| Testimony: Short term rentals in residential areas is like having a mini hotel next door. Does not feel like home. | | |
| Name: Adrian Nelson | Email: nelsonmadrian@gmail.com | Zip: 96744 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 06:15 AM |
| Testimony: We are a middle income family and our small Ohana unit has been an income producer for us JUST TO GET BY in Hawaii. We live on the premises, rent for 30 days to mostly remote workers, and don't bother anyone. If we were to rent out the 200 sq foot rental long term which doesn't have a kitchen, we could only make maybe \$900 a month if lucky. Now we're making close to \$1600 and we can SURVIVE! I STRONGLY OPPOSE THIS BILL! | | |
| Name: Jessica Nishikawa | Email: jessica.nishikawa@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:19 AM |
| Testimony: Anyone who has had a B & B next door knows they don't belong in our neighborhoods. Enforce zoning laws and keep residential residential. | | |
| Name: Genevieve Wasson | Email: 101wasson@gmail.com | Zip: 96731 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 06:19 AM |
| Testimony: I am a law abiding citizen who pays their taxes, and I hope that you reconsider this bill and put in place an exception for local families to continue short term as long as they live in the same residence as their rental? Living in Hawaii is so expensive and having this little help of income, has help my family to stay and live here . I understand those investor that come here and just buy and rent it out. This I believe should be stopped. But please help the locals stay here. My husband has live here 14 generations. And We don't want to move. | | |
| Name: Chantal Nelson | Email: chantaljnelson@gmail.com | Zip: 96744 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 06:20 AM |
| Testimony: We strongly oppose bill 41. We are a middle income family of four and our small Ohana unit has been a savior for us by renting for 30 days to traveling remote workers. Enforce the current laws and stop bending to the hotel industry. | | |

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| Name: Deborah Glazier | Email: deb@deborahglazier.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:21 AM |
| Testimony: Save our neighborhoods from short term tourist accommodations. | | |
| Name: Micah Pregitzer | Email: DJninja1@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:24 AM |
| Testimony: Vacation rentals do not belong in our neighborhoods and contribute to homelessness in Hawaii. | | |
| Name: Robyn Doo | Email: robyn.doo@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:25 AM |
| Testimony: Enforce zoning laws. | | |
| Name: Marc Langevin | Email: budha366@aol.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:27 AM |
| Testimony: Protect the neighborhood feel of our residential areas. | | |
| Name: Pamela Deboard | Email: pamdeboard@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:40 AM |
| Testimony: Residential zoning exists for a reason. Protect our neighborhoods so that local residents will want to stay here. Prevent "brain drain." | | |
| Name: Donna Mintie | Email: 54321writeaway@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:46 AM |
| Testimony: Transient accommodation rentals have been allowed to flourish illegally in our neighborhoods. This drives up the price of rentals and home sales, making them prohibitively expensive to our local residents. Time to change the tide and hold these businesses accountable. | | |
| Name: Heather Sloan | Email: heather.sloan@gmail.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 06:49 AM |
| Testimony: Stop the spread of illegal vacation rentals in our neighborhoods. | | |
| Name: | Email: | Zip: |

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| Greg A Cook | captaincook@earthlink.net | 96712 |
| Representing: Turtle Bay Ocean Villas | Position: Oppose | Submitted: Apr 13, 2022 @ 06:55 AM |
| <p>Testimony:</p> <p>I know the intent of Bill 41 is to allow Transient Vacation Units in a Resort Zone, but the maps in the bill don't show it. Someone in the future could interpret this as they are not permitted and you must be a condo hotel. Please correct this error.</p> | | |
| Name: Nancy Convard | Email: nconvard@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 07:15 AM |
| <p>Testimony:</p> <p>I oppose this Bill to limit transient accomodations as it unnecessarily restricts lodging options for persons in transition or persons on contract work or study options. These groups of people typically spend more than 30 days and are not tourists competing with hotel rooms or partying nuisances. These types of assignments and programs are often less than 90 days. Summer term professors, special training programs, medical locums, contract nurses, students, and intended residents all need an affordable practical option to hotel room and expensive resort areas. The exempted resort areas are often far from work areas. Many are not family friendly. These visitors want quiet peaceful areas. They are not disruptive to neighborhoods.</p> <p>Most people's homes in Hawai'i are smaller and don't have the luxury of room for visiting family members. Monthly accomodations for visiting relatives provides an affordable option. I know of several cases already this year where friends or acquaintances needed a place for family members staying a month or more. On one occasion this included family to support a family with premature baby with serious complications. That brings up need for neighbor island family members needing a place for longer-term (but not several months) medical needs.</p> <p>Enforce the rules we have and don't waste valuable taxpayer resources on unnecessary regulations.</p> | | |
| Name: Ethan Whatmore | Email: eeboyw@gmail.com | Zip: 96746 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 07:19 AM |
| <p>Testimony:</p> <p>My name is Ethan Whatmore and I was born and raised on Kauai. With the rise of short term rentals I've seen how it has affected my community. Friends and family members being kicked out of the homes they rented for years because something like an air bnb is more profitable. Many people giving up on their dreams of homeowning because these short term rentals are driving up the already high price of homes in Hawaii. Short term rentals have become a scourge to the locals, forcing people to have to move out of state because they can no longer afford to live in Hawaii. Something needs to be done, the voice of the people need to be put first, and we need to put people before profits.</p> | | |
| Name: Sasha Giron | Email: sashamgiron@gmail.com | Zip: 96797 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 07:25 AM |
| <p>Testimony:</p> <p>I, Sasha Giron, am writing in support of Bill 041. I live in Crestview, Oahu. It is important to save our local communities –especially those with Native Hawaiians – from illegal short-term rentals because these increase the costs of living in Hawaii by encouraging tourists and other outsiders to buy land or homes here. Locals of several generations in Hawaii and Native Hawaiians already struggling to live in Hawaii. Most of us do not benefit from short-term rentals. If more outsiders keep buying land, homes, or creating short-term rentals, there will not be land or homes for us to live. Please consider my words and pass Bill 041. Mahalo.</p> | | |
| Name: Kaili Perez | Email: kaili.perez@gmail.com | Zip: 96797 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 07:27 AM |

Testimony:

Aloha, my name is Ka'ili Perez and I am born and raised on the island of O'ahu. I am an Educational Assistant at a local elementary school. I've lived in Waipio my whole life and dream of a day I can raise my family on this island. But with short term rentals invading the island that dream is slowly dwindling away. I want to stay in Hawai'i and educate our local keiki because they need the love and help of strong educators who know the culture and their struggle as a local keiki. I've heard stories of children deliberately acting out because they know their teacher will be gone in a couple years. I want to help change that and I can only do that if I can live here on the islands. I fully support this bill and I hope you all do too. Mahalo.

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| Name: Richard Wainscoat | Email: wainscoat@me.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 07:28 AM |

Testimony:

I am strongly opposed to the increase in rental period from 30 to 90 days. There are many reasons to allow rentals of 30 days, including extended visits by military family members, visits by parents to assist a family after childbirth, and temporary accommodation for people who are moving to Hawaii. Stays like these are neither practical nor affordable in hotels in Waikiki.

Most of the "problems" that this bill attempts to address can be solved by simply enforcing the present 30-day limit.

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| Name: Karen Chang Barr | Email: info@virtualbusinesscopilot.com | Zip: 96821 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 07:28 AM |

Testimony:

I implore the Honolulu City Council to pass Bill 41 CD2 FD1 to help crack down and eradicate intrusive and unfair illegal short term vacation rental units because:

--many are not owned by locals but non-Hawaii residents;
--those non-Hawaii residents who own TVUs in non-resort zones are not paying taxes yet their clients add wear and tear on our roads, disrupt our neighborhoods, and don't contribute to the health and wellness of our communities;
--illegal short term rentals remove valuable housing units and, because of their investment value, drive up the cost of housing throughout Honolulu County, which is not fair;
--I support tourism, but they need to stay in their resort bubbles and not clog our residential neighborhoods, disrupt the community character of our neighborhoods, and add to the traffic of our residential streets;
--I support tourism, but tourists need to stay in resort zones, so that the industry that provides employment to many of Oahu residents can provide a living and receive healthcare benefits for their families;
--I know people who've fled the islands because they were priced out of the market because the employers here do not pay salaries that supports \$5,000 mortgages (even with two incomes!) and allow families to have a lifestyle conducive for families to enjoy.

I do support temporary housing for short term medical professionals who serve our short-staffed hospitals. I do support strong enforcement funding and implementation to ensure that this updated version of Bill 41 actually does identify and fine those not in compliance.

Honorable Chair Waters and Honorable Council members Tupola, Tsuneyoshi, Elefante, Fukunaga, Kiaina, Say, Cordero and Tulba, PLEASE PASS BILL 41 CD2.

Mahalo.

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| Name: Anthony Grise | Email: apgrise@gmail.com | Zip: 96816 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 07:59 AM |

Testimony:

Please support Bill 41 CD2 to make housing a priority for residents. Do not water down the bill by making exceptions and creating

loopholes. Hawai'i is being ruined by greedy investors who don't care about our families, neighbors and communities. Take action now and pass Bill 41 CD2.

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| Name: Levi Brooker | Email: levibrooker@gmail.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 07:59 AM |

Testimony:
Testimony previously provided but registering for oral testimony link.

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| Name: Greg Jackson | Email: jacksong002@gmail.com | Zip: 96789 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 08:12 AM |

Testimony:
To all concerned:
I am former Navy and have been a resident of Hawaii since 1995, and the owner of 7007 Hawaii Kai Dr #C23 Honolulu, HI 96825 since 2007. We moved to Mililani around 4 years ago to be close to our daughter and grandkids, and we are actually renting a home on a month to month basis.
In order to keep our retirement home in Hawaii Kai we have been renting under the strict guidelines of our condo bylaws and the state rules for the minimum of 30 days or more. We have had no issues with our neighbors and have been paying ALL TAT AND GET. The change of the previous rule to anything longer than 30 days minimum is excessive, and a clear abuse of power by the DPP, the state, and obviously is in direct collusion with the hotel industry and lobbyist.
We have happily rented to locals in need of a temporary home when the flooding disaster hit the area, to returning local and nonlocal families that are coming home to visit their families, to parents bringing their kids to get situated for college, to corporate executives here on extended business. These 30 day rentals are the only means to fill many of the holes that the hotel industry cannot provide.
Please consider enforcing the current law and look at this from all sides before making a terrible decision.
Also, I would like to know if the state is prepared to return all TAT AND GET that I have paid over the years as an honest, law abiding resident of this state of Hawaii.
We have nothing to hide.
Here are my tax #s
TA-141-528-6784-01, 390080310029,
GE-141-528-6784-02

And here is my listing:
www.vrbo.com/981309?unitId=1529264
<https://abnb.me/8UBMIAj15mb>

Sincerely and respectfully, Greg Jackson

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| Name: Charles Miller | Email: kekuilanivillas@yahoo.com | Zip: 96707 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 08:27 AM |

Testimony:
Please vote to keep short term vacation rentals out of residential neighborhoods. It's ruining our local way of life with increased traffic and on street parking nightmares. It's also causing an affordable housing crisis throughout the island. These home owners that are doing these STR's don't care about the surrounding neighbors or the community that they are operating in. All they care about is their bottom line. Tourists that come to the islands for a vacation need to stay at hotels like it's been done for decades.
Thanks

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| Name: Jason Ito | Email: jason.ito@kyo-yaco.com | Zip: 96815 |
| Representing: | Position: | Submitted: |

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| Kyo-ya Mgt. Co., Ltd. | Support | Apr 13, 2022 @ 08:52 AM |
| Name: evalani exner | Email: IMEVALANIEXNER@AOL.COM | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 08:58 AM |
| <p>Testimony:</p> <p>As a realtor, we have clients that are in the interim of transitioning from one house to another, OR from their house to the mainland and vice versa. It's often that we need a home for only a month or two, even weeks. We need to be able to offer solutions and support during this stressful transition.</p> | | |
| Name: Joannie Hsieh | Email: hoannie.jav@gmail.com | Zip: 96814 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:01 AM |
| <p>Testimony:</p> <p>I disagree with this bill as it doesn't consider residents of Hawaii that may need temporary housing due to domestic violence, divorce, remodel of current home, families that call Hawaii their second home and return to visit for a week or two out of the year, the loss of income from renting short term will cause these families to have to sell their homes and remain in the mainland.</p> | | |
| Name: Michael Fry | Email: mdfry@me.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:02 AM |
| <p>Testimony:</p> <p>I oppose the bill as written as it does not provide the flexibility our residents need in housing - i.e. month-to-month rentals.</p> | | |
| Name: Maile Kessler | Email: mailekessler@hawaiilife.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:04 AM |
| <p>Testimony:</p> <p>Passing Bill 41 will infringe on the property rights of owners. With the average visitor staying for less than 2 weeks, the current 30-day minimum for STVR is very effective in limiting a majority of visitor traffic to residential neighborhoods/condos. An increase to 90-day minimums crosses over from preserving the integrity of residential neighborhoods/condos to compromising the full bundle of property rights of owners. I oppose the passing of Bill 41.</p> | | |
| Name: SHAN LI | Email: dashanzi@hotmail.com | Zip: 96822 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:06 AM |
| <p>Testimony:</p> <p>90 days is obviously not short! what about month to month rental ? will that be illegal as well? so ridiculous!</p> | | |
| Name: Joclyn "Jackie" Graessle | Email: jackiegraessle@gmail.com | Zip: 96744 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 09:07 AM |
| <p>Testimony:</p> <p>Aloha Esteemed Council Members:</p> | | |

I stand in support of Bill 41.

Much like the environment has healed from over-tourism; so have communities without the constant din of activity from illegal vacation rentals. Nearly gone are huge delivery trucks on tiny streets (Safeway, etc.), single use plastic ocean toys and other garbage overfilling the city's bins making our neighborhoods always looking trashy, speeding on our narrow streets, parties that go on like they do not live here. Neighbors are relaxing a bit again.

We have been betrayed by Caldwell and others before him. You folks stood your ground. We feel thankful.

Please pass this bill.

With gratitude,

Jackie Graessle
Kaneohe

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| Name: Cindy Siok | Email: cindy@athomehawaii.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:08 AM |

Testimony:

Aloha Councilmembers

I wanted to reach out to express my opposition to Bill 41. I've lived in Kailua since I was 6 years old. I've worked as a Realtor since 2003 and am now a small business owner running my own real estate company, which offers services for both sales and property management.

I love Kailua as much as anyone and I made many sacrifices to stay in Kailua although many of my friends and family chose to move to more affordable areas.

You'd think I support Bill 41, and I want to explain why I do not. The current definition of under 30 days being a short term rental is sufficient. While our company mostly handles traditional long-term rentals. We do manage some furnished rentals for 30 days up to six month rental periods. Let me tell you the kind of people who need these accommodations:

- * Business travelers. For example: Telsa had employees coming for six weeks for a special project; construction workers that know how to build out a specific new store have also needed a "home base" near their project. Film projects often bring people who want to stay over 30 days in a furnished rental as well.
- * Travel nurses. Imagine if travel nurses could not find affordable accommodations during the pandemic.
- * Doctors in training. My own cousin came to Hawaii for six weeks during a rotation in the process of becoming an eye doctor.
- * Families arriving in support of loved ones. Many times family members come in for an extended stay to help during illness or to care for a new baby. Most homes in Hawaii are not large enough to accommodate someone for a month or two and often the family member is looking for something close by.
- * Remodeling projects. Often during extensive remodeling, the owners will move into a home nearby just temporarily. Sometimes this happens due to a flooding disaster and the family has to re-locate on an emergency basis. It's easiest if the family can stay nearby, near schools/jobs/friends while the work is getting done.
- * Disaster relief crews. Whenever there is a hurricane or flooding – workers arrive to help re-build. They could be here for a month or two or longer depending on their specialty. We would not be able to recover quickly without accommodations for these workers.

There are many more examples, but you get the idea. There is a crucial niche for renting 30 days to six months. You or your loved ones may need this niche one day if your own home floods. To eliminate this opportunity will increase the cost of doing business in Hawaii. Disasters will cost more to recover from, families will be stressed with overcrowding loved ones or have to be distant with the loved ones limited to staying in Waikiki, Ko'Olina or Turtle Bay. Even more of our middle income residents will move - moving Oahu more to the extreme of very wealthy residents & those unable to finance a move.

Here's a real & very specific example.

Hotel rooms are now \$300-400/night (or more!)

We manage a 5 BR house that will get \$20,000/month if you rent it for 2 months. Who pays that, right? The average person doesn't understand it. But if you have 5 emergency workers coming over and they rent 5 hotel rooms at \$350/night the business would be paying \$105,000 for two months. They'd have TAT at both locations, but the 5 BR house in addition to be far less in cost

at \$40,000, has free parking, free wifi, no laundry fees, etc. They can also position themselves much closer to where they need to work and can more easily carpool, which cuts down on traffic and can save money on car rental expenses. Who do you think will pay the extra cost of \$60K? That will get added to the cost of doing business and ultimately passed on to the consumers - you and I.

Hawaii already has a reputation of being an unfriendly state to do business in – Bill 41 will only add to that.

Bill 41 is overkill. It is the equivalent of banning all home-based celebrations – instead of just enforcing laws already in place to be quiet after 10 PM.

There's also the argument that all the people who've been renting to one guest a month would be unfairly punished by this switch and there's a lot of local residents in this category that would be hurt by Bill 41.

Please oppose Bill 41.

Cindy Siok

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| Name: Nikki Sayav | Email: nikalohare@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:08 AM |

Testimony:
30 days is fair and reasonable.

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| Name: Cannie Chum | Email: canniechum@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:08 AM |

Testimony:
I oppose this bill because when my family comes to hawaii they can't afford to stay in the hotel for 30 days.

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| Name: Shane Breeden | Email: sebhapa@yahoo.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:09 AM |

Testimony:
I oppose the passing of Bill 41, The regulations should remain as is. The passing of the bill will negatively affect many local owners who have investment properties to help offset the high cost of living in Hawaii.

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| Name: Kristyn M Ho | Email: kmh14usa@yahoo.com | Zip: 96744 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:11 AM |

Testimony:
I oppose Bill 41, CD2, specifically the 90-day minimum rental period. The minimum rental period should remain at 30 days as 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

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| Name: David Moyer | Email: dmoyer@hawaiisands.com | Zip: 96792 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 09:14 AM |

Testimony:

I am a real estate professional for 23 years on Oahu practicing both management and sales. While I originally supported the right of property owners to engage in short term rentals 20 years ago, I have seen the damage it has done and can no longer support this in good conscious. We must realize that technology and apps like AirBnB have created a world where speculators can easily buy local housing stock solely for the purpose of renting it short term at high profit. This was not the intention of this housing stock and our zoning ordinances. I actually supported the 120 day minimum, however the 90 day compromise is better than nothing. We must take action to stop and reverse the rampant speculation that is turning our long-term residential neighborhoods into short-term lodging operations.

PS: I adamantly disagree with HAR and HBR and their positions. I'm sad that they chose to look to their own self interest (higher commissions from higher sales prices) rather than consider the overall benefit of our communities. No, all Realtors are not of the same mind and the associations do not speak for me.

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| Name: Darrin Mizo | Email: darrinmizo@gmail.com | Zip: 96817 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:14 AM |

Testimony:

Short term rentals are needed by renters who are not on vacation. Especially with the economy the way it is and potential for a recession. Renters need options.

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| Name: Wendy Lee Akai | Email: wendya@betterhawaii.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:16 AM |

Testimony:

Please enforce the 30 day minimum rental laws. It's not about allowing STR's, but NOT changing something that most landlords considered when investing in our rental properties; to be able to rent for a MINIMUM of 30 DAYS. It's been a law that was never fully enforced. There is huge need for the ability to CONTINUE to rent for 30+ days, and NOT add the restriction to increase the minimum to 90 days.

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| Name: Darryl Macha | Email: myrealtorhidarryl@gmail.com | Zip: 96797-4541 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:16 AM |

Testimony:

Aloha,

I OPPOSE Bill 41 (2021) CD2 in its present form.

The average length of stay for visitors on Oahu was less than 10 days in 2020 so it is unreasonable to restrict the minimum rental period to 90 days. It is important for everyone to understand that there are legitimate housing needs for our local residents, their families, and our workforce for short-term rental periods of 30 days or more, as provided for in the Hawaii Landlord-Tenant Code. I believe that DPP should focus its efforts on enforcement of the regulations on vacation rentals in local neighborhoods through the use of advertising restrictions, registration, and fines as provided in Bill 41.

Floor Draft 2 provides a list of exceptions that will allow rental terms of 30 days or more for several categories of renters. However, the list of exemptions is not complete, and it does not address all housing needs in our community. Further, the list of exemptions creates a complicated process at DPP for homeowners who request approval for legitimate rental agreements of 30 days or longer, and even with these exemptions, Bill 41 interferes with property owners' rights to rent their properties under the Landlord-Tenant Code.

Please amend Bill 41 (2021) CD2 to remove the 90-day minimum rental period and allow property owners to continue to rent their properties for 30 days or more as provided in the Landlord-Tenant Code.

Mahalo!

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| Name: Matt L | Email: mattscalling@gmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:17 AM |
| <p>Testimony:</p> <p>Dear Members of the City Counsel,</p> <p>I'm writing to oppose Bill 41 as it is currently presented as the 90-day minimum is far too long. The thirty day supports all workers whether they be essential care givers, teachers, government workers to have decent accommodations in a non resort setting during the duration of there service. The vast majority of these travelers need to be able to cook meals due to costs, dietary restrictions and convenience.</p> <p>Stricter and consistent enforcement of the current law is the best way to resolve this. Run a huge campaign of public service ads on TV and all social media to heighten awareness directed to the consideration of your neighbor and neighborhood. Use this message of "this is ALOHA!"</p> | | |
| Name: Jen Larson | Email: xiaofancui@gmail.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:18 AM |
| <p>Testimony:</p> <p>Homeowners in Hawaii should have more liberty to rent out part of the home to supplement income in order to live in the most expensive state. At the same time, provide more types and more inventory for the rental market, short term and long term. It's a win-win situation guided by the free market. The government should not be over powering and interfere with the market. Local homeowners earnings stay in the local economy and they have a multiplier effect as the money circulate in the local economy. Big hotel chains' earnings mostly go back to the mainland or another country and don't benefit the local economy as much. Thank you!</p> | | |
| Name: Dan K | Email: tiptop.linters.0b@icloud.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 09:19 AM |
| <p>Testimony:</p> <p>While the tourism industry is essential everywhere, it must be regulated in order to provide balance. Rentals below 90 days are on the whole destined towards transient populations (vacationers). As a resident of Kailua the soul of the town relies on residents and not tourists, and yet illegal rentals are pricing out residents and creating a more transient nature. I approve of the commendable attempts to reduce illegal rentals and to make sure all tourism abides by the regulations.</p> | | |
| Name: Kyle Smigielski | Email: kyle@portfoliohawaii.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:21 AM |
| <p>Testimony:</p> <p>I believe Bill 41 does much more harm than good. To everyone. As a homeowner, we should have the ability to legally rent out a permitted portion of our home as we choose. I understand the minimum is 30 days in (most) residential areas and that is plenty long as it is. A 90 day minimum (or more) is just exorbitant and would make it difficult for not only homeowners that might like and want to rent out for a 30 day period, which can appeal and help a lot of different people. It can help families or people that are in transition to or from Hawaii, it can be for vacationers, it can help people wanting to work remotely from Hawaii, it can help military, students. 90 days is just way too long and cuts out all those people. It would make things so difficult for so many people if the minimum was 90 days and I sincerely hope that Bill 41 does not pass.</p> | | |
| Name: Kimo Smigielski | Email: ksmigielski@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:22 AM |

Testimony:

I oppose Bill 41, 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

The fact remains that there have been no impact studies done that support the rhetoric used to get this Bill here. Using fearmongering is not a viable reason to pass a destructive Bill like this.

The fact that the DPP director stepped away from this Bill after pushing it this far already stinks of corruption. The close ties to Aston with him and this Bill benefitting hotels reeks of backroom deals and the City and County of Honolulu doesn't need this stigma.

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| Name: Leon Chingcuangco | Email: leon.chingcuangco@gmail.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:22 AM |

Testimony:

Aloha. While I recognize that there is need for change and some regulation in the STR industry, I oppose Bill 41 as it is currently written. I believe Bill 41 is too far reaching and doesn't seem to address the issues of concern. Moving from 30 day minimums to 90 day minimums seems like a petty and underhanded way to kill short term rentals on O'ahu. Either you want to allow them to operate in some feasible manner or you do not. Stop playing games with people's hard earned investments. STR homes are a great way for local families to better their station in life and provide a better way for their families. The option to do so could be the only way some families can keep their family home. Regulation should be focused on limiting (not stopping) out of state investors buying property with no regard for their kuleana to the community and driving up prices for local families.

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| Name: David Fan | Email: david.fan@locationshawaii.com | Zip: 96822 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:23 AM |

Testimony:

Why do you allow homeowners to keep their BB and TVR licenses that were granted prior to 1990? You are "grandfathering" in these licenses? What about homeowners right to rent their property for 30 days or more. The 30 day or more rentals have existed long before the BB and TVR licenses were granted. If you pass this bill, you are affecting my right as a homeowner to maximize my income. You are restricting the majority of homeowners by passing this law while allowing for a minority of homeowners to continue an activity that is not allowed under the land use ordinance.

If you really want to be fair you should make a consistent law for all to follow, not just a minority of homeowners.

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| Name: Michael Ford | Email: mikeford@encinitashomes.com | Zip: 96734 |
| Representing: Self | Position: I wish to comment | Submitted: Apr 13, 2022 @ 09:24 AM |

Testimony:

Please enter my strongest opposition to the bill 41. It unfairly benefits the hotels at the expense of the independent accommodation providers that enable visitors to enjoy the many less crowded and unique areas of our island. Not everyone thinks Waikiki is as swell as I do. Equally important, it interferes with long established management practices of rental housing providers by requiring tenancy terms they do not agree with. Further it makes law breakers of our neighbors and families. If the intent of the bill is to increase the supply of long term housing that is a laudable goal but one the city and county may FAR MORE rapidly achieve by altering zoning, density, permitting costs and time burdens and by streamlining the entire process

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| Name: Heather Shank | Email: hallenshank@yahoo.com | Zip: 96734 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 09:25 AM |
| <p>Testimony:</p> <p>I strongly support Bill 41 with no changes to it. Tax paying residents need this protection. As you see it is only realtors and operators who are against this. WHY? They want to make money doing short term rentals in neighborhoods. It is against zoning and against current law but people want to make profit at the expense of the community.</p> <p>My next door neighbor rented out the house again and again. How would you like a wedding reception with 50 strangers and a live band outside your kid's bedroom window?</p> <p>Those visitors should have been in a hotel where there was some oversight of their behavior and paying taxes that support Hawaii's economy.</p> <p>I am frustrated that law abiding citizens have had to fight again and again to protect our neighborhoods.</p> <p>Please pass Bill 41 and enforce it. Don't be bought off by people who violate the laws and zoning that were put in place —to have tourists in resort areas and neighbors in neighborhoods.</p> | | |
| Name: Keolani Keawe | Email: keolanikeawe@gmail.com | Zip: 96725 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:26 AM |
| <p>Testimony:</p> <p>Short term vacation rentals give people the opportunity to stay as a local, afford locals to be able to travel within the islands and spend money throughout our community, with longer stays. I oppose this bill.</p> | | |
| Name: Patricia Knight | Email: pattybknight@gmail.com | Zip: 96791 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:29 AM |
| <p>Testimony:</p> <p>This proposed legislation is short-sighted. Not only does it infringe the rights of property owners, it will hamper property values, reduce tax generation which is beneficial to the communities, and potentially kill jobs. There are clubs like the Surfing Association that bought homes to rent out to surfers for international contests. There are stores and restaurants that cater to the community as well as travelers. On the heels of Covid, this will destroy their wherewithal. This proposal is clearly at the encouragement of the hotels who do not want competition. But as with everything, competition favors the righteous and the best results for all. Please remember the communities need jobs and tax dollars and freedom!</p> | | |
| Name: Young McTernan | Email: Young.mcternan@locationshawaii.com | Zip: 96813 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:29 AM |
| <p>Testimony:</p> <p>I oppose this bill because this bill is favor to the hotel industry and unfair to the investors in Hawaii.</p> | | |
| Name: Marsha Hamamoto | Email: islandpapercraft@hotmail.com | Zip: 96701 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:29 AM |
| <p>Testimony:</p> <p>I oppose parts of Bill 41, mainly the portion that creates a 90 day minimum rental period for all properties.</p> <p>I understand this bill was created to affect short term rentals, but the way this is crafted also affects long term rentals and the sale</p> | | |

of properties which I oppose as a Realtor. There are many reasons a 30 day rental is beneficial to the long term market and when one is trying to sell a property. I'm thinking about selling a home now and have a tenant on a month to month tenancy in order to give me flexibility on when I sell IF I SELL. Being forced to sign a 90 day agreement will force me to decide in advance if I'm going to need the place vacant by summer. If that were in place today, i would have to give my tenant notice to vacate and leave the place vacant till I decide to sell. This is contrary to the argument that the 90 day rule will HELP housing. I totally disagree! Our discussions with our clients would be to make a decision to sell and have the tenant vacate and leave it vacant vs. housing a month to month tenant till the sale transpires. Now that will take MORE rental properties off line and vacant simply because we can't be stuck with a 3 month lease on a sale. Note that buyers who obtain owner occupant loans MUST move into the home within 30-60 days after closing.

I think enforcement is the key and not more regulation. You keep making new rules and saying they have not worked....well try enforcing the rules first and see how that goes! I've seen a pretty drastic change in the Waikiki condo market once the previous bill passed and the announcement that enforcement would be taking place. We saw a lot of condo and some home owners put their properties on the market because they didn't want to face the fines and we were making them aware that the city was starting to investigate and enforce.

So don't change the rules and hurt the long term and sale markets, concentrate on enforcement! Take it from us who are really in the trenches and have to deal with the rules you pass. All you are going to do is make it harder for us to manage our properties and do work arounds for our clients in the sale market.

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| Name: Lishan Chong | Email: PacificRealEstateInstitute@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:31 AM |

Testimony:
I strongly oppose Bill 41 as it will harm small businesses and homeowners.

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| Name: Moe Manum Jr | Email: gmanuma@yahoo.com | Zip: 96786 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 09:31 AM |

Testimony:
Aloha my name is Moe Manum, I live in Wahiawa, and I'm a firefighter. I support Bill 41 because our state needs it. It's needed because it'll help our locals here at home by limiting short term rentals to resorts which will help benefit local employees which help local families. It may be a small contribution to help keep families home but it is something compared to nothing. If this does not pass, it has a chance to continue increasing the housing market prices because of people who are not local buying them out, and renting out them out illegally which makes it even more difficult than it already is to afford not just living circumstances, but our way of life here. Please hear our voices, please listen, and please help.

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| Name: Dawn Borjesson | Email: friendsofkuilima@gmail.com | Zip: 98625 |
| Representing: Friends of Kuilima | Position: Oppose | Submitted: Apr 13, 2022 @ 09:31 AM |

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| Name: Ciel K Pia | Email: ciel.pia@cbpacific.com | Zip: 96797 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:32 AM |

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| Name: Kaiula Jack | Email: kai@aliibeachrentals.com | Zip: 96815 |
| Representing: Hale Kipa Coalition | Position: Oppose | Submitted: Apr 13, 2022 @ 09:32 AM |

Testimony:
My name is Kaiula Jack... myself and the 26 people we employ are strongly opposed to Bill 41 and urge City Council members to do the same. I've submitted so much testimony over the last 8 or 9 months I'm going to keep this one brief. Esteemed City Council members... for those of you who have showed up here today with your mind already made up to votes yes to Bill 41 I would like to

humbly ask that you consider these questions before you vote today. Why, was the Hotel Industry allowed to write a Transient Accommodation bill which in it's original form would have put legal Short Term Rental Operators such as us out of business, eliminating their competition on Oahu? Why did the DPP hurry along this Bill so quickly? Why was the Director of the DPP allowed to spearhead and push through Bill 41 even though he had an obvious conflict of interest with the Hotel Industry. Why didn't the DPP director Recuse himself of Bill 41 earlier?.. but look how far it got already with his complete involvement.

Most importantly with so much controversy surrounding Bill 41 please ask yourself if you want your good name associated it. In recent months there has been much talk about government corruption and it's being exposed. Big Hotel business using money, promised favors, and power to accomplish their agenda and disguising it as a solution for Oahu's local people... that sounds like corruption to me. I implore you, please vote No to Bill 41. Thank you for your time and kind consideration.

Kaiula Jack

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| Name: Caroline Parobek, Realtor | Email: carolinehelpful@gmail.com | Zip: 96734 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:33 AM |

Testimony:

as you all know, finding long-term rentals is difficult. There are many times when tenants can't find a place and need an interim place for one month until they find the right long-term rental. when people arrive on island and are looking for a place, even a one month rental is such a relief for them.

as a land owner, there are so many restrictions. please stop taking away land ownership rights.

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| Name: Moana Wong | Email: mwong8540@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:33 AM |

Testimony:

Dear Council Members,

The fierce restrictions that you are intending to impose on vacation rentals outside of your designated areas is not going to solve the ever climbing housing prices, the lack of affordable housing, the problems in the "fabric" of some neighborhoods, the "excessive"? number of tourists, nor the tourists everywhere problem. What your fierce restrictions are doing is chocking the livelihood of many Honolulu families that depend on the extra income to make it in Hawaii. Furthermore, you are actions will also have an impact on other important Hawaii problems such as our Hawaii brain drain, our underfunded kupuna, and Hawaii graduation rates. Think about it!

Yes, Transient Vacation Units, do contribute to several problems. Investors (many of them from out of state) fuel the higher prices in the housing market and take away from the family home rental pool. Most times big groups stay in these houses which affect the neighbors in terms of noise, partying and several guest cars. But Short Term Rentals, where the owner lives in the property, and only a couple of rooms are available don't contribute to these problems.

On the contrary, Short Term Rentals and/or Bed and Breakfasts benefit the community in several ways. Hosts can educate visitors regarding customs, respect for the community, care of the aina, and our famous Aloha spirit. Visitors take a whole different approach to their vacation because of it. When just a small family or a couple stays at a STR or BB only one car is needed. Neighborhood restaurants and small businesses greatly benefit from tourists that stay outside of resort areas. Homes with Short Term Rentals are nicely kept, not only because a homeowner needs to run a successful business, but also because the homeowner has the additional income to make this happen. Has anybody thought of that? Some Hawaii residents need the extra income to help with their mortgages, which in return, keeps foreclosures away. Some residents don't have any other way to make a living because of illness, age, caring for somebody in the family, home schooling, and many other reasons. Some families need to put the children through college, they just want to take a vacation, save for retirement, or just make ends meet. For some local families, being able to rent part of a house to visitors would be the only way to afford to purchase a home here. Council members, where is your empathy?

How many homes in the last few years were bought by out of state or overseas persons or entities? How many were actually bought by Hawaii residents? How about allowing Short Term Rentals to natural persons with a minimum of 5 or 10 year residency

here?

Don't we all know that Hawaii's main industry is tourism? How about allowing Hawaii residents to partake on that resource? Big hotels take their profits away, they don't better the lives of Hawaii residents. Tourists are everywhere nowadays, not because of vacation rentals, but because of social media and Google. For those who enjoyed our islands without tourists during Covid, did you also enjoy seeing so many small businesses closing and people unemployed?

I hope you give my words some thought.

Thank you,

Moana Wong

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| Name: Christina An | Email: christinaa630@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:34 AM |

Testimony:

Bill 41 is a one-sided bill, and has been fast-tracked for no apparent reason. Please take the time to get input from all sides, and come up with a fair and balanced regulation that is also enforceable.

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| Name: Stephanie Nojima | Email: snoji08@gmail.com | Zip: 96707 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:40 AM |

Testimony:

Aloha Councilmembers and Mayor,

I oppose this bill because I understand the need to get the ILLEGAL STRs out of our communities. I do NOT agree to just include ALL STRs. Why can't DPP do their job by getting rid of illegal STRs NOW? Leave the 30day rentals available. Your reports from HI Tourism Authority on the DBEDT website shows that visitors average stay is less than 10 days. Has been that way for many years and I checked your reports from 2017 until now, it's still the same amount.

The 30days and longer stays are not vacationers, they are working and living in communities type of people. Who respect the area. If I had to stay 30 days for work in an area, I would much rather spend it in a home with my own cooking, washing facilities and learning the local culture. Please do not change the 30day minimum.

Mahalo,

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| Name: Clinton Ho | Email: clintonho@laniproperties.com | Zip: 96813 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:41 AM |

Testimony:

I oppose the 90 day minimum for vacation rentals.

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| Name: Alyssa Nolan | Email: alyssasuzanne90@gmail.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:42 AM |

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| Name: Wendy Chen | Email: chenw5424@gmail.com | Zip: 96816 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:43 AM |

Testimony:

The CD2 draft continues to penalize the resort zone TVU owners, and added special treatment for two specific buildings in the

Waikiki Apartment Zone . CD2 calls for a blanket registration process, restrictions and fees across all residential and resort zone Transient Vacation Units (TVUs) treating all of us (resort zone TVUs) as though we are operating in residential neighborhoods, but exempt all hotels and timeshare units. 1) Comparing Resort zone TVUs to hotels and timeshares in the same zone: All these three are the principal uses of the resort zone, and all pay hotel and resort property taxes. But only TVUs are subject to the registration requirements and fees per CD2. Additionally, under the current proposal, how is DPP going to be able to handle the flood of registrations for the resort zone TVUs? This will take away a lot of DPP resources that would have been used on enforcement to crack down on the illegal STRs in the residential neighborhoods. 2) Comparing Resort zone TVUs to Residential zone TVUs: Resort zone TVUs pay hotel and resort property tax rate, which is 4 times the residential rate that TVUs in the residential zone (i.e. NUC holders, and TVUs in other residential neighborhoods) have been paying. Additionally, NUC TVUs holders are not subject to the same license renewal requirements imposed on the Resort zone, which makes it much easier to renew a NUC as they bypass the entire tax clearance requirements and information binder and insurance requirements. So all these loopholes make the resort zone the least desirable place to operate a TVU, and make residential neighborhoods a preferred place for TVUs. We believe this goes against the intention of Bill 41. There needs to be a uniform TVU property tax rate that should be set lower than the hotel and resort rate and applied to all TVUs across the board. 3) Allowing TVU in two Buildings in Waikiki Apartment Zone is problematic: CD2 added two specific buildings (Banyan and Sunset) to the allowed TVU map. Per LUO for decades, Waikiki apartment district does not allow TVUs. CD2 now picks two buildings in this zoning district, which is lack of transparency and lack of adequate legal consideration. TVU is not allowed in any apartment zone, and it needs to be applied to everyone in the same district across the board. If the bill is trying to give special consideration for mauka side of Kuhio Avenue in Waikiki due to the complicated history of this part of Waikiki, then a transparent and fair process should be proposed, rather than giving special treatment to two buildings only. 4) Considering changing to 180 days minimum: Defining TVU as rental period of less than 180 days is consistent with state tax law. The 90 day rule is confusing to public, and does not have the same strong legal backing as 180 day rule. I would also suggest granting exceptions to the 180 days rule. Exceptions list was previously posted by DPP, and that was a good list to use.

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| Name: Leane Horton | Email: leanedarling@hawaiilife.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:43 AM |

Testimony:

Dear Decision Makers,

I strongly oppose this Bill. Please reconsider voting AGAINST Bill 41 and encouraging enforcement of the current Bill 89.

The adverse ways in which Bill 41 will affect locals with its unintended consequences will be palpable in a big way. If Bill 41 is passed there will be less inter island travel and availability for locals. There will be less support for families who have been forced to supplement their income because of rising property tax assessments (over 21% in the last year!). If these families are forced to sell, these homes will be replaced by outside investors. It will be devastating.

This bill will not prohibit outsiders from investing in Oahu Real Estate. The level of wealth that has discovered Oahu over the last 2 years have rendered this financial barrier useless.

Hotels have plenty of business and will continue to get more as other countries like Japan lift their travel regulations. We are in need of accommodation for 30 day minimum travelers. These travelers will not be disrupting to neighborhoods as they are a different demographic than your 3-4 night stay tourists. If the city and county would hire the 4 people meant to police bill 89 to do their job, then there will be less disturbance to these lovely residential neighborhoods.

Please reconsider your vote and vote AGAINST Bill 41.

Thank you for your consideration.

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| Name: Michelle Furtado | Email: furtados808@gmail.com | Zip: 96821 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:44 AM |

Testimony:

There are many reasons to oppose this bill as a local resident who was born and raised here. In light of the recent Civil Beat article that alleges that DPP Director Dean Uchida has a conflict of interest, this bill should be scratched and rewritten with the input received from locals that oppose this bill. We don't need further legislation that enriches mainland hotel corporations instead of local residents. At a minimum, there should at least be exceptions for student, health care workers, and professionals needing to stay for a shorter period than 90-days. There should also be considerations for if a local resident also lives on the property or owns the property. Having a blanket restriction like this only benefits hotels and takes away from your main goal of helping local people.

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| Name: Stephen Riave | Email: gioiaandcolle@gmail.com | Zip: 96792 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:44 AM |
| <p>Testimony:</p> <p>I strongly oppose Bill 41 as a small business owner with a young family. This Bill grossly infringes on our property rights We operate within the confines of the laws and should not be punished or hindered in our business ventures. There is no evidence that property owners like me are violating any rules or engaging in any activity adverse to public interest. We rent furnished units for 30 days or more to traveling professions, families and military who contribute to and serve the community, as well as pay taxes. As well we employ local people to assist in our business and their interests would be harmed if this bill passed. Should this bill move forward we would join forces to legally oppose it in court and stop it's illegal enforcement. It is in everyone's best interest if the Bill was voted down. The hotels will continue to do just fine and there is no comparable competition in the market with furnished rentals.</p> <p>If Council cares about the local community and small businesses, this bill would not pass. Respectfully submitted.</p> | | |
| Name: Mike Heh | Email: mikeheh100@gmail.com | Zip: 96734 |
| Representing: Friends of Kuilima | Position: Oppose | Submitted: Apr 13, 2022 @ 09:45 AM |
| <p>Testimony:</p> <p>Our council didn't spend 4 years trying to get it right with short-term rental issues in Bill 89 with the expectation that the administration would selectively decide what was important to enforce.</p> <p>"DPP isn't given the option of which laws they choose to enforce- it is their required duty"</p> <p>"Bill 41 was supposed to control Short term illegal rentals but most of it is about controlling legal resort rentals"</p> <p>FOR IMMEDIATE RELEASE</p> <p>APRIL 12, 2022</p> <p>RESIDENTS PROTEST DPP CORRUPTION, ONGOING ETHICS VIOLATION INVESTIGATION, AND MISLEADING MESSAGES THAT PROMOTE HOTEL DEVELOPMENT AND EXCESSIVE PROFITEERING — AT THE EXPENSE OF RESIDENTS</p> <p>CITY COUNCIL MUST PAUSE, OR VOTE NO VOTE BILL 41, IMPLEMENTING MASSIVE CHANGES IN LAND-USE LAW</p> <p>Corruption, sadly, has long cast a dark shadow over our island. The darkness has been allowed to breed and further diminish the trust the public has in government. Many are protesting the Ethics Commission investigation into the drafting of Bill 41 itself, by DPP's Dean Uchida, asking the City Council to pause before passing these controversial and massive changes in land-use law that will hurt local residents.</p> <p>The Honolulu City Council is scheduled to give its final rubber stamp vote tomorrow, when there will be no turning back — residents and the public will pay the price in more ways than one. Most City Council members have expressed serious concern about the bill's language; Council members Tupola and Cordero voted NO. If passed, the City Council will likely end up in years of litigation, spending more public tax dollars to defend their actions as AirBnB and others have already hired attorneys to lay out their case.</p> <p>Bill 41 has been shoved through the "public" process by the Mayor, despite the lack of stakeholder input and conflict of interest by the bill drafter, who admittedly had help from hotel industry interests (and is now the subject of an ethics violation). If passed, Bill 41 will enrich and promote increased hotel profits and development at the expense of residents, small business, and kupuna in particular</p> | | |

- Small businesses and local families will be harmed;

Legal renters will be penalized;

Illegal activities and pay-to-play enforcement will be incentivized;

Winners and losers have been arbitrarily selected (or perhaps specifically given handouts given their connections). E.g., the Kuilima resort-zoned areas were included in Bill 41, while similarly situated Ocean Villas (right next to Kuilima) were excluded from the onerous provisions. No Council member has been able to explain this.

There are many disturbing aspects of Bill 41, in addition to the unresolved investigation of Dean Uchida's conflict of interest and ties to the hotel industry lobbyists.

Emergency workers, medical personnel, students, professors, nonprofits and many more will be impacted.

Without exemptions, there is no recourse to address unforeseen issues.

Impacts not anticipated may require yet another bill to fix it.

Initial ordinance banning short-term rentals (Bill 89) was confusing, complex, not enforced, and was caught in legal challenges.

Bill 41 is even more complex, massive, and confusing than Bill 89.

Economic impacts for small businesses, home owners, and the larger tourism industry have not been studied — there is no data to support the change in law; the policy is set up to eliminate competition for hotels.

Accountability is totally lacking. For example, there is no verbiage to require DPP to report to council on progress of bill implementation.

The rush to pass Bill 41 has marched forward despite the City's own agencies' documents that show public trust in government is at an all time low. The public cannot trust in the City lawmaking process if Bill 41 moves forward, especially before the current Ethics Commission investigation is complete.

"Now is not the time for the City Council to support the hotel-industry lobby at the expense of residents, particularly given the lack of data and analysis of our economy as we emerge from Covid19 impacts and economic struggles for many families. I am particularly concerned about the clear evidence of ethics violations by the drafters of the bill," said Paul Nachtigal, resident at Kuilima.

The entire process for Bill 41 has happened behind closed doors with the intent of supporting the hotel industry, and the hotel industry alone. The Mayor and DPP officials pushing this special-interest hand out have shown no concern for the thousands of O'ahu residents who rely on responsible rentals for jobs and income, nor for existing proven solutions to things that are solvable and manageable.

Resident and small business owner Helena Von Sydow expressed concern over workers, renters, guests and owners, "let's be clear, Bill 41 is not about enforcement of existing policy. It will hurt so many local residents, and many are afraid to speak up out of fear of DPP and their reputation for selective enforcement and kick backs."

Bizarrely, Dean Uchida himself said "the current Administration will not be implementing Ordinance 19-18." So our own government officials shockingly stated they will not implement the existing law banning short-term rentals. This is frightening because Bill 41, if passed, will overreach in many areas, is more Draconian than any other known regulation, and the impacts will be devastating to many.

According to the Annual Comprehensive Financial Report (ACFR) for the City and County of Honolulu (City) for the fiscal year ended June 30, 2021, prepared by the Department of Budget and Fiscal Services (BFS), "Oahu's primary industry, continues to evolve following the record high influx of 6.2 million visitors in 2019 to the pandemic created lull of 1.5 million visitors in 2020." For the ten months ended October 31, 2021, total visitor expenditures decreased 34.3%, total visitor days fell 38.3%, and visitor arrivals dropped 48.4%. We know this and yet there has been no analysis of massive changes in law that banned short-term rentals and increased taxes that occurred in 2019 - pre-Covid or what the proposed massive changes in Bill 41 will bring for

residents. According to the ACFR, the “full impact of the pandemic to revenues and expenditures is unknown at this time.” However, no analysis of changes included in Bill 41 were evaluated.

Background

Before 2019, the short-term rental market (7 days) was expanding rapidly. There were an estimated 7,000-20,000 short-term rentals in Honolulu, depending on who you ask. Some neighborhoods were affected and residents complained sensitive residential areas were impacted by too much tourism.

In 2019, after four years of work to address the issue, Ordinance 89 was signed into law. All short-term rentals were banned except two unique groups: properties zoned “resort” and those grandfathered in since 1989 (transient vacation units, “TVUs”) — both are limited in number. Certain categories of homeowners could rent for 30 days or more.

The new law was controversial because many homeowners depended on short-term rentals to help pay their bills. Part of the compromise at the time, under Mayor Caldwell, was DPP would set up a lottery system within three months of the new law to allow a limited number of Bed and Breakfasts, by permit, spread throughout our neighborhoods. The goal was to ensure that residents were not negatively impacted by excessive numbers of tourists while also recognizing that there is a place for short-term rentals that benefit the economy. The language of the compromise law was all about balancing interests.

However, the “promise” to create a lottery was not kept. Now under Mayor Blangiardi, the 2019 law has not been enforced and DPP has said they will not implement the law — until and unless Bill 41 is passed.

In sharp contrast to the language in current law, Bill 41, written by the hotel industry lobby and DPP’s Dean Uchida, aims a gun at all rental options except hotels and perhaps a few small handouts that we may figure out in the future. The alleged purpose is to promote affordable housing. The latest version prohibits rentals for less than 90 days.

Bill 41 also requires current legal short-term rentals (resort-zoned and TVUs) become part of a new permit regime scheme, with lots of different fees, paperwork that must be filed, and myriad new, often onerous and unnecessary rules. Yet residents never complained about excessive tourists in the resort-zoned areas and they are not going to be “affordable housing.” It is not clear why the Mayor, DPP, and potentially the City Council intends on punishing these types of property owners.

It is notable that some resort-zoned areas got a pass, such as Ocean Villas, right next to Kuilima resort-zoned areas, which are included specifically in Bill 41.

The attack on Kuilima resort-zoned units by DPP and the Mayor is not new. There was an effort to shut down all their short-term rental options just 2 years ago. The group had to hire a lawyer, fight city hall, and get a declaratory ruling in their favor. Essentially, it was found that they could rent short-term because that’s what the law said.

Bill 41 also has been fraught with procedural problems, never received input from stakeholders (e.g., no working group, task force, or even a fiscal impact statement), and has never been understood or vetted with the public.

In Conclusion

Former legislator, Jessica Wooley stated “it does not make sense. We have a 2019 law on the books banning short-term rentals, as well as agreements by platforms that control the listings (e.g., Expedia Group and Airbnb) to help with enforcement, yet DPP is claiming that the law will not be enforced. Instead, a massive policy change that harms legal rentals in Bill 41 is being pushed.” During recent hearings, DPP was advised to get input from corporate council before failing to enforce agreements with Expedia and Airbnb. No word yet from DPP.

Instead of addressing enforcement of existing law (or creating a lottery), the Council members are set up to pass Mayor Blangiardi and the hotel lobby’s wish list — as quickly as possible with no meaningful public input, studies, or information on potential economic consequences. The language of the Bill 41 is not about balance in any way. It essentially hands the hotel industry

monopoly power for rental properties throughout O`ahu, eliminating freedoms for residents, jobs, and options for resort-zoned property owners to use their property for its lawful, intended purpose. All this despite the Ethics Commission's ongoing investigation of Dean Uchida's violations to benefit himself financially.

Our government systems have been corrupted by money time and time again. Public outrage has often been the only leverage able to prevent the worst of the worst legislative efforts. That is changing, as the public has less access to elected officials and public meetings due to COVID-19. Few people seem aware of the proposed changes that will have a major impact on the economy.

Bill 41 is an attack on legal rentals that contribute to the economy, help families pay their mortgages, and bring flexibility for residents. Bill 41 will eliminate affordable and legal rental options — to the benefit hotels and at the expense of residents. How is this good for local residents or property owners?

And Council members have raised serious concerns during hearings but most still voted yes. (Two Council members got it right. In defiance of the rubber-stamp City Council vote, Council members Tupola and Cordero voted "NO" on Bill 41.)

To restore the integrity of the legislative process and begin to rebuild trust from our community, we must start anew with transparency and true collaboration from all stakeholders. We ask City Council to institute a balanced short-term rental advisory board to consider all legislation carefully, with data and facts, with all voices heard and represented, and with a focus on solutions that will actually work for all.

We ask our elected leaders now to truly lead and throw out the offensive Bill 41.

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| Name: Mary Flood | Email: Maryflood50@gmail.com | Zip: 96825 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:45 AM |

Testimony:

Bill 41 is an over reach. It does not address properly the issue of short term rentals . The current restrictions are not being enforced .Plus... 90 days is too long for many reasons , such as the need for military families moving here , traveling nurses, and move up home sales.. The approved areas are also too exclusive. And removes areas formerly approved.I oppose Bill 41.

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| Name: Susan Meister | Email: meister@hawaiiintel.net | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:46 AM |

Testimony:

I am a North Shore resident who depends on vacation rental financially. Like so many of my neighbors we supplement our mortgage with our rental income. When we invested in the North Shore this was part of the plan. I also clean vacation rentals for money, so, in addition to losing rental income I will lose income. Surfer's come to the North Shore for short stays. They always have. With no where to stay here they will still come but will be backing up our traffic worse. Long term tenants result in no parking on the streets. Visiting family members can't afford Turtle Bay. You are squeezing us out!! We have lived her for 30 years! Please DO NOT pass Bill 41!

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|---------------------------|----------------------------|---------------------------------------|
| Name: jeffrey cochrane | Email: jchawaii@aol.com | Zip: 96815 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:49 AM |

Testimony:

I am a realtor Hi Kai Kahala Waikiki I oppose bill 41 as do my clients.

Name:

Kristjan Higdon

Email:

kristjan@sfcoastalestates.com

Zip:

96712

Representing:

Self

Position:

Oppose

Submitted:

Apr 13, 2022 @ 09:49 AM

Testimony:

My family along with many others are able to make our house payments partially because of the opportunity that short term rentals provides.

I believe that short term rentals provides the income needed for families to make payments and to use space for family and friends when they come into town. Short term rentals has been a huge benefit and we have all strive to make sure that the quality of life for the neighbors is still respected while there are guests staying in our homes.

I don't think some families would be able to afford their homes if they are not able to continue short term rentals

Name:

Maria Heh

Email:

mariaheh@gmail.com

Zip:

96734

Representing:

Friends of Kuilima

Position:

Oppose

Submitted:

Apr 13, 2022 @ 09:50 AM

Testimony:

"You can have all the laws in the world to make something happen- but if the people charged with that aren't willing to perform their basic duty, nothing will happen."

"Our council didn't spend 4 years trying to get it right with short-term rental issues in Bill 89 with the expectation that the administration would selectively decide what was important to enforce."

"DPP isn't given the option of which laws they choose to enforce- it is their required duty to administer those laws."

"Bill 41 was supposed to control Short term illegal rentals but most of it is about controlling legal resort rentals"

FOR IMMEDIATE RELEASE

APRIL 12, 2022

RESIDENTS PROTEST DPP CORRUPTION, ONGOING ETHICS VIOLATION INVESTIGATION, AND MISLEADING MESSAGES THAT PROMOTE HOTEL DEVELOPMENT AND EXCESSIVE PROFITEERING — AT THE EXPENSE OF RESIDENTS

CITY COUNCIL MUST PAUSE, OR VOTE NO VOTE BILL 41, IMPLEMENTING MASSIVE CHANGES IN LAND-USE LAW

Corruption, sadly, has long cast a dark shadow over our island. The darkness has been allowed to breed and further diminish the trust the public has in government. Many are protesting the Ethics Commission investigation into the drafting of Bill 41 itself, by DPP's Dean Uchida, asking the City Council to pause before passing these controversial and massive changes in land-use law that will hurt local residents.

The Honolulu City Council is scheduled to give its final rubber stamp vote tomorrow, when there will be no turning back — residents and the public will pay the price in more ways than one. Most City Council members have expressed serious concern about the bill's language; Council members Tupola and Cordero voted NO. If passed, the City Council will likely end up in years of litigation, spending more public tax dollars to defend their actions as AirBnB and others have already hired attorneys to lay out their case.

Bill 41 has been shoved through the “public” process by the Mayor, despite the lack of stakeholder input and conflict of interest by the bill drafter, who admittedly had help from hotel industry interests (and is now the subject of an ethics violation). If passed, Bill 41 will enrich and promote increased hotel profits and development at the expense of residents, small business, and kupuna in particular

- Small businesses and local families will be harmed;

Legal renters will be penalized;

Illegal activities and pay-to-play enforcement will be incentivized;

Winners and losers have been arbitrarily selected (or perhaps specifically given handouts given their connections). E.g., the Kuilima resort-zoned areas were included in Bill 41, while similarly situated Ocean Villas (right next to Kuilima) were excluded from the onerous provisions. No Council member has been able to explain this.

There are many disturbing aspects of Bill 41, in addition to the unresolved investigation of Dean Uchidas conflict of interest and ties to the hotel industry lobbyists.

Emergency workers, medical personnel, students, professors, nonprofits and many more will be impacted.

Without exemptions, there is no recourse to address unforeseen issues.

Impacts not anticipated may require yet another bill to fix it.

Initial ordinance banning short-term rentals (Bill 89) was confusing, complex, not enforced, and was caught in legal challenges.

Bill 41 is even more complex, massive, and confusing than Bill 89.

Economic impacts for small businesses, home owners, and the larger tourism industry have not been studied — there is no data to support the change in law; the policy is set up to eliminate competition for hotels.

Accountability is totally lacking. For example, there is no verbiage to require DPP to report to council on progress of bill implementation.

The rush to pass Bill 41 has marched forward despite the City's own agencies documents that show public trust in government is at an all time low. The public cannot trust in the City lawmaking process if Bill 41 moves forward, especially before the current Ethics Commission investigation is complete.

“Now is not the time for the City Council to support the hotel-industry lobby at the expense of residents, particularly given the lack of data and analysis of our economy as we emerge from Covid19 impacts and economic struggles for many families. I am particularly concerned about the clear evidence of ethics violations by the drafters of the bill, “ said Paul Nachtigal, resident at Kuilima.

The entire process for Bill 41 has happened behind closed doors with the intent of supporting the hotel industry, and the hotel industry alone. The Mayor and DPP officials pushing this special-interest hand out have shown no concern for the thousands of O’ahu residents who rely on responsible rentals for jobs and income, nor for existing proven solutions to things that are solvable

and manageable.

Resident and small business owner Helena Von Sydow expressed concern over workers, renters, guests and owners, “let’s be clear, Bill 41 is not about enforcement of existing policy. It will hurt so many local residents, and many are afraid to speak up out of fear of DPP and their reputation for selective enforcement and kick backs.”

Bizarrely, Dean Uchida himself said “the current Administration will not be implementing Ordinance 19-18.” So our own government officials shockingly stated they will not implement the existing law banning short-term rentals. This is frightening because Bill 41, if passed, will overreach in many areas, is more Draconian than any other known regulation, and the impacts will be devastating to many.

According to the Annual Comprehensive Financial Report (ACFR) for the City and County of Honolulu (City) for the fiscal year ended June 30, 2021, prepared by the Department of Budget and Fiscal Services (BFS), “Oahu’s primary industry, continues to evolve following the record high influx of 6.2 million visitors in 2019 to the pandemic created lull of 1.5 million visitors in 2020.” For the ten months ended October 31, 2021, total visitor expenditures decreased 34.3%, total visitor days fell 38.3%, and visitor arrivals dropped 48.4%. We know this and yet there has been no analysis of massive changes in law that banned short-term rentals and increased taxes that occurred in 2019 - pre-Covid or what the proposed massive changes in Bill 41 will bring for residents. According to the ACFR, the “full impact of the pandemic to revenues and expenditures is unknown at this time.” However, no analysis of changes included in Bill 41 were evaluated.

Background

Before 2019, the short-term rental market (7 days) was expanding rapidly. There were an estimated 7,000-20,000 short-term rentals in Honolulu, depending on who you ask. Some neighborhoods were affected and residents complained sensitive residential areas were impacted by too much tourism.

In 2019, after four years of work to address the issue, Ordinance 89 was signed into law. All short-term rentals were banned except two unique groups: properties zoned “resort” and those grandfathered in since 1989 (transient vacation units, “TVUs”) — both are limited in number. Certain categories of homeowners could rent for 30 days or more.

The new law was controversial because many homeowners depended on short-term rentals to help pay their bills. Part of the compromise at the time, under Mayor Caldwell, was DPP would set up a lottery system within three months of the new law to allow a limited number of Bed and Breakfasts, by permit, spread throughout our neighborhoods. The goal was to ensure that residents were not negatively impacted by excessive numbers of tourists while also recognizing that there is a place for short-term rentals that benefit the economy. The language of the compromise law was all about balancing interests.

However, the “promise” to create a lottery was not kept. Now under Mayor Blangiardi, the 2019 law has not been enforced and DPP has said they will not implement the law — until and unless Bill 41 is passed.

In sharp contrast to the language in current law, Bill 41, written by the hotel industry lobby and DPP’s Dean Uchida, aims a gun at all rental options except hotels and perhaps a few small handouts that we may figure out in the future. The alleged purpose is to promote affordable housing. The latest version prohibits rentals for less than 90 days.

Bill 41 also requires current legal short-term rentals (resort-zoned and TVUs) become part of a new permit regime scheme, with lots of different fees, paperwork that must be filed, and myriad new, often onerous and unnecessary rules. Yet residents never complained about excessive tourists in the resort-zoned areas and they are not going to be “affordable housing.” It is not clear why the Mayor, DPP, and potentially the City Council intends on punishing these types of property owners.

It is notable that some resort-zoned areas got a pass, such as Ocean Villas, right next to Kuilima resort-zoned areas, which are included specifically in Bill 41.

The attack on Kuilima resort-zoned units by DPP and the Mayor is not new. There was an effort to shut down all their short-term rental options just 2 years ago. The group had to hire a lawyer, fight city hall, and get a declaratory ruling in their favor. Essentially, it was found that they could rent short-term because that’s what the law said.

Bill 41 also has been fraught with procedural problems, never received input from stakeholders (e.g., no working group, task force, or even a fiscal impact statement), and has never been understood or vetted with the public.

In Conclusion

Former legislator, Jessica Wooley stated “it does not make sense. We have a 2019 law on the books banning short-term rentals, as well as agreements by platforms that control the listings (e.g., Expedia Group and Airbnb) to help with enforcement, yet DPP is claiming that the law will not be enforced. Instead, a massive policy change that harms legal rentals in Bill 41 is being pushed.” During recent hearings, DPP was advised to get input from corporate council before failing to enforce agreements with Expedia and Airbnb. No word yet from DPP.

Instead of addressing enforcement of existing law (or creating a lottery), the Council members are set up to pass Mayor Blangiardi and the hotel lobby’s wish list — as quickly as possible with no meaningful public input, studies, or information on potential economic consequences. The language of the Bill 41 is not about balance in any way. It essentially hands the hotel industry monopoly power for rental properties throughout O`ahu, eliminating freedoms for residents, jobs, and options for resort-zoned property owners to use their property for its lawful, intended purpose. All this despite the Ethics Commission’s ongoing investigation of Dean Uchida’s violations to benefit himself financially.

Our government systems have been corrupted by money time and time again. Public outrage has often been the only leverage able to prevent the worst of the worst legislative efforts. That is changing, as the public has less access to elected officials and public meetings due to COVID-19. Few people seem aware of the proposed changes that will have a major impact on the economy.

Bill 41 is an attack on legal rentals that contribute to the economy, help families pay their mortgages, and bring flexibility for residents. Bill 41 will eliminate affordable and legal rental options — to the benefit hotels and at the expense of residents. How is this good for local residents or property owners?

And Council members have raised serious concerns during hearings but most still voted yes. (Two Council members got it right. In defiance of the rubber-stamp City Council vote, Council members Tupola and Cordero voted "NO" on Bill 41.)

To restore the integrity of the legislative process and begin to rebuild trust from our community, we must start anew with transparency and true collaboration from all stakeholders. We ask City Council to institute a balanced short-term rental advisory board to consider all legislation carefully, with data and facts, with all voices heard and represented, and with a focus on solutions that will actually work for all.

We ask our elected leaders now to truly lead and throw out the offensive Bill 41.

| | | |
|---------------------------|---------------------------------|---------------------------------------|
| Name: David Tuiasosopo | Email: dtuiasosopo@gmail.com | Zip: 96706 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:51 AM |

Testimony:

I am in opposition of Bill 041. I dont think it's fair to local families as well as homeowners. In a state where locals are already struggling to rent from month to month, 90 days minimum is just as ridiculous. It's gonna drive people out of here.

| | | |
|-----------------------|---------------------------------|---------------------------------------|
| Name: Julia Davis | Email: juliadavis1@gmail.com | Zip: 96712 |
| Representing: Self | Position: Support | Submitted: Apr 13, 2022 @ 09:51 AM |

Testimony:

I oppose this bill.

| | | |
|-------------------------|-----------------------------------|---------------------------------------|
| Name: Torrey Meister | Email: torreymeister@gmail.com | Zip: 96712 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:52 AM |

Testimony:

Please vote NO to bill 41. 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 week 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 41 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

| | | |
|-----------------------|----------------------------------|---------------------------------------|
| Name: Ted Biggs | Email: biggsincline@gmail.com | Zip: 96731 |
| Representing: Self | Position: Oppose | Submitted: Apr 13, 2022 @ 09:52 AM |

Testimony:

A year and half ago Ordinance 19-18 was passed, as an owner at Kuilima West we were pleased to hear that we had qualified to use our property as both a permanent residence or a STR (Short Term Rental). As it is my custom, I ask vacationers where they

were staying. In most of the cases, I would be told in a house they had rented. This perplexed me that no one was enforcing the new ordinance.

I now hear that a new bill is being considered , "Bill 41", it looks like this bill is attempting to achieve the same results as the prior bill. I'm wondering why you would seek a new bill when enforcement of the old bill has not taken place. By not enforcing the first bill you do not know if the desired results could be achieved.

I have a few thoughts that I hope you will consider in the Bill 41.

1. Insurance of \$1,000,000 for each general occurrence:
 - a. I personally carry a \$2,000,000 umbrella policy and I assume this will meet the requirement of the Bill. I'm not sure where the \$1,000,000 figure came from although I believe the vast majority of injury lawsuits are settle below \$500,000. This may be a little bit of overkill.
2. Initial licensing fee of a \$1,000 and the \$2,000 a year renewal fee
 - a. I understand that cost is incurred to creating and tracking the license, so the \$1,000 initial fee does not sound out of line. The \$2,000 a year just sounds punitive, it certainly does not cost \$2,000 to renew the license and if you are planning on increase the property tax to a commercial rate, then revenues will already be increased.
3. Property Tax increase
 - a. It was my understanding from attending meetings on the Ordinance 19-18 that the two biggest issues that led to 19-18 were: (1) the crowding of neighborhoods with vacation renters staying in bedrooms in residential neighborhoods and (2) the desire to free up property for locals to rent or buy.
 - i. If 19-18 had been enforced the first issue should have been solved.
 - ii. As a Retired Banker I think you need to check with some mortgage lending experts before approving this provision. A lender normally uses the prior year's property taxes when they figure if you qualify for a mortgage. If I am trying to purchase a property that was a STR , the requirements to qualify for a mortgage would be greater because the lender is using the higher property tax rates. It will be harder for me to get approved if I'm buying property that was a STR. If I was buying a non STR property I will qualify easier than the if I am buying a prior STR. You may have created the unintended consequence of making it harder to qualify for a mortgage.
4. A 50% limit on the number of units in a zoning location
 - a. As previously mentioned I own a place in Kuilima West. Today the Association exceeds the 50% limit in STR. This brings up several questions:
 - i. Who determines or how do you determine who can rent their properties and who cannot rent?
 1. No matter which way you determine the rights to rent, you are treating two people who may be exactly the same differently. I think this has a very good chance of being overturned in the courts.
 2. The matter of who determines which person can rent and which one that cannot be fraught with litigation. I am on the Board at Kuilima West and we could not make this determination, we would open the Association and the Board Members up to litigation. Enforcement by the Association is also next to impossible.
 3. If the goal is to free up properties for local rentals or purchase , limiting the STR's to 50% will only free up a few properties, yet you could put the whole ordinance in jeopardy through litigation. Is it worth persuading?
5. Limiting owners to only one STR.
 - a. This is the easiest one to circumvent. All I would do is make my wife an owner of one and I would own the other. If I'm a corporate owner I just make one new LLC after another. Almost impossible to stop!

I believe you are trying to do the best for the people of Hawaii, the issues you tried to address in 19-18 are real. I do think if you focused your energies around enforcement of 19-18 you would go a long way to achieving your goals. If the new bill was focused on paying for enforcement of 19-18, I think you would get almost universal support. I think some of the additional limitations will have marginal impact on the your goals such as:

1. Limiting STR to 50 %
2. Limiting ownership

| | | |
|---|--------------------------------|---------------------------------------|
| Name: Laurie Wong-Nowinski | Email: lwong4@honolulu.gov | Zip: 96822 |
| Representing: Honolulu Ethics Commission | Position: I wish to comment | Submitted: Apr 13, 2022 @ 09:55 AM |

Testimony:

I am appearing by request from Councilmember Tupola.

Name:

Larry Stanford

Email:

lbstanford@gmail.com

Zip:

96734

Representing:

Self

Position:

Oppose

Submitted:

Apr 13, 2022 @ 09:56 AM

Testimony:

I am opposed to Bill 41 because 90 days is too long to attract visitors to the island. In Kailua there are no hotels so the only practical accommodations are short term rentals. I believe the short term rental owner can be regulated such that responsible visitors can be housed in Kailua . The short term rental accommodations are good for all small businesses in the city and surrounding areas. Bill 41 will severely impact that business. thank you for the opportunity to comment.

**Kathleen M Pahinui
67-237 Kauai St
Waialua, HI 96791**

March 21, 2022

Committee Chair Brandon Elefante
Zoning and Planning Committee Members
530 S. King St
Honolulu, HI 96813

RE: Bill 41 - Relating to Transient Accommodations – IN SUPPORT

Aloha Committee Chair Elefante and Committee Members:

I am writing in strong support of Bill 41, CD2

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.

You will hear that moving to 90-days vs 30-days is a taking. Not true, a taking would, as implied in the word – take away the ability of a property owner to earn money from their property. The owners can still make money from long-term rentals. There is nothing in the Land Use Ordinance that states that a property owner is entitled to do short-term rentals.

For the travelling nurse and student argument – the travelling nurses I have known had at least 6-month contracts. When students travel, it is usually for a semester (at least 3-4 months). Maybe during COVID some nurses did come for 30-days but that would be an exception not the rule. Again please do not be swayed by a very small group and a very small argument.

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. Lets keep the vacation rentals in resort areas: Waikiki, Kuilima and Ko Olina.

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



April 13, 2022

Honolulu City Council
Honolulu Hale
530 South King Street
Honolulu, HI 96813

Dear Council Chair Waters and Council Members:

On behalf of Airbnb, mahalo for the opportunity to comment on the proposed CD2 to Bill 41. We remain committed to advocating for sensible short-term rental policy that both allows our community to be compliant and supports the local tourism industry. Despite some improvements, we remain deeply concerned that Bill 41 is not enforceable.

Legal concerns

We believe CD2 to Bill 41 is flawed and its implementation would be impermissible by state law. The proposed ordinance's amendment to the definition of Bed & Breakfasts and Transient Vacation Units from 30 days (per Ordinance 19-18) to 90 days would be preempted by state law, which regulates the ability of counties to institute land use changes. Hawaii Revised Statutes, Section 46-4, ensures that nonconforming residential uses, which includes transient accommodation uses, cannot be amortized or phased out by local laws. While CD2 proposes a 180 day grace period for Hosts who are currently operating stays of 30-89 days, this addition would not remedy the underlying concern, as state law does not allow for any kind of amortization for these types of existing short-term rental hosts.

The Department of Planning and Permitting (DPP) said as much in testimony provided to the State Legislature on February 4, 2021, regarding proposed amendments to this state law (HB 76, 2021). Specifically, the DPP Director noted that transient accommodation uses can be viewed as residential uses subject to the protection of this statute, and "*therefore not subject to amortization or phasing out*".

Litigation on this issue squarely supports this position (e.g., *Robert D. Ferris Trust v. Planning Commission of County of Kauai*, 138 Hawaii 307 (2016) ("preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate"); *Kendrick v. County of Kauai*, No. CAAP-20-00057, Haw. Intermediate Ct. App (2020) ("plain and obvious meaning of the state statute [HRS, Section 46-4] . . . provides that a nonconforming use shall not be lost unless discontinued")). Moreover, DPP's aborted implementation of Ordinance 19-18 also raises the specter of federal constitutional challenges, particularly equal protection concerns.

Protecting against unintended consequences

We encourage the Council to adopt the proposed FD1, which reinserts the safeguards provided by a previous draft's definition of "transient occupants". The definition outlined in DPP's proposed bill draft from the Planning Commission provides exemptions for tenants such as medical workers, military personnel, and nonprofits. Since the onset of the pandemic, health care professionals, first responders and even patients have required temporary accommodations, and have turned to our platform to help meet this need. Similarly, disaster relief workers and displaced residents relied on our platform for medium-term accommodations in the wake of natural disasters, including the 2018 Kilauea volcano eruption on the Big Island, during which Airbnb Hosts opened their homes free of charge for these individuals. Given these critical use cases, including these exemptions is essential in avoiding detrimental, unintended consequences.

Leveraging platform agreements

After the adoption of Ordinance 19-18, Airbnb signed a Memorandum of Understanding (MOU) with the City and County of Honolulu to support the DPP's enforcement efforts. The agreement provides the City with meaningful tools to help implement its regulatory scheme. However, this agreement required the City's issuance of Bed & Breakfast permits, which has not occurred to date. Of note, Kauai County has adopted a simple compliance system based solely on the TMK, and has implemented its agreements with Airbnb and Expedia with great success over the past year and a half. A similar platform agreement with Maui County went into effect this January. Airbnb removed over 1,300 listings in Maui that did not comply with the agreement's terms, and now works in close collaboration with Planning staff to support compliance. On the other hand, in Honolulu, the City and Hosts face continued uncertainty and instability. We urge the City Council to provide fair, reasonable and enforceable regulations that promote compliance and that platforms can support. CD2 in its current form is legally flawed, and is therefore neither enforceable nor supportable.

* * *

Mahalo for taking our comments and concerns into consideration as the Council prepares to vote on Bill 41. As always, we welcome an opportunity for continued discussion and collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Patel'.

Toral Patel
Airbnb Public Policy, Hawaii

If the purpose of this bill is to control short term rentals in residential areas, why is it full of onerous registration requirements for people who are legal, following all the rules, and operating efficiently without them in resort areas?

I appreciate your efforts on this bill and there have been modification to improve it from its original state but it is still “not quite ready for prime time”. I urge you to please address these issues.

Due Process and Administrative regulations:

Per 2-12.7-8.1 (b) on fiscal impact statements it states: A fiscal impact statement for a proposed ordinance that affects the revenues, expenditures, taxes, and fiscal liabilities of the County may be initiated by the director of finance at any time, or upon a council member’s written request ...The director of finance shall submit the fiscal impact statement to the council no later than noon on the business day prior to the second required council reading. *This doesn’t limit the ability of the council to act in absence of a fiscal note.*

Considering such a potential impact on the island economy such as small businesses and tourism revenues, why hasn’t this been requested? We noted in your 1/26/22 council comments that you had specifically asked this question and no one responded whether there had been a request or that one was completed. This ordinance would have a substantial impact on OAHU. Why is that impact not being considered before the bill is passed? Why were only hotels and a few stakeholders involved in the drafting of the bill without consideration for the economic impact?

Per SECTION 13. STRs rented for periods of 30 consecutive days up to 89 consecutive days shall rent the dwelling only for periods of 90 consecutive days or more.

On what basis was 90 days selected when 30 days was working fine. What data supports this change?

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 personnel while looking for a home to buy
- Traveling nurses
- Families from out of state who are on island caring for loved ones

Penalty against permitted STRs

Under 21-5.730(a)(3) Permitted STRs, Turtle Bay is one of the 3 named resort zoned properties as “permitted”, yet

Under 21-5.730(b)(1) Registration The resort property owners in Turtle Bay must comply with an onerous list of requirements to obtain a registration number. So although permitted we must perform all the requirements to be permitted. Why is DPP creating huge hurdles for legal units?

Why not make it simple such as unit binder with required information, smoke detectors, and verification of paid taxes. Why such a huge list of registration requirements. The hotels do not have a similar list.

Under 21-5.730(a)(1)(D) and 21-5.730(a)(2)(E) it stated fees as Pay an initial fee of \$1,000 and a renewal fee of \$500.

For the renewal fee it doesn't state annual- so what is the period of time covered under renewal

What is the justification for the fees set? Why are these so high compared to similar types of registration and renewals.

Under 21-5.730(b)(1)(H) Registrants must provide evidence that the unit is not affordable unit subject to income restrictions; did not receive housing assistance; was not subject to an eviction in the past 12 months.

How does anyone prove these? There is no mechanism to show this is true, therefore any registration can be easily denied? How does a simple homeowner obtain this sort of ‘evidence’? Why is this requirement there in resort area properties?

Under 21-5.730(b)(3)(B)(i-iv) for Occupancy and Sleeping arrangements the total number of guests, how many in beds and a 2 year detailed registry of all renters must be complied with.

For what purpose are occupancy limits and sleeping arrangements restrictions?

Why the detailed registry? This is not required of hotels or time-share units, and to what end is this information relevant for registration or enforcement purposes?

Under 21-5.730(b)(4) Entry on premises it states “upon reasonable notice” the dwelling must be made available for inspections.

There is neither reference to landlord tenant laws, nor a definition for reasonable.

Why not state that 48 hours notice is required unless there is an emergency as

stated in the Landlord Tenant Code?

Under 21-5.730(b)(6)(C) Revocation of registration the director may determine that "good cause exists" for revocation of registration.

Why can the Director still refuse a registration or renewal "for cause" when there is no definition of what "for cause" is?.

Bill 41 - in opposition with comments

To All city council members,

Regarding the **Resort Area in Waikiki**,

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

If the current Bill41 allows only hotel to manage a condo in the Resort Area in Waikiki, it's the same as the 1st version of the Bill41 that had allowed only hotel to do less than 180 days rentals even in the Resort area.

I think city council members and most people here believe that TVU in Resort Area in Waikiki is now allowed with the current Bill 41.

However, it's not clear. It's very dangerous.

If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

More details:

In the previous version of Bill41, only the Resort Area (Resort Precinct) had "P/c" in Waikiki (Waikiki Special District) in the Table 21-9.6(A) (in page 35 of the current Bill41). Many of us believed that a condo in the Resort Area in Waikiki can be registered as TVU because there is "P/c" in Resort Area in Waikiki. On the other hand, the Apartment Area in Waikiki didn't have "P/c." We thought that the previous version of Bill41 needed to give a special permit to Waikiki Banyan and Waikiki Sunset in page 17 because those condos are in the Apartment Area which didn't have P/c.

The zoning committee added P/c to the Apartment Area in Waikiki in the Table 21-9.6(A). Now, both of Apartment Area and Resort Area in Waikiki

have "P/c." However, Bill41 still gives special permit only to Waikiki Banyan and Waikiki Sunset in page 17.

(NUC unit described in page 13 is about a unit in Apartment Area, so NUC is nothing to do with a unit in Resort Area.)

Does it mean that only Waikiki Banyan, Waikiki Sunset, and NUC unit in Apartment Area can be TVU in Waikiki?

There is an exemption in page 32 which exempts "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.] Section 21-10.1."

The Chapter 21, Article 10 defines "'Hotel' means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities."

This exemption is for only hotel. Hotel management is not TVU.

Is TVU allowed in the Resort Area in Waikiki?

Only hotel can manage a unit in Resort area in Waikiki?

Shouldn't we clarify this in Bill41?

If the Bill41 force property owners in Resort Area to go to hotel management, it is totally different story.

Please make it clear in this meeting and Bill41 that TVU is allowed in the Resort Area in Waikiki.

Thank you.

Yoh Kuwano 4/9/2022.

April 10, 2022

Aloha Honolulu County Council!

RE: Bill 41 CD2-Relating to Transient Accommodations. In support of.

I am on the island of Maui, but I want to support Bill 41(21) to control vacation rentals in Kailua. Actually, I hope that you will stop them completely. I hear that some counties on the mainland have stopped allowing them completely. I was part of many residents on Maui who worked toward getting the Moratorium on Tourist Accommodations passed, including getting the Mayor's veto overridden.

I was born and raised on Maui, but I lived in Kailua for nine years. I was blessed to live in a true neighborhood where I was the newcomer—my neighbors could tell me about each and every family that lived in our house previously. Maui is so similar to Kailua, in that the tourist lobby has taken over. Residential zoning should be for long-term housing, and this bill would protect that.

There are so many reasons to control vacation rentals, including:

The islands we live in has a "carrying capacity" that affects the amount of people our remote home can handle. We don't have enough space or infrastructure to have an unlimited number of visitors. We don't have the sewage systems, landfills, or clean water.

We don't have enough housing to accommodate visitors and residents, and even we did, working residents cannot compete with the real estate prices (for rentals or purchase) due to the competition of vacation rentals. Since people (mostly nonresidents who are making a profit off Hawai'i) can make so much more money by renting their homes as vacation rentals, prices for the homes are inflated so that hard-working residents cannot afford the rent or mortgage.

Residents deserve to live in a neighborhood, not a resort area. Tourists that rent houses as vacation rentals are not there for long, causing the instability of not knowing your neighbor. Tourists that rent these houses are on vacation, which often means loud partying, as they do not know and are not concerned about their neighbors.

Please put residents' interests first and pass this bill **without exception or amendment**. People will use the exceptions for their own gain, at the neighborhood's expense.

I want to offer a big mahalo to those who are working hard for their support for keeping neighborhoods in Kailua true neighborhoods.

Me ka ha'a ha'a,

Kai Duponte

Kai Duponte, MSW



‘ĀINA HAINA COMMUNITY ASSOCIATION

c/o ‘Āina Haina Library, 5246 Kalanianaʻole 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

April 13, 2022

To: Council Chair Tommy Waters,
Vice Chair Esther Kia‘āina and
Members of the City Council

From: Jeanne Y. Ohta, President

RE: Bill 41 (2021) CD2 LUO Amendment Relating to Transient Accommodations and
Bill 41 (2021) FD1

Position: Support CD2
Oppose FD1

The Board of Directors of the ‘Āina Haina Community Association (AHCA) write in support of Bill 41 CD2 (2021) and write in opposition to FD1. AHCA encourages the Council to provide the Department of Planning and Permitting with the enforcement tools necessary to enforce our zoning laws to keep residential communities from becoming over-run by commercial tourist rental businesses.

This bill provides enforcement tools that are needed by the Department of Planning and Permitting (DPP) 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. Therefore, we are in **support of the increase of the minimum** rental contract to 90 or 180 days to help with enforcement. Without effective tools, illegal rentals will continue to flourish in residential neighborhoods and continue to degrade our quality of life.

AHCA asks the Council to eliminate exceptions that would weaken the DPP’s ability to enforce zoning laws; and we ask that the Council keep as many properties in the residential rental market as possible. Allowing the expansion of rental properties into other neighborhoods puts more strain on the rental market, increasing the cost of rentals to residents.

Thank you for the opportunity to provide testimony on this very important issue.

BILL 41 – Transient Accommodations Testimony.

I strongly oppose this bill because it strips property owners of their rights, puts the hotel industry into a privileged class and has multiple unintended trickle-down consequences that will deprive local residents of income and reduce our quality of life. While I agree that appropriate oversight of transient accommodations is important, this bill makes no attempt to do that. Rather than sincerely involving home owners in the process and making it fully transparent, this bill pursues a "scorched earth" policy that throws the baby out with the bathwater.

Unintended Consequences:

1. Emergency workers, medical personnel, students, professors, nonprofits and special-skills construction workers (for example, those working on the rail) and others will be adversely impacted. It is unreasonable to expect these individuals to live in a hotel room for several weeks to a month or more. Apart from quality of life, the cost of eating out, alone, would make that cost-prohibitive.
2. This will be certainly face costly legal challenges. Changing the definition of short-term rentals from 30 days to 90 days is not allowable. In addition, it is preempted by state law prohibiting counties from phasing out grandfathered residential uses.
3. Instead of pursuing tactics that are designed to search-and-destroy the vacation rental industry, work transparently and collaboratively with property owners to define reasonable criteria that will result in minimal impact to the communities in which the vacation rentals are located, but do not take a "cookie cutter" approach in banning all of them. There are most certainly ways to identify irresponsible TA owners as well as those who are not paying TAT and GE taxes, etc. Those individuals should rightfully be penalized, but this bill makes no attempt to acknowledge or reward responsible vacation rental owners. Instead it seeks only to destroy an entire cottage industry and deprive responsible local property owners of earning much needed income. Now more than ever, we need mortgage relief and for many of us, short-term rental of a portion of our property makes that possible.

Even as local residents desperately need relief, Bill 41 puts hotels in a privileged class and essentially gives them a monopoly – indeed, compare hotel rates statewide now with what they were prior to the shutdown of vacation rentals. This smacks of corruption.



WORLD SURF LEAGUE HAWAII
66-250 KAMEHAMEHA HWY, SUITE D-200
HALEIWA, HI 96712

Honolulu City Council
530 South King Street, Room 202
Honolulu, HI 96813

April 11, 2022

Dear Honorable City Council Members,

We are writing regarding [Bill 41\(21\), CD2](#) and its ***potential to devastate professional surfing in Hawaii.***

Our original testimony to the first version of Bill 41 detailed the impossibility for traveling surfers and surf event staff to stay on Oahu for 180 days. In its current CD2 form, Bill 41 reduces the minimum term from 180 to 90 consecutive days. However, ***a 90-day minimum still poses a potentially irreversible threat to the future of Hawaii surf events.***

All Hawaii surf events run by the World Surf League (WSL) are on Oahu. ***All of these events will be in jeopardy if this bill is passed.*** We strongly oppose this 90-day minimum for the following reasons (outlined in greater detail on pages 3 – 5 of this testimony):

- Given the City & County of Honolulu's own Shore Water Events rules, and the current 2022-4 North Shore Triennial Surf Calendar, ***there is not a single 90-day period within the North Shore surf calendar that justifies any traveling surfer or worker staying 90 days on Oahu.***
- Given the City & County of Honolulu's own Shore Water Events Rules, if this bill is passed, ***there is no current mechanism to realign North Shore surf event permits and make a 90-day minimum practical for traveling surfers or workers.***
- Unlike wealthier visitors, ***surfers do not have the financial means to afford the limited hotels on the North Shore*** (which are at peak prices during the fall/winter North Shore surf season).
- Traveling surfers are not only ex-Hawaii: Some of Hawaii's best surfers are from the outer-islands. If passed, ***this bill will hurt Hawaii's own surfers, as well as international surfers coming to compete on Oahu.***
- Given the global schedule of professional surf events, ***there is no possible way that a traveling surfer or worker can spend 90 days on Oahu without missing WSL events in other locations.***

As the sole governing body of professional surfing, the WSL has invested in Hawaii as the proving grounds that it is – as the birthplace of surfing, culturally and competitively. It is ironic and unfortunate that Hawaii-based groups purporting to support Hawaii tourism, and who use surfing to promote Hawaii tourism, are backing a bill that would essentially mean the death of professional surfing in our islands.

The WSL has committed to Hawaii as a linchpin of the global pathway for surfers to build professional careers and reach the pinnacle of their sport. This pathway is only possible through a combination of local (Hawaii surfers only) and global (Hawaii and international surfers) events. Put another way: ***International professional surfing is the only pathway to a World Title.*** Without traveling surfers or workers, global

surf events will not be possible on Oahu – and ***the road to a World Title will bypass our islands***. This would be an unprecedented blow to surfers, surfing, and Hawaii itself.

(OAHU) HAWAII AS THE BIRTHPLACE OF (COMPETITIVE) SURFING

Like the Polynesian tradition of surfing itself, competitive surfing was born in Hawaii. For generations, surfers from all over the world have traveled to Hawaii, and especially Oahu, to compete in our world-class waves. Oahu has welcomed international surfers since 1953, when the Waikiki Surf Club hosted the Makaha International Surfing Championships on the West Side.

Spending time on the North Shore in particular, the worldwide epicenter of high-performance surfing, is a rite of passage for nearly every competitive surfer looking to build a career in the sport. The opportunity to compete in Hawaii is a dream come true for surfers who are able to make the trip. Yet very few surfers are in a financial position to spend 90 days in the islands (as much as they might like to!). If surfers are faced with the costs of spending 90 days, they are likely to forego the trip entirely – especially in the wake of a financially disruptive global pandemic.

Just as the Olympics bring together athletes from around the world, professional surf events bring together men and women from diverse countries and regions, proudly competing among the world's best. Carissa Moore's Olympic gold medal last year is a joyous reminder of how global competition has the power to instill an immense sense of cultural pride and accomplishment.

Please do not let Hawaii, the birthplace of surfing, be the place where professional surfing dies.

Traveling surfers and workers are essential to the perpetuation of professional surfing on Oahu. Without a transient occupant exemption or reduction in the proposed minimum 90-day requirement, professional surfing in Hawaii is in great peril. We reiterate our strong opposition to this undue burden.

As a 16-year North Shore resident, having produced surf events for the WSL and other local surf brands since 2006, I humbly and deeply wish to continue working in professional surfing, where I have been grateful to witness the ability of surfing to bring people together, support and fulfill career dreams, connect us to our oceans and environment, and strengthen local communities. Please do not deprive future generations of these incredible opportunities.

Thank you for allowing us to submit this testimony, which follows in further detail on the next 3 pages.

Thank you,



Robin Erb
Regional Director, World Surf League (WSL) North America/Hawaii
Email: rerb@worldsurfleague.com

REALITY OF NORTH SHORE PERMITS (OR LACK THEREOF)

Not only are all of the WSL's Hawaii surf events on Oahu – they are all on Oahu's North Shore. The City & County of Honolulu strictly regulates all aspects of North Shore surf events through its [Shore Water Rules](#). The realities of these regulations are:

- North Shore surf event permits are only awarded during the **peak pricing season** (fall/winter) for North Shore accommodations.
- North Shore surf event permits are awarded to multiple amateur and professional organizations, with different sets of surfers competing at each event. While this means that no organization can monopolize a 90-day period of surf event permits, this also means that **there is not a single 90-day period within the North Shore surf calendar that justifies any traveling surfer or worker staying 90 days on Oahu.**
- North Shore surf event permits are awarded on a triennial calendar basis, with minimal recourse to reschedule permits within the triennial period. Currently, the WSL's (and other organizations') North Shore surf event permits have been provisionally awarded for 2022, 2023, and 2024. **If Bill 41 passes, there is no current mechanism for any organization to realign 3 future years of surf event permits to make a 90-day minimum practical for traveling surfers or workers.**

REALITY OF NORTH SHORE ACCOMMODATIONS (OR LACK THEREOF)

Oahu's North Shore has highly-limited hotel/B&B/TVU inventory, and traveling surfers must compete with other visitors when booking accommodations. **Unlike wealthier visitors, most surfers do not have the financial means to afford hotels on the North Shore, which is at peak prices during the fall/winter North Shore surf season.** Hotels have little incentive to lower their rates when visitors are willing and able to meet their asking price. Furthermore:

- Unsponsored surfers who are just starting out are not in a position to afford luxury hotel rates.
- Most surfers do not have access to the limited number of surf team houses that remain on the North Shore. These up-and-comers, from all corners of the globe, pay their own way to travel to Hawaii, the world's most remote island chain. Flights, surfboard baggage fees, food, transportation, and accommodations add up quickly. Outside of the Championship Tour – and even within it – very few surfers have secured sponsorship terms that cover these costs.
- It is impractical for traveling surfers and workers to spend hours in Honolulu traffic commuting to North Shore events that are called on or off daily in the earliest (sunrise) hours of the morning.

THREATS TO LOCAL HAWAII SURFERS (REGIONAL EVENTS)

For local Hawaii surfers, the opportunity to compete at home and forego costly travel is an advantage that the WSL has specifically built into its current Regional Qualifying Series (QS) tour. The WSL's Regional QS events are open to regional Hawaii surfers only. However, **some of Hawaii's best surfers are from the outer-islands**, and therefore require accommodations when traveling to compete on Oahu – the only island on which the WSL is able to operate Regional QS events.

Looking at the [2022–4 North Shore surf event calendars](#), there are simply not enough Regional QS events to justify 90-day accommodations for these outer-island surfers. As a specific example:

- The WSL's upcoming Sunset Pro (Sunset Beach) Regional QS event has a 10-day holding period, October 28 – November 6. The event could be completed in as few as 4 consecutive days.
- There are no other Regional QS events within 90 days, earlier or later, of this holding period.

- ***There is no logistic or financial justification for Hawaii's outer-island surfers to spend 90 days on Oahu for a (maximum) 10-day surf event.***

THREATS TO HAWAII AND INTERNATIONAL SURFERS (GLOBAL EVENTS)

There are 2 tiers of global professional competition: The WSL Challenger Series, and the WSL Championship Tour. The WSL's Regional QS events determine qualifiers for the Challenger Series, where surfers from Hawaii and around the world compete to qualify for the Championship Tour – the most elite professional surfing series, where World Titles are decided.

Both Hawaii surfers and international surfers are represented at the Challenger Series and Championship Tour levels. (The WSL guarantees spots for Hawaii men and women on the Challenger Series, based on performance in Regional QS events.) Therefore, ***both Hawaii surfers and international surfers would suffer by being forced to spend 90 days on Oahu.***

Oahu hosts the final Challenger Series event of the season, the Haleiwa Challenger (Haleiwa Ali'i). This is the last chance for surfers to qualify for the upcoming year's Championship Tour. Crucially:

- The Haleiwa Challenger event has a 12-day holding period, November 26 – December 7. The event could be completed in as few as 4 consecutive days.
- There are no other Challenger Series events in Hawaii within 90 days, earlier or later, of this holding period.
- In the 90 days prior to this event, there are 3 other Challenger Series events in Portugal, France, and Brazil. Challenger Series surfers cannot afford to miss these vital opportunities if they want a shot at qualifying for the Championship Tour.
- ***There is no logistic or financial justification for Challenger Series surfers to spend 90 days on Oahu for a (maximum) 12-day surf event, especially when they cannot afford to miss the aforementioned Challenger Series events in Portugal, France, and Brazil.***

Oahu also hosts the first 2 Championship Tour events of the season, at Pipeline (January 29 – February 10) and Sunset Beach (February 11 – February 23). Once again:

- Together, these events' holding periods represent 26 consecutive days (January 29 – February 10).
- There are no other Championship Tour events in Hawaii within 90 days, earlier or later, of these holding periods.
- In the 90 days after these events, there are 3 other Championship Tour events in Portugal, Bells Beach (Australia), and Margaret River (Australia). Championship Tour surfers cannot afford to miss these vital opportunities if they want a shot at a World Title.
- ***There is no logistic or financial justification for Championship Tour surfers to spend 90 days on Oahu for (maximum) 26 consecutive days, especially when they cannot afford to miss the aforementioned Championship Tour events in Portugal and Australia.***

It is important to note that different sets of surfers compete at these international events. Haleiwa Challenger surfers have not yet qualified for the Championship Tour, so there is no guarantee that they would need 90-day accommodations for the forthcoming Pipeline and Sunset Beach Championship Tour events in January/February.

THREATS TO TRAVELING WORKERS (SURF EVENT STAFF)

While the WSL has always prioritized local hiring at all of our Hawaii events, global surf events require specific staffing parameters that are out of alignment with minimum 90-day work periods:

- **Competitive integrity:** Global surf events require an international panel of judges from different regions of the world to ensure competitive integrity, fairness of judging, and minimal bias.
- **Global broadcast execution:** The WSL's free live global broadcasts are delivered by a core team of traveling workers who have year-round expertise and familiarity with technical in-house production requirements.

The WSL has long been in compliance with Oahu's current minimum 30-day stay for short-term rentals. We respect local laws and legally rent 30-day minimum accommodations for our traveling workers, even though 30 days is not financially ideal. However, when compared to a 90-day minimum, ***there is no logistic or financial justification for traveling workers to spend 90 days on Oahu.***

Logistically, just as it is impossible for surfers to spend 90 days on Oahu, it is impossible for the WSL to keep our traveling workers on Oahu for 90 days, when there are other surf events in regions around the world within those 90-day timeframes.

Financially – even if it were logistically possible to keep traveling workers on Oahu for 90 days, which it is not – a 90-day minimum is an outrageous fiscal burden for any organization needing to accommodate temporary workers on Oahu. As a concrete example:

- The closest hotel option to the Haleiwa Challenger event is Turtle Bay Resort (Kahuku). The least expensive Turtle Bay Resort room for a single person working the Haleiwa Challenger event (November 26 – December 7), arriving on November 25 and checking out on December 8, is \$13,853.49, or ***\$1,065.65 per room night.***
 - Note that this is just a single day before the event starts. In reality, most traveling workers must arrive at least 2 or 3 days earlier for the pre-event setup, and remain at least 1 day after competition ends to conclude the post-event breakdown.
- On the other hand, under the current 30-day minimum, the WSL may rent a multi-room property for 30 days, covering the Haleiwa Challenger event dates, for a total of \$13,661.29*. However, with 3 bedrooms, the WSL can accommodate 3 traveling workers on the property, for a rate of ***\$151.79 per room night.***
 - Note that this 30-day period allows these persons to arrive earlier for pre-event setup, and stay later to conclude post-event breakdown.

** Actual cost of a 30-day booking made by the WSL for a 3-bedroom property on the North Shore for the 2021 Haleiwa Challenger event.*



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

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

Honolulu City Council
Bill 41 (2021), CD2
April 13, 2022

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

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers—have been outspoken advocates for the regulation of short-term rental units on O'ahu. This issue has been a top priority for our association, and we have worked closely with local elected leaders to address it in myriad ways including through proper collection of real property taxes and the Transient Accommodations Tax, the establishment of penalties, as well as pushing for STRs to be relegated to the appropriate zones where they would be required to operate under the same rules and pay the same taxes and fees as the rest of the lodging industry.

We appreciate the efforts that the administration, the Department of Planning & Permitting, and the City Council have made to address these issues through meaningful legislation and have made clear our support of previous versions of this bill. Of late, we have enjoyed productive discussions with Zoning & Planning Chair Brandon Elefante and other members of the City Council, and we agree with the amendments included in the CD2 that was passed out of the Committee on Zoning & Planning. We feel that the current version of this measure represents the legislation necessary to adequately address the issue of illegal short-term rentals in Honolulu and solve the various community issues created by their proliferation.

Moreover, HLTA would support the amendments proposed by the FD1 submitted by Councilmember Carol Fukunaga. In previous testimony on Bill 41, we advocated for the establishment of exemptions for certain transient occupants including medical professionals and patients, full-time students, and military personnel. While we understand that this could create some minor administrative challenges, it is our position that these amendments should be considered by the Council as a similar exemption clause was included in the draft bill originally proposed by the Honolulu Planning Commission.

These things considered, HLTA strongly supports Bill 42 (2021), CD2.

Mahalo for the opportunity to provide this testimony.



April 11, 2022
City Council of Honolulu
Honolulu Hale
530 South King Street
Honolulu, HI 96813

HEARING DATE: April 13, 2022
HEARING TIME: 10:00am

RE: BILL 41 (2021) – Relating to Transient Accommodations

Dear Chair Waters and Members of the Honolulu City Council:

Thank you for the opportunity to provide testimony in SUPPORT of Bill 41 (2021) (the "Bill"). Kaimana Beach Hotel is a locally-owned and managed hotel that employs Hawai'i residents, and works with dozens of suppliers and vendors in the community to support the local economy.

The Bill is intended to assist in regulating short-term rentals, which we believe will in turn help the City's community and economy.

- Illegal short-term rentals can have a negative impact on residential neighborhoods, which are not designed to accommodate an influx of visitors and the use of residences as hotels.
- Illegal short-term rentals can limit the amount of housing supply available to kama'aina families, contributing to the displacement of local residents.
- Illegal short-term rentals can harm the legal tourism industry (including the occupancy rates of hotels), which is an integral part of Hawai'i's economy. Hotels legally operate within a regulated infrastructure that provides visitors to Hawai'i with standards of safety and quality, elevating the tourism industry. Legally run hotels also help the economy by providing jobs, paying wages and taxes, and reinvesting back into the community.

We commend the City Council for proposing the Bill, which we hope will protect not only our kama'aina families from the impact of tourism in local residential communities, but also the integrity of the legal hospitality industry in Hawai'i.

Mahalo for the opportunity to submit our support for Bill 41.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ha'aheo".

Ha'aheo Zablan
General Manager, Kaimana Beach Hotel

To: Zoning & Planning Committee: April 13, 2022

From: Kandis McNulty, RE: Bill 41 CD2: Support

Please support this bill, with every means at your disposal, to strengthen the enforcement of stopping mini hotels in neighborhoods and apartment buildings. **Who do you want to be living here in the next decade, 20 years and beyond?** Our residents need places to live that are affordable and close to where they work.

Keep the rules simple and enforceable, it makes no sense to tie the hands of your inspectors. The FD1 Amendment would tie up the inspectors with affidavits and give the illegal vacation renters a loophole. Please be foreword thinkers on this issue. Allow the inspectors to use the advertisements as proof of a violation. If a dwelling is being offered on a vacation rental site, **it is a vacation rental!** Use sting operations to prove it! Impose hefty fines on owners of transient vacation units (TVU), and exponentially increase the fines for multiple TVUs. Require signs on dwelling units utilized as a Bed & Breakfast or TVU that provide contact information. The illegal vacation rental owners have been circumventing the laws for over a decade. They have been lying and instructing their renters to lie. They are able to show up to testify in force because this is how they make their money. The normal renter trying to find affordable housing has either moved away, lives with their parents or other multi-family households and cannot take off from work to testify at these meetings.

This problem has been growing for years and due to lack of political will and extreme short-sightedness, the number of illegal vacation rentals has shamefully exploded. They are invasive and unsustainable for the community. The lack of enforcement has emboldened the violators into believing that what they are doing is and should be legal.

If vacation rentals are allowed to continue business as usual, our Islands will become a tourist destination with no residents nor sense of community. Even the wealthy don't want to have party houses next to them. Vacation rentals belong only in resort areas.

EVERY VACATION RENTAL IS A DISPLACED FAMILY!

Kandis McNulty
67-335 Kaiea Place
Waialua, HI 96791

To: Zoning & Planning Committee: April 13, 2022

From: Michael McNulty, RE: Bill 41 CD2: Support

Please support this bill, with every means at your disposal, to strengthen the enforcement of stopping mini hotels in neighborhoods and apartment buildings. **Who do you want to be living here in the next decade, 20 years and beyond?** Our residents need places to live that are affordable and close to where they work.

Keep the rules simple and enforceable, it makes no sense to tie the hands of your inspectors. The FD1 Amendment would tie up the inspectors with affidavits and give the illegal vacation renters a loophole. Please be foreword thinkers on this issue. Allow the inspectors to use the advertisements as proof of a violation. If a dwelling is being offered on a vacation rental site, **it is a vacation rental!** Use sting operations to prove it! Impose hefty fines on owners of transient vacation units (TVU), and exponentially increase the fines for multiple TVUs. Require signs on dwelling units utilized as a Bed & Breakfast or TVU that provide contact information. The illegal vacation rental owners have been circumventing the laws for over a decade. They have been lying and instructing their renters to lie. They are able to show up to testify in force because this is how they make their money. The normal renter trying to find affordable housing has either moved away, lives with their parents or other multi-family households and cannot take off from work to testify at these meetings.

This problem has been growing for years and due to lack of political will and extreme short-sightedness, the number of illegal vacation rentals has shamefully exploded. They are invasive and unsustainable for the community. The lack of enforcement has emboldened the violators into believing that what they are doing is and should be legal.

If vacation rentals are allowed to continue business as usual, our Islands will become a tourist destination with no residents nor sense of community. Even the wealthy don't want to have party houses next to them. Vacation rentals belong only in resort areas.

EVERY VACATION RENTAL IS A DISPLACED FAMILY!

Michael McNulty
67-335 Kaiea Place
Waialua, HI 96791

Aloha

I am a Certificate holding Short Term Vacation Rental B&B business person.

NUC: 90/BB-0069

In 1989 when the City and County created NUC rules for businesses the popular opinion was the City was planning to eventually decrease the number of Short Term Vacation Rentals by setting up laws that would make it difficult to remain in business. One part of the new rules was that the owners of Short Term Vacation Rentals would not be allowed to make any more than a 10% improvement on their units.

From the beginning, those of us who had certificates would pay a yearly fee to remain in business and this fee would be used to police the Short Term Vacation Rental units.

For the past 33 years I have followed the laws established by the City and County. I pay TAT taxes along with the GE tax. TAT tax is now over 13% which increases the guests nightly room rate.

I remember being a bit taken aback when only a short time after the C&C implemented these laws I became aware of quite a number of people wanting to start a Short Term Vacation Rental business. The one man I knew at the time realized that he could make a significant amount of money by managing Short Term Vacation Rental units and immediately started a business by encouraging his friends to get into the Short Term Vacation Rental business. This was all after the C&C had established that only those businesses with NUC certificates could operate a Short Term Vacation Rental. It was all a bit bewildering. Where was the enforcement of the rules that I was paying a yearly fee for. The truth was and is the C&C did not have any significant staff to stop these burgeoning entrepreneurs. At the time it seemed no one starting a Short Term Vacation business was even giving it a second thought that they might need a NUC certificate. So after these rules were established in 1989 the Short Term Vacation Rental business exploded and all those thousands of businesses that came up after 1989 did not have certificates or pay the yearly fee or TAT tax.

The number of Short Term Vacation Rental businesses became larger and larger. So the C&C tried again and again to rope in the growth of Short Term Vacation Rentals. As far as I can see they have failed completely. The laws that were established in 1989 could not be enforced see, for the most part, they made no difference to anyone wishing to start a Short Term Vacation Rental business. And, I must repeat that all those businesses that started after 1989 do not pay the fees or TAT tax. As far as I can tell they would need to have a certificate to be able to apply for a TAT tax form to pay the TAT taxes.

I would not be in business if I did not have the NUC certificate. I have actually tried to not stick my head up too much because I realize that I might be a target for those around me who find it irritating that someone has a certificate. Many of the Short Term Rental businesses have been in business since the 90's and might wonder why, with their longevity, they are not allowed to be in business.

Until the C&C has enough employees to enforce whatever regulations they make the Short Term Vacation Rental businesses will continue to be a sore spot in Hawaii. In 1989 the idea that Short Term Vacation Rentals could be put out of business with laws failed miserably with now many thousands of units are in business. There were only a few hundred in 1989.

Whatever laws are put into place they are not going to work unless there is a workforce to enforce them.

As a legal business owner, who has paid my fees and taxes, these new fees and taxes will probably put me out of business. I would like to thank the C&C for their acknowledgment of my work in always striving to remain legal. What I am saying is that those of us with NUC licenses will be the low hanging fruit to enforce any new laws and all the other businesses that have no ties to the C&C will not be as visible and may be able to continue in business.

Testimony In Opposition Bill 41(2021) – All Versions

Honolulu City Council

April 13, 2022

Third Reading

RE: BILL 41 -- AFFORDABLE ROOM RENTING

Aloha Chair Waters, Vice-Chair Kia'aina, and Councilmembers,

The latest proposals help a little. There would need to be at least a year of discussion post COVID, post real Bill 89 rulemaking to know where we stand with the law we have. It is appreciated that you are reading testimony from residents before creating provisions.

This testimony is in opposition to Bill 41 (all versions) as it creates these significant barriers to affordable owner-occupied room renting to local residents. The barriers are:

1. Vague insurance requirements. We can't be sure that we are in violation?for using Airbnb, a platform where residents find us. (This assumes that the platforms Airbnb/Expedia will continue to serve us at all. Suppose Airbnb's \$1,000,000 Aircover is DPP sanctioned today and they change the insurance offering. What is the process for insurance product revalidation? How does auntie who rents some rooms keep up with the changes? LUOs need to be mechanical. Vice-Chairs modifications here started the discussion that needs to be completed before the requirement is ready to be in a bill.
2. It is appreciated that the Vice-Chair has proposed a new registration fee to decrease to \$1000, an amount now 20 times the actual cost to review a registration. Make it \$25 annually. Revenue sources already exist to pay for a specialized renting section of the DPP.
3. Anticipated coming real property tax increases on owner-occupied (Bed and Breakfast) room renting cost.
4. Because of the significantly elevated collections risk, a 90-day minimum stay rule would force us back to inferior customer service. This would be putting tenants executing leases, credit checks, and exception validation. We would be back at Facebook and Criagslist. The modern way is to use a platform. We are able to replace the need for a security deposit with good reviews from previous landlords. Use of the platforms accelerate the acceptance process.
5. Public distrust in the DPPs ability to timely process registrations and process exception validation. Bill 41 FD1, while well intended to address the issues, is not viable because there is no accountability built into the bill for the DPP to confirm and validate exceptions in a timely manner. Platforms need a 24 hour turnaround. Consider that it might be someone who will need to live in a vehicle while awaiting DPP renting clearances.

6. City self-destructive behavior failure to protect residents by implementing existing reform Bill 89 appropriations, MOUs, enforcement and public education (Section 16). Our legislators have oversight responsibilities! Instead, the Council Chair and Chair ZP should be proud of the completed work on Bill 89.

The projected increase in room rental will be between 25% and 50% an amount well beyond the affordability of our preferred client, a local renter. Bill 41 are clear “regulatory taking” because:

1. The Hawai’i State Constitution, US Constitution and state law provide strong protections from the city's intrusion into residential renting business without just cause. Our preferred and ideal tenant is someone who is a local, and looking for something affordable. Affordable renting is our equivalent “main terminal” of the business, not the “airspace” above. See SCOTUS Penn Central v. NYC. Affordable renting is central to what we do. It is fully consistent with the purpose of Bill 89. Bill 41 will force us to change the nature of our business away from affordable renting to local residents.
2. Renting reform is to serve a specific public interest while mitigating an existential threat. No evidence has been presented on Bill 89 that compliant unpermitted affordable room renting has a negative impact on our communities. Yet there are significant restrictions added in Bill 41. Impact would be the opposite of the public interest stated in Section 1 paragraphs 1 and 3. The remedy must be narrowly tailored to address the stated threat.
3. It is contrary to the public interest to disenfranchise the micro-business owners who come for 30 days at a time for research and development. These businesses bring their skills and transfer their knowledge to us.
4. Affordable renting business has occurred since the enactment of Bill 89. To favor some groups of renters because they have previously conducted business over other groups is spot zoning. A much larger group than the NUCs now have lawfully operated.
5. Superior state law HRS 521-22 allows for 30-day renting. The concepts of residential use and renting are inseparable. All rents 90-day minimum restrictions are arbitrary-or- capricious for owner occupied rents.
6. It is unjust enrichment to purpose an LUO to take property away from residential owners for purposes of fixing the prices of hotel rooms. It is effectively taking property from one private concern and transferring it to another. The courts will not look upon this favorably. The city should stay out of fixing the hotel industry's poor quality overpriced product.

With these reforms we will offer renting to residents wherever possible. In reality we are forced to in order to survive, we will need to find new ways and new technology to market to prospective tenants outside of the state.

At the ZP Council Committee hearing the Public Safety Chair made a reasonable request for additional time.

Please vote NO on this bill and continue quality stakeholder engagement. . Other steps could place us on track to address the threat. Instead of lashing out at landlords, address the housing crisis directly with assistance for renters. Hire DPP advocates and enforcement personnel. Give time to recover from the DPP director conflict of interest now acknowledged by proceeding with rul-making.

Edward Jones

Resident District IV

To: Honolulu City Council Zoning and Planning Committee

April 11, 2022

From: Lucinda and John Pyles, Kahala Residents

RE: Testimony in **SUPPORT of BILL 41-CD2 (2021)**, relating to transient accommodations, but **NOT in support of FD1**.

We beg you to pass Bill 41 CD2, without including FD1! We have been testifying for 25 years hoping for relief from illegal vacation rentals but instead have seen out of control proliferation of them. Kahala residents since 1973, we have both served multiple terms on the Waialae-Kahala Neighborhood Board.

Why we think this bill is so important.

Where we once had local families for neighbors we now have, on two of our nearest neighboring properties, whole-home vacation rentals which either sit empty or are occupied by a large number of transients. Both properties are owned by non-residents, a Japanese Corporation and a California attorney in the name of an LLC. At these rentals large events/parties are hosted by the transient occupants, frequently weddings. One has an NCU (obtained under questionable circumstances years ago) and the other has operated illegally for years. We don't even have the property managers contact information for the illegal one.

Elsewhere in Kahala we see increasing evidence of more and more homes being used as short term vacation rentals. While the bogus 30 day contract has allowed many operators to get away with rentals for actual stays of far less than 30 days, the new wrinkle is that in today's world with the increasing ability and popularity of working remotely a work-vacation in a home in Hawaii for stays of 30 days or more has become popular. We believe if this bill doesn't pass we will see an explosion of short term 30-90 day rentals with the same negative impacts as a rental of less than 30 days but with no regulation and no transient accommodation tax.

These transient guests, just like a house guest in your home, are not stakeholders in its upkeep; they don't join the neighborhood watch, don't testify on bills, don't greet you at the mail box and inquire as to when the grandkids will be visiting again, don't notice the stranger snooping around your garage, don't vote, aren't contributing to the local workforce, don't employ in our community, don't have children in our schools, don't pay income taxes in Hawaii, don't coach our children's sports teams, don't volunteer at a beach cleanup, support our local charities, buy season tickets to Diamond Head Theater or UH volleyball, etc. For five years in a row our population has decreased. We constantly hear about our affordable housing shortage yet we allow our inventory to be diverted to transient use, driving our young and old off island in search of housing and all the while diminishing the quality, character and livability of our neighborhoods for residents!

The jobs they claim to create for home services such as house cleaners, yard and pool services are not services unique to vacation rentals. I must wonder if STR operators provide health insurance, social security, medicare or retirement contributions or unemployment and temporary disability insurance

on behalf of those they employ. We wonder how many of these workers are paid in cash and may not be filing tax returns at all.

While we think we understand the reasoning behind FD1 we believe it will make regulating the transient rentals a nightmare and be so cumbersome for DPP that they will be bogged down and overwhelmed. We have seen years of evidence as to how little regard the STR operators have for regulation and the extent they will go to circumvent the law and its intent. Please don't add this bag of worms to what could finally be an effective solution to the out of control situation.

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").

What we love about this bill.

- STR's restricted to resort areas leaving our residential neighborhoods for our residents;
- Amending the definition of "Transient Accommodation" to rentals of less than 90 consecutive days;
- Prohibition on bogus contracts, i.e. requiring occupancy be for the full stated 90 day period;
- Restrictions on number of occupants, parking, quiet hours, signage, and the size of on-site gatherings;
- Complaints being grounds for permit revocation or renewal denial;
- Permits being non-transferable;
- The requirement that advertising include current registration certificate number and property tax map key;
- That it is unlawful to advertise unpermitted short term rentals for daily or for less than 3 month rental rates;
- The fact that the existence of an unlawful advertisement will be prima facie evidence a B&B or TVU is being operated at the listed address;
- The fines of up to \$10,000 for violation and up to \$10,000 per day for persisting violations.

We need the provisions of BILL 41 CD2 to restore residential zoning's ability to protect and preserve our residential neighborhoods.

Thank you.

April 11, 2022

Chair Tommy Waters, Vice Chair Esther Kia'āina
and Members of the Honolulu City Council
530 S. King Street
Honolulu Hale, Room 202
Honolulu, Hawaii 96813

Date: Wednesday, April 13, 2022
Time: 10:00 a.m.
Place: VIA VIDEOCONFERENCE
City Council Chamber

Testimony of Jerry Gibson Re Bill 41

Aloha Chair Tommy Waters, Vice Chair Esther Kia'āina and Members of the Honolulu City Council:

Thank you for this opportunity to provide testimony.

My name is Jerry Gibson, President of the Hawaii Hotel Alliance and our all-volunteer board who collectively with our membership stand in strong support of Bill 41.

After nearly six years of debate on this issue, operators of illegal short-term rentals have made it clear that they don't care about the impact they have had on our residents or the legal visitor industry which has borne the brunt of the public's frustration in our communities caused by these illegal short-term rentals.

If passed, Bill 41 will help Honolulu claw back:

- Much needed housing supply
- Help clear unnecessary traffic from our highways and rural neighborhoods
- Give our communities back to the Kama'aina families
- Improve tax collection for the county and state
- Help to start balance the cost of housing instead of using them as mini hotels
- Use houses as they were intended not for houses of profit and community disruption
- Turn the negative perception of tourism back to the illegal short-term rental enablers and off the backs of the hard-working men and women of the visitor industry.

Chair Tommy Waters, Vice Chair Esther Kia'aina
and Members of the Honolulu City Council

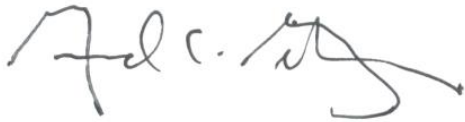
April 11, 2022

Page 2

HHA urges adoption of Bill 41 to strengthen the enforcement of elimination of illegal short-term rentals.

This Bill is about those of us who live in and call Hawai'i home. By moving Bill 41 forward, we will give kamā'aina families a fighting chance at home ownership and keep communities, that resemble the aloha spirit, intact.

Mahalo for your time and consideration.

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

Gerard C. Gibson
President
Hawaii Hotel Alliance



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

**TESTIMONY TO THE
HONOLULU CITY COUNCIL
Wednesday, March 23, 2022
*RE: Bill 41 (Relating to Transient Accommodations)***

Testifier: Representative Patrick Pihana Branco
House District 50 (Kailua, Kāneʻohe Bay)
Position: In Strong Support

Aloha and mahalo for allowing me to testify in strong support for the proposed Land Use Ordinance Amendments relating to Transient Accommodations. I represent Hawai'i State House District 50 (Kailua, Kāneʻohe Bay), a community severely impacted and inundated by illegal vacation rentals. For at least two decades, residents endured the noise, inconvenience, lack of parking, and safety concerns caused by homes operating as hotels. Sadly, it took a significant pandemic for us to realize what a residential neighborhood truly is meant to be. These carefully considered and crafted proposed amendments not only will better protect our communities but will stimulate much-needed affordable housing.

Locating vacation rentals in areas zoned explicitly for tourism is not only the right thing to do; it is the only sensible option. Our hotel visitor industry will be better supported, and the mounting strain on our small town infrastructures will be reduced. It has been said that this island has been run for tourists at the expense of local people. By clearly delineating tourism from residential areas, the City & County is sending the message we will protect our neighborhoods for those who live here.

New regulations and requirements are meaningless without strong enforcement. I encourage the City & County of Honolulu to expedite investigations promptly and issue collectible fines as warranted. In Kailua alone, there is one property accruing over \$1.5 million in uncollected fines. This bill will allow for generous funding, and there is no reason violators cannot be quickly and efficiently prosecuted. These amendments not only provide the funding but the personnel for effective enforcement.

For the constituents and community I serve, mahalo for voting yes on these welcomed and long-awaited Land Use Ordinance Amendments relating to Transient Accommodations.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. **Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.**

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

In the previous version of Bill41, only the Resort Area (Resort Precinct) had "P/c" in Waikiki (Waikiki Special District) in the Table 21-9.6(A) (in page 35 of the current Bill41). Many of us believed that a condo in the Resort Area in Waikiki can be registered as TVU because there is "P/c" in Resort Area in Waikiki. On the other hand, the Apartment Area in Waikiki didn't have "P/c." We thought that the previous version of Bill41 needed to give a special permit to Waikiki Banyan and Waikiki Sunset in page 17 because those condos are in the Apartment Area which didn't have P/c.

The zoning committee added P/c to the Apartment Area in Waikiki in the Table 21-9.6(A). Now, both of Apartment Area and Resort Area in Waikiki have "P/c." However, Bill41 still gives special permit only to Waikiki Banyan and Waikiki Sunset in page 17. (NUC unit described in page 13 is about a unit in Apartment Area, so NUC is nothing to do with a unit in Resort Area.)

There is an exemption in page 32 which exempts "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.] Section 21-10.1."

The Chapter 21, Article 10 defines "'Hotel' means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities."

This exemption is for only hotel. Hotel management is not TVU.

If the current Bill41 allows only hotel to manage a condo in the Resort Area in Waikiki, it's the same as the 1st version of the Bill41 that had allowed only hotel to do less than 180 days rentals even in the Resort area.

I think city council members and most people here believe that TVU in Resort Area in Waikiki is now allowed with the current Bill 41.

If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Shira Orito.

Date 4 / 12 / 2022.

Signature Shira Orito.

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If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name _____.

Date _____.

Signature _____.

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Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. **Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.**

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

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I think city council members and most people here believe that TVU in Resort Area in Waikiki is now allowed with the current Bill 41.

If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Yuta Yokoyama.

Date 4/11/2022.

Signature .

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

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Thank you for your consideration on this critical measure.

Name Mika Kobayashi

Date April 9, 2022.

Signature  _____.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

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Thank you for your consideration on this critical measure.

Name KAZUO AOYAMA.

Date 4 / 12 / 2022.

Signature Id. Aoyama.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

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Thank you for your consideration on this critical measure.

Name Makoto TAKANO.

Date 12 April, 2022.

Signature .

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While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOAO like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special**

District should be completely excluded from the 90 days minimum rule.

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

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Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

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These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Petra Rofoli.

Date 04/11/2022.

Signature *Petra Rofoli*.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days.

I believe that we need to implement different rules for Waikiki Special District and other residential area.

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

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Thank you for your consideration on this critical measure.

Name _____.

Date _____.

Signature _____.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

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Thank you for your consideration on this critical measure.

Name _____.

Date _____.

Signature _____.

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Thank you for your consideration on this critical measure.

Name NORIFUMI NAKAMURA
Date 04/11/22
Signature [Signature]

L. Thomas Tobin
1405 Mokulua Drive
Kailua, HI 96734
415 595-8939 lttobin@aol.com

April 11, 2022

Members of the City Council
City and County of Honolulu

Dear Council Members:

I am writing to oppose adoption of Bill 41 in its present form increasing the minimum rental term to 90 days. If you enact this provision, you will deprive my family of the beneficial use of our property based on the laws we relied on when we purchased our property in 2007. At that time the law allowed us to rent it for minimum terms of 30 days. We relied on the law at that time and have a vested right to continue renting in this manner.

We live in our home when we can and offer it for rent when we are away. We hire a licensed real estate agent to manage the property, our rental contracts are for 30 days or more, we pay GET and TAT taxes, our advertisements state that there is a 30-day minimum rental term and give our registration number. We provide onsite parking. We and our agent vet prospective tenants selecting only those who would abide by the laws. We maintain close surveillance of the property when rented. We already pay punitive property taxes our home is not our principal residence. We pay Residential A Tier 1 and Tier 2 property tax rates, and do not qualify for an owner-occupied exemption that would reduce the assessed valuation. We obey the law.

By increasing the minimum rental term from 30 to 90 days you will materially reduce our income to an unreasonable level based on false assumptions about the impact of 30-day rentals on our communities and without demonstrating the public value gained by increasing the rental period. This action would be arbitrary and capricious. Enacting a 90-day minimum rental term will constitute a regulatory taking in violation of the Fifth amendment of the United States Constitution.

Thank you for considering the impact of this change in the law on homeowners like my family.

Sincerely,

A handwritten signature in dark ink, reading "L. Thomas Tobin". The signature is written in a cursive, flowing style with a large initial "L" and a prominent "T".

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

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Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. **Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.**

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

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If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.


Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Momoyamakousan Co., Ltd.

Date 04/12/2022

Signature 

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

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I believe that we need to implement different rules for Waikiki Special District and other residential area.

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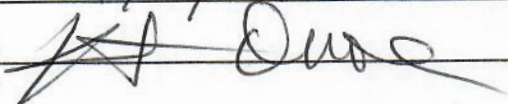
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Thank you for your consideration on this critical measure.

Name Kunitumi Onoe

Date 4/11/2022

Signature 

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

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Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

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Thank you for your consideration on this critical measure.

Name _____.

Date _____.

Signature _____.

Barbara Mayer 04-13-22 testimony on Bill 41

My name is Barbara Mayer; I've lived in the Waimānalo beach lots since 1976, and I'm in **strong support of Bill 41...but I do not like FD1.**

Prior to coming to Waimānalo, for most of my life I moved every 3 years or so, since my dad was a career man in the Air Force. As a child, I didn't know what it would be like to grow up in one place, forming long-term friendships with neighbors, knowing you could count on these neighbors in an emergency.

But since settling in Waimānalo almost 50 years ago, I've formed close friendships with neighbors. It brightens my day to exchange greetings with these friends. And I know if a tsunami or some other emergency impacted our neighborhood, we would be able call on our neighbors to help us.

This is one reason why I am in **strong support of Bill 41**. We must enact Bill 41 to prevent the unregulated growth of B&Bs and vacation rentals in our neighborhoods. We must prevent our neighborhoods from becoming resorts for overnight tourists. Overnight tourists will NOT be neighbors in the fullest sense of the word. We cannot count on transient tourists to help us in an emergency.

Finally, I **do not like FD1**. I think it is a tactic by interests supporting unregulated growth of tourism in our neighborhoods to burden Bill 41, and thereby delay its passage.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days.

I believe that we need to implement different rules for Waikiki Special District and other residential area.

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

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Thank you for your consideration on this critical measure.

Name TOMEO TAMA

Date April 12, 2022

Signature 

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days.

I believe that we need to implement different rules for Waikiki Special District and other residential area.

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. **Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.**

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.

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The zoning committee added P/c to the Apartment Area in Waikiki in the Table 21-9.6(A). Now, both of Apartment Area and Resort Area in Waikiki have "P/c." However, Bill41 still gives special permit only to Waikiki Banyan and Waikiki Sunset in page 17. (NUC unit described in page 13 is about a unit in Apartment Area, so NUC is nothing to do with a unit in Resort Area.)

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The Chapter 21, Article 10 defines "'Hotel'" means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities."

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If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Hisayoshi Tachikawa

Date 12 / April / 2022

Signature Hisayoshi Tachikawa



Hawaii's Thousand Friends

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

April 16, 2022

Aloha Council Chair Waters and Council Members

Bill 41 (2021), CD2
Relating to Transient Accommodations

Hawaii's Thousand Friends (HTF), a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law *supports Bill 41 CD2* that prohibits short-term rentals in residential zoning and improves the enforcement against illegal short-term rentals.

HTF does not support the proposed FD1. The definitions for "Transient occupant" and "Bed and Breakfast" will allow an unlimited number of vacation rentals in residential zoning, which is the opposite of what is needed to ensure that affordable housing options are available for local residents.

The facts facing Oahu's residents seeking a home to rent or buy are shocking: the median price of a house on Oahu is \$1 million+ with over 10,000 homes on Oahu in residential zoning being rented as short-term rentals according to HTA. This is outrageous, illegal and must be stopped.

Multi-billion dollar companies such as AirBnB and Expedia allow speculators and homeowners to disregard Oahu's zoning laws and rent whole houses or rooms short-term, which is very lucrative but not permitted in residential zoning.

We urge you to pass Bill 41 CD2 to help ensure that for rent or purchase houses are available for local residents by prohibiting short-term rental commercial businesses in residential zoning.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

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However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

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Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

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I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

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If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Kenji Yamada.

Date 4/12/2022.

Signature .

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

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I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

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Thank you for your consideration on this critical measure.

Name Tomohiro Kuroyanagi.

Date 4 / 12 / 2022.

Signature Tomohiro Kuroyanagi.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

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Thank you for your consideration on this critical measure.

Name Hitomi Yokoyama _____.

Date 4/11/2022 _____.

Signature  _____.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days.

I believe that we need to implement different rules for Waikiki Special District and other residential area.

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days. Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that

Waikiki Special District should be completely excluded from the 90 days minimum rule.

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.

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to give a special permit to Waikiki Banyan and Waikiki Sunset in page 17 because those condos are in the Apartment Area which didn't have P/c.

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If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

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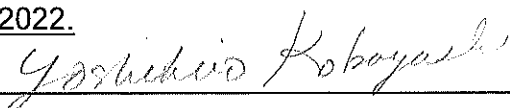
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in Gold Coast? I believe TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.

Thank you for your consideration on this critical measure, and I strongly oppose such communist bills.

Name Yoshihiro Kobayashi

Date April 11, 2022.

Signature 

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While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

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If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

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Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

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Thank you for your consideration on this critical measure.

Name KOJI OTSUKA_____.

Date 12/04/2022_____.

Signature _____.

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Thank you for your consideration on this critical measure.

Name MIKIKO HATA.

Date 04/12/2022.

Signature Mikiko Hata.

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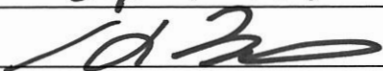
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Thank you for your consideration on this critical measure.

Name Hiroshi Takagi.

Date April 12, 2022.

Signature .

Bill 41 will cause unintended consequences for Emergency workers, medical personnel, students, professors, nonprofits companies doing business outside the Honolulu area and many more will be impacted. Without exemptions there is no recourse to address unforeseen issues. Many homes included in this bill would not go back into the housing market. Unanticipated impacts may require yet another bill to fix. Our family home has been used by companies doing business on the North Shore for time periods of less than 90 days. It would have been very inefficient and environmentally wrong for them to be in Honolulu and driving daily to the North Shore. Legal flaws make Bill 41 unenforceable. Changing definition of short-term rentals from 30 to 90 days is not allowable preempted by state law prohibiting counties from phasing out grandfathered residential uses. Litigation or legal challenges are likely costing the city money and further delaying any enforcement. More time is needed to consider and debate Bill 41 Initial ordinance (Bill 89) was confusing, complex, not enforced and was caught in legal challenges Bill 41 even more complex and confusing than ordinance Avoid potential unintended impacts - add more time to discuss and refine the measure Bill 41 puts hotels in a privileged class. Why? Not all folks visiting want to stay in a hotel in the greater Honolulu area. Exemptions for specific areas are needed.

| LOPSIDED EFFECTS OF BILL 41 CD 2 BETWEEN RESIDENTIAL AND RESORT ZONES | | | | | | | | |
|---|---|--|---|---|---------------------------------------|---|----------------------------------|------------------|
| RECOMMENDED ADDING RESORT ZONE TVUs TO EXEMPTIONS P. 33 (3) OF BILL 41 CD 2 | | | | | | | | |
| I oppose Bill 41 CD 2 as it discriminates against small business owners in the Resort Zone. | | | | | | | | |
| Cost of Bill 41 CD 2 in Fees and Property Taxes(property value of \$260,000) | 1st year ----- \$1,670/year every year after | \$2,170/1st ----- \$1,670/year every year after | 1st year ----- \$1,670/year every year after | \$1,670/year | \$0 | 1st year ----- \$4,114/year every year after | \$0 | \$0 |
| RESIDENTIAL ZONE | | | | | | RESORT ZONE | | |
| Restrictions and Requirements for Short Term Rentals | TVU A1-A2 Apartment Zone in Waikiki - Banyan and Sunset | TVU in A1-A2 Apartment zone near Turtle Bay | TVU in A1-A2 Apartment zone near Ko Olina | NUC in apartment zone and all residential zones | Time share units in Residential Zones | TVU in Resort zones | Time share units in Resort Zones | Hotel units |
| LEGAL BY LUO | ILLEGAL | ILLEGAL | ILLEGAL | ILLEGAL | ILLEGAL | LEGAL | LEGAL | LEGAL |
| LEGAL BY AMENDMENT | LEGAL WITH BILL 41 CD 2 | LEGAL, AND WITH BILL 41 CD 2 | LEGAL, AND WITH BILL 41 CD 2 | LEGAL (GRANDFATHERED) | LEGAL | | | |
| PROPERTY TAX CLASSIFICATION | RESIDENTIAL | RESIDENTIAL | RESIDENTIAL | RESIDENTIAL | HOTEL AND RESORT | HOTEL AND RESORT | HOTEL AND RESORT | HOTEL AND RESORT |
| ZONING | RESIDENTIAL A1/A2 | RESIDENTIAL A1/A2 | RESIDENTIAL A1/A2 | RESIDENTIAL - VARIOUS | RESIDENTIAL | RESORT | RESORT | RESORT |
| REGISTRATION REQUIREMENTS | | | | | | | | |
| REGISTRATION REQUIRED | YES | YES | YES | NO (using NUC) | NO | YES | NO | NO |
| Registration Fee | \$1,000 | \$1,000 | \$1,000 | NO | NO | \$1,000 | NO | NO |
| Title Certificate Required | YES | YES | YES | NO | NO | YES | NO | NO |
| Valid GE, TAT, City TAT License | YES | YES | YES | NO | NO | YES | NO | NO |
| Evidence of Home Exemption and 50% ownership (B&Bs only) | YES | YES | YES | NO | NO | YES | NO | NO |
| Evidence of \$1M Commercial General Liability Insurance | YES | YES | YES | NO | NO | YES | NO | NO |
| Confirmation of permission from HOA, Bylaws, Condo Rules | YES | YES | YES | NO | NO | YES | NO | NO |
| Information Binder | YES | YES | YES | NO | NO | YES | NO | NO |

| | | | | | | | | |
|--|---|--|---|---|---------------------------------------|---|----------------------------------|-------------|
| Evidence no Housing subsidies, rental assistance or evictions | YES | YES | YES | NO | NO | YES | NO | NO |
| Cost of Bill 41 CD 2 in Fees and Property Taxes(property value of \$260,000) | 1st year ----- \$1,670/year every year after | \$2,170/1st year ----- \$1,670/year every year after | 1st year ----- \$1,670/year every year after | \$1,670/year | \$0 | 1st year ----- \$4,114/year every year after | \$0 | \$0 |
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| RENEWAL REQUIREMENTS | | | | | | | | |
| RENEWAL REQUIRED | YES | YES | YES | YES (NUC renewal required only - requires proof of State GE and State TAT license (not City TAT), proof of transient occupancies of 30 days or less for at least 35 days) | NO | YES | NO | NO |
| Renewal Fee | \$500/year | \$500/year | \$500/year | \$500/year | NO | \$500/year | NO | NO |
| Property tax clearance from Dep of Budget and Fiscal Services | YES | YES | YES | NO | NO | YES | NO | NO |
| State GET Tax Clearance | YES | YES | YES | NO | NO | YES | NO | NO |
| State TAT TAX clearance | YES | YES | YES | NO | NO | YES | NO | NO |
| TAT Tax Clearance from Budget and Fiscal Services | YES | YES | YES | NO | NO | YES | NO | NO |
| Updated Title Report if Any Changes | YES | YES | YES | NO | NO | YES | NO | NO |
| Evidence of Insurance Coverage | YES | YES | YES | NO | NO | YES | NO | NO |
| Confirmation of permission from HOA, Bylaws, Condo Rules | YES | YES | YES | NO | NO | YES | NO | NO |
| | | | | | | | | |

| | | | | | | | | |
|--|---|---|--|---|--|---|---|----------------|
| Cost of Bill 41 CD 2 in Fees and Property Taxes(property value of \$260,000) | 1st year ----- \$1,670/year every year after | \$2,170/1st ----- \$1,670/year every year after | 1st year ----- \$1,670/year every year after | \$1,670/year | \$0 | 1st year ----- \$4,114/year every year after | \$0 | \$0 |
| RESIDENTIAL ZONE | | | | | | RESORT ZONE | | |
| Restrictions and Requirements for Short Term Rentals | TVU A1-A2 Apartment Zone in Waikiki - Banyan and Sunset | TVU in A1-A2 Apartment zone near Turtle Bay | TVU in A1-A2 Apartment zone near Ko Olina | NUC in apartment zone and all residential zones | Time share units in Residential Zones | TVU in Resort zones | Time share units in Resort Zones | Hotel units |
| | | | RESTRICTIONS AND STANDARDS | | | | | |
| Restriction and standards required | YES | YES | YES | YES | NO | YES | NO | NO |
| smoke and carbon monoxide detector | YES | YES | YES | YES | NO | YES | NO | NO |
| Maximum 2 adults per room | YES | YES | YES | YES | NO | YES | NO | NO |
| \$1M in Commercial liability insurance | YES | YES | YES | YES | NO | YES | NO | NO |
| Gathering restrictions | YES | YES | YES | YES | NO | YES | NO | NO |
| Information binder required | YES | YES | YES | YES | NO | YES | NO | NO |
| Physical Inspection of Unit Allowed with Reasonable Notice | YES | YES | YES | YES | NO | YES | NO | NO |
| Subject to Revocation of Registration if Violating These Restrictions | YES | YES | YES | YES??? | NO | YES | NO | NO |
| Registration Cannot Run With The Land | YES | YES | YES | NO | NO | YES | NO | NO |



April 12, 2022

The Honorable Tommy Waters, Chair
The Honorable Esther Kia'āina, Vice Chair
Honolulu City Council
530 S. King Street
Honolulu Hale, Room 202
Honolulu, HI 96813

RE: Support for Honolulu Bill 41 CD2 (2021)

Aloha Chair Waters, Vice Chair Kia'āina, and Honorable Members of the City Council,

Thank you for this opportunity to provide testimony in advance of the Council's April 13, 2022 meeting. As Managing Director of the Hilton Hawaiian Village Waikiki Beach Resort, I am writing today in support of Bill 41 CD2, which would limit the growth of illegal short-term rentals (STR) and protect the integrity of our residential communities.

As with the Council's 2019 passage of landmark STR regulations—Ordinance 19-18— we are appreciative that this legislative body remains staunchly focused on confronting O'ahu's proliferation of illegal STR activities.

Allowing illegal STRs to compete in an unchecked manner with lawful lodging industry actors presents unfair business advantages for those "*de facto* hotel" operations. Tackling such imbalances, and establishing laws which are not easily circumvented, is critical for a well-functioning industry where all accommodations—including legal, compliant STRs—compete, play by the rules, and keep our local community at the forefront of consideration.

Illegal STRs also displace long-term housing options, reduce affordable housing availability, and erode the unique character of our residential neighborhoods. What makes O'ahu special—our culture and kama'āina—must be mindfully sustained, so that our residents, employees, and visitors alike may continue to share in our Hawaiian experience for generations to come.

We appreciate the valuable work the Council has been doing on this important matter, and again offer our support for the intentions of Bill 41 CD2.

Mahalo Nui Loa,

Debi Bishop

HILTON HAWAIIAN VILLAGE WAIKIKI BEACH RESORT
2005 Kalia Road | Honolulu, HI 96815-1999
T: +1 808 949 4321 | www.hiltonhawaiianvillage.com

Senator Glenn Wakai
Kalihi Salt Lake Foster Village

State Capitol, Room 407, 415 S. Beretania St., Honolulu, Hawaii 96813
Phone: (808) 586-8585 Fax: (808) 586-8588 Email: senwakai@capitol.hawaii.gov

TO: Members of the Honolulu City Council

FROM: Natalie Iwasa
808-395-3233

DATE: Wednesday, April 13, 2022

SUBJECT: Bill 41 (2021), CD2 Transient Accommodations – **OPPOSED**
FD1, Proposed Changes to Definitions – **COMMENTS**

Aloha Chair Waters and Councilmembers,

Thank you for allowing testimony on Bill 41, CD2 and the proposed FD1 regarding transient accommodations.

The recent news that the Honolulu Ethics Commission recommended the director of the Department of Planning and Permitting **recuse himself from further work related to Bill 41 has tainted this bill.** Given that this bill was initiated by the administration, questions remain as to why the city decided to move forward with more restrictions rather than enforce the law that was passed in 2019, i.e., Ordinance 19-18 via Bill 89 (2018) CD2. **In the interest of good public policy making, this bill should not move forward.** Noting, however, the apparent desire to “do something” about short-term rentals, please consider the following.

There are many reasons why residents would want and need to rent homes for less than 90 days. I therefore oppose the CD2.

The FD1 revises the definition of “transient occupant” and is a more reasonable approach to this issue. Therefore, **if you are going to support more restrictions on short-term rentals, this is the preferable version of the bill.**

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend; **deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.**

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. **Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.**

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be protected from vacation rentals.**

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

In the previous version of Bill41, only the Resort Area (Resort Precinct) had "P/c" in Waikiki (Waikiki Special District) in the Table 21-9.6(A) (in page 35 of the current Bill41). Many of us believed that a condo in the Resort Area in Waikiki can be registered as TVU because there is "P/c" in Resort Area in Waikiki. On the other hand, the Apartment Area in Waikiki didn't have "P/c." We thought that the previous version of Bill41 needed to give a special permit to Waikiki Banyan and Waikiki Sunset in page 17 because those condos are in the Apartment Area which didn't have P/c.

The zoning committee added P/c to the Apartment Area in Waikiki in the Table 21-9.6(A). Now, both of Apartment Area and Resort Area in Waikiki have "P/c." However, Bill41 still gives special permit only to Waikiki Banyan and Waikiki Sunset in page 17. (NUC unit described in page 13 is about a unit in Apartment Area, so NUC is nothing to do with a unit in Resort Area.)

There is an exemption in page 32 which exempts "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.] Section 21-10.1."

The Chapter 21, Article 10 defines "'Hotel" means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities."

This exemption is for only hotel. Hotel management is not TVU.

If the current Bill41 allows only hotel to manage a condo in the Resort Area in Waikiki, it's the same as the 1st version of the Bill41 that had allowed only hotel to do less than 180 days rentals even in the Resort area.

I think city council members and most people here believe that TVU in Resort Area in Waikiki is now allowed with the current Bill 41.

If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name Amika Hisamoto.

Date 4/12/2022.

Signature *Amika Hisamoto*.

Representative,

Please vote against Bill 41, revising the short term rental minimum to 180 days. Revising the rental minimum to a 180 days is not a well thought out plan, and likely will not achieve the desired fix that many who support Bill 41 are hoping to achieve. Simply eliminating short term rentals for much of Oahu is not the solution. I believe there will be adverse impact to the economy if this Bill is passed.

There are issues with the short term Market that need to be addressed. These issues can be addressed to achieve a win-win solution. Not all short term rentals have a negative impact on their neighborhoods and communities. Regulation of the short term rentals market in Oahu seems like a simple way to address many of the issues raised by opposition. Allow the people who wish to run a short term rental to apply for some type of permit or license. This permit or license mandates some sort of good neighbor clause, wherein the owner of the permit is held responsible for how his/her rental property impacts the neighborhood. If occupants of the rental property are being unruly or bothering the neighbors, then the neighbors being impacted will file a complaint. If the short term rental property receives so many complaints in the year the license or permit can be suspended for a year or two years (some sort of reasonable punishment for a poorly managed business). This would force short term rental property owners to meet a certain standard, this will help keep harmony in the neighborhoods, and would not penalize those owners who keep their guests in compliance. This concept could also be applied regarding permitting or licensing to payment of taxes. If a rental property owner is not paying his/her taxes their permit or license can be suspended.

I would ask that you please just consider some of the following analogies:

- 1) If there is an issue related to alcohol, do you ban the sale of all alcohol?
- 2) If there is an issue with a drug or narcotic, would you ban the sale of all drugs or narcotics?
- 3) If there is an issue with people driving in an unsafe manner, would you remove everyone's ability to drive a vehicle?

With the analogies above the solution probably seems pretty obvious. These industries have regulations, and this works to the benefit of all. If you only consider the negative, and you ban something, you may be missing all of the potential positives. Please consider that there are better solutions than banning Short Term Rentals, and I suggest better regulation of Short Term Rental market is going to have a more desired result .

Concerned Resident

Mathew Johnson
Honolulu, Hawaii 96816
E-mail: MathewJohnson@gmx.com

City Council, City and County of Honolulu
Wednesday, April 13, 2022
10 a.m.

**Testimony SUPPORTING WITH AMENDMENTS Bill 41 (2021), CD2 – RELATING TO
TRANSIENT ACCOMMODATIONS**

Aloha Chair Waters and Members of the Honolulu City Council:

Bill 41 (2021), CD2 provides the means for taking important and much needed steps to protect the quality of life on Oahu, and also the affordability of housing for the people who live here.

This island is being taken over, legally (under and thanks to the existing ordinances of the City & County of Honolulu), by foreign investors and travel industry interests who have the financial resources to outcompete residents who could thrive if they could just get stable, affordable housing that does not require increasing the population density of every square foot of this island. I believe you have been entrusted to keep this island livable for residents, protect what is special about it, and at this time, one of the most important ways you can do that is prioritize resident interests over money, or the desire for money that a few seek to fulfill by taking our neighborhoods for short-term vacation rentals.

We need Honolulu's ordinances to provide us citizens with the legal basis to combat the ongoing problems of monster homes and over-tourism.

For this reason, I ask that you **amend** the current form of the bill to ensure that Honolulu's ordinances clearly do **NOT** allow for vacation rentals in any areas on Oahu zoned for residential non-commercial use.

One particular area of concern for me is at the bottom of CD2 page 9, where it appears the amendment would remove "(B) For a recurring violation:" which provides for civil fines of \$10,000, and appears to be enabling the City to issue "pats on the wrist" that are "not to exceed \$10,000." Personally, I think this is a terrible idea and allows for bribes and other leads to soft enforcement. Instead, we need the strongest penalties possible to effectively combat individuals and business organizations for whom a few thousand dollars in penalties is just part of their business investment.

Please, please, please do not sell out to the tourism industry and developers who, by the very nature of their business, must destroy what is special about Hawaii in order to stay in business.

If you pass Bill 41 with any loopholes enabling redevelopment of any Oahu residential areas, it will contribute to ever increasing tourist sprawl, exacerbating our housing crisis.

Mahalo nui loa for your consideration of these serious concerns that will affect so many in Oahu.

Mathew Johnson

We oppose Bill 41 CD-2 as written. This Bill in its current form contains provisions that would have a catastrophic effect on Oahu's tourism economy, hurting the thousands of people in industries supported by this activity. The state's tourism agency reported that all Short-term rentals injects capital into state and local governments through taxes and fees, adding up approximately \$3 billion in 2018, \$2 billion in 2017 and supported thousands of jobs.

In addition, visitor numbers continue to be high, and airlift remains stronger than ever. It is important to recognize that short-term rentals provide the additional and diverse accommodations needed by these visitors when the hotels are near capacity or can't provide the accommodations that big groups or families are looking for in this new way of tourism.

Back when bill 89 was enacted, The University of Hawaii's Economic Research Organization (UHERO) realized a report, warning that Hawaii's economy was at a standstill and faced serious headwinds due in part to the uncertainty created by Oahu's overly punitive short-term rental regulations. Just like bill 41 today. I wonder if they would conduct a similar study but instead in a more unstable economy like we are now. What would the findings be?

This report echoed the findings of other reports, including Oahu-based Kloninger and Sims, which predicted Oahu's short-term regulations would cost the Oahu economy more than \$1 billion in economic activity and up to 7,000 jobs, and another report by the Oahu Alternative Lodging Association which warned the new laws would lead to 50,000-80,000 fewer visitors per month. Please conduct detail research on how much this law will affect our economy as residents, not the benefits to the hotels!!

In the nearly three months since the law went into effect, in 2019 UH Report estimates were correct "greater-than-8% drop in Oahu's overall visitor plant inventory."

But despite the visitor industry being the biggest economic generator for the state and ongoing efforts by the Hawaii Tourism Authority and others to increase tourism to the islands in these hard times. Today you Oahu lawmakers want to enact hotel-backed short-term rental regulations that will run counter to your efforts by threatening the livelihoods of us residents and

small businesses owners who rely on the income from visitors staying at alternative accommodations.

Additionally, this bill will affect emergency workers, medical personnel, students, professors, nonprofits, and many more will be impacted by not been able to provide alternative accommodations for less than 90 days. Many times, this type of transitional workers look for a month-to-month lease as they might not have a long contract or are just traveling while they work.

For instance, last year we hosted our home to contractors from the mainland assigned to work at Pearl Harbord, we provided a month to month stay as they were not sure if their project was going to take more than a month.

As anyone would imaging there are many legal flaws that make Bill 41 unenforceable. For instance, changing definition of short-term rentals from 30 to 90 days is not allowable. Preempted by state law prohibiting counties from phasing out grandfathered residential uses. Litigation or legal challenges are likely to piled up costing the city money and further delaying any enforcement

We can't understand why this bill has been so rushed, please think about how confusing Initial ordinance (Bill 89) was, it was complex, and thus hard to enforced and caught in legal challenges. Bill 41 is even more complex and confusing than ordinance. Please avoid potential unintended impacts - add more time to discuss and refine the measure

Bill 41 puts hotels in a privileged class, as many hotel corporations have been buying homes in residential neighborhood. We wonder if these homes would be the lucky ones to be to get NUCs. Please don't get cut up in the corruption and greediness from hotel corporations, that is not the aloha spirit, that is not helping your ohana stay in Hawaii but instead forcing us hard working families out of our property and out of our land.

This is not the time to make drastic changes to our economy, this is not the time to force our citizens into more despair!

Please be reasonable and don't destroy an industry that allows Oahu's economy to keep stable and driven, Hawaii is a Top travel destiny in the world! You can't compare Hawaii to what is happening in any other state!

Amend regulations in a way that address community concerns like the closure of a specific TVU or bed and breakfast after 2 consecutive disruptions have been documented. This way it may balance that role short-term rentals play in supporting our visitor economy. It looks that Kailua neighborhood is the main problem, please enact some more control over Kailua specifically, but don't punish the rest of the island. Many complaints are from Kailua residents regarding disruptions not the other neighborhoods.

The city will receive millions of dollars for the developing of affordable housing. Without more affordable housing, the supply will always be too low, and housing will continue to be out of reach for locals. It is a fact that neighborhoods with high taxes and home values will continue to make rents high and out of reach for those in need of affordable housing. Eliminating STVs will not solve the problem.

Andrew Laurence
Honolulu, Hawaii 96816
a-laurence1@yandex.com

April 13, 2022

City Council, City and County of Honolulu
530 South King Street
Honolulu, HI 96813

Testimony for the Council/Public Hearing, Wednesday, April 13, 2022

SUPPORT for Bill 41 (2021), CD2

Aloha Members of the Honolulu City Council:

Today I speak on behalf of so many in our community who must work for a living and cannot break away to attend this important hearing.

Meanwhile, I am certain that you have individuals who have been in constant contact with you over the past few months, and are in attendance, whose paying job is actually to be here all day long to influence your decisions and make Hawaii even more open to turning residentially-zoned neighborhoods into for-profit vacation rentals and bed & breakfast operations.

I am writing to voice my **SUPPORT** for **Bill 41 (2021), CD2**.

Today, we need you to take a stand for the vast majority of Oahu's residents. Only you can make a strong statement in support and protection of Hawaii residents, of both present and future generations, by passing Bill 41 (2021), CD2, amended as needed, to restrict the existence of transient vacation units to the greatest extent legally possible, and also to impose the most expensive fines possible for violations of the County's Ordinances.

If you don't already know how significant this problem is, at my job I am now receiving calls from individuals for whom English is clearly not their first language, identifying themselves as "investors," asking for information on how they can get a jump on properties in foreclosure. My street just got its first Monster Home. The new owner from China managed to stay within the current code by cutting down every tree on the lot, even a 70-year old mango, and building two large houses with a small space separating the two. Not illegal the building inspectors tell me, but the qualities of low-density space, privacy, greenery, nature, and all the things that make Oahu's older neighborhoods so livable, are now gone from that side of the street. And in spite of the previous efforts of this council, this kind of thing continues to happen all over the island.

Only you can provide us with the legal grounds to protect the quality of life for Oahu's residents. Only you can ensure that Oahu is affordable and available for present and future generations.

We don't care what benefits to jobs or tax revenues the business owners and their lobbyists have promised you. Those benefits for a few people are far outweighed by the long-term consequences of displacing many more local residents – your constituents – from this island.

Mahalo nui loa for your consideration of my comments and concerns,



Andrew Laurence



April 13, 2022

The Honorable Tommy Waters
Chair, The Honolulu City Council

Regarding: Testimony in **support of Bill 41 CD2**

Aloha Chair Waters and Honorable Members of the Honolulu City Council,

For more than 100 years, the American Hotel & Lodging Association (AHLA) has been the foremost representative of and advocate for the U.S. lodging industry. We advocate for our members so they can do their best at what matters most: serving guests, employees and their communities. With more than 150 members in Hawaii representing 110,000 employees, this is a job we take very seriously.

We appreciate the valuable work you have been doing to ensure that Hawaii's tourism industry continues to thrive. Specifically, your commitment to the eradication of illegal short-term rentals in Hawaii. Study after study has shown that the vast majority of short-term rentals in our state are owned and operated by out-of-state commercial hosts who are renting whole units. In many cases, these operators run 20 or more illegal whole home rentals. This is not home sharing; these are illegal hotels which destroy the aloha in our communities and drive up the cost of housing for our residents. Please accept this testimony as our organization's express support for the intent of this Council's efforts to sufficiently regulate short-term rentals in our communities once and for all.

Threats & posturing against Bill 41 are baseless:

Two years ago, the 9th Circuit Court of Appeals ruled against HomeAway and Airbnb and their claims of CDA 230 protections in their litigation against the city of Santa Monica. This was an enormous win for Hawaii as we work to regulate illegal short-term rentals. In brief, this ruling upheld Santa Monica's short-term rental law, which was modeled after San Francisco's short-term rental law. This ruling means policy makers in Hawaii and across the country can and should hold hosting platforms responsible for illegal transactions that take place on their websites. Bill 41 preserves and builds on



these proven and legally defensible enforcement provisions. The open threats made by hosting platforms to weaponize baseless legal claims against our city are entirely moot. Hosting platforms and the out-of-state owners and operators opposing this bill have used similar scare tactics across the country. We didn't buy their rhetoric in passing bill 89 in 2019, and we can't afford to buy into it now.

This is about housing and our communities:

For years affordable housing advocates have drawn attention to the global demand for illegal short term-rentals on Oahu as a leading cause of why local families continue to be priced out of paradise. While home prices on Oahu increased by 25% from August of 2020 to August of 2021 (Star Advertiser 11.9.21), realtors brokered more total sales in 2021 than they did in 35 out of the last 36 years (Honolulu Board of REALTORS HICentral.com). During the same period, Hawaii lost more residents than all but three states, which was described by Bank of Hawaii CEO Peter Ho as the hollowing out of the state's middle class and an "existential issue" for Hawaii (www.civilbeat.org *Hawaii's population drain outpaces most states again*).

Simply put, we are selling more homes at the cost of pushing more locals out. We are losing our best and brightest young people to greener pastures out of state, and we are losing our local sense of place; but we can do something about this through Bill 41.

Bill 41 is a powerful tool for enforcement against wildly unpopular and damaging illegal short-term rentals:

Bill 41 will make possible the purging of illegal whole home rentals from the market while at the same time creating a pathway for legal rentals to be let and taxed appropriately. If successful, Bill 41 could add as many as 10,000 or more units back to the housing pool on Oahu, while at the same time opening up revenue opportunities for the city and our state through taxation and regulation of legal operators of transient accommodations in our resort communities - where they belong. In its CD2 form, Bill 41 strikes the right balance of enforcement while allowing legally permitted short-term rental opportunities, giving our visitors a choice in their selection of accommodation while prioritizing the needs and preferences of our local people.

Dozens of articles, studies, polls and focus groups have pointed to how wildly unpopular and damaging short-term rentals are; but the real test lies in the community's push against these lawbreakers. At the Council's Zoning and Planning hearing on March 23rd addressing Bill 41, dozens and perhaps hundreds of the measure's opponents were non-resident owners, operators, retailers and users of illegal short-term rentals. This well orchestrated lobby has used the same tactics employed by platforms and realtors across the country to muscle bad legislation onto the books in dozens of municipalities. By contrast, of the more than 400 supporters of the measure who supplied written testimony, almost all were residents of Hawaii - citing housing and our communities as the driving motivation behind their support of Bill 41. The proverbial *proof is in the poi*: community support for Bill 41 and opposition to illegal short-term rentals has never been stronger.

I have had the honor and privilege of working with the AHLA team in tandem with you and this Council on the blight of illegal short-term rentals since 2017, and I would be remiss if we did not acknowledge the tremendous work done by this body to claim back our communities from illegal short-term rentals. Mahalo nui for your leadership, the time invested by you and your staff, and for continuing to advocate for local families like mine, and the tens of thousands of men and women who work in Hawaii's legal tourism economy.

Mahalo for your support of Bill 41, CD2.

Me ka ha'aha'a,



Kekoa McClellan
Spokesperson, AHLA Hawaii

Vacation Rental By owner:

Please be advised that I would like to request that you continue to allow licensed Vacation Rental Units to continue in Kailua for the following reasons:

I am currently a licensed Vacation Rental owner in Kailua: TA 090-570-3800 01

Most of my guests have a connection with Kailua. Many grew up in Kailua and want to return to visit family and friends and attend family functions, reunions and celebrations of life.

They bring their families to see the Hawaii they knew and loved so they too, can feel the ambiance of Kailua and

connect with the aina.

Local people do not relate to Waikiki and do not wish to be there and drive back and forth daily from Waikiki to Kailua. This is especially of concern if family members are ill.

Please enforce the regulations that are currently in place This would mitigate the issues we are now experiencing and protect us from the homeowners who operate their properties illegally.

Thank you

Marguerite L Nobriga



WAIKĪKĪ IMPROVEMENT ASSOCIATION

**Testimony of Rick Egged
President, Waikiki Improvement Association**

Before the
Honolulu City Council
Wednesday, April 13, 2022
In consideration, of

Bill 41 (2021) CD2– LUO Amendment Relating to Transient Accommodations

Aloha Chair Waters and Members of the Council:

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.

Studies by the Hawaii Tourism Authority and others have found eight to ten thousand vacation rentals on O’ahu, less than one thousand are permitted. To put this number is prospective all of the legal vacation units on O’ahu are less than 40,000. Twenty to twenty-five percent of all the vacation units on the island are unpermitted transit accommodations. This is a huge problem for our community that must be brought under control.

The transient accommodations market is taking homes away from residents, especially the working-class individuals and families. They are additionally creating road and parking congestion in neighborhoods, bringing about nuisance issues, and in many cases raising public safety concerns for residents.

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 loophole 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.

PEOPLE OVER PROFITS

April 12, 2022

Aloha Councilmembers,

Mahalo for taking up this important issue again! I strongly support Bill 41 CD2 and hope you will too for our working class families.

I don't work for the hotel industry or union. I work for a small local company. My husband is a police officer with 20+ years in the department. My son is in the military. And my sister, who we live with, is a public school teacher with almost 30 years of service. We represent the real working class family and have lived here for generations. None of us have a financial interest in this issue. We only have a community interest. And we care deeply about the people of Hawaii.

And the present and future does not look good for working class families. We have greedy investors snatching up properties to operate illegal vacation rentals and build monster homes. With homes in Palolo, Kaneohe, Ewa Beach and Kalihi selling for over a million dollars, what happens to local families? Where can we afford to buy or rent?

We have to refocus back to the intent of this bill and it's to provide desperately needed long-term housing for residents. We cannot lose sight of this by trying to accommodate every situation which will drastically weaken this bill and make it impossible to enforce. Are we concerned with long-term housing or temporary accommodations?

Who are we trying to help? The public school teacher barely making ends meet with student loan debt and a salary of \$55,000 working for the love of our community OR the woman who testified and said she makes \$600,000+ a year from her vacation rental OR the college student who wants to come and spend the summer here OR the temporary healthcare worker who makes well a nice salary and gets a housing stipend, or the realtor making fat commissions from multimillion dollar home sales?

I hope you will see the opposition for what they are. They are financially motivated and only care about profits...investors, realtors and the multi-billion dollar mafia Airbnb and Expedia. Do you really believe they care about temporary housing for students, military, nurses, etc. Initially, their main

gripe was all about self-interest and profits and the ludicrous accusation of a "taking." It's interesting to see their message morph as the bill progressed.

But the true community voice has remained constant...to protect and provide long-term housing for residents and not tourists, to take back our neighborhoods from the greedy and self-serving.

Please DO NOT appease those who happily market our islands to the highest mainland and international bidder. Those who don't care about local families and what happens collectively to our people. WHY DON'T THEY CARE about permanent housing for local families? Why don't they care about what happens to working class families who are the backbone of our community?

Please don't let the pro-vacation rental mob fool you, those who claim they represent the majority or claim this bill only benefits the hotel industry, and the many testifying who don't even live here!

People like me, who are ordinary residents who truly care about their community and have no financial interest, are the majority! We are working class people who don't have the time to testify or keep up with what's happening with this bill or any bill for that matter. We are counting on you all to make the right decision for the community as a whole and not for special interest groups. We are who I please ask you to protect!

And while the hotel industry is not perfect, they provide legal jobs and health/retirement benefits to their employees, who represent a large group of permanent residents that positively contribute to our community and pay taxes.

I humbly ask for your support of Bill 41CD2 with NO EXCEPTIONS. We keep saying we critically need housing. We keep saying we need to move away from our dependence on tourism. Bill 41CD2 is the way forward. People over profits!

Mahalo,
Christine Otto Zaa
Kaimuki resident

Dear Council Members:

My name is Moheb Ghali and I wish to testify against the proposed BILL 041 (2021).

I believe I am uniquely qualified to address the issue of the potential impact of this measure on the economy of Hawaii:

- I hold a Ph.D. in Economics and am currently Emeritus Professor of Economics at UH – Manoa. I served as the University's Director of Research for nine years.
- I studied the economy of Hawaii for 23 years as a Professor of Economics at the University of Hawaii, Manoa and the Economic Research Center (the predecessor of the UH HERO). I served as a consultant for the Hawaii Department of Planning and Economic Development, and the Hawaii Institute for Management and Analysis in Government (HIMAG) of the Department of Budget and Finance.
- I constructed the first Econometric Model for the State of Hawaii, and published three books on the economy of Hawaii and the impact of tourism. These books are:
 - The Structure and Dynamic Properties of a Regional Economy
 - Empirical Investigation of Regional Growth
 - Alternative Growth Paths for Hawaii

In addition, I published numerous research papers in the leading Economic journals on the economic impact of tourism.

The reasons for my opposition to the measure are:

1. The Council has not provided any evidence in support of the assertions that:
 - a) Short-term rentals “increase the price of housing for Oahu's resident population by removing housing stock from the for-sale and long-term rental markets.” It is possible to investigate such impact using existing data, but to my knowledge no such study had been conducted.
 - b) The “economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts to our neighborhoods and local residents.” To support this claim the Council needs to conduct two studies: (i) The economic benefits of opening up residential areas to tourism, and (ii) The economic value of the negative impacts of such action. Only after conducting such studies can we assess whether the benefits exceed or fall short of the economic value of the negative impacts. I am not aware that the Council had conducted such studies before finding “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.”
 - c) In my book on Alternative Growth Paths for Hawaii I addressed the impact of various classes of tourists, classified by expenditure patterns, on the demand for government services (such as police) and the extent of use of the infrastructure (such as roads, utilities). The analysis can certainly be extended to the impact of tourist classes, classified by length of stay. To my knowledge no such study had been conducted.

2. It is important to quantify the distribution of revenues generated by the different types of tourists: whether they accrue to residents of Hawaii or to corporations located outside of Hawaii - on the mainland or in foreign countries. This is important as the impact on Hawaii's income and employment differ. To my knowledge the distribution of revenues has not been studied.
3. The Council has not provided evidence or logical arguments that increasing the minimum stay for a transient vacation unit from the current 30 consecutive days to 90 consecutive days would result in increased compliance with the ordinances. The Council needs to consider reasons why compliance increases with the increase in required minimum stay.
4. As long as the other counties in Hawaii maintain the 30-day minimum occupancy, the County of Honolulu needs to study the substitution impact of increasing the minimum stay to 90 days on Oahu. It maybe that no vacation destination substitution would ensue, but due diligence would require an investigation of the possible impact.
5. By granting exemptions from the increased minimum stay requirement to some property owners but not others, the Council is engaging in a wealth distribution scheme the effects of which have not been examined.

I thank you for the opportunity to submit this testimony and hope that before acting you will study the issues I raised above as it may not be in the interest of your constituents to act without due diligence.

Sincerely,
Dr. Moheb Ghali

SUPPORT BILL 41CD2!

DUCKS LOOKING FOR MONEY!

Council members:

WHY, WHY, WHY are we accommodating those who don't live here or residents that put profit before people? The ones opposing the bill are those that profit from it. The ones pushing for all these exemptions are those that profit from it. The loopholes created by these exemptions will make it even easier for LIARS and PROFITEERS to get by any law enforcement or prosecution. We have some of the weakest laws in the country. Haven't we learned from our past mistakes. Monster houses were able to proliferate in our neighborhoods because of weak laws that made enforcement and prosecution near impossible.

Council members, I strongly urge you to support Bill 41CD2. I strongly urge you to reject the FD1. If we continue to compromise our laws based on the words of those who will profit monetarily, we are FOOLS. There's a reason why they say "Money is the root of all evil" and "If it looks like a duck and quacks like a duck, it's a duck." Let's not be fooled by the false claims of the opposition. They're Ducks looking for money. Even a child can see that.

Mahalo,

John Otto

April 12, 2022

VIA ONLINE SUBMISSION

Chair Tommy Waters
Members of the Honolulu City Council
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Bill 41, CD2 – Relating to Transient Accommodations

Dear Chair Waters and Members of the Honolulu City Council:

This letter is submitted on behalf of the Association of Apartment Owners of Inn on the Park (the “Association” or “Inn on the Park”) in regards to Bill 41, CD2, Relating to Transient Accommodations. The Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impacts of short-term rentals. However, Bill 41 should not apply in the same manner to the Waikiki Special District, especially to the condominium associations and their owners that were granted, and relied on for many years, **an exemption** from having to obtain non-conforming use certificates by the Department of Planning and Permitting (“DPP”).

There is no question that the Revised Ordinances of Honolulu (“ROH”) recognize the unique characteristics of the Waikiki Special District. “To the world, Waikiki is a recognized symbol of Hawaii; and the allure of Waikiki continues, serving as the anchor for the state’s tourist industry. In addition to its function as a major world tourist destination, Waikiki serves as a vital employment center and as a home for thousands of full-time residents.” *ROH*, § 21-9.80(a). Part of Waikiki’s appeal is that it is, and has been, an area where hotels, resort-style condominiums (with short term rentals), and residences all coexist to create a major world tourist destination. Unlike other neighborhoods on Oahu, where a large-scale tourist presence was never anticipated, the same cannot be said about Waikiki.

As you all know, the Waikiki Special District consists of four areas: the Resort Mixed Use Precinct, the Apartment Precinct, the Apartment Mixed Use Sub-precinct, and the Public Precinct.

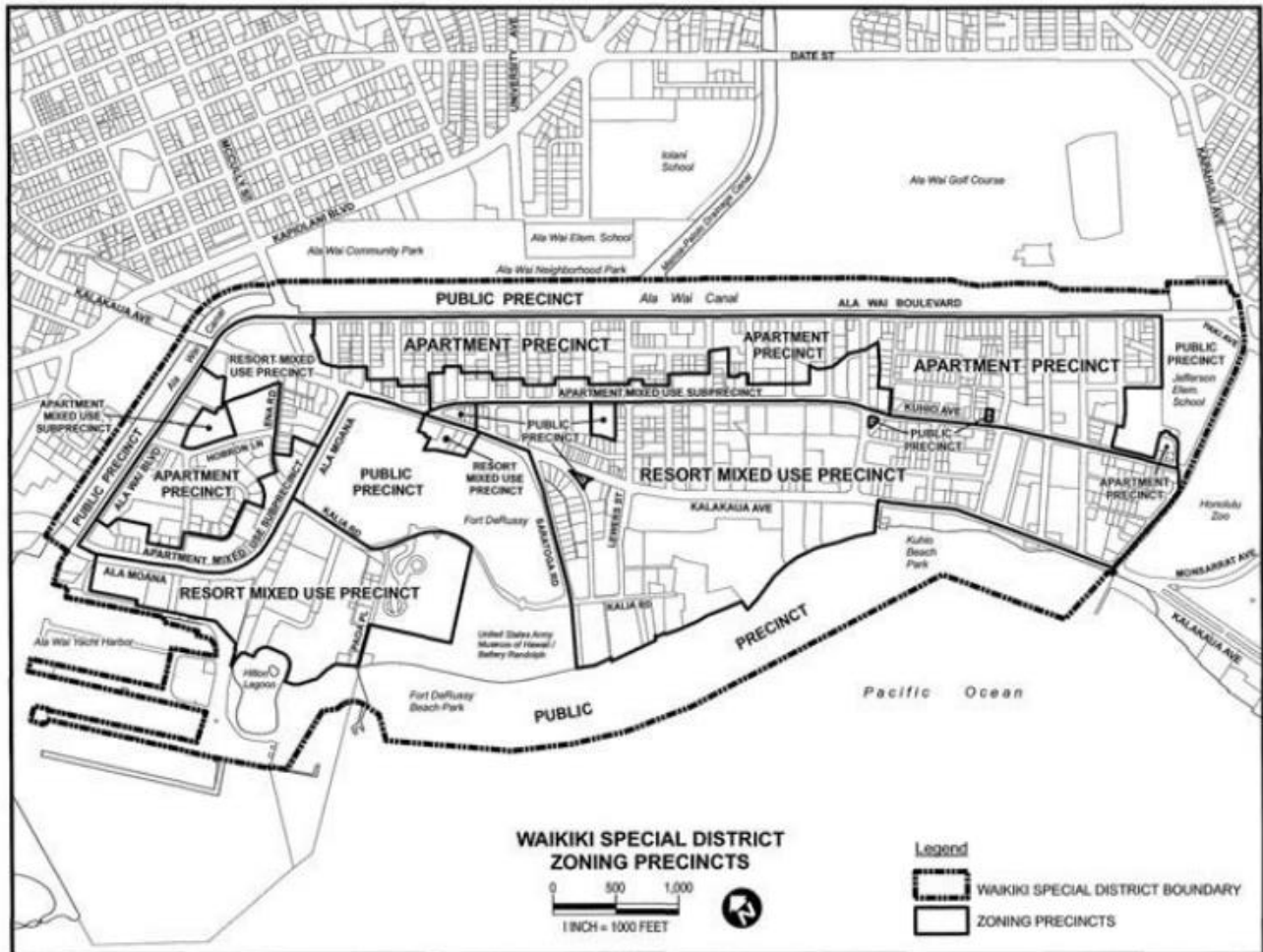


EXHIBIT 21-9.13

Revised Ordinances of Honolulu ("ROH"), Exhibit 12-9.13. Within the Apartment Precinct, which includes the Apartment Mixed Use Sub-precinct, the permitted uses and structures are enumerated in Table 21-9.6(A). *ROH*, § 21-9.80-5(a). Currently, ROH, Table 21-9.6(A) shows the following permitted uses in the Waikiki Special District:

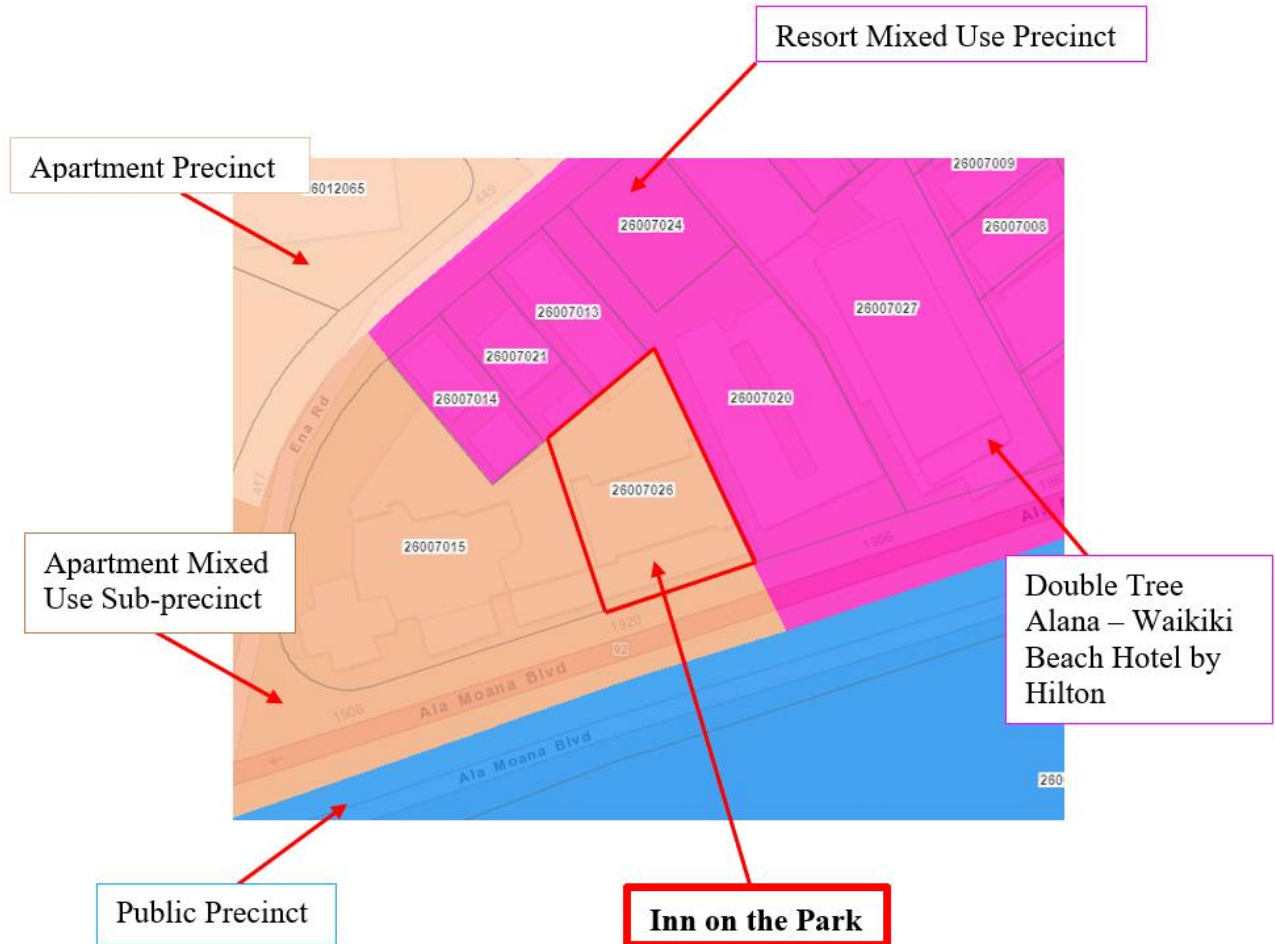
| Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures | | | |
|---|-----------|------------------|--------|
| Use or Structure | Precinct | | |
| | Apartment | Resort Mixed Use | Public |
| Real estate offices | P-AMX | P | |
| Retail establishments | P-AMX | P | |
| Schools, language | | P | |
| Schools, vocational, provided they do not involve the operation of woodwork shops, machine shops or similar industrial features | | P | |
| Theaters | | P | |
| Time sharing | | P | |
| Transient vacation units | | P/c | |
| Travel agencies | P-AMX | P | |
| Utility installations, Type A | P9 | P9 | P9 |
| Utility installations, Type B | Cm | Cm | Cm |

Ministerial uses:

- Ac = Special accessory use. Also see: Article 10, Accessory use; and Section 21-5.330, Home occupations
- P = Permitted principal use
- P/c = Permitted use subject to standards in Article 5
- P9 = Permitted principal use subject to standards enumerated in Article 9; see Section 21-9.80-5(d), 21-9.80-6(d) or 21-9.80-8(d)
- P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed use subprecinct

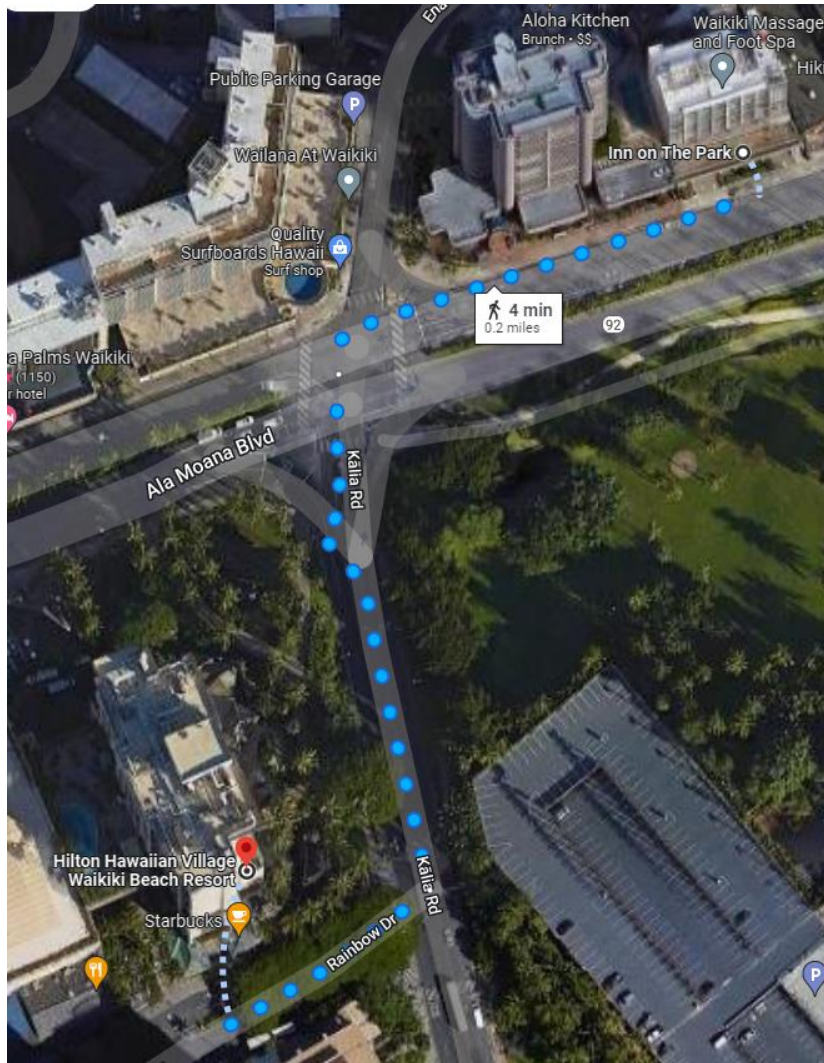
Emphases added; ROH, Table 21-9.6(A). Under the current law, transient vacation units (“TVUs”) are not allowed in the Apartment Precinct of the Waikiki Special District. While Bill 41, CD2 has made a change to this provision, it does not appear to be applicable to Inn on the Park. Prohibiting TVUs in the Apartment Precinct does not make sense, as the distinction between the Resort Mixed Use Precinct, where TVUs are allowed, and the Apartment Precinct, where no TVUs are allowed, exists on paper only, especially for buildings such as Inn on the Park that were granted an undisputed exemption and allowed to conduct TVUs on their property for years.

Inn on the Park is located on Ala Moana Boulevard,¹ next to and adjacent to the Resort Mixed Use Precinct on two sides. On the same side of Ala Moana Boulevard where Inn on the Park is located is a hotel, the Double Tree Alana – Waikiki Beach Hotel by Hilton.



¹ Inn on the Park is located in the Apartment Mixed Use Sub-precinct.

Right across Ala Moana Boulevard is Fort DeRussy Beach Park, and the lobby for the Hilton Hawaiian Village Waikiki Beach Resort is within four minutes walking distance.



No difference can be felt between the Resort Mixed Use Precinct and the Apartment Precincts of the Waikiki Special District, especially where Inn on the Park is located.

Inn on the Park, with two hundred thirty-eight (238) living apartments, was intended to be a resort style condominium project. The Association's Governing Documents allow for hotel-like operations and use of living apartments, and the units are hotel-like and small (approximately 244 sq ft or thereabouts).

Inn on the Park is also listed on DPP's "**Exempt List.**" See *attachment*. In or around 1994, DPP created a list exempting certain buildings from the nonconforming use certificate requirements. 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. Therefore, we respectfully submit that Inn on the Park should be allowed to continue operating as a condotel (i.e., a condominium project providing, among other things, transient accommodations, such as short-term rentals and/or hotel-like operations). In this regard, Bill 41 should be revised to officially recognize the buildings listed on the Exempt List and allow these buildings to operate TVUs.

Revising Bill 41, CD2 in such a manner would not be inconsistent with the carveouts Bill 41, CD2 is already proposing. Bill 41, CD2 is proposing to allow transient vacation units in certain areas in Waikiki, areas in close proximity to the Koolina Resort, and areas in close proximity to the Turtle Bay Resort. Similar provisions should also be incorporated into Bill 41, CD2 as it relates to the Apartment Precinct of the Waikiki Special District, especially for the buildings on the Exempt List.

Please understand that any prohibition of short-term rentals for the exempt buildings is an infringement of owners' Constitutionally protected and vested property rights. Moreover, there is no logic to excluding the Apartment Precinct, which contains many large resort-like condominium projects that contain hundreds of apartments, some of which have traditionally operated as condotels and offered short term rentals.

In addition to the fact that resort-like condominium projects in the Apartment Precinct should be allowed to conduct short-term rentals, the proposed restrictions and standards contained in Bill 41, CD2 should also be reexamined in the context of the Waikiki Special District. For instance, Bill 41, CD2 limits gatherings. Specifically, Section 21-5.730(b)(3)(G) states: "The property on which a . . . transient vacation unit is located may not be used for gatherings of ten or more individuals who are not registered as overnight transient occupants at the . . . transient vacation unit." This proposed rule, if applied to condominium associations in which owners operate TVUs, would essentially prohibit an association from renting its common element spaces, holding functions, or even allowing various owners simultaneously to hold gatherings. It would create a situation where only one unit could hold a gathering in a building of over two hundred units. Bill 41, CD2 also requires that house rules "must impose quiet hours between 10:00 p.m. and 7:00 a.m." *Bill 41, CD2, Section 21-5.730(b)(3)(H)(iv)*. Generally, condominium associations have house rules in place that establish guidelines and requirements that owners, tenants, and their guests must abide with, including quiet hours. Such a provision would interfere with an association's ability to effectively set the rules for its residents, guests and invitees.

The above highlighted restrictions and standards provide a brief overview as to why imposing such restrictions and standards in the Waikiki Special District is unnecessary and inapplicable. The restrictions and standards are really tailored towards the illegal operation of TVUs in single-family residential communities, where there are no association guidelines and governing documents, and such operations impact those communities. In condominium associations on the other hand, boards are tasked with enforcing rules and regulations, and if necessary, seeking the appropriate remedies, including initiating legal action. Therefore, the question must be raised as to whether it make sense to impose such restrictions and standards on condominium associations in the Waikiki Special District that contain hundreds of units. Moreover, imposing these restrictions and standards on condominium associations in the Waikiki Special District also raises the question of how DPP can

enforce these requirements at condominium projects with hundreds of units. In the Resort Mixed Use Precinct alone, where TVUs are allowed, hundreds, if not thousands of units would suddenly have to abide by these restrictions and standards, and DPP would have to enforce them.

As stated, Bill 41, CD2 as currently drafted does not effectively take into consideration how it would affect Waikiki. The proposed restrictions and standards should either be revised to account for the unique circumstances faced by owners in condominium projects, or be eliminated entirely in their application to condominium projects in the Waikiki Special District.

In closing, Inn on the Park has been in operation for many years, and allowing its owners to continue to conduct short-term rentals will not increase noise nor negatively affect the neighborhood, as the stated intent of Bill 41 is meant to address the needs of residential neighborhoods outside of Waikiki. Bill 41, CD2 should be revised to take the unique circumstances of resort-style condominium buildings, especially those that were on DPP's Exempt List, such as Inn on the Park, into consideration. Not doing so will result in an infringement on owners' vested property rights. Moreover, the proposed restrictions and standards should be eliminated or revised to account for the unique living situation in condominium projects that are vastly different from single-family neighborhoods.

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
Kaponu F.H. Kiakona
Cheryl A. K. Fraine

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 AMERICA Ala Wai King Hotel | 415 ATKINSON 2003/2007 Ala Wai Blvd. | 2-3-038: 002 2-6-15: 033, 034 | Box 3 Apt. Precinct | Yes 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 |

| <u>PROJECT NAME</u> | <u>ADDRESS</u> | <u>TAX MAP KEY</u> | <u>CURRENT ZONING</u> | <u>EXEMPT FROM NUC (YES/NO)</u> |
|--|-----------------------|--------------------|-----------------------|-------------------------------------|
| 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 |

| <u>PROJECT NAME</u> | <u>ADDRESS</u> | <u>TAX MAP KEY</u> | <u>CURRENT ZONING</u> | <u>EXEMPT FROM NUC (YES/NO)</u> |
|---------------------|----------------------|--------------------|-----------------------|-------------------------------------|
| 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 |

| <u>PROJECT NAME</u> | <u>ADDRESS</u> | <u>TAX MAP KEY</u> | <u>CURRENT ZONING</u> | <u>EXEMPT FROM NUC (YES/NO)</u> |
|----------------------|-----------------------|--------------------|-----------------------|-------------------------------------|
| 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 |

| <u>PROJECT NAME</u> | <u>ADDRESS</u> | <u>TAX MAP KEY</u> | <u>CURRENT ZONING</u> | <u>EXEMPT FROM NUC</u> <u>(YES/NO)</u> |
|---------------------|-------------------|--------------------|-----------------------|---|
| 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 |

April 12, 2022

ONLINE SUBMISSION

Chair Tommy Waters
Members of the Honolulu City Council
530 South King Street, Room 100
Honolulu, Hawaii 96813

Re: Testimony re Bill 41, CD2 – Relating to Transient Accommodations

Dear Chair Waters and Members of the Honolulu City Council:

This testimony is submitted on behalf of the Association of Apartment Owners of Waikiki Banyan (the “Association” or “Waikiki Banyan”) regarding Bill 41, CD2, relating to Transient Accommodations. Waikiki Banyan previously submitted testimony regarding the prior versions of Bill 41. By way of this submission, Waikiki Banyan would like to reiterate and supplement its testimony regarding Bill 41, specifically Bill 41, CD2, as amended at the March 23, 2022, Zoning and Planning Committee.

The Association supports the stated goal of Bill 41, which is to protect residential neighborhoods from the negative impact of short-term rentals. However, as Bill 41 also impacts Waikiki, which is different from other neighborhoods, Bill 41 needed to be revised to take into consideration the unique history and landscape of Waikiki, which includes condominium buildings, such as the Waikiki Banyan, that have operated as condotels for many years.

Bill 41, CD2 has come a long way in a short period of time and has made major improvements to Bill 41. Given the open and obvious use of the Waikiki Banyan over the past 40 years as a condotel¹ and the City’s own interactions with the Waikiki Banyan,² on which the Association and its owners have relied, the Association is appreciative that Bill 41, CD2 recognizes that the Waikiki Banyan’s owners should be allowed to continue conducting transient vacation operations and continue to be part of Waikiki’s unique landscape by being able to offer transient accommodations. Bill 41, CD2, has also addressed some issues that made prior versions of Bill 41 problematic (e.g., eliminating the multifamily dwelling density limits; deleting the 250 feet phone number requirement; removing the supplemental insurance requirements; reducing registration and renewal fees; etc.). That being said, Bill 41, CD2, still has issues that should be addressed.

¹ The Waikiki Banyan has a long-standing history of offering hotel-like amenities. 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 also features a 24-hour front desk, bell service, and housekeeping.

² In 1992, the Waikiki Banyan was required to comply with the City’s requirement to install automatic fire sprinklers because the City considered the Waikiki Banyan to be like a hotel.

Bill 41, CD2, cannot be read alone to determine its impact on transient accommodation owners. Another bill was introduced earlier this year (i.e., Bill 4 – Relating to Real Property Taxation), which would require transient vacation units (“TVUs”) be classified into the hotel and resort category.³ Bill 4 would create a much larger tax burden on TVU operators in condominiums, even though a unit may or may not be operated as a TVU on a full-time basis.⁴ When considering the tax increase in Bill 4, as well as the various requirements in Bill 41, CD2 (e.g., registration fees, renewal fees, insurance requirements, etc.), the overall financial burden on TVU owners is enormous. The Association estimates that between taxes, fees, and insurance, TVU owners could see an increase of monthly expenses of at least \$700, if not much more. With this in mind, the financial impact of Bill 41, CD2 on TVU owners should be further reevaluated.

Bill 41, CD2, as amended, has reduced the registration and renewal fees. The initial registration for TVUs is now \$1,000, while the annual renewals would cost \$500. While the registration fees and the annual renewals still present a financial burden on the owners, the requirements under Bill 41, CD2 also create a major administrative burden on the Department of Planning and Permitting (“DPP”). Annually, DPP could receive around eight-hundred (800) renewal requests from the Waikiki Banyan alone. Island-wide, the annual administrative burden could be well into the thousands, especially considering the number of condominiums located in the Resort Precinct of Waikiki. Is DPP equipped to handle such a workload in a timely manner without large staff increases? Rather than requiring annual renewals that face potential backlogs, **we recommend** having registrations valid for five (5) years, transferable, and cost \$1,000 every five (5) years. Not only would this lessen the financial burden on owners, but it would also ease the administrative burden on DPP.

Bill 41, CD2, also gives DPP broad powers to enforce TVU restrictions, requirements, and standards. For example, Bill 41, CD2 creates uncertainty as to what triggers a denial of a renewal application, as DPP may deny a renewal where “good cause exists for denial.” These arbitrary powers to suspend or deny a registration are problematic. In order to avoid confusion and uncertainty, **we recommend** Bill 41, CD2 incorporate a more limited definition of DPP’s powers and implement more objective standards.⁵

³ Bill 4 has been postponed to a date and time determined by the Budget Committee Chair.

⁴ In Bill 4, the classification is to be at the “highest and best use.” It is unclear if units that might be used as TVUs, whether or not actually so used and whether or not registered, may be taxed at the higher rate.

⁵ As an example, Bill 41, CD2, proposed section 21-5.730(b)(2) could be revised as follows (deletions shown in ~~strike through~~; addition shown in underline):

The director may deny renewal of a registration if: ~~(i) the owner or operator receives one or more notices of order for violation of subsection within a one year period; (ii) the owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community, including but not limited to instances where complaints from the public indicate that noise or other nuisances created by guests disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located, or (iii) where other good cause exists for denial of the renewal application.~~ The registration certificate shall remain valid until that time the renewal application is approved or denied by the department, provided that an owner or operator of a bed and breakfast home or transient vacation unit submits to the department a timely and complete renewal registration application with

Another concern is the insurance requirement. While supplementary insurance requirements have been removed from Bill 41, CD2, the \$1 million commercial liability requirement is still high. This adds a further financial burden to TVU owners. While the Association is not opposed to requiring insurance, it should be reduced to a reasonable amount (e.g., \$500,000), and given the individual ownership of individual TVUs, may in fact not need to specifically be commercial liability insurance.

Bill 41, CD2 has come a very long way from its inception and the Waikiki Banyan is appreciative of the work the Zoning and Planning Committee and Members of the Honolulu City Council have done thus far in addressing the concerns raised by the Association. We respectfully request that the Council address the additional concerns before final adoption of this measure, as further delineating and clarifications to Bill 41 will not only provide greater certainty for legal TVU owners, but also help streamline the administrative process related to the registration, renewal, and operation of TVUs by DPP.

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. Fraïne

Christian P. Porter
Kaponu F.H. Kiakona
Cheryl A. K. Fraïne

Honolulu City Council
Regular Meeting
April 13, 2022, 10:00am
City Council Chamber, Honolulu Hale

TO: The Honorable Tommy Waters,
Chair & Presiding Officer

RE: TESTIMONY IN SUPPORT OF BILL 41 (21), CD 2
RELATING TO TRANSIENT ACCOMODATIONS

Aloha Chair Waters, Vice Chair Kia‘āina and Members of the Honolulu City Council:

The Association of Apartment Owners of Waikiki Sunset (“Waikiki Sunset” or “Association”) is testifying in SUPPORT of Bill 41 (21), CD2, Relating to Transient Accommodations.

Bill 41 will strengthen the enforcement tools the City can utilize to eliminate illegal short-term rentals, particularly in the residential areas, to help give the residents back their neighborhoods as well as provide long-term rentals for those in need.

The Waikiki Sunset appreciates the Council’s recognition of the Association’s long-standing history of offering hotel-like amenities and being treated like a hotel by the City. From the City requiring the Waikiki Sunset to install fire sprinklers in 1989, to the Waikiki Sunset offering its visitors the typical resort experience of a 24-hour front desk, check-in service, bell service, a convenience store, taxi stand, and a large parking structure. As residents and homeowners living in the Waikiki Special District, we appreciate our inclusion in the Bed and Breakfast Homes and Transient Vacation Units Permitted Areas in the Waikiki Special District Mauka of Kuhio Avenue and stand ready to provide our units to serve Oahu’s visitor population.

We respectfully bring to the Council’s attention details that may assist the Department of Planning and Permitting in their regulation efforts and propose the following language:

1. Validity of TVU Registrations that are Untimely Processed by DPP & Adding Objective Standards for Denial of Renewal

Reasoning:

- A mechanism should be provided for TVUs caught up in possible DPP registration processing delays to eliminate rental revenue loss and unfairly penalize TVU operators.

Proposed Language: (additions shown in underline; deletions shown in ~~strike through~~)

- Sec. 21-5.730(b)(1)
...
Registration will be effective for a period of one year beginning on the date a certificate of registration is issued by the department, and must be renewed annually

prior to expiration; provided that if owner or operator of a bed and breakfast home or transient vacation unit submits a timely and complete initial application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, then until that time the initial application is approved or denied by the department, the owner or operator shall be deemed compliant with this section and the bed and breakfast home or transient vacation unit shall be deemed to be validly operating.

- Sec. 21-5.730(b)(2)

...

The director may deny renewal of a registration if: ~~(i) the owner or operator receives one or more notices of order of violation of this subsection within a one year period; (ii) the owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community, including but not limited to instances where complaints from the public indicate that noise or other nuisances created by guests disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or (iii) where other good cause exists for denial of the renewal application.~~ The registration certificate shall remain valid until that time the renewal application is approved or denied by the department, provided that an owner or operator of a bed and breakfast home or transient vacation unit submits to the department a timely and complete renewal registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the Department.

- Sec. 21-5.730(b)(6)

The director may revoke a registration at any time by issuing a notice of revocation ~~under the following circumstances:~~

- ~~(A) The if the owner or operator receives more than two notices of order within a one year period for violation of this subsection;~~
- ~~(B) The owner or operator demonstrates an inability to operate a bed and breakfast home or transient vacation unit without causing significant negative impacts to the surrounding community; including but not limited to instances where complaints from the public indicate that noise or other nuisances created by transient occupants disturbs residents of the neighborhood in which the bed and breakfast home or transient vacation unit is located; or~~
- ~~(C) The director determines that good cause exists for revocation of the registration.~~

- Sec. 21-5.730(c)(1)

...

(A) It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home or transient vacation unit without including in the advertisement a current registration certificate number obtained pursuant to this section, or a nonconforming use certificate number obtained pursuant to Section 21-4.110-1 or Section 21- 4.110-2, and a tax map key number for the property on which the bed and breakfast home or transient vacation unit is located. This restriction shall not apply to those units for which an application remains pending approval or denial by the department, provided that the owner or operator has submitted a timely and completed initial registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department. Until the time the renewal registration application is approved or denied by the department, the registration certificate number shall be deemed current for those units for which the owner or operator has submitted a timely completed renewal registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department.

(B) It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to Section 21-4.110-1 or Section 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and 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. This restriction shall not apply to those units for which the applications remain pending approval or denial by the department, provided that the owner or operator has submitted to the department a timely completed initial registration application with all required supporting documentation, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department.

2. Change Evidence to Attestation

Reasoning:

- Unclear what evidence an owner/operator has to provide to show that unit: (1) is not an affordable unit subject to income restrictions; (2) did not receive housing or rental assistance subsidies; and (3) was not subject to an eviction within the last 12 months, as well as the difficulty or possibility of owner/operator having access to such evidence.

- Difficulty in obtaining “evidence” of a negative -- condo owners can attest to these items but are not likely to have access to evidence of things that have never applied to them.

Proposed Language: (additions shown in underline; deletions shown in ~~strike through~~)

- Sec. 21-5.730(b)(1)(H)

(H) ~~Evidence~~ Attestation from an owner or operator that a dwelling unit proposed for use as a bed and breakfast home or transient vacation unit:

- (i) Is not an affordable unit subject to income restrictions;
- (ii) Did not receive housing or rental assistance subsidies; and
- (iii) Was not subject to an eviction within the last 12 months.

The Association of Apartment Owners of Waikiki Sunset SUPPORTS Bill 41 (21), CD2 and respectfully requests the Council to consider our proposed amendments and allow this measure to pass third reading. Thank you for the opportunity to testify.

Sincerely,
Association of Apartment Owners of
Waikiki Sunset

Honolulu City Council
Regular Meeting
April 13, 2022, 10:00 am
City Council Chamber, Honolulu Hale

TO: The Honorable Tommy Waters,
Chair & Presiding Officer

RE: TESTIMONY REGARDING BILL 41 (21), CD 2
RELATING TO TRANSIENT ACCOMODATIONS

Aloha Chair Waters, Vice Chair Kia‘āina and Members of the Honolulu City Council:

While the Association of Apartment Owners of Ilikai Apartment Building, Inc. (“Association”) is in general support of the stated goals of Bill 41 (21), CD2, Relating to Transient Accommodations (“Bill 41” or “Bill”), which is to protect residential neighborhoods from the negative impact of short-term rentals and eliminate illegal short-term rentals, Bill 41 also impacts Waikiki Resort Precinct buildings, whose legal transient vacation units (“TVUs”) have primarily served the visitor population for over 50 years, and has not negatively impacted residential neighborhoods.

The Association appreciates the Council’s amendments to Bill 41, CD2, which has addressed some issues such as the elimination of multifamily dwelling density limits, the inclusion of studio TVUs in occupancy requirements, the deletion of the 250 feet phone number requirement, and the reduction of the registration and renewal fees for TVUs, which will help reduce the considerable costs already associated with operating a TVU. The Association remains willing to work with Council to address additional concerns in the Bill that impacts legal TVU owners and operators.

The Association would like to bring to the Council’s attention a proposed amendment to the Bill that may assist the Department of Planning and Permitting (“DPP”) in their regulation efforts. Specifically, the Association respectfully requests the Bill provide for a mechanism for TVUs to continue to operate if the TVU’s registration or renewal were to remain pending due to processing delays by the DPP.

Like many other TVUs on the island, the Association’s TVU owners and operators typically confirm reservations of their TVUs between six (6) to twelve (12) months in advance. This is particularly true for the high season, which starts in January when TVU registrations are likely due for renewal. The Association is deeply concerned that a TVU owner or operator who has timely submitted all required registration or renewal documentation to DPP, but whose TVU registration or renewal remains pending due to processing delays by the DPP, would find themselves in a position of being deemed noncompliant with the Bill by taking and honoring advance reservations for their TVU. In such circumstances, the Association believes that the TVU should be allowed to validly operate until DPP completes the processing of the TVU’s registration and renewal. Not

providing for such a mechanism carries the risk of substantial losses of TVU rental revenue to our owners, loss of TVU tax revenues to the state, and loss of reputation to our property that will result.

As the processing of TVU registrations and renewals will be a substantial undertaking for DPP, we respectfully request that the Bill include such a mechanism, at least for three (3) years or until DPP is able to process registration and renewals in a timely manner and can establish that the process works without delays. Adopting such a mechanism will provide all parties involved in operating, regulating and utilizing TVUs with greater clarity on the status of TVUs in such circumstances. Provided below is proposed language of the amendments to the Bill to address this issue:

Proposed Language: (additions shown in underline; deletions shown in ~~striketrough~~)

- Sec. 21-5.730(b)(1)

...

Registration will be effective for a period of one year beginning on the date a certificate of registration is issued by the department, and must be renewed annually prior to expiration~~;~~ provided that if owner or operator of a bed and breakfast home or transient vacation unit submits, in good faith, a timely and complete initial application with all required supporting documentation to the department, the owner or operator shall be deemed compliant with this section and the bed and breakfast home or transient vacation unit shall be deemed to be validly operating until that time the initial application is approved or denied by the department, or if the department's decision is appealed, until the Zoning Board of Appeals' determination of the appeal.

- Sec. 21-5.730(b)(2)- add to the end

...

Provided that an owner or operator of a bed and breakfast home or transient vacation unit submits, in good faith, a timely and complete renewal registration application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, the registration certificate shall remain valid until that time the renewal application is approved or denied by the department, or if the department's decision is appealed, until the Zoning Board of Appeals' determination of the appeal.

- Sec. 21-5.730(c)(1)

...

(A) It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home or transient vacation unit without including in the advertisement a current registration certificate number obtained pursuant to this section, or a nonconforming use certificate number obtained pursuant to Section 21-4.110-1 or Section 21- 4.110-2, and a tax map key number for the property on which the bed and breakfast home or transient vacation unit is located. This restriction shall not apply to those bed and breakfast home or transient vacation unit for which the owner or operator has submitted, in good faith, a timely and

completed initial registration application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, while the application remains pending approval or denial by the department, or if the department's decision is appealed, while the Zoning Board of Appeals' considers the appeal and until the time the renewal registration application is approved or denied by the department, or if the department's decision is appealed, until the time of the Zoning Board of Appeals' determination of the appeal, the registration certificate number shall be deemed current.

(B) It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to Section 21-4.110-1 or Section 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and 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. This restriction shall not apply to those bed and breakfast home or transient vacation unit for which the owner or operator has submitted, in good faith, a timely and completed initial registration application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, while the application remains pending approval or denial by the department, or if the department's decision is appealed, while the Zoning Board of Appeals' considers the appeal.

The Association respectfully requests the Council to consider our proposed amendment when considering the Bill at its upcoming hearing. We thank you for your work on this Bill and for the opportunity to testify.

Sincerely,
Association of Apartment Owners of
Ilikai Apartment Building, Inc.




KO'OLAUPOKO HAWAIIAN CIVIC CLUB

April 12, 2022

The Ko'olaupoko Hawaiian Civic Club wishes to voice its support of BILL 41 (2021), CD2, FD1 RELATING TO TRANSIENT ACCOMMODATIONS. The kuleana of our Club is to "malama our members, their families and the communities in which they live". We believe that the explosion of "bed & breakfast" short term vacation rentals has impacted us in many negative ways. Lack of affordable housing for our members and their families has been worsened by potential rental properties being used for visitors. And the traditional aloha and kokua of our neighborhoods has deteriorated when we know the stories and histories of fewer and fewer people that we encounter daily. If we do not act to preserve the essence of community in Hawaii we will be destroying one of its most precious resources.

Mahalo for supporting the passage of BILL 41

(2021), CD2, FD1.

Me Kealoḥa pumehana,

LEIALOHA KALUHIWA
President

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko'olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."

Honolulu City Council
Regular Meeting
April 13, 2022, 10:00 am
City Council Chamber, Honolulu Hale

TO: The Honorable Tommy Waters,
Chair & Presiding Officer

RE: TESTIMONY REGARDING BILL 41 (21), CD 2
RELATING TO TRANSIENT ACCOMMODATIONS

Aloha Chair Waters, Vice Chair Kia‘āina and Members of the Honolulu City Council:

While the Association of Apartment Owners of Waikiki Shore, Inc. (“Association”) is in general support of the stated goals of Bill 41 (21), CD2, Relating to Transient Accommodations (“Bill 41” or “Bill”), which is to protect residential neighborhoods from the negative impact of short-term rentals and eliminate illegal short-term rentals, Bill 41 also impacts Waikiki Resort Precinct buildings, whose legal transient vacation units (“TVUs”) have primarily served the visitor population for over 50 years, and has not negatively impacted residential neighborhoods.

The Association appreciates the Council’s amendments to Bill 41, CD2, which has addressed some issues such as the elimination of multifamily dwelling density limits, the inclusion of studio TVUs in occupancy requirements, the deletion of the 250 feet phone number requirement, and the reduction of the registration and renewal fees for TVUs, which will help reduce the considerable costs already associated with operating a TVU. The Association remains willing to work with Council to address additional concerns in the Bill that impacts legal TVU owners and operators.

The Association would like to bring to the Council’s attention a proposed amendment to the Bill that may assist the Department of Planning and Permitting (“DPP”) in their regulation efforts. Specifically, the Association respectfully requests the Bill provide for a mechanism for TVUs to continue to operate if the TVU’s registration or renewal were to remain pending due to processing delays by the DPP.

Like many other TVUs on the island, the Association’s TVU owners and operators typically confirm reservations of their TVUs between six (6) to twelve (12) months in advance. This is particularly true for the high season, which starts in January when TVU registrations are likely due for renewal. The Association is deeply concerned that a TVU owner or operator who has timely submitted all required registration or renewal documentation to DPP, but whose TVU registration or renewal remains pending due to processing delays by the DPP, would find themselves in a position of being deemed noncompliant with the Bill by taking and honoring advance reservations for their TVU. In such circumstances, the Association believes that the TVU should be allowed to validly operate until DPP completes the processing of the TVU’s registration and renewal. Not

providing for such a mechanism carries the risk of substantial losses of TVU rental revenue to our owners, loss of TVU tax revenues to the state, and loss of reputation to our property that will result.

As the processing of TVU registrations and renewals will be a substantial undertaking for DPP, we respectfully request that the Bill include such a mechanism, at least for three (3) years or until DPP is able to process registration and renewals in a timely manner and can establish that the process works without delays. Adopting such a mechanism will provide all parties involved in operating, regulating and utilizing TVUs with greater clarity on the status of TVUs in such circumstances. Provided below is proposed language of the amendments to the Bill to address this issue:

Proposed Language: (additions shown in underline; deletions shown in ~~striketrough~~)

- Sec. 21-5.730(b)(1)

...

Registration will be effective for a period of one year beginning on the date a certificate of registration is issued by the department, and must be renewed annually prior to expiration~~;~~ provided that if owner or operator of a bed and breakfast home or transient vacation unit submits, in good faith, a timely and complete initial application with all required supporting documentation to the department, the owner or operator shall be deemed compliant with this section and the bed and breakfast home or transient vacation unit shall be deemed to be validly operating until that time the initial application is approved or denied by the department, or if the department's decision is appealed, until the Zoning Board of Appeals' determination of the appeal.

- Sec. 21-5.730(b)(2)- add to the end

...

Provided that an owner or operator of a bed and breakfast home or transient vacation unit submits, in good faith, a timely and complete renewal registration application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, the registration certificate shall remain valid until that time the renewal application is approved or denied by the department, or if the department's decision is appealed, until the Zoning Board of Appeals' determination of the appeal.

- Sec. 21-5.730(c)(1)

...

(A) It is unlawful for any person to advertise or cause the advertisement of a bed and breakfast home or transient vacation unit without including in the advertisement a current registration certificate number obtained pursuant to this section, or a nonconforming use certificate number obtained pursuant to Section 21-4.110-1 or Section 21- 4.110-2, and a tax map key number for the property on which the bed and breakfast home or transient vacation unit is located. This restriction shall not apply to those bed and breakfast home or transient vacation unit for which the owner or operator has submitted, in good faith, a timely and

completed initial registration application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, while the application remains pending approval or denial by the department, or if the department's decision is appealed, while the Zoning Board of Appeals' considers the appeal and until the time the renewal registration application is approved or denied by the department, or if the department's decision is appealed, until the time of the Zoning Board of Appeals' determination of the appeal, the registration certificate number shall be deemed current.

(B) It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to Section 21-4.110-1 or Section 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and 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. This restriction shall not apply to those bed and breakfast home or transient vacation unit for which the owner or operator has submitted, in good faith, a timely and completed initial registration application with all required supporting documentation to the department, including the submittal of, within a reasonable time, any subsequent additions or corrections requested by the department, while the application remains pending approval or denial by the department, or if the department's decision is appealed, while the Zoning Board of Appeals' considers the appeal.

The Association respectfully requests the Council to consider our proposed amendment when considering the Bill at its upcoming hearing. We thank you for your work on this Bill and for the opportunity to testify.

Sincerely,
Association of Apartment Owners of
Waikiki Shore, Inc.

HONOLULU CITY COUNCIL TESTIMONY

Bill 41 – Relating to Transient Accommodations
Wednesday, April 13, 2022, 10:00am, via Videoconference

The Council for Native Hawaiian Advancement (CNHA) **STRONGLY SUPPORTS** Bill 41, which will help to address the proliferation of illegal short-term vacation rentals on O‘ahu.

Short-term rentals negatively impact the quality of life for O‘ahu’s residents. Not only are they disruptive to residential neighborhoods, but they also contribute to the increasing cost of living by removing valuable housing stock from the for-sale and long-term rental markets. **Just last week, it was reported that the median price of a single-family home on O‘ahu reached a record high of \$1,150,000 in March – a 21.1% increase from last year.**¹ As more and more residents are being priced out of the housing market, it is no wonder that local families are increasingly making the difficult decision to move to the continent.

Native Hawaiians are particularly impacted by the rapidly increasing cost of housing. A 2018 report published by the State Department of Business, Economic Development and Tourism, looking at data from the period of 2011-2015, indicates that Native Hawaiians have lower median household income (\$65,398 compared to \$69,515 for the total state population),² higher individual poverty rates (15.5% individual poverty rate compared to the total state rate of 11.2%;) and higher family poverty rates (12.6% compared to the

¹Median Price of Single-Family Home on Oahu Soars to New Record High: \$1.15M, HAWAII NEWS NOW, Apr. 6, 2022, available at <https://www.hawaiinewsnow.com/2022/04/06/median-price-single-family-home-oahu-soars-new-record-high-115m/>.

² STATE OF HAWAII DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM, DEMOGRAPHIC, SOCIAL, ECONOMIC, AND HOUSING CHARACTERISTICS FOR SELECTED RACE GROUPS IN HAWAII 12 (2018), available at https://files.hawaii.gov/dbedt/economic/reports/SelectedRacesCharacteristics_HawaiiReport.pdf.



total state rate of 7.7%),³ and higher civilian unemployment rates (9% compared to the total state rate of 6.1%).⁴ Additionally, Native Hawaiian homeownership rates are lower than the state average (55.7% compared to 56.9%),⁵ and Native Hawaiians are overrepresented among Hawai'i's homeless population.⁶

Although Bill 41 will not solve all our housing woes overnight, addressing the out-of-control proliferation of illegal short-term vacation rentals on O'ahu is a step in the right direction. Accordingly, the Council for Native Hawaiian Advancement urges the Honolulu City Council to **PASS** Bill 41. Mahalo nui loa for the opportunity to provide testimony.

Respectfully,

J. Kūhiō Lewis, CEO
Council for Native Hawaiian Advancement

³ *Id.* at 13.

⁴ *Id.* at 9.

⁵ *Id.* at 14.

⁶ Out of the 4,448 individuals identified as experiencing homelessness on O'ahu in the 2020 O'ahu Point In Time Count, 51% identified as "Native Hawaiian and Pacific Islander." PARTNERS IN CARE – O'AHU'S CONTINUUM OF CARE, 2020 O'AHU POINT IN TIME COUNT 7 (2020), *avaialble at* <https://static1.squarespace.com/static/5db76f1aadb4fb77280f1/t/5efa984a8ae4f774863509e8/1593481306526/PIC+2020+PIT+Count+Report+Final.pdf>.



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Testimony by Suzanne Young, CEO
Honolulu Board of Realtors®

Honolulu City Council
Wednesday, April 13, 2022
Honolulu Hale

RE: Bill 41 (2021), CD2 - **in opposition** with comments

Aloha Chair Waters and Councilmembers:

Thank you once again for the opportunity to provide testimony on this bill. The Honolulu Board of REALTORS® (HBR) on behalf of our 7,000 members and its City Affairs Committee

opposes Bill 41 (2021), CD2, primarily because it changes the current minimum rental term from 30 days to 90 days for all rental units on Oahu.

HBR strongly supports limits on transient vacation rentals and B&B rentals that negatively impact our residential neighborhoods and we agree that vacation rentals in residential neighborhoods are disruptive and should be tightly regulated. However, we continue to remind everyone that there are legitimate, non-vacation-related reasons why our local residents, families and our workforce have legitimate needs to rent housing for short-term periods of 30 days or longer. In 2021, HBR conducted a poll of our members and found that almost 60 percent had clients who had a need for short term and month-to-month rentals. Here are the top reasons that people need the option to rent short term:

- Home sellers/buyers who need to rent until they close on a new property (62%)
- Residents who are displaced from their homes during renovations or construction (58%)
- Residents who prefer month to month rentals rather than signing a long-term lease (56%)
- Military PCS who need to rent while they are looking for a home to buy or rent long term (51%)
- Traveling nurses (48%)
- Families from out of state who need to be here to take care of loved ones (45%)
- Government and contract workers (45%)
- College students who are here for a semester (39%)

The problems associated with non-permitted and illegal vacation rentals in residential neighborhoods can be solved by enforcing existing law. We know that when Ordinance 19-18 (Bill 89)

first went into effect, the number of listings online for vacation rentals dropped significantly because landlords were not allowed to advertise daily and/or weekly rates. Unfortunately, Bill 89 was never enforced, and after DPP signed a stipulation agreement with Kokua Coalition, internet ads featuring daily and weekly rates began to appear again online, and the number of illegal vacation rentals in neighborhoods increased.

The problem that Bill 41 is designed to address is clear. However, Bill 41 in its current form will adversely impact many local residents who have nothing to do with the visitor industry. HBR supports homeowners who are lobbying for quiet enjoyment of their neighborhood homes. We also support the many renters on Oahu who, for a number of good reasons, are not able to sign long-term leases.

The City can meet the needs of both groups by strictly enforcing restrictions on vacation rentals in residential neighborhoods. If that goal can be accomplished, it will not be necessary to limit rental terms to 90 days or longer as proposed in the current Bill.

Vacation rentals must not be allowed to advertise online unless they have a nonconforming use certificate or the required registration and tax licenses. Those who circumvent the rules must be subject to substantial fines. DPP can monitor activity and enforce violations by using the online platforms. No posting should be allowed without the proper license.

The average length of stay for visitors on Oahu was less than 10 days in 2020. Restricting minimum rental terms for all rental units on Oahu to 90 days or longer will have no impact on vacationers. However, it will create problems for people who don't have sufficient credit scores to qualify for a 90-day lease, along with the many other categories of renters who legitimately need short term housing for 30 days or longer. Rental terms of 30 days or longer are an established market segment governed by Hawaii's Landlord Tenant Code. It is not appropriate to interfere with the Landlord Tenant Code in order to solve the problem caused by illegal vacation rentals in residential neighborhoods.

We believe that DPP should focus its efforts on enforcement through the use of advertising restrictions, registration, and fines as provided in Bill 41. Enforcement must not infringe on the property rights of owners who have always had the right to rent for periods of 30 days or longer.

Please amend Bill 41 CD2 to remove the 90-day minimum rental period and allow property owners to continue to rent their properties for 30 days or more.



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Thank you for your consideration and the opportunity to provide our input on this critical measure.

STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION

April 12, 2022

Chair Tommy Waters, Vice Chair Esther Kia'aina
and Members of the Honolulu City Council
530 S. King Street
Honolulu Hale
Honolulu, Hawaii 96813

Honolulu City Council
Date: Wednesday, April 13, 2022
Time: 10:00 a.m.
Place: VIA VIDEOCONFERENCE
City Council Multi-Purpose Room, Room 205

Testimony of Ivan Lui-Kwan Re Bill 41, CD2

Aloha Chair Waters, Vice Chair Kia'aina
and Members of the Honolulu City Council:

Thank you for this opportunity to present testimony.

I represent the Hawaii Hotel Alliance ("HHA") and members of the American Hotel & Lodging Association.

I strongly support Bill 41, CD2. Bill 41, CD2 can be an effective enforcement tool to eliminate the rampant proliferation of illegal short-term rentals.

- A. Bill 41, CD2 does not violate the U.S. Constitution as a regulatory taking as a result of Bill 41, CD2's imposition of a minimum lease period of 90 days.

With respect to takings analysis, Bill 41, CD2 would likely be analyzed as a partial regulatory taking, also known as a *Penn Central* taking. Compare *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104 (1978), with *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992) (total or *per se* regulatory takings), and *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982) (taking by permanent physical invasion). *Penn Central* takings require a "careful inquiry informed by the specifics of the case." *Leone v. Cnty. of Maui*, 141 Hawai'i 68, 82 (2017); see also *Penn Central*, 438 U.S. at 124 ("essentially ad hoc, factual inquiries"). The analysis essentially asks "whether a particular government action goes too far and effects a regulatory taking." See *Palazzolo v. Rhode Island*, 533 U.S. 606, 617 (2001).

Penn Central takings analysis looks at three factors: (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action. *Penn Central*, 438 U.S. at 124. In determining whether government action goes too far, courts have repeatedly noted that “[g]overnment hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law.” *Id.* (quoting *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 413 (1922)).

My analysis is that the minimum lease period of 90 days does not constitute an unconstitutional regulatory taking.

B. Bill 41, CD2 does not violate property owners’ vested rights.

In the case of *City of Grapevine v. Muns*, No. 02-19-00257-CV (Tex. App. Dec. 23, 2021), the court addressed vested rights and disagreed with the homeowners’ argument that they had acquired a vested right to use their properties as short-term rentals, commenting at page 46:

We disagree with the Homeowners that they had such a vested right under the Zoning Ordinance. “[P]roperty owners do not acquire a constitutionally protected vested right in property uses once commenced or in zoning classifications once made.” And as noted, a vested right is “something more than a mere expectancy based upon an anticipated continuance of an existing law.” Thus, although the Homeowners have a vested right in their properties, they do not have a vested right under the Zoning Ordinance to use them as [short-term rentals].

I support adoption of Bill 41, CD2 to strengthen the enforcement of elimination of illegal short-term rentals.

Mahalo nui loa,



Ivan M. Lui-Kwan



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Testimony by Dianne Willoughby, City Affairs Chair
Honolulu Board of Realtors®

Honolulu City Council
Wednesday, April 13, 2022
Honolulu Hale

RE: Bill 41 (2021), CD2 - **in opposition** with comments

Aloha Chair Waters and Councilmembers:

Thank you once again for the opportunity to provide testimony on this bill. The Honolulu Board of REALTORS® (HBR) on behalf of our 7,000 members and its City Affairs Committee

opposes Bill 41 (2021), CD2, primarily because it changes the current minimum rental term from 30 days to 90 days for all rental units on Oahu.

HBR strongly supports limits on transient vacation rentals and B&B rentals that negatively impact our residential neighborhoods and we agree that vacation rentals in residential neighborhoods are disruptive and should be tightly regulated. However, we continue to remind everyone that there are legitimate, non-vacation-related reasons why our local residents, families and our workforce have legitimate needs to rent housing for short-term periods of 30 days or longer. In 2021, HBR conducted a poll of our members and found that almost 60 percent had clients who had a need for short term and month-to-month rentals. Here are the top reasons that people need the option to rent short term:

- Home sellers/buyers who need to rent until they close on a new property (62%)
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- College students who are here for a semester (39%)

The problems associated with non-permitted and illegal vacation rentals in residential neighborhoods can be solved by enforcing existing law. We know that when Ordinance 19-18 (Bill 89)

first went into effect, the number of listings online for vacation rentals dropped significantly because landlords were not allowed to advertise daily and/or weekly rates. Unfortunately, Bill 89 was never enforced, and after DPP signed a stipulation agreement with Kokua Coalition, internet ads featuring daily and weekly rates began to appear again online, and the number of illegal vacation rentals in neighborhoods increased.

The problem that Bill 41 is designed to address is clear. However, Bill 41 in its current form will adversely impact many local residents who have nothing to do with the visitor industry. HBR supports homeowners who are lobbying for quiet enjoyment of their neighborhood homes. We also support the many renters on Oahu who, for a number of good reasons, are not able to sign long-term leases.

The City can meet the needs of both groups by strictly enforcing restrictions on vacation rentals in residential neighborhoods. If that goal can be accomplished, it will not be necessary to limit rental terms to 90 days or longer as proposed in the current Bill.

Vacation rentals must not be allowed to advertise online unless they have a nonconforming use certificate or the required registration and tax licenses. Those who circumvent the rules must be subject to substantial fines. DPP can monitor activity and enforce violations by using the online platforms. No posting should be allowed without the proper license.

The average length of stay for visitors on Oahu was less than 10 days in 2020. Restricting minimum rental terms for all rental units on Oahu to 90 days or longer will have no impact on vacationers. However, it will create problems for people who don't have sufficient credit scores to qualify for a 90-day lease, along with the many other categories of renters who legitimately need short term housing for 30 days or longer. Rental terms of 30 days or longer are an established market segment governed by Hawaii's Landlord Tenant Code. It is not appropriate to interfere with the Landlord Tenant Code in order to solve the problem caused by illegal vacation rentals in residential neighborhoods.

We believe that DPP should focus its efforts on enforcement through the use of advertising restrictions, registration, and fines as provided in Bill 41. Enforcement must not infringe on the property rights of owners who have always had the right to rent for periods of 30 days or longer.

Please amend Bill 41 CD2 to remove the 90-day minimum rental period and allow property owners to continue to rent their properties for 30 days or more.



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Thank you for your consideration and the opportunity to provide our input on this critical measure.



Hawai'i Convention Center
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kahua pa'a web hawaiiitourismauthority.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
HONOLULU CITY COUNCIL

April 13, 2022
Honolulu Hale

In consideration of
BILL 41 CD2

Aloha Chair Waters, Vice Chair Kia'āina and esteemed Councilmembers,

The Hawai'i Tourism Authority **STRONGLY SUPPORTS Bill 41 CD2** which will further enhance government's ability to enforce unpermitted short-term vacation rentals throughout the City and County of Honolulu.

We support 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 residential rental properties off the market, increasing traffic in neighborhoods, and by placing additional burdens on infrastructure and facilities. 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).

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 32,843 of these units on O'ahu and, in 2019, there were 34,798 units available representing an increase in these types of accommodations of 6.0 percent. During the same period, O'ahu experienced an increase in visitor arrivals from 4.02 million to 6.15 million, a 52.9 percent increase but without a corresponding increase in traditional accommodations. We believe these additional visitors likely stayed in non-traditional units, including illegal vacation rentals, located throughout Hawai'i's residential neighborhoods. In 2009, 3.9 percent of O'ahu visitors stayed in a rental house, and this percentage rose to 8.6 percent in 2019.

HTA thanks the Council for its diligent work on this bill. We appreciate the extent of deliberation and consideration to find the right balance in this measure, 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 **STRONG SUPPORT of Bill 41 CD2**.

RE: Bill 41 CD2 FD1- in opposition with comments

Aloha City Council Members,

I strongly oppose this bill for the following reason.

I strongly recommend;

deleting the amendment of the definitions of "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days. I believe that we need to implement different rules for Waikiki Special District and other residential area.

Bill 41 CD2 FD1 made some exemption for people listed in page 37. However, this Bill prohibits Advertisements for such people in page 30-31. Also, this Bill prohibits entering a rental agreement with such people in page 33 - 34. No one can find a place to stay without seeing advertisement, and no one can stay without a rental agreement. How those people listed in page 37 can stay less than 90days?

Those people come for one or two month, rarely come for 90 days and more. There should be an option for them to stay at condos less than 90 days with affordable rates. This also benefits Hawaii's economy.

If 30 days rental is banned (especially in Apartment Precinct in Waikiki), where those people who needs to stay 30 days or 60 days will stay? Bill41 cannot change the demand of those one or two month stay. It will result in illegal 30 days or 60 days rentals in residential areas all over the island.

Some buildings in Apartment Precincts in Waikiki ban 30-day vacation rentals and set 180 days minimum rent rule in their own Building Bylaws, while there are some buildings that allow 30-day vacation rentals. **Condo owners can protect themselves from a vacation rental with its bylaw. I do not believe anyone should override those owners' rights.**

While it is understandable banning 30 days vacation rentals in more quiet "residential" neighborhoods such as Kahala, Kailua or Hawaii Kai. Houses in Kahala, Kailua or Hawaii Kai, they are houses and they don't have such AOA like organization to implement such rules to protect themselves. 90 days rule by Bill41 may be needed for such "house" area.

However, it makes no sense for Waikiki. **Condos currently doing 30 days rental in Apartment Precinct in Waikiki Special district are in only a few minutes' walk distance from the Resort Precinct of Waikiki Special district where people can stay less than 30 days.** Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.

We may need 90 days rule to protect neighbors in residential area such as Kahala, Kailua or Hawaii Kai from illegal vacation rentals, however, I strongly recommend that **Waikiki Special District should be completely excluded from the 90 days minimum rule.**

If Apartment precinct in Waikiki Special district is continued to be allowed 30 days rental, people staying less than 30 days can stay in Resort area in Waikiki, and people who are staying less than 90 days can stay in Apartment area in Waikiki. **All short term visitors will stay in Waikiki, then, other residential area such as Kahala, Kailua or Hawaii Kai will be**

protected from vacation rentals.

Also, implementing 90 days minimum rental rule in the Apartment Precinct in Waikiki Special District won't help solving Housing Stock issue. Such owners of condos in Apartment precinct in Waikiki Special district have enough money just to keep such condo empty when they are not here. The 90 days minimum rent rule will result in such condos to be empty in the Paradise of Waikiki for 10 month or more making no tax and benefit to local economy.

The owners of such condos in Apartment Precincts in Waikiki lives in the mainland US comes only one week to two month randomly in needed basis for their life, school, or business, then do vacation rentals with 30 days minimum when they don't use. Vacation rentals is a part of great trend of sharing economy.

In addition, from a viewpoint of investment, it's totally different in nature between investment in Condo in Waikiki (even in the Apartment Precinct) and Houses in Kahala, Hawaii Kai, or Kailua. Many of owners of condos in Apartment Precincts in Waikiki invested to their condos because they have an option to rent minimum 30days. **This is a reason why more than thousand owners of condos in the Apartment precinct in Waikiki Special district are preparing legal actions against this Bill.**

What issue do we have now with 30 days rentals in Apartment precinct in Waikiki Special district?

Why aren't we implement different rules for Waikiki Special District and other places?

The effort to impose the same rules and regulations on residential neighborhoods and Waikiki Special District is misguided. They are of a different character. Waikiki are not the same as Kahala, Lanikai, Kailua and Hawaii kai.

I also strongly recommend; **adding Resort district back to the area where TVU is permitted, and make it clear in Bill41 that TVU is allowed in the Resort Area in Waikiki.**

In the previous version of Bill41, only the Resort Area (Resort Precinct) had "P/c" in Waikiki (Waikiki Special District) in the Table 21-9.6(A) (in page 35 of the current Bill41). Many of us believed that a condo in the Resort Area in Waikiki can be registered as TVU because there is "P/c" in Resort Area in Waikiki. On the other hand, the Apartment Area in Waikiki didn't have "P/c." We thought that the previous version of Bill41 needed to give a special permit to Waikiki Banyan and Waikiki Sunset in page 17 because those condos are in the Apartment Area which didn't have P/c.

The zoning committee added P/c to the Apartment Area in Waikiki in the Table 21-9.6(A). Now, both of Apartment Area and Resort Area in Waikiki have "P/c." However, Bill41 still gives special permit only to Waikiki Banyan and Waikiki Sunset in page 17. (NUC unit described in page 13 is about a unit in Apartment Area, so NUC is nothing to do with a unit in Resort Area.)

There is an exemption in page 32 which exempts "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.] Section 21-10.1."

The Chapter 21, Article 10 defines "'Hotel' means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities."

This exemption is for only hotel. Hotel management is not TVU.

If the current Bill41 allows only hotel to manage a condo in the Resort Area in Waikiki, it's the same as the 1st version of the Bill41 that had allowed only hotel to do less than 180 days rentals even in the Resort area.

I think city council members and most people here believe that TVU in Resort Area in Waikiki is now allowed with the current Bill 41.

If the Bill41 force property owners in Resort Area to go to a hotel management, it is totally different story. If the Bill41 is taking away property owners right to choose a property manager, it is unlawful.

Please clarify that an owner of a unit of a condo in the Resort Precinct in Waikiki Special District can register his unit as TVU, and such owner can choose a real estate company as a property manager to do transient vacation rental (less than 90 days rental).

Lastly, until the CD1, Bill41 was permitting TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District, however, in CD2, it seems to be restricted to 90 days minimum. I am concerned and confused why this community must take such a blunt blow. There are 30 days vacation rental buildings such as Colony Surf. For example, the Colony Surf has been a unique accommodation attracting very valuable cultured people from faraway places. These part time resident created the basis of this wonderful community. What issue do we have in 30 days vacation rentals in Gold Coast? I believe **TVUs in a designated A-2 District in the Gold Coast area of the Diamond Head Special District should be permitted.**

Thank you for your consideration on this critical measure.

Name HIDEO MAEHARA.

Date 13/4/2022.

Signature HIDEO MAEHARA.

Questions relating to Bill 41

Choon James

REFERENCES ATTACHED:

<https://www.airbnb.com/rooms/861878>

Ocean Vista Grande:30 day minimum contract

4.71 · 14 reviews · Laie, Hawaii, United States

Ocean Vista Grande:30 day minimum contract

★ 4.71 · 14 reviews · Laie, Hawaii, United States

[Share](#) [Save](#)



Entire home hosted by Glen

16 guests · 7 bedrooms · 11 beds · 4 baths



30d Min Contract required

12 beds in 7 bedrooms sleep 20 people in beds
Space for 8 more on convertible futon/couches

...

\$463 night

★ 4.71 · 14 reviews

| | |
|-----------------------------|-----------------------------|
| CHECK-IN Add date | CHECKOUT Add date |
| GUESTS 2 guests | |

[Check availability](#)

About this space

30d Min Contract required

12 beds in 7 bedrooms sleep 20 people in beds

Space for 8 more on convertible futon/couches

Listed price is for **16 people**. **Additional people option is available with extra fees. (350\$ per person)** children under age 9 are free.

Ideal 4 large family gatherings

This home has 180 degrees of ocean views. The sun rises out of the ocean and sets behind the mountains with miles of beach & shoreline in view.

The space

*Retreat to this gated, spacious, oceanfront vacation home with miles of unobstructed, panoramic ocean and mountain views. Situated on the cliffs of historic Laie Point, enjoy breakfast on the lanai while watching the sun rise out of the ocean.

After a full day, BBQ in that same spot while silvery moonbeams begin their dance on the lapping waves of the Pacific Ocean below you.

*Beach access is a short walk (2-3 minutes) to the stone staircase cut into the cliff side. Low tide leaves tide pools to explore, or you can swim in the shallows.

*You may often have the beach to yourselves, with only occasional passers-by.

This 7 bdrm/4bath house sleeps 20 in beds with sofa sleepers for additional guests.

BEDROOMS

#1 The main level master suite enjoys full ocean views with a Cal-king size bed, private bath and walk out glass doors to the lanai.

#2 The garden room has a queen bed near the front entrance.

#3 The map room has a queen bed near the front entrance.

These 2 rooms share a hallway bathroom.

#4 Upstairs family suite has two queen beds and a private bath, perfect for a family staying with a larger group.

#5 The sunrise room has a queen bed and faces the sunrise.

#6 The shipyard room has a queen bed

#7 The dormitory has 1 queen bed and 4 twin beds. (younger cousins love this space)

Upstairs hallway bathroom.

A spacious great room upstairs seats 15 comfortably in an ocean view setting. Entertainment includes a 55" flat screen HDTV with cable/DVD player. Main level front room also has walk out glass doors to the covered lanai.

Kitchen is fully supplied with fridge, stove/oven, dishwasher, microwave, small appliances, dishes, glassware, utensils, pots/pans. Dining area walks out for additional outdoor dining.

Oceanfront Vista is near shopping and local restaurants and less than 1 mile from the famous Polynesian Cultural Center, Hawaii's top tourist attraction and a

“must do.” BYU-Hawaii, the LDS temple, and Hukilau Beach are easily accessible within Laie. A short drive takes you to pro surfing spots at Sunset Beach, Haleiwa, Waimea, or to the pro golf course at Turtle Bay Resort.

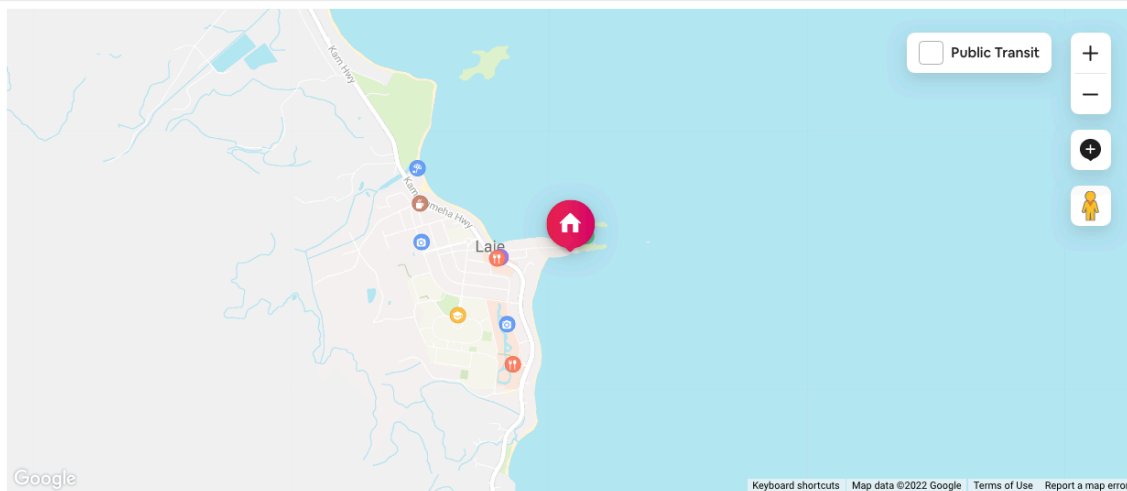
At Oceanfront Vista you can seclude yourself in Hawaii’s natural beauty or join in the local scene for a true Hawaii experience away from crowds. Rental also includes use of the boogie boards and snorkel gear on site.

For larger groups and family reunions Oceanfront Vista may be rented in conjunction with neighboring Ocean Point Estate or Ocean Tropical Retreat.

TAT #TA-178-455-7568-01

License number

550100330000, 55-064 Naupaka Street, TA-178-455-7568-01



Laie, Hawaii, United States

We are two homes from the end of a peninsula with cliff diving, surfing, snorkeling, and spearfishing all around us. Shopping plaza and bus stop are 1/4 mile away. Grocery store adequate for most needs. No alcohol of any kind....

[Show more >](#)



Hosted by Glen

Joined in November 2012

★ 107 Reviews ✓ Identity verified

live on the ocean front in Hawaii...I am an avid Kiteboarder.

Policy number: 550100330000, 55-064 Naupaka Street, TA-178-455-7568-01

Response rate: 100%



Dormitory bedroom



dormitory bedroom 1 queen, 4 twin



Garden room queen bed

April 13, 2022

Honolulu City Council
530 South King Street
Honolulu, Hawaii 96813

Aloha Chair Waters and Council Members,

On behalf of Marriott International and our portfolio of hotels here in Honolulu, I wish to respectfully offer our support for Council Bill 41 CD2.

Marriott has long been an advocate for an effective and sensible framework to regulate the modern practices of the vacation rental industry. As our community continues to grapple with challenges associated with the proliferation of illegal rentals, we appreciate the Council's efforts to modify local law in a way that will limit loopholes and improve enforcement.

The economic consequences of allowing illegal rentals to proliferate are mounting and continue to be felt throughout the entire island. If left unchecked, this illegal activity threatens Oahu's community spirit and long-term economic prosperity.

Bill 41 CD2 will help restore a healthy balance that will improve local quality of life, bolster the local economy, and enhance the visitor experience. Overall, we believe that Bill 41 CD2 will ultimately help mitigate the detrimental impacts that illegal rental activity is having on our local housing stock, our economy, and our local population.

Thank you for your consideration.

Mahalo nui loa,

A handwritten signature in black ink, appearing to be "Doug Chang", written over a large, stylized, hand-drawn loop.

Doug Chang
General Manager
The Ritz-Carlton Residences, Waikiki Beach

Questions about Bill 41 –

Choon James – Reference 2

Large chunk of Laie cliff side falls into ocean

A nearby neighbor says this is her ‘biggest nightmare.’



By Casey Lund

Published: Oct. 15, 2018 at 10:16 PM HST

LAIE (HawaiiNewsNow) - When Choon James learned about the huge pieces of rock that fell from a cliff side near her home at Laie point on October 1st, she was upset – but not surprised.

“This is actually my biggest nightmare,” she said.

James has owned her property on Naupaka Steet for four decades. In recent years, she’s seen the property next to her change.

“It has been very frustrating through the years. There have been times when I have heard jack-hammering in the night in the dark and the only time that it would stop is when I turned the spot lights on,” James said.

She says the man who owns the home next to her uses it as a vacation rental. She suspects that he's been digging into the rock, adding hot tubs and patio space; all the while violating a county setback rule that prohibits any construction within forty feet of the shoreline.

"If it is natural erosion, why is it happening just at the place that they have been jack hammering for years?" James added.

Fishermen like Norman Thompson used to use a trail below those homes to access a prime spot that has helped to feed his family for generations. When this part of the cliff gave way on October 1st, the trail went with it.

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#####

<https://www.civilbeat.org/2018/10/denby-fawcett-what-caused-this-north-shore-cliff-to-collapse/> **Selected paragraphs**

Property manager Orr says that the rockfall is due to natural erosion rather than "irresponsible actions." In a written statement to Civil Beat, he says he had seen a fissure in the rock face that had split on the cliff face.

"I believe this was due in part to a very large boulder that was wedged between the two sides," Orr says. "Presumably this placed a great deal of outward pressure on the fault."

He sent a [YouTube video](#) he says shows the depth of the ocean undercut beneath the fault line.

"While the surprise of the collapse may bring out emotional responses pointing blame, cooler heads can see how the geological factors are very much in play," Orr says.

DPP spokesman Curtis Lum says another investigator will be going out to Dahms' property to find out if construction on the cliff's edge "altered or manipulated the shoreline," which could result in another notice of violation.

The investigator is still trying to "determine if there was jackhammering used on the construction work he saw in the setback," Lum says.

The state's Office of Conservation and Coastal Lands is also keeping its eye on the site, but is not directly involved. Department of Land and Natural Resources communications director Dan Dennison says, "It is a C and C (city and county) issue as the boulders came from work done on private property."

In the past, Airbnb.com has listed a vacation rental on Dahms' property where the rockfall occurred as "Ocean Vista Grande," offering 12 beds in seven bedrooms to sleep up to 20 people for \$1,150 a night.

Dahms lives in Arcadia, California. He owns seven Laie homes, which have been listed on Airbnb.com as vacation rentals. Eric G. Orr manages the vacation rentals for Dahms. Orr is a psychology professor at Brigham Young University-Hawaii.

City records show Dahms' properties do not have the required "non-conforming use certificates" to be legal short-term rental units. Since the rockfall, the vacation rental listings have been removed from the Airbnb website.

###

Questions relating to Bill 41

ChoonJames Reference 3 PART 1 of 2

Laie Point Cliff Collapse – Erosion or Shoreline Set Back Violations?

[October 17, 2018UncategorizedAirbnb, environment, Laie Point, Naupaka Street, Shoreline Set Back](https://countrytalkstory.com/?m=201810)
<https://countrytalkstory.com/?m=201810>



Laniloa Point aka “Laie Point” in Laie, Oahu is a peninsula that juts into the ocean.

The peninsula rises to higher elevation (40-45 feet) at the Laie Point Lookout. A small part of the Peninsula is connected at ground level by Clissolds Beach aka Bikini Beach. However, most of the Point peninsula drop into the ocean waters with no sandy beach below.

Several Point properties have carved steps on the 40-foot shoreline setback in their backyards to gain access to the ocean waters.

On October 1, 2018 a resident was walking along Clissolds Beach and noticed huge quantities of fresh naupaka foliage with its roots washed up along the shores. She had not seen this the day before. It was estimated that this cliff collapse triggered at 55-064 Naupaka Street happened in the early morning of October 1, 2018.



I live next door to this property. My house is the one on the far right. We built this home with our mason friend, Wahanui Elkington and other construction friends about 25 years ago.

Our next door neighbors then (subject white roof house with safety netting) were friendly and open. It was just the two of them senior citizens. They let the surrounding neighborhood children visit them at will. She loved children. They had a grand piano. They had a small Koi pond. We visited often. He even showed me the natural fissure in their shoreline set back and suggested carving steps to access to the waters below, together. We both didn't do anything about it. She passed away first. Her husband later sold the property in 2007 to the current owner from California.

This property would turn into an Airbnb vacation rental. Many illegal vacation rental impacts problems ensued.

We would be subjected to loud partying, be woken up by loud quarrels and so on. Their hot tub was first situated next to our yard boundary but would later be relocated even closer to the ocean. There would then be a fire pit with smoke coming our way.

We would hear jack-hammering. Sometimes I would even hear jack-hammering in the darkness but it would stop after I turned on our deck porch lights. These hammering, chipping, terracing and fillings into the 40 feet shoreline set back began around 2012. I heard the jack hammering and also felt the vibrations through the years.



As recently as last month, a local fisherman attested to hammering activities then in facebook comments. The local fisherman also commented he was told he was not allowed to fish from the cliff ledge.



Another local fisherman commented he could no longer fish there because of the cliff collapse. His fishing spot has disappeared. There was a parameter foot path along the cliff ledge where local fishermen used. That path is now cut short.

Airbnb Guest reviews in 2013 also reveal the “carving” into the 40 feet setback on the cliff for a hot tub and other amenities to be closer to the ocean.

Photos of the Airbnb vacation rental website, closed as of October 14, 2018, also showed the encroachments and placement of amenities into the 40-foot shoreline setback.

Through the years, the operators – Eric G Orr – Property Manager, of this illegal vacation rental encroached and violated Hawaii’s 40-foot shoreline setback. These continuing encroachments into the 40-foot shoreline set back crept closer and closer to the edge of the cliff and ocean.

I emailed the property owner who lives at Dana Point, California about this cliff collapse on October 1, 2018. His response was that it was an “erosion”. He said to contact his property manager who also claimed “erosion” and that he was in no way responsible for the cliff collapse. Their seven Airbnb online websites for Laie have been discontinued as of October 14, 2018.

| | | |
|--|--|--|
|  | | DEPARTMENT OF PLANNING AND PERMITTING CITY AND COUNTY OF HONOLULU 650 SOUTH KING STREET * HONOLULU, HAWAII 96813 Fax: (808) 768-4400 |
| <h2 style="text-align: center;">Notice of Violation</h2> | | |
| Violation No.: 2018/NOV-10-108 (SV) | | Date: October 15, 2018 |
| <u>Owner(s)</u> DAHMS, Robert E. Jr., P.O. BOX 961837 Arcadia, CA 91006 | | <u>MOLAK, Maria</u> P. O. Box 961837 Arcadia, CA 91006 |
| <u>Contractor(s)</u> | <u>Tenant/Violator</u> | <u>Architect/Plan Maker</u> |
| <u>Lessee</u> | <u>Agent</u> | <u>Engineer</u> |
| TMK: 5-5-010:033 55-64 NAUPAKA ST Laie 96762 | | |
| Specific Address of Violation: 55-64 Naupaka St. | | |
| I have inspected the above-described premises and have found the following violations of City and County of Honolulu’s laws and regulations governing same: | | |
| Codes and/or Ordinance(s) and Section(s) | Violation(s) | |
| ROH 1990, as amended, Chapter 23 Section 23-1.5(b) | Development work within the 40-foot shoreline setback including, but not limited to, a CMU fish pond, hot tub, and a circular stone fire pit-type structure, was done without first obtaining a variance. The installation of pavers within the 40-foot shoreline setback requires a Minor Shoreline Structure (MSS) permit. Please obtain a variance and an MSS permit or remove the above items from the 40-foot shoreline setback. | |
| Restore the area immediately and complete all work within 30 days from the date of this notice. Please call the undersigned after the corrections have been made. You are reminded that if no action is taken within the specified time: | | |
| 1. A Notice of Order will be issued by the Department of Planning and Permitting imposing CIVIL FINES for the specified violations; and/or | | |
| 2. This matter may be referred to the Prosecuting Attorney and/or Corporation Counsel for appropriate action. | | |
| Special Instructions: | If you obtain a variance, a building permit is still required to correct the violation. | |
| Inspector:  Lester Hirano Phone: 768-8113 for the Director Department of Planning and Permitting | | |

As of October 15, 2018, the Honolulu City and County Department of Planning and Permitting has issued a NOTICE OF VIOLATION to the owners in California – ***“Development work within the 40-ft shoreline setback, but not limited to, including a CMU fish pond, hot tub, and a circular stone fire pit-type structure are to be removed”*** and so forth.

The Notice of Violation also stated for owners to ***“Restore the area immediately . . .”***

How does one restore the irreparable carved out cliff top and portions of the collapsed cliff?

What is the relevance of the 40-foot shoreline set back in Hawaii?

*What do you think? Is it **Erosion** or did the **40-foot shoreline set back violations** through years of jack hammering, terracing, fillings, and other activities to get closer and closer to the waters contributed to the cliff collapse into the ocean?*

Additional Photos Taken **October 3, 2018**



Photos below expose the leveled area, fillings, and missing retaining wall at the trigger spot of the



cliff collapse.



Photos below show portions of a natural vertical fissure (left) in this property.



Questions relating to Bill 41

ChoonJames Reference 3 PART 1 of 2

October 17, 2018 Photos Taken BELOW Portions of the leveled area/retaining wall collapsed into the waters. A new bamboo screen and other accessories are seen. New palm frond debris now cover the surface edge of collapsed cliff top.

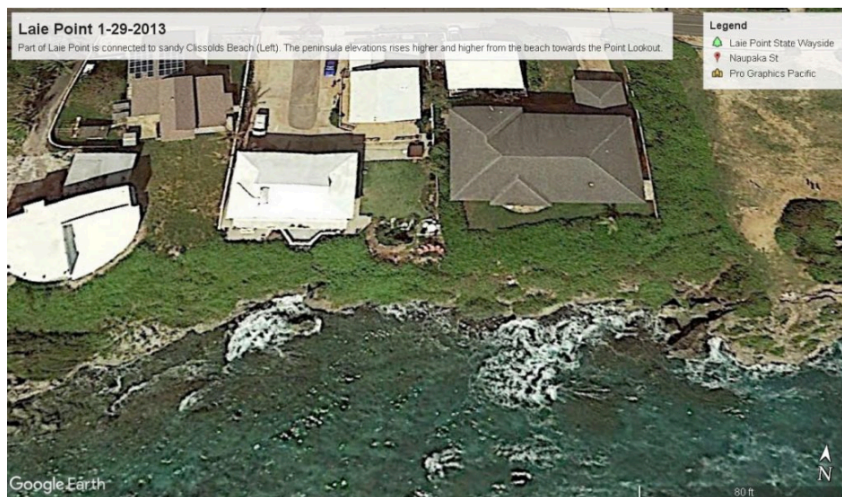


The hot tub below has been lifted up from its position onto the fire pit area, exposing grading on cliff surface inside the 40-foot shoreline setback. Other portions have further been terraced and leveled towards the ocean.





1-29-2013 Laie Point Google Image (below) showed a “fisherman’s foot path” along the cliff’s edge known to locals.



April 2017 These images below were shared on YouTube, showing sprawl towards the natural fissure in the 40-foot shoreline setback.



UPDATE: Property Manager Eric Glenn Orr later contacted Honolulu City and County DPP Inspector: *On Tue, Oct 23, 2018 at 12:59 PM Hirano, Lester* <lhirano@honolulu.gov> wrote:

“ Good afternoon, Choon,

Thanks for the heads-up concerning the edge of the cliff. I really appreciate your concern for our safety and I'll be careful not to get too close to the edge!

This morning I received a call from the agent/tenant, Eric Orr who admitted to jackhammering the cliff side in order to carve out a stairway to the rocks at the base of the cliff.

Therefore, since Eric admitted to doing the jackhammering and causing the collapse, the City will now be working on creating a notice of violation to the owner and tenant for causing the cliff side collapse.

Just FYI, I have made an appointment to meet with Eric at the property this Friday at 2pm. In order to observe the progress he's made in removing the items within the shoreline setback which the City cited him for.

And thank you as well for offering even further assistance than you already have in the form of additional drone flights. The photos you provided from previous drone flights were extremely useful in pinpointing the problem areas of the subject property.

I'll let you know when and how the City will be taking action against the owner and agent as soon as I confer with the other DPP planners.”

The Public, fishermen, neighbors and community have yet to receive a response from those responsible – no apologies for destroying a natural resource for their profits; no apologies for destroying the local fishermen's path; no apologies for destroying our land area. The State of Hawaii needs to tighten the laws and treat this as a crime for those who INTENTIONALLY violate the shoreline management setback laws for their illegal profits and greed and no respect for the aina.

Questions relating to Bill 41

Aloha Chair Tommy Waters, Brandon Elefante and city council members:

I'm sharing my first-hand experiences for over a decade living next to a non-occupant vacation rental owner from California. It has been a nightmare. On top of that, the environment, natural resources and beauty were irreparably destroyed due to greed and disrespect for the beautiful island that we live in.

In the case of this subject property, after the cliff collapse in October 1, 2018, the owners and their property manager Prof. Eric Glen Orr of BYU-Hawaii changed their rentals to 30-days duration. Prof Orr personally told me he had a totally free conscience that he was doing the right thing.

However, I've observed that were groups that came separately between the 30-day interval. I reported him last year to DPP about a big group. An inspector responded he was provided a contract for 30-days from the operator. And that was the end of the story of my reporting and DPP's involvement.

So, what am I supposed to do? To keep reporting and play this cat-and-mouse with the operator? At what point will DPP ignore a neighbor who keeps reporting neighborhood concerns?

Other residents in Oahu have reported retaliatory feedback. While I have not received physical threats or TROs, I have received dirty looks and spreading of smears from him.

I do not think that residents should become the policing arm of DPP because another neighbor chooses not to respect their residential neighbors to protect their own profiteering. Here are some of my questions as to how DPP is going to enforce and not place the burdens and onus on ordinary residents.

1. Will there be new window for property owners to apply for short-term rental anywhere in Oahu? This subject property is located at 55-064 Naupaka Street, Laie, Hawaii, 96762. Short-term 30-day vacation rental will become illegal in this neighborhood, right? It will become a 3-months term?

2. I have asked this question before. Density. Do short-term vacation rentals or even 30-days rental allow the operator to turn a single residential home into a YMCA? In this subject property, the property manager who has since changed his Airbnb host name to his middle is advertising at least a possibility of 28 bodies. 12 beds in 7 bedrooms sleep 20 people in beds with Space for 8 more on convertible futon/couches. Listed price is for 16 people. Additional people option is available with extra fees. (350\$ per person) children under age 9 are free.

3. Is **Anonymous Reporting available to residents**? I believe that there is value in preserving the anonymity of a report on any issue. While I've made myself transparent in my reporting of 55-064 Naupaka last year, we have residents around Oahu who have expressed concerns that they fear retaliation and threats in trying to protect their quality of life in their own homes.

Thank you

Choon James.

REFERENCES ATTACHED:

Ocean Vista Grande:30 day minimum contract

★ 4.71 · 14 reviews · Lale,Hawaii,United States

Share Save



Entire home hosted by Glen

16 guests · 7 bedrooms · 11 beds · 4 baths



30d Min Contract required

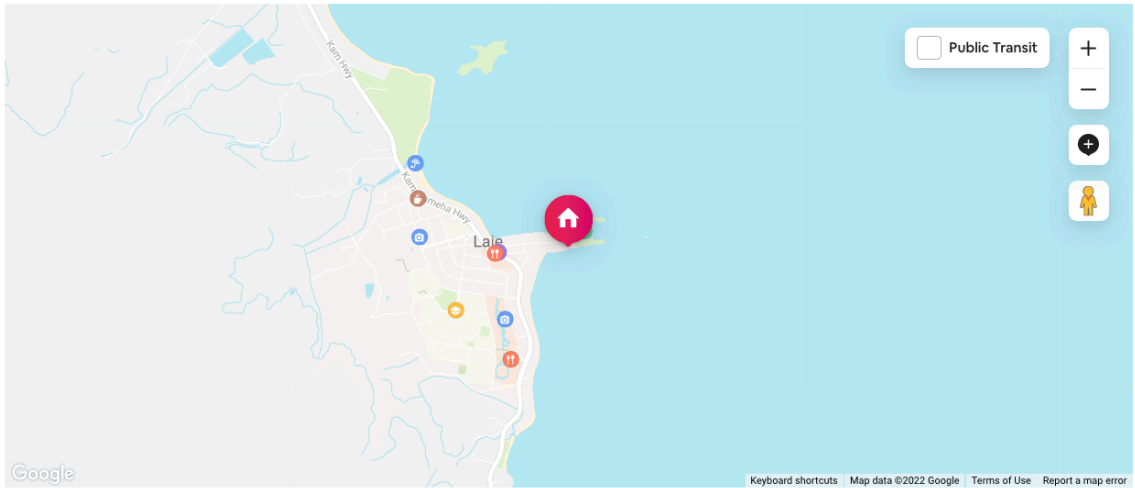
12 beds in 7 bedrooms sleep 20 people in beds
Space for 8 more on convertible futon/couches

...

\$463 night ★ 4.71 · 14 reviews

| | |
|----------------------|----------------------|
| CHECK-IN Add date | CHECKOUT Add date |
| GUESTS 2 guests | |

Check availability



Laie, Hawaii, United States

We are two homes from the end of a peninsula with cliff diving, surfing, snorkeling, and spearfishing all around us. Shopping plaza and bus stop are 1/4 mile away. Grocery store adequate for most needs. No alcohol of any kind....

[Show more](#) >



Hosted by Glen

Joined in November 2012

★ 107 Reviews ✓ Identity verified

live on the ocean front in Hawaii...I am an avid Kiteboarder.

Policy number: 550100330000, 55-064 Naupaka Street, TA-178-455-7568-01

Response rate: 100%



April 13, 2022

**Testimony IN SUPPORT OF Honolulu City Council Bill 41 (2021), CD2
Relating to THE REGULATION OF SHORT-TERM RENTAL UNITS ON OAHU**

Aloha Chair Waters and members of the Honolulu City Council,

Thank you for the opportunity to submit testimony in support of Council Bill 41, CD2. My name is Jason Ito, Vice President for Kyo-ya Management Company, Ltd.

We support the process that the Department of Planning & Permitting, the City Council, and the City administration have worked diligently on to address short-term rentals. These measures will be meaningful in addressing many of our local resident's concerns including parking in terms of regulating short-term rentals within their neighborhoods in non-zoned areas.

This bill will also help to support our City's affordable housing crisis by facilitating the availability of more affordable housing and housing at all income levels.

Legal short-term rentals will pay the same taxes and fees as the rest of the lodging industry as well as the recent addition of the Transient Accommodations Tax. This will help to support the concept of regenerative tourism as we all intend to keep Hawaii as a key destination of choice for our visitors.

Our responsibility as business and community leaders is to create and support good jobs and long term employment ensuring that our local communities and families have the opportunity for a thriving and vibrant future.

Mahalo for the opportunity to submit our testimony. We urge you to SUPPORT Council Bill 41, DC2.

Sincerely,

Jason Ito

Written testimony 4-13-22

Honolulu City Council
530 South King Street, Room 202
Honolulu, HI 96813

RE: Opposition to Bill 41

Honorable Chairman Waters and City Council members

I am writing on behalf of the Friends of Kuilima, an advocacy group for the fair and peaceful rights of property owners, small businesses and O'hana in our North Shore community.

We support the enforcement actions necessary to shut down short-term rentals (STRs) that are disruptive to neighbors and/or violate the laws of the county. We also support the registration of STR properties to ensure compliance with laws and as a way to identify where and how many STRs are actively operating.

That said, on it's final hearing and vote before the council, Bill 41 has the potential to not only have a negative impact on local communities and small businesses but at a macro level to devastate an already fragile economy on the island following Covid-19 pandemic. Tourism is the State's largest industry and yet the hotel industry has been pushing for decades to control more and more of that segment of the economy. In fact hotel lobbyists in conjunction with the Director of the Department of Planning and Permitting have crafted the language in this bill, which is being sold as "providing more affordable housing," however, does nothing of the sort.

Since the bill was proposed in October 2021, there continues to be a lack of any objective fiscal data supporting these draconian changes to and including whether Ordinance 19-18, passed in 2019, has not been effective. Ord 19-18 represented four years of review and input from various stakeholders to provide better tools for enforcement. Whereas Bill 41 has been rushed through the legislative process by an industry that stands to gain more profit for their foreign investors by eliminating STRs a property at a time through it's proposed enforcement and registration requirements.

To that end the fact that the Director of DPP:
is still under review for a potential conflict of interest

did not recuse himself until this past week from the process
stated *we will not enforce bill 89 and will wait until bill 41 passes*
was instrumental in drafting the bill language in conjunction with hotel
lobbyists

How could any council member support this bill? The DPP already has very low public confidence they can perform their duties required by law, with out selectively using a pay-to-play approach. In fact, even our efforts to talk to community members found they were confused and fearful of some type of retribution if they speak up. We've attached signatures of employees of small businesses that provide support services to STR operators, for a total of 29. This may not seem like much, but they all agreed this bill would be bad for their livelihoods and represent a very small faction of locals who will be directly effected by this bill.

We already know that multiple groups are already putting together legal actions against the City for various portions bill language that will become law if passed. That means more tax payer dollars will be spent defending what we see as an indefensible policy in its current form. Yet all taxpayers will be paying for the legal costs to defend a policy change that clearly will have a very chilling effect on the economy.

Pause the bill now. We urge you to vote NO. There is no compelling need to pass an enforced enhancement bill. DPP has failed to enforce the previous Bill 89 for well over two years and the economy is still fragile particularly now with world events, inflation and supply shortages. Wait until Bill 41 provisions and requirements have had adequate input from a balanced group of stakeholders and thoughtful reasoned implementation has been identified.

Aloha Chair Waters and Councilmembers:

Thank you for considering my testimony in opposition of the proposed Bill 41 CD1.

I recommend **this bill and amendments be rejected**, and **all efforts be put into enforcing the current Ordinance 19-18**.

Waikiki Apartment and Resort Zones have not been discussed by councilmembers or fairly addressed in this Bill. **Waikiki is a unique and successful tourist destination and should be separate from residential neighborhood restrictions**. Passing Bill 41 CD 1 would not solve affordable housing in Resort zones or Apartment zones of Waikiki, or the enforcement of Illegal STR's. The only rationale is the monopoly of the Hotel and Tourism market and destroy legal property management competition. The majority of all testimony, in opposition to this bill agrees that enforcement of Illegal STR's needs to happen. This is why the rules we already worked so hard to come to, along with the MOU signed by the County must be enforced with the current Ordinance 19-18.

I strongly oppose Bill 41, and CD1 Amendments for the following reasons:

1. The 50% cap was applied to only A-1 and A-2 District in the original draft of Bill 41, however, the Zoning and Planning Committee's proposed draft of Bill 41, CD1 made this amendment and now the 50% cap restriction is also applied to condos in the Resort area.

With this change, only up to 50% of owners can run short term rentals in the Resort area in Waikiki! **What warrants this amendment, except to benefit the Hotels?** Please delete the 50% cap restriction.

2. The amended definition of "Bed and breakfast home" and "Transient vacation unit" to mean dwelling units that are rented for periods of less than 90 days.
Currently in place with Ordinance 19-18 the Apartment Precinct in Waikiki allows 30-day minimum rentals and are legally permitted. 30-day TVU's are helping many people who need rentals for less than 90-days. Those people include traveling nurses, Military PCS while looking for a home to buy, Film and TV crews while on a shoot or Government contract workers. Those people come for one or two months, rarely do they require a 90 day or more stay. The only alternative is high priced Resort Hotels. Waikiki is unique as a successful tourism destination, with many local businesses, restaurants, and shops, that depend on tourists. Healthy successful tourism needs a variety of accommodations that provide options to visitors.
3. The current Bill 41, CD1 has changed zoning from "P" [primary] to "PC" [primary with conditions] for short term rentals in the Resort zone. **What warrants this amendment, except to benefit the Hotels?**
4. **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, it doesn't make any sense to set

the 50% cap only for condos in Resort zone. If condos are limited to 50%, so should hotel rooms.

5. **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.


I fully support enforcement actions against illegal Short-Term Rental operators.

Again, **I recommend 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, vacation rentals platforms like Airbnb or Expedia, legal short term management companies and property owners are ready 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.

Our economy in Hawaii has yet to even fully recover from the stresses of Covid-19 and this bill will only make the process slower. I'm really scared of the direction the county is going in to make doing business and thriving here so impossible. On a personal level, I have a significant other who is born and raised in another state. He despises so many of the political decisions made by the state and county because it just goes to increase the cost of living at every corner or meddles in people's freedom. I am having a harder and harder time justifying not moving away myself to another state or county that isn't so hell bent on working against the local community. Thank you for your consideration, and the opportunity to provide additional comments on this critical measure.

Name Ciel Pia RS-81021 | Coldwell Banker Realty

Date 04/13/22

Signature 
DocuSigned by:
4F359036B474491...

I oppose Bill 41 CD2 in it's current state and ask that you consider these points below before voting to advance this bill.

There are currently 16 condotel and hotel buildings in the apartment mixed use zone of Waikiki. If individual owners are not able to rent less than 90 days under CD2 why should these hotels be able to continue to operate? For example, Aqua Aloha Surf is in the Waikiki Apartment Mixed Use Zone and is a condotel. If an owner chooses to enter the hotel pool it would be considered exempt from CD2. That hotel can advertise however they choose, including AirBnB/VRBO which is already in use by this hotel. But if that same owner chose to list their own unit on AirBnB and not share the profits with the hotel, it is an illegal rental? The ultimate use for the unit is the exact same- but now the profit isn't being shared locally. It protects the interest of Aqua Aston and does nothing to reduce tourism.

Bill 41 CD2 provides exemptions for properties in A-1 and A-2 apartment zone, Waikiki does not have an A-1 or A-2 zone, but instead Apartment Mixed Use. Why are other apartment zones exempt but not Waikiki? Right in it's name is "mixed use" why would TVU's not fall under "mixed use"? So far hotels, hostels, timeshares, and commercial activities all operate in the apartment mixed use. Seems like TVU's are the only ones being targeted. Why cherry pick which buildings are exempt, such as Waikiki Sunset and Waikiki Banyan? There are many other buildings just like them which should also be exempt.

In its current form, CD2 requires owners in the resort zone to register their properties to continue renting short term. Why are legal rentals being penalized? These owners have already paid increased property taxes and paid a premium at purchase to have the ability to rent short term. Now that is being taken away? Why aren't hotels required to register all rooms to continue renting?

In the same breath, Bill 41 is being proposed under the premise of lowering tourism but there are currently over 10 proposed or in progress developments in the Waikiki/Ala Moana area alone. If you were to look at the demographics of these buildings, you would find almost all will bring more residents to Oahu rather than serving the existing residents. How does this achieve the goal of fewer people on the island? And why does this responsibility to reduce tourism fall on vacation rental operators when hotels continue to be expanded? For example, Hilton Hawaiian Village is seeking permitting for another tower, but right across Ala Moana Blvd I am not allowed to rent out my condo as a TVU. The same can be said for Waikiki King's Village being demolished and becoming a Hilton timeshare.

There are many buildings in Waikiki which are located in the Apartment zone which were originally built as hotels and converted to apartment buildings later on. These buildings have studio efficiencies under 300 sq ft, they do not have kitchens, and do not have parking stalls. Do you feel it is reasonable to expect someone or a family to live in a studio and not be able to cook for themselves or have a spot for their vehicle to get to work? How many people do you know which would accept these conditions for their family? The best use for these properties are short term rentals, not 90 or 180 days.

Pushing forward with this Bill will do more harm than good by taking away opportunities for us residents to make a living while catering to the hotels that are based out of the mainland or other countries. When Bill 89 was proposed there was a collaborative effort from all parties to pass what ended up being a reasonably fair bill. The city has tools in place such as the MOU to enforce Bill 89, but has not done so. I urge you to vote "No" on Bill 41 CD2 and focus attention on enforcing already passed Bill 89.

Respectfully,
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