

BILL041(21)
Testimony

MISC. COMM. 134

COUNCIL

COUNCIL Meeting

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

Support: 4

Oppose: 48

I wish to comment: 4

Name: Choon James	Email: ChoonJamesHawaii@gmail.com	Zip: 96762
Representing: Self	Position: I wish to comment	Submitted: Apr 13, 2022 @ 09:55 AM
Name: Sharon Moore	Email: moores002@hawaii.rr.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 09:59 AM
Testimony: I am against this bill.		
Name: Edmund Lawton	Email: edmundlawton@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 09:59 AM
Testimony: The demand for many professionals who comes to the island for work (movie sets, contractors, nurses, military, returning locals) and for the on-island transitory folks (plumbing issues, medical care for the loved ones, prospective home sellers and homebuyers) are so great and will continue to be overwhelming. Taking away the 30-day stay will be a big failure to serve our community. We can do this the right way by registering these local housing and tracked correctly by the cooperation of the platform. That was the opportunity we worked so hard in developing Ordinance 19-18. Sadly we did not serve our community by honoring that Ordinance. We cannot let the bad actors continue to move our marks when our community had tirelessly banded together in enacting Bill89/Ordinance 19-18. Let's cooperate not divide, let's be a community that's fair not punishing, let's do well so we don't have new rash reactions for something already decided. Mahalo and Aloha		
Name: Wayne Lu	Email: wlualoha@yahoo.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 09:59 AM
Testimony: I am disagree the Bill 41 because it is no good for us.		
Name: Carlyle Handley	Email: carlyle.handley@locationshawaii.com	Zip: 96814
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 09:59 AM
Testimony: I oppose the proposed Bill 41 primarily upon the restriction of real property rental periods changing from the current minimum of 30 days to 90 days. I currently rent two of my properties, one is rented long term (6 month to 1 year leases typically), and one is rented for a 30 day minimum period. The property rented for 30 days is usually occupied by Hawaii residents who are between long term rentals, visiting professionals (contractors, nurses, students, etc.), and least often by a regular visitor to Hawaii that is visiting their relatives (usually older folks visiting their adult children and their families). There is an legitimate need for operators such as myself and others that professionally handle their property in this manner. Regarding the issue surrounding this topic of Bill 41, the local media outlets have been abused conflating the concept of 'Illegal Vacation Rentals' and the true subject of Bill 41, which is taking existing LEGALLY operated property management, and making this long standing legal practice, ILLEGAL. Until true public coverage of this topic distinction is made clear, the City Council cannot in good conscience move this bill forward. I am a Hawaii Real Estate Broker, and advise my clients on these topics often. Please act responsibly. My solution agrees with a previous proposal to simply limit the number of times someone may rent a property out per year, a limitation of 12 rentals, no less than 30 days each. Thank you!		
Name: Wenjin He	Email: hxyuan3608@gmail.com	Zip: 96819
Representing:	Position:	Submitted:

Self	Oppose	Apr 13, 2022 @ 10:02 AM
<p>Testimony:</p> <p>Aloha,</p> <p>I appreciate the efforts of the City Council and the Administration in tackling the issue of illegal vacation rentals on our island. I strongly support the need to enforce illegal vacation rentals that negatively impact our residential neighborhoods. However, I oppose Bill 41 (2021) CD2 in its present form.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Mahalo!</p>		
Name: Mike Meister	Email: mikeandsusanmeister@icloud.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:03 AM
<p>Testimony:</p> <p>Please vote no on Bill 41. Restricting existing uses and disrupting resident's ability to host and share their spaces is not Aloha. We are all suffering financially after covid. This is not the time to cripple, or even disrupt, the flow of cash in the economy on the North Shore. This is government overreach, with big business benefitting at the expense of the homeowner's ability to control their own personal investments, which do create tax revenue. The lack of affordable housing is being stalled in the department of planning and permitting. Instead of Bill 41, we should be spending money on expediting affordable housing permits, not spending money on enforcement, hiring people to criminalize home owners for renting or sharing their own homes. In order to keep the community stable this bill should not be passed. It will force home owners like myself into foreclosure.</p>		
Name: Toan Doran	Email: toan.doran@locationshawaii.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:06 AM
<p>Testimony:</p> <p>This bill is unfair to the thousands of investors who have supported the Hawaii RE industry and it heavily favors the hotel industry. Through decades, investors have poured \$\$ into Hawaii RE with the understanding that they can do vacation rentals. Now, with a drop of a hat, bill 41 will drastically reduce the value of their investments.</p>		
Name: Choon James	Email: ChoonJamesHawaii@gmail.com	Zip: 96762
Representing: Self	Position: I wish to comment	Submitted: Apr 13, 2022 @ 10:14 AM
Name: Sunny Hsu	Email: xiaoyingsunny@gmail.com	Zip: 96813
Representing:	Position:	Submitted:

Self	Oppose	Apr 13, 2022 @ 10:14 AM
<p>Testimony:</p> <p>I am a member of the Honolulu Board of REALTORS® and appreciate the efforts of the City Council and the Administration in tackling the issue of illegal vacation rentals on our island. We strongly support the need to enforce illegal vacation rentals that negatively impact our residential neighborhoods. However, we oppose Bill 41 (2021) CD2 in its present form.</p> <p>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. We 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.</p> <p>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.</p> <p>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.</p> <p>Mahalo!</p>		
Name: chloe Meister	Email: chloermeister@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:14 AM
<p>Testimony:</p> <p>Aloha, I am asking you to vote NO on Bill 41. I depend on the tourism on the North shore for my jobs (retail, cleaning and horse-back riding lessons) . The traffic out here is terrible. Making everyone stay somewhere else will make more traffic in our communities. BYU students and traveling Nurses stay here for short term stays and they will be run out by Bill 41. Surfing is out culture and our crowd. If you pass bill 41 you are going to force everyone to go underground to provide lodging to their friends and family. Nearly every family on the North Shore has a small rental. Business who own beachfront homes switch their lodger's out on short term stays easily. It is the families who depend on their rental units who are going to suffer. Thank you for protecting the North Shore's economy by continuing to let people host short term stays which provide revenue to myself and so many other small business owners on the North Shore.</p>		
Name: Kimo Jamila	Email: kimojamila10@gmail.com	Zip: 96850
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:14 AM
<p>Testimony:</p> <p>Bill 41 gives a monopoly to the hotels. You trying to crack down on legal vacation rentals not restrict illegal ones. So this bill is junk. We also know DPP director has conflict of interest and should never have written this bill. It will come back to haunt the city with lawsuits. Please oppose Bill 41.</p>		
Name: Mai Tran	Email: iammai36@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:16 AM
<p>Testimony:</p> <p>I oppose this bill as it will affect my family vacations.</p>		
Name: Choon James	Email: ChoonJamesHawaii@gmail.com	Zip: 96762

Representing: Self	Position: I wish to comment	Submitted: Apr 13, 2022 @ 10:16 AM
Name: Shannon Feliciano	Email: thefelicianogroup@kw.com	Zip: 96707
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:17 AM
<p>Testimony:</p> <p>Bill 41 would be devasting to our local families , and economy . As a seasoned agent and local residents with generations of my family still residing on the island . It would limit local families to able to have supplemental rental income . With low tourism count and cost of hotels stay this would give vistitors alternatives to stay in a lower cost vacational rental well allowing the owner of the vacation rental to make supplemental income and the state will still collect the TAT tax on the income generated it would be a win / win for locals and tourist .</p> <p>Limiting a local residents ability to have supplemental income or locals looking to invest to get supplemental income is not in the best interest for our fluttering economy . Tourism and jobs are down and having Bill 41 approved would only make it hard for other get obtain supplemental income for vacation rentals. This Bill only benefits the Hotels , but with cost of hotel stays visitors needs more cost effective options for having a place to stay when on vacation .</p>		
Name: Toni Hartman	Email: hartmant001@hawaii.rr.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:21 AM
<p>Testimony:</p> <p>This bill is a "gift" to the hotel lobby.</p> <p>What about transient people who come to visit their family on Oahu and want to stay less than 90 days.</p> <p>What about remote workers who come but maybe can't stay 90 days? Also don't want to stay on Waikiki for financial or convenience reasons.</p> <p>The 30 day rule is fine and is a result of negotiations over a two year period.</p> <p>Why the overkill?</p>		
Name: Kamaka S	Email: Kamaka_@outlook.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:22 AM
<p>Testimony:</p> <p>I oppose this bill. We've stayed at vacation rentals for staycations to get out of town for forever. Before this was an issue. They should have regulations, but give us the option to use them.</p> <p>I also know a lot of people who's job are dependent on them.</p>		
Name: Jill Ward	Email: jillward808@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:28 AM
<p>Testimony:</p> <p>Aloha: Please do not pass this bill. It really limits local people who sometimes need rentals for a month or two during transitions to find a place to stay. I understand the theory behind the 30-day limitation, but this is excessive and affects local residents more than tourists. Thank you!</p>		
Name: Jack Ma	Email: puhat@live.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:29 AM
<p>Testimony:</p>		

<p>I strongly oppose Bill 41 due to the following</p> <ol style="list-style-type: none"> 1. unfair treatment of both resort and residential being placed in the same bill. 2. The corrupt nature of the bill and Dpp director participation in the origination of the bill 3. The refusal of the members to involve all parties in the negotiation process. 4. Excessive and unnecessary fees levied on again art of the players not all again unfairly. 5. Legal reasons unconstitutional changing property rights. 		
<p>Name: Heather Robison</p>	<p>Email: heathermurphy@yahoo.com</p>	<p>Zip: 96734</p>
<p>Representing: Self</p>	<p>Position: Oppose</p>	<p>Submitted: Apr 13, 2022 @ 10:33 AM</p>
<p>Testimony:</p> <p>I strongly oppose Bill 41!!! If a person owns their house they should have the right to do what they wish with it as long as neighbors are not affected. Renting our home for 30 days or more has allowed construction workers come for short term jobs here in Oahu. Traveling Nurses and doctors have had a place to stay for their shorter term assignments. Family has been able to stay near their loved ones living on the military base. People buying a home to live here permanently have had a place to stay for a month or 2 until their paperwork is complete on their new home. You are impacting people who help our community, and are making them only have a place in Waikiki available which is a complete rip off!! This Bill 41 should NOT be passed!!</p>		
<p>Name: Wilfredo Cuyco</p>	<p>Email: wacuyco@mac.com</p>	<p>Zip: 96815</p>
<p>Representing: Self</p>	<p>Position: Oppose</p>	<p>Submitted: Apr 13, 2022 @ 10:38 AM</p>
<p>Testimony:</p> <p>I don't support this bill as it is an infringement on my right on how I use my property. I rent my Waikiki/Ala Moana area property lawfully as a 30 day minimum rental. The tenants I've had have been travel nurses , medical professionals helping out in local hospitals, international graduate students and remote tech workers.</p> <p>My rental has supported local small business such as construction, cleaning and management services.</p>		
<p>Name: Mark Bush</p>	<p>Email: musicmjb@gmail.com</p>	<p>Zip: 96734</p>
<p>Representing: Self</p>	<p>Position: Oppose</p>	<p>Submitted: Apr 13, 2022 @ 10:42 AM</p>
<p>Testimony:</p> <p>I am opposed to Bill 41 because the county already had the tools to enforce illegal short term rentals and the DPP wasn't funded. So now you have wasted tax payer dollars to fix something that wasn't broken in the first place, it just needed to be operated by a competent team. If one looks closely at the evolution of this bill you can see the obvious outcome which benefits the Hotel Industry and moves revenues off island.</p> <p>We have the right as home owners to rent a room in our home. This bill is infringing on our property rights. We pay Taxes, STATE, PROPERTY, GET, and TAT. We have hosted Traveling Nurses, Transient Military, Foreign exchange students, and more. We live in the home from which we are renting a room and require our guest to observe 10PM quiet rules. We have off street parking for our guest.</p> <p>This has been a fairly reliable income stream and it benefits the community. We don't charge much so greed is not a motive. Survival on a fixed income is. Please vote NO on Bill 41.</p>		
<p>Name: Jason Shelton</p>	<p>Email: js107340@gmail.com</p>	<p>Zip: 96734</p>
<p>Representing: Self</p>	<p>Position: Oppose</p>	<p>Submitted: Apr 13, 2022 @ 10:44 AM</p>
<p>Testimony:</p> <p>I oppose Bill 41. Bill 41 is a blatant attempt to seize use and function of private property and is illegal. This bill will solicit a king and costly legal battle that will leave both the county and the residents worse off. Bill 41 is a needless lose-lose proposition and must be voted down so that the council can proceed to the business that helps our citizens to deal with the incoming inflation induced recession.</p>		

Name: Stacie Fong	Email: Anastacia808@yahoo.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:46 AM
Testimony: I oppose this bill		
Name: Gretchen Brice	Email: gretchenbrice@tutanota.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:49 AM
Testimony: I am asking the council to please vote no today on the destructive bill 41. This bill will gut many small businesses that are committed to providing quality services too high and visitors to Our island. My family runs a small cleaning agency that Proudly services many beach lot legal rentals in Kailua. If this bill passes today my parents, my Auntie and her household, and my cousins household (23 people altogether) Will lose our income. This is a hateful bill that seeks to vilify and punish a small portion of productive, entrepreneurial and residents and must be voted down today.		
Name: Lani Tara	Email: lanitara@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:49 AM
Testimony: Bill41 Creates more Traffic and destroys an economy already created on the North Shore. It also forces our kupuna that benefit from renting part of their house to lose their houses or depend on the government.		
Name: Danielle Scherman	Email: danielle.scherman@cbrealty.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:50 AM
Testimony: I completely oppose this bill. It's a home owners right to do what they wish with their own home. Keep government regulations out!		
Name: Reny Mathew	Email: hanamana3@yahoo.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:51 AM
Testimony: I strongly oppose Bill 41, specifically any changes to the already existing law concerning legal short-term rental condos in the resort zone in Waikiki. The Bill states that it's primary goal is to create affordable housing and keep visitors out of the residential neighborhoods. Therefore, the bill should only focus on illegal short term rentals out of the resort zone and everything else concerning legal vacation rentals in the resort zone should be taken out of the bill. Changes to any laws concerning condo hotel buildings in the resort zone, do nothing to create affordable housing or to keep visitors out of our neighborhoods. Imposing registration restrictions and registration fees to legal short-term rental condos in the resort zones hinders small business owners who already pay the highest resort hotel property taxes. Condo owners, families, such as ours, raising our keiki here in Hawaii worked hard, sacrificed a lot, took our home equity, to be able to pay the high price tag our LEGAL vacation rental condos in the resort zone come with. We did this not only as a future investment for our keiki, but also with the intention to obey the existing law, to do it the legal way. Our legal condo in a condo hotel building was advertised to us as a short term rental, with high property tax, but no other restrictions, registrations and fees, this is what we purchased and this is why existing owners should be grandfathered in and protected by our elected representatives, who's job is to fight for us and our keiki and not to create laws that only benefit large corporations and force local families out of our islands by imposing yet more fees. Hotels do not have to register each and every room, nor do timeshares. It is clear that Bill 41 creates a preferential class, benefitting hotels at the expense of small owners. VOTE NO ON BILL 41!		

Name: Cleo James	Email: cshelton@scds.org	Zip: 31405
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:53 AM
<p>Testimony:</p> <p>I oppose Bill 41. My family owns a small property in Kailua that has been in our family for many years. Many members of my family that have since moved to the mainland use the house to be able to come back and visit our ancestral home. When we are not there we legally and lawfully rent the house to long-standing clients that are families and good people. Our renters are very respectful and don't cause nobody no problems in our neighborhood. We use the small amount of money that we make from Our rental income to cover expenses and taxes. Also many of our clients are former residents that have had to move to the mainland to make money, but still want to come back and visit home. We are not hurting anybody. Please vote no on Bill 41 today thank you</p>		
Name: Alorah Kwock	Email: alorah@trinityproperties.com	Zip: 96734
Representing: Trinity Properties	Position: Oppose	Submitted: Apr 13, 2022 @ 10:53 AM
<p>Testimony:</p> <p>Aloha City Council Members,</p> <p>Please do not pass Bill 41. It is a small-business killer and reinforces the dominance of large corporations who have no personal accountability to the communities. The profits go elsewhere, and their exploitative practices and criminal underpayment of their employees is a greater contributor to the housing crisis than the few vacation rentals on island. Observing the process of creating these policies, I am convinced that the trans national hotel corporations are manipulating our government to expand their own profit to an unconscionable degree at the expense of local citizens.</p> <p>As a property manager of short term rentals, I have been imploring the committee for years to create reasonable regulations for short term rentals. The government's failure to regulate a respectable industry has created a public narrative that paints ethical rental operators as illegal, unfairly implying criminality. Do not pass Bill 41. Instead, protect our community against corporations. Figure out how to create space for small business owners to add critical diversity to our economy and accountability to the community.</p> <p>Respectfully, Alorah Kwock</p>		
Name: Juniata Trader	Email: juniatatader@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 10:56 AM
<p>Testimony:</p> <p>Bill 41 is a corrupt lol that hurts the residence and helps the rich and the hotels. Rather than be honest about the causes of the housing crisis on our island, the council seeks to scapegoat a small minority of people that try to do things The right way and rent their homes To help with the high cost of living here. This bill needs to be voted down today</p>		
Name: Jeffrey Haynes	Email: jeffrey.haynes@redfin.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:07 AM
<p>Testimony:</p> <p>The minimum rental requirement should remain at 30 days for short term rentals.</p> <p>Illegal short term rental operators should be held accountable through proper DPP enforcement. Short terms rental operators that are following the current laws should not be punished for our inability to hold others accountable.</p>		

As a home owner, real estate agent and member of a community with many illegal short term rentals I do not support this legislation.

Name: Christopher Wagner	Email: trase.wagner@Gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:08 AM

Testimony:
I oppose this bill.
Tourism will be greatly affected if this bill gets passed. The hotels on Oahu will total market share nightly lodging accommodation in turn will drive up the average nightly rate to stay here. Traveling to and from Hawaii is so expensive and if it becomes higher tourists will start traveling elsewhere, mainlanders and Canadians will reconsider their travel plans to go to either Mexico or the Caribbean. Thats why I oppose this bill we risk damaging the tourism economy here on Oahu in which we all benefit from directly or indirectly.

Name: Yoshiko Wong	Email: yoshikotanida@gmail.com	Zip: 96818
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:21 AM

Testimony:
I oppose to change the minimum rental period to 90 days from 30 days.
It does not make sense for the people legally renting minimum 30 days and pay the city not just GET but also TAT as it's a short term rental less than 180 days.

Name: Kent Mannina	Email: kentmannina@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:32 AM

Testimony:
I am a long term vacation rental owner. Change to the 30 day or less rule will devastate my business and negatively affect my retirement. Please don't change this state definition of short term rental.

Respectfully
Kent K Mannina

Name: Regina Duncan	Email: Mauigina@gmail.com	Zip: 96768
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:40 AM

Testimony:
This is a very bad bill for our overall economy and doesn't provide long term solutions. I am in opposition to this legislation.

Name: Emma Klein	Email: emmalanik97@gmail.com	Zip: 96795
Representing: Self	Position: Support	Submitted: Apr 13, 2022 @ 11:47 AM

Testimony:
Aloha, I am a native Hawaiian resident of Waimanalo and Kailua. Illegal short term rentals not only disturb the neighborhood (due to tourist partying) but also raise the cost of property tax.

Name: Ronson Asuncion	Email: ronsonasuncion89@gmail.com	Zip: 96795
Representing: Self	Position: Support	Submitted: Apr 13, 2022 @ 11:49 AM

Testimony:
I am a native Hawaiian resident of Waimanalo and Kaneohe. Due to the disturbance of illegal short term air bnb I am in support of bill041 (21).

Name: Richard Kelly	Email: aloharichard1@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:54 AM

Testimony:
Please remove all restrictions from current resort zoned properties. They have been zoned as legal even up until today. Placing hotel supported restrictions on resort zoned property reeks of corruption, is anti competitive and anyone who supports removing rights away from current resort zoned property owners, your integrity will be in question from this point on.

Name: I Hsiang Tsai	Email: hawaiihomepro@gmail.com	Zip: 96826
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 11:56 AM

Testimony:
Many local owners as well as out of state owners are not happy about the government step in too far to remove their right to their properties especially those condos in Waikiki where the condo owners voted to have their minimum rental period to be minimum of 30 days in their own association board by majority. And those owners are paying their fair shares of taxes with GET and TAT. Most tourists are here to stay less than 30 days and to make minimum rental be 90 days is not fair to the owners and not practical at all. Even if the politicians want to protect the hotel industry I think by limiting it to 90 days is just too much and will only hurt the willingness for people to come staying longer term or people in need of a 1 month to 2 month rental. Where can those people rent in Hawaii after this bill passed? they had no choice to stay in hotel or find some illegal place to stay? Wouldn't it just worsen the situation even more? Rather why don't we remove the 90 days minimum and keep it at 30 days and work on the ways to enforce it so everyone is happy

I just don't see how this can benefit Hawaii overall. Instead the focus should be on how to enforce the current law and regulation so everyone that does rent out less than 6 months will pay their fair share of taxes. if you asking the people to pay some type of fees in order to do the short term 1 month rental or more I think people might still be willing as long as the hotel industry is being charged the same. or if the condo property is doing less than 6 month and more than 1 month and paying less property tax than the hotel, it might be fair to charge some fee to them but it shouldn't be over the hotel property tax rate because those condo can't do less than 30 days like the hotel and that already limit quite a bit of the renter pool. In the capitalistic society where the USA is founded on, fair competition in the market is important and less government intervention is preferred. However we do appreciate the everyone's effort to take care of the illegal rental issue, but not all owners are doing illegal rental! It has be clear to everyone one here today on this point, and this must be taken into consideration. By over restricting it, most investors will go other places to invest such as Florida where the homes are cheaper. It will then affect both the Hawaii Economy, tourism, and also our real estate industry. It will also hurt the people who in need of 1 to 2 month rental! Limiting the options to them will only mean higher cost for those people that need 1 -2 months stay, and more power to the selected few to charge more. This is what happens when you take away a fair competition in the market and many will be hurt.

Name: Nicole Linke	Email: info@turtlebaycondos.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:00 PM

Testimony:
Aloha Council Members,

Bill 41 needs to die today! This Bill was written and will be enforced by Mr. Uchida who has already recused himself due to conflict of interest. Being that his wife works directly with Aston Hotels and also HTA is a giant violation. If you see the hotels that are LEGAL in Waikiki are run by ASTON HOTELS!!!

Under Bill 41 Mr. Uchida and DPP will have the ability to not renew these licenses based upon such arbitrary means. This can be so subjective and will in fact support the hotels directly as they shut each one of the legal rentals one by one. Kill this Bill!!!! Stop

the fluff of trying to save our neighborhoods, use BILL 89 to do just that!! How is it that Kauai can do it but we can't? Mr. Uchida maybe?

Name: dianne wennick	Email: dw@diannewennick.com	Zip: 96814
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:01 PM

Testimony:

I believe this bill will not support the local economy that depends on rental income as the length of time needs to be flexible. Some owners have higher tax bills and renting long term might not be enough. Short term rental also supports the economy. i.e. laborers, workmen, etc.

Name: Rebecca Atkinson	Email: hawaiibecca@gmail.com	Zip: 96828
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:11 PM

Testimony:

I oppose this bill. Please do not pass. I have friends who's jobs are supported by vacation rentals and the consequences of this bill would have a negative outcome for them and their families.

Name: Rick Egged	Email: rick@waikikiimprovement.com	Zip: 96814
Representing: Waikiki Improvement Association	Position: Support	Submitted: Apr 13, 2022 @ 12:20 PM

Name: CJ Schneider	Email: supvb1@gmail.com	Zip: 90254
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:31 PM

Testimony:

Aloha Chair Waters and Honolulu Councilmembers:

Thank you for considering my testimony in opposition of the proposed Bill 41. I recommend this bill be rejected, and all efforts be put into enforcing the current Ordinance 19-18.

Waikiki Resort Zones are a unique and successful tourist destination and should be treated separately from residential neighborhood restrictions. Passing Bill 41 would not solve affordable housing in Resort Zones of Waikiki, or the enforcement of Illegal STR's. The only rationale is the monopoly for the hotel industry and to 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 for the following reasons:

1. This Bill continues to establish hotels as a privileged class, which is unacceptable and will be challenged to the full extent possible as 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.

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

2. 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.

3. DPP Director Dean Uchida has a conflict of interest in Bill 41 since his wife is employed as an executive for Aqua Aston Hospitality, the largest management company of hotel rooms on Oahu. Uchida supports Bill 41 because he will personally benefit financially through the monetary gains of his wife's employer. Director Uchida finally did agree to recuse himself from promoting this bill at the recommendation of the Ethics Commission. However, Director Uchida did not recuse himself until after he promoted the passage of this bill for over six months. Bill 41 has been tainted and corrupted from the beginning due to Director Uchida's conflict of interest.

Again, I recommend that the City Council reject Bill 41 and urge the DPP and City Administration to focus on enforcing the current ordinance 19-18. 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.

Why would the government of Hawaii even consider discriminating against individual property owners for the benefit of the corporate hotel owners? Why would you want to provide special benefits to corporate hotel owners and punish individual owners who have played by the rules and have always paid the same taxes as the corporate hotel owners? Individuals who have decided to own and operate short-term rentals in the Waikiki resort zone have done so in a good-faith effort to comply with existing laws and should be allowed to continue without these newly proposed fees and regulations.

Thank you for your consideration, and the opportunity to provide additional comments on this critical matter.

Mahalo,
CJ Schneider

Name: Paul Goodwin	Email: pgoodwinii@msn.com	Zip: 96819
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:32 PM

Testimony:

My family uses the home that we own and live as a vacation rental to help offset the high costs of living in Hawaii. Bill 41 will strip my family of our property rights to earn extra income, thus making our life in Hawaii much more difficult. I want the council to know that all my guests that stay for 30 days or more at a time (because we obey the limits) are military families with pets, traveling nurses, or families relocating to Hawaii that need a place to stay for a month while they wait to close on their homes. Even before we used our home as a vacation rental, we rented our home out month to month and this bill will strip us of even being able to do that. This bill will cause more harm than good. Please remove the minimum 90 day stay from this bill so families like mine can continue to live in this beautiful state.

Mahalo
The Goodwins

Name: CJ Schneider	Email: supvb1@gmail.com	Zip: 90254
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:37 PM

Name: Sanjay Arora	Email: sanjayarora@hawaiilife.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:40 PM

Testimony: This is the biggest mistake the state can make. Enforce existing rules. Don't compound errors. Please.		
Name: Sheri Pascua-Bennett	Email: sheripb@aol.com	Zip: 96744
Representing: Self	Position: Support	Submitted: Apr 13, 2022 @ 12:41 PM
Testimony: I support Bill 41CD2. I oppose FD1-CF1 (allows loopholes).		
Name: Jeff Hossellman	Email: hossellman@aol.com	Zip: 96813
Representing: Self	Position: I wish to comment	Submitted: Apr 13, 2022 @ 12:43 PM
Testimony: Attorney Hossellman here. Your definition of transient destroys your bill and highlights the weakness. For example, if someone is "moving" here and wants a short term while he looks around he is not a "transient". And the rental for whatever period is permitted as it is his LEGAL residence. Yet it is illegal to even tell him he can have it for less than 90 days. Needs more study!!! This is not unusual. People move here all the time!! Jeff		
Name: Sherrie Cumming	Email: Sherrie.BeachVillas@gmail.com	Zip: 96707
Representing: Beach Villas @ Ko Olina	Position: Oppose	Submitted: Apr 13, 2022 @ 12:50 PM
Name: Sherrie Cumming	Email: Sherrie.BeachVillas@gmail.com	Zip: 96707
Representing: Beach Villas @ Ko Olina	Position: Oppose	Submitted: Apr 13, 2022 @ 12:51 PM
Name: William Taylor	Email: sktaylor37@mac.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 12:59 PM
Testimony: I oppose this bill. Needs further review and cooperation with all stakeholders.		
Name: Andreea Grigore	Email: andreea@elitepacific.com	Zip: 96722
Representing: Elite Pacific	Position: Oppose	Submitted: Apr 13, 2022 @ 01:04 PM
Testimony: The City Administration needs to conduct an investigation to determine if Uchida used his position and influence to favor the hotels, including whether or not Uchida met with Aqua-Aston Hospitality. We urge the city council to defer all proceedings until an investigation is completed. Due to Uchida's and DPP's actions, the Administration has a biased position and therefore the legislative process has been tainted. They should not proceed because the integrity of DPP has been severely impaired, and public trust has been violated. Elite Pacific is strongly opposes Bill 41 (CD2). Bill 41 violates the Takings Clause of the Hawai'i Constitution and the statutory prohibition against changes to county zoning laws that negatively impact existing uses of residential properties. Voting for this bill is a vote for expensive, drawn out litigation. Litigation means delays in implementation, creating an environment		

where enforcement is in limbo and bad actors will likely act worse. Further, the DPP has not shared any proposed plans on how they plan to implement Bill 41 better than Ordinance 19-18.

Voting for this bill means swapping a new, highly controversial bill that is sure to be contested in the court of law with a mutually agreed upon law that has simply not been enforced.

DPP enforcement is no better under Bill 41. In discussions with several Councilmembers and staff, all recognize that DPP will have significant challenges enforcing any form of new legislation, including voluntary agreements with OTAs. To date, no one has given any indication on how the DPP will be doing anything different or better under Bill 41 than they are currently enforcing the existing law.

Advertising rules can be helpful to stop illegal rentals that are less than 30 days. Elite Pacific recommends one, simple rule change, that calendars displaying reservations of less than 30 days are prima facie evidence of a violation. In doing so, DPP will be able to clearly and readily see reservations that are 30 days or greater, making online monitoring much more straightforward than before. Elite Pacific and others are also open to paid required registration to advertise, as well as reporting requirements in an effort to help fund and assist the DPP in enforcement.

Name: Stacey Taylor	Email: haykatysdad@gmail.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 01:04 PM

Testimony:
I oppose this bill as currently written. Favors large businesses and takes away property rights. Disagree with proposal to change short term definition to under 90 days. Remain 30 days or less.

Name: Henny Wasson	Email: hwasson8157@gmail.com	Zip: 96731
Representing: Self	Position: Oppose	Submitted: Apr 13, 2022 @ 01:11 PM

Testimony:
Want to Orally testify against bill 41.

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.

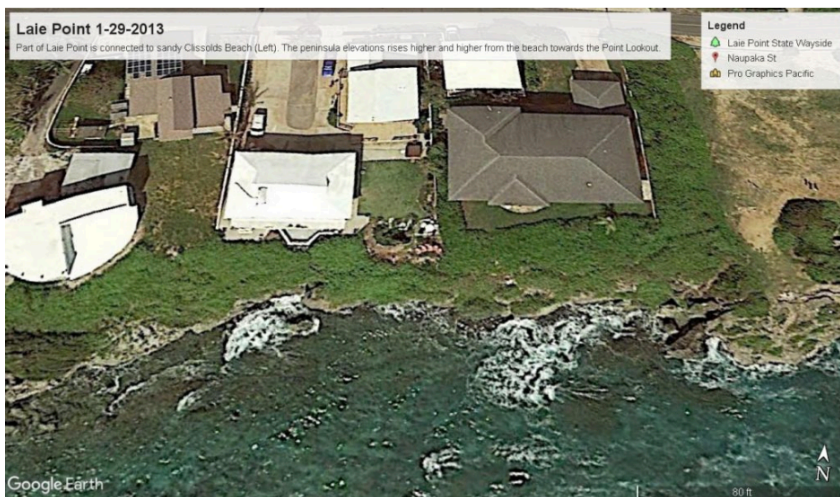


The hot tub below has been lifted up from its position onto the fire pit area, exposing grading on cliff surface inside the 40-foot shoreline setback. Other portions have further been terraced and leveled towards the ocean.





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.

References

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Vacation Rentals destroying Oahu's finite natural resources

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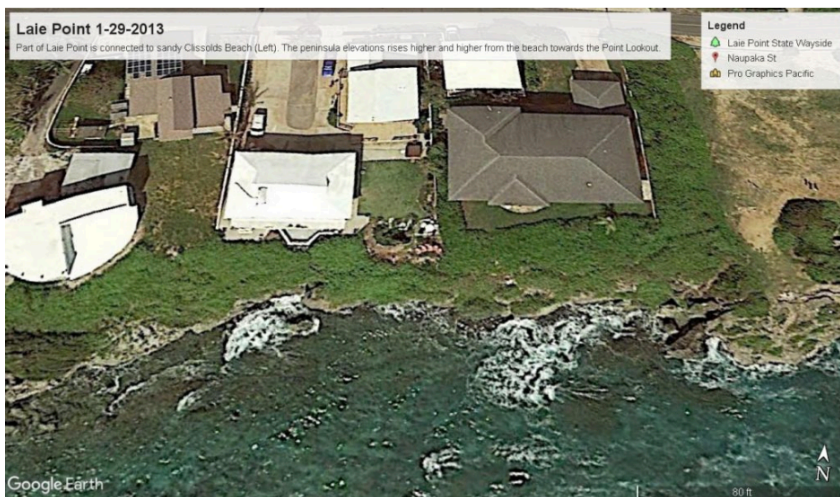


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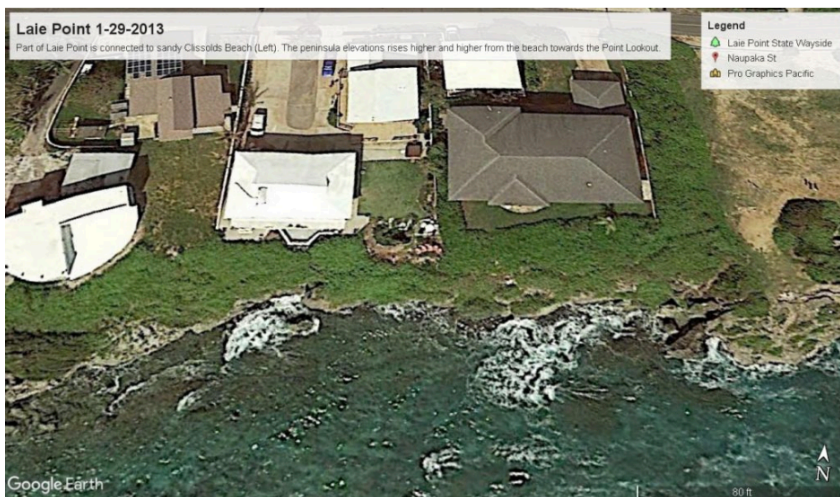


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WAIKĪKĪ IMPROVEMENT ASSOCIATION

**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.

From: CJ Schneider supvb1@gmail.com
Subject: Written Testimony Opposing Bill 41 Relating to Transient Accommodations
Date: April 13, 2022 at 3:32 PM
To: Chair Waters and Honolulu Councilmembers
Bcc: CJ Schneider supvb1@gmail.com

CS

Aloha Chair Waters and Honolulu Councilmembers:

Thank you for considering my testimony in opposition of the proposed Bill 41. I recommend this bill be rejected, and all efforts be put into enforcing the current Ordinance 19-18.

Waikiki Resort Zones are a unique and successful tourist destination and should be treated separately from residential neighborhood restrictions. Passing Bill 41 would not solve affordable housing in Resort Zones of Waikiki, or the enforcement of Illegal STR's. The only rationale is the monopoly for the hotel industry and to 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 for the following reasons:

1. This Bill continues to establish hotels as a privileged class, which is unacceptable and will be challenged to the full extent possible as 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.

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

2. 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.

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Again, I recommend that the City Council reject Bill 41 and urge the DPP and City Administration to focus on enforcing the current ordinance 19-18. 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.

Why would the government of Hawaii even consider discriminating against individual property owners for the benefit of the corporate hotel owners? Why would you want to provide special benefits to corporate hotel owners and punish individual owners who have played by the rules and have always paid the same taxes as the corporate hotel owners? Individuals who have decided to own and operate short-term rentals in the Waikiki resort zone have done so in a good-faith effort to comply with existing laws and should be allowed to continue without these newly proposed fees and regulations.

Thank you for your consideration, and the opportunity to provide additional comments on this critical matter.

Mahalo,
CJ Schneider

April 13, 2022

The Honorable Tommy Waters, Chair and
Council Members
Honolulu City Council
530 S. King Street, 3rd Floor
Honolulu, HI 96813

Dear Chair Waters and Council Members:

RE: Bill 41 CD2 Relating to Transient Accommodations

My name is Sherrie Cumming, president of the Board of Directors of the AOA of the Ko Olina Beach Villas ("KOBV"), and I offer the following testimony on behalf of KOBV in order to enact a cleaner and clearer Bill for those that may be impacted. KOBV remains in opposition to Bill 41 CD2, as it intends to regulate legal short term rentals "STRs" in Resort zoned districts which do not negatively impact Residential zones or have an adverse impact on the Oahu housing stock

First, we urge the Council to consider revising the Master Use Table 21-3 to designate TVU in Resort districts as "P" for "permitted use" rather than "P/c³" for "permitted use subject to standards in Article 5." The purpose of this requested change is that TVUs in the resort district need not be regulated in the same ways as TVUs elsewhere because resort districts are designed for the very use that TVUs promote: visitor accommodations. Bill 41 seeks to help the City and County regulate the impact of the visitor population on the "character and fabric of our residential neighborhoods." Resort districts are not residential neighborhoods and are specifically designed and allocated as areas where our visitor population should find accommodations. As such, regulating TVUs in the resort district inhibits the purposes of Bill 41 by reducing the viability of TVUs in the very locations where they should be promoted. For these reasons, footnote 3 is inapplicable to resort districts. Resort districts have been specifically planned for transient vacation accommodations. As such, Master Use Table 21-3 should be revised to indicate "P" for TVUs in Resort districts.

Second, there is an inconsistency in the Bill that can be addressed easily and effectively. TVU is a permitted use under Master Use Table 21-3. However, revised Sec. 21-5.730(a), located in Section 10 of Bill 41 does not recognize that the resort district is an area where TVUs are permitted. Rather, this section only lists Apartment Precinct and A-1 low density apartment zoning districts. To avoid any inconsistency and potential for confusion, Sec. 21-5.730(a) should be revised to include a subsection (a)(4) stating "The Resort District pursuant to Master Use table 21-3." This minor change will result in consistency and avoid confusion.

Third, Sec. 21-5.730(b)(3)(E) notes that gatherings on the "property" is restricted to ten persons that are not registered as overnight occupants. It is recommended that the counsel amend this

section to note that “property” is defined as the TMK of the unit or property as opposed to the “property” generally.

Finally, we remain concerned with the broader aspects of Bill 41, including the way that the bill is being implemented. Specifically, Sec. 21-5.730(b)(6)(C) notes that the Director may revoke a registration at any time for “good cause.” While this affords great flexibility to the Director, this vague standard (1) encourages arbitrary results as administrations change, (2) denies the public clear information as to the requirements of the law, and (3) saddles the Courts with the difficulty of determining what “good cause” might mean. This provision should be stricken.

We commend the Committee on Zoning and Planning for trying to address larger community concerns. However, it is imperative that Bill 41 include the amendments requested above. Bill 41 CD2 and the proposed FD1 may also significantly benefit from more work and discussion amongst the many communities that are affected. To that end, we urge you to commit this measure back to Committee for further discussion.

Thank you for this opportunity to testify.

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