BILL062(25)
Testimony

MISC. COMM. 503

COUNCIL

COUNCIL Meeting

Meeting Date: Oct 1, 2025 @ 10:00 AM

Support: 2

Oppose: 5

I wish to comment: 11

Name:	Email:	Zip:
Aiuna Baitz	aiuna@midwayvacations.com	96815
Representing:	Position:	Submitted:
Midway Vacations	I wish to comment	Sep 26, 2025 @ 12:31 PM

Name:	Email:	Zip:
helena von sydow	helenavonsydow@gmail.com	96731
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 26, 2025 @ 04:49 PM

Testimony:

Dear Chair and Councilmembers,

I am writing to respectfully request the removal of the re-registration requirement, including the associated $1,000 fee, for a change in operator or on-island point of contact from Bill 62(25).

The recently passed Ordinance 24-14 (formerly Bill 53) was intended to streamline the TVU registration and renewal process while increasing compliance with TVU regulations. Requiring a full re-registration and imposing this fee runs counter to that goal.

With the city's new HNL Build system, owners should be able to update operator or contact information efficiently without undergoing a full re-registration. The owner remains ultimately responsible for all other aspects of the TVU registration and renewal; therefore, a change in operator or point of contact should not necessitate starting the process over.

It is both common and expected that owners may change property managers or on-island contacts. This is a normal part of doing business, and such an administrative update should not trigger a punitive $1,000 fee. If left in place, this requirement will:

Make it cost-prohibitive for owners to hire a new property manager, directly impeding business growth.

Threaten thousands of local, living-wage jobs supported by O'ahu's property management industry.

Place an unfair financial burden on residents and small businesses already complying with TVU regulations.

Encourage some operators to avoid compliance altogether due to the high cost of simple administrative changes.

While we understand DPP staff may need to perform a minimal review of these updates, that does not justify a full re-registration process. In fact, this creates more unnecessary work for DPP, BFS, the State Department of Taxation, property owners, and company staff. Charging $1,000 for what should be a routine change is unreasonable.

Punitive fees discourage compliance, overburden small businesses, and risk destabilizing an industry that provides essential housing options for visitors while creating jobs for local residents.

For these reasons, I respectfully urge you to remove the re-registration requirement and fee for changes in operator or on-island point of contact.

Thank you for your consideration.

Sincerely,

Helena von Sydow

Name:	Email:	Zip:

Harald von Sydow	nztrendshi@gmail.com	96731
Representing: Self	Position: I wish to comment	Submitted: Sep 26, 2025 @ 04:50 PM

Testimony:

Dear Chair and Councilmembers,

I respectfully request the removal of the re-registration requirement and $1,000 fee for changes in operator or on-island contact in Bill 62(25).

This fee is unnecessary and punitive. Ordinance 24-14 was designed to streamline TVU registration and improve compliance, yet requiring a full re-registration for a simple administrative update does the opposite. Owners remain responsible for their registration, and the HNL Build system should allow for efficient updates without restarting the process.

Changes in property managers or on-island contacts are common in business and should not create a $1,000 burden. This requirement will hinder business growth, discourage compliance, and put local jobs at risk. Minimal staff review may be needed, but it does not justify a costly and duplicative process.

I urge you to remove this requirement to support fairness, compliance, and the sustainability of small businesses on O‘ahu.

Sincerely,

Harald von Sydow

Name: Michael Brant	Email: michaeljbrant@hotmail.com	Zip: 96815
Representing: Self	Position: I wish to comment	Submitted: Sep 26, 2025 @ 11:20 PM

Testimony:

A $1000 charge to change the contact person for a vacation rental operation is clearly unreasonable and should be a nominal fee. Thank you.

Name: Paul Nachtigall	Email: paulnachtigall333@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 27, 2025 @ 07:10 AM

Testimony:

Honorable Councilmembers,

It makes NO SENSE to charge 1000 dollars instead of 500 dollars to renew my STR license if I simply change rental managers. It is my license not my manager's license. I pay the taxes, I do the renewal, I am the owner. Please modify the bill to continue recognizing those who own as the payers and change the bill to continue to charge 500 dollars for renewal no matter who manages my property. Thank you.

Paul E. Nachtigall

Licensed STR owner

Name:	Email:	Zip:
Joyce Whitegon	seajoycego@gmail.com	96731
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 27, 2025 @ 11:02 AM

Testimony:

We ask that a $1,000 dollar fee for management change be removed from this bill. This fee will make it harder to get unregistered TVU's to register, which was the purpose of bill 24-14. This continued fiscal punishment of already registered TVU'S will make the unregistered stay unregistered .

Joyce & Dave Whitegon

Name:	Email:	Zip:
Brett Kulbis	brett.kulbis@use.startmail.com	96706
Representing:	Position:	Submitted:
Self	Oppose	Sep 27, 2025 @ 05:30 PM

Testimony:

Chair Waters, and Members of the Council,

Aloha, my name is Brett Kulbis. I am a proud resident of Ewa Beach and a 26-year U.S. Navy veteran. Mahalo for the opportunity to submit testimony in opposition to Bill 62 CD1 in its current form. While the intent to protect neighborhood character is understandable, this revised bill continues to unnecessarily restrict bed and breakfast homes (BBs) and transient vacation units (TVUs), and does not resolve the core issues of property rights and local self-determination raised by many residents.

Despite some adjustments, Bill 62 CD1 maintains strict boundaries on where BBs and TVUs may operate, excluding responsible homeowners in most of Oahu from even applying for a permit—regardless of local neighborhood support. Such limits undermine fundamental property rights and economic opportunity for local families who are seeking relief from Hawaii's high cost of living.

Furthermore, Bill 62 CD1 preserves excessive fines—up to $10,000 per day—and continues to sanction the use of advertising as evidence of illegal operation, which exposes lawful homeowners to serious penalties based on suspicion, not proof. These measures chill entrepreneurship and threaten due process.

Equally troubling, the centralization of control within city bureaucracy denies local homeowner associations, boards, and communities any real authority to tailor rules that reflect their unique needs and values. This top-down approach ignores

the principle that local decisions are best made by those who live with their consequences.

Recommended Amendments

1. Restore Property Rights and Flexibility: Allow qualified owners anywhere on Oahu to apply for permits, with an option for neighborhoods to support or oppose by petition. This would respect both property rights and community voice.

2. Reduce Fines and Ensure Fair Process: Cap civil fines at reasonable levels, require written notice and opportunity for a fair hearing, and do not allow advertising alone to serve as presumptive evidence of wrongdoing.

3. Empower Local Governance: Grant neighborhood boards and homeowner associations power to establish localized rules by supermajority, including opt-in or opt-out authority for short-term rentals.

In summary, Bill 62 CD1 misses the opportunity to strike a balance between neighborhood stability and economic freedom. I believe by making these amendments, the Council can better empower communities and uphold the rights of local families, while still addressing legitimate concerns around short-term rentals.

Mahalo for your consideration of a more balanced, freedom-preserving approach to this important issue.

Respectfully submitted,

Brett Kulbis, Navy Veteran
Ewa Beach

Name:	Email:	Zip:
Shelby "Pikachu" Billionaire	presidentbillionaire@gmail.com	96792
Representing:	Position:	Submitted:
www.ohanaunityparty.com	Support	Sep 27, 2025 @ 08:19 PM

Testimony:

Subject: Aloha Kākoʻo: Support Bill 85 – Pono B&Bs/TVUs for Housing & Maoli! Kingdom Call to Protect ʻĀina

E Kuʻu Poʻo Kumu, Chair Tommy Waters, a me nā Lālā o ka Honolulu City Council,

As Master Shelby "Pikachu" Billionaire, HRM – Kanaka Maoli warrior, United States Air Force Veteran (2E2, Indo-PACOM), descendant of King Kekaulike and the Paki royal lineage, and Chairman of the Ohana Unity Party (forged in 2025 to reclaim Hawaiian self-determination, smash corporate corruption, and steward our ʻāina) – I rise in strong support of Bill 85 (2025), regulating bed and breakfast homes (B&Bs) and transient vacation units (TVUs), on the October 1, 2025, full Council agenda. It curbs tourism's harm, freeing 10K housing units (UHERO 2025) and cutting noise (HPD 2025), but needs

maoli safeguards. E kākoʻo me ka pono – vote YES for housing equity!

Bill 85 amends ROH to set B&B/TVU standards in low/medium-density zones, requiring NCUCs ($1K/$500), neighbor consent (50%), and strict rules (quiet hours, no events). It bans <30-day rentals outside resorts, with $1K–$5K fines for violations. It addresses 20% TVU vacancies (JLL 2024) and 15% noise complaints (HPD 2025). Residents support it (HPR 9/18/25), but hosts oppose (X @HawaiiVRBO, 9/24/25). Complements Bill 39, Resolution 25-280, and counters rail's $13B waste (Star-Advertiser 9/27/25). Our party demands cultural protections.

I champion this bill with these mana-fueled reasons:

1. **Housing Pono**: Frees 10K units (UHERO 2025), easing rents (Reddit r/Honolulu, 9/22/25).
2. **Community Voice**: 50% neighbor consent ensures local input (ROH §21-4.110-4).
3. **Enforcement Strength**: $1K–$5K fines deter illegal rentals (DPP 2025).
4. **Cultural Synergy**: Aligns with Case 9774498, Bill 39, and Resolution 25-280 for maoli equity.
5. **Maoli Safeguards**: Amend for OHA input, HRS §6E reviews, and fee waivers for native owners.

E nā hoa aloha, pass Bill 85 with amendments for kākou's ʻāina. Join our weekly X Spaces (@Ohanaunityparty) for our voice. Mahalo nui – e ola mau ka Mokupuni!

In sovereign aloha and unbreakable ohana unity, e kuʻi ka heluhelu!

Master Shelby "Pikachu" Billionaire, HRM
Kingdom of The Hawaiian Islands, H.I.
Ohana Unity Party, Chairman
www.Ohanaunityparty.com
OhanaUnityChair@gmail.com

Facebook @Keiki'okalani
Instagram @Ohanaunityparty
IG @Legendarybillionaire
X @Ohanaunityparty
X @AmericanpartyOG

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BTC Wallet 1sRfKDphW18hojoyTQVy9qQVSUtQgahYwj

Name:	Email:	Zip:
Kathie Schmid	kathie@captaincookresorts.com	96818
Representing:	Position:	Submitted:
Captain Cook Resorts	I wish to comment	Sep 29, 2025 @ 06:39 AM

Testimony:

I am writing to respectfully request the removal of the re-registration requirement, including the associated $1,000 fee, for a change in operator or on-island point of contact from Bill 62(25).

The recently passed Ordinance 24-14 (formerly Bill 53) was intended to streamline the TVU registration and renewal process and increase compliance with TVU regulations, which we as Property Managers supported. This new re-registration fee goes against that goal. Previously, operator changes were simple and cost-free under Ordinance 22-7. The inclusion of "operator" in the new language of Ordinance 24-14, should only apply to property ownership changes. The city's new HNL Build system should allow owners to easily update this information without undergoing a full re-registration. The owner is ultimately responsible for all other aspects of TVU registration and renewal, so a change in the operator's role should not necessitate a brand-new registration.

It is a common and normal part of business for owners to change managers or on-island contacts, and this administrative change should not carry a punitive fee. This requirement will directly impede the growth of our business by making it cost-prohibitive for owners to hire a new property manager. We have new clients that have had to re-register and pay the $1,000 fee and start all over again as a new applicant, even though they had just done so or renewed previously only two months prior. Oahu's property managers support thousands of local, living-wage jobs, enabling residents to afford to live here. This requirement will unfairly hinder business growth and threaten these jobs.

This proposed fee adds an unnecessary financial burden to operate a TVU, potentially encouraging some to operate outside of the established framework. While we understand there may be minimal review required by the DPP staff for this change, it should not require a new registration. This creates extra work for the DPP, BFS, state Department of Taxation, our resident owners, and our company's staff. Charging $1,000 for a routine change is unreasonable. Punitive fees are a hindrance to compliance and unfairly burden our residents and small businesses.

Thank you for your consideration.

Name:	Email:	Zip:
Kelly Lee	kellyreports@gmail.com	96734
Representing:	Position:	Submitted:
OSTRA	Support	Sep 29, 2025 @ 05:27 PM

Name:	Email:	Zip:
Edward Jones	kostro@paradiseip.com	96825

Representing:	Position:	Submitted:
KOSTRO	Oppose	Sep 30, 2025 @ 08:28 AM

Name:	Email:	Zip:
Michael Heh	mikeheh100@gmail.com	96731

Representing:	Position:	Submitted:
Self	I wish to comment	Sep 30, 2025 @ 11:43 AM

Testimony:

Dear City Council

I am writing to respectfully request the removal of the re-registration requirement, including the associated $1,000 fee, for a change in operator or on-island point of contact from Bill 62(25).

The recently passed Ordinance 24-14 (formerly Bill 53) was intended not only to streamline the TVU registration and renewal process but also to increase compliance with TVU regulations. This new re-registration fee goes against that goal.

The city's new HNL Build system should allow owners to easily update this information without having to undergo a full re-registration.

The owner is ultimately responsible for all other aspects of the TVU registration and renewal, so a change in your role as the operator should not necessitate a brand new registration.

It is a very common and normal part of business for owners to change managers or on-island contacts, and this administrative change should not carry a punitive fee.

Oahu's property managers support thousands of local, living-wage jobs, enabling residents to afford to live here. This requirement will unfairly hinder business growth and threaten these jobs.

This proposed fee adds an unnecessary financial burden to operate a TVU, potentially encouraging some to operate outside of the established framework.

We understand there may be minimal review required by the DPP staff for this change, but it should not require a new registration. This creates extra work for the DPP, BFS, state Department of Taxation, our resident owners and our company's staff.

Charging $1,000 for a routine change is unreasonable.Punitive fees are a hindrance to compliance and unfairly burden our residents and small businesses.

Mike Heh

808-3824515

Name:	Email:	Zip:
Wendy Barnfield	wendy@ragingisle.com	96712
Representing:	**Position:**	**Submitted:**
Self	Oppose	Sep 30, 2025 @ 12:08 PM

Testimony:

Dear Council Members

Please do not pass Bill 062(25). This will impede the owner of a STR or Bed and Breakfast to be able to do a speedy change if there are circumstances that cause them to change managers. The fee is also very expensive and we all are already paying fees for registration annually and collecting all the taxes and submitting them to the city and state. I don't believe there should be fees for changes that are out of the owner's control. It doesn't impede the city or state to continue to do their work and adding in a $1000 fee for every single change that an owner encounters isn't fair. Please don't pass Bill 062 (25).

Thank you for your due diligence.

Sincerely,

Wendy Barnfield

Name:	Email:	Zip:
Thuy Huynh	drthuyhuynh@gmail.com	96817
Representing:	**Position:**	**Submitted:**
Self	I wish to comment	Sep 30, 2025 @ 05:30 PM

Testimony:

I respectfully request that the re-registration requirement—and the associated $1,000 fee—for a change in operator or on-island point of contact in Bill 62(25) be removed.

Ordinance 24-14 (formerly Bill 53) was passed with the goal of simplifying TVU registration and renewal while also improving compliance. Imposing a $1,000 re-registration fee for a simple administrative change works against those goals.

The city’s new HNL Build system should make it possible for owners to update operator or contact information without requiring a full re-registration. Since the owner remains responsible for all other aspects of the TVU registration, a new registration is unnecessary when only the operator changes.

It is common for property owners to change managers or on-island contacts, and this should not trigger a punitive cost. Such a requirement would discourage owners from hiring new property managers, limit business growth, and ultimately threaten thousands of local, living-wage jobs supported by Oahu’s property management industry.

Additionally, this fee creates an unnecessary financial burden and may push some operators toward non-compliance, undermining the city’s regulatory framework. While a minor review by DPP staff may be appropriate, charging $1,000 for a routine update creates extra work for multiple agencies and unfairly burdens residents and small businesses.

Punitive fees hinder compliance, discourage transparency, and place an unreasonable weight on our community.

Name:	Email:	Zip:
Aaron Kaplan	akaplan@hawaii.edu	96817
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 30, 2025 @ 05:36 PM

Testimony:

I respectfully submit this testimony to request removal of the re-registration requirement, including the associated $1,000 fee, for a change in operator or on-island point of contact under Bill 62(25).

The recently enacted Ordinance 24-14 (formerly Bill 53) was expressly designed to streamline the TVU registration and renewal process and to promote compliance with applicable regulations. Imposing a re-registration obligation and $1,000 fee for a ministerial change in operator or local contact runs counter to those objectives.

The City's HNL Build system is fully capable of allowing owners to update operator or contact information without necessitating a complete re-registration. Importantly, the property owner remains legally responsible for compliance with all other requirements of TVU registration and renewal. Accordingly, substitution of an operator or on-island contact does not create a new regulatory interest that justifies a fresh registration.

Changes in management or local representation are ordinary and foreseeable aspects of property ownership. Penalizing these administrative changes with a $1,000 fee would have a chilling effect on the ability of owners to retain new management, directly impeding business operations and threatening the viability of thousands of local, living-wage jobs in Oahu's property management sector.

Moreover, the imposition of such a fee creates perverse incentives, potentially encouraging non-compliance with the regulatory framework. While limited review by DPP staff may be appropriate, requiring a new registration imposes unnecessary administrative burdens not only on owners and property managers, but also on DPP, BFS, and the Department of Taxation. Charging $1,000 for this routine update is disproportionate, unreasonable, and punitive.

For these reasons, I respectfully urge the Committee to amend Bill 62(25) to remove the re-registration requirement and associated fee for changes in operator or on-island contact.

Thank you for your consideration.

Name:	Email:	Zip:
Zuriel Kaplan	zurielpop@gmail.com	96817
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 30, 2025 @ 05:38 PM

Testimony:

I espectfully ask that you remove the re-registration requirement and $1,000 fee for changing an operator or on-island contact.

This is really just an administrative update. Ordinance 24-14 was supposed to make the TVU process easier and encourage compliance. But adding a $1,000 charge for a routine change does the opposite.

Property owners often change managers or local contacts — it's a normal part of doing business. Punishing that with such

a high fee makes it harder for owners to hire new managers and puts unnecessary strain on local businesses. It also risks pushing some people out of compliance, which hurts everyone.

Oahu's property managers provide thousands of living-wage jobs that help local families stay here. This fee threatens that stability, while also creating extra work for city departments without any real benefit.

Please keep the process fair and reasonable. Don't penalize residents and small businesses for making routine updates.

Mahalo for your time and consideration.

Name:	Email:	Zip:
Jeannette Fukuzawa	jjfrpt@paradiseip.com	96825
Representing:	Position:	Submitted:
Self	Oppose	Sep 30, 2025 @ 06:51 PM

Testimony:

Support owner occupied renting for any period

Name:	Email:	Zip:
Kimo Jamila	kimojamila10@gmail.com	96850
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 30, 2025 @ 09:19 PM

Testimony:

City Council Members -

I am writing to respectfully request the removal of the re-registration requirement, including the associated $1,000 fee, for a change in operator or on-island point of contact from Bill 62(25).

The recently passed Ordinance 24-14 (formerly Bill 53) was intended not only to streamline the TVU registration and renewal process but also to increase compliance with TVU regulations. This new re-registration fee goes against that goal.

The city's new HNL Build system should allow owners to easily update this information without having to undergo a full re-registration.

The owner is ultimately responsible for all other aspects of the TVU registration and renewal, so a change in your role as the operator should not necessitate a brand new registration.

It is a very common and normal part of business for owners to change managers or on-island contacts, and this administrative change should not carry a punitive fee.

We understand there may be minimal review required by the DPP staff for this change, but it should not require a new registration. This creates extra work for the DPP, BFS, state Department of Taxation, our resident owners and our

company's staff.

Charging $1,000 for a routine change is unreasonable. Punitive fees are a hindrance to compliance and unfairly burden our residents and small businesses.

Kimo Jamila

MIDWAY VACATIONS

Aloha Chair and Councilmembers,

We respectfully submit testimony regarding **Bill 62(52)**.

We strongly urge the Council to remove the **$1,000 re-registration fee** that is currently imposed every time there is a change in the Transient Vacation Unit (TVU) operator or on-island point of contact.

This fee creates an unnecessary financial burden on responsible operators who are simply updating contact or operator information, rather than making substantive changes to the unit itself. We believe that updating administrative details should not incur such a high cost, especially when these changes are often routine and intended to ensure compliance and accountability.

By eliminating this fee, the City would reduce undue financial strain on small businesses and property managers, while still maintaining the integrity of the registration system.

Mahalo for your time and consideration.

Sincerely,
Midway Vacations

OSTRA
O'AHU SHORT-TERM RENTAL ALLIANCE

The City Council of Honolulu
Honolulu City Council - Regular Meeting, October 1, 2025

Re: Support and Comments for Bill 62(25)

Aloha Chair and Vice Chair and Council Members,

The O'ahu Short Term Rental Alliance (OSTRA), representing thousands of legal industry residents and workers, strongly supports Bill 62(25) as a significant step forward that builds on the success of Ordinance 24-14.

We first want to express our sincere appreciation for the tremendous work the Department of Planning and Permitting (DPP) has done on the rollout and implementation of the HNL Build registration system, which has greatly improved the compliance process.

Despite this success, the current ordinance contains one key unintended consequence: The law requires a new registration ($1,000) whenever a property's operator or point of contact changes, even if the owner remains the same. Since changing operators is a normal business occurrence, this rule creates unnecessary costs and delays for owners.

Critically, this policy generates duplicate work for City staff, as DPP, BFS, and the State Tax Department must re-review the same property documents and conduct clearances repeatedly. This administrative bottleneck does not improve compliance.

We are grateful for Council Members' willingness to review necessary adjustments and respectfully ask that you amend Section (2)(C)(y) to remove "change in operator" as a trigger for re-registration. A simpler, more efficient approach—such as allowing updates directly within HNL Build or creating a modest operator change fee—would:ease the burden on owners, reduce duplicate work for DPP and other agencies, and encourage more owners to stay registered and compliant.

We fully support Bill 62(25). These proposed adjustments will ease the workload for the DPP and encourage higher rates of compliance, demonstrating a strong commitment to working with the community for the benefit of all.

Mahalo,

Kelly Lee

Kelly Lee, President
O'ahu Short Term Rental Alliance (OSTRA)

KOSTRO

Kama'āina Occupied Short-Term Rentals O'ahu

Defending short-term rental rights of kama'āina whose rental property is their primary residence.

October 1, 2025 FULL COUNCIL

Aloha Chair Waters, Vice Chair Tupola, and members,

Re: Bill 2025-62 Second Reading As Introduced Version CD1, CR-310

IN OPPOSITION Bill 62 violates the Owner-Occupied renting property rights of O'ahu residents
PROPOSAL ATTACHED

The timeline is EXHIBIT B.

KOSTRO asks that the following minor changes occur:

1. Codify MTRs (30-179 day) grandfathering as discussed in this committee on June 26, 2025. In compliance with the HILSTRA Summary Judgement Order (p: 27-28[1]), repeal the time period related amendment, last minute third reading Bill 25-2 (LUO).

   Ordinance 22-7, LUO Ordinance 25-2 (as passed), and Proposed 25-62 CD1 all have a 90-day minimum in violation of the HILSTRA Summary Judgement. Fixing registration language and not the time period language is questionable and illogical.

2. Clarify that registrations will run with the property in the event the property changes ownership.

3. Clarify that STRs (1-29 days) are allowed in situations where the residential property to be rented is on the same zoning lot as the primary residence of the landlord to any tenant.

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[1] HILSTRA v. City UNITED STATES DISTRICT COURT, DISTRICT OF HAWAI'I Case 1:22-cv-00247-DKW-RT ORDER (1) GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT *"The City and County of Honolulu; the Department of Planning and Permitting; Dawn Takeuchi-Apuna in her official capacity as Director of the Department of Planning and Permitting; and all their respective officers, agents, servants, employees, and attorneys, and persons in active concert or participation with them, are hereby enjoined from enforcing or implementing Ordinance 22-7, which went into effect October 23, 2022, insofar as it prohibits 30–89 day home rentals lawfully in existence at its effective date, or the advertisement of such rentals, in any district on O'ahu."*

Eligibility of a property for the amended § 21-5.50-3 and § 21-5.70-3 may be investigated easily by checking whether there is a homestead property exemption for the property's TMK.

4. Apply the changes to Rooming (Exhibit A) LUO § 21-5.50-3 and definition LUO § 29-1.2.

KOSTRO asks that Bill 62 be deferred because:

1. The title and content of Bill 62 CD1 does not recognize the degree of difficulty that residents are enduring as a result of denied property rights. Constituents experience fear of the government with the looming dark cloud of excessive $10,000 fines. It does not reflect a sense of urgency to bring relief to kamaʻāina who need to make a basic living so that they can avoid being *priced out of paradise*.

   To effect that urgency, priority must be given to the Fifth and Eighth Amendments of the United States Constitution. Other corrections and updates are of lesser importance.

2. The $1,000 registration fee is excessive because it is required at each change of ownership. Registrations should run with the land. Fees should be set to the actual cost to process a permit. After the initial registration the cost to process the update to the permit is minimal..[2]

   KOSTRO agrees with the other changes to the registration process as proposed in this bill.

3. Owner-Occupied renting is renting governed by state law HRS § 521, The Residential Landlord Tenant Code. Although considerable accountability is accorded both landlords and tenants, disputes between parties are heard by the state judiciary.

   Councilmember Tupola's Bill 41 CD1 comments are here 5:28 "The current state Landlord Tenant Code allows for month to month…". HRS § 521-22[3] has the phrase "any period". HRS § 521-22 conflict-preempts all LUO provisions that regulate residential owner-occupied rental agreements.

   Rep. Marten HD51 testified that STRs are hotels. Video is here. We disagree. Land Use for owner-occupied short term renting is residential single family homes and duplexes.

[2] "Lacking rough proportionality" Sheetz v. Eldorado County, United States Supreme Court Case 22-1074, page " … permit conditions must have "'rough proportionality'" to the development's impact on the land-use interest. Dolan, 512 U. S., at 391."

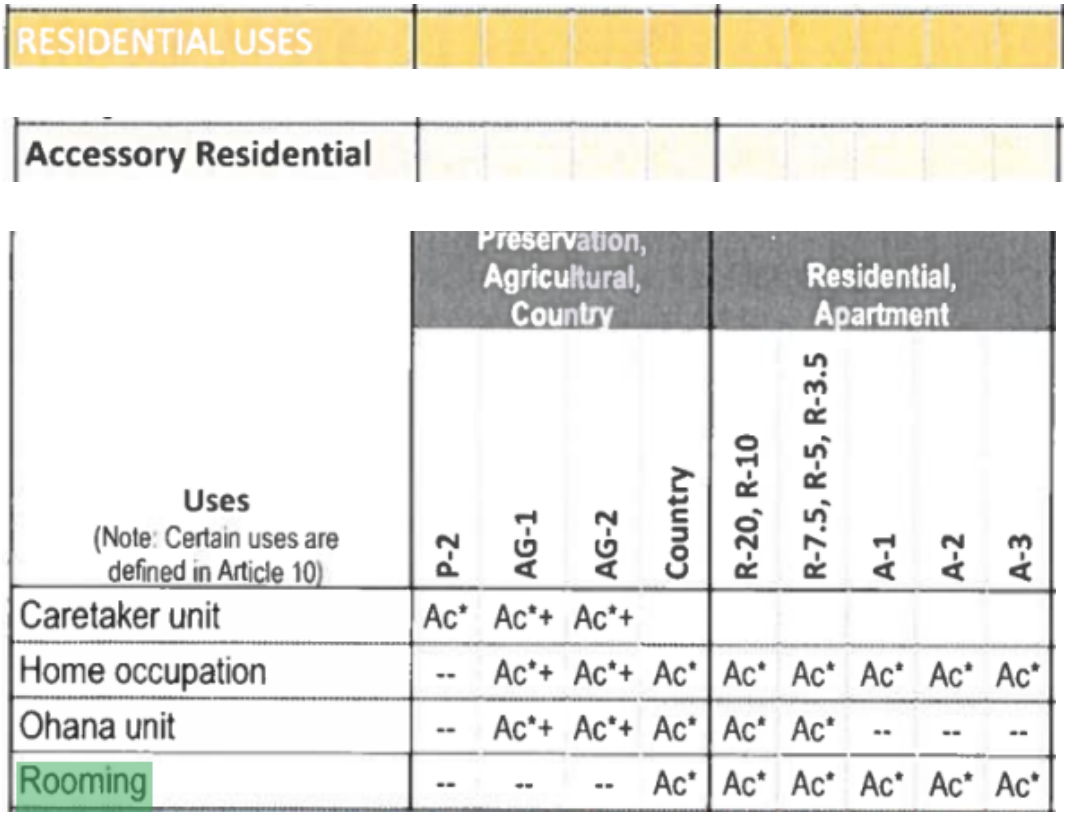
[3] HRS § 521-22 *"**Term of rental Agreement.** The landlord and tenant may agree in writing to any period as the term of the rental agreement. …"*

4. Rep. Marten overstated the authority granted in Act 17 to the counties. There are restrictions[4] on the counties if they decide to phase out existing residential uses.

> (d) *Rooming – standards.*
>
> (1) No more than three roomers may reside in a dwelling unit (in addition to the members of a related household occupying the dwelling unit); provided that the dwelling may not be used as group living.
>
> (2) Overnight accommodations provided for compensation must be for periods of 90 consecutive days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor.

[4] HRS § 46-4 (13) **County Zoning.** " … provided that uses that include the furnishing or offering of transient accommodations **shall not** be considered residential or agricultural uses …"

5. 90-day minimums constitute a phase out of a land use and must be removed from the Rooming definition. Rooming[5] is an accessory use and is subordinate to the residential land use[6]. Rooming is allowed in residential districts.



RESIDENTIAL USES									
Accessory Residential									
	Preservation, Agricultural, Country				Residential, Apartment				
Uses (Note: Certain uses are defined in Article 10)	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3
Caretaker unit	Ac*	Ac*+	Ac*+						
Home occupation	--	Ac*+	Ac*+	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*
Ohana unit	--	Ac*+	Ac*+	Ac*	Ac*	Ac*	--	--	--
Rooming	--	--	--	Ac*	Ac*	Ac*	Ac*	Ac*	Ac*

[5] LUO Page 217 Rooming - "Providing accessory overnight living accommodations to persons other than transient occupants, for compensation, for periods of 90 consecutive days or more, in the same dwelling unit occupied by an owner or occupant of the dwelling unit."

[6] A detailed narrative of the definitions "dwell","use", "residential", and "residential use" is in HILSTRA v. City UNITED STATES DISTRICT COURT, DISTRICT OF HAWAIʻI Case 1:22-cv-00247-DKW-RT, ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION pages 17 through 20, *"Whether a use is residential depends much more on what is being done at a residence than for how long."*

6. "***Rooming***.

~~lessee, operator, or proprietor of the dwelling unit.~~] Providing accessory overnight living accommodations to persons other than transient occupants, for compensation, for periods of 90 consecutive days or more, in the same dwelling unit occupied by an owner or occupant of the dwelling unit. The term does not include bed and breakfast homes

"***Transient Occupant.*** Any person who rents a lodging or dwelling unit, or portion thereof, for less than 90 consecutive days, and whose permanent address for legal purposes is not the lodging or dwelling unit being rented. See also transient vacation unit, bed and breakfast home, rooming, and hotel."

For Rooming, the HRS § 46-4 Zoning Enabling Act does not authorize counties to require landlords to demand disclosure of a tenant's personal legal status including their domicile address. A tenant may voluntarily change the domicile address. A landlord may not compel a change of address. This requirement must be removed from the definition of rooming.

The Enabling Act does not authorize a county to impose any requirement for a tenant to change their legal status in exchange for housing. The essential nexus does not exist between this domicile requirement and its impact to the community. This is particularly important for those who choose this island to take refuge from an abuser.

7. PZ Chair Kiaʻāina states that the minimum rental is 90 days Video Here and directs a testifier to this website which says 30 consecutive days. Under threat of $10,000 excessive fines,, this discrepancy is causing dismay for residents[7]:

Short-Term Rentals

What is STR?

Short-term rentals (STRs) are also known as vacation rentals and are lodgings that provide guest accommodation for less than 30 consecutive days. In order to preserve housing for long-term residents, STRs are only permitted in resort-zoned areas and a couple of specific apartment-zoned areas.

[7] DPP "What is STR?" website URL Short-Term Rentals | Department of Planning and Permitting https://www.honolulu.gov/dpp/permitting/str/ captured September 29, 2025

8. Establishing a process to protect nonconforming uses remains in the City's future[8].

On June 26, DPP Director Apuna made a 30-day grandfathering recommendation with clear justification. Enforcing at 30 days in response to a federal court order, when an ordinance says 90 days is confusing and not legally sustainable. Zoning ordinances must be mechanical. The text of the ordinance and enforcement must match.

PZ Chair Kia'āina raised concerns about public sentiment toward STRs. Only a few of the most militant in opposition to short-term renting hold the position that residents shouldn't have property rights. A clear framework for owner-occupied renting is well articulated at the two town hall conversations between Mayor Blangiardi and Henny Wasson. The videos in order are here and here.

We are not aware of any public sentiment in support of economically exiling Hawaiians from their 'aina.

Most City and County of Honolulu constituents are shocked and appalled when told about current restrictions and excessive fines facing kupuna hosts who live on their rental property.

Mayor Blangiardi describes owner-occupied as a small group of residents. His position is that we are "not the target." The reasoning is that:

1. Renting is supervised mostly by kūpuna. There isn't partying and parking abuse.
2. Doesn't impact island-wide housing inventory.
3. Not a significantly large enough group to negatively impact hotel room inventory.
4. Is not available for long-term renting. Rental space on residential lots is also used for family vacations and holidays.
5. Eligibility is simple to determine. Hosted renting properties will have the same TMK for owner/host's residence and the property to be rented and will have a homestead exemption for purposes of property tax.
6. Does not threaten union jobs. Union wages are around $31 per hour. A small business charges around $50/hour for services. Considering union benefits, compensation is par.

KOSTRO opposes relitigating decisions. Our requests do not open any new conversations. We ask instead that the LUO be made legal respecting federal court orders and conforming to state law and the constitutions of the United States of America and the State of Hawai'i..

A legislative body must narrowly tailor regulations to the specific government objective and without unnecessarily infringing on individual rights. Banning owner-occupied short-term renting on behalf of a militant few deprives prospective resident hosts of their vested property rights.

[8] HILSTRA v. City UNITED STATES DISTRICT COURT, DISTRICT OF HAWAI'I Case 1:22-cv-00247-DKW-RT, ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION page 28 III. Balance of the Equities "*The balance of the equities tips in Plaintiff's favor. A preliminary injunction here will merely enjoin the enforcement of Ordinance 22-7 until and unless the City establishes a process to protect nonconforming uses.*"

“My personal belief is that we should enact legislation that is a lot like what we did in New York state, which is that you have to be on the premises or in the region therefore you are a local family. We support local families to do short term rentals if they are doing them legally but we don’t support mainland folks making a ton of money . . . “ (that is not spent in O’ahu.) – Governor Josh Green, MD Video link here	

Mahalo for your consideration.

Respectfully Submitted for KOSTRO,

Margaret L.H. Aurand

P: 808-498-1560
E: kostro@paradiseip.com

Ed Jones

P:808-292-7512

EXHIBIT A

PROPOSED AMENDMENT - HOSTED ROOMS

Proposed changes are in bold:

LUO § 21-5.50-3 Accessory residential. (d) Rooming — standards (Page 29)

From:
(2) Overnight accommodations provided for compensation must be for periods of 90 consecutive days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor.

To:
(2) Overnight accommodations provided for compensation **may be for any rental period** in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor **who is physically located within the City and County of Honolulu unless there is an emergency that requires owner's presence off-island and provided further that rental agreements for the dwelling or portion thereof are in writing.**

LUO § 29-1.2 Definitions. Rooming (Page 217)

From:
Providing accessory overnight living accommodations to persons other than transient occupants, for compensation, for periods of 90 consecutive days or more, in the same dwelling unit occupied by an owner or occupant of the dwelling unit. The term does not include bed and breakfast homes (see bed and breakfast home).

To:
Providing accessory overnight living accommodations to persons ~~other than transient occupants,~~ for compensation, for **any period**, in the same dwelling unit occupied by an owner or occupant of the dwelling unit. The term does not include bed and breakfast homes (see bed and breakfast home).

EXHIBIT B

TIMELINE

Sep-24 Planning and Zoning Committee Video KOSTRO Testimony begins on page 15
Sep-03 First Reading Video KOSTRO Testimony begins on page 10
Jun-26 Planning and Zoning STR Discussion Video KOSTRO Testimony begging on Page 60