

From: [Linus Kalvaitis](#)
To: [Planning WPC Testimony](#)
Subject: Bill 147 Testimony / Opposition To/Request for Amendment/ Protect local Agricultural Hosts
Date: Tuesday, June 2, 2026 7:34:40 AM
Attachments: [Public Testimony for Bill 147 \(3\).pdf](#)

Dear Chair and Members of the Windward Planning Commission,

I am attaching my Public Testimony in opposition to Bill 147.

Mahalo for your time, consideration, and service to our community.
Teresa Kalvaitis

TO: WPCtestimony@hawaiiicounty.gov

SUBJECT: Public Testimony for June 5, 2026 – Opposition to / Request for Amendment of Bill 147 (Kalvaitis)

TESTIMONY FOR THE WINDWARD PLANNING COMMISSION

HEARING DATE: Friday, June 5, 2026, 9:00 a.m.

SUBJECT: Opposition to / Request for Amendment of Bill 147 (Transient Accommodations) – Protect Local Agricultural Hosts

SUBMITTED BY: Teresa Kalvaitis

PROPERTY ADDRESS: 16-419 Napua Street, Kurtistown, Hawai'i

Dear Chair and Members of the Windward Planning Commission,

We respectfully urge the Commission to amend Bill 147 to protect local resident families operating small-scale, owner-occupied hosted rentals on Agricultural land.

Our Background: Local Farmers and Parents, Not Real Estate Speculators

We are not off-island investors or commercial operators. We are a local resident family trying to survive and remain on the island while continuing to farm our land responsibly.

My partner is a full-time public-school teacher and part-time university professor. I am on disability due to a seizure disorder that keeps me home much of the time. We have three children currently attending the University of Hawai'i at Hilo.

Our family has been involved in agriculture for decades. More than 30 years ago, we were among the original volunteers helping establish the Waipa Ahupua'a project on Kaua'i. Farming and stewardship of the 'āina have always been central to our lives.

When we purchased our property on Hawai'i Island, we understood that sustaining a family farm in Hawai'i would require supplemental income. After careful research, we moved forward with a small hosted farm stay as a way to support our family, our farm, and our long-term ability to remain in Hawai'i. At the time we began planning and investing in our hosted rental, owner-occupied hosted rentals on Agricultural land were still widely understood to be permissible.

We invested years of labor, savings, and improvements into our home and farm before finally opening our hosted rental in November 2025. We live on-site, personally manage the property, and ensure guests

respect our neighbors and community. In just six months, our commitment to responsible hospitality and aloha has earned us placement among the top 1% of Airbnb hosts.

This is not a path to wealth or speculation. It is our family's survival plan—helping us support our children through college, maintain our agricultural operation, contribute to the local economy, and remain on the island we love.

The Regulatory Trap: Tax Compliance Without a Path to Registration

We have made every effort to operate responsibly and transparently. We maintain active General Excise Tax (GET) and Transient Accommodations Tax (TAT) accounts and pay the higher commercial property tax classification that was brought to our attention through County meetings.

However, because our home is located on Agricultural land, Bill 147 effectively removes our ability to register through the standard hosted rental process. Instead, it forces families like ours into a costly and complex Special Permit process that is extremely difficult for small farming families to navigate—especially under the proposed July 1 deadline.

The permit process requires substantial financial resources, detailed agricultural documentation, legal agreements, engineering and permitting review, and extensive neighbor notification procedures. For small resident farmers working multiple jobs simply to survive in Hawai'i, these requirements are overwhelming.

Legal and Intent Considerations

The original intent of the County's hosted rental framework was to allow owner-occupied hosted rentals at a resident's primary home, regardless of zoning classification. Bill 147 appears to move away from that original intent by treating small resident farm stays similarly to large-scale commercial transient operations.

Additionally, the Hawai'i Supreme Court's ruling in *Rosehill v. State* was aimed at preventing abuse of Agricultural land by speculative commercial development—not at shutting down legitimate resident farming families whose hosted rental income directly supports ongoing agricultural activity.

We are an active agricultural operation. We file both Schedule F and Schedule C annually. Our hosted rental income directly subsidizes our farming expenses and helps keep our agricultural land productive and maintained.

Historically, owner-occupied hosted farm stays have operated under the understanding that farm dwellings connected to active agricultural use and occupied by the farming family could host short-term guests. County interpretations such as the Kohania Villas Board of Appeals decision recognized distinctions between hosted farm stays and prohibited unhosted commercial rentals.

We have operated in good faith under that understanding.

Challenges Created by Bill 147

As currently drafted, Bill 147 would require hosted rentals on Agricultural land to obtain Special Permits even when:

- The owners live on-site;
- The property is actively farmed;
- The rental directly supports agricultural operations; and
- The operation functions as a hosted farm stay rather than a commercial investment property.

For small farming families, the burden is substantial.

Many local families made improvements to homes and farm structures over decades without realizing additional permitting requirements might later apply retroactively. Bill 147 currently provides little guidance, transition support, or amnesty for residents who acted in good faith before these regulatory changes were fully understood.

Without a workable pathway, many local families risk:

- Losing critical income;
- Facing substantial fines; or
- Being forced to leave Hawai'i altogether.

Agritourism Is Supported Nationally and Internationally

Many regions throughout the United States and internationally actively support hosted farm stays and agritourism as legitimate tools for agricultural preservation and rural sustainability.

States such as Vermont, California, New York, North Carolina, and Tennessee recognize that small farms often require supplemental agritourism income in order to remain economically viable.

Internationally, countries such as Italy, New Zealand, Japan, Portugal, and Spain have developed successful agritourism frameworks that specifically encourage owner-operated farm stays connected to active agricultural use.

These regions generally distinguish between:

- Speculative commercial vacation rental activity; and
- Genuine owner-occupied farm stays that help preserve agricultural land, support local food systems, and sustain rural families.

We respectfully ask Hawai'i County to adopt a similarly balanced approach that protects agricultural land while also recognizing the economic realities faced by local farming families.

Our Requests

We respectfully request that the Commission and County Council consider the following amendments and protections:

Exempt Hosted Rentals on Agricultural Land

Allow true owner-occupied hosted rentals on active farms to register through the standard hosted rental process without requiring expensive and burdensome Special Permits.

Create an Agricultural Registration Tier

Establish a streamlined registration pathway for active farming families who can demonstrate agricultural activity through documentation such as Schedule F filings.

Provide Clear Compliance Guidance

Offer workshops, checklists, and direct guidance to help small farmers understand and comply with any new requirements.

Provide Amnesty for Good-Faith Past Actions

Allow local residents who acted in good faith to legalize existing improvements without punitive fines or excessive retroactive penalties.

Extend Transition Timelines

Delay implementation and enforcement deadlines to allow families adequate time to understand and comply with new regulations.

Protect Hosted Farm Stays During Transition

Explicitly allow owner-occupied hosted farm stays connected to active agricultural use to continue operating while any new framework is finalized.

Harmonize Registration and Enforcement Deadlines

Ensure enforcement does not begin before a clear and attainable pathway to compliance is fully established.

Supporting Documentation

To further illustrate the nature of our operation, I have attached **Exhibit A: Guest Reviews Demonstrating Agricultural, Educational, and Hosted Farm Stay Experiences at Napua Gardens.**

These publicly posted guest reviews consistently describe experiences such as farm tours, agricultural education, interaction with resident hosts, fresh produce grown on-site, and stewardship of the land. They demonstrate that our operation functions as a genuine owner-occupied farm stay and agritourism experience rather than a speculative commercial vacation rental.

Conclusion

My family and I are committed to agriculture, stewardship of the land, and contributing positively to our local community. Our hosted rental was never intended as a speculative business venture. It was created as a small agritourism effort to help sustain our family farm and allow us to continue living and farming in Hawai'i.

Without clearer guidance, reasonable transition periods, and protections for legitimate resident farming families, Bill 147 risks unintentionally harming the very local agricultural residents the County seeks to protect.

We respectfully urge the Commission to work collaboratively with local farmers to create a fair and workable framework that distinguishes between speculative commercial operations and genuine owner-occupied farm stays supporting agriculture.

Mahalo for your time, consideration, and service to our community.

Respectfully submitted,

Teresa Kalvaitis

EXHIBIT A

Guest Reviews Demonstrating Agricultural, Educational, and Hosted Farm Stay Experiences at Napua Gardens

The following excerpts are taken from publicly posted guest reviews of our hosted farm stay. These reviews illustrate the educational, agricultural, and owner-hosted nature of our operation and demonstrate how guests experience the property as a working family farm rather than a commercial vacation rental.

Review Excerpt #1

"This is hands down the best Airbnb I have ever stayed at. It was more than lodging—it was an experience with wise and helpful hosts who shared their land, fruit, and goodwill freely. This place is a gem and contributes greatly to the area; this location is an immersive and educational experience."

Key Themes: Agricultural education, community contribution, host interaction, farm experience.

Review Excerpt #2

"We absolutely loved our stay—it was truly a once-in-a-lifetime experience. Linas and Teresa gave us a tour of their farm, which has a huge variety of plants. The suite is perfect for a peaceful nature escape."

Key Themes: Farm tours, agricultural learning, owner-host involvement, nature-based agritourism.

Review Excerpt #3

"Teresa and Linas both gave us wonderful tours of their grounds. Linas is incredibly knowledgeable and took time to do a slow hike of their property and show our family around."

"We immediately felt safe and at ease on the property thanks to Teresa, Linas, and their family."

Key Themes: Educational farm tours, family-operated business, on-site hosts, responsible management.

Review Excerpt #4

"The hosts were extremely generous in sharing their time, space, and knowledge with us. Slow mornings waking up with the birds and eating fresh fruit from the garden were exactly what we needed."

Key Themes: Agricultural experiences, fresh produce from the farm, educational interaction with hosts.

Review Excerpt #5

"One of the highlights is the stunning garden—peaceful, lush, and filled with fresh fruit you can pick yourself, which made the stay feel extra special and connected to nature."

"The hosts are so friendly, welcoming, and very helpful."

Key Themes: Working agricultural property, farm products, stewardship of the land, owner-host presence.

Review Excerpt #6

"Access to the garden to grab some tasty fruits is such a pleasure."

"Staying in the Jungle Suite is so much more than renting a standard Airbnb; it's a real jungle glamping experience, with dedicated hosts who make it unforgettable."

Key Themes: Agricultural setting, hosted experience, active engagement by resident owners.

Summary

These guest reviews consistently demonstrate that Napua Gardens operates as:

- An owner-occupied hosted farm stay;
- An active agricultural property;
- A place where guests learn about local plants, farming, and stewardship of the land;
- A small family-operated business with on-site management and oversight; and
- A form of agritourism that supports agricultural activity while providing educational and cultural experiences for visitors.

Respectfully submitted,

Teresa Kalvaitis

Napua Gardens

16-419 Napua Street

Kurtistown, Hawai'i