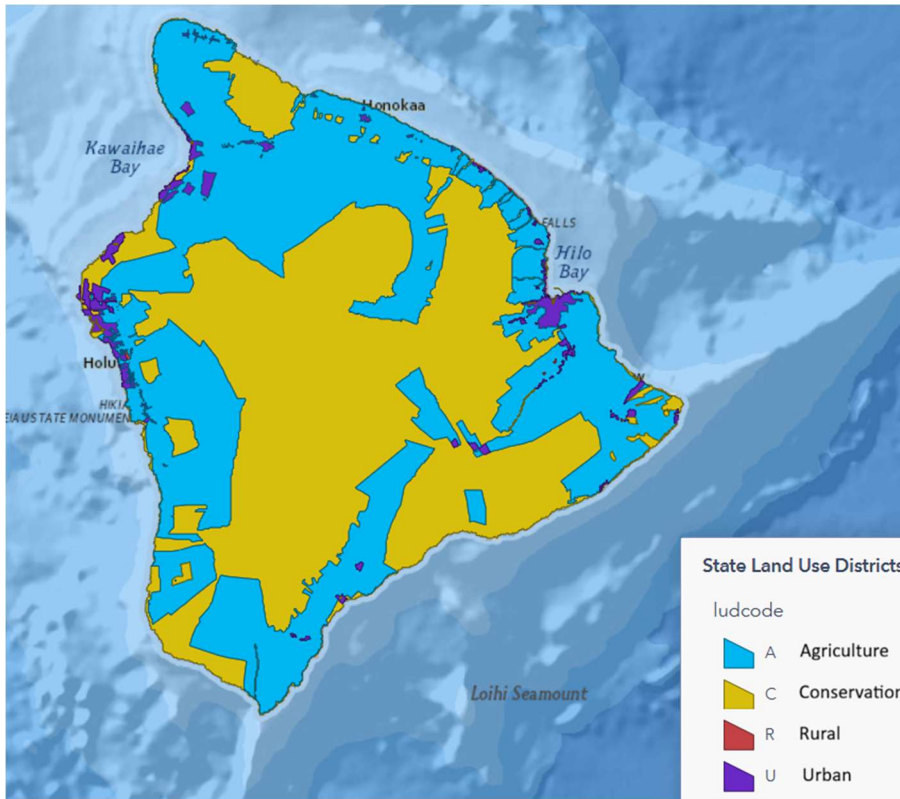


From: [Penny Lee](#)
To: [Planning LPC Testimony](#)
Subject: Testimony in opposition to bill 147 - pdf attached
Date: Friday, June 26, 2026 7:23:02 AM
Attachments: [Bill147Testimony_pl.pdf](#)

Aloha Leeward Planning Commission,

Please see attached pdf with my testimony in opposition to bill 147. Please be sure to upload the testimony in color, as the color has meaning.

Thank you,
Penny Lee



Bill 147 creates a monopoly for corporate resorts and large developers

Vacation rentals for Blackstone but not for local families

Yes, those purple spots on the map is where you can have unlimited new vacation rentals, hosted or unhosted, in condos or single-family homes. Only 2.18% of the island is zoned "urban", which includes commercial, resort, condo and residential zoning. Most of those properties are not available or affordable to a resident of the Big Island.

On the other hand, if you are a local homeowner, most of us are in the light blue area (Agriculture 45.79%), you have no rights to a vacation rental and your community will be excluded from the tourism economy. Grandfathering rights aren't even mentioned. Maybe the Planning Commission might allow you a special permit (or not) for a hosted B&B, only if you are a real farmer in a farm dwelling and all your buildings, wastewater systems etc are perfectly permitted. Most people know that many so called "agricultural" lots are actually small rural residential lots and can never be bona fide farms. So why is Bill 147 setting farmers up for failure and excluding everybody else from the tourism economy?

Defective "Ag" zoning becomes an economic suppression tool

Most of the 9 districts on this island do not have any of the "permitted" zoning. Only 3 of the 9 districts will have a de facto monopoly on the tourism economy. Tourism is our main economy. This island is big enough that this will cut off most tourism spending from the more rural and remote parts of the island. This will starve our local towns, shops, restaurants and farmers markets, which are already struggling. There are no other jobs or economies in these areas.

This is economic discrimination by exclusionary zoning for the benefit of large corporations. Please oppose this bill.

Big Island - State Land Use Map:

Agricultural (light blue): 45.79%

Conservation (brown): 51.97%

Rural (red): 0.06%

Urban (purple): 2.18%

Bill 147 is destructive to the local economy, and in the background looms Bill 47 with large fines and liens

There seems to be a lot of pressure on the council members to pass Bill 147 quickly and get it rubber stamped by the Planning Commission without scrutiny or discussion. This bill will affect all districts and thousands of families and therefore deserves attention and thorough critical review. This bill and Bill 47 are the worst version of vacation rental regulation we have seen to date, and I have been following vacation rental regulations on all islands since 2018. Also, almost nobody has yet grasped all the intended and unintended consequences of these bills.

Bill 121 in 2024 was shelved due to overwhelming opposition by the public. Heather Kimball famously said at a County Planning Committee hearing, Oct 2nd, 2024: "This amendment puts forth the most restrictive actions we could legally take..."

What happened after that in 2025? Bill 121 came back worse and was split in 2 parts: Part 1, Bill 47 the registration /fines /enforcement part was passed very quickly with hardly any discussion and no meaningful amendments through the County Council (see council meeting video records). Testimony was overwhelmingly against the bill (see council testimony records), yet no input by vacation rental owners was taken into account. Bill 47 was sold as a "simple Registration" which it is not. The registration is in effect an evidence gathering mission to feed into the enforcement/shutdown following. Bill 47 set up the legal framework for enforcement, for example screenshots now become prima facie evidence and the vacation rental owner has to prove otherwise. Bill 47 never went through review by the Planning Commissions because it was strategically placed in Chapter 6 "Businesses", next to regulation for cemeteries and bike tours.

Bill 47 is now ordinance 25-50 and includes \$10,000 fines, automatic liens and the threat of non-judicial foreclosure for violating the vacation rental regulations. For or a real lived experience from Oahu, see: "Honolulu fines retiree over half a million dollars for advertising a rental".



Pacific Legal 🇺🇸
@PacificLegal

...

BREAKING: Honolulu is charging 83-year-old retiree Sandra May with \$600,000 in fines over a website error. The City put a lien on her home and cut off her access to basic city services. Today, we filed suit to stop these excessive fines.



The County Council members who introduced Bill 147, Heather Kimball and Ashley Kierkiewicz, say they want to support local residents having income from vacation rentals. The Hunden study confirmed there is wide support in the public for locally owned and operated vacation rentals.

Yet Bill 147 does the exact opposite: The highest barriers to operating a vacation rental are placed on state land use "Agriculture" which is 46% of the island and 97% of useable land on the island (excluding conservation).

Heather Kimball says the county's "hands are tied" yet with HRS 205 the State is granting zoning powers to the counties, it does NOT prescribe the harassment of vacation rentals. The State has repeatedly confirmed "home rule" for individual counties to regulate vacation rentals as they see fit.

The Hotel industry has been working for about 10 years to bring down their vacation rental competition across all islands, as they say so themselves in their 2024 testimony to the County Council in support of predecessor Bill 121 :



July 5, 2024

Gerard C. Gibson
President
Hawaii Hotel Alliance

Ms. Ashley Kierkiewicz, Chair
Policy Committee on Planning, Land Use and Development
Hawaii County Council
Hawaii County Building
25 Aupuni Street
Hilo, HI 96720

Support for and Comments on Bills 121, 122 and 123

Dear Chairperson Ashley Kierkiewicz and Members of the Policy Commission on Planning, Land Use and Development,

My name is Jerry Gibson and I am the President of the Hawaii Hotel Alliance ("HHA") and have been a hotelier in Hawaii for more than 42 years. HHA membership includes all of the major hotel brands in Hawaii, including Hilton, Hyatt, Marriott, Aulani, Outrigger, Springboard Hospitality and Highgate Hotels. Our members represent almost 32,000 hotel rooms of the approximately 43,000 hotel rooms in Hawaii.

The Hawaii Hotel Alliance is in Support with Exceptions to Bills 121, 122 and 123. We have worked with the four major islands over the last seven years and produced, both for counties and states, several pieces of legislation. Each county has specific needs and Hawaii County is no different. In principle, we are comfortable with the following:

The Hawaii Hotel Alliance produces anti-vacation rental legislation for council members, snippet from 2024 Hawaii Hotel Alliance HHA Newsletter, "Hawaii Island TAR Bills" 121, 122, 123 :

2. The TAR bill will be introduced as a package of 4 bills. The others include:
 - Hosting platform accountability and transparency. This will require that Airbnb, VRBO, etc., post all required information (TAR number, NUC number, etc.) on the advertisements.
- Councilmember Kimball said this bill is based on the language we gave her from Honolulu's bill. It is currently being reviewed by LRB and will be posted on the TAR website when it is ready for public review.

The Hawaii Hotel Alliance "has built strong relationships with individual Council members", snippet from 2024 Hawaii Hotel Alliance HHA Newsletter, "Hawaii Island - property tax rates":

- We successfully advocated against a raise in property tax rates for hotels and resorts. Council Vice-Chair [REDACTED] tried a last-minute effort to raise rates after public discussion on the proposed tax rates had already closed. Our advocacy directly with others on the Council during the hearing helped the vote on his amendment go our way. It's extremely helpful that we've built strong relationships with individual Council members, as we have their cell phone numbers and can text / communicate in real time, when opportunities for public comment are not available.

The Hawaii Hotel Alliance "Legislative Priorities for 2026", in other words a monopoly for resort zones, snippet from Sept 2025 Hawaii Hotel Alliance HHA Newsletter:

2. State and County-Level Short-Term Rental (STR) Regulation

Our fight against illegal and unregulated STRs continues. While we've made progress with county-level enforcement, we are taking a major step forward in 2026 by championing a **state-sponsored bill that would proactively remove short-term rental uses from non-resort districts statewide**. This approach is designed to provide clarity and consistency across all islands, curbing the proliferation of illegal STRs that have exacerbated our housing crisis and created community resentment.

Hawaii Hotel Alliance celebrating achievements for 2024, snippet from Dec 2024 Hawaii Hotel Alliance HHA Newsletter

This year we partnered with state and county leaders to secure funding for marketing initiatives, organized and facilitated wraparound buys to promote Hawai'i as the ultimate U.S. visitor destination, and led conversations around regenerative tourism and the value that our hotels play in providing a thriving way of life for all who call our islands home. This work included authoring SB2919 - landmark short-term rental legislation ceding counties with clear authority to phase out short-term rental uses. This bill was championed by the Hawai'i Hotel Alliance advocacy team, our partners at the American Hotel & Lodging Association, and the working group of community and nonprofit groups that we pulled together. This new law is more than a tool in short-term rental enforcement, it is the culmination of our multi-year strategy to shift the anger of kama'āina frustrated with over-tourism squarely on the shoulders of illegal short term rentals, and our strategy is working.