

**MAUI PLANNING COMMISSION  
PORTION OF REGULAR MINUTES  
ITEM B.2  
JUNE 14, 2022**

Ms. McLean: Thank you, Chair and Commissioners. The last public hearing on the agenda today is another bill referred to you from myself to amend Maui County Code Section 19.04.040 relating to the definitions of “time share plan” and “transient.” And once again, Jacky Takakura will be presenting on behalf of the Department

**B. PUBLIC HEARING**

- 2. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Maui Planning Commission a proposed bill to amend Maui County Code Section 19.04.040 relating to the definitions of “time share plan” and “transient.” (J. Takakura)**

**The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/133291/Proposed-revisions-to-1904040-Definitions-for-time-share-plan-and--transient>**

Ms. La Costa: Go ahead.

Ms. Jacky Takakura: Thank you. I'm going to share screen again. So, if you don't mind bearing with me for just a minute. So, can everyone see that?

Ms. La Costa: Yes, we can, thank you.

Ms. Takakura: Okay, thank you. And this one is very short. We're just amending one part of the County Code and that Section 19.04.040, which is the part of the Code that I refer to every day, and that's for definitions. And we have definitions to be updated, two that are existing and two that we're proposing as new. The two that are existing, you can see here, timeshare plan and transient. And to me, the purpose of this bill is basically to keep up with the times. Things change and the Code needs to be updated too. And I do want to say mahalo to Corporation Counsel and Councilmember Paltin for working with us on the bill.

Okay, so as I mentioned, there's just a few changes. There's actually four. Two are two terms that are already in the Code, and two are new. So, you can see here the ones that are existing are timeshare plan and that our proposal here is to increase the length of stay to 180 days. And then we have our revisions to the definition of transient. And you can see for Number two, it's that's excluding health care providers from the definition of transient. And then clarify exclusions from the definition of transient. And that also relates a little bit to other temporary workers, students and military personnel, and I'll get into a little bit more detail on these.

The purpose of these changes are to, one, alleviate the shortage of health care and other temporary workers; and two, clarify that business entities like LLCs or these temporal use ownership types are within the definitions of timeshare plan and transient. So, they have to follow the same rules like other timeshares and transients.

Let's get into the details of what the proposals are. Okay, so on the left side, you can see the definition for timeshare plan because these are the two, timeshare plan and transient are the existing terms and that we're proposing to revise. So, for timeshare plan, you can see it's just a change of the length of stay. Right now, it's 60. We're proposing to change it to 180 days. On the other side, the other column you can see for transient. The big paragraph there that's basically to include LLCs and similar organizations that use properties for less than 180 days, and then also to add to the exclusions, health care providers actively engaged in the practice of medicine within the county. So, the two items you see, the timeshare plan and the other one, the bigger change for transient about the partner, owner, trustee or shareholder of the corporate or limited liability entity that owns the property. These are to prohibit what we're seeing all over the country, where companies buy up properties and create LLCs and then, market this property to buyers to use the property for short-term periods. And so, we would like to have those types of entities be included in the definitions of timeshare and transient so that they're subject to the same rules just like any other transient accommodation.

The other smaller bullet item, you see under transient that's basically to keep up with, I'm sure you've all read about this in the newspaper, that you know, we have a hard time keeping health care providers in the county just because they can't find housing. Right now, in the Code, there is an exemption for employees who receive room and board as part of their compensation. But if a property owner advertises directly to a health care provider, then they're subject to the transient rules just like any other short-term or transient vacation rental rules.

We did have some other minor revisions, and we checked with Department of Housing, especially regarding the part about the low-income renters, and they're good with the proposed wording that we have, which is in more detail in your packet.

So, in addition to updating the existing definitions, we have two new proposed definitions and these kind of tie in with that definition of transient because we want to be really careful in what we allow. And so, we have these two new ones, health care facility, which is a private or public institution or agency building, et cetera, licensed to operate in the county, and that's specifically for providing medical diagnosis, treatment, nursing, rehabilitative or preventive care.

And then we also needed a definition for health care provider, 'cause it's you know, of course, not just for anyone, so we have the whole list of different health care providers that meet the criteria of this definition that would be exempt or excluded from the definition of transient.

So, this is probably the shortest presentation I've ever done. Those are the four proposed changes, and the commission can recommend approval of the proposed bill, make amendments and recommend approval or deny or defer action on the proposed bill in order to gather specific information. And just like the other one you heard this morning, the public hearings for this item from Molokai is tomorrow and Lanai is next week. So, we will be taking the feedback from all three commissions to the County Council. So, I'm going to stop sharing. I can go back to anything you need to see, but basically just summarizing what's in your packet, though, so, I thank you.

Ms. La Costa: Thank you, Miss Takakura. Commissioners, do have questions? I know there are probably a lot of them. Mom Lindsey, I mean, Commissioner Lindsey go ahead please.

Ms. Lindsey: My question is given Kaiser's recent strike for mental health services is that included in health care provider?

Ms. Takakura: Thank you, Commissioner Lindsey. So, if the health care provider...yeah, well, there's a psychologist in here, there's nurse, physical ...(inaudible)..., other health care facilities and the employees thereof licensed and legally authorized to practice medicine and operate within the state. So, I do believe that they would fall under this definition of health care provider, yes.

Ms. Lindsey: Okay, I was just reading the second...I think it was your second slide. I wasn't sure if that was on, yeah, I wasn't 100 percent sure, but as long as that's covered, I'm happy. Thank you.

Ms. La Costa: Commissioner Thompson.

Mr. Thompson: I have a question, and I have to show some of my ignorance, I'm not sure about that timeshare thing. Is that transient timeshare already? I thought, I thought before you're either long-term, six months, one day or you were transient before short-term, and I don't know what the distinction is between timeshare and short-term.

Ms. Takakura: So, Commissioner Thompson, the existing, language in timeshare plan is 60 days and that follows the state. So, what we're proposing is to increase it to 180 days, and so, it would be the same terms, you know, that number of days as the definition of transient, so, 'cause right now it's, it's only 60, so, we'd like to increase it to 180.

Mr. Thompson: Don't most timeshare people come for like a week? Am I talking about the wrong timeshare?

Ms. Takakura: So, Commissioner Thompson, timeshares are allowed and they're okay in certain zoning districts like Hotel, some places or if they were before the rules came about. And so, those are probably, I'm thinking those were what you're thinking about where they're, they're okay, and they're allowed.

Mr. Thompson: Exactly. Thank you very much.

Ms. McLean: Yeah, if I could add. So, timeshares, as Jacky mentioned, are regulated by the state, and so the County Code has followed the state definition till now, but it makes sense for them to be in line with other types of transient accommodations because we are getting these new ownership schemes, and it's like, oh, I'm a...is it a timeshare, is it 60 days, and so just to make it clear and consistent for everyone to play by the same rules, we're proposing to change it.

Mr. Thompson: You can't sell a month at your house.

Ms. McLean: Exactly.

Mr. Thompson: And they were doing it.

Ms. McLean: Yeah.

Mr. Thompson: I've seen it before, seen it online, buy 60 days' worth.

Ms. La Costa: Commissioners, any other questions? Commission Freitas.

Mr. Freitas: Thank you, Chair. Well, let's see, Section 3, Number 2, health care providers actively engaged in a practice of medicine within the county. Is there any way to clarify they could be a consultant and they work one day a week or is it a 40-hour, you're a physician or health care provider 40 hours a week or it could be anybody? Just trying to make sure we're not loosely making this, this change and then people circumnavigate the intent.

Ms. McLean: As the bill is written now, Commissioner Freitas, there's not a time limit or a time requirement for those workers. We don't know well enough about...I do have friends who are nurses who work 12-hour shifts and sometimes they'll work three, 12-hour shifts in a week, which is 36 hours. Maybe it's a part-time doctor who doesn't even work that. I wouldn't feel comfortable setting a time limit without getting feedback from the medical community, but certainly the commission can recommend a time limit or a time requirement if you, if you want to.

Mr. Freitas: Yes, please. Just clarify what that would be. That's only thing I have. Thanks.

Ms. La Costa: So, Commissioner Freitas, if I can ask a clarifying question, please. Are you wanting to prevent someone from showing up and saying I'm a counselor and renting for a short amount of time under this bill versus being an actual bona fide, actively working full-time or most of the time as health care?

Mr. Freitas: Well, I think this is actually going to have people like we're extending it to 180 days versus 60 days, so two months to six months. And so, if we're going to provide this for the intent that it was for, health care people that come here to help us because we're short and they have these short contracts, we want to make sure that it's clear what their contract is, and yeah, have like a minimum 20 hours or at least considered part-time. I wouldn't want somebody that's on call or something like that be taking advantage of this bill.

Ms. La Costa: Jacky.

Ms. Takakura: Commissioner Freitas, we can consult with Corporation Counsel on the best wording for that. Good point. Get some feedback on that.

Ms. McLean: Something like health care providers actively engaged in the practice of medicine within the county for at least 20 hours per week. And we can include that as your recommendation or something to that effect, as your recommendation, and between now and when we send it to the Council, we can reach out to the hospital, others to see if, if they want to tweak that number in some way.

Mr. Freitas: Yes, thank you.

Ms. McLean: Okay.

Ms. La Costa: Commissioner Lindsey.

Ms. Lindsey: I'm wondering, is that teeters into benefits if you meant, if there's a minimum of 20 hours per week, then they're like a six-month employee, and so now they get full health care because they are a part-time, you know what I mean? I'm not sure how that translates.

Ms. La Costa: I don't know that those benefits, I'm sorry, maybe I'm talking out of school, but I don't know that those benefits have anything to do with the definition and what they're trying to forestall. I understand what you're saying, but you know, I'm just wondering if we can...that's, that's kind of going into labor and the Department of Labor, and that's not what we're here for.

Ms. Lindsey: Yes, which is why I just want to avoid that. So, I don't know. It's just something I'm thinking, sorry.

Ms. La Costa: Oh, so you were, I misunderstood, so I beg your pardon. So, you wanted to be sure that we didn't put some kind of constraints on an employer to have to provide insurance and benefits if they go up to 20 hours or more a week? Okay, now I get it. Got it. Thank you. Glad we had the discussion. Commissioner Thompson.

Mr. Thompson: Chair, we may have to check with the hospital because they do fly in specialists. Sometimes they come in from Seattle, to do a stent and they're here for five hours, and they leave the next day. So, might, might be worthy to check with them just in case.

Ms. La Costa: Thank you for that.

Ms. Thayer: Guess I have a question.

Ms. La Costa: Commissioner Thayer.

Ms. Thayer: Thank you, Chair, and this is just looking at the other types of people that this may apply to, and one of the things is full-time students and I'm just curious why to distinguish between full-time students and maybe half-time students who would need to be like—

Ms. La Costa: Employed.

Ms. Thayer: Yeah. Like if there's an allowance...I don't know maybe this is opening up a barrel of monkeys and a can of worms.

Ms. Takakura: Thank you, Commissioner Thayer. The barrel of monkeys has already been opened so...there is a particular property that has...offers classes and we struggle with them because classes aren't necessarily mandatory and they offer accommodations. It's been very,

very challenging to get them to comply with the rules of being a school when they're, they're really not.

Mr. Thompson: Yoga classes.

Ms. Takakura: Yes, for example for a yoga class, and then what happens if the student doesn't show up for the yoga class, they can still stay in that place. So, we did want to try to limit the definition of student to full-time students, but as I mentioned, you know, this has been a complicated subject because of a particular property and so, you know, if you have any other thoughts about Number 3 about students, be willing to listen to what you have to say.

Ms. McLean: Commissioners, we do have one person who signed up to testify. So, we should probably go into testimony before we...

Ms. La Costa: On a call in.

Ms. McLean: Okay. Up to you, Chair.

Ms. La Costa: Wanted to get the Commissioners questions out first, because Mr. Croly who is our testifier has always such great insight. So, my question is we did talk about film earlier, but the film is not shown on here, you know, if there's a film crew that comes in for three or four days or two week or two months. So, that's probably something that we should look to address as well.

Ms. Takakura: Chair La Costa, so we do already have in the Code employees who receive room and board as part of their salary or compensation. That's already in the Code, so, hopefully those people working on...the film crew would not have to pay for their lodging themselves.

Ms. La Costa: Okay, okay, thank you for that. Thank you, I appreciate that. Any further comments? If not, Mr. Croly if you would like to step forward, I will open public testimony.

Mr. Tom Croly: Aloha, Chair, I don't even have to stand up. I can just sit here and participate in your, in your meeting from home, and I appreciate that. And I certainly appreciate the ability to include Commissioner Lindsey, a new young mother, to participate all day in this long thing and still look after her child, and I think that, that is terrific. That, that's one good thing that's come out of Covid, right, that we've learned how to do these meetings this way. I also want to applaud the commission for their work on the last item. I thought you did a great job in working out the conditions to make that work, and those guys have a long way to go.

On these items, it seems like we're trying to plug one hole or one workaround that people are doing to, to convert housing into transient accommodations with the timeshare thing. And I hope that, that, that, that can work. I hope that, that would prevent people from participating in these schemes where five people go together and buy a house and, and then essentially turn it into a timeshare, but it's not technically a timeshare. And I hope that that that there's an enforcement mechanism that they can make sure that that part works.

The other part of this, we're kind of liberalizing the law a little bit, and I'm a little concerned that we may be opening a, an avenue for someone to get around the law. And that would be the idea that people could advertise and say, oh, I'm just advertising for, for nurses to stay. And how do we determine that their target market is not, you know, the general public and nurses? There are websites that specifically target traveling nurses. One of them, I think, is called Furnished Finders or something like that. And actually, I just looked at it today and there are a bunch of ads on it right now of non-bed and breakfast permitted or short-term rental permitted places that are advertising for 30 and 60 and 90 days. And then some very specifically, say, 180 days.

So, I would think that that that this measure would be kind of allowing that as long as it's specifically targeted to nurses. But I am concerned that we would have people advertise on VRBO or Airbnb and, and saying, well, I'm just advertising for nurses, I'm not advertising for the general public. And who knows how that would go?

Jacky did make reference to something I hadn't thought of, and that is having the health care facilities be the avenues to, to advertise these rentals. I don't know if that was a discussion that, that has been had with the hospitals and such as to people contacting them directly and saying I have accommodations for these types of workers and you can forward them to those folks. But again, just changing this term and allowing health care workers the ability to not be transients and therefore people could advertise for them, I'm a little concerned that it may create a new enforcement problem for you. So, I don't have the answer, but I got the question. There you go. Thank you, Chair.

Ms. La Costa: Thank you, Mr. Croly. Does anyone have questions for the testifier? No? Again, thank you for your insight. Always appreciated.

Mr. Croly: Aloha.

Ms. La Costa: Do we have anyone else signed up to testify?

Ms. McLean: No, Chair, you can make a last call.

Ms. La Costa: Okay, thank you. Last call for public testimony, going once, going twice, public testimony is now closed. So, ladies and gentlemen, do we have any additional comments on the bill, questions, suggestion? Commissioner Thayer?

Ms. Thayer: Thank you. I guess to stick to Ms. Takakura's question about the schools, is it possible to qualify it that it's attending like a K-12 or college or university?

Ms. Takakura: Thank you, Commissioner Thayer. You know, in our definitions we do have generalized education and specialized education, and the general one does include the kind of schools that you mentioned, you know, elementary, you know, and universities. The specialized education are the ones that are more like the example came up of yoga classes or you know, hula or some of those other specialized things. So, that's an option maybe you want to have it ...(inaudible)...using the term that's already in the definitions of generalized education, it's just the thought that.

Ms. Thayer: Is that a suggestion we would make or—

Ms. La Costa: So, what are you meaning like accredited schools or—

Ms. Thayer: I suppose, but I think allowing leeway for schools that are like not yet accredited but seeking accreditation is that in your experience?

Ms. Takakura: I'd have to look up the Code word for word but, the generalized education, I think, would probably fit what you're thinking. I don't know if it mentions accreditation, but it's more of the traditional type schools from kindergarten through colleges. I think Michele is looking it up right now.

Ms. La Costa: So, has your enforcement come across a lot of bad characters?

Ms. Takakura: In terms of schools, there's just the one that I know of. Most of them are pretty standard. You know, Lahainaluna has dorms. Yeah, it's just this one that is a hotel but offers yoga classes.

Ms. McLean: We have had a couple of enforcement actions against legitimate part-time nurses because it took a lot of work with them to determine whether their room and board was covered by their employer, which typically it's not. And so, that's one of the reasons we wanted to make that distinct change in the bill. Other employers, other part-time seasonal workers, construction workers, film, et cetera, their room and board would have to be covered by their employer. But we're putting the health care workers in a different category to be more lenient.

To the question of education. So, the definition of general education is a facility offering a general education curriculum such as, but not limited to, kindergartens, elementary, intermediate and high schools and colleges and universities. Specialized education is trade, vocational, language, research and learning, music, dance, art, yoga, martial arts. So much broader.

Ms. Thayer: ...(inaudible)...

Ms. McLean: Just the one example.

Ms. La Costa: So, to speak.

Ms. McLean: So, to speak. I think clarifying general education would be a good change and full-time is important, I think, because if they're part-time, then maybe they're working part-time and they'd likely be here for more than 180 days. So, yeah, all we're talking about is who can stay for shorter periods of time.

Ms. Thayer: Yeah. And you know, the, the dorms that were built for UHMC that are now also allowed to be regular apartments, you know, people from the other islands or even from the mainland do have a permanent place of residence elsewhere, but they can come and stay while they're going to school.



Ms. La Costa: Commissioner Lindsey.

Ms. Lindsey: I'm pretty wary of the student thing because if they take one class at the school or they have a child with them and they just travel the world, that's it. You know, then they put their kid in school here for three months and then they leave, you know, it's...that's a big can of worms that could potentially open.

The other thing was, what about for apprenticeships? Like, I think oftentimes a lot of apprenticeships aren't fulfilled here, like in conservation because we don't have the people or their work, you know, they're a student, they want to go into it. They maybe want to...they have interest in Hawaiian birds and then they move to Maui, but they can't find a place to live. I think that's what I've seen a lot in looking around for, people are like, oh, I got a job in conservation, now I got to find a house, but the term is short. I think the apprenticeships should be possibly addressed also in the education bubble, I guess.

Ms. La Costa: And, and internships as well.

Ms. Thayer: Yeah, interns. Yeah.

Ms. La Costa: Both of those I think need to be added. Thank you, Jacky. Yeah, both apprenticeships and internships because they're a little different.

Mr. Thompson: Woofers, the woofers.

Ms. La Costa: ...(inaudible)...a woofers.

Ms. Thayer: It's a farm worker.

Mr. Thompson: They're farmers. It's a big organization and they get onto a website and they go I want to go to Hawaii and they live in your...on your property in a hut and pick your tomatoes or whatever. It's pretty common.

Ms. Thayer: Would that fall under employer provided—

Mr. Thompson: Housing.

Ms. Thayer: Yeah.

Mr. Thompson: That's a ...(inaudible)...

Ms. Thayer: Yeah.

Mr. Thompson: The hut.

Ms. La Costa: A yurt.

Mr. Thompson: I did it once.

Ms. La Costa: How would you know that?

Ms. McLean: Are you a...(inaudible)...

Mr. Thompson: I had some come and help do some—

Ms. La Costa: La, la, la

Mr. Thompson: Yeah, ...(inaudible)...yeah, rich white girls from the mainland. ...(inaudible)...one plant at a time.

Ms. La Costa: Did they break their nails when they were working?

Mr. Thompson: ...(inaudible)...Ashley.

Ms. Thayer: She had her hand up, I think.

Ms. La Costa: Are you patting your baby or did you have a question?

Ms. Lindsey: No, I wanted to jump into the woofers conversation, but I am going to not do that and we are going to continue on with our meeting.

Ms. La Costa: It's late.

Ms. Thayer: I do have a question for Ms. Takakura, sorry. Switching, changing subjects a little bit, but I'm curious about LLCs purchasing homes. In your like research in putting this together, did you look into like how many homes or at what rate and at what locations are properties being bought by LLCs?

Ms. Takakura: Thank you, Commissioner Thayer. So, this is not just happening on Maui, it's in other, I guess, what you would call nicer areas like Sonoma and I think some of the nicer places in Colorado. But here on Maui, I think there's a unit at Ironwood's in Kapalua that is, and I think there's some testimony on that one. I think there's another property in Paia. I'm not exactly sure where. And then there was another one, too, but I don't, I can't remember the location, though it's starting here also. There is some website, website information about what some of these other places are trying to do to prohibit that use, you know, and you know, some of the community members putting out signs, you know, that's the home with no soul or, you know, because it really does change the character of the neighborhood, at least that they found.

Ms. McLean: They are also advertising at the Honolulu Airport at baggage claim the big signs, you know, they'd have all different kinds of ads, you know, for restaurants and luaus, and these organizations are advertising, they're like, oh, you can buy into this.

Ms. Thayer: Okay, I have a follow-up question. Are any other counties doing anything about this? Like I think of Kauai, they seem pretty proactive when it comes to these kinds of things.

Ms. Takakura: Thank you, Commissioner Thayer. I'm not sure. We wanted to get this out right of way because we need to address this issue before more properties get bought by these entities.

Ms. La Costa: So, are you looking at every LLC, every tax...excuse me, every taxed owner that is an LLC because a lot of people especially Canadians buy in LLCs because of the tax ramifications of being foreigners. How does that take shake out with this one?

Ms. Takakura: Thank you, Chair. That one, I'm not sure. I'm not sure. We worked with Corporation Counsel on this, and I don't know if the Director has any other comments on that.

Ms. McLean: We were initially asked when these organizations first came along, you know, are we allowed to do this? And we said, no, you're not. And we checked with Corp. Counsel and they said, well, we, we have a basis to say no, but it's not as strong as it could be. And so, that's when we went forward and proposed this bill. I don't know how far along these have gotten. We haven't gotten to the point where we're enforcing yet, but I don't think it'll be long before the time comes that we'll have to...

Ms. La Costa: So, if you see an LLC, then you would ascertain whether they were full-time or part-time residents, and whether or not there was more than one person. Because if they buy into an LLC, then how are you going to know that?

Ms. Takakura: Thank you, Chair. So, with these, it's pretty clear because in the advertising it says that you are buying say, 88 days at this place. And so, it's pretty clear that it's for the short-term use or you're buying, say, you know, one-fourth or one-eighth, so you can do the math and figure out how many days it is.

Ms. La Costa: Thank you.

Ms. Takakura: These are...I just gotta add, these are different from your typical LLC where the people know each other. These are people from, you know, who knows where that or they have nothing to do with each other. They're solely buying it for the property usage.

Ms. La Costa: Thank you. Commissioners, other questions, clarification? Any other comments to move forward? If that's...if we have no further comments, then I will have Director go back and say what we changed and then we can vote on that and he'll on.

Ms. McLean: The changes I have would be to the definition of transient. Item 2, we don't have a specific amount of time, but we'd want to establish some kind of duration and we'll check with the medical community on a recommended number of hours per week, for example. Number 3 would be, full-time students while attending general education classes. And then adding a new condition, or interns and apprentices, and I'm not sure exactly what Commissioner Lindsey, what kind of wording she would want. I can see her hands are full right now. Interns and apprentices

for environmental and conservation organizations. I don't know if you want it to be broader than that or if there was any other detail you wanted for interns and apprentices.

Ms. Lindsey: I was actually thinking of the word, intern not apprentice. Thank you for adding that word, Chair, but I'm not sure how to word it. But I know they oftentimes are short a body or so, so, I just want to allow for that. People have said in conservation specifically.

Ms. McLean: So, interns and apprentices for conservation organizations.

Ms. La Costa: But they're also interns with medical, you know, kids who are in school, they have to do an internship somewhere, and sometimes it's only four months.

Ms. McLean: They would be considered health care providers then when they're doing their, their internship or their residency.

Ms. La Costa: Okay.

Ms. McLean: They would be considered health care providers.

Ms. La Costa: And then what about carpenters?

Ms. McLean: Carpenters would be covered if they received their room or board as part of their salary or compensation.

Ms. La Costa: We're trying to turn over every rock. Go ahead.

Ms. Thayer: Just on the note of students, is there a need for even teachers or educators?

Ms. Takakura: Commissioner Thayer, there may be, but we haven't been presented with that or you know, asked to put that in. I'm not sure.

Mr. Thompson: Chair, I'm sorry, how about restaurant interns? I know Bev Gannon hired some for Haliimaile and they come in and they work real cheap. I don't know if they supply the housing and they're temp.

Ms. McLean: If they're provided housing then they'd be covered.

Ms. La Costa: What if they aren't?

Ms. McLean: If they're not provided housing then they would not be covered. And if you want to add, see that...we start getting into trouble though 'cause then we find out, oh, this is a short-term rental and the friend goes, oh, I'm working at this restaurant. You know, and they run out that day and get a job. So, we want it...we're like looking for it to be more, more nailed down, yeah, whether it's the employer paying for it or you're a full-time student. The leniency is with the healthcare workers.

Ms. La Costa: Commissioner Freitas.

Mr. Freitas: Thank you, Chair. I have a question about is this, is this a short-term fix or is this something that we just gotta implement and it's gonna be around forever 'cause I was wondering if there should be a time limit if this is just a short-term.

Ms. McLean: Well, it's...there is a timeliness to it, so I can't say with absolute confidence that this language is going to be around for a very long time. Also, with the visitor industry, they keep figuring out different ways to work around the restrictions and permit processes that we have. So, it could be in another year, it's leg up. Here's another thing that we didn't think about. The definition of transient has been in the Code for a long time. Most of these examples have been in the Code for a long time. We're starting to realize they need refinement, and so changes are proposed to clarify them and then adding health care workers specifically. But, you know, I can't say for sure if this is going to last exactly for a long time or if the...there's going to be some new situation, you know, we'd...like earlier, we talked about drones that weren't an issue even five years ago. So, we're doing our best with today.

Mr. Freitas: Okay, thank you.

Ms. La Costa: Thank you. So, the ladies and gentlemen anything else? If not, we will go ahead and do a...Well, a little motion, please and a second, and then we'll vote on this to move it forward to the Council. Thank you. Commissioner Thompson.

Mr. Thompson: Why thank you, Chair. Like to make a motion to accept this with, with the amendments that we've made.

Ms. La Costa: Thank you, Commissioner Lindsey, for the second. Any discussion? No? Discussion for a seconder? Okay, Director, roll call vote please.

Ms. McLean: Okay, just confirming that the changes made were to Condition 2, where we're going to check with the medical community to find out a time duration. Condition 3, to change that to general education classes, and adding Condition 8, for interns and apprentices for conservation organizations. And starting with Commissioner Freitas.

Mr. Freitas: Aye.

Ms. McLean: Commissioner Thompson.

Mr. Thompson: Aye.

Ms. McLean: Commissioner Hipolito.

Mr. Hipolito: Aye.

Ms. McLean: Commissioner Lindsey.

Ms. Lindsey: Aye.

Ms. McLean: Commissioner Thayer.

Ms. Thayer: Aye.

Ms. McLean: Commissioner Greig.

Mr. Greig: Aye.

Ms. McLean: And Chair La Costa.

Ms. La Costa: Aye.

Ms. McLean: Chair, that's seven ayes, no noes, one excused, Vice-Chair Pali.

**It was moved by Mr. Thompson, seconded by Ms. Lindsey, then**

**VOTED: To Recommend Approval of the Proposed Bill, as Recommended by the Department with Amendments as Discussed by the Commission.  
(Assenting – K. Freitas, D. Thompson, M. Hipolito, A. Lindsey, K. Thayer, W. Greig, P D. La Costa)  
(Excused – K. Pali)**

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II