

HLU Committee

From: Ellen K Geary <ellengeary@gmail.com>
Sent: Thursday, July 2, 2026 3:40 PM
To: HLU Committee
Subject: Testimony for re-zoning opportunity: Honokowai Palms
Attachments: Testimony in Support of Honokowai Palms Rezoning.docx

You don't often get email from ellengeary@gmail.com. [Learn why this is important](#)

Please see the attached letter.

As always, thanks for your help and concern for all community members.

A possibility was born on the day you were born and it will live as long as you live.

Marcus Solero

Ellen K. Geary MS, LAc

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TESTIMONY IN SUPPORT OF INCLUDING HONOKOWAI PALMS IN THE H-3/H-4 HOTEL-DISTRICT REZONING PROCESS

To: Chair and Members of the Maui County Council Housing and Land Use Committee
Re: Honokowai Palms

Aloha Chair and Members of the Committee:

My name is Ellen Geary, and I am an owner and current resident at Honokowai Palms. I respectfully request that Honokowai Palms be added to the list of former Minatoya List properties eligible for Council-initiated rezoning to the proposed H-3 or H-4 Hotel District.

I have held a legal short-term vacation rental permit for my unit for approximately ten years. I purchased, maintained, and operated the property in reliance upon Maui County's longstanding recognition that transient vacation rental use was lawful at Honokowai Palms.

I am not a mainland investor who purchased Maui property solely for speculative or extractive purposes. I purchased Unit C1 for my own use after spending approximately twelve years paying off the student loans I incurred to become a practitioner of community-based medicine. My investment in Honokowai Palms was the result of many years of professional service, financial discipline, and commitment to building a life on Maui.

I am also a Lahaina fire victim. I currently live at Honokowai Palms in Unit C3, so I experience this issue not only as a permitted short-term rental owner, but also as a Maui resident, a fire survivor, and a person directly affected by the island's housing crisis. I understand the competing concerns from multiple sides.

Honokowai Palms owners have also made a meaningful contribution to housing Lahaina residents after the wildfire. Immediately after the fire, beginning on August 9, 2023, I and other owners opened our units to displaced Lahaina residents. We did not merely discuss helping the community; we made our properties available during an acute housing emergency.

Many units at Honokowai Palms have continued to be rented to Lahaina residents since the fire, and that remains true today. This is important because it demonstrates that legal short-term rental status and community housing support are not mutually exclusive. Honokowai Palms has provided both visitor accommodation and urgently needed local housing, depending upon the needs of the community.

I am not asking the County to authorize a new or previously unlawful use. I am asking the County to preserve a legal, established use upon which owners have relied for many years.

Honokowai Palms has a documented history of use and promotion as a condominium-hotel property. Historical brochures advertised the property as visitor accommodation,

and owners were consistently advised that its transient use was protected because of the property's historical operation and the period in which it was constructed.

This history should be given substantial weight.

Honokowai Palms was not simply developed as a conventional residential apartment building whose units were later converted into vacation rentals. Visitor accommodation was part of the property's historical identity, marketing, and pattern of use.

The property's current zoning designation does not fully reflect that history. Many older Maui properties were developed and operated during periods when the distinction between apartment use and visitor accommodation was not treated in the same manner it is today. The County should therefore consider actual historical use, documentary evidence, and longstanding legal reliance rather than relying exclusively upon present zoning labels.

Owners at Honokowai Palms have complied with County permitting requirements and have paid the applicable transient accommodation, general excise, and property taxes associated with legal short-term rental activity. We made financial decisions based upon the County's authorization of this use and upon representations that the property's historical visitor use was grandfathered or otherwise protected.

Removing that use now would fundamentally alter the economic expectations under which owners purchased, financed, improved, and maintained their units.

I recognize Maui's serious need for housing. However, eliminating short-term rental use at every apartment-zoned property does not necessarily create attainable local housing. Association fees, insurance costs, acquisition prices, financing requirements, deferred maintenance, and other ownership expenses may make some units economically unsuitable for the average local buyer or renter.

The recent history of Honokowai Palms also shows that preserving legal transient use does not prevent owners from housing local residents. Since August 9, 2023, owners have repeatedly demonstrated a willingness to respond to Maui's housing needs by renting to Lahaina fire survivors and residents.

The County should evaluate each property individually and distinguish between properties that can realistically serve Maui's residential housing needs and properties with a demonstrable history of lawful condominium-hotel or visitor-oriented use. In some cases, including Honokowai Palms, both functions have coexisted.

For Honokowai Palms, that evaluation should include:

- Historical brochures and promotional materials describing the property as a condominium-hotel;
- The age and original use of the property;
- The longstanding issuance and recognition of legal short-term rental permits;

- The duration of lawful transient use;
- Owners' reliance upon County-authorized use;
- The property's role in housing displaced Lahaina residents after August 8, 2023;
- The continued presence of Lahaina residents living at the property;
- The financial and operational characteristics of the property; and
- Whether eliminating legal transient use would genuinely produce additional attainable housing.

Excluding Honokowai Palms from the rezoning list without reviewing this evidence would create a severe and inequitable loss for owners who acted lawfully, supported the community during the wildfire crisis, and relied in good faith upon Maui County's recognition of the property's lawful use.

I respectfully request that the Committee:

1. Add Honokowai Palms to the properties eligible for consideration for H-3/H-4 rezoning;
2. Allow the association and individual owners to submit historical brochures, permits, tax records, rental records, and other evidence of condominium-hotel and transient accommodation use;
3. Consider the property's documented role in housing Lahaina fire victims and residents;
4. Evaluate the property according to its actual historical use, present community function, and economic characteristics; and
5. Preserve the lawful reliance interests of owners who have operated under County authorization for many years.

Honokowai Palms has a documented history of visitor accommodation, longstanding legal transient use, and meaningful service to Lahaina residents after the wildfire. It deserves full and fair consideration for inclusion in the proposed rezoning process.

Mahalo for your time and consideration.

Respectfully submitted,

Ellen Geary

Owner, Units C1 and C3

Honokowai Palms

[Mailing address]

[Telephone]

[Email address]

HLU Committee

From: County Clerk
Sent: Thursday, July 2, 2026 8:42 AM
To: HLU Committee
Subject: Fw: URGENT- THEFT OF HAWAIIAN KINGDOM ROYAL PATENTED ALLODIAL TITLED LANDS

From: TheRoyalHouseOfHawaii <theroyalhouseofhawaii@gmail.com>

Sent: Wednesday, July 1, 2026 5:10 PM

To: Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>; Mayors.Office@co.maui.hi.us <Mayors.Office@co.maui.hi.us>; Thomas M. Cook <Thomas.Cook@mauicounty.us>; County Clerk <County.Clerk@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Maui.rptc@co.maui.hi.us <Maui.rptc@co.maui.hi.us>; boardofethics@mauicounty.gov <boardofethics@mauicounty.gov>; blnr.testimony@hawaii.gov <blnr.testimony@hawaii.gov>; Budget.office@co.maui.hi.us <Budget.office@co.maui.hi.us>; CorpCounsel@mauicounty.gov <CorpCounsel@mauicounty.gov>; corpcoun@mauicounty.gov <corpcoun@mauicounty.gov>; charter.commission@mauicounty.gov <charter.commission@mauicounty.gov>; K. Kauanoë Batangan <k.kauanoë.batangan@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; APT Committee <apt.committee@mauicounty.us>; Lois.Whitney@mauicounty.gov <Lois.Whitney@mauicounty.gov>; Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>; planning@mauicounty.gov <planning@mauicounty.gov>; InfoDesk@ohchr.org <InfoDesk@ohchr.org>; ethicsoffice@un.org <ethicsoffice@un.org>; urgent-action@ohchr.org <urgent-action@ohchr.org>; DRL-Press@state.gov <DRL-Press@state.gov>; ONHR@ios.doi.gov <ONHR@ios.doi.gov>; contact@hirono.senate.gov <contact@hirono.senate.gov>; contact@schatz.senate.gov <contact@schatz.senate.gov>; info@oha.org <info@oha.org>; dhhl.hcc@hawaii.gov <dhhl.hcc@hawaii.gov>; hawaiiag@hawaii.gov <hawaiiag@hawaii.gov>; Mayors Office <mayors.office@mauicounty.gov>; Maui_County_Council_mailbox <county.council@mauicounty.us>; indigenous@ohchr.org <indigenous@ohchr.org>; indigenous_un@un.org <indigenous_un@un.org>

Subject: URGENT- THEFT OF HAWAIIAN KINGDOM ROYAL PATENTED ALLODIAL TITLED LANDS

TESTIMONY BEFORE THE MAUI COUNTY COUNCIL

HOUSING AND LAND USE COMMITTEE for meeting on JULY 1, 2026

POSITION: STRONG OPPOSITION

Violations on An international level Found

Aloha Chair and Members of the Housing and Land Use Committee,

Im testifying as a Hawaiian Kingdom National royal patentent descendant of the original title holders, a Sovereign, Citizen of The Royal Pattented Allodial Titled Hawaiian Kingdom by Kamehameha 3. I submit this testimony in strong opposition

I. ILLEGAL EXERCISE OF JURISDICTION OVER ALLODIAL ROYAL PATENT LANDS

1. All lands in the Hawaiian Islands are vested in allodial title by Royal Patent, established under Kamehameha III through the Mahele of 1848 Royal Patents & Land Commission Awards which are the true and clear title which superceeded any other titles made by someone other than Kamehameha 3 & God. Said patents were issued to original title holders and their heirs and successors in perpetuity which has already been adjudicated from 1840's. By your law and Law of the Hawaiian Kingdom ALL lands are

supposed to revert and should have already belong back to the original title holder and their descendants and haven't

2. The descendants of said original awardees and patentees are the rightful, legal, title holders to specific 'āina to this day and forever on. No lawful conveyance of title has ever occurred from the descendants or the original title holders of ALL lands in the Hawaiian Kingdom because all of Hawaii is in fact royal patented allodial titled and was NEVER and WILL NEVER be given to the State of Hawai'i, County of Maui, or United States.

3. The County of Maui is a corporation created under the laws of the State of Hawai'i which is the United States. It holds no lawful jurisdiction, sovereignty, or authority to make land use decisions, zoning changes, or community plan amendments affecting Royal Patent lands without the free, prior, and informed consent of the descendants of the original patentees for each specific parcel.

II. VIOLATIONS OF INTERNATIONAL LAW

1. The continued assertion of jurisdiction and the overdevelopment of lands belonging to Kanaka Maoli without consent violates the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), specifically Articles 10, 26, and 32, which require States to obtain free, prior and informed consent before approving any project affecting indigenous lands or resources.

2. The United States' illegal occupation of the Hawaiian Kingdom since January 17, 1893 remains a matter of ongoing international dispute. Actions by political subdivisions of the occupying power to alienate or reclassify land constitute further acts of usurpation.

3. The cumulative injurious harm from effect of rezoning, development approvals, and business operations on lands without title holder consent constitutes a systematic deprivation of land, resources, and culture. Under Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, deliberately inflicting conditions of life calculated to bring about the physical destruction of a group, in whole or in part, constitutes genocide. The dispossession and overdevelopment of 'āina directly threatens the survival of Kanaka Maoli as a distinct people, and most especially the specific descendants of each property whose genealogical ties to all specific 'āina

Therefore, I demand that this Committee:

-Recognize that this lacks legal authority to make land use decisions over Royal Patent, allodial-titled lands;

-Defer all such matters to the descendants of the original awardees and patentees of each specific parcel affected and also all parcels because all Hawaii is royal patented allodial titles

-To proceed without consent of the rightful heirs is illegal, constitutes an international violation, and furthers the ongoing genocide of Kanaka Maoli. So Return Lands to the descendants of the original title holders

Again A'ole. ALL DESCENDANTS of this Royal Patent Allodial Titled Kingdom and I DO NOT AND will NEVER consent are needed to be returned to The Hawaiian Kingdom And the descendants because all of Hawaii is royal patented allodial titled so lands need to be returned to the specific original title holders descendants that was internationally recognised because there was no consent from us.

Questions-

Why are many TMK Legal info being changed and erasing the RP(Royal Patent) & LCA(Land Commission Award)? because they are supposed to recognise and acknowledge that the original title holder and their descendants own that land forever because it assigns forever. in reference of HRS 172-11 which is based off of Hawaiian Kingdom Law.

Responses can be sent to TheRoyalPattentedHawaiianKingdom@Gmail.com

SOURCES

Mahele Book

https://digitalarchives.hawaii.gov/item/ark:70111/s3G?fbclid=IwRIRTSASyo2hwZG9mAWZkaWQWUJx9VOXI3yqx17R1g8xcmBhWltwQ_GV4dG4DYWVtAjExAHNydGMGYXBwX2lkDzE3Mzg0NzY0MjY3MDM3MAAABHlfalf3gXtf1u-zDJg2C3FkLULoDqEx3V4qZrFRpB2gll7b5lmYSnHc3eMk-_aem_xwa4keP-Q-2cOPeRjkKinA

DEPT. OF LAND AND NATURAL RES. NATIVE REGISTER MICROFILMED 1964 Originals in State Archives

https://digitalarchives.hawaii.gov/item/ark:70111/s4n?fbclid=IwRIRTSASypBZwZG9mAWZkaWQWUJx9VOXI3yqx17R1g8xcmBhWltwQ_GV4dG4DYWVtAjExAHNydGMGYXBwX2lkDzE3Mzg0NzY0MjY3MDM3MAAABHlfalf3gXtf1u-zDJg2C3FkLULoDqEx3V4qZrFRpB2gll7b5lmYSnHc3eMk-_aem_xwa4keP-Q-2cOPeRjkKinA

https://digitalarchives.hawaii.gov/item/ark:70111/s4p?fbclid=IwRIRTSASypDdwZG9mAWZkaWQWUJx9VOXI3yqx17R1g8xcmBhWltwQ_GV4dG4DYWVtAjExAHNydGMGYXBwX2lkDzE3Mzg0NzY0MjY3MDM3MAAABHlfalf3gXtf1u-zDJg2C3FkLULoDqEx3V4qZrFRpB2gll7b5lmYSnHc3eMk-_aem_xwa4keP-Q-2cOPeRjkKinA

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DEPT. OF LAND & NAT. RESOURCES BD. OF COMM.
TO QUIET LAND TITLES NATIVE REGISTER VOL. 1 –
9

https://digitalarchives.hawaii.gov/item/ark:70111/s4t?fbclid=IwRIrTSASypRZwZG9mAWZkaWQWUJx9VOXI3yqx17R1g8xcmBhWltwQ_GV4dG4DYWVtAjExAHNydGMGYXBwX2lkDzE3Mzg0NzY0MjY3MDM3MAABHlfalf3gXtf1u-zDJg2C3FkLULoDqEx3V4qZrFRpB2gll7b5lmYSnHc3eMk-_aem_xwa4keP-Q-2cOPeRjkKinA

https://digitalarchives.hawaii.gov/item/ark:70111/s4v?fbclid=IwRIrTSASypVpwZG9mAWZkaWQWUJx9VOXI3yqx17R1g8xcmBhWltwQ_GV4dG4DYWVtAjExAHNydGMGYXBwX2lkDzE3Mzg0NzY0MjY3MDM3MAABHlfalf3gXtf1u-zDJg2C3FkLULoDqEx3V4qZrFRpB2gll7b5lmYSnHc3eMk-_aem_xwa4keP-Q-2cOPeRjkKinA

HLU Committee

From: Kerry Nugent <kerrynugent51@gmail.com>
Sent: Thursday, July 2, 2026 6:16 AM
To: HLU Committee
Cc: Paul.Gomez; Ty Emanuel; Rebecca S. Buss; reenys@comcast.net; Shannon Sheldon
Subject: Written Testimony in Support of Resolution 26-110 for the Kuleana
Attachments: Kuleana Boundaries.pdf

You don't often get email from kerrynugent51@gmail.com. [Learn why this is important](#)

Dear HLU Committee Members,

Mahalo for your ongoing efforts to improve the property zoning on Maui following the passage of Bill 9 and Bill 88. As president of the Kuleana AOA Board of Directors, I would personally like to thank the committee members for adding the Kuleana to Resolution 26-110, Section 2 to change our zoning status from A1 to H3 and allow our continued use of TVR's at the Kuleana. I believe this change is well supported by the fact that 33 of the 118 units at the Kuleana are timeshare units and have been so since the 1970's. The Kuleana is truly a mixed use complex with ~25% timeshare, ~25% owners occupied or long term rentals and ~50% short term rentals (which have been acting as TVR's for over 3 decades).

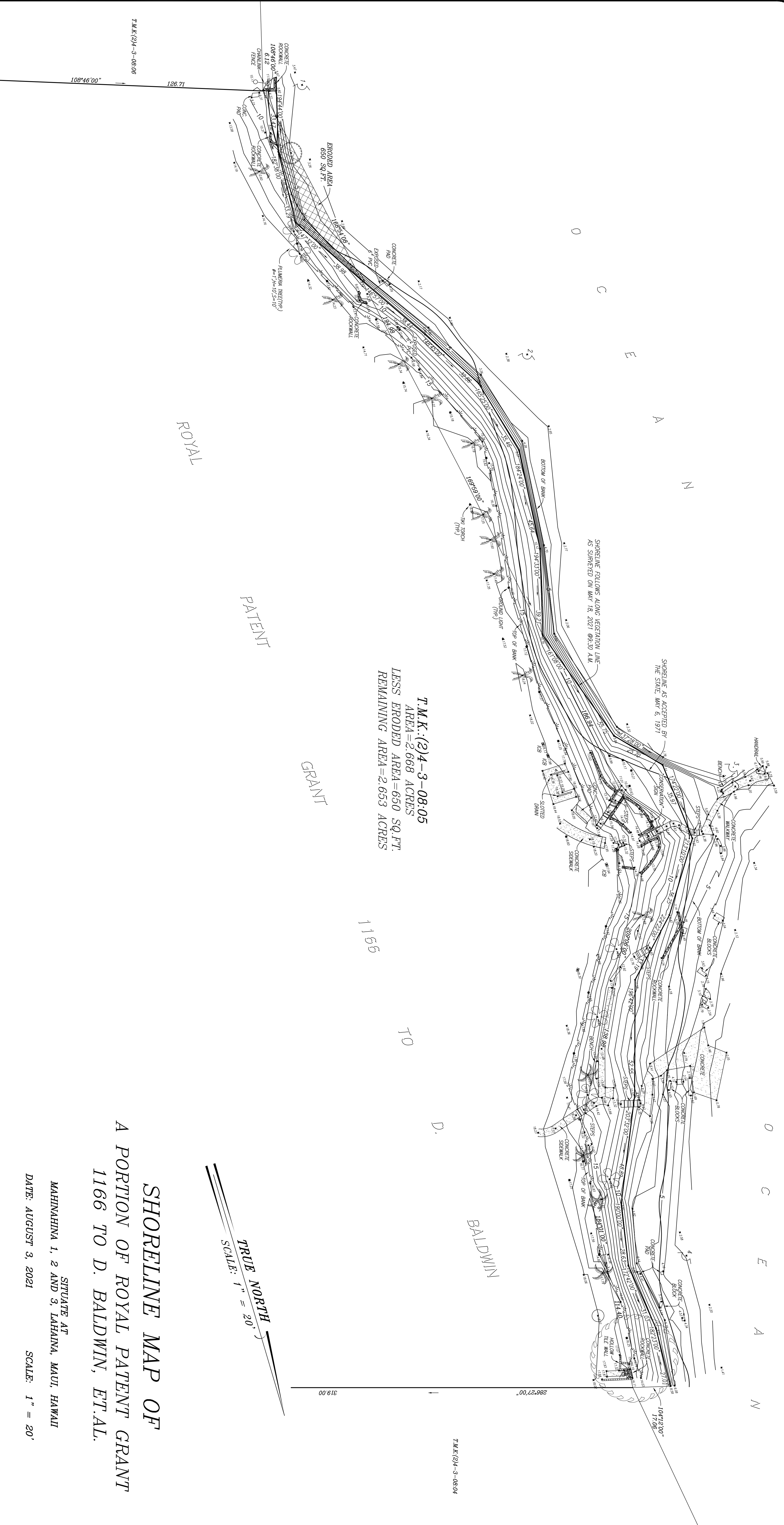
The Kuleana also operates like a hotel in that it has a front office, a Property Manager and five full time staff members for landscaping, maintenance and security (all six of whom are full time Maui residents), and is supported by the Kuleana Association's Re-stated Declaration from April 29, 1992, which states: "The apartments herein above described shall at all times be used as permanent or temporary residences or as hotel rooms and for no other purpose."

The Kuleana also sits directly on the oceanfront in Honokowai (see attached map) and is aware of the potential issues from shoreline rise due to climate change. As our name says, the Kuleana encompasses a multifaceted concept including responsibility, privilege, and the right to care for one's land, family, and community. It goes beyond a simple duty and includes a sense of personal privilege and a deep connection to one's place in the world and one's heritage.

As this rezoning process moves forward, please let us know if the Kuleana rezoning committee can provide any additional information to help the HLU Committee, the Maui Council and/or the Maui Planning Department in securing H3 zoning status for the Kuleana.

Mahalo Nui Loa,

Kerry Nugent
Kuleana HOAO Board President



T.M.K.:(2)4-3-08:05
 AREA=2.668 ACRES
 LESS ERODED AREA=650 SQ.FT.
 REMAINING AREA=2.653 ACRES

1166 TO D.

**SHORELINE MAP OF
 A PORTION OF ROYAL PATENT GRANT
 1166 TO D. BALDWIN, ET.AL.**

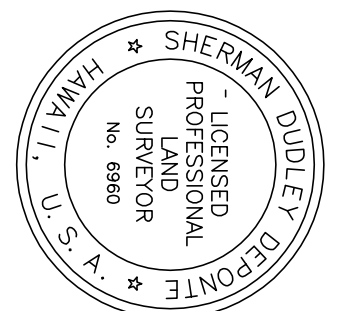
SITUATE AT
 MAHINAHINA 1, 2 AND 3, LAHAINA, MAUI, HAWAII
 DATE: AUGUST 3, 2021 SCALE: 1" = 20'

AKAMAI LAND SURVEYING, INC.

PROPERTY OWNER & ADDRESS:
 KULEANA II CONDO MASTER
 3959 LOWER HONOAPILANI ROAD UNIT C423
 LAHAINA, HAWAII 96761

MAKAMAO, MAUI, HAWAII 96768
 (808)976-0177

THIS WORK WAS DONE BY ME OR
 UNDER MY DIRECT SUPERVISION.



SHERMAN DUDLEY DEPONTE
 LICENSED PROFESSIONAL LAND SURVEYOR
 STATE OF HAWAII CERTIFICATE NO. 6960
 EXPIRATION DATE: 30 APRIL 2022

NOTES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON MAY 18, 2021 @ 9:30 A.M.
2. (1) DENOTES PHOTO NUMBER, LOCATION AND DIRECTION.
3. AZIMUTHS AND COORDINATES SHOWN HEREON REFER TO GOVERNMENT SURVEY TRIANGULATION STATION TAINA Δ.
4. ELEVATIONS SHOWN HEREON ARE BASED ON MAHINAHINA STREET & AKAHUE STREET INTERSECTION MONUMENT PROVIDED TO THIS OFFICE BY WARREN S. ONEKORI ENGINEERING, INC.

T.M.K. (2) 4-3-08: 05

