

**REALTORS® Association of Maui, Inc.**

**GOVERNMENT AFFAIRS COMMITTEE MINUTES**

**September 1, 2011**

**Committee Responsibilities and Job Description: Reviews County legislation (existing or proposed) affecting the real estate industry. Develops and recommends to the Executive Committee and/or the Board of Directors, Association positions, legislation to be sponsored, and testimony to be given at the County level. Members and/or Government Affairs Director attend Land Use and County Council Meetings where real estate-related issues are discussed and report back to the committee.**

**Chairperson:** Elaine Waldow  
**Vice-Chairperson:** Mike Trotto  
**Members:** Marina Batham, Sylvia Cabral, Lawrence Carnicelli, Victoria Cheromcka, Deborah Davis, Michelle Del Rosario, Bruce Faulkner, Marion Haller, Mark Harbison, Robbi Kean, Bob Lightbourn, Helen MacArthur, Sarah Sorenson, Margit Tolman, Roy Vandoorn  
**Staff:** Dave DeLeon, Terry Tolman  
**Excused:** Marina Batham, Deborah Davis, Margit Tolman  
**Guests:** Lisa Teichner, Bob Horcajo, Tonia Johnson

- I. **Call to order. Meeting called to order at: 1 p.m.**
- II. **Quorum: Quorum obtained, 14 attending, 9 required**
- III. **Minutes of Meeting of July 7, 2011 meeting were approved.**
- IV. **Chair Elaine Waldow acted as Chair**
- V. **NEW BUSINESS:**

**A. AGENCY TASK FORCE AND STRATEGY FORMED**

Roy Vandoorn, the chair of RAM's Agency Task Force, reported to the GAC the history of this effort and what the strategy going forward is. He said that the effort began with a request from RAM's GAC to HAR's GAC to include reforming state Agency laws in its 2012 legislative program. That request was firmly rejected. We checked with our own Brokers Forum and were assured that there is indeed a problem with the membership's inability to understand the issue and its pitfalls. Not wanting to drop this issue, we formed our own RAM Agency Task Force.

Following the advice of former HAR President and Agency reform advocate Tracy Stice, the RAM ATF proposed to take an educational tact. The goal is 1) to promote consumer protection and 2) agent protection against unnecessary legal entanglements. The approach will be to promote awareness and education on the complexity of the issue. One step is to promote a CE required course on Agency. Another is recruit national grade speakers to review the issue to a larger audience and provide courses. The plan includes surveying brokers about their knowledge of the issue and setting a baseline for membership awareness. Ultimately, RAM would like to build enough awareness about Agency issues statewide to allow the creation of alliances to address legal issues via legislation. Roy emphasized that this will be a “marathon, not a sprint.” Lengthy general discussion followed his presentation.

### **B. HOW TO MAKE OPEN HOUSE SIGNS LEGAL**

Dave DeLeon reported the following: About two months ago, a couple of Realtors – Tom Paxton and Peter Davis – appeared at a Council Planning Committee meeting on signage to complain about the way Realtors’ signs are being abused by Public Works. They got a sympathetic response from the committee members and Public Works was told to attempt to work something out. The Realtor observers of this situation thought that there had been a moratorium on general sign pickups instituted, but instead a bunch more were picked up and destroyed. County Economic Development Coordinator Teena Rasmussen and Council Member Couch spoke to Public Works to get them to back off. The chief issues appear to be focused on South Kihei Road and Lower Honoapiilani Road. Dave began working with Peter Davis and Roger Pleski to create a protocol that will be offered to Public Works as a means to set the criteria for legal use of Open House signs. Members reported that the County workers only seem to go after Realtor signs, not others. There was also the case of signs put up for the annual Hana caravan being taken the same day that they were put up. Dave said there were two goals: one is to create system in which open house signs are legal and two is that dropping them at the dump is unacceptable.

### **C. RAM AGRICULTURAL COMMITTEE REVIVED, STRATEGY FORMED, AG TAXES DISCUSSED.**

Dave DeLeon and Bob Horcajo jointly led this discussion. Dave led off by re-capping the situation to date. Recently the County Council approved a measure creating new 2-ac, 5-ac, and 10-acre rural zoning categories. These new categories would allow for property to be shifted from ag to rural without changing densities. The second change was a policy proposal by the Arakawa Administration to move some already subdivided, small-lot rural properties from ag to rural planning. Some of the neighborhoods suggested for this change included: Kula 200, Launiupoko, and Haiku Hill. Dave mentioned having brought this concept to some communities two years ago and getting a mixed result. It was pointed out that many property owners are clueless about the requirements of their zoning. Bob Horcajo said he has been following this issue for years and that his main goals are the preservation of our Important Ag Lands inventories

and removing the requirement that small lot ag owners farm by changing their zoning to rural. He reviewed the legislative history of this discussion over the last ten years. Bob pointed out that the state could just declare certain lands Important Ag Lands using the state's existing "Agricultural Lands of Importance State of Hawaii (ALISH)" mapping as the base. Fundamentally the work has already been done. Dave reported that the state is apparently re-inventing the wheel on Kauai, going to a complex, multi-year process to determine that lands should again be declare "important." He also re-counted the battles at the legislature to keep punishing laws – meant ostentatiously to "protect agriculture" – off the books. RAM will have to keep fighting these battles until these properties are moved out of the ag inventory. Bob said that the main reason most move on these properties is a rural lifestyle. That should be recognized. The GAC agreed to revive its Agricultural Committee and Bruce Faulkner, Elaine Waldow, Victoria Cheromcka, Lisa Teichner, Lawrence Carnicelli, Toni Johnson, agreed to serve under Bob's leadership on the committee. As for Mike White's proposed review of the tax incentives given to ag property owners, Dave said the Makawao Council Member seemed to be fixed on any areas where property owners are given tax breaks at the expensive of hotel and time share owners. The hotels and the timeshares are carrying the load for the rest of the categories, and especially the residential categories, he pointed out. Dave said to expect to see Mike White to continue leading the Council's discussion on this topic.

## **VI. A. COMMITTEE REPORTS**

**WATER** -- Bruce Faulkner reported on the Council's Water Committee debate on re-opening the Hamakuapoko Wells for human consumption. The committee approved the proposal 5 to 1. There was discussion about the Na Wai Eha water case and Water Director Dave Taylor's excellent performance before the Council's Water Committee. Dave DeLeon also reported on getting the County to reverse a water hookup moratorium in Central Maui that was negatively affecting Real Estate deals.

**AFFORDABLE HOUSING** -- Victoria Cheromcka reported on problems getting VA to recognize that Pukalani is not in Makawao. Others reported similar problems. Her proposed deal failed because of the appraiser's screw-up, she said.

**RPAC** – RAM RPAC Chair Mike Trotto reported on the money raised by RAC via the State Real Estate Convention.

**GAD REPORT** – GAD Dave DeLeon reported (1) that NAR has created a new website and new tools to aid local government affairs efforts as part of its new "My Realtors' Party" initiative. (2) Dave asked for clarity over RAM's position on Council elections. After extensive discussion, the committee decided to support changing the current 2-year Council elective cycle to 4-year terms, with a maximum total of two terms. (3) Dave asked if RAM should seek further RPAC funds for Council Member Couch's upcoming \$100 a plate fundraiser. The committee agreed that RAM should request \$1000 for this event. (4) Dave pointed out that Carol Ball's term on the Real Estate Commission is nearly pau

and that RAM should seek a nominee to replace her as Maui's member on the commission.

**Date & Time of next GAC Meeting: November 3, 2011 at 1 p.m.**

**VII. Adjournment: CALLED AT: 3 p.m. by Chair Elaine Waldow**

**VIII. Minutes submitted by David DeLeon**