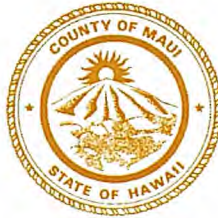


MICHAEL P. VICTORINO
Mayor

LORI TSUHAKE
Director

LINDA R. MUNSELL
Deputy Director



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OFFICE OF THE MAYOR

DEPARTMENT OF HOUSING
& HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

November 12, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Honorable Tasha Kama, Chair
Affordable Housing Committee
Maui County Council
200 S. High Street
Wailuku, Hawaii 96793

Michael P. Victorino 11/12/19
Mayor Date

Dear Chair Kama:

**SUBJECT: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H,
HAWAII REVISED STATUTES (AH-1(4)))**

I am transmitting a proposed resolution entitled "AMENDING RESOLUTION NO. 18-187 (MODIFICATION NO. 1) TO ALLOW THE DIRECTOR OF HOUSING AND HUMAN CONCERNS TO EXTEND TIME DEADLINES FOR COMMENCEMENT OF CONSTRUCTION AND COMPLETION OF THE WAILUKU APARTMENT RENTAL HOUSING PROJECT".

The purpose of the proposed resolution is to authorize the Director of Housing and Human Concerns to extend time deadlines for the commencement of construction and completion of the Wailuku Apartment Rental Housing Project. This agreement outlines the respective roles and responsibilities of each party with respect to the timeline of project completion and the possibility of extension if so granted by the Director of Housing and Human Concerns.

I respectfully request that this matter be referred to the appropriate Council Committee for review, discussion, and expeditious action.

Honorable Tasha Kama, Chair
Affordable Housing Committee
Maui County Council
November 12, 2019
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Thank you for your attention to this matter. If you have any questions or require additional information, please feel free to contact me at Ext. 7805.

Sincerely,



LORI TSUHAKO, LSW, ACSW
Director of Housing and Human Concerns

Attachment

xc: Buddy Almeida, Housing Administrator

RESOLUTION

No. _____

AMENDING RESOLUTION NO. 18-187 (MODIFICATION NO. 1) TO ALLOW THE DIRECTOR OF HOUSING AND HUMAN CONCERNS TO EXTEND TIME DEADLINES FOR COMMENCEMENT OF CONSTRUCTION AND COMPLETION OF THE WAILUKU APARTMENT RENTAL HOUSING PROJECT

WHEREAS, on November 15, 2018 the Maui County Council adopted Resolution No. 18-187 approving with modification the Wailuku Apartment Rental Housing Project by Legacy Wailuku LLC pursuant to Section 201H-38, Hawaii Revised Statutes; and

WHEREAS, Section 1 of Exhibit "A" attached to Resolution No. 18-187 requires that the construction of the Wailuku Apartment Rental Housing Project shall commence within two (2) years of the effective date of said Resolution and be completed, with Legacy Wailuku LLC's good faith and reasonable best efforts, no later than five (5) years after the effective date of said Resolution; and

WHEREAS, Project commencement has been unexpectedly delayed by unanticipated recent events requiring repairs and upgrade to Maui County's wastewater system near Lower Main (referred to as the "County's Facilities"); and

WHEREAS, to facilitate a solution, Legacy Wailuku LLC has agreed to provide, at its own expense, the engineering work needed for the County to upgrade the County's Facilities and to obtain all required environmental reviews and approvals for said work; and

WHEREAS, due to the scope and complexity of Legacy Wailuku LLC's agreed tasks on the County's Facilities, both encountered to date and anticipated, Legacy Wailuku LLC has requested an amendment to Resolution No. 18-187 to provide additional flexibility on its own project time deadlines; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

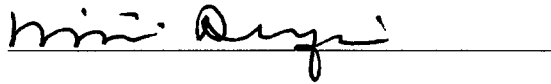
1. That based on the transmittals and representations of HHFDC and Legacy Wailuku LLC, the Council amends in its entirety, paragraph 1 of the Modifications attached to Resolution No. 18-187 as Exhibit "A" to read as follows:

"1. Construction of the Wailuku Apartment Rental Housing Project ("Project") shall commence within one (1) year after the County shall have physically started its construction of said repairs and upgrade of the County's Facilities defined above. Commencement and construction of the Wailuku Apartment Rental Project shall mean the visible start of grading, pursuant to a

valid grading permit as needed for the development of the property. Legacy Wailuku LLC shall act in good faith and with reasonable best efforts to complete construction of the 195 residential workforce housing units, with all related roads and infrastructure, no later than three (3) years after the commencement of construction; provided, however, that the Director of Housing and Human Concerns shall have the authority to extend the deadline for completion of construction by not more than one (1) twelve-month extension, provided that (a) the Director of Housing and Human Concerns shall be satisfied that such extension shall be for good cause shown and that Legacy Wailuku LLC has proceeded diligently and in good faith to commence and complete the Project efficiently and as soon as practicable."

2. That certified copies of this Resolution shall be transmitted to the Director of Housing and Human Concerns, the Planning Director, Director of Public Works, Executive Director of HHFDC, and Legacy Wailuku LLC.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Mimi Aye", is written over a horizontal line.

Deputy Corporation Counsel
County of Maui