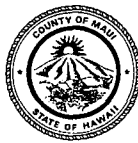


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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 31, 2017

Patrick Wong, Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Wong:

**LETTER ADDENDUM SUBJECT: INDEPENDENT DEVELOPMENT  
OF PROJECTS**

**[§201H-41] Independent development of projects.** states:

- (a) In any county, the corporation may develop or may enter into agreements to develop housing projects with an eligible developer if in the corporation's reasonable judgment a project is primarily designed for lower income housing. The agreement may provide for the housing to be placed under the control of the corporation, or to be sold by the corporation, or to be sold to the corporation as soon as the units are completed and shall contain terms, conditions, and covenants as the corporation, by rules, deems appropriate. Every agreement shall provide for the developer to furnish a performance bond in favor of the corporation, assuring the timely and complete performance of the housing project. Sureties on the bond shall be satisfactory to the corporation.
- (b) The plans and specifications for the housing project shall:
  - (1) Provide for economically integrated housing by stipulation and design;
  - (2) Provide for the sale of all dwelling units in fee simple or in leasehold either to the corporation or to the purchaser and

*submitted by member cochran 11/1/17 to committee*

in all cases subject to all of the provisions of sections 201H-47, 201H-49, and 201H-50 excepting units sold at market price; and

- (3) Encompass the use of lands adequately suited to the size, design, and types of occupancies designated in subsection (a), properly located for occupancy by the group for which the project was primarily designed, properly districted for the use intended prior to the agreement, and appropriately zoned within an urban land use district or appropriate in its situation and surroundings for more intensive or denser zoning.
- (c) The corporation may accept and approve housing projects independently initiated by private developers that fully comply with subsections (a) and (b). The corporation may review the plans, specifications, districting, and zoning of the project for the purpose of exempting the project from all statutes, ordinances, charter provisions, and rules of any government agency **relating to zoning** and construction standards for subdivisions, development, and improvement of land and the construction, improvement, and sale of dwelling units thereon; provided that the procedures in section 201H-38(a)(1), (2), and (3) have been satisfied. [L 2006, c 180, pt of §3]

"Corporation" means the Hawaii housing finance and development corporation. (HHFDC)

If Makila Kai or the Department of Housing and Human Concerns are operating under the assumption that this application satisfies the terms of 201H-41, it should be noted that 201H-41 does not give approving authority of DBA's to the Council either.

**§205-4 Amendments to district boundaries involving land areas greater than fifteen acres.** states:

- (a) Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district. **This section applies to all petitions for changes in**

**district boundaries of lands within conservation districts, lands designated or sought to be designated as important agricultural lands, and lands greater than fifteen acres in the agricultural, rural, and urban districts, except as provided in section 201H-38.** The land use commission shall adopt rules pursuant to chapter 91 to implement section 201H-38.

Has the corporation (HHFDC), approved this project under the requirements of 201H-41 and provided the county with a copy of their housing agreement establishing that the project satisfies the requirements of 201H-41 and is primarily designed for lower income housing?

Was HHFDC represented to the council as being "the applicant" during the 201H fast track application process?

Please confirm or prove false that a DBA approval would still require land use commission review through 201H-41 Independent Development of Projects.

Mahalo,

A handwritten signature in black ink that reads "Elle Cochran". The signature is written in a cursive, flowing style.

ELLE K. COCHRAN  
Councilmember

cc: Robert Carroll, Land Use Committee Chair

