

# Resolution

No. 24-188

APPROVING EXCEPTIONS FROM THE CONDITIONS OF SECTION 3.35.070, MAUI COUNTY CODE, FOR THE RESIDENTIAL WORKFORCE HOUSING PROJECT OWNED BY WAIKAPU DEVELOPMENT VENTURE LLC AND LOCATED ON A PORTION OF PROPERTY IN WAILUKU, MAUI, HAWAI'I, AND FURTHER IDENTIFIED FOR REAL PROPERTY TAX PURPOSES AS TAX MAP KEY (2) 3-5-002:011

WHEREAS, on September 7, 2018, the Maui County Council adopted Resolution Number 18-150, approving with modifications the proposed Affordable Workforce Housing Project owned by Waikapu Development Venture LLC, and located on a portion of property in Wailuku, Maui, Hawai'i, and further identified for Real Property Tax purposes as Tax Map Key (2) 3-5-002:011, (the "Project") in accordance with Section 201H-38, Hawai'i Revised Statutes (the "Resolution"); and

WHEREAS, on July 24, 2020, the Maui County Council adopted Resolution Number 20-107, amending the Resolution to extend the deadline for the commencement of construction and the deadline for the completion of construction; and

WHEREAS, on June 7, 2024, the Maui County Council adopted Resolution Number 24-94, CD1, FD1, amending the Resolution recognizing the conversion of twelve duplex units to twelve single-family dwelling units, modifying the modifications and exemptions for the Project, and extending the time to complete the Project to September 7, 2029; and

WHEREAS, as the Project is a for-sale development, Waikapu Development Venture LLC is unable to comply with certain requirements of Section 3.35.070, Maui County Code; and

WHEREAS, in accordance with Section 3.35.070, Maui County Code, a grant or loan agreement for the distribution of funds must contain certain conditions and restrictions, unless otherwise approved by the Council by Resolution; and

WHEREAS, the proposed exceptions are attached and incorporated as Exhibit 1; and

WHEREAS, in accordance with 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. The Project, approved by Resolution Number 18-150, as amended, is granted an exception to the requirements of Section 3.35.070, Maui County Code, as established on Exhibit 1;

2. The Mayor or his designee are authorized to execute any documents and take all necessary actions to effectuate the intent of this Resolution; and

3. That certified copies of this resolution must be transmitted to the Finance Director, the Director of Housing, and Waikapu Development Venture LLC.

APPROVED AS TO FORM  
AND LEGALITY:



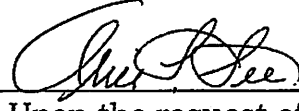
Deputy Corporation Counsel  
County of Maui

# **EXHIBIT 1**

Exceptions to the requirements of Section 3.35.070.A, Maui County Code:

1. An exception from Section 3.35.070.A.1, Maui County Code, requiring that “title to any real property must be held in perpetuity by the grantee or borrower unless conveyed to the County or to a qualified nonprofit or community land trust” to the extent necessary to allow residential workforce housing units to be sold to selected purchasers.
2. A partial exception from Section 3.35.070.A.2, Maui County Code, so that Waikapu Development Venture LLC, is not required to provide annual reports documenting the progress towards “implementing long-term management of the affordable housing project” since the Project is a for-sale development, there will not be any “long-term management”.
3. An exception from Section 3.35.070.A.3, Maui County Code, requiring that, “the project must not be sold, exchanged, divested, or converted to other uses that are inconsistent with the purposes set forth in this chapter without the prior approval of the council by resolution” to the extent necessary to allow residential workforce housing units to be sold to selected purchasers.
4. An exception from Section 3.35.070.A.4, Maui County Code, requiring that, “if the grantee or borrower dissolves or is adjudicated bankrupt, title to any real property that has been funded or improved by a grant or loan issued from the fund must be conveyed to the County or to a qualified nonprofit or community land trust as approved by the council by resolution” so that Waikapu Development Venture LLC is able to obtain financing for the Project as lenders will require that their loan to be the first lien on the property.

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.