

REQUEST FOR LEGAL SERVICES

D a t e: March 12, 2025
F r o m: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

TRANSMITTAL

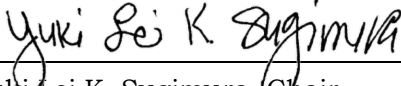
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristina C. Toshikiyo, Esq.

Subject: BILL 33 (2025), AMENDING THE FISCAL YEAR 2025 BUDGET: APPENDIX, PART II, AFFORDABLE HOUSING FUND, KAIAULU O NAPILI (BFED-30)

Background Data: Please see the attachment. Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-30.

Work Requested: ☐ FOR APPROVAL AS TO FORM AND LEGALITY

☒ OTHER: Legal opinion.

Requestor's signature  Yuki Lei K. Sugimura, Chair	Contact Person <u>Kirsten Szabo</u> (Telephone Extension: <u>7662</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☒ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____
(Rev. 7/03)

bfed:ltr:030acc01:jgk

Attachment

Bill 33 (2025) amends Appendix A, Part II, of the Fiscal Year 2025 Budget for the Affordable Housing Fund by adding a new condition 11 for up to \$650,000 to be used for a grant to A0746 Lahaina, L.P. for pre-development costs for the Kaiaulu O Napili affordable housing project located at tax map key (2) 4-3-001:096, Napili, Maui, Hawai'i.

The County purchased tax map key (2) 4-3-001:096 in FY 2022 using the Open Space, Natural Resources, Cultural Resources, and Scenic Views Fund ("Open Space Fund").

May I please request your response to the following:

1. Can property purchased using Open Space Funds be repurposed for uses that are inconsistent with the purposes listed in Subsection 9-19.1.a. of the Revised Charter of the County of Maui (1983), as amended? If so, explain how.
2. Explain whether the County can use the Affordable Housing Fund for pre-development costs on property purchased with Open Space Funds for the purposes listed in Charter Subsection 9-19.1.a.
3. If the County does not pursue the creation of affordable housing on tax map key (2) 4-3-001:096 after expending the \$650,000, does the Affordable Housing Fund need to be reimbursed? Explain why or why not.