

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Corporation Counsel at 9:11 am, Nov 09, 2021

**Date:** November 2, 2021  
**From:** Gabe Johnson, Chair  
Affordable Housing Committee

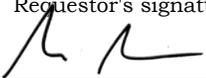
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Mimi DesJardins, Esq.

**Subject:** **COMPREHENSIVE AFFORDABLE HOUSING PLAN: RIGHT TO HOUSING** (AH-14(2))

**Background Data:** Please see the attached revised resolution. Please sign if the resolution is legally defensible. If the resolution is not legally defensible, please provide a public memo explaining your reasons. Confidential legal advice is not sought. Please submit the response to [ah.committee@mauicounty.us](mailto:ah.committee@mauicounty.us) with a reference to AH-14(2).

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Gabe Johnson	Contact Person Alison Stewart or James Forrest (Telephone Extension: 7661 or 7137, respectively)
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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): November 10, 2021  
REASON: For posting on the November 19, 2021, Committee meeting agenda.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-0011	BY: maa for jcm
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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 November 9, 2021

By /s/ Mimi Desjardins

(Rev. 7/03)

ah:ltr:014(2)acc03:ans

Attachment

# Resolution

No. \_\_\_\_\_

## ESTABLISHING A RIGHT TO HOUSING FOR MAUI COUNTY RESIDENTS

WHEREAS, the United States signed the Universal Declaration of Human Rights (“UDHR”) in 1948, recognizing adequate housing as a component of the human right to an adequate standard of living; and

WHEREAS, Article 25(1) of the UDHR proclaims the right of all individuals and their families “to a standard of living adequate for [their] health and well-being, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond [their] control;” and

WHEREAS, adequate housing means not only a physical dwelling, but includes affordability, habitability, accessibility, cultural appropriateness, and security of tenure, such as protection from housing discrimination, harassment, and forced removal from housing; and

WHEREAS, adequate and affordable housing and shelter must be accessible to all, with special consideration given to vulnerable groups in the community, including seniors, children, the physically and developmentally disabled, persons with terminal illness or chronic medical conditions, domestic violence survivors, victims of natural and man-made disasters, and other economically or socially disadvantaged groups; and

WHEREAS, the right to adequate housing is not realized for many individuals and families throughout Maui County, with residents living in substandard housing or lacking secure long-term housing, while hundreds more are experiencing or at immediate risk of homelessness; and

WHEREAS, the 2020 point-in-time count for Maui County reported 789 homeless men, women, and children, over half of which were unsheltered, including 33 unsheltered children; and

WHEREAS, the point-in-time count is the result of a single night of

outreach reporting, and the actual number of Maui County residents in need of housing or shelter is likely much higher; and

WHEREAS, adequately housed individuals and families are safer, more stable, and better able to participate in the social, economic, and civic life of the community; and

WHEREAS, the Countywide Policy Plan, adopted by Ordinance 3732 (2010), states the following policy: “Recognize housing as a basic human need, and work to fulfill that need;” now, therefore,

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

1. That it reaffirms the obligations under the Countywide Policy Plan and recognizes the right to adequate and affordable housing for all Maui County residents;
2. That it prioritizes access to housing and shelter in all aspects of its policy making and governance;
3. That it uses all available resources to progressively improve the housing situation in the County through specific and measurable actions to address community issues and needs;
4. That it urges the Administration to recognize, respect, and protect the right of all residents to live in security, peace, and dignity;
5. That it urges the Administration to provide adequate inventory of shelter and housing options for all residents to reside in safety; and
6. That certified copies of this Resolution be transmitted to the Honorable David Y. Ige, Governor, State of Hawai‘i; the Honorable Ronald D. Kouchi, President, Hawai‘i State Senate; the County of Maui delegation to the Hawai‘i State Legislature; the State of Hawai‘i delegation to the United States Congress; the Honorable Michael P. Victorino, Mayor, County of Maui; and the Director of Housing and Human Concerns.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins

Deputy Corporation Counsel  
County of Maui

ah:misc:014(2)areso02:ans