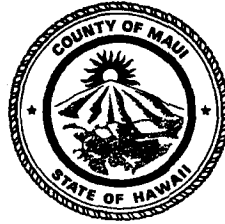


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MEMO TO: Robert Carroll, Chair
Land Use Committee

FROM: Jeffrey Ueoka *JU*
Deputy Corporation Counsel

DATE: October 11, 2017

SUBJECT: **AFFORDABLE HOUSING PROJECTS (CHAPTER 201H,
HAWAII REVISED STATUTES) (INDEPENDENT
DEVELOPMENT OF 100 PERCENT AFFORDABLE HANA
HOUSING PROJECT) (LU-2(2))**

We are in receipt of your memorandum dated October 9, 2017, requesting a response in regards to whether GTH Land Company LLC's status with the State of Hawaii's Department of Commerce and Consumer Affairs ("DCCA") affects its ability to be a developer of a Chapter 201H, Hawaii Revised Statutes ("201H"), project.

We do not see an issue with GTH Land Company LLC's status of "converted" with the DCCA. The entitlements provided and the restrictions placed on the 201H project, while not necessarily recorded with the State of Hawaii Land Court or Bureau of Conveyances, essentially run with the land. Accordingly, if the 201H project site is sold to a party other than the initial applicant, all of the entitlements and the restrictions shall remain for as long as provided for in the 201H Resolution.¹

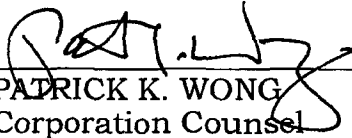
It would be our hope that GTH Land Company LLC resolves this matter prior to the Land Use Committee's meeting regarding the 201H application,

¹ This is not to say the applicant or subsequent purchaser may not cancel the 201H entitlements and restrictions provided for in the Resolution.

Robert Carroll, Chair
Land Use Committee
October 11, 2017
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however in the event that it is unable to do so, we do not see a legal barrier to hearing the 201H application.

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel
2017-0095
LU-2(2) 2017-10-11 Memo to Chair