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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 26, 2021

Director of Council Services
Traci N. T. Fujita, Esq.

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OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **AMENDMENTS TO BILL 148 (2021)**

May I request the attached proposed amendment to Bill 148 (2021) be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Yuki Lei Sugimura".

YUKI LEI K. SUGIMURA
Councilmember

COUNTY COMMUNICATION NO. 21-543

December 3, 2021, Council meeting

MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: Bill 148 (2021).

Proposer: Yuki Lei Sugimura, Councilmember.

Description: Amend the bill to:

- Establishing physical construction as a requirement instead of limiting existing housing credits

Motion: Move to amend subsection 19.98.040(F)(4) of Bill 148 as follows:

19.98.040 Exceptions. This chapter does not apply to:

F. Any development that includes new housing units built, at a ratio of at least one housing unit for every three transient accommodations units, rounding up to the nearest whole number, of the total number of new transient accommodations, that are:

1. Affordable to very low income, low income, below moderate, and moderate income residents, as defined in chapter 2.96, for at least thirty years.

2. Made available for occupancy prior to or concurrent with the new transient accommodations.

3. Located in the same community plan area.

4. [Housing credits may not be issued to or used by the developer to satisfy the requirement of this subsection for any type of unit constructed] Housing units must be physically constructed for the purposes of this section.

Effect: The above mark-up shows how the subsection will read if the proposed amendment is approved. Additions are underlined; deletions are bracketed.

Reasons: To avoid retroactively placing a limitation on existing credits, the requirement for physical construction is established. These existing credits have already been obtained without limitation after incurring costs.