

Resolution

No. 25-70

APPROVING EXCEPTIONS FROM THE CONDITIONS OF
SECTION 3.35.070, MAUI COUNTY CODE,
FOR A GRANT TO THE LAHAINA COMMUNITY LAND TRUST

WHEREAS, on June 5, 2024, the Maui County Council adopted Ordinance No. 5657, Bill No. 60, CD1, FD1 (2024), appropriating up to \$3,500,000.00 of Affordable Housing Funds to the Lahaina Community Land Trust (“LCLT”) to disburse homeowner grants up to \$300,000 to qualified applicants for gap financing between the homeowner’s insurance and the cost to rebuild the owner-occupied home destroyed in the August 2023 Lahaina wildfires (the “Project”); and

WHEREAS, the Project requires recorded deed restrictions to ensure the properties are owner-occupied and will remain affordable in perpetuity; and

WHEREAS, the LCLT also will retain a right of first opportunity to acquire and include the properties in LCLT’s ground lease program, and such properties will then be made available for purchase by qualified applicants; and

WHEREAS, in accordance with section 3.35.070, Maui County Code (“MCC”), a grant or loan agreement for the distribution of Affordable Housing Funds must contain certain conditions and restrictions, unless otherwise approved by the Council by Resolution; and

WHEREAS, because the Project consists of disbursing funds to individual homeowners, LCLT is unable to comply with certain requirements of section 3.35.070, MCC; and

WHEREAS, LCLT is requesting an exception from section 3.35.070(A)(1), MCC, requiring that, “[t]itle 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 homeowners to maintain title to their real property; and

WHEREAS, LCLT is requesting an exception from section 3.35.070(A)(5), MCC, requiring that, “the grantee or borrower must not distribute or redistribute

grant or loan funds to other organizations” so that LCLT is able to distribute or redistribute grant funds to individual homeowners.

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. Lahaina Community Land Trust is granted exceptions to the requirements of sections 3.35.070(A)(1) and (A)(5), MCC, to the extent necessary to allow homeowners to maintain title to their real property and to distribute or redistribute grant funds to individual homeowners.
- 2. The Mayor or his designee are authorized to execute any documents and take all necessary actions to effectuate the intent of this Resolution.
- 3. That certified copies of this resolution must be transmitted to the Finance Director, the Director of Housing, and Lahaina Community Land Trust.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel
County of Maui
LF 2025-0125
2025-01-28 Reso exceptions 3.35.070, MCC

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.