

REQUEST FOR LEGAL

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By Dept of the Corporation Counsel at 11:19 am, Oct 07, 2020

Date: October 6, 2020
From: Tasha Kama, Chair
Affordable Housing Committee

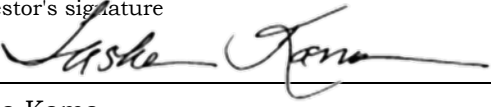
TRANSMITTAL

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

Subject: DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH SECTION 201H-38, HAWAII REVISED STATUTES (AH-1(7))

Background Data: Please see attached revised proposed resolution.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Tasha Kama	Contact Person <u>Alison Stewart</u> (Telephone Extension: <u>7661</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)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 14, 2020
REASON: For posting on the October 23 Council agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2019-0097	BY: jcm
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TO REQUESTOR: ☒ [X] 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 October 7, 2020

By /s/ Mimi Desjardins

(Rev. 7/03)

ah:ltr:001(7)acc01:ans

Attachment

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Lihau'ula LLC, a Hawaii Limited Liability Company, proposes the development of the Lihau'ula Workforce Housing Project (the "Project") for qualified residents on approximately 27.79 acres located at Olowalu, Maui, Hawaii, identified for real property tax purposes as Tax Map Key (2) 4-8-003:103; and

WHEREAS, the Project would consist of 40 workforce single-family residences, nine market-rate single-family residential lots, and 10 market-rate one-acre agricultural lots; and

WHEREAS, the residential workforce housing units would be developed and sold to qualified individuals earning between 80 and 140 percent of Maui's area median income; and

WHEREAS, on September 9, 2020, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council, recommending approval of the Project in accordance with Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project would be independently developed in accordance with Section 201H-41, HRS; and

WHEREAS, under Section 201H-38, HRS, the Council must approve, approve with modifications, or disapprove the Project by resolution within 45 days after the Department of Housing and Human Concerns submitted the Project's preliminary plans and specifications to the Council, which submittal occurred on September 9, 2020; and

WHEREAS, under 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. That the Council disapproves the Lihau'ula Workforce Housing Project, submitted to the Council on September 9, 2020, in accordance with Section 201H-38, Hawaii Revised Statutes; and

2. That certified copies of this Resolution be transmitted

Resolution No. _____

to the Director of Public Works, the Planning Director, the Director
of Housing and Human Concerns, and Lihau‘ula LLC.

APPROVED AS TO FORM AND LEGALITY

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

ah:misc:001(7)areso01:ans