

REQUEST FOR LEGAL SERVICES

Date: February 24, 2021
From: Gabe Johnson, Chair
Affordable Housing Committee

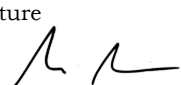
TRANSMITTAL

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

Subject: **A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE HOUSING POLICY RELATING TO AN EXEMPTION FOR DEPARTMENT OF HAWAIIAN HOME LANDS (AH-05)**

Background Data: Please see attached bill.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☒ OTHER: PLEASE RETURN TO alison.stewart@mauicounty.us

Requestor's signature  Gabe Johnson	Contact Person <u>Alison Stewart or James Forrest</u> (Telephone Extension: 7661 or 7137)
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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): February 24, 2021
REASON: For posting on the February March 5 Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

ah:misc:005acc01:ans

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE
HOUSING POLICY RELATING TO AN EXEMPTION FOR
DEPARTMENT OF HAWAIIAN HOME LANDS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This Ordinance's purpose is to amend the Residential Workforce Housing Policy by granting an exemption for developments by the Department of Hawaiian Home Lands on homestead land.

SECTION 2. Section 2.96.030, Maui County Code, is amended by amending Subsection B to read as follows:

“B. Exemptions. This chapter [shall] does not apply to any development that falls into one or more of the following categories:

1. A development subject to an affordable housing requirement, evidenced by an executed affordable housing agreement with the County, currently in effect and approved prior to [the effective date of this chapter] December 5, 2006;

2. A development subject to a change in zoning condition that requires affordable or residential workforce housing, unless the condition expressly allows for the application of the [affordable housing or] residential workforce housing policy [set forth herein];

3. A subdivision granted preliminary subdivision approval prior to [the effective date of this chapter] December 5, 2006;

4. A building permit application submitted prior to [the effective date of this chapter] December 5, 2006;

5. A family subdivision, for immediate family members, as described in subsections 18.20.280.B.1 and B.2 [of this code]; and

6. A development by a government entity or a community land trust, as approved by the [director] council by resolution; [or]

7. A development within the boundaries of the Wailuku redevelopment area as defined by the Maui redevelopment agency pursuant to chapter 53, Hawaii Revised Statutes[.]; or

8. A development by the department of Hawaiian home lands on homestead land.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect upon approval.

ah:misc:005abill01