

COUNCIL OF THE COUNTY OF MAUI

AFFORDABLE HOUSING COMMITTEE

March 5, 2021

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Affordable Housing Committee, having met on February 22, 2021, makes reference to County Communication 21-19, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, relating to amendments to Chapter 2.96, Maui County Code.

By correspondence dated February 11, 2021, Council Vice-Chair Keani N.W. Rawlins-Fernandez transmitted a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE HOUSING POLICY EXEMPTIONS FOR DEVELOPMENTS WITHIN THE WAILUKU REDEVELOPMENT AREA AND DEVELOPMENTS BY A GOVERNMENT ENTITY OR A COMMUNITY LAND TRUST.”

The purpose of the proposed bill is to amend the Residential Workforce Housing Policy provisions relating to developments in the Wailuku Redevelopment Area and developments by a government entity or community land trust.

By correspondence dated February 12, 2021, Council Vice-Chair Keani N.W. Rawlins-Fernandez transmitted a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE HOUSING POLICY RELATING TO AN EXEMPTION FOR DEPARTMENT OF HAWAIIAN HOME LANDS.”

The purpose of the proposed bill is to amend the Residential Workforce Housing Policy by granting an exemption to the Department of Hawaiian Home Lands (“DHHL”) for developments on homestead land.

The proposed bill also grants the authority to exempt developments by a government entity or a community land trust, to the Council by

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resolution, instead of to the Director of Housing and Human Concerns, as provided in Section 2.96.030(B)(6), Maui County Code.

Your Committee discussed the two proposed bills that would amend the Residential Workforce Housing Policy.

Relating to the bill to remove the exemption for developments within the Wailuku Redevelopment Area, your Committee discussed the purpose of the exemption meant to promote revitalization and development of the area. Your Committee expressed support for revitalization efforts, but not at the expense of critically needed residential workforce housing units.

Your Committee determined that additional input from the Wailuku community was necessary and deferred the matter pending further discussion.

Relating to the bill to provide an exemption to DHHL for developments on homestead land, your Committee discussed DHHL's role and responsibilities in administering its land trust, including homesteads.

A Deputy Corporation Counsel stated DHHL may already be exempt from the Residential Workforce Housing Policy, referring to a 1972 opinion from the State Attorney General relating to the Hawaiian Homes Commission Act, which states: "Hawaiian home lands needed for purposes of the Act are to be used and disposed of in accordance with the Act and are not subject to county zoning requirements." The Deputy advised that including an explicit exemption in Chapter 2.96, Maui County Code, would further clarify your Committee's intent.

The Deputy Director of Housing and Human Concerns stated DHHL may have received conflicting information on whether DHHL projects were exempt from the Residential Workforce Housing Policy. Due to this discrepancy, the Department of Housing and Human Concerns supports including an explicit exemption in Chapter 2.96, Maui County Code.

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Your Committee further noted DHHL may already be exempt from the Residential Workforce Housing Policy as a government entity, as provided in Section 2.96.030(B)(6), Maui County Code.

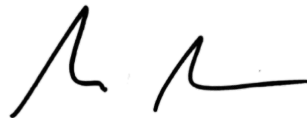
Your Committee concluded that including a Residential Workforce Housing Policy exemption for DHHL would be appropriate and beneficial to the development of affordable housing for local residents.

Your Committee voted 9-0 to recommend passage of the proposed bill relating to an exemption to DHHL for developments on homestead land on first reading. Committee Chair Johnson, Vice-Chair Molina, and members Kama, King, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS that Bill _____ (2021), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE HOUSING POLICY RELATING TO AN EXEMPTION FOR DEPARTMENT OF HAWAIIAN HOME LANDS,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



GABE JOHNSON, Chair

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.

APPROVED AS TO FORM AND LEGALITY

/s/ Mimi Desjardins

Department of the Corporation Counsel
County of Maui

ah:misc:005abill01