

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Dept of the Corporation Counsel at 1:56 pm, Aug 30, 2021

**Date:** August 27, 2021

**From:** Gabe Johnson, Committee Chair

TRANSMITTAL

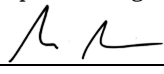
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Moana Lutey, Esq.

**Subject:** COMPREHENSIVE AFFORDABLE HOUSING PLAN: RIGHT TO HOUSING (AH-14(2))

**Background Data:** Please see attached bill. Please submit signed bill to ah.committee@mauicounty.us.

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

☐ [ ] OTHER:

Requestor's signature  Gabe Johnson	Contact Person <u>James Forrest</u> (Telephone Extension: <u>7137</u> )
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☒ [x] 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): \_\_\_\_\_  
REASON: \_\_\_\_\_

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-0011	BY: jcm
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TO REQUESTOR: ☐ [ ] APPROVED ☒ [~~X~~] 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): \_\_\_\_\_

Concerns regarding the proposed legislation should be discussed in executive session.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 09/10/2021

By /s/Mimi DesJardins

(Rev. 7/03)

ah:ltr:014(2)acc01:jbf

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING TITLE 9, MAUI COUNTY CODE, TO  
ESTABLISH A FUNDAMENTAL RIGHT TO HOUSING

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

SECTION 1. This Ordinance's purpose is to implement the following General Plan policy, found at page 58 of the Countywide Policy Plan: "Recognize housing as a basic human need, and work to fulfill that need."

SECTION 2. Title 9, Maui County Code, is amended by adding a new chapter to be appropriately numbered and read as follows:

**"Chapter 9.38**

**RIGHT TO HOUSING**

Sections:

9.38.010	Applicability.
9.38.020	Right to housing.
9.38.030	Administrative rules.

**9.38.010 Applicability.** This chapter applies to all Maui County residents.

**9.38.020 Right to housing.** The fundamental human right to housing is declared to exist in Maui County. This right ensures access to adequate housing for all Maui County residents. This right is exclusively enforceable by a public right of action. It is the shared obligation of the County and its agencies to respect, protect, and fulfill this right through progressively implemented measures, consistent with available resources, within an aggressive, but reasonable, time frame.

**9.38.030 Administrative rules.** The director of housing and human concerns must adopt administrative rules to implement this chapter's provisions."

SECTION 3. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

ah:misc:014(2)abill01:jbf