

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

MINUTES

July 6, 2020

Online Only

CONVENE: 1:41 p.m.

PRESENT: Councilmember Tasha Kama, Chair
Councilmember Michael J. Molina, Vice-Chair
Councilmember Riki Hokama
Councilmember Kelly T. King
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

STAFF: Alison Stewart, Legislative Analysis
Ana Lillis, Legislative Analyst
James Forrest, Legislative Attorney
David Raatz, Supervising Legislative Attorney
Richard Mitchell, Legislative Attorney
Stacey Vinoray, Committee Secretary
Lenora "Lei" Dineen, Council Services Assistant Clerk

Evan Dust, Executive Assistant to Councilmember Tasha Kama
Lois Whitney, Executive Assistant to Councilmember Tasha Kama
Sarah Pajimola, Executive Assistant to Councilmember Keani N.W. Rawlins-Fernandez
Kate Griffiths, Executive Assistant to Councilmember Kelly Takaya King
Christi Keliikoa, Executive Assistant to Councilmember Tamara Paltin

ADMIN.: Mimi DesJardins, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori Ann Tsuhako, Director, Department of Housing and Human Concerns
Linda R. Munsell, Deputy Director, Department of Housing and Human Concerns
Clyde "Buddy" Almeida, Housing Administrator, Department of Housing and Human Concerns
Jessica Crouse, Assistant Housing Administrator, Department of Housing and Human Concerns
Jordan Hart, Deputy Director, Department of Planning

PRESENTER: William Frampton, Waikapu Development Venture
Peter Horovitz, Waikapu Development Venture

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OTHERS: Maude Cumming, Executive Director, Family Life Center
Zhantell Lindo
Noelani Ahia (testifier)
Lisa Darcy, Share Your Mana (testifier)
David Watimar (testifier)
Margie Calpito (testifier)
Melanie Udem (observer)
Kim West (testifier)
Kaapunu (observer)
Lu Ann Mahiki Lankford-Faborito (observer)
Monique Yamashita (observer)
Mary Nakooka (observer)

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR KAMA: . . . *(gavel)*. . . At, it is 1:41 p.m. So, again, if you're not speaking if could everyone could please mute their microphones. So I'd like to thank everyone for being here this afternoon. My name is Tasha Kama, I'm the Chair of the Affordable Housing Committee and I'd like to say aloha 'auinala to all of our Councilmembers beginning with Councilmember, my Vice-Chair, Mike Molina. Aloha.

VICE-CHAIR MOLINA: Aloha 'auinala, Madam Chair, blessings to you, my colleagues and everyone from Makawao.

CHAIR KAMA: And blessings right back to you, Mr. Molina. Also I want to say aloha 'auinala to Member Riki Hokama.

COUNCILMEMBER HOKAMA: Aloha, Chair.

UNIDENTIFIED SPEAKER: . . . *(inaudible)*. . .

CHAIR KAMA: Oh, there you go. Aloha Mr. Hokama. Again I'd like to say aloha once again to Member Kelly King.

COUNCILMEMBER KING: Aloha, Chair, good afternoon. Hope it's beautiful in your neighborhood still.

CHAIR KAMA: It's always a beautiful day in my neighborhood of Kahului. Thank you for joining us again. Aloha 'auinala, Council Chair Alice Lee.

COUNCILMEMBER LEE: Madam Chair, traveling to Vietnam per chance?

CHAIR KAMA: Yes.

COUNCILMEMBER LEE: In the afternoon you would say cao buoy chua.

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CHAIR KAMA: Cao buoy chua.

COUNCILMEMBER LEE: No, no, no. Cao loke in chow fun, yeah?

CHAIR KAMA: Okay.

COUNCILMEMBER LEE: Buoy like those bouncing things in the ocean.

CHAIR KAMA: A buoy, okay.

COUNCILMEMBER LEE: Yeah and then chua like don't chew-a too much gum. Chua.

CHAIR KAMA: Oh, okay.

COUNCILMEMBER LEE: . . . (*chuckles*). . . Okay.

CHAIR KAMA: Cao buoy chua.

COUNCILMEMBER LEE: Yes, yes.

CHAIR KAMA: Okay, thank you. Aloha 'auinala to Member Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha 'auinala, Chair, live and direct from our West Maui District Office --

CHAIR KAMA: Live?

COUNCILMEMBER PALTIN: - here in Lahaina. Can see us on *Akaku* on our TV so we're good over here.

CHAIR KAMA: Oh, very good. Thank you for being live and direct and for that ad that you put on for *Akaku*, thank you. We're gonna go all the way to Hana and say aloha 'auinala to Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha 'auinala, Chair and nice to see everybody. Looks like, hope everybody got some sun this weekend.

CHAIR KAMA: Absolutely. Everybody got some sun, some more than others. Welcome this afternoon Mr. Sinenci. I also want to welcome all the way from upcountry Maui our Member from Kula, Yuki Lei Sugimura. Aloha.

COUNCILMEMBER SUGIMURA: Aloha, good afternoon. I'm at the Council, I'm in the County Building so I'm looking at beautiful West Maui Mountains. Good afternoon, everybody.

CHAIR KAMA: Thank you for joining us today. We also have from the Administration from the Department of Housing and Human Concerns, Lori Tsuhako. Lori, hello, good afternoon. How are you?

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MS. TSUHAKE: Good afternoon, Madam Chair, thank you.

CHAIR KAMA: And we have also the Deputy Director of the Housing and Human Concerns [sic], Linda Munsell. Aloha, Linda.

MS. MUNSELL: Aloha, Chair, good afternoon.

CHAIR KAMA: Good afternoon. And I'm hoping that Buddy Almeida from the Housing Administrator is with you also. Good afternoon, Buddy.

MR. ALMEIDA: Good afternoon, Chair and Committee Members.

CHAIR KAMA: Good to hear from you. And we have with them the Assistant Housing Administrator, Jessica Crouse. Good afternoon, Jessica.

MS. CROUSE: Good afternoon, Chair and Members.

CHAIR KAMA: Nice to hear from you. And we have from Corp. Counsel this afternoon, Mimi DesJardins. Aloha, Mimi.

COUNCILMEMBER PALTIN: Chair, also our Vice-Chair Keani Rawlins-Fernandez, as well.

CHAIR KAMA: Why did I miss her? How could I have missed her? Wait a minute, one, two, three, four, five, six, seven – you're right. Okay, just for you, just for you, Keani. Aloha 'auinala, Vice-Chair Keani Rawlins [sic], good afternoon. How is it in Moloka'i?

COUNCILMEMBER RAWLINS-FERNANDEZ: Keani Rawlins-Fernandez. Cao buoy chua and aloha 'auinala from beautiful Moloka'i nui ahina.

CHAIR KAMA: Wonderful. I like your Vietnamese, but I like your Hawaiian even better.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm really excited to see the West Maui Office open.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Councilmember Paltin.

CHAIR KAMA: Member Paltin has to let us know when she's gonna do a blessing out there, we'll be there. Hopefully we can be there. Okay, so we're gonna continue with the Affordable Housing Committee Staff, Ms. Alison Stewart our Legislative Analyst. Aloha 'auinala, Alison.

MS. STEWART: Aloha, Chair.

CHAIR KAMA: And then we have with us Ana Lillis the Legislative Analyst, also. Aloha 'auinala, Ana.

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MS. LILLIS: Aloha, Chair.

CHAIR KAMA: And we have with us our Committee Secretary, aloha 'auinala, Stacey Vinoray.

MS. VINORAY: Aloha, Chair.

CHAIR KAMA: We also have with us our OCS Staff, Jean Pokipala, aloha 'auinala, Jean. Okay, I didn't hear from Jean; don't know if she's there. But I did hear our Legislative Attorney James Forrest. Aloha, Forrest.

MR. FORREST: Aloha Chair and Councilmembers.

CHAIR KAMA: Yay, nice to hear from you, James. So, I'd like to welcome everyone this afternoon and thank you for coming to today's meeting. But also, I think we're having with us today some resources. We have with us Peter Horovitz from Waikapu Development Venture. Aloha, Peter.

MR. HOROVITZ: Aloha and thank you. Good afternoon.

CHAIR KAMA: Thanks for being here. And then we have with us Bill Frampton also of Waikapu Development Venture. Aloha, Bill.

MR. FRAMPTON: Hi, aloha.

CHAIR KAMA: Thank you for joining us again, today.

MR. FRAMPTON: For sure.

CHAIR KAMA: Today we have three items on our agenda. We have the Waikapu Development Venture Workforce Housing project, AH-1(6). We also have the Experimental and Demonstration Housing Projects, AH-20. And we have the Commission on Homelessness, AH-37. So, I just want to let you folks know that we will – are going to have a pretty lengthy agenda but hopefully, we're going to be able to go through these expeditiously and come out with some nice, positive and things for this afternoon for all of us and for all of our people. So, at this time I'd like to be able to open public testimony on the agenda items. So testifiers who would to provide testimony to join the online meeting via the BlueJeans meeting link provided on today's agenda at [Mauicounty.us/agendas](https://mauicounty.us/agendas). Testifiers wanting to provide audio testimony should dial area code 408... 408-915-6290 and enter meeting code 798867277, which is also noted on today's agenda. Written testimony is also accepted by the Committee via email to ah.committee@mauicounty.us. Oral testimony is limited to three minutes. If you are still speaking beyond that time, I will ask you to complete your testimony. When testifying, please state your name and agenda item you're speaking on. If you are testifying on behalf of an organization, or you are a paid lobbyist, please let us know that. We will do our best to call testifiers in an orderly fashion. The testimony log is posted in the chat section for testifiers to see where you are on that list. The chat platform should not be used to provide testimony or to chat with other testifiers or councilmembers. Also, please be courteous to others by muting your microphone and

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your video when it is not your turn to testify. If you only wish to view the meeting without providing testimony, you can watch it live on Akaku Channel 53 or at mauicounty.us/agendas. At which time, I've just heard that we're having problems with our website, so ... I mean, with our ... with that particular link, so if you've been watching on Akaku, or if you want to watch it, join us in this Blue Jeans meeting, but just let us know that you're observing and not wanting to testify. But please ... *(inaudible)* ... --

MS. VINORAY: Excuse me, Chair?

CHAIR KAMA: Yes?

MS. VINORAY: Chair, the [mauicounty.agenda](http://mauicounty.us/agendas) [] link does work now. So that --

CHAIR KAMA: It does work now?

MS. VINORAY: -- people can go on that.

CHAIR KAMA: Okay.

MS. VINORAY: Yes. Thank you.

CHAIR KAMA: Thank you for sharing that. Okay. Everybody who wants to get on can get on in any way or fashion that they deem is appropriate for them and convenient. So Ms. Stewart, could you please announce our first testifier on the list, and the second testifier on that list, and who will follow after that?

MS. STEWART: Yes, Chair.

CHAIR KAMA: Oh, yes.

MS. STEWART: The first person signed up to testify is the last four digits of the number 0880. Please identify yourself and the agenda item you're testifying on; 0880, to be followed by Maude Cumming.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. CUMMING: . . . *(inaudible)* . . . Can you hear me?

CHAIR KAMA: Yes. Proceed.

MS. CUMMING: Okay. So I'm testifying on item AH-37. My name is Maude Cumming. I'm the executive director for Family Life Center. So I reviewed the legislative proposal, and I have some concerns. And so, you know, in my research I found that there are two types of commissions on homelessness. One is, there's a Commission on Homelessness and Poverty, which is an organization that is committed to educating the bar and the public about homelessness and poverty and how the legal community and advocates can assist those in need. Some of their initiatives are a homeless youth legal network,

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homeless courts initiative, anti-poverty initiative, and homeless and low-income veterans' justice initiative. The other kind of commission that I see are those commissions that are set up to make nonbinding recommendations to city and county government, nonprofit organizations, and other interested agencies concerning a specific plan, like a plan to end homelessness. They also make similar recommendations on other issues of importance concerning homelessness in the community. And they oversee progress on implementation of plans to end homelessness. So their recommendations are nonbinding. So in reviewing this proposal, I'm not very clear on what the objective is. These other commissions are set up to educate, advocate, or provide nonbinding recommendations, and so I am concerned about the breadth and the scope of this commission as proposed in this resolution. I'm not opposed to the resolution, just in the way that it is proposed. I... it's unclear to me exactly what the commission would be doing. So I would be opposed to it in its current form and would recommend that there be some further clarification so that we can understand the exact purpose and nature and what exactly their scope would be. Thank you.

CHAIR KAMA: Thank you Ms. Cummings [sic]. Members? Any questions to clarify the testifier's testimony?

COUNCILMEMBER SUGIMURA: Question, if I could, Chair?

CHAIR KAMA: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So Maude, because of your vast experience, I appreciate you taking the time to be here, and I know you're very busy. But do you see a need that we need to fulfill that possibly this commission could assist with your work that you do for the homeless?

MS. CUMMING: You know, I appreciate that there is... the good news is that more people are talking favorably about intervening in the crisis of homelessness that previously had not expressed interest. So that's... that's good news. Of course, there's always... always ways to improve, but I do hope that anything that is undertaken would be evidence-based, well researched, and that the research be current. That doesn't specifically answer your question, but the field always could use some help, but it... it needs to be planned and thoughtful.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much.

CHAIR KAMA: Yes, Ms. Kelly King?

COUNCILMEMBER KING: Thank you, Chair. So the first homeless... the first commission that you mentioned, is that a statewide commission?

MS. CUMMING: It's a national organization that... it's an entity. It's an organization that's nationwide, I believe.

COUNCILMEMBER KING: Okay. And then... and so where do they... who do they make their

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recommendations to?

MS. CUMMING: It says that they are committed to educating the bar, so it primarily is to attorneys and then, in turn, to the public. But primarily for the Bar Association.

COUNCILMEMBER KING: Okay. And then the second organization, can you repeat what... that second organization that you said? Or mentioned.

MS. CUMMING: There are several cities that I researched that have commissions on homelessness, and they also seem to have the same kind of... one was in Evansville, Illinois, I think, another in Florida. But they seem to have the same kind of... they center around... so for example, the... we have had plans to end homelessness over the course of years, some that have been generated, but you know, through different administrations. So they appear to have been formed to implement... help to implement and to ensure... oversee the progress of those plans. And... but their... whatever their recommendations are, they don't have the power of law. They are nonbinding and advisory.

COUNCILMEMBER KING: Okay. Okay. So but you weren't giving those examples of something that we already have access to, because I've never heard of that national one. Oh, yeah, I wasn't sure what the... what you were saying you were opposed as having one, but then you're saying a lot of other cities have one, have commissions on homeless.

MS. CUMMING: So I am opposed to the resolution in the form that it is because I'm not really clear about what the powers would be. If they would have the power, say, to direct the activities of the Department of Housing and Human Concerns, for one. I don't... I don't understand what their... what... exactly what the purpose would be. So that's what I'm... I'm suggesting that maybe there needs to be more study before this is accepted.

COUNCILMEMBER KING: Okay. Thank you. Thank you, Chair.

CHAIR KAMA: You're welcome. Any other questions, members?

If not, Ms. Alison Stewart, could you please call the next testifiers?

MS. STEWART: The next testifier is Zhan Lindo, to be followed by Noelani Ahia.

MS. LINDO: Aloha, everybody. Thank you so much for this opportunity. I just wanted to testify in support of AH-37. I believe that it's of... *(audio break)*... provides the opportunity for community engagement and participation in the discussion and decisions that address homelessness and poverty. It prioritizes a holistic approach to homelessness that may not be possible under the government guidelines to the Department of Housing and Human Concerns and allows for a more comprehensive look at positive and negative impacts on proposed housing plans, ensuring that our 'āina and resources are not being depleted, but rather able to truly secure affordable and sustainable housing ideas and initiatives. It creates a group whose main objective is to eliminate poverty and homelessness in Maui County and put concentrated time and effort in that one, very important and challenging issue. It offers a clear and legal venue

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for incorporating individual districts and their specific needs. Right now, I can tell you that Moloka'i does not have any representation for standing up for us and our specific needs and availability to address this homeless situation. It directly involves district councilmembers so that through the commission... through their availability and opportunity to select... and help select these commission members, and it keeps them informed. So it's going to be such an awesome idea to have an equal, balanced input into a commission where both legislative and administrative branches have a good and thorough look at the homeless crisis. It can be beneficial, too, in helping the county administration, such as the Department of Housing and Human Concerns, Planning Enforcement, everybody, to identify and consider more culturally appropriate and sustainable methods for housing. I get some other things, but I wanted to address in my testimony what Maude just talked about. I, too, have researched not just homeless commissions in the United States, but also in Canada. And what is missing from the United States... I'm excited that this will be the first of its kind. It's very clear that this resolution, or this bill, is proposed to be an advisory group, just as any advisory group is in the County of Maui. They are to advise you guys to the extent that you accept the recommendation, but it gives a venue for people to speak about homelessness in a way that has never been done before. And, you know, in places like Canada, where they have homeless commissions, they really look at indigenous and cultural lifestyles, and they have so much efficient ways of looking at housing, more than just four walls and a roof. It talks about the holistic approach of community. ...*(timer bell rings)*...

MS. LINDO: So thank you.

CHAIR KAMA: Members? Any clarifying questions for the testifier?

UNIDENTIFIED SPEAKER: ...*(inaudible)*...

CHAIR KAMA: I heard somebody. But I don't see. Okay. Yes, Vice-Chair Keani Rawlins-Fernandez. Yes. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So my clarifying question for our testifier is regarding this, you know, the holistic approach you're talking about, do you think that the broadness of its parameters and scope is something that is concerning for you?

MS. LINDO: Not at all. I actually am excited that it's going to be the first time that commissions are able... or a body would be able to discuss things that are not going to be readily flagged by corporation counsel or legal means to say we can't talk about this. So it incorporates the opportunity to have discussion on things that may not look like a directly affected thing by homelessness or poverty but does. And one example to that would be, you want to build houses. So you say affordable housing is good. We're going to put people in houses. We want to build these things. But if you're just strictly prohibited and... and limited to talk about that, then what about the water resources available to keep those houses, you know, sustainable for the next twenty years? I think that this generalized, broad approach incorporates us to be able to bring all of the departments that handle planning, human concerns, everybody, under one discussion to look at homelessness in a really comprehensive and efficient way for our county.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Lindo. Mahalo, Chair
...(inaudible)...

CHAIR KAMA: You're welcome. Any other councilmembers wanting to ask questions? I don't see anyone, so thank you very much for your testimony, Ms. Lindo.

MS. LINDO: Thank you.

CHAIR KAMA: You're welcome.

Alison, would you please call forth our next testifier, please?

MS. STEWART: Next on the list is Noelani Ahia, if you would like you unmute yourself to testify, to be followed by Lisa Darcy.

MS. AHIA: Aloha mai kākou, 'o Noelani Ahia. I wanted to ...*(break in audio)*... AH-37. So first, I want to mahalo Councilmember Keani Rawlins-Fernandez for proposing this commission on healing solutions for homelessness. I am in full support of creating such a commission. When I was serving on the mauna for eight months, we were often... we often overheard people talking in the media about how our encampment looked like a homeless camp, as if that were the most vile thing that a person could be; homeless. But I want to set people straight. Kanaka Maoli, who are over-represented in the houseless community, cannot be homeless in Hawaii, only houseless. This has been our home for 2,000 years, but we've been displaced by settler colonialism.

Houselessness is not the failure of the individual. It's a failure of the settler culture that places capitalistic economies above the health, well-being, relationships, and interdependence of our 'āina and our Kanaka. The Kanaka are 'āina; the 'āina are Kanaka. I recall every time I had to leave the mauna to come back to Maui so that I could work to make sure that I don't end up houseless, I always had this nagging feeling in my 'ōpū, because I knew that law enforcement could come at any moment and displace us; destroy our belongings; and damage our sense of safety. I became acutely aware of the intense stress and anxiety that houselessness causes our community. I also am acutely aware... I am acutely aware that a few weeks with no work and no help, and I could also be houseless. And that's with a master's degree. Many of us are in this category; one paycheck away. As with all aspects of this post-COVID recovery, it's time for a shift in consciousness and to create communities of care and respect for humanity and the 'āina. Our pu'uhonua on Mauna Kea wasn't perfect, but I've seen the possibilities of returning to Kauhale-style living, which this... this commission proposes discussing. I served as a medic, so we had... we had medical care, we had food provided, we had mental health services provided, we had resources for clothing and tents and shelter; our basic needs were met. And I can see the possibilities and how quickly we were able to set something like that up in a matter of days. I think that this commission is something that could really help provide safety and help return people to the 'āina, so we can rebuild those connections. We can look from a cultural lens at how people connected to 'āina are... are healthier... *(break in audio)*... a larger lāhui as a whole from that place. Mahalo nui. Aloha.

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CHAIR KAMA: Thank you, Noelani. Members? Any clarifying questions for our testifier? Yes, Ms. Vice-Chair Keani Rawlins-Fernandez? Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Ahia. Mahalo for your testimony.

MS. AHIA: . . . *(inaudible)*. . .

COUNCILMEMBER RAWLINS-FERNANDEZ: So you said... you named some specific cultural ideas that could work. So as you read the bill, those ideas could fall under the parameters of this commission?

MS. AHIA: Absolutely. I mean, I specifically mentioned Kauhale-style, and it's a... you know, it's a traditional way of living in community, where, you know, instead of every single family having to come home and cook dinner, these people cook the dinner; these people grow the food; these people take care of the 'opala; these people make sure that the water is coming in; these people build the hale; these people provide the health care; everybody contributes to that... that community, so that the burden doesn't fall on any one person. And the way that our Western living is right now, we're all isolated in these little... you know, our own individualized houses, and we're all... we're all trying to carry this huge burden. But if we can spread out the burden and connect people in communities, we have a much greater chance of people being able to survive and actually heal from... from mental health disorders, many of which are sort of the result of the houselessness and the result of the disconnect from the 'āina, and the result from being displaced from the 'āina. So looking at Kauhale-style living is actually, like, the most holistic and the most culturally-appropriate way to get people healthy and balanced again.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response, and so you're... and mahalo for your further expounding upon what Kauhale means, kind of like village living, and you experienced that successful on Mauna Kea.

MS. AHIA: 'Ae.

COUNCILMEMBER RAWLINS-FERNANDEZ: 'Ae ...*(inaudible)*.... Mahalo.

MS. AHIA: It wasn't perfect. It wasn't perfect. Because people, you know. But it... it... it was a template that can be... that can be modeled in future ways. You know, with corrections that would constantly come and shift and change and...

COUNCILMEMBER RAWLINS-FERNANDEZ: Evolve.

MS. AHIA: 'Ae. Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response.

MS. AHIA: Mahalo, Chair.

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CHAIR KAMA: You're welcome. Kelly King, is your hand up to ask a question of our testifier?
Okay. Go ahead.

COUNCILMEMBER KING: Thank you. Thank you, Chair. Hi Noelani, good to see you.

MS. AHIA: Aloha. Nice to see you all.

COUNCILMEMBER KING: Yeah. I don't think I've ever seen you in a hat like that before,
where your hair's not showing.

MS. AHIA: Oh yeah, I was in the lo'i this morning and my hair is all...

COUNCILMEMBER KING: It's a good look for you.

MS. AHIA: So...

COUNCILMEMBER KING: So now I just wanted to circle back to something you said, because
it sounded like it was maybe almost offensive to use the word homelessness versus
houselessness. So were you suggesting that we change the title to Commission on
Healing Solutions for Houselessness, rather than Homelessness?

MS. AHIA: I think the title... I missed a little when you said that... my phone was buffering.
But the title, as I read it was The Commission on Healing Solutions for... oh, yeah, for
Houselessness. Yeah. I would, if it was me, I would say houseless.

COUNCILMEMBER KING: Okay. I just wanted to... that's kind of what I got from your
testimony. Okay. Thank you.

MS. AHIA: Yeah. But it's also just about that shift in consciousness too, about remembering
that Kanaka --

COUNCILMEMBER KING: Yeah --

MS. AHIA: -- we belong to this place.

COUNCILMEMBER KING: -- it is, it's true.

MS. AHIA: And so it's always our home, regardless of whether we have a roof over our head.

COUNCILMEMBER KING: Right. I got it. Okay. Thank you.

MS. AHIA: Yeah.

COUNCILMEMBER KING: Mahalo.

CHAIR KAMA: So if there are no other testifiers, thank you very much, Noelani. I appreciate
it. Thank you.

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COUNCILMEMBER KING: Oh, Chair? Member Paltin has her hand up.

CHAIR KAMA: Oh, okay. You got to say something. I can't always see you guys, so yell out to me or something. I'm so sorry. Okay, Member Paltin, you had a question?

COUNCILMEMBER PALTIN: Yeah, I just was wondering, you know, in the criteria of the different types of people that they want to... that we want to be on the commission. You know, one there's a native Hawaiian practitioner in cultural, one as, you know, as worked in... in the field and things like that. Would you... is this something that you would like to sit on?

MS. AHIA: Potentially. I kind of have a full plate right now, but you know, this... this vision of creating Kauhale for our people is something that's important to me, and I think it... it... it creates solutions for a lot of the different things that we're all working on. So potentially. Potentially.

COUNCILMEMBER PALTIN: And do you think anything is being left out? I think one of the written testimony was that we should also have someone who's experienced mental illness; somebody who's experienced substance abuse; somebody who's experienced homelessness. Do you think that we need to be more broader?

MS. AHIA: Sorry, it was buffering so I missed a little bit. But I think you said about the testifier saying that they need people who have mental health skills and substance abuse. Yeah, I would agree with that. I mean, I think... I think the first step, right, is passing... passing this, so that the commission can be created, but in terms of who is actually on it, I do think that those specific things would be important. And even from a culturally... culturally-based perspective, even on substance abuse and mental health and things like that, folks who are dealing, especially with Kanaka Maoli and homelessness, have to understand the construct of settler colonialism. If they don't, they tend to compartmentalize and look at it as a personal issue, when it's actually a cultural and societal and political issue. And so I think it's important to have folks that understand that political framework of settler colonialism to be able to address those deeper issues that are happening with our... especially our Kanaka Maoli homeless population.

COUNCILMEMBER PALTIN: So but not necessarily someone who is currently experiencing mental health issues?

MS. AHIA: Oh.

COUNCILMEMBER PALTIN: Or substance abuse themselves? Rather, somebody that's worked in those fields?

MS. AHIA: Or somebody that has past experience.

COUNCILMEMBER PALTIN: Okay.

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MS. AHIA: I wouldn't necessarily say that somebody who's... who's in the throes of it would be the best choice. That seems a little bit inappropriate to me, but somebody maybe who has overcome and is on the other side of that would... would have a good perspective.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Sorry about that, Ms. Paltin.

MS. AHIA: Sorry. My phone. It's just... it keeps resetting, so I may have missed... did I miss something?

CHAIR KAMA: No ...*(inaudible)*....

MS. AHIA: Did I answer the question?

CHAIR KAMA: You did. You did.

MS. AHIA: Okay. Okay.

CHAIR KAMA: Yeah. Thank you.

MS. AHIA: Mahalo.

CHAIR KAMA: So thank you very much again, Noelani. Hope to see you again. So Ms. Alison Stewart, can you please call up our next testifiers?

MS. STEWART: The next to testify is Lisa Darcy, to be followed by a participant with the last four digits 8333.

MS. DARCY: Hello, everyone. My name is Lisa Darcy, hey. And I'm with Share Your Mana. Today we would like to testify on AH-37 on the commission. And when this first was put forward by Councilmember Rawlins... Fernandez-Rawlins [*sic*], I went into a space where I was very clearly trying to do too much, and trying to do the work of the commission, and I realized that the best type of... of testimony that Share Your Mana could give would be to say yes, we are 100 percent behind this, and that everything that was said earlier about the cultural and the language needs will evolve through this dialogue, as long as it has members of the community who are living unsheltered on it. That would be the very clear piece, and I am sitting here with two, and actually a couple more, everyone's really shy. This is the first time we've ever done this, and people who have never even seen online testimony, so it's a little overwhelming. But I have two community members, and I don't know if they could testify separately, or if they would do this together, but they have expressed interest in being a part of this. So David.

MR. WATIMER: Hi.

MS. DARCY: Margie.

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MS. CALPITO: Hi.

MS. DARCY: Would you be interested in being on a commission like this?

MR. WATIMER: Definitely.

MS. DARCY: Yeah? You think it's a good idea?

MR. WATIMER: Very good idea. It gives more insight ...*(break in audio)*... the commission. You'd have more insight.

MS. DARCY: Yeah, and I think that some of the points that were stated earlier, again, on a cultural approach to this, where it isn't just one particular way people are to be housed, is really important. And you know, I just recently termed out on the Hawaii Public Housing Authority Board, and I had the absolute privilege of sitting on that board when Lieutenant Governor Josh Green and when Home Aide Noelani (sic) presented... Medeiros, this. And we had the privilege of voting yes to support this, and it is intended to come out to all of the islands. So that, along with the continued emergence and just the growth of the way that we speak about this type of need in language, will emerge with a group like this. It must have all the mokus represented, with individuals who are living there. That is really important, as the testifier said earlier about Moloka'i. They are very different. Hana is very different than Kihei, which is different from right here in Kahului. So I... I'm... yeah, I'm not going to over all of the recommendations I have, because it is not for me to do. It is for the commission to discover, and that's the exciting part of this. So thank you for this opportunity today.

CHAIR KAMA: You're welcome.

MS. DARCY: Margie, would you like to say anything?

MS. CALPITO: Thank you.

CHAIR KAMA: Thank you for joining us. So members, do we have any clarifying questions for our testifier?

COUNCILMEMBER SINENCI: Chair.

CHAIR KAMA: I hear somebody, but I don't know who you are.

COUNCILMEMBER SINENCI: Member Sinenci.

UNIDENTIFIED SPEAKER: Member Sinenci.

CHAIR KAMA: Oh, Shane. Okay, thank you. Okay. Mr. Sinenci, go right ahead and ask your clarifying question.

COUNCILMEMBER SINENCI: Aloha, Ms. Darcy, and thank you for your efforts with our unsheltered and our houselessness, and I'm glad to hear that you support the

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commission. My question is, some of the members have asked, do you support having some of these commissioners have specific skill sets, as far as dealing with the unsheltered or with mental health skill sets? Do you support the commission having particular types of skill sets that address --

MS. DARCY: Absolutely.

COUNCILMEMBER SINENCI: -- the houselessness?

MS. DARCY: Absolutely. One of the, I think, major strengths of Share Your Mana is that it has a very deep understanding of mental health, trauma, addiction, financial anxiety. We look... we try to encompass these major checkboxes and churches... community... if you do not understand or have any of that sort of connection to the needs, then you... it's just going to be a learning experience for you. Commissioners need to be the ones who dig in deeper, and who take issues and ideas further. It cannot be a growth spot for, you know, just an education spot. That's their job, is to provide that out. So I strongly, strongly recommend individuals... housed or unhoused, to have these awarenesses, and very much cultural awarenesses of... of many different types of cultures. You know, not... not just Hawaiian or Caucasian. I mean, you know, there are the Filipino community, the Samoan community. The... so, there's really an incredible depth to this that it will... is going to be so exciting to explore, once this commission starts.

COUNCILMEMBER SINENCI: Mahalo, Ms. Darcy. Mahalo, Chair.

CHAIR KAMA: You're welcome. Ms. Lee, your hand is up. Go right ahead.

COUNCILMEMBER LEE: Hello, Lisa.

MS. DARCY: Hello.

COUNCILMEMBER LEE: I don't really have a question for you, I just want to say that your testimony is... is always effective, but more so today, coming from the field and with people there that, you know, are representative of the population we're concerned about. So I just wanted to say thank you.

MS. DARCY: And Chairman Lee, I would like to point out the incredible difficulty it has been to gather this group and to make sure my phone doesn't die, and to make sure I'm connected. And it made it... the amount of barriers for us to get on to this conversation took a lot of planning and a lot of effort, so I so appreciate that comment.

COUNCILMEMBER LEE: Thank you, Chair.

CHAIR KAMA: Thank you, Lisa.

MS. STEWART: Chair?

CHAIR KAMA: Yes?

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MS. STEWART: This is Alison. Can we please have Lisa identify the other two presenters for the record?

CHAIR KAMA: Okay.

MR. WATIMAR: David Watimar from Y. Hata.

MS. CALPITO: Margie Calpito at Kanaha.

CHAIR KAMA: Did you get that Alison?

MS. DARCY: It's hard because we're --

MS. STEWART: Stacey, are we get --

MS. DARCY: -- on the side of the road. And the traffic is loud.

CHAIR KAMA: Is that open?

MS. STEWART: Yes, we could... if Ms. Darcy could please just maybe send a text or an email with the spellings, that would be appreciated.

CHAIR KAMA: Okay. So we're going to expect Lisa to send in their correct spellings. Thank you. Okay. Anyone else have a clarifying... okay, yes? Vice-Chair Keani Rawlins-Fernandez. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Darcy, Margie and David. Mahalo for all of your testimonies today. I think... I want to thank you for taking advantage of the video conferencing, you know, platform that we're using to ensure that others in our community have the opportunity to provide direct testimony using their own leo, their own voice. Because I think that's, you know, like Chair Lee stated, that that's really important, and I'm really excited to hear that there are members in the Kanaha community that would be interested in serving on the commission to provide their insights. My question, I guess, to you Ms. Darcy, is if you think that, you know, what... what you had explained in your testimony that this bill would... is broad enough to include a lot of those ideas and those thoughts that you explained?

MS. DARCY: Absolutely. The original... my original response, I think, that I wrote back to you was, it's too much. I can't. I can't. And I realized that I started to try to guide the commission, because I have intimate knowledge. This is not for me to guide. Now, it's not to say that some of the general experience is not extremely applicable and necessary, but I also recognize that having an expertise, part of your responsibility is to step back and provide the right questions; provide some structures; and not provide the answers. And so yeah, so... this is just so long overdue, that I... I fully believe that getting it started and, again, if there is very clear voices and... the two individuals who really were the impetus behind doing this today actually got called to work at the last minute, so they cannot be on this, and they were interested and they would like to serve on this

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commission. So they're, you know, like, that... that's where it's... Share Your Mana is just, it's the connector. It's the connector to these experiences to... so that everybody can have these A-ha moments. And I'm... I would not want to get stuck in trying to make it perfect before we start. No. Let's just... we, you know. No. No. Time to go. Time to go. Let's go.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your urgency and for your testimony, all three of you. Mahalo again. Mahalo, Chair.

CHAIR KAMA: Thank you, Miss... Or Council Vice-Chair. Thank you, Lisa. And thank you, David and Margie, for coming on today. Alison Stewart, do we have another testifier, and the next one calling?

MS. STEWART: Yes, we have two testifiers on the list remaining. The first is, the last phone number digits are 8333. If you could please unmute yourself and identify yourself and what you're testifying on. To be followed by a participant logged in as Guest.

MS. WEST: Number 8668333. Hi. Can everyone hear me? This is Kim West.

CHAIR KAMA: Yes. Please identify yourself.

MS. WEST: Hi. My name is Kim West. I'm calling in from the 8333 phone number.

CHAIR KAMA: Okay.

MS. WEST: I am a commissioner...yes?

CHAIR KAMA: Yes. Go ahead.

MS. WEST: Okay, thanks. I am a commissioner from the Persons with Disabilities. And I'm also a program director for mental health; Kokua. But today, I am testifying as a citizen and member of Maui County community. I am... I did not prepare to testify today, I actually just called in to listen, but since I'm here, I'll take the floor. So thank you. And I am in full support of another board for homelessness/houselessness. And as a commissioner of the board, Persons with Disabilities, I can see how there's a lot of overlap between the two, and it can feel very overwhelming for our board, I think. And as... again, I'm just speaking as a citizen, but I think having its own board would be able to allow us to deal with some of the challenges specific to persons with disabilities and having a board specifically for houselessness would allow them to look at those solutions. I would be in full support of a neutral board and definitely thinking creative solutions and better culturally appropriate. So definitely, we live in Hawaii in a collective society, and I know someone had mentioned it earlier, as opposed to an individual society. And we need to become more creative with our solutions. I think a lot of what people are thinking when they think of solutions are just the four doors, but again what I've heard is more creative solutions; creating a community for persons that are houseless that could move towards eventually having four walls. But that may not be the first solution. What else was I going to mention? And I think in response to Maude saying that we need a clearer understanding of what the goals are, I think we would

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need to trust the commissioners that they would be able to come up with some creative, culturally-appropriate solutions. I don't think any of the boards really have clear goals. You know, we discuss them, and we come up and we prioritize our goals and our plans, so I would trust that this board would also be able to do the same. Again, as an employee of Mental Health Kokua, we definitely see the overlap with the individuals with mental health that are disabled, plus they're helpless. I mean, I'm also Canadian -- . . .
. (timer bell rings) . . .

MS. WEST: -- and they also have a third -- okay. That's it, thank you. Full support.

CHAIR KAMA: Thank you for your testimony. So questions? Members? Vice-Chair Keani Rawlins-Fernandez? Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. The ringer cut you off, Ms. West. Mahalo for your testimony. I was just wondering what was that last sentence you said, when the ringer started ringing.

MS. WEST: Oh, I mean, I don't think we can have too many boards. Canada actually has a third board for mental health commissioners, so I mean, I don't... there is overlap, but definitely there are challenges specific to that population and community. So I think another board would definitely be warranted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Did you also say you're from Canada?

MS. WEST: Yes, I'm also Canadian.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. So this kind of board is familiar to you for... where you...

MS. WEST: Yes. And I also have a Public Administration Master's Degree and a Clinical Mental Health Master's Degree.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony and for your input today. Mahalo, Chair.

MS. WEST: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha.

CHAIR KAMA: You're welcome. Okay? No other members wanting to clarify questions. Ms. Stewart, can you please call our next testifier, please?

MS. STEWART: That was the final testifier signed up.

CHAIR KAMA: Oh, that wasn't Guest? Oh, okay. Okay. Wow.

MS. STEWART: The rest is just observing.

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CHAIR KAMA: Oh, oh, oh, okay, okay, okay, okay. Okay. So members, without objections, I would like to close public testimony.

COUNCILMEMBERS: No objections.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR KAMA: Thank you, members. And also, without any other further objections, I'd like to make sure the Committee is going to receive into record any other written testimony that we might receive.

COUNCILMEMBERS: No objections.

CHAIR KAMA: Okay. So ordered. Thank you, members. Thank you so very much. Oh, I thought we'd have more testimonies, but nonetheless, it was good.

AH-1(6): WAIKAPU DEVELOPMENT VENTURE WORKFORCE HOUSING PROJECT

CHAIR KAMA: Okay. So I think at this time, we're going to move onto our presentations today. So we're going to go into Affordable Housing 1-6, the Waikapu Development Venture Workforce Housing Project. So the Committee is in receipt of a correspondence dated June 18th, from the director of Housing and Human Concerns transmitting a proposed resolution entitled Amending Resolution No. 18-150 to allow the director of Housing and Human Concerns to extend time deadlines for commencement of construction and completion of the Affordable Workforce Housing Project by Waikapu Development Venture, LLC. We have with us, Mr. Peter Horovitz and Bill Frampton from Waikapu Development Venture, LLC, to briefly explain the need to extend the timeline for the completion of this workforce housing project. So I see you, Mr. Frampton. So are you going to begin the presentation?

MR. FRAMPTON: I am the one to do it, and I'm prepared --

CHAIR KAMA: Okay.

MR. FRAMPTON: -- and ready when you are. Okay.

CHAIR KAMA: I am ready. Go ahead.

MR. FRAMPTON: First time using the Blue Jeans, but I'm appreciating that, and I think they're really neat tools, especially given the testifiers earlier from Kanaha. That was pretty neat. Pretty impressive, and it's neat to see that we have ability during this time to reach out to the community. So I always like that.

CHAIR KAMA: Amen.

MR. FRAMPTON: My name's Bill Frampton, and I'm here with... today assisting me online as well, is Peter Horovitz. He's our... my partner and are counsel, legal counsel, for the project. So if there's any legal matters, we would... I'd probably divert to Peter. And

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what I'll try to do now, is I'm going to open up the share screen, if that's okay with you, Chair? And... and I can --

CHAIR KAMA: Go right ahead.

MR. FRAMPTON: -- load it for ...(inaudible).... Okay. Excellent. All right. Is that... is that visible to the members?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KAMA: I can see it.

MR. FRAMPTON: Excellent. Thank you. Okay. So again, we're... as... as Chair Kama noted, we're... we previously, back in 20... September of 2018, we were very grateful and appreciative of the fact that the county council approved our 201H application by way of County Resolution No. 18-150, and what we're here today to respectfully request just... and discuss is the potential amendment to that existing resolution, which would involve extending our deadline to start and complete construction. And I'll go into that a little bit more as to why that has become an issue for us. As a... I'll provide you today with, I'm hoping, a short presentation. I'm never one... I'm not short of words, but I'll do my best to not take up too much time. I will provide a quick overview of the project background, just as it relates to the fact that there are only three of the existing councilmembers who are here today, who were on the actual board that approved... the council committee that approved our project. So I thought I'd provide a little background, overview, status of where we are, provide a little discussion about the unanticipated delays that have hampered us and caused us some impact, including the processing of a pretty simple two-lot subdivision, we were hoping it'd be simple, and obviously the onset and the impacts related to COVID-19. So for background... from a background context, to give you a site location where we geographically are situated is between Wailuku and Waikapu, and we're located between also the... on the makai side, we're bounded by Waiale Road and on the mauka side, bounded by Honoapi'ilani Highway. And we're in close proximity to the Maui Lani Village business commercial area, as well as the Kehalani business commercial area. Our project is... consists of approximately 12.5 acres. Shown on this exhibit, it's the blue parcel. I provided in green, though, however, a little background to note that this originally has been one large parcel of 25 acres and was owned originally by Emmanuel Lutheran Church. They were going to do a master... a plan on that parcel with a new school and new church. They ran into some economic hardships several years ago. We got together with them, and they inquired if we would be interested in purchasing approximately half the land to do an affordable housing project. We were very honored and grateful to have that opportunity. So in order to do our project, which I'll talk about a little bit later, is the... a two-lot subdivision was required. And it would be a creation of this lot A, which is 25-plus acres, into Lot A1, which we would retain for our project, and Lot A2, which was 12.7 acres, which would go to Emmanuel Lutheran for their future plans and uses. But as far as the location, again, I... I... we... we are very confident and feel great that we're in a pretty good, ideal location, within good proximity to goods and services. This, here, is the final project site plan that was approved as part of our 201H application. This plan, I... was included, or key elements or factors that shaped the project, as the

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members who were here previously learned about, included pedestrian-friendly. It was very important that this project provide more than just roads, and we wanted to provide multiple pathways... multiple accessways for pedestrian and bicycle, and providing connectivity laterally across the site, sort of with the topography. And providing an opportunity for residents to travel, say, to the Kehalani Village Center, without having to get onto Waiale Road, was certainly one of our goals. And that was a key feature that came up very early on as part of our community outreach process in meeting with the Waikapu Community Association. I was involved with the project just immediately south of us previously, in the very beginning, that... an existing 201H project that's under... nearing the end of their construction, I think, right now. But when we... one of the key elements, again, was just taking advantage of including greenways and working with all of the owners in the area to have a comprehensive plan. And that was something that came, again, as a result of early consultation, that when you go out early enough to the community, as well as to the government agencies, you have flexibility to create acceptable plans. Another important element was having sidewalks on both sides of the street, instead of just one side, which you've seen in other 201H projects. We were able to pretty much provide that throughout our entire project, and that was something that was important to the Waikapu community as well. But our project, as a whole, it's 100-percent-affordable housing. We will have 80 units in total, and of the 80 units, approximately 12 of those units, located here on the large neighborhood green, are going to be duplex units. Two-story, two... two-story, two-unit duplexes. They would be located here. The rest of the project is going to be comprised of 68 single-family residences, and the project would be to go... 12 of those units would go to the 70 to 80 percent range of the Maui median income, 12... additional 12 units would go to the 81 to 100 percent, 40 units would go to 101 and 120, in between that... would be priced in between that for the Maui median income, and 16 units would be priced between 121 and 140. The... just to provide you with a little context as to the design, we were... I was very happy and grateful to have George Rixey (phonetic), who's a very talented and gifted architect. He provided us with the design elements. He designed the entire layout, as well as all of the homes. And these represents a range of the types of models... the types of units that families would be able to purchase. And as far as the project status, where we are right now, since September of 2018, back when we got our 201H approval, one of the next steps we had to do, was we needed to go to the State Land Use Commission, we did so. It took a while, but it was... we were able to do so after we had the 201H approval and we got through that process which began in November, 2018, and then finally completed, I believe, in July of 2019. And so that requirement was triggered, based on the previous approvals that were granted for this property, in which Emmanuel Lutheran needed to get permission to sell half of their land, and the commission granted that, and also bifurcated our property, which allowed for us to be a separate entity with our lot and the Emmanuel Lutheran to become a separate entity.

This exhibit here is the... represents the final, or sorry, the preliminary subdivision map that we had filed with the County of Maui back in this April, and by April, 2020, we were very happy to get it in. It's a detailed subdivision plan, but it matches the exact previous site plan that I showed you. This just has a ton of information on there that I didn't want to go into too much detail, but I wanted... the takeaway here is that we have filed our preliminary subdivision map for our project, and on June 5th, we got our preliminary subdivision approval letter from the County, in which they granted us

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preliminary subdivision approval, which would be contingent upon... we'll have final, as soon as we comply with their conditions. And we've reviewed all of the conditions with our professional consultants and feel actually very satisfied that there were good comments, reasonable comments from the County of Maui, and they're all... in the end of the day, it's all about providing... just, they're there to help us make sure that we're not creating a project that would be a threat to public health and safety, yet still provide a neat project that's got its own sense of place. And so the conditions that are provided in our preliminary, we feel very good about. But we still need to process that in order to get final subdivision approval. As we mentioned earlier, one of our delays... our concerns for... which caused us to have a delay in our project is related to the two-lot subdivision, which from a County of Maui perspective, it hasn't... I... there's no... no one to quote blame here, it's just it takes a long time to do anything, including a two-lot subdivision, which is essentially, we call this a paper subdivision. It allows us to split the lot in two and do our master plan, which... which you folks have approved, and so did the State Land Use Commission. However, we filed in June of 2018, the preliminary two-lot plat; in July of 2018 we received the preliminary subdivision approval letter; but still as of July, 2020, we still do not have State Historic Preservation Division approval. We do expect that, though, to happen by the middle of this month at the latest. It's not a... what they're approving is a monitoring plan that would be, of course, implemented during... with any subsurface activities occurring on the property, we would certainly... we've all agreed to include archaeological monitoring, given the proximity to where this project sits and the dunes in this regional area. However, we didn't get the State Historic Preservation Division letter until July of 2019. It was one year after we submitted the application, so it... it... it is sort of what it is. It's not, I don't think this is brand new to anybody, but it just, it does take time. And they may be overwhelmed with staff or resources, but it's something that we're hoping to have done soon, and as soon as we do, we will have the final approval for the two-lot subdivision, which is an important step for us to continue processing the big subdivision, which is our project here, on Lot A1. But again, that was just an unanticipated delay that I knew... we knew going into this, it was going to take a time to process, but the fact that it took one year for us to get a comment letter was a little... is concerning, but it's part of the reason why we're here today, is to say we've had unforeseen and unanticipated events that have come up, causing us to have a delay. The key, again, with what we're asking for, is we're asking for permission to be able to extend the approval, to allow us a two-year extension to start, as well to complete the project. We're here, certainly, to answer as many... any questions anyone may have. We just wanted to say thank you again for your folks' support all along. The County has been great to us and continued to set the example that affordable housing is so important to us, and I'm grateful to have the opportunity to be a part of that; a project that's going to provide that. And so I'll... I'll finish it right there... with that, Chair, and --

CHAIR KAMA: Okay.

MR. FRAMPTON: -- certainly am available for any --

CHAIR KAMA: Okay.

MR. FRAMPTON: -- questions.

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CHAIR KAMA: Okay. Thank you, Mr. Frampton. So at this time, I would like to ask the Department of Housing and Human Concerns to comment on the project, if you will, either Ms. Tsuhako or Ms. Munsell?

MS. MUNSELL: Thank you, Chair. Good afternoon, Chair and committee members. My name is Linda Munsell. I'm the Deputy Director for the Department of Housing and Human Concerns. I really appreciate the opportunity to address this body and talk about this project, and to encourage you to amend this agreement to grant them the extension. As you know, this is a 100-percent workforce housing project. It will provide 80 units. Their AMI levels that they are addressing begins a little lower than normal. They're starting at the 70-percent AMI level. These are units that are critical for our county and for our families here. And so... and this project was passed by a vote of eight to nothing, I think that one person excused a couple of years ago. So clearly the Councils in the past have felt that this was a very worthwhile project. So as I said, we are in support of this project, and we are urging you to grant them this extension. Thank you so much for your consideration.

CHAIR KAMA: Thank you, Ms. Munsell. So okay. So members, we're going to get... have... oh, I'm sorry, yes, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, I have a question for Ms. Munsell.

CHAIR KAMA: Oh, wait, wait, wait, wait. I was just going to go to that.

COUNCILMEMBER KING: Oh.

CHAIR KAMA: Then if you'd let me finish, we're going to get to that right now. So we're going to have... this is the process, okay? So we're going to have two rounds of questions, five minutes each, and we're going to begin with Vice-Chair, sorry Kelly, with Vice-Chair Mike Molina to begin the questioning. So if... I don't see of you all at the same time. So if I don't call on you after a while, say something into your mic, so I'll know that you're trying to get my attention. Okay? So then I can give you the floor to do that. So like I said, any other questions before we begin with Vice-Chair Molina? Okay. Thank you. All right. Mr. Molina. Any questions for either the Department or the developer? Go right ahead.

VICE-CHAIR MOLINA: Yes. Mahalo, Madam Chair. First question is, the project was supposed to start in September, 2020, and I'm sorry if I missed it or if it was said earlier. What is the updated start date?

CHAIR KAMA: Go ahead, Mr. Frampton.

MR. FRAMPTON: Okay. I'm just making sure if I'm there. Okay. Anticipated started has been... thank you for that question, Member Molina. The anticipated start date right now, we have been targeting, actually September, 2020 for quite a while, right up until the point of when COVID really came... came in and hit us. For all sorts of different reasons, it has, as you can imagine, in many ways, impacted us; our ability to file

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applications and processing of the applications with the county and the state. That being said, right now, if we're able to... and successful in obtaining this extension, we're thinking that it might... we might be maybe six to eight months behind schedule on an aggressive side. So we're not asking for, you know, give us two years so that we can just take our time and just kick this down the road. This is very frustrating to even have to come back, not to come before you, but just for myself, we are very excited about this project, and we know the people in the community have been so great to us. The interest is outrageously fantastic, and I'm just sad that we have had delays. And so I would say, to get back to your answer, would be we would be shooting for the middle of 2021 at the latest, maybe to start. But I had hoped we would be starting September. I'm assuming that we're going to get that SHPD approval, and if we do, it's going to be a big boost to get that final item for the two-lot subdivision, and given what's happened with COVID, I have to still say that everyone is still continuing to support us and work with us, especially the Department of Housing and Human Concerns. Anyway, I hope that helps.

VICE-CHAIR MOLINA: Okay.

MR. FRAMPTON: Maybe six to eight months at the most behind schedule.

VICE-CHAIR MOLINA: Okay, so maybe around, let's say May or June of 2021?

MR. FRAMPTON: We would be targeting middle 2021.

VICE-CHAIR MOLINA: Yeah.

MR. FRAMPTON: If you want --

VICE-CHAIR MOLINA: Okay. Great.

MR. FRAMPTON: And if not, I would love to be able to call you up and say we've smoked that and started a lot earlier.

VICE-CHAIR MOLINA: I'd love to hear that too.

MR. FRAMPTON: That's the goal. Yeah.

VICE-CHAIR MOLINA: Okay. Great. And one more question. Any general estimates of the costs associated with this delay for you?

MR. FRAMPTON: Good question. In terms of the economic costs to the... like a developer?

VICE-CHAIR MOLINA: Yeah. That, and anything else you want to share. But primarily that.

MR. FRAMPTON: The biggest thing would be... I think the biggest thing would be the carrying costs. Obviously, the one thing we did with the Emmanuel Lutheran Church, for example, and we wouldn't do it any other way, was we were originally supposed to not close on our sale until we had two-lot subdivision approval. Well, it's, you know, July,

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2020 right now, and that was going to be way too difficult for the church. So I was able to meet with my partners and our investors, and we closed early without the two-lot subdivision approval to help them pay off their mortgage and their loan, because we knew they were in a challenge. And we also were blessed to be in a position where we could do so. So we started carrying the cost of that land, if you will, earlier than anticipated. At the end of the day, that's part of the... that's all part of this game. So we're not here crying about that. It's part of the... we're lucky to be able to be able to do this. And so... but the economic cost of carrying costs have been... is probably going to be the one that would start to sneak up on you fast with compounding interest.

VICE-CHAIR MOLINA: Okay. All right. Thank you. Wish you well with this, Mr. Frampton, and it looks like a nice project. Thank you, Madam Chair.

CHAIR KAMA: You're welcome.

MR. FRAMPTON: Thank you, Chair. Thank you.

CHAIR KAMA: Mr. Hokama, do you have any questions for our developer or for the housing director?

COUNCILMEMBER HOKAMA: Thank you, Chair. Yeah, I'd like to ask Mr. Frampton a couple things. And again, Bill, thank you very much for proposing projects that will help our community. I just wish you were in construction.

MR. FRAMPTON: ...(inaudible)...

COUNCILMEMBER HOKAMA: And I hear you loud and clear, Bill, yeah? So you know, don't get me wrong. So a couple of things. I understand your request for an extension completely. Not an issue. So because you mentioned the impact of the COVID, is there any way CARES money can assist you with some of your issues? Since you're carrying the cost of a project that cannot go forward, and a lot of it is due to your inability to get the required governmental approvals because of the COVID practices, safety practices, so I was wondering if your legal counsel had any thoughts about requesting CARES money.

MR. FRAMPTON: That is... Mr. Hokama, great... as always, I always appreciate your comments. But your... how you look past so many things down the road when it comes to the economics of this stuff. It's really, I appreciate that. And it... you know, it's one of those things I would like to maybe defer to Peter, my... the attorney, if he has any insight on this, but I would just note that it, it's part of the developer's kuleana, and our responsibility to this game that we're in. Nothing's ever guaranteed, but what does help is... it does help having support of your memberships and having the government support. Again, going back to the housing department, they've been fantastic, and I know they can help us with the approval process, now that we're ready to get going. It's just we wanted to get over this extension request.

COUNCILMEMBER HOKAMA: Yeah.

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MR. FRAMPTON: It started sneaking up on us.

COUNCILMEMBER HOKAMA: ...(inaudible)...

MR. FRAMPTON: We started getting nervous, and --

COUNCILMEMBER HOKAMA: But so, hearing you --

MR. FRAMPTON: -- it affects that ...(inaudible)...

COUNCILMEMBER HOKAMA: -- hearing that, the members are, I would say, very well informed. So we know that there's neighboring projects in close proximity to yours. For them, part of the issue is the county and our sewer system. So is that infrastructure a issue for your project? The infrastructure, the subsurface.

MR. FRAMPTON: Ah, no. As of so far, during our approval process, when we went and did the review of the 201H application, we sat down, one of the important meetings that we had early on that the Housing and Concerns helped with. We met with every... a meeting with every head of every county agency came to this one meeting. And that was one of things we were looking for. Tell us now, up front, as early as you can, to give us heads up. That issue, I was aware of, that was out there. But given the size and scale of our project, I think the County looked at some of the other projects nearby that are much larger in size and scale. So that comment had not come up to us. As far as --

COUNCILMEMBER HOKAMA: I ask that... yeah. I ask you that, Mr. Frampton, because I don't want another hiccup down the road.

MR. FRAMPTON: Yes.

COUNCILMEMBER HOKAMA: Where you have to have another extension because then your project can end up, financially, in an uncomfortable situation for people like me, yeah? So...

MR. FRAMPTON: Yeah. Yes.

COUNCILMEMBER HOKAMA: So I'm trying to avoid that. So I don't need a last minute thing from Sewers or somebody else saying, "Oh, we miscalculated capacity. So until we upgrade our thing, sorry, we cannot go forward on your thing". Which is (*expletive*) to me, okay? So let's talk about it up front. Get it done --

MR. FRAMPTON: Yes.

COUNCILMEMBER HOKAMA: -- and get those houses built. So that's what --

MR. FRAMPTON: I -- well said.

COUNCILMEMBER HOKAMA: I'm . . . (*break in audio*) . . . Okay. So as far as you know --

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MR. FRAMPTON: Yeah. Yeah. . . . *(inaudible)* . . .

COUNCILMEMBER HOKAMA: -- Sewer is not an issue, Bill, or any other infrastructural thing is not an issue as of today?

MR. FRAMPTON: That is correct. And one of the reasons, Member Hokama, is if you recall, and I think you helped recognize this early on, was that this is a hundred percent affordable. So we have no market units at all in our project. And that does assist us with exemptions from certain requirements. However, when it came to water, we do have to bring in an off-site water line to our property. But in doing so, we're also bringing it in for the church as a favor. Because the church, in order for them to go forward, they needed water. So part of the... just trying to be good partners, and we were willing to do so. When it comes to the sewers, so far, the issues you brought up, we have not been told that. We brought it up. They had a great opportunity along the way to tell us that. I'm hoping that stands and sticks with that also. They stick to their word, what they give us.

COUNCILMEMBER HOKAMA: Right. Right. Well, good luck, Bill.

MR. FRAMPTON: Thank you.

COUNCILMEMBER HOKAMA: I appreciate you moving forward. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Hokama.

MR. FRAMPTON: Thank you, Mr. Hokama.

CHAIR KAMA: Member King, you had questions?

COUNCILMEMBER KING: Yes. Thank you, Chair. Thanks for being here, Mr. Frampton. Good to see you again. I'm sorry that you're --

MR. FRAMPTON: Yeah.

COUNCILMEMBER KING: -- having difficulties. But one of the issues is with the archaeologist issue. And just wondered if you had spoken to the administration. You know, we did hire a County archaeologist that the last year we put in the budget, and it was announced just recently. So I just wondered if you were able to avail yourself of Janet Six's abilities as an archaeologist for it, and if that will help you with your SHPD issues.

MR. FRAMPTON: That's a... I followed that along the way. I was very grateful to see the County taking a proactive measure here. That's always been something of a stumbling block. But so far, I'm not sure if she's fully on board, on staff, yet. But I was excited to see that she was retained because she's a great person and does great work. And I do believe that she would, in the future, if something like this comes up in the future, she could help to serve to contact State SHPD on Oahu, for example, and say either, one, it would be great to have her have the ability to review it, given that she's right here on island, and would know the project --

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COUNCILMEMBER KING: Right.

MR. FRAMPTON: -- much more intimately. But I would think that she could at least contact the State, and say, hey, look, I reviewed this. It's just a two-lot subdivision. We're going to obviously monitor on the big... you're going to have another chance to review this when we come in for our 74-lot subdivision. But it was just that, I think this is . . . *(inaudible)* . . .--

COUNCILMEMBER KING: Okay. Well, I want to . . . *(break in audio)* . . . my time on that question. But I just would... because it was announced that she was on board, I believe. So maybe you --

MR. FRAMPTON: Okay.

COUNCILMEMBER KING: -- could contact the administration, and see --

MR. FRAMPTON: For sure.

COUNCILMEMBER KING: -- . . . *(break in audio)* . . . could help move things along for you.

MR. FRAMPTON: Good idea.

COUNCILMEMBER KING: And I want to thank you, again. Because I was one of the three members from the last --

MR. FRAMPTON: Yes.

COUNCILMEMBER KING: -- Council, and I was really grateful that you were willing to go down to the 70 percent AMI. I thought that was really excellent. So I just wondered why... maybe Linda Munsell, can answer this if you can't, but we have approved other subdivisions. I think the Atherton one, specifically, where we gave them a deadline from the date that the subdivision was approved. And I just wondered why we didn't do that with you. Is there a reason you didn't ask for that, or did you not think of it? We did two years...

MR. FRAMPTON: That's --

COUNCILMEMBER KING: Go ahead.

MR. FRAMPTON: For myself, or is that to Linda?

COUNCILMEMBER KING: No, no. Either one, I guess. Is there a reason you didn't --

MR. FRAMPTON: Okay. I could answer that, maybe, just take a stab at it, would be that I would love to have had that condition. But what we were already asking for, the amount of exemptions that you did grant us, we were very grateful to get. And it's... we wanted to respect to how much we were, maybe, asking for. One thing that I did want to

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consider early on, and I do think it could be of a substantial increase in the ability of the timeliness, would be when the Council is reviewing this project, and we have the detailed plans ready to go at that time, that the Council would have the authority to say, review... review and approve, even the two-lot subdivision. I don't think it's an outrageous request to ask, as long as we are complying with proper codes and public health and safety. But also, in the old days, I do recall, that when Housing and Concerns came in, that the County -- when the Council approved a project, they approved everything all at one time. One swoop. And they hit the ground running. When we were told about the deadlines to be applied to our project, we were fine with it, because that's what we do. And I believe we could get through in a timely manner. But I couldn't... I wouldn't not ever foresee a two-year review process for a two-lot subdivision, for a plan --

COUNCILMEMBER KING: Yeah, that's what I . . . *(inaudible)* . . . --

MR. FRAMPTON: -- nor COVID-19.

COUNCILMEMBER KING: Yeah, that's what I... well, even before COVID-19, that's what I was hearing from a lot of developers, that sometimes it takes like 18 months to get SHPD to come over and do the reviews. So --

MR. FRAMPTON: Yeah.

COUNCILMEMBER KING: Another question is, what are you... so if you're a hundred percent, then you should be getting the credits on all of the units, the affordable housing credits. What are the --

MR. FRAMPTON: We, we -- yes.

COUNCILMEMBER KING: What are you selling these units for?

MR. FRAMPTON: I can -- just to let you know that, we don't have... we have an... because we have an 80-unit project, and that we did a hundred percent affordable, we were able to work with the County to be eligible to receive credits. And it turns out that the number they use is, it's 49 percent of your total number of units that you have. Which is, basically, if you think about the requirement of a 201H says, you need to do 51 percent affordable, and then you can... then you could do 49 percent market. People did do those in the past, I guess. But if you went a hundred percent, the enticement is to try to incentivize it by providing an opportunity for credits. But it's a risk because you have to build that project. And you have to have it completed and standing. The sale prices, related to the question you were saying about how you sell those, and the sale prices. I have heard numbers that have been all over the board as to what people may or may not pay. I've heard very high range numbers up to 75,000 dollars, 90,000 dollars a credit, down to - when I did my pro forma, I used 30,000 dollars a credit. I mean, we weren't looking to... this wasn't a dot-com, gazillionaire project. I think that we said from day one, this is part of trying to do something that we believe is financially feasible. It's a challenge, but we can make it feasible. And those credits are a great way to help us when it comes time for funding and financing. The lenders do look favorably upon

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that. That we can --

COUNCILMEMBER KING: Okay. So you're using --

MR. FRAMPTON: -- get by.

COUNCILMEMBER KING: -- you're using 30,000, your pro forma. I've actually heard from some of the developers I've been speaking with that they've actually been sold up to 150,000 apiece. So you're probably being very conservative . . . *(break in audio)* . . . *(timer bell rings)*...

COUNCILMEMBER KING: -- negotiation yet then?

MR. FRAMPTON: Well, yeah. We've talked. We've had some talk story with some folks who've expressed some interest. But given that we're still a far... you know, a ways out, we just want to keep our head focused, and head down to the grind stone to keep pushing this through. And like I said, we're asking for an extension, but I would love to come back and beat every one of those future dates.

COUNCILMEMBER KING: Okay. Thank you. Thank you, Chair.

CHAIR KAMA: Chair Lee --

MR. FRAMPTON: Thank you, Ms. King.

CHAIR KAMA: Questions for --

COUNCILMEMBER. LEE: Madam Chair --

CHAIR KAMA: Yes?

COUNCILMEMBER LEE: Madam Chair. I support the extension, and I have no questions.

CHAIR KAMA: Thank you.

COUNCILMEMBER LEE: Thank you, Chair.

CHAIR KAMA: Member Paltin, do you have any questions?

COUNCILMEMBER PALTIN: Just one. And I support this project. I think it's one of the better ones in comparison to the one Mr. Hokama mentioned on the corner. I just was wondering, how much are you planning on selling the credits for, or what is the going rate?

MR. FRAMPTON: For the credits? Is that what you... okay. That was, yeah. What we were just talking about with Ms. King, was just noting that there's been a range. Now hearing that someone is suggested 150,000 dollars. I was mentioning that when we did our pro forma to make sure the project could work, we started out somewhere down in the

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30,000 range. But it all depends. There's so many different ways to do this. You can sell them off if you sold them individually, maybe that's one way. If you sell them as a bulk. We're not looking... again, this is not some giant get rich scheme, I can assure you of that. I am reminded by wife about that quite often. But, I think --

COUNCILMEMBER PALTIN: I hope so.

MR. FRAMPTON: -- just finding a fair -- the bottom line is, it's got to be fair and reasonable. And we want to... we're here for the long haul. And we could try to do other ways, I think. But, again, I've just been lucky and blessed to be... and fortunate to be raised here. And my dad started Big Brothers, Big Sisters. We've always been thinking about the community, and I'm just grateful to be in that position to try to help out. So I can't... I'm sorry, I can't give you an exact number of what that might be, Ms. Paltin. But I... there's a range out there, what people might pay. But I'll tell you, given that COVID, a lot of the people who might want to buy them would be hotel developers. They need them. But how many --

COUNCILMEMBER PALTIN: So . . . *(inaudible)* . . .

MR. FRAMPTON: -- of those hotel projects are going to go through now, will be interesting to see.

CHAIR KAMA: Bill, what is the cost of the units?

MR. FRAMPTON: They will be set as soon as we get down to the... having our profit site work completed, and we go to marketing and sales. The unit prices will be set at that time, based upon our housing agreement that's been recorded on to title. We got it reviewed and approved. I forgot to mention that earlier. But it's strictly tied to the affordable housing pricing guidelines for the County of Maui. So we would work with DHHC, and make sure the Department is satisfied that we... we work with them. But we've... that being said, I keep saying we want to make sure we're just going to somehow be down. That's why we go into 70 percent was so important me --

CHAIR KAMA: Right. Right.

MR. FRAMPTON: -- was to try to get it down to --

CHAIR KAMA: I already knew that.

MR. FRAMPTON: -- a level where a lot of our locals can still try to pull this off.

CHAIR KAMA: Ms. Paltin, did you have any other questions for Mr. Frampton?

COUNCILMEMBER PALTIN: No. I just have a little discussion, but I'll save that until appropriate time, before the vote.

CHAIR KAMA: Okay. Thank you. Thank you. Councilmember Rawlins-Fernandez, do you have a question?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yes, I --

CHAIR KAMA: I can't see you, but. Here I go. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KAMA: Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So I wanted to just kind of pick up where everyone was at because I didn't hear what the answer to Member King's question was. How many housing credits is this... are you getting from this project? Not the value, just how many?

MR. FRAMPTON: Yes. I thank you for bringing that up, Member Rawlins-Fernandez. I didn't give that answer. I star... I went there and I stopped with my train of thought. It's 49 percent of our units, which turns out to be 39. So 39 housing credits is what would be approved for this project, as we have a total of 80. You just take 49 percent of that number.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And the housing credits are coming from which AMI houses? Which ranges?

MR. FRAMPTON: It comes from the... it comes from the fact that it's a total. The way the formula works, they don't, at least not that I'm aware of... that it's allocated to a specific... that group or price range. It's based on, we get 39 housing credits that can be sold. Other developers could purchase them to help satisfy their affordable housing requirement. So they're not necessarily assigned to the duplex units or a single-family unit. They're 39 housing credits that are applied to this project. Is that... I might... the Housing and Concerns might be able to better answer it. But I think of what you were asking, if they were applied, do those come from certain ranges. How is the price ranges? Like say, the 70 percent or the 90 percent of the 120?

COUNCILMEMBER RAWLINS-FERNANDEZ: That's correct.

MR. FRAMPTON: There are just 39 housing credits that are used to satisfy requirements --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. FRAMPTON: -- for other developers who don't do a hundred percent.

COUNCILMEMBER RAWLINS-FERNANDEZ: So it could be coming from a higher AMI, and then used toward a lower AMI on a future project?

MR. HOROVITZ: No.

MR. FRAMPTON: No. But, I . . . *(inaudible)* . . . think so --

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MR. HOROVITZ: Bill, would you like me to jump in?

MR. FRAMPTON: -- but I'd like to have Peter Horovitz, answer that. I think he'll be better.

MR. HOROVITZ: Chair, if I may.

CHAIR KAMA: . . . *(inaudible)* . . . Yes. By all means.

MR. HOROVITZ: Thank you, Chair. The way these work, our entire project is a hundred percent affordable. So it's all within the affordable guidelines of Maui County, the 201H guidelines. And so because we're doing that, we get a credit of the 39 credits overall. Now, if we were doing a mixed project of market rate homes and affordable homes, we wouldn't get the credits at all, or we'd get some reduced amount. Now, the way these credits can be used, we'll have 39 credits. A developer who comes along and gets an approved project that does not have an affordable component will still need to satisfy the County's affordable housing requirements. And that then becomes something that we can provide to some future developer. So if the County approves a market rate project, or some other commercial project that does not have its own affordable component, we can supply that. As for how much those cost, you know, it is a bit of throwing darts. You know, if you get... and it's like anything. If you get a buyer who really, really needs --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, my . . . *(break in audio)* . . . on value. I'm sorry. I have five minutes and my things --

MR. HOROVITZ: I'm sorry. I'm sorry. My apologies.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- . . . *(inaudible)* . . . enough. I get that there's a debate over the value of the credits. My concern, that credits gained from housing that's in 81 to 100, or 100 to 120 AMI, or even a 121 to 140 AMI would be used toward the lower AMI ranges of 70 to 80 percent or lower, to satisfy projects that would need to build those homes, and could use the credits toward those AMI ranges. And I don't think that would be fair for housing credits that were gained from a higher AMI, such as 121 to 140, be used to replace homes of 70 to 80 percent AMI. That's my concern. Okay. So my question, what is the timeline on the sales for the 121 to 140 AMI before it flips to market?

MR. FRAMPTON: Are you referring to the marketing?

COUNCILMEMBER RAWLINS-FERNANDEZ: When do you have to sell the twenty homes at 121 to 140 AMI before you can sell them at market rate?

MR. FRAMPTON: Okay. So I believe that you're thinking about the marketing, if I understand it right. You have a certain window or period where you go out and you market these, and you notify the public --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

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MR. FRAMPTON: -- and you're allowed a certain... after a certain time frame, if they don't sell, then you're maybe allowed to go up one more... bump it up to another level. Is that sort of what, that --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. FRAMPTON: -- what you're referring to?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. FRAMPTON: Okay. I would defer to the Housing and Concerns to the exact date. I don't have that off the top of my head. But that would not... that would just... would be... talking if that happened, just given the demand, the last few projects that I've seen, and the list that we have of over 300 people who've been eager to buy. I would assume that they're all going to be spoken for and taken. And we wouldn't have to have that. And it would be a shame. Because I don't think it would be fair that, if that happened, we're no longer marketing --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. FRAMPTON: -- we're not doing an affordable housing project at that point.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. FRAMPTON: Those are market units, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Paltin --

MR. FRAMPTON: -- And so I --

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Paltin shared in chat that she thinks it's 90 days. So I'll check with Ms. Munsell for confirmation on that timeline. Did your company do an AIS?

MR. FRAMPTON: Archaeological Inventory Survey?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MR. FRAMPTON: Yes. Of the area, yes. They did an AIS, and then it was reviewed and approved --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. FRAMPTON: -- and accepted by council, by SHPD. One of the requirements from that, of course, with pre-logical, was to do a burial plan. And I was a burial council member for eight years here, and I'm very committed to making sure that's going to be done right and properly.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. FRAMPTON: So the archaeology element, yes, one was done. An AIS was done, and that triggered the --

COUNCILMEMBER RAWLINS-FERNANDEZ: Is it on Granicus? Because I didn't see it under this item . . . *(break in audio)* . . . And then, Mr. Frampton, you said in your presentation that you submitted a monitoring plan on July 2018, and received a response on July 2019; is that correct? And if not, would you please correct that misunderstanding.

MR. FRAMPTON: I'd be very pleased to correct that. What was submitted was we filed for our two-lot subdivision. So you file the application for the two-lot subdivision --

COUNCILMEMBER RAWLINS-FERNANDEZ: It should be --

MR. FRAMPTON: -- was on July... I mean June of 2018 when we filed. We filed the subdivision application. That goes out to all the agencies for comments and review. One of the comments that came back from SHPD was to say, we know you've already done a AIS; however, you're going to need to do a monitoring plan like you already... we had already agreed to do so. Our challenge was, we couldn't get it submitted until we had construction plans. That was a new policy the SHPD was doing at the time. They didn't want you to submit a monitoring plan for a project that didn't have construction design yet, in play. But our two-lot subdivision does require installation of a water line off-site; so therefore, we were able to get it triggered. What I was saying as far as, when we got that comment back from SHPD, it was just over a year later that we got the comment back, saying, thank you for your submittal. By the way, you have to do a monitoring plan as well", which we already knew. That was the part. So we hadn't submitted the monitoring plan to them for one year, and they had time to review it. We submitted it as soon as that letter came out.

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you. Okay.

CHAIR KAMA: So we're going to --

COUNCILMEMBER RAWLINS-FERNANDEZ: My time is up?

CHAIR KAMA: Yes. It was up quite a time ago. But that's okay, because Chair Lee would have given you her minutes anyway. We're going to go on to Member Sinenci, but we're going to come back. Okay?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, really quickly.

CHAIR KAMA: Yes? Yeah?

COUNCILMEMBER RAWLINS-FERNANDEZ: For the documents that went along with this project --

CHAIR KAMA: Yes.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- can the staff, please, post those documents to Granicus? It's . . . *(break in audio)* . . .

CHAIR KAMA: Of course we can. Yes. You wanted the AIS, right? That's what you're looking for?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Perfect.

CHAIR KAMA: Yeah. Do you want a copy of this PowerPoint he just did, too?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, staff was on it. They already posted it.

CHAIR KAMA: Okay. Very good.

MR. FRAMPTON: Yeah.

CHAIR KAMA: Okay. Thank you. Thank you. Mr. Sinenci, do you have any questions for --

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR KAMA: -- our developer or housing directors?

COUNCILMEMBER SINENCI: Thank you, Chair. Just to follow up on Member Rawlins-Fernandez questions about the housing credits. So those proceeds would go towards the sale of five of the housing credits? The proceeds?

MR. FRAMPTON: The proceeds of the --

COUNCILMEMBER SINENCI: . . . *(inaudible)* . . . of the County's affordable housing fund?

MR. FRAMPTON: Not sure if I follow. Where do the proceeds and the sale of the credits go?

COUNCILMEMBER SINENCI: Yeah.

MR. FRAMPTON: The proceeds of the sale of the credit would go to us, to help us pay off our construction loans and our land loan, and for the housing. Yeah.

COUNCILMEMBER SINENCI: Oh, okay. All right. And then --

MR. FRAMPTON: Yeah. It's... it helps us... it greatly helps us to subsidize this. And it's a very positive incentive as far as getting people to do more -- people to do a hundred percent affordable housing projects. I think it can be done. I think a hundred percent's doable. We're just coming up with creative ways that work.

COUNCILMEMBER SINENCI: Oh, okay. Thank you. And then I heard from Member Rawlins-Fernandez that twenty of the units was between 120 and 140 AMI range. Do you have a breakdown of the numbers for each AMI?

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MR. FRAMPTON: Yeah. What we have... there were two documents that I sent out as part of the review packet that I think was just being talked about. One was the slides that we went over. A second was just a simple one-page summary of the project. In that one-page summary, you'll see a box that includes the allocation of the affordable units. And I can repeat that quickly for you right now, if you would like. I would have no problem doing so. Okay.

COUNCILMEMBER SINENCI: Sure.

MR. FRAMPTON: Twelve units , or 15 percent, are priced between 70 and 80; twelve units are priced between 81 and 100 percent; forty units are priced at 101 to 120; and sixteen units are priced 121 to 140.

COUNCILMEMBER SINENCI: Okay. Great.

MR. FRAMPTON: So the break down is 15 percent, 15 percent, 50/20. And what we were able to do with the last project, we went down to 70 percent. We included a new column.

COUNCILMEMBER SINENCI: Okay.

CHAIR KAMA: Very nice.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KAMA: Thank you, Mr. Sinenci. Ms. Yuki Lei Sugimura, you have any questions for the Housing Department or for the developer?

COUNCILMEMBER SUGIMURA: Yeah. Thank you, Chair. I support this project, and I remember going through discussions and wondering... I remember that there were a lot of abandoned vehicles on the project area, and wondered if you had a chance to get rid of it, or is it still accumulating?

MR. FRAMPTON: That's a great question. And that's something that I'm working on with Travis Polido from Waikapu Community Association. He's been extremely helpful and been coordinating with me. In fact, last summer, I had one staff member assigned. That was his task, was going in and documenting every single vehicle, the VIN number. I tried to do a total summary of what's out there. They're still there... those cars are there.

COUNCILMEMBER SUGIMURA: Okay.

MR. FRAMPTON: Recently, two more vehicles were just dropped off within the last two weeks, as well as another trailer. And they just went right through the... it's on Emmanuel Lutheran's portion of the land. But we committed early on that we would take... help take care of that for Emmanuel Lutheran. And so I'm working with Travis, and we're working with the community, to try to come up with a plan. But that's something that does need to be addressed. And we've agreed to do so. But we didn't want to leave... stick that to the court... the church. It's going to be hard enough as it is for us, let alone

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them.

COUNCILMEMBER SUGIMURA: The unfortunate part is that, it's really not your problem. It is a community problem, and we see it all over on the streets in our neighborhoods.

MR. FRAMPTON: Yeah.

COUNCILMEMBER SUGIMURA: I'll call you about that, after. And another thing --

MR. FRAMPTON: I appreciate it.

COUNCILMEMBER SUGIMURA: -- another thing that I remembered was the bus stop. That there... to have a bus stop on Waiale. And I wondered, did we end up having it at your place, or what was the --

MR. FRAMPTON: That was... what we agreed to... what we ended up agreeing to do was, at the time when we submit our construction plans for this project, if the County comes to us and says, they're ready and able to do a new route out to that area, we do have ample space along the frontage of our roadway. Given that we were using a pretty big setback to begin with, we were happy to work with the County in putting one up. It was at the time of the hearing the bus route didn't come out there. And that was sort of the debate, where they were asking. I thought it was... there's nothing in any way to be a liability; it would be nothing but an asset for our project because the kind of project we're trying to do is to reduce the number of times you drive. Provide walking, provide biking, provide busing. Anyway that we can try to eliminate vehicular trips is a positive thing. I believe that it was still being contemplated to be part of the other project on the corner; the Legacy apartments project.

COUNCILMEMBER SUGIMURA: Yeah. Okay. Great.

MR. FRAMPTON: But we still stay willing to do so.

COUNCILMEMBER SUGIMURA: So was this --

MR. FRAMPTON: And we're still willing.

COUNCILMEMBER SUGIMURA: Yeah. Thank you. I think I remember you saying that it would be a positive addition to your project. So last, is that enough time for you, this extension? Or you think you'll more time based upon COVID, and everything sort of like, delayed, for reasons outside of, you know, your control?

MR. FRAMPTON: Yeah. Unforeseen and unanticipated. That's where the suggestions; the Housing and Human Concern working with Peter, and one of my other partners while I was away at the time, came up with the two-years extension for each. I think that's very reasonable and fair if we were able to get that. And I would be devastated if we were not completed by that time. Maui needs these housing. We're trying to be a fast-track, affordable, process.

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COUNCILMEMBER SUGIMURA: Um-hum.

MR. FRAMPTON: And we're willing to stick to that. It's just outside of our control, where these issues that came up. But I appreciate you saying that. So that is why I believe we asked for two-years extension for each, for starting and for completion.

COUNCILMEMBER SUGIMURA: Okay. So you're fine with that then, right?

MR. FRAMPTON: Yeah. Yes, we are.

COUNCILMEMBER SUGIMURA: Because I think nobody anticipated, like what Mr. Hokama was saying, you know, COVID and what it's done to our whole economy and our whole community. But it's good that construction can still proceed.

MR. FRAMPTON: Yeah.

COUNCILMEMBER SUGIMURA: So I support what you're doing. Appreciate your *(timer bell rings, inaudible)* . . . on these. So thank you very much.

CHAIR KAMA: Perfect timing.

MR. FRAMPTON: Thank you.

CHAIR KAMA: So Members, I think... Ms. Paltin did you have additional questions to ask?

COUNCILMEMBER PALTIN: I'm okay. I was just wondering, you know, if during their archaeological monitoring plan, if things go wrong, or they do run into iwi, then they address it at that time, right? Just confirming that.

MR. FRAMPTON: Yes. That is correct. It would be part of a previously unknown, previously undiscovered burial. But given this area, given the sacredness and knowing where we are, we're aware of the possibilities that are out there. And that's why we have no problem. It's frustrating to have to wait for SHPD, but it's not... you've got to do it right. And it is what it is. And so we're hoping... we've gotten good feedback from them. It sounds like we're close to having that approval. But monitoring would be... yeah, at that time, Member Paltin, if you come upon a discovery at that time, that's when things come to a halt. You freeze. Everything stops. And then we work with SHPD and Maui Burial Council to come with identifying what it is. Lineal descendants, no lineal descendants, what not, in going through that process.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR KAMA: Thank you. Member Molina, Vice-Chair Molina, did you have any additional questions for the Department or for Mr. Frampton?

VICE-CHAIR MOLINA: Yes. Thank you very much, Madam Chair. I had about ten more, but I'll let that wait. No, I'm just kidding. Madam Chair, actually, no more questions. I'm ready for your recommendation. Thank you.

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CHAIR KAMA: Thank you. Any other Members have any more questions before we proceed?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Chair? Oh, I think you're muted . . .
(inaudible) . . .

COUNCILMEMBER KING: Chair, you're muted. Tasha, you're muted.

CHAIR KAMA: Thank you. Okay, so I saw Mr. Sinenci's hand, and I heard Ms. Keani Rawlins-Fernandez. Okay. So you two. Okay. So why don't we take Ms. Rawlins-Fernandez first, and then Mr. Sinenci, you're after.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Okay, so I wanted to follow up with Ms. Munsell on these questions that Mr. Frampton was unable to answer. Ms. Munsell, are you on?

MS. MUNSELL: Yes, I am.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Ms. Munsell.

MS. MUNSELL: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: So for the 39 credits that Mr. Frampton spoke to, do you have the breakdown of where the credits are being . . . (break in audio) . . .

MS. MUNSELL: So the Ordinance 2.96 actually outlines what those credits could be used for. And a few years ago, I think that the ordinance originally had restricted the credits so that they could be only used for the same AMI level that they were issued for. A few years ago, Council changed that so that it would match the DHHL credits. The State issues credits similar to these credits as well. They're pretty broad in what they can be used for as well. And Council made this change to make our credits competitive with those DHHL, if I remember my history correct. And Mr. Almeida might be able to correct me if I am -- gotten off base there. But the use of the credits is actually outlined in the ordinance 2.96.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ms. Munsell, my question was where are the 39 credits coming from in the AMI ranges?

MS. MUNSELL: Oh, those would come from a broad range. I mean... so they're not actually defined as which items. So we... you know, they're required to produce a certain number of units in certain categories. And they're going to do that, and if it's --

COUNCILMEMBER RAWLINS-FERNANDEZ: There's a formula that's . . . (inaudible) . . . though, right? There's a formula?

MS. MUNSELL: Pardon?

COUNCILMEMBER RAWLINS-FERNANDEZ: There's a formula --

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MS. MUNSELL: Pardon?

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that you follow?

MS. MUNSELL: There is a formula, typically. Now, they've offered to do -- so under a 2.96, it's usually a 20 percent between 80 and 100, and 50 percent between... and, you know, so it's outlined in the code. Mr. Alameida, maybe --

COUNCILMEMBER RAWLINS-FERNANDEZ: So that's the formula that we . . . *(break in audio)* . . . that's what the Department follows, would provide that information on the breakdown --

MS. MUNSELL: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- to let us know how many credits are being accumulated per AMI range?

MS. MUNSELL: So the Ordinance doesn't restrict --

COUNCILMEMBER RAWLINS-FERNANDEZ: The formula?

MS. MUNSELL: -- doesn't define... yeah. It doesn't define what the credits are being issued for, specifically. So there's not an AMI that's attached specifically to a credit that's issued. What the Ordinance says is that those credits can be used in any AMI level. So they don't attach any AMI to a specific credit.

COUNCILMEMBER RAWLINS-FERNANDEZ: So the formula that you use does not break down how many housing credits are gained per AMI range?

MS. MUNSELL: Not by AMI range, no.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. And then for the timeline, time frame on when the houses would flip out of affordability into market rate is 90 days; is that correct?

MS. MUNSELL: So again, that's... the marketing requirements are defined, again, in the Ordinance 2.96, and they start at 2.96.090. And the actual criteria is outlined under item D of that. So depending on which income level that we're starting at, if the higher income levels would be marketed for 90 days, and would go to market. If you're looking at --

COUNCILMEMBER RAWLINS-FERNANDEZ: I didn't . . . *(inaudible)* . . .

MS. MUNSELL: Pardon?

COUNCILMEMBER RAWLINS-FERNANDEZ: So it is 90 days?

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MS. MUNSELL: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. MUNSELL: At the lower AMI's, they have to go through the marketing at the lower AMI before they can move to the next AMI up. Those would be marketed in another 90 days, then they would move up to the next --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay.

MS. MUNSELL: -- the next AMI level.

COUNCILMEMBER RAWLINS-FERNANDEZ: Great.

MS. MUNSELL: But they don't get credits unless they sell them as affordable units. So there's no credits issued if they're not sold correctly.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that information, Ms. Munsell. Mr. Frampton?

MR. FRAMPTON: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha. Okay.

MR. FRAMPTON: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: So Member Paltin asked you a question about inadvertent finds of iwi kupuna, and you responded to her question by identifying it as an inadvertent find or an inadvertent discovery, which under the burial laws means that you would have about 36 hours to make a decision. And so I think what Member Paltin was getting to, are you going to stick to that time frame that you're required by law, or knowing that this area could have iwi, you would be flexible in allowing more time than the 36 hours that is required by law?

MR. FRAMPTON: Absolutely. When I was a member, like I said before, previously of the Burial Council, that was something we always had hoped when the developers would come in, we knew that they wanted to draw a line in the sand, if you will. They could try to do that. It was very rare that that happened... at least when I was there. And we always were grateful if the developers would keep grant. They would contact, for back then, was Hinano Rodrigues, for example. And we'd say, hey, you know what? We waived that. We would certainly be doing that here again. We're long time, lifetime, residents here, and that's the way to go. Thirty-six hours is pretty short turn around, let alone trying to get a meeting to call quorum, and -- no. So yes, we would be willing to stay with that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Frampton. Mahalo, Chair.

CHAIR KAMA: You're very welcome. Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. I just had a real quick question --

CHAIR KAMA: Yes.

COUNCILMEMBER SINENCI: -- for Mr. Frampton. You know, if you... you mentioned that normally, the sale of the credits will help with the construction of completing the project. If the sale of those credits did go beyond the cost of the project, would you consider, maybe, you know, giving some of the proceeds toward the affordable housing fund?

MR. FRAMPTON: If... yeah. So the way that it works is, those credits are used to help make the project financially feasible, right? One of the ways of making it financially feasible is we have to be able to attract good, solid investors and lenders. And I don't think we could commit to that, to be honest. But we can commit to doing a hundred percent affordable housing. And just like what Ms. Munsell said, if we somehow ran past a deadline... 90 days, say, if that was the deadline, 90 days, for our final bracket, 121 to 140, I would... one, I would be shocked if we do; but two, we would -- I'm willing to commit to saying that we just... they would be sold in the affordable housing range. That's the project you guys approved. It is a catch in the way the rules are written, I believe, to try to allow for flexibility, maybe. But if we got to that point in time, we already had one delay with this SHPD and the COVID, another delay. If we're looking at ninety-day chunks, and then more ninety-day chunks, and we haven't sold this thing out within the first twenty days or thirty days, we're doing something wrong, or we're not pricing them right. And so I would -- and I wanted this to be an affordable housing project. I don't want... there's no way we... going past 140 percent, right; at that point, you start competing with market units that do not have other restrictions that we're going to have. It starts looking sort of silly. I understand that it's in the rules, but we're not in any way looking to do that. We can commit to you, and represent to you, that we want to make this an a hundred percent affordable housing project.

COUNCILMEMBER SINENCI: Okay. Thank you for your response. Thank you, Chair.

CHAIR KAMA: You're welcome, Mr. Sinenci. Yes, Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So Bill, would you be willing to take out that 90 day allowance to go up to higher levels? Would that affect your . . . *(inaudible)* . . . --

MR. FRAMPTON: To go... so we wouldn't go past... we'd be willing to do... for the 121 to 140, I would think that we would be willing to consider that. The other ones, it starts to get pretty complicated. Again, if we're holding a chunk of units at the 70 to 80, and the 81 to 100, and we can't sell those, something's gone... drastically gone wrong and...at that point in time. I don't anticipate that happening, but I don't think I can commit the lower ones because I just don't know what the future holds. But I'm willing to tell you again, this will be 100 percent affordable housing, and I'm willing to keep the units below that 140, if that helps to get my point across.

COUNCILMEMBER KING: Well, yeah. I know. I just... I mean, that was one of the things that we liked about the project when we passed it, was that you would start at seventy

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percent. But if you... I mean --

MR. FRAMPTON: Yeah.

COUNCILMEMBER KING: -- it's a very arbitrary thing, because it just says you have to sell them. It doesn't say how hard you have to try to sell them.

MR. FRAMPTON: I know. Yeah.

COUNCILMEMBER KING: We've . . . *(inaudible)* . . . folks were very upset with Kamalani when they did that. And 90 days later, they were selling them for more. And we don't know how hard they tried to sell them for the lower levels. So that's one of my problems with it. And we're not... I don't think we've done any projects --

MR. FRAMPTON: Understand.

COUNCILMEMBER KING: -- since yours, in the recent... with this recent Council, where we've actually even allowed that, them, to increase to market price. So yours was one of the last thorns that had that. But, you know, I'm just thinking that if you plan... that that's... you know, you plan to sell them at the levels you say you're going to sell them, then that's... then... and you shouldn't have a problem. Because that's what we're --

MR. FRAMPTON: Yeah.

COUNCILMEMBER KING: -- going to do here. Provide those . . . *(inaudible)* . . . --

MR. FRAMPTON: That's what we're trying to do.

COUNCILMEMBER KING: I just still.--

MR. FRAMPTON: And I appreciate --

COUNCILMEMBER KING: -- really don't like that 90 days because it just leaves it up to you; how hard you want to try to sell them.

MR. FRAMPTON: I appreciate that.

MR. HOROVITZ: This is Peter Horovitz, can I respond --

MR. FRAMPTON: Yeah.

MR. HOROVITZ: -- to you both?

MR. FRAMPTON: Yeah. Go ahead, Peter.

COUNCILMEMBER KING: Yeah.

MR. HOROVITZ: Thank you, Chair, and Ms. King. Just to answer this line of questions,

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because I think it's very important. And there's a couple of things. One, the 90 days, it's not entirely our discretion. The Department, actually, determines whether we've actually made a good effort to sell the units within that price range, you know, before even allowing us. So it's not simply our discretion. The other point I want to make is frankly, with what has gone on with COVID-19 and the economy. We see that there's actually, probably, a whole lot more people who are going to qualify for these homes. Because it's not simply that we can't sell it, it's whether we've exhausted the list of people who are qualified within that income range to purchase. And, you know, we had... you know, we're putting up eighty units, and we had 300 people on a list already. And people contact because right after the Council's vote, back in 2018, to get on the list. I don't see that list shortening, I see it lengthening. And that's simply a statement of our economy. So I agree with you about --

COUNCILMEMBER KING: Basically, you're telling me reasons why don't need the 90 days. So it's --

MR. HOROVITZ: I -- I--

COUNCILMEMBER KING: -- not making sense to me.

MR. HOROVITZ: -- I don't know that. Sitting here today, I don't know whether we can agree to waive the law, but I don't know that it's really going to be that impactful, one way or the other. I don't know of any projects where, you know, a developer has simply blown through, you know, all of the income levels, and turn things to market. There's market rate projects across the road that we would be competing with; and frankly, we would not be competing with favorably. So we have no desire to be in that --

COUNCILMEMBER KING: Okay.

MR. HOROVITZ: -- in that range anyway.

COUNCILMEMBER KING: Well, it happened with Kamalani, so I'm just telling you --

MR. HOROVITZ: Yeah. I understand.

COUNCILMEMBER KING: -- . . . *(inaudible)* . . . the market --

MR. HOROVITZ: Understood.

COUNCILMEMBER KING: -- and . . . *(inaudible)* . . . over here in South Maui about that.

MR. HOROVITZ: Okay.

COUNCILMEMBER KING: So that's why I'm asking. And if not an issue anyway, I would think, you know, we might be able to waive that period, or extend that period, just to give people that comfort level, that it is going to be affordable. But anyway, that's kind of one of my big issues with that, you know. There's no guideline, there's no benchmark or measure for what is good effort to sell. So, you know, it's a very simple . . . *(inaudible)*.

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. . Thank you, Chair.

CHAIR KAMA: Thank you. Thank you, Ms. King, for that. Are there -- Members, is there anyone else that has any other questions? If not, Members, then I would like to be able to entertain a motion recommending to the Council that we approve the resolution to amend Resolution 18-150 to permit the Director of Housing and Human Concerns to extend timeline for its construction and completion for the Affordable Workforce Housing Project by Waikapu Development Venture, LLC.

VICE-CHAIR MOLINA: So moved.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR KAMA: Okay, I heard the 'so moved' by Mr. Molina and the second by Ms. Sugimura, is that correct? Or Ms. Lee? Okay. Thank you.

UNIDENTIFIED SPEAKER: All of us.

CHAIR KAMA: So it's been moved. Okay, all of you, but only one that can go on. So it's been moved and seconded to approve the resolution to extend the timeline for the Waikapu Development Venture, LLC. Any discussion? Yes, Ms. King? Yes?

COUNCILMEMBER KING: *(Motion to amend)* Sure. Yeah. I would just like to amend the motion to require to extend the 90-day period, where the prices could be increased, to 180 days.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR KAMA: Okay. So you want to extend from 90 to 180 days?

COUNCILMEMBER KING: Yeah. That just assures us that --

CHAIR KAMA: Is that want to -- okay.

COUNCILMEMBER KING: -- you know, . . . *(inaudible)* . . . get through that sales period at the --

CHAIR KAMA: Make a good faith effort.

COUNCILMEMBER KING: -- . . . *(inaudible)* . . . promise.

CHAIR KAMA: Okay. And it was seconded by Ms. Keani Rawlins-Fernandez; is that correct? Keani, did you second that, or did Tamara?

COUNCILMEMBER RAWLINS-FERNANDEZ: I did.

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CHAIR KAMA: Okay. You did? Okay.

COUNCILMEMBER PALTIN: To clarify, is that for all the -- I have a clarifying question.

CHAIR KAMA: Yes.

COUNCILMEMBER PALTIN: Is that for all of the AMI brackets, or just for the 121 to 140?

COUNCILMEMBER LEE: All of them.

CHAIR KAMA: All of them. For the whole project, right? The . . . *(inaudible)* . . . project.

COUNCILMEMBER KING: Hopefully, this means that they have to, you know, make a good effort within 180 days to sell at those rates that they promised to sell at.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR KAMA: Thank you, Ms. King. Ms. Lee, did you have your hand up? Go ahead, Chair.

COUNCILMEMBER LEE: Okay. I won't be supporting the motion, because for one thing, the developer came to us for a time extension. And, you know, it's very -- it would be very tenuous for people who have projects pending to come to us for a specific reason, and then us trying to change their project by adding conditions or restrictions, that have nothing to do with a time extension. So... and I would hate to see this project be punished for something perceived to be incorrect by some other developer. So for those reasons, I will not be supporting the motion. Thank you.

CHAIR KAMA: You mean the amendment to the motion?

COUNCILMEMBER LEE: The motion to amend. Yes.

CHAIR KAMA: Yes. Thank you. Any other discussion, Members?

MS. DESJARDINS: Something --

CHAIR KAMA: Oh, I heard somebody. Whose me?

MS. DESJARDINS: Corp. counsel.

CHAIR KAMA: Oh, yes. Oh, I'm sorry. Yes. Go ahead, Mimi.

MS. DESJARDINS: Thank you. Just looking at the 90-day requirement under 2.96.090 for those AMI's, where it goes up 90 days, and then it has to go up another 90 days, and it's sort of a tier system. I think, just in terms of clear, about your voting on here, when you say that that 90 days is going to apply to each of the AMI categories, only the upper tier has the 90 days... you just have 90 days . . . *(break in audio)* . . . tiers of 90 days, and then they continue on. So I think it just would behoove you to be clear what exactly you're talking about with those lower tiers in terms of this, you know, the amendment.

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Does that make sense?

COUNCILMEMBER KING: No, it doesn't. I'm not sure what you're trying to clarify now. You're not being clear.

MS. DESJARDINS: Okay. So -- sorry, Kelly. If you want, I can read to you what the law says on Section D, the selection priority, where I believe Member Paltin brought this up. But -- okay. So you have the 90-day period under Section 4. The unit shall be offered for sale to the next higher income preference group at the original sales price for the next 90 days. Okay. So it says, for example, units targeted for families earning up to 120 percent of the median income may be sold to families earning up to 140 percent of the median income. All other eligibility criteria shall apply. Then it says for B, units shall be offered to the next higher income group every 90 days until the units are sold or there are no more income groups available. So I guess my concern is, is that, when you're looking at these lower tiers, that 90 days changes. In other words, you have... it takes more than 90 days to try to sell them. You keep moving them up to a next AMI. It's only the top AMI category that gets just 90 days, because they don't have anywhere to move to. I don't know if I'm confusing it or not, but I'm just concerned that if --

COUNCILMEMBER KING: Well --

MS. DESJARDINS: -- you say 90 days, then, you know, are you saying 90 days and that's it? Or --

COUNCILMEMBER KING: No. I'm saying 180 days before they move up to the next tier. Because . . . *(inaudible)* . . .--

MS. DESJARDINS: Okay. So I think that just needs to be clear. That's all I'm trying to say.

COUNCILMEMBER KING: We want this -- okay, we want those 12 homes to be sold at the 70 to 80 percent, right? So we want to... we want to --

MS. DESJARDINS: So you're saying, just that --

COUNCILMEMBER KING: -- before they move up, take 180 . . . *(inaudible)* . . .

MS. DESJARDINS: Anywhere -- anywhere where it says 90 days, you want to change it to 180 days --

COUNCILMEMBER KING: Right.

MS. DESJARDINS: -- regardless. Thank you.

CHAIR KAMA: Okay. Ms. Paltin, you had your hand up?

COUNCILMEMBER PALTIN: Yeah. I emailed... for discussion purposes. I have a little hard time . . . *(inaudible)* . . . this because, you know, I wish we would have done this to the one on the corner. Because this . . . *(break in audio)* . . . I would have done this to the

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one on the corner. It's hard to do it to this project, which I think is a much better project with a less of a impact. When the one on the corner one, I didn't... I mean, I didn't support the extension for that. But I mean, I would have done it for that one, and it's hard to do it for this one when we didn't do it for that one, is my only point. I really didn't like that one on the corner. And I guess, my other discussion is, you know, like, ultimately, we're going to have big issues with the roads. Because 1400 Waikapu, 300 at the Schatz, 80 with here, and then 2500 with A & B, like Waiale, Waiko Road, Honoapiilani Hwy; all of them are going to be bad shape. It's just, you know, we're just continuing on. But I pretty much like this project, so I'm not sure yet. I'm going to figure it out in the next twenty seconds or so.

CHAIR KAMA: Thank you, Ms. Paltin. You guys want to take a recess for a few minutes to think about it? We can take a recess. Okay. Ms. Keani Rawlins-Fernandez, yes? Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I support taking a quick recess, but I do see Ms. Munsell's hand is up, and then I . . . *(inaudible)* . . .

CHAIR KAMA: Oh, I didn't see it. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: You're welcome.

CHAIR KAMA: Okay. Thank you. So Ms. Munsell, did you want to say something?

MS. MUNSELL: Thank you. Thank you, Chair. I just wanted to comment. I mean, to increase the marketing requirements from ninety days... I mean, three months to, essentially, six months; that's a pretty significant holding period for a developer. One of the things that you might want to do is verify that the developer actually can afford that. A lot of the time, they are needing to repay loans. And folks like that, they've got debt that they have to... and they can't carry these forever. So my recommendation would be, simply to ask, and make sure that that's actually bearable for them.

COUNCILMEMBER KING: Chair?

CHAIR KAMA: Yes, Ms. King?

COUNCILMEMBER KING: I'm -- that's why I asked. Because I wanted to find out if that was going to affect financing or anything. But what I was hearing from the developer... and Mr. Frampton, if I didn't... if I heard incorrectly, let me know... was that that wouldn't happen. That they would end up selling them. So, you know, they didn't foresee having to go into those next levels. So, you know, I think just assures the public that we're being diligent. And this is something we're putting on all the current developers. I don't think we've approved anything that allows this... these jumps into market, since last year... since last year, since last term. But, you know, I'll allow Mr. Frampton... is it going to be hardship on you? I was just hearing . . . *(inaudible)* . . . --

CHAIR KAMA: Mr. Frampton?

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COUNCILMEMBER KING: -- it wasn't going to happen, so.

MR. FRAMPTON: Okay.

CHAIR KAMA: Mr. Frampton?

MR. FRAMPTON: Okay. Sure.

CHAIR KAMA: Mr. Frampton?

MR. FRAMPTON: Thank you, Chair. And thank you for... I do appreciate this discussion because the basis of what's driving the discussion is to making sure this stays a hundred percent affordable. This is what I'm hearing. And that we wouldn't want to somehow go beyond that. I honestly... I don't have an exact answer if it could be hardship. I suspect it could be a hardship. I can get an answer on that. My wife's the underwriter for one of the local banks here. She knows this stuff. What I was saying earlier, Member King -- and you are correct. There is just no way we envisioned having to hold on to any product that long. For holding onto product that long, we've got a lot bigger issues that are going to be hurting us. I don't know how the lenders might look at this, for example, as a negative. But that being said, I do respect what you folks are trying to do, and I want to just again reiterate that it's our intention that these units will be sold. These will all be affordable, at the affordable price ranges that we've given, and that we wouldn't somehow go beyond that into the regular market because that would just be crazy for us to try to compete. But that's not what we're trying to do. And we would have gotten benefits from the County, exemptions from the County, and then still be able to sell market housing. I'm just trying to say, I hear what you're saying. I don't know if would be considered a hardship from a lending perspective. I could ask. But I do appreciate what you're trying to do. I'm trying to just give you my representations that are important to me. That we would... this is going to stay affordable, and it's going to be an affordable housing project.

COUNCILMEMBER KING: Yeah. And I really appreciate that, you know. This is not meant to punish anybody. It's meant to reinforce what we're trying to do here. Because we constantly get developers coming before us, saying how important, and we have to do this now. And then it doesn't happen for five years. And then they, you know, get out of the affordable range. And so, you know, I'm trying to look for a way to assure the public that, yeah, we're going to pass a project, that it is going to be affordable. So it's not meant to be a punishment; it's meant to be statement, that this is what we're doing here.

MR. FRAMPTON: Understood.

CHAIR KAMA: Okay. So... okay. Members, it is the Chair's intent to be able to move forward with this issue now. I'm not in support of the motion either. I think if ain't broke, let's not fix it. It doesn't need to be fixed. But we can go ahead and take a vote; or Ms. King, you could withdraw your motion. It's up to you guys.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

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CHAIR KAMA: Yes, Ms. Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. You called on me, and then I pointed out that Ms. Munsell had her hand up --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and then you didn't come back to me.

CHAIR KAMA: Oh, sorry.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's okay.

CHAIR KAMA: Back at you.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's okay. So I just want to --

CHAIR KAMA: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- really quickly --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you know, I seconded the motion, and I support the motion --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- I will be voting for the motion --

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and I hope Ms. King does not withdraw her motion, because I would like to vote for it. I see this as a way to... you know, the intent, as the developer stated, was to remain in affordability.

CHAIR KAMA: Yes. Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: And what we're trying to secure is the 70 to 80 percent AMI in 70 to 80 percent AMI. There are twelve houses that are in 70 to 80 percent AMI.

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And I'd like them to stay there --

CHAIR KAMA: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- for our community members.

CHAIR KAMA: Okay. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So that's why I'll be voting for it, and Mr. Peter... I can't remember his last name --

CHAIR KAMA: Horovitz.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- Horowitz (sic). He said that he has a list of 300 applicants, and the list is continuing to grow. And so my interpretation of what the developer has presented to us is that there's a strong need --

CHAIR KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- and the likelihood of triggering the ninety or eighty days for the twelve houses and 70 to 80 percent AMI is unlikely. And that's why I would be supporting the motion.

CHAIR KAMA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because there's such a strong interest, and it would be in line with the intent of the developers. Mahalo, Chair.

CHAIR KAMA: Okay. Thank you. Ms. Lee, your hand is up?

COUNCILMEMBER LEE: Thank you. Thank you, Madam Chair. I'm staying with my position. I am voting against the current motion to the amendment because regardless if the list was 300 or 3,000, nobody has a crystal ball, nobody knows what's going to happen in the future; if COVID's going to get worse. Right now, the developer is acting on good faith, has done all he's supposed to do, and so I think we should support that, and not start putting on conditions retroactively. Thank you.

CHAIR KAMA: Right. So therefore -- yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Are you... are you going to call for the vote? I'm going to vote against the amendment, but I believe that the developer is coming before us to... in good faith for the exact reasons that we posted, and now we're adding conditions. And this is exactly why developers may have a hard time working with the County, because we do things like this. And I stand by the integrity of the words that were given to the developer when we gave him the approval, and I'm going to vote against the motion for the additional time. Thank you.

CHAIR KAMA: Okay. Thank you. So I'm going to say my last comments, and then I'm going to call for the vote. So my sense is that, I came here today, to extend a timeline, not to amend a resolution. So I just wanted to say that up front. I believe the integrity of the people that we deal with has to be secured to the degree that we trust them; especially

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if they come in the front of us, and they say things. So we should be holding their feet to the fire, today, and in the future. If they tell us something, we trust them. I think Tamara said this earlier. We trust you; but if you don't do what you say, then we will not trust you. So I think we have to begin somewhere with that. So that is the Chair's comment. Now I'd like to call for the vote. All those in favor of the amendment, which is to extend from 90 to 180 days, please raise your hand, and say "aye".

COUNCILMEMBER KING: Aye.

COUNCILMEMBER SINENCI: Aye.

COUNCILMEMBER PALTIN: Aye.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aye.

CHAIR KAMA: I see Kelly King, Shane Sinenci, Keani Rawlins-Fernandez, and Tamara Akiko Maile Paltin. Four... I see four ayes. Is that correct? Let me call for the nays. All those in opposition to the motion, say, "nay" and raise your hands.

COUNCILMEMBER KAMA: Nay.

COUNCILMEMBER SUGIMURA: Nay.

VICE-CHAIR MOLINA: Nay.

COUNCILMEMBER LEE: Nay.

CHAIR KAMA: So I see Ms. Lee, Mr. Molina, Ms. Sugimura, myself... I don't see Riki. Somebody see Riki? Is Riki even here? Okay, so we're at four-four. Motion fails.

COUNCILMEMBER SUGIYAMA: There's Riki.

COUNCILMEMBER HOKAMA: I vote . . . *(inaudible)* . . .

CHAIR KAMA: Oh, there you are. What are you voting, Riki? We just need your vote, Riki.

COUNCILMEMBER HOKAMA: No.

CHAIR KAMA: No. Okay.

COUNCILMEMBER HOKAMA: No.

CHAIR KAMA: Okay. So the amendment to the motion fails. Thank you very much.

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VOTE: **AYES:** **Chair Kama, Vice-Chair Molina, and Councilmembers Hokama, King, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **Recommending ADOPTION of revised resolution.**

CHAIR KAMA: Thank you very much. Members, thank you. Mr. Frampton and Mr. Horovitz. So this Council is going to be holding your feet to the fire. So Members, it is 4:01 now, we still have two items on the agenda. And, so this is what the Chair is going to do. I'm going to -- okay. So we passed this. So I am going to call for a recess until next week, Monday, June 13th, to take up the rest of the items, if that's okay with you all. I know a couple of you have to leave at 4:30, but that's the Chair's recommendation.

MS. VINORAY: Chair?

CHAIR KAMA: I hear somebody.

MS. VINORAY: Chair, this is Stacey.

CHAIR KAMA: Yes.

MS. VINORAY: You mean July 13th.

CHAIR KAMA: July 13th, what did I say? June? Yes, July 13th. Recess. Reconvene.

MS. VINORAY: Okay.

CHAIR KAMA: Okay. So if that's it, then this meeting is --

VICE-CHAIR MOLINA: Madam Chair?

CHAIR KAMA: Yes, Mr. Mike Molina?

VICE-CHAIR MOLINA: I'm sorry, can you give the time for July 13th? For the recess --

CHAIR KAMA: July 13th.

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VICE-CHAIR MOLINA: -- of this meeting?

CHAIR KAMA: 1:30 p.m.

VICE-CHAIR MOLINA: Okay.

CHAIR KAMA: July 13th.

VICE-CHAIR MOLINA: And would that be followed by the regularly scheduled housing meeting after that?

CHAIR KAMA: No, that's it. It's recess --

VICE-CHAIR MOLINA: That's it. Okay.

CHAIR KAMA: -- yes, that's it. This meeting is now in recess. Thank you. . . .*(gavel)*. . .

RECESS: 4:03 p.m.

APPROVED:



TASHA KAMA, Chair
Affordable Housing Committee

ah:min:200706-d

Transcribed by: Jaylene K. Hamilton

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CERTIFICATE

I, Jaylene K. Hamilton, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 21st day of July 2020, in Wailuku, Hawaii

A handwritten signature in black ink, appearing to read "Jaylene K. Hamilton", is written above a horizontal line.

Jaylene K. Hamilton