

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

DEPT. COMM. NO. 516

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

December 18, 2023

Honorable Scott K. Saiki, Speaker
State of Hawaii
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Sir:

Transmitted herewith is a copy of Resolution No. 23-244, which was adopted by the Council of the County of Maui, State of Hawaii, on December 15, 2023.

Respectfully,


MOANA M. LUTEY
County Clerk

/lks

Enclosure

Resolution

No. 23-244

URGING GOVERNOR GREEN TO ESTABLISH A RESIDENTIAL-MORTGAGE-FORECLOSURE MORATORIUM FOR LAHAINA AND UPCOUNTRY MAUI

WHEREAS, the August 2023 Maui wildfires in Lahaina and Upcountry Maui have caused significant damage to properties; the displacement of numerous families; unfathomable human tragedy, including 100 confirmed fatalities; and financial devastation; and

WHEREAS, the Department of Finance reported 2,836 dwellings were destroyed in the wildfires; and

WHEREAS, rebuilding destroyed or damaged homes will likely take several years, while homeowners remain required to make mortgage payments or face losing their property through foreclosure; and

WHEREAS, because of the wildfires, the State of Hawai'i has been under a declared emergency since August 8, 2023, with the "Eighth Proclamation Relating to Wildfires" executed by Governor Josh Green, M.D., on November 6, 2023, effective through January 5, 2024; and

WHEREAS, the emergency proclamations are issued under Chapter 127A, Hawai'i Revised Statutes, "Emergency Management," which authorizes the Governor to suspend any State law for up to 90 days at a time; and

WHEREAS, the Governor's proclamations have suspended numerous State laws, but they have not suspended HRS Chapter 667, "Foreclosure," allowing residential mortgage foreclosures to continue, despite the emergency; and

WHEREAS, the 2024 Hawai'i State Association of Counties Legislative Package includes a proposal to allow for HRS Chapter 667 to be suspended for up to three years following an emergency event, creating a residential mortgage foreclosure moratorium; and

WHEREAS, unless and until the HSAC-package proposal is enacted, a moratorium can only be established by the Governor's emergency proclamations; and

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WHEREAS, without intervention, many residents may be forced to leave Maui because of impending foreclosures; and

WHEREAS, the United States Supreme Court upheld the constitutionality of a state's emergency-related suspension of mortgage obligations in *Home Building & Loan Association v. Blaisdell*, 290 U.S. 398, (1934); and

WHEREAS, a residential-mortgage-foreclosure moratorium for Lahaina and Upcountry Maui would protect vital public interests and is justified by Maui's devastating emergency; and

WHEREAS, federal agencies' deferral of payments and interest accrual on mortgages would also help; and

WHEREAS, Maui County's people are its greatest resource and must be protected and supported; and

WHEREAS, the Lahaina and Upcountry Maui communities have already endured profound loss, and the migration of their people would be an additional loss from which Maui County could not recover; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges Governor Green to establish a residential-mortgage-foreclosure moratorium for properties in Lahaina and Upcountry Maui with substantial damage resulting from the August 2023 Maui wildfires;
2. That it also urges the Governor to request that applicable federal agencies defer payments and interest accrual on existing mortgages for properties in Lahaina and Upcountry Maui with substantial damage resulting from the August 2023 Maui wildfires; and
3. That certified copies of this Resolution be transmitted to the Honorable Josh Green, M.D., Governor, State of Hawai'i; the Honorable Sylvia Luke, Lieutenant Governor, State of Hawai'i; Julia R. Gordon, Federal Housing Commissioner, Federal Housing Authority; Sandra Thompson, Director, Federal

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Housing Finance Agency; Joshua Jacobs, Under Secretary for Benefits, Veterans Benefits Administration, Department of Veterans Affairs; Alana McCargo, President, Government National Mortgage Association; the Honorable Mazie Hirono, U.S. Senator; the Honorable Brian Schatz, U.S. Senator; the Honorable Jill Tokuda, U.S. Representative; the Honorable Ed Case, U.S. Representative; the Honorable Ronald Kouchi, Senate President, State of Hawai'i; the Honorable Scott Saiki, Speaker of the House, State of Hawai'i; the Honorable Lynn DeCoite, State Senator; the Honorable Angus McKelvey, State Senator; the Honorable Troy Hashimoto, State Senator; the Honorable Kyle Yamashita, State Representative; the Honorable Justin Woodson, State Representative; the Honorable Elle Cochran, State Representative; the Honorable Linda Clark, State Representative; the Honorable Terez Amato, State Representative; and the Honorable Richard T. Bissen, Jr., Mayor, County of Maui.

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 23-244 was adopted by the Council of the County of Maui, State of Hawaii, on the 15th day of December, 2023, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS-FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye	No	Aye	Aye	Aye	Excused	Aye	Aye	Aye



COUNTY CLERK