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By Corporation Counsel at 4:19 pm, Dec 07, 2021

REQUEST FOR LEGAL SERVICES

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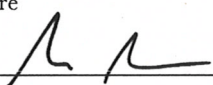
Date: December 7, 2021
From: Gabe Johnson, Chair
Affordable Housing Committee

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

Subject: COMPREHENSIVE AFFORDABLE HOUSING PLAN: AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO INCOME GROUP DISTRIBUTION FOR RESIDENTIAL WORKFORCE HOUSING UNITS (AH-14(5))

Background Data: Please see the attached bill. Please submit the response to ah.committee@mauicounty.us with a reference to AH-14(5).

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Gabe Johnson	Contact Person <u>Alison Stewart or James Forrest</u> (Telephone Extension: 7661 or 7137, respectively)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-0011	BY: GMR
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TO REQUESTOR: ~~APPROVED~~ APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____
Approved with revisions.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 12/13/2021

By /s/ MIMI DESJARDINS

(Rev. 7/03)

ah:ltr:014(5)acc01:jbf

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.040, MAUI COUNTY CODE, RELATING TO INCOME GROUP DISTRIBUTION FOR RESIDENTIAL WORKFORCE HOUSING UNITS

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

SECTION 1. The purpose of this Ordinance is to increase affordable housing for County residents by adjusting the distribution of units required as residential workforce housing units for income groups as defined in Section 2.96.020, Maui County Code, which are briefly described as: (a) “very low income” households earning 50 percent or less area median income (“AMI”); (b) “low income” households earning between 50 and 80 percent AMI; (c) “below-moderate income” households earning between 80 and 100 percent AMI; and (d) “moderate income” households earning between 100 and 120 percent AMI.

SECTION 2. Section 2.96.040, Maui County Code, is amended by amending Subsection C to read as follows:

“C. Income group distribution.

1. [Unless] For developments not comprised of 100 percent residential workforce housing units, unless an exemption is [granted] adopted by the [director,] council by resolution, the percentage of ownership units within each income group [shall] must be as follows:

a. [Thirty] 30 percent of the ownership units [shall] must be for “below-moderate income” residents.

b. [Fifty] 50 percent of the ownership units [shall] must be for “moderate income” residents.

c. [Twenty] 20 percent of the ownership units [shall] must be for “above-moderate income” residents.

2. For developments comprised of 100 percent residential workforce housing units, unless an exemption is granted by the council by resolution, the percentage of ownership units within each income group must be as follows:

a. 15 percent of the ownership units must be for “very low income” residents.

b. 45 percent of the ownership units must be for “low income” residents.

c. 40 percent of the ownership units must be for “below-moderate income” and “moderate income” residents.

[2.] 3. [Unless] For developments not comprised of 100 percent residential workforce housing units, unless an exemption is granted by the [director,] council by resolution, the percentage of rental units within each income group [shall] must be as follows:

a. One-third of the rental units [shall] must be for “very low income” and “low income” residents.

b. One-third of the rental units [shall] must be for “below-moderate income” residents.

c. One-third of the rental units [shall] must be for “moderate income” residents.

4. For developments comprised of 100 percent residential workforce housing units, unless an exemption is adopted by the council, the percentage of rental units within each income group must be as follows:

a. 65 percent of the rental units must be for “very low income” residents.

b. 30 percent of the rental units must be for “low income” residents.

c. 5 percent of the rental units must be for “below-moderate income” and “moderate income” residents.”

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

SECTION 4. This Ordinance takes effect upon approval November 1, 2022.

APPROVED AS TO FORM AND LEGALITY:

/s/ MIMI DESJARDINS

MIMI DESJARDINS

Department of the Corporation Counsel

County of Maui

ah:misc:014(5)abill03:jbf

LF2021-0011 AH-14(5) 2021-12-13 Ord Amd. 2.96 – CC revised