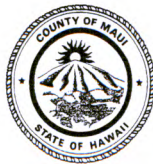


MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

August 7, 2023

Honorable Tasha Kama, Chair
Housing and Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

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COUNTY COUNCIL

Dear Chair Kama:

Respectfully transmitted are copies of the following bills that were referred to your Committee by the Council of the County of Maui at its meeting of August 4, 2023:

- No. 70 (2023) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3545, BILL NO. 29 (2008) TO TRANSFER A CONDITIONAL PERMIT TO JOSHUA RAMU TREMBLAY FOR THE OLD WAILUKU INN TRANSIENT VACATION RENTAL SITUATED AT 2199 KAHO'OKELE STREET, WAILUKU, HAWAII"; and
- No. 74 (2023) - "A BILL FOR AN ORDINANCE RELATING TO DEED-RESTRICTED PERIODS FOR RESIDENTIAL WORKFORCE HOUSING UNITS".

Also transmitted for your convenience is a copy of a communication received from the Planning Director pertaining to Bill No. 70 (2023).

Respectfully,


MOANA M. LUTEY
County Clerk

/lks
Enclosures
cc: Director of Council Services

ORDINANCE NO. _____

BILL NO. 74 (2023)

A BILL FOR AN ORDINANCE RELATING TO DEED-RESTRICTED PERIODS FOR RESIDENTIAL WORKFORCE HOUSING UNITS

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

SECTION 1. This Ordinance restarts the deed-restricted period when a residential workforce housing unit is sold during the deed-restricted period.

SECTION 2. Section 2.96.060, Maui County Code, is amended by amending Subsection (B) to read as follows:

“B. Deed restrictions.

1. The ownership units within each income group [shall be] are subject to the deed restrictions contained in this section for the following periods:

- a. “Below-moderate income,” ten years.
- b. “Moderate income,” eight years.
- c. “Above-moderate income,” five years.

2. For the deed-restricted period, the following [shall] apply[:] except in cases of foreclosure:

- a. The unit must be owner-occupied.
- b. The owner must notify the department upon a decision to sell.

c. Upon the owner’s decision to sell, the County [shall] must have the first option to purchase the unit from the owner; [said] the option [shall] must be available to the County for [a period of] ninety days from receipt of written notice from the owner.

d. Upon sale of the unit, the deed restrictions [shall] remain in full force and effect, [for the remainder of] and the deed-restricted period [that commenced at the time of the initial sale.] restarts if a sale occurs during the deed-restricted period.

[e. Under special circumstances an owner of a residential workforce housing unit may appeal to the department for a waiver of the owner-occupancy deed restriction; these circumstances would include, but are not limited to, assignment to active military duty or short-term contracts for off-island employment.

f. Resale.] e. The maximum resale price [shall] must be established by the department using the following guidelines:

i. An appraisal of the property [shall be required before occupancy.] completed prior to the owner's purchase is required.

ii. A second appraisal [shall be] is required upon a decision to sell the unit.

iii. Twenty-five percent of the difference between the two appraisals [shall] must be added to the owner's purchase price.

[g. Resale.] f. An owner of a residential workforce housing unit that is being resold must sell the unit to an income-qualified household and notify the department of the sale. The department [shall] must verify the sales price.

[h. The restrictions contained in subparagraphs 2a through 2g above shall not apply in situations of foreclosure.]”

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 on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:alkl:23-123a

INTRODUCED BY:

Tamara M Paltin

TAMARA PALTIN