

ORDINANCE NO. _____

BILL NO. 77 (2026)

A BILL FOR AN ORDINANCE ON USING THE AFFORDABLE HOUSING FUND
TO PROVIDE SUITABLE LIVING ENVIRONMENTS FOR THE COUNTY'S
HOUSELESS POPULATION

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

SECTION 1. Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, provides that the Affordable Housing Fund “shall be utilized for the provision, protection, and expansion of affordable housing and suitable living environments for persons of very low to gap income, as defined by ordinance.” The Charter’s language is replicated and expanded on in Chapter 3.35, Maui County Code, “Affordable Housing Fund.”

As defined in the Residential Workforce Housing Policy, “very low income” means households whose gross annual family income is 50 percent or less of the area median income. The Affordable Housing Fund should therefore address households with no income. To ensure that housing for the houseless is systematically addressed, this Ordinance’s purpose is to require that a portion of the Affordable Housing Fund be used each fiscal year to address this specific need.

SECTION 2. Section 2.96.020, Maui County Code, is amended by repealing the definition of “homeless.”

[“Homeless” means:

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence; or
2. An individual or family who has a primary nighttime residence that is:
 - a. A supervised shelter designed to provide temporary living accommodations; or
 - b. A place not designed for or ordinarily used as sleeping accommodations for human beings.”]

SECTION 3. Section 2.96.020, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Houseless” means:

1. An individual or family that lacks a fixed, regular, and adequate nighttime residence; or
2. An individual or family that has a primary nighttime residence that is:
 - a. A supervised shelter designed to provide temporary living accommodations; or
 - b. A place not designed for or ordinarily used as sleeping accommodations for human beings.”

SECTION 4. Section 3.35.030, Maui County Code, is amended by amending Subsection C to read as follows:

“C. The director of housing will administer the fund. The director of housing must ensure, subject to appropriations, that a portion of the fund is used each fiscal year for the provision of suitable living environments for residents who are houseless, as defined in section 2.96.020.”

SECTION 5. Section 3.35.040, Maui County Code, is amended to read as follows:

“3.35.040 Use of fund. A. The council may make appropriations from the affordable housing fund for the provision, protection, and expansion of affordable housing and suitable living environments, including the rehabilitation of existing structures, land purchase or other acquisition of land or property entitlements, planning, design, and construction, for the purposes listed in subsection B and for residents whose income is:

1. between very low income, as defined in section 2.96.020[,] and

2. gap income, as defined in [section] subsection 3.35.025(B)[, in addition to the following:].

B. The council may make appropriations from the affordable housing fund for the following:

[A.] 1. To increase the supply of affordable, rental, and owner-occupied housing.

[B.] 2. To acquire interests in real property.

[C.] 3. For planning, design, or construction of affordable rental or owner-occupied housing for residents within income-qualified groups.

[D.] 4. To provide housing for elderly, disabled, and [homeless] houseless residents [lacking a permanent home.], as defined in section 2.96.020.

[E.] 5. To provide grants or loans to an entity building 100 percent affordable projects or to any nonprofit or community land trust that complies with section 501(c) of the Internal Revenue Code and any other requirement under federal, state, and county law regulating the conduct of charitable or nonprofit organizations, [provided] except that the purpose of any grant or loan must be for the purposes in section 3.35.010.

[F.] 6. To leverage funds provided by federal, state, nonprofit, or for-profit organizations and other non-County entities to further expand affordable housing opportunities.

[G.] 7. To acquire existing housing or cooperative units for rehabilitation as affordable rental or owner-occupied housing, or both.

[H.] 8. To increase investment in public infrastructure in connection with related affordable housing projects.

[I.] 9. To provide comprehensive infrastructure assessments for priority affordable housing projects.

[J.] 10. To provide long-term planning for affordable housing and houselessness solutions.

[K.] 11. To provide funds for payment of principal and interest on bonds issued.”

SECTION 6. Section 3.35.080, Maui County Code, is amended to read as follows:

“3.35.080 Affordable housing fund annual plan. The department [shall] must propose and transmit to the council for its consideration, an affordable housing fund annual plan for the use of affordable housing fund revenues, [and transmit the affordable housing fund annual plan to the council for its consideration,] along with a budget amendment or a request that the projects in the

annual plan be included in a fiscal year budget. The affordable housing fund annual plan [shall] must include the following:

A. A description of the projects to be funded, including grants and loans, with a completed grant or loan proposal for each project[;].

B. The total proposed appropriations for the [subject] fiscal year[;].

C. The number of housing units that will be created and residents to be served[;], including the number of suitable living environments for residents who are houseless and the number of houseless residents who will be served.

D. If housing is not the immediate result [from] of a proposed appropriation, such as land acquisition or infrastructure improvements, [provide] an explanation [on] of how the appropriation will result in housing[; and].

E. The total expenditure for administrative expenses, [which shall be] consistent with section 3.35.010(D) [of this chapter].”

SECTION 7. Section 3.35.090, Maui County Code, is amended by amending Subsection A to read as follows:

“A. The department [shall] must prepare and submit an annual report to the council on the expenditures and accomplishments resulting from appropriations from the affordable housing fund. The annual report [shall] must provide the following information:

1. The number and types of units created or assisted[.], including the number of suitable living environments for residents who are houseless and the number of houseless residents who will be served.

2. Any non-dwelling unit improvements, such as land acquisition or infrastructure improvements.

3. The geographic distribution of units or funded projects.

4. Statistical data relative to the incomes of the households assisted.

5. The amount of state, federal, and private funds leveraged or matched.

6. Sales or rental prices established.”

SECTION 8. 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 9. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:


K. U'ilani Foods

Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF 2026-0465
2026-04-15 Ord Use AHF for Living Environments

INTRODUCED BY:



SHANE M. SINENCI