

REQUEST FOR LEGAL SERVICES

RECEIVED
By Corporation Counsel at 4:28 pm, Nov 14, 2025

Date: November 14, 2025

From: Alice L. Lee, Chair

Special Committee on Real Property Tax Reform

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristina C. Toshikiyo, Esq.

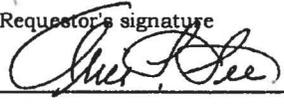
RECEIVED OCS
25 NOV 26 PM 12:47

Subject: **BILL 169 (2025), TO ESTABLISH VALUATIONS FOR SHARED-EQUITY DEED-RESTRICTED REAL PROPERTY ADMINISTERED BY A QUALIFIED ENTITY (RPTR-15)**

Background Data: Please see Bill 169, CD1 (2025). Please submit your response to rptr.committee@mauicounty.us with a reference to RPTR-15.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY

OTHER:

Requestor's signature  Alice L. Lee, Chair	Contact Person <u>Kirsten Szabo or Peter Hanano</u> (Telephone Extension: <u>7662 or 8007, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS)

RUSH (WITHIN 5 WORKING DAYS)
 URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): November 26, 2025
REASON: For posting on the December 5, 2025, Council meeting agenda.

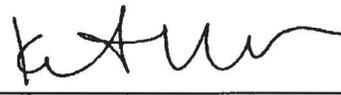
FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>KCT/KMW</u>	ASSIGNMENT NO. <u>2025-1351</u>	BY: <u>maa for alh</u>
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TO REQUESTOR: 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): The attached revised ordinance with non-substantive changes is approved. Substantive changes to clarify internal application can be made and approved on the floor.

DEPARTMENT OF THE CORPORATION COUNSEL

By 

Date 11/26/2025

(Rev. 7/03)

rptr:ltr:015acc01:kes

Attachment

ORDINANCE NO. _____

BILL NO. **169, CD1** (2025)

A BILL FOR AN ORDINANCE TO ESTABLISH VALUATIONS FOR
SHARED-EQUITY DEED AND GROUND LEASE RESTRICTED
REAL PROPERTY ADMINISTERED BY A QUALIFIED ENTITY

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

SECTION 1. The Council finds that attainable housing shared-equity programs administered by community land trusts and other qualified affordable housing enterprises are similar to affordable and workforce housing programs administered by government. The shared-equity deed and ground lease restrictions do not permit resale at market rates in excess of sale price limits. This Ordinance's purpose is to provide a mechanism to recognize these shared-equity deed and ground lease restrictions when assessing real property. This Ordinance provides for criteria that will allow similarly situated properties to be treated fairly under clear, enforceable standards.

SECTION 2. Chapter 3.48, Maui County Code, is amended by adding a new section in Article VII, "Valuations," to read as follows:

"3.48.362 Real property used for housing with shared-equity deed or ground lease restrictions. A. For purposes of this section, a "qualified entity" must:

1. Be a community land trust or affordable housing enterprise as determined by the director.
2. Be a nonprofit organization.
3. Have at least three board members.
4. Maintain an inventory of at least three resale-restricted homes.

5. Administer the inventory of homes through a public application process.

B. A qualified entity may petition the director for a valuation which considers the resale-restricted price contained within a shared-equity deed or ground lease restriction for housing if:

1. The resale-restricted price for the real property does not exceed the median sales price of real property in the neighborhood for the current year.

2. The real property is owner-occupied.

3. The owner maintains the real property home exemption under section 3.48.450 or 3.48.475.

4. The qualified entity is offered a right of first refusal or opportunity in the event of resale.

C. In determining the value, the director must consider the resale-restricted price defined in the shared-equity deed or ground lease restrictions.

D. The petition must be filed with the director by December 31 of the calendar year prior to the January 1 effective date of the assessment."

SECTION 3. Section 3.48.290, Maui County Code, is amended to read as

follows:

"3.48.290 Considerations by director. The director must cause the fair market value of all taxable real property to be determined and annually assessed by the market data and cost approaches to value using appropriate systematic methods suitable for mass valuation of properties for taxation purposes, so selected and applied to obtain, [as far as] to the extent possible, uniform and equalized assessments throughout the County, except as follows:

A. For real property tax purposes, the value of land classified and used for agriculture, whether [such] the lands are dedicated in accordance with section 3.48.350 or not, is the value of the land for agricultural use without regard to any value the land might have for other purposes or uses, or to neighboring land uses, and determined as provided in section 3.48.320.

B. For real property tax purposes, the value of land leased under section 207 of the Hawaiian Homes Commission Act, 1920, is \$0.

C. For real property tax purposes, real property subject to shared-equity deed or ground lease restrictions administered by a qualified entity under section 3.48.362 will be valued in the same way as government-administered shared-equity deed restrictions."

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Kristie M. Wrigglesworth
Department of the Corporation Counsel
County of Maui
2025-11-21 RPTR-15 Bill 169

INTRODUCED BY:

KEANI N. W. RAWLINS-FERNANDEZ

3.48.290 - Considerations by director.

The director must cause the fair market value of all taxable real property to be determined and annually assessed by the market data and cost approaches to value using appropriate systematic methods suitable for mass valuation of properties for taxation purposes, so selected and applied to obtain, as far as possible, uniform and equalized assessments throughout the County, except as follows:

- A. For real property tax purposes, the value of land classified and used for agriculture, whether such lands are dedicated in accordance with section 3.48.350 or not, is the value of the land for agricultural use without regard to any value the land might have for other purposes or uses, or to neighboring land uses, and determined as provided in section 3.48.320.
- B. For real property tax purposes, the value of land leased under section 207 of the Hawaiian Homes Commission Act, 1920, is \$0.

(Ord. No. 5020, § 1, 2019; Ord. 2579 § 1, 1997; Ord. 1285 § 2, 1982; Ord. 1076 § 3 (part) 1980; prior code § 6-1.53(a))