

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

February 21, 2023

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

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Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of February 17, 2023:

RESOLUTION:

No. 23-42 - "AUTHORIZING AN EXCHANGE OF REAL PROPERTY, WITH THE COUNTY DISPOSING OF APPROXIMATELY 23 ACRES IN PU'UNĒNĒ, MAUJI, HAWAI'I AND ACCEPTING APPROXIMATELY 11.5 ACRES IN WAIEHU, MAUI, HAWAI'I"

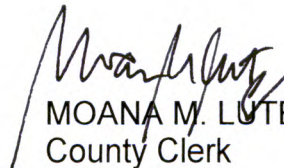
BILLS:

No. 11 (2023) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE 2829 (2000) GRANTING A CONDITIONAL PERMIT IN ORDER TO DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT WAILEA, KIHEI, MAUI, HAWAII"

No. 12 (2023) - "A BILL FOR AN ORDINANCE AMENDING SUBSECTION 2.96.060(B), MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTION TIME-PERIODS"

Also transmitted for your convenience is a copy of a communication received from the Planning Director pertaining to Bill No. 11 (2023).

Respectfully,


MOANA M. LUTEY
County Clerk

/jym
Enclosures
cc: Director of Council Services

ORDINANCE NO. _____

BILL NO. 12 (2023)

A BILL FOR AN ORDINANCE AMENDING SUBSECTION 2.96.060(B), MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING DEED RESTRICTION TIME-PERIODS

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

SECTION 1. This Ordinance's purpose is to amend the residential workforce housing deed restrictions to increase the time-period for all restrictions.

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]~~ twenty years.

b. "Moderate income," ~~[eight]~~ sixteen years.

c. "Above-moderate income," ~~[five]~~ ten years.

2. For the deed restricted period, the following ~~[shall apply:]~~ applies:

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 have]~~ has 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 the deed-restricted period that commenced at the time of the initial sale.

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

i. An appraisal of the property [shall be] is required before occupancy.

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

iii. [Twenty-five] 25 percent of the difference between the two appraisals [shall] must be added to the owner's purchase price.

g. 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] do 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:



MIMI DESJARDINS

Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui

LF2022-0753

PAF 22-106 2023-02-01 Ord Amd Sec 2.96.060(B)
paf:pmg:22-106e

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN