

# Resolution

No. 20-12

PROPOSING AN AMENDMENT TO SECTION 9-20  
OF THE REVISED CHARTER OF THE COUNTY  
OF MAUI (1983), AS AMENDED, RELATING TO  
THE AFFORDABLE HOUSING FUND

WHEREAS, Section 9-20(1) of the Revised Charter of the County of Maui (1983), as amended ("Charter"), requires the Council to appropriate a minimum of two percent of the certified real property tax revenues to the affordable housing fund in adopting fiscal years 2008 through 2021 annual operating budgets and capital programs; and

WHEREAS, an amendment to Section 9-20(1) is necessary to preserve the mandated minimum appropriation to the affordable housing fund beyond fiscal year 2021, which ends on June 30, 2021; and

WHEREAS, the need for affordable housing in the County is critical, and an amendment to increase the required minimum percentage of certified real property tax revenues annually appropriated to the affordable housing fund from two percent to three percent is both prudent and necessary; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Section 9-20 of the Charter, pertaining to the Affordable Housing Fund, be amended by amending subsection (1) to read as follows:

"1. In adopting [fiscal years 2008 through 2021] annual operating budgets and capital programs, the council shall appropriate a minimum of [two percent (2%)] 3 percent of the certified real property tax revenues to a fund known as the affordable housing fund. In any fiscal year, the council may make appropriations to the fund in addition to the minimum required appropriations. The revenues and unencumbered balance in this 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,]

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households from 0 – 140 percent area median income, as defined by ordinance, provided that 50 percent of those funds be used for 100 percent area median income and below, including the rehabilitation of existing structures, land purchase, or other acquisition of land or property entitlements, planning, design, and construction.”; and

2. That material to be repealed is bracketed and new material is underscored; and

3. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

5. That, pursuant to Section 14-1(1) of the Charter, it proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended to require that a minimum percentage of the certified real property tax revenues be appropriated into an affordable housing fund to be used for the provision, protection, and expansion of affordable housing and suitable living environments for households from 0 – 140 percent area median income, provided that 50 percent of those funds be used for 100 percent area median income and below; and to increase the minimum required percentage from 2 percent to 3 percent of the certified real property tax revenues, effective July 1, 2021?”; and


6. That, pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment as set forth in this resolution in its entirety in a newspaper of general circulation; and

7. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed herein shall take effect as of July 1, 2021; and

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8. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of Housing and Human Concerns, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

  
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GARY Y. MURAI  
Department of the Corporation Counsel  
County of Maui

paf:ske:20-075a

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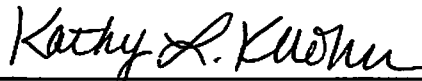
The purpose of this resolution to place on the next General Election ballot the question of whether Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, shall be amended, effective July 1, 2021, to require an increase in the minimum annual appropriation to the Affordable Housing Fund from 2 percent of certified real property tax revenues to 3 percent, for households from 0 - 140 percent area median income, provided that 50 percent of those funds be used for 100 percent area median income and below, and that the appropriation remain in perpetuity.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the RESOLUTION NO. 20-12 was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 7th day of February, 2020, by the following vote:

AYES: Councilmembers Kelly T. King Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci, Vice-Chair Keani N. W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: Councilmembers G. Riki Hokama, Natalie A. Kama, and Yuki Lei K. Sugimura.

DATED at Wailuku, Maui, Hawaii, this 13th of February, 2020.



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KATHY L. KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Resolution, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.