

RICHARD T. BISSEN, JR.
Mayor

RICHARD E. MITCHELL, ESQ.
Acting Director

SAUMALU MATA'AFA
Deputy Director



DEPARTMENT OF HOUSING
COUNTY OF MAUI
2065 MAIN STREET, SUITE 108
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7351
FAX: (808) 270-7829

March 6, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawai'i 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen, Jr. 3-7-25
Mayor Date

For Transmittal to:

Honorable Tasha Kama, Chair
Housing and Land Use Committee
200 South High Street
Wailuku, Hawai'i 96793

**SUBJECT: BILL 22 (2024), BILL 12 (2023), AND BILL 74 (2023)
RELATING TO RESIDENTIAL WORKFORCE HOUSING
DEED RESTRICTIONS (HLU-24)**

Dear Chair Kama:

The Department of Housing (Department) is in receipt of your letter dated February 21, 2025, requesting a response to questions relating to deed restrictions.

The Department respectfully requests a 14-day extension to complete its responses to the above-referenced letter.

The Department recently received three requests from the HLU Committee, totaling 33 questions (excluding subparts), requesting a responses by either March 6 or 7. Given the Department is short-staffed, we are prioritizing limited resources to assist with the responses and are currently focused on the HLU Committee letter dated March 4 (21 questions excluding subparts), requesting a response by March 7.

Should you have further questions, please contact me or the Department at (808) 270-7110 or email me at director.housing@co.maui.hi.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Mitchell', with a large, sweeping flourish extending from the end.

RICHARD E. MITCHELL, Esq.
Director of Housing

HLU Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Friday, March 7, 2025 10:56 AM
To: HLU Committee
Cc: Cynthia E. Sasada; Erin A. Wade; Josiah K. Nishita; Kelii P. Nahooikaika; Amanda M. Martin; Richard E. Mitchell; Saumalu Mataafa
Subject: MT#10985 Bill 22, Bill 12, Bill 74, Relating to Residential Workforce Housing Deed Restrictions
Attachments: MT#10985-HLU Committee.pdf

RICHARD T. BISSEN, JR.
Mayor

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FAX: (808) 270-7829

March 7, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Samuel I. Bissen 3/11/25
Mayor Date

For Transmittal to:

Honorable Tasha Kama, Chair
Housing and Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

**SUBJECT: BILL 22 (2024), BILL 12 (2023), AND BILL 74 (2023)
RELATING TO RESIDENTIAL WORKFORCE HOUSING
DEED RESTRICTIONS (HLU-24)**

Dear Chair Kama:

The Department of Housing (Department) is in receipt of your letter dated March 4, 2025, requesting a response by March 7 to questions relating to deed restrictions. The Department's responses are as follows:

- 1. What is the connection between affordable housing and the local economy, and how could deed restrictions support this?**

Deed restrictions served to maintain an adequate supply of affordably priced housing overtime, which is important in a high-tourism community with significant housing costs and affordable housing needs, limited supply, and an economy focused on retail sales, food preparation and related occupations, recreation, and other tourism-related sectors. According to the Department of Housing & Urban Development's evaluation of Hawaii's occupational employment and wage estimates, well over half of Hawaii's workforce is employed in positions that pay at or below the area median income. As a result, deed

restrictions are a vital tool to ensure that Hawaii's workforce can find suitable affordable housing in a challenging marketplace with high demand for short-term rentals and second or third homes for offshore buyers which drives property prices upwards.

2. How do longer deed restrictions impact communities? What are the impacts on the local and market economies, financing, and potential interest in buying housing units?

The impact of deed restrictions, which should be considered in conjunction with broader economic activity (e.g., rapid inflation during the late 1990s Dot-Com bubble crash, the 2008 global real estate financial crisis, COVID-19 pandemic, and the 2023 Maui Wildfires), can result in barriers to home production and ownership. The impact of deed restrictions, both in terms of the length of restrictions and other restriction-related conditions, may need to be regularly evaluated. Perhaps, this is best evidenced by the Council's decision to loosen deed restriction policy in Chapter 2.96 in 2014 to spur development. Prior to 2014, projects with ten or more units had to provide fifty percent of those units as affordable, and those units had a 25-year deed restriction. A lack of housing construction resulted in the Council revising Chapter 2.96 in 2014 to require twenty-five percent of the units as affordable, with a tiered deed restriction period. Of those affordable units:

- 30% were set aside for below-moderate income individuals (80-100% AMI) with a ten-year deed restriction.
- 50% were set aside for moderate income individuals (100-120% AMI) with an eight-year deed restriction.
- 20% were set aside for above-moderate income individuals (120-140% AMI) with a five-year deed restriction.

Longer deed restrictions can lower the assessed value of a property, as the restrictions limit potential uses, future development, and can disincentivize reinvestment and potential buyers. Relatively speaking, this can translate into a lower market value and lower property taxes. Deed restrictions can also affect financing, to the extent lenders are disinclined to lend on property with deed restrictions limiting who can purchase (e.g., sale price, income limits, or ownership qualifications), due to perceived additional risk. To the extent potential buyers are disincentivized, particularly in a market where a large percentage of the population seeks affordable housing, finding the balance point between the length and nature of deed restrictions (e.g., time, owner-occupancy rules, buyback provisions and mechanics, shared equity provisions, and proximity to work requirements) and negatively impacting the marketplace is a delicate policy challenge.

3. How do deed restrictions contribute to the preservation of affordable housing options for future generations?

A sustained deed restriction policy that balances both the upside and downside of the policy's market impact, can provide both affordable homeownership opportunities for future generations and wealth opportunities realized through homeownership (known as "WORTH" in the affordable housing context). WORTH is much more than just financial. It includes social impacts like reducing homelessness, and family unit stability that improves access to education and employment. It may include broad economic benefits as affordable housing can be tied to increased economic activity through consumer spending and job creation. It can stimulate community stability by providing for a mix of income levels in a neighborhood and avoiding the concentration of poverty. Finally, well designed and maintained affordable housing developments can have a neutral or even positive effect on nearby property values.

4. What are the benefits of having a predictable housing market because of longer deed restrictions?

The benefits of longer deed restrictions include the preservation of affordable housing inventory and, importantly, a reduction over time of public assistance, where large subsidies are required continuously with shorter restrictions, to reach low- and moderate-income families in a marketplace experiencing rapid increases in home prices.

5. How can deed restrictions prevent gentrification and the displacement of long-term residents?

As home prices increase, particularly in a low supply and high demand marketplaces, deed restrictions function by maintaining economically integrated communities, the objective of inclusionary zoning, and by avoiding the concentration of economically challenged or low- to moderate-income families in isolated neighborhood pockets. Deed restrictions may not prevent gentrification generally. But where there are deed restricted homes, the restrictions will limit the potential for the gentrification process to create economically exclusive neighborhoods.

6. How can deed restrictions ensure that essential workers are able to afford housing near their workplaces?

Deed restrictions can include requirements concerning the purchaser's proximity to employment. For example, the County of Hawaii's Kamakoa Nui project, which was developed for low- to moderate-income residents, requires that residents be employed within 45-miles from the community.

7. What is the average length of an affordability deed restriction in the United States?

The Department does not have a definitive answer to this question. Deed restrictions can last less than five years and as long as 99 years, depending on the community or project. Deed restrictions can be for a fixed term, in perpetuity, or with a resetting mechanism (e.g., sale to another income-qualified buyer during the restriction period resets clock).

8. How do deed restrictions address the inelasticity of the housing market?

Price elasticity refers to how responsive demand or supply is to changes in prices. When a housing market is inelastic, this means rising demand translates into rising prices and not increased production to meet the demand. Put simply, supply remains below demand. Deed restrictions play a vital role in an inelastic market by maintaining and developing an adequate supply of affordable housing for low- to moderate-income households.

9. What factors should the Council consider when creating a policy to balance affordability and equity in homeownership?

When developing deed restriction policies, one objective is to provide a sustained and adequate supply of affordable housing for households, that may not otherwise be able to live in the community, without significantly affecting the marketplace. Another conflicting policy is to provide homeowners with an opportunity to build equity and benefit from increased real estate values over time, because to allow the homeowner to benefit from the full increase in value means the loss of affordability. Given those two conflicting policies, there are shared equity programs that either: (1) tie the resale price to the original sales price plus a set rate of appreciation based on area median income or the consumer price index, (2) a pre-determined percentage increase to the original purchase price for each year of ownership, and (3) appraisal based formulas that sets the sale price as a percentage difference between the original sales price and a percentage of the difference between the home's original appraised value and the appraised value at the time of resale. Each approach attempts to maintain an adequate supply of affordable housing while creating wealth opportunities realized through homeownership.

10. How can the Council balance deed restriction policies with extenuating circumstances, such as natural disasters or other life-altering events? Provide any specific policies the Council should consider?

The scope of what is intended with the phrase "life-altering events" is vague and therefore fashioning a reasonable response is challenging. To the extent the phrase means either births or deaths in a household that affect the compatibility of a deed restricted dwelling unit with the homeowner's needs, the ability of the homeowner to seamlessly move

to a more suitable deed restricted unit while rolling over their "restriction period" may well be worth consideration. However, in response to how the Council may balance deed restrictions with the extenuating circumstance of a natural disaster (e.g., "force majeure events") resulting in the loss of the home, the Department interprets this question to mean: "How can the Council protect the equity wealth of a homeowner who purchases an affordable deed-restricted dwelling unit?" To this question, the most appropriate response applies to all homeowners, which is that insurance should be the first line of defense against a catastrophic loss. Insurance with appropriate per event and aggregate event limits should be always maintained on the home.

- 11. What are some risks when buying a deed-restricted home and how can they be mitigated? What are the risks for buying an unrestricted home?**

With respect to the risks of purchasing a deed restricted home, please see the response to Question No. 2. With respect to the risks of purchasing an unrestricted home, they include property depreciation, sudden loss of value due to unexpected market forces (e.g., 2008 real estate market crash), high maintenance costs, foreclosure risk, insurance coverage challenges, locational risk (e.g., area prone to natural disaster, weather-related damage, emergency service access limits) and more. The risks associated with purchasing an unrestricted home also apply to a deed restricted home.

- 12. Should properties in different area median income categories have similar or the same deed-restricted time periods?**

Because households with higher income levels may have, theoretically speaking, less interest in purchasing deed-restricted property coupled with a greater ability to buy at market price depending on income and interest rate changes, there are good policy reasons to progressively stagger the length of deed restrictions so that the 120-140% AMI is lower than 100-120% AMI and the latter is lower than 80-100% AMI.

- 13. Should there be different deed-restriction time periods for different types of homes? For example, should a multifamily home and a single-family home be subject to different time periods? What about a one-bedroom single family home and a three-bedroom home?**

Generally, the length of deed restriction time periods does not vary by dwelling type. But other restriction-related conditions often do, depending on the nature of the affordable housing deed-restricted development.

- 14. Should the length of deed restrictions correspond to the amount of County funding a project receives? If so, explain how this should**

be implemented, including whether the type of housing, such as multifamily or single-family, be considered.

If the policy objectives with imposing deed restrictions are to maintain an adequate supply of affordably priced housing in the community, and to provide wealth opportunities realized through homeownership, tying the deed restriction time periods to a sliding scale based on the amount of County funding adds a challenging variable to achieving the first to objectives.

15. What deed-restriction time periods would you recommend the Council consider?

The Department does not have an opinion on what deed-restriction period the Council should consider. This is a pure policy question. The shorter the time-related deed restrictions are the greater the challenge will likely be to maintain an adequate supply of deed-restricted property. The longer the time-related deed restrictions are, the greater the property maintenance and administrative management and enforcement requirements will be for the County. The deed restrictions not time related should be scrutinized to minimize unnecessary inflexibility.

16. As it relates to both deed restrictions and the 99-year lease model used by the Department of Hawaiian Home Lands:

- A. Do longer deed restrictions and 99-year leases prevent homeowners from taking out home equity loans?**
- B. Do longer deed restrictions and 99-year leases make it more difficult for potential homeowners to secure financing?**
- C. Can deed restrictions and 99-year leases specify that the owner is not restricted from refinancing their mortgage or borrowing against the equity in their home?**

Leasehold mortgages on 99-year leases are routine and based on the right to occupy as opposed to the right to own the land and improvements. Lenders will look closely at the lease terms including whether the tenant has the right to obtain a mortgage on the lease, the length of time remaining on the lease, when the lease may be terminated, and whether the landlord's consent is required to obtain financing. Leasehold mortgages will elicit greater underwriting scrutiny.

As noted in response to the second question, non-temporal deed restrictions do cause lenders to exercise caution when underwriting. But depending on the nature of the non-temporal restrictions, they do not "prevent" homeowners from taking out home equity loans, refinancing, or borrowing against the equity in their homes. However, it is generally preferable to limit the refinancing of deed-restricted

property to transactions that materially improve the homeowner's interest rate or reduce their monthly payments by changes to the loan term. The practice of cashing out equity on a deed-restricted home could lead to challenges with maintaining the home's affordability.

- 17. How many affordable units have been created since Chapter 2.96, Maui County Code, was enacted? Of those, how many units are still affordable today?**

The Department does not have a master list of every affordable unit created in the County since the inception of Chapter 2.96, Maui County Code.

- 18. How can the County address and support each resident's need to afford a home?**

One of the biggest challenges to developing and maintaining an adequate supply of affordable housing units for the community relates to infrastructure costs and the costs of obtaining entitlements. Bold County investments in infrastructure projects that facilitate the building of affordable housing will likely reduce the costs to affordable housing developers.

Focusing on ways to simplify and expedite the multi-layered entitlement process will likely do the same.

De-commodifying the residential housing market (e.g., appropriate controls on the various forms of vacation rentals in residential zones) concurrent with the increasing residential property taxes while concurrently and commensurately reducing the owner-occupant exemption will appropriately shift both burdens and benefits of homeownership.

Preserving existing non-deed restricting affordable housing should also be a focus. For example, Montgomery County, Maryland, enacted a Right of First Refusal law in 1980 to preserve affordable housing and prevent tenant displacement. The law (Chapter 53A, Tenant Displacement, Montgomery County Code) requires that any multifamily housing development of four or more units must be offered for sale to the County (or certain other specified home providers) first, before being sold to another party.

Finally, the County should proactively acquire and entitle undeveloped property specifically to create a future affordable housing development pipeline of larger developments.

- 19. Do you have a preferred managed appreciation formula? If so, please explain.**

Please see the Department's response to question number 9. The Department does not have an opinion on which share appreciation method is preferable.

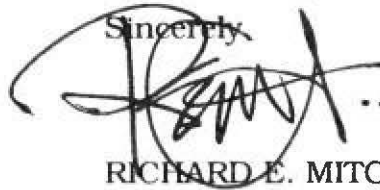
- 20. How can the County prevent investors from buying then selling properties for a profit, primarily properties that contribute to the affordable and workforce housing stock?**

Please see the Department's response to question number 18.

- 21. How much affordable housing inventory should be isolated from the general housing market through leaseholds, deed restrictions in perpetuity, and housing land trusts?**

When the County's supply of affordable housing units begins to exceed the demand, the amount of affordable housing inventory that's isolated from the general market will have been reached.

Should you have further questions, please contact me or the Department at (808) 270-7110 or email me at director.housing@co.maui.hi.us.

Sincerely,


RICHARD E. MITCHELL, Esq.
Director of Housing

HLU Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Tuesday, March 11, 2025 11:30 AM
To: HLU Committee
Cc: Cynthia E. Sasada; Erin A. Wade; Josiah K. Nishita; Kelii P. Nahooikaika; Amanda M. Martin; Richard E. Mitchell; Saumalu Mataafa
Subject: MT#10986-Bill 22, Bill12, Bill 74, MT#10987-Dept. of Housing Updates, MT#10992-Bill 22, Bill 12, Bill 74
Attachments: MT#10986-HLU Committee.pdf; MT#10987-HLU Committee.pdf; MT#10992-HLU Committee.pdf

Michelle L. Santos

Office Operations Assistant I

Office of the Mayor

County of Maui

808-270-7855

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COUNTY OF MAUI
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FAX: (808) 270-6284

March 7, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

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

Dear Chair Kama:

APPROVED FOR TRANSMITTAL

Richard Bissen 3/11/25
Mayor Date

SUBJECT: BILL 22 (2024), BILL 12 (2023), AND BILL 74 (2023)
RELATING TO RESIDENTIAL WORKFORCE
HOUSING DEED RESTRICTIONS (HLU-24)

The Department of Housing (Department) is in receipt of your letter dated February 21, 2025, requesting a response to the questions below, relating to Residential Workforce Housing Deed Restrictions. By letter dated March 6, the Department requested additional time to fully respond to this letter. The Department's initial responses are as follows:

- 1. Provide a copy of the Department's administrative rules relating to deed restrictions and explain how the Department implements these rules.**

Please see the attached Rules Relating to the Administration of Chapter 2.96, Maui County Code, Pertaining to the Residential Workforce Housing Policy.

- 2. Provide the number of deed-restricted homes sold each year to date since Chapter 2.96, Maui County Code, was enacted.**

The Department does not maintain a comprehensive list of all deed-restricted homes sold since the inception of Chapter 2.96, Maui County Code, was enacted. To create this database will take significant staff resources and time.

- 3. Provide the number of market-rate homes sold each year to date since Chapter 2.96, Maui County Code, was enacted.**

The Department does not maintain a database of market-rate homes sold since the inception of Chapter 2.96, Maui County Code, was enacted. The Hawaii Association of Realtors would likely have an active database of homes sold since the inception of Chapter 2.96. Assuming it exists, whether it can be sorted by non-deed restricted market-rate homes is unknown.

- 4. As it relates to Affordable Housing Fund grants, provide per Area Median Income category the following:**

- a. The average amount the County contributes per unit.**

\$178,857

- b. The average percentage the County contributes per unit toward the total cost of the unit.**

The average percentage the County contributes toward a unit's total cost is approximately 26 percent.

- c. The average difference between the sales price of a home and the County's contribution per unit.**

80% AMI and below:	\$252,824
100% AMI and below:	\$430,380
120% AMI and below:	\$461,975
140% AMI and below:	\$603,814

The figures above are based on for-sale single family workforce housing projects in the Fiscal Year 2024 budget, Affordable Housing Fund.

5. **How can the County ensure that residents who contribute to the County's tax system benefit from the Affordable Housing Fund?**

Please see the Department's letter dated March 7, 2025, concerning Bill 22 (2024), Bill 12 (2023), and Bill 74 (2023) Relating to Residential Workforce Housing Deed Restrictions.

6. **What is the monetary value of incentives and exemptions provided to workforce housing projects that are not receiving grants from the Affordable Housing Fund?**

The Department is unable to answer this question as it does not evaluate or otherwise track the monetary value of incentives and exemptions provided to workforce housing projects not receiving Affordable Housing Fund grants.

7. **How often does the County buy back deed-restricted homes sold during the deed restriction period? Please explain the County's strategy for selecting and buying the homes.**

It appears, on average, the Department recommends that the County buy back two deed-restricted homes per year. Additional research will be needed to confirm the average. The Department does not employ a strategy to select homes to buy back; rather, homeowners advise the Department that they wish to sell their home during the restricted period which triggers the County's right to buy it back.

8. **Provide any recommended revisions to Chapter 2.96, Maui County Code, relating to deed restrictions to account for natural disasters or other life-altering events.**

Please see the Department's letter dated March 7, 2025, concerning Bill 22 (2024), Bill 12 (2023), and Bill 74 (2023) Relating to Residential Workforce Housing Deed Restrictions. See specifically the Department's response to question 10 in that letter.

9. **Provide any recommended revisions to Chapters 2.96 and 2.97, Maui County Code, to support the creation of more affordable and workforce housing.**

It is the Department's understanding that Councilmember Kama's staff is currently looking into potential revisions to Chapter 2.96 and 2.97 for consideration by the Council after the upcoming budget session. The Department looks forward to reviewing those proposals and providing its input overtime as they are under consideration before the HLU Committee and Council.

- 10. Provide any policy recommendations to prevent investors from purchasing properties with the intention of selling it for a profit, primarily those properties that contribute to the affordable and workforce housing stock.**

Please see the Department's letter dated March 7, 2025, concerning Bill 22 (2024), Bill 12 (2023), and Bill 74 (2023) Relating to Residential Workforce Housing Deed Restrictions. See specifically the Department's response to question 18 in that letter.

Should you have further questions, please contact me or the Department at (808) 270-7110 or email me at director.housing@co.maui.hi.us.

Sincerely,


RICHARD E. MITCHELL, ESQ.
Director of Housing

Attachment (1)

DEPARTMENT OF HOUSING AND HUMAN CONCERNS

Adoption of Chapter 07-107
Rules Relating to the Administration of
Chapter 2.96, Maui County Code, Pertaining to the
Residential Workforce Housing Policy

SUMMARY

1. Chapter 07-107, entitled "Rules Relating to the Administration of Chapter 2.96, Maui County Code, Pertaining to the Residential Workforce Housing Policy", is adopted to read as follows:

TITLE MC-07

DEPARTMENT OF HOUSING AND HUMAN CONCERNS

SUBTITLE 1

DIRECTOR OF HOUSING AND HUMAN CONCERNS

CHAPTER 107

RULES RELATING TO THE ADMINISTRATION
OF CHAPTER 2.96, MAUI COUNTY CODE, PERTAINING
TO THE RESIDENTIAL WORKFORCE HOUSING POLICY

Subchapter 1 General Provisions

\$07-107-1	Title
\$07-107-2	Purpose
\$07-107-3	Definitions

Subchapter 2 Applicability

\$07-107-4	Applicability
\$07-107-5	Confirmation of applicability

Subchapter 3 Adjustment

\$07-107-6	Adjustment, reduction, or waiver of requirements
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Subchapter 4 Residential Workforce Housing
Requirements

\$07-107-7	General provisions
\$07-107-8	Alternative measures
\$07-107-9	In-lieu fee payment

§07-107-10 Provision of land
§07-107-11 Partnering with a non-profit
organization or community land trust
§07-107-12 HUD and departmental guidelines

Subchapter 5 Residential Workforce Housing
Agreement

§07-107-13 General
§07-107-14 Draft workforce housing agreement

Subchapter 6 Applicant Selection Process

§07-107-15 Ownership units
§07-107-16 Rental units

Subchapter 7 Residential Workforce Housing
Restrictions For Ownership Units

§07-107-17 Ownership units
§07-107-18 Appraisal of unit before occupancy
§07-107-19 Deed restrictions
§07-107-20 Sales price
§07-107-21 Ensuring continued affordability
§07-107-22 Acquisition by the County
§07-107-23 Acquisition by a non-profit or
community land trust
§07-107-24 Acquisition by a developer
§07-107-25 Acquisition by an income-qualified
resident
§07-107-26 Determination of resale price
§07-107-27 Resale to income-qualified residents
§07-107-28 Foreclosure
§07-107-29 Rental units

Subchapter 8 Residential Workforce Housing
Credits

§07-107-30 General

Subchapter 9 Qualified Housing Providers

§07-107-31 General

SUBCHAPTER 1

GENERAL PROVISIONS

§07-107-1 Title. The rules in this chapter shall be known as the "Rules Relating to the Administration of Chapter 2.96, Maui County Code, Pertaining to the Residential Workforce Housing Policy". [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-2 Purpose. The purpose of these rules is to implement the goals and objectives of chapter 2.96, Maui County Code, by ensuring that the housing needs of the County are addressed, and to encourage the provision and maintenance of residential workforce housing units, for both purchase and rental, to meet the needs of income-qualified households. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-3 Definitions. Words defined in section 2.96.020, Maui County Code, shall have the same meaning wherever used herein. Unless otherwise apparent from the context, the following definitions shall apply:

"Community land trust" means a non-profit organization that acquires land that:

- (1) Is held in perpetuity;
- (2) Is primarily for conveyance under a long-term ground lease for the creation of dwelling units that shall be sold or rented to applicants within the income-qualified groups established in sections 2.96.060 and 2.96.070, Maui County Code; and
- (3) Retains an option to purchase any dwelling unit at a price determined by formula that

is designed to ensure that the dwelling unit remains affordable in perpetuity.

"Council" means the Maui county council.

"County" means County of Maui, State of Hawaii.

"Department" means the department of housing and human concerns.

"Director" means the director of the department of housing and human concerns, or the director's designated representative.

"Disabled" means a person who is determined, by a medical doctor, to have a physical, mental, or emotional impairment that:

- (1) Is expected to be of long-continued and indefinite duration;
- (2) Substantially impedes the person's ability to live independently; and
- (3) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

"Dwelling unit" means a room or group of rooms connected together constituting an independent housekeeping unit for family and containing a single kitchen.

"Elderly" means a person who has attained the age of sixty-two years.

"Employed" means working for compensation in the County for any number of hours.

"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.

"Hotel" means a transient vacation rental, other than a bed and breakfast home containing lodging or dwelling units.

"HUD" means the United States Department of Housing and Urban Development.

"Improved land" means land that has necessary infrastructural improvements to support a public use project or a use density of at least a single-family or a two-family residential building per acre, in conformity with state and county zoning laws and building permit requirements.

"Lot" means any improved or unimproved land that has been subdivided.

"MCC" means the Maui County Code, as amended.

"Median family income" means the middle income in a series of incomes ranked from smallest to largest as determined by HUD for the County, or as adjusted by the department, for Hana, Lanai, and Molokai.

"Multi-family dwelling" means a building or portion thereof that consists of three or more dwelling units and which is designated for occupancy by three or more families living independently of each other.

"Qualified housing provider" means a community land trust, non-profit agency, or other private or public organization, agency, or entity authorized and designated by the department in accordance with section 2.96.150, MCC, to own, develop, construct, administer, operate, or otherwise provide residential workforce housing required under chapter 2.96, MCC.

"Resident" means a person who meets one of the following criteria:

- (1) Currently employed in the County;
- (2) Retired from employment in the County, having worked in the County immediately prior to retirement;
- (3) A full-time student residing in the County;
- (4) A disabled person residing in the County who was employed in the County prior to becoming disabled;

- (5) The parent or guardian of a disabled person residing in the County;
- (6) A spouse or dependent of any such employee, retired person, student, or disabled person residing in the County; or
- (7) In the event of the death of the employee, retired person, student, or disabled person, the spouse or dependent of any such person residing in the County.

"Residential workforce housing unit" means a unit or lot to be sold or rented to residents within one of the following income groups as established by the department:

- (1) "Very low income", which are those households whose gross annual family income is fifty percent or less of the area median income as established by HUD, or as adjusted by the department, for Hana, Lanai, and Molokai;
- (2) "Low income", which are those households whose gross annual family income is more than fifty percent, but not more than eighty percent of the area median income as established by HUD, or as adjusted by the department, for Hana, Lanai, and Molokai;
- (3) "Below moderate income", which are those households whose gross annual family income is more than eighty percent, but not more than one hundred percent of the area median income as established by HUD, or as adjusted by the department, for Hana, Lanai, and Molokai;
- (4) "Moderate income", which are those households whose gross annual family income is more than one hundred percent, but not more than one hundred twenty percent of the area median income as established by HUD, or as adjusted by the department, for Hana, Lanai, and Molokai;

- (5) "Above-moderate income", which are those households whose gross annual family income is more than one hundred twenty percent, but not more than one hundred forty percent of the area median income as established by HUD, or as adjusted by the department, for Hana, Lanai, and Molokai; and
- (6) "Gap income", which are those households whose gross annual family income is more than one hundred forty percent, but not more than one hundred sixty percent of the area median income as established by HUD, or as adjusted by the department, for Hana, Lanai, and Molokai.

"Special housing target group" means a group of residents that can be demographically defined as having a special or unique housing need, including but not limited to, the elderly, homeless, and disabled.

"Subdivision" means improved or unimproved land or lands divided or proposed to be divided into two or more lots, parcels, sites, or other divisions of land for purposes of, whether immediate or future, sale, lease, rental, transfer of title or interest, in any or all of such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process and procedure of subdividing of the land being subdivided. Easements for roadway or access purposes shall be construed as subdivided land. The term includes a building or group of buildings, other than a hotel, containing or divided into three or more dwelling units. Planned unit developments and condominiums shall be considered subdivisions.

"Two-family dwelling unit" means a building consisting of only two dwelling units designed for occupancy by two families living independently of each other.

"Unimproved land" means land not classified as improved land.

"Wait list area" means Hana, Lanai, Maui
(excluding Hana), or Molokai. [Eff 2/21/09] (Auth:
HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 2

APPLICABILITY

§07-107-4 Applicability. (a) The director shall determine if any new development, redevelopment, renovation, or conversion to time share use, including the subdivision of land and/or the construction of single-family dwelling units, two-family dwelling units, multi-family dwellings, or hotels, whether constructed at one time or over several years, is subject to the requirements of chapter 2.96, MCC, and these rules, or whether the development is exempt pursuant to section 2.96.030(B), MCC. The director shall review all completed subdivision and building permit applications. The director shall make the determination within thirty days of receipt of the completed application.

(b) In determining the applicability of chapter 2.96, MCC, the director shall use the criteria in sections 2.96.030(A)(1) through (6), MCC.

(c) In determining whether a development is exempt, the director shall use the criteria in section 2.96.030(B), MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-5 Confirmation of applicability. (a) The director shall provide electronic or written confirmation of the applicability, non-applicability, or exemption of the development to the receiving agency and the developer.

(b) The director shall provide a copy of said confirmation and a copy of each executed workforce housing agreement to the directors of the departments of public works, parks and recreation, and planning.

(c) The department shall maintain a record of all executed workforce housing agreements and written confirmations of applicability, non-applicability, or

exemption for future reference. [Eff 2/21/09] (Auth:
HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 3

ADJUSTMENT

§07-107-6 Adjustment, reduction, or waiver of requirements. (a) Upon receipt of the director's written determination that a development is subject to the requirements of chapter 2.96, MCC, and these rules, an applicant may appeal to the council for a reduction, adjustment, or waiver of the requirements. The time within which to file the appeal, and the contents and legal basis of the appeal, shall be in accordance with section 2.96.030(C), MCC.

(b) For purposes of section 2.96.030(C)(4), MCC, for all appeals heard before the council, the director shall obtain and maintain written transcripts of the proceedings in the event any substantive change or modification in the development occurs subsequent to a grant of a reduction, adjustment, or waiver by the council. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 4

RESIDENTIAL WORKFORCE HOUSING REQUIREMENTS

§07-107-7 General provisions. (a) The amount or number of residential workforce housing units required for developments subject to chapter 2.96, MCC, and any alternative measures to satisfy said requirements, shall be in accordance with section 2.96.040, MCC.

(b) In determining the sale price or average sale price of proposed market rate dwelling units or lots in a development, the director shall consider the applicant's documented or published offering, sales or marketing statements, or notices.

(c) The applicant shall provide the director with a copy of a settlement statement for all residential workforce for-sale units or lots and any other documents required by the director to verify eligibility of the buyers and sales price requirements.

(d) The applicant shall provide the director with a copy of an executed lease or rental agreement for all for-rent units and any other documents required by the director to verify eligibility of the tenant(s) and rental rate requirements. [Eff 2/21/09]
(Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-8 Alternative measures. (a) In determining whether the residential workforce housing requirements of section 2.96.040(A), MCC, may be satisfied by alternative measures pursuant to section 2.96.040(B), MCC, the director shall use, but not be limited to, the following criteria:

- (1) The alternative measures will accomplish the objective of producing as many workforce

dwelling units as possible in a reasonable period of time.

- (2) The alternative measures will meet the needs of income-qualified households for the workforce, students, and special housing target groups.
- (3) The alternative measures satisfy the requirements of sections 2.96.040(B)(1) and 2.96.040(B)(2), MCC, by providing for the sale or rental of the required number of workforce dwelling units or lots to income-qualified residents.

(b) The director shall draft and transmit a resolution to the council for approval of any proposed payment of in-lieu fees, or payments of moneys to a designated non-profit organization or community land trust pursuant to a co-development agreement, or provision of improved or unimproved land.

(c) After council approval is obtained, the director shall grant the funds and/or land or lots to the appropriate entity. Council approval may be required for the conveyance of the land or lots pursuant to chapter 3.44, MCC. The granting of funds and land and/or lots to a non-profit organization or community land trust shall require a grant agreement.

[Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-9 In-lieu fee payment. (a) In the event payment of a fee is proposed to satisfy the requirements of section 2.96.040, MCC, the total amount of the in-lieu fee due and owing the County, if not paid in advance, shall be secured by a lien recorded against the property on which the market rate units or lots will be situated. Said lien will be released by the County upon full payment of the in-lieu fee.

(b) The department shall notify the department of public works when council authorizes acceptance of

an in-lieu fee in satisfaction of a housing requirement. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-10 Provision of land. In the event provision of improved or unimproved land is proposed pursuant to section 2.96.040(B)(4)(b), MCC, the value of such land(s) shall be determined by an appraisal completed by a certified land appraiser, the cost and fees of which shall be paid by the developer, which appraisal shall be reviewed and approved by an appraiser employed by the County department of finance. The date of the appraisal shall not be earlier than six months from the date of occupancy of any market rate dwelling units or lots in the development. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-11 Partnering with a non-profit organization or community land trust. When partnering with a non-profit organization, the developer's residential workforce housing requirement shall be deemed satisfied upon receipt of payment and/or other in-lieu contribution. Moneys shall be deposited into the County affordable housing fund, designated for the non-profit organization or community land trust selected by the developer. Lots and/or land-in-lieu contributions shall be conveyed to the County, designated for the non-profit or community land trust selected by the developer. All in-lieu contributions and corresponding designations shall be in accordance with a co-development agreement entered into by the developer and the non-profit organization or community land trust, and approved by the department prior to execution. A copy of the executed co-development agreement shall be transmitted to the department. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-12 HUD and departmental guidelines. In implementing section 2.96.040(B), MCC, the department shall use "family income" statistics rather than the HUD-referenced "family of four" term. Further, the department shall use its workforce housing guidelines to determine the workforce sales prices as adjusted by the department by wait list areas. [Eff 2/21/09]
(Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 5

RESIDENTIAL WORKFORCE HOUSING AGREEMENT

§07-107-13 General. The terms, conditions, requirements, and contents of a residential workforce housing agreement between an applicant and the department shall be in accordance with section 2.96.080, MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-14 Draft workforce housing agreement. The applicant of a development that is subject to chapter 2.96, MCC, shall provide the department a draft workforce housing agreement for review. The director shall approve or deny the draft, or request modifications thereto, within thirty days of receipt of the draft workforce housing agreement. If revision of the draft is requested, the director shall approve or deny the revised workforce housing agreement within thirty days of receipt of the revised draft. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 6

APPLICANT SELECTION PROCESS

§07-107-15 Ownership units. (a) The developer shall establish and maintain a wait list of interested purchasers of residential workforce housing units. The procedure to establish such a wait list shall be in accordance with section 2.96.090(A), MCC.

(b) No later than fourteen calendar days prior to any publication of the public notice to establish a wait list, the developer shall deliver a draft of the notice to be published to the department for the department's review and approval. Should the department have a standard form notice, said notice shall be used without prior review and approval.

(c) Any lottery conducted by the developer to establish a wait list shall be monitored by the department, and written notice of the date, time, and place of any lottery shall be delivered to the department no later than seven calendar days prior to the lottery.

(d) Failure to timely provide the department a draft of a notice to establish a wait list, or a notice of a lottery date, time, and place, shall be deemed a breach of the requirements set forth in section 2.96.090(A), MCC, and the director may require the developer to repeat or redo the procedure to establish its wait list.

(e) The final day of publication of the notice to establish a wait list shall constitute the beginning of the initial ninety-day marketing period described in section 2.96.090(D)(4), MCC, with subsequent ninety-day periods thereafter commencing with the ending of the preceding ninety-day period.

(f) The terms, conditions, and procedures concerning wait list eligibility criteria, responsibility for notification of change in status of interested applicants, selection priority, and

documentation required to be provided to the department shall be in accordance with sections 2.96.090(B), (C), and (D), MCC.

(g) To implement the terms and conditions of section 2.96.090(D)(4)(d), MCC, in the event a residential workforce housing unit is sold at a market rate without deed restrictions, the County's right to receive fifty percent of the difference between the original sales price and the actual market rate resale price shall be due and payable upon the close of escrow of the sale of the subject unit. The developer shall provide a copy of the purchase agreement and escrow information no later than thirty calendar days prior to the scheduled closing date. Upon receipt of the copy, the department shall calculate the amount due the County and place a demand in escrow for satisfaction of the County's rights under section 2.96.090(D)(4)(d), MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-16 Rental units. (a) The requirements regarding notification to the department set forth in section 07-107-15 of these rules shall also apply to residential workforce rental units.

(b) The terms, conditions, and requirements regarding eligibility criteria, responsibility for notification of change in status of interested applicants, selection priority, and documentation required to be provided to the department shall be in accordance with sections 2.96.100(B), (C), and (D), MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 7

RESIDENTIAL WORKFORCE HOUSING RESTRICTIONS FOR OWNERSHIP UNITS

§07-107-17 Ownership units. The director shall determine the required term of owner occupancy, the percentage of required units in each income group, the timing of completion of said units, and the issuance of certificates of occupancy and scheduling of final inspections for market rate units in accordance with sections 2.96.060(A), (B), and (C), MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-18 Appraisal of unit before occupancy. An appraisal of all residential workforce housing units offered for sale, on a fee simple, deed-restricted market rate basis, shall be provided to the department by the developer prior to occupancy. Said appraisal shall be dated no earlier than six months before occupancy. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-19 Deed restrictions. The proposed deed to convey title of an ownership unit to an owner-occupant shall be submitted to the department for review and approval before closing of any sale. The department shall ensure that all restrictions set forth in section 2.96.060, MCC, including, but not limited to, resale restrictions, foreclosure rights, and options to purchase, are contained in the proposed deed. The director shall approve or disapprove the proposed deed, or request revisions thereto, within thirty days of receipt of the deed. If revisions are requested, the director shall approve or disapprove the revised deed within thirty days of receipt of the

revised deed. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-20 Sales price. The procedure and guidelines to be used by the department in establishing the sale price for new single-family or multi-family dwelling units shall be in accordance with sections 2.96.060(E) and (F), MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-21 Ensuring continued affordability. Upon receipt of a notice of intent to sell from an owner-occupant, or a notice of default, the director will review the deed restriction conditions and take timely action to ensure the continued affordability of the dwelling unit by:

- (1) Acquisition and resale by the County; or
- (2) Acquisition and resale by a non-profit or community land trust; or
- (3) Acquisition by a developer; or
- (4) Direct acquisition by an income-qualified resident. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-22 Acquisition by the County. Where the director has determined that the continued affordability of a dwelling unit should be ensured by acquisition of the unit by the County, the director shall:

- (1) Transmit a formal request to purchase the dwelling unit, within the time specified in the deed restriction, and a proposed budget amendment, if required, to council for approval or rejection.
- (2) Upon council approval, prepare a purchase agreement and complete the acquisition

within the time specified by the deed restriction. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-23 Acquisition by a non-profit or community land trust. The director may authorize a sale of a deed-restricted dwelling unit to a non-profit or community land trust within the time specified in the deed restriction when the director has determined that such a sale will further the purposes of chapter 2.96, MCC. The purchase and sale agreement shall be subject to section 2.96.150, MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-24 Acquisition by a developer. The director may authorize a sale of a deed-restricted dwelling unit to the original developer within the time specified in the deed restriction when the director has determined that such a sale will further the purposes of chapter 2.96, MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-25 Acquisition by an income-qualified resident. The procedure and guidelines to be used by the department for a sale of a deed-restricted dwelling unit to an income-qualified resident shall be in accordance with section 2.96.090, MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-26 Determination of resale price. (a) The department shall require the owner-occupant to provide, upon the owner-occupant's decision to sell a unit and at the owner-occupant's cost and expense, a

second appraisal of the subject unit, on a fee simple, deed-restricted market rate basis. This appraisal shall not be dated earlier than six months before the date of closing of the anticipated resale.

(b) The resale price shall equal the owner-occupant's purchase price plus twenty-five percent of the difference between the appraisal obtained pursuant to subsection (a) of this section and the appraisal obtained prior to occupancy pursuant to section 07-107-18 of these rules.

(c) If the appraisal obtained prior to occupancy pursuant to section 07-107-18 of these rules is greater than the appraisal obtained pursuant to subsection (a) of this section, no amount shall be added to the owner-occupant's purchase price. The resale price shall be equal to the appraisal obtained pursuant to subsection (a) of this section. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-27 Resale to income-qualified residents.
Upon determining the resale price for a subject unit, the department shall monitor and require the initial owner-occupant to sell the subject unit for the established resale price only to income-qualified residents as defined in chapter 2.96, MCC. The department shall review the residential status and financial qualifications of potential buyers of the unit to be resold, and no resale of the unit shall be closed without the approval of the department. In the event a unit subject to these restrictions is resold without the approval of the department, the department may institute foreclosure proceedings against the new buyer/owner-occupant to enforce these restrictions. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-28 Foreclosure. At any foreclosure sale commenced by a mortgagee of the subject unit, the County shall have a first option to purchase the subject unit at foreclosure, which right shall be incorporated and stated as a restriction or reservation in the owner-occupant's deed. The director shall draft and transmit to the council any resolution required for approval of an acquisition in accordance with section 3.44.015, MCC. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

§07-107-29 Rental units. (a) The required term of affordability of residential workforce housing rental units, the percentage of required units in each income group, the timing of completion and occupancy of said units, the procedure to fill vacancies for such units, and the process to establish monthly rental rates shall be in accordance with sections 2.96.070(A), (B), (C), (D), and (F), MCC.

(b) The restrictions and requirements referenced in subsection (a) of this section, as well as the County's first option to purchase the rental unit at foreclosure, shall be set forth in the deed for the rental unit. The proposed deed shall be submitted to the department for review and approval before occupancy of any rental units subject to this section.

(c) An owner or developer of a residential workforce housing rental unit desiring to sell such unit shall notify the department in writing, no later than thirty calendar days prior to the closing of the sale, and shall include documentation acceptable to the department that the prospective new owner acknowledges the terms, conditions, and restrictions encumbering the unit pursuant to section 2.96.070, MCC, and that such terms, conditions, and restrictions run with, and remain an encumbrance on, the subject real property.

(d) At any foreclosure sale commenced by a mortgagee of a residential workforce housing rental unit(s), the County shall have a first option to purchase said unit(s). The price to be offered for the subject property shall be negotiated between the director and the mortgagee, and the director shall draft and transmit to the council any resolution required for approval of such acquisition in accordance with section 3.44.015, MCC. [Eff 2/21/09]
(Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 8

RESIDENTIAL WORKFORCE HOUSING CREDITS

§07-107-30 General. (a) The terms, conditions, requirements, and restrictions regarding the issuance and granting of credits for providing residential workforce housing units in excess of the number of units required under section 2.96.040, MCC, shall be in accordance with section 2.96.050, MCC.

(b) To implement section 2.96.050(A)(2), MCC, whereby market rate units are subject to owner-occupant deed restrictions, the County's right to fifty percent of any profits realized from a resale of a market rate unit within the three-year, owner-occupancy period shall be secured by a lien in favor of the County, duly recorded in the bureau of conveyances or the land court of the State of Hawaii. At least forty-five days prior to the closing of a sale/purchase of any such unit, the applicant shall submit to the department for review and approval copies of the proposed deed to be used and the notice of lien securing the County's right. [Eff 2/21/09]
(Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

SUBCHAPTER 9
QUALIFIED HOUSING PROVIDERS

§07-107-31 General. (a) The terms, conditions, requirements, restrictions, and provisions under which a qualified housing provider may be used and authorized to satisfy a developer's requirement to provide residential workforce housing units shall be in accordance with section 2.96.150, MCC.

(b) Any agreement between a qualified housing provider and a developer of a project or development subject to chapter 2.96, MCC, shall be reviewed and approved by the department. [Eff 2/21/09] (Auth: HRS §91-2, MCC §2.96.120) (Imp: MCC §2.96.120)

ADOPTED THIS 26th day of January,
2009.

DEPARTMENT OF HOUSING AND
HUMAN CONCERNS



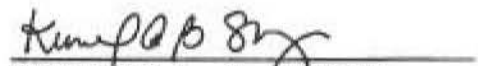
LORI TSUHAKO
Director



CHARMAINE TAVARES
Mayor, County of Maui


Approved this 10th day of
FEBRUARY, 2009.

APPROVED AS TO FORM
AND LEGALITY:


KIMBERLY A. B. SLOPER
Deputy Corporation Counsel
County of Maui

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Received this 11th day of
February, 2009.


ROY T. HIRAGA
County Clerk
County of Maui

CERTIFICATION

I, LORI TSUHAKO, Director, Department of Housing and Human Concerns, County of Maui, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules Relating to the Administration of Chapter 2.96, Maui County Code, Pertaining to the Residential Workforce Housing Policy, drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 26th day of January, 2009, following a public hearing that closed on January 15, 2009, and which were filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing Rules, which notice included the substance of such Rules, was published in The Maui News on December 11, 2008.



LORI TSUHAKO
Director
Department of Housing and
Human Concerns

HLU Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Tuesday, March 11, 2025 11:30 AM
To: HLU Committee
Cc: Cynthia E. Sasada; Erin A. Wade; Josiah K. Nishita; Kelii P. Nahooikaika; Amanda M. Martin; Richard E. Mitchell; Saumalu Mataafa
Subject: MT#10986-Bill 22, Bill12, Bill 74, MT#10987-Dept. of Housing Updates, MT#10992-Bill 22, Bill 12, Bill 74
Attachments: MT#10986-HLU Committee.pdf; MT#10987-HLU Committee.pdf; MT#10992-HLU Committee.pdf

Michelle L. Santos

Office Operations Assistant I

Office of the Mayor

County of Maui

808-270-7855