

# REQUEST FOR LEGAL SERVICES

**Date:** December 7, 2021  
**From:** Gabe Johnson, Chair  
Affordable Housing Committee

TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Mimi DesJardins, Esq.

OFFICE OF THE  
COUNTY COUNCIL

2021 DEC 13 PM 12:06

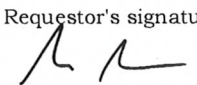
RECEIVED

**Subject:** COMPREHENSIVE AFFORDABLE HOUSING PLAN: AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO USE OF THE AFFORDABLE HOUSING FUND AND THE HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUNDS (AH-14(7))

**Background Data:** Please see the attached bill. Please submit the response to [ah.committee@mauicounty.us](mailto:ah.committee@mauicounty.us) with a reference to AH-14(7).

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Gabe Johnson	Contact Person <u>Alison Stewart or James Forrest</u> (Telephone Extension: 7661 or 7137, respectively)
--	---

☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☒ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☐ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): \_\_\_\_\_  
REASON: \_\_\_\_\_

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-23	BY: LAK
------------------	------------------------	---------

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): \_\_\_\_\_  
Approved with revisions.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 12/13/2021

By MIMI DESJARDINS

(Rev. 7/03)

ah:ltr:014(7)acc01:jbf

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE,  
RELATING TO USE OF THE AFFORDABLE HOUSING FUND AND THE HOME  
ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND

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

SECTION 1. The purpose of this Ordinance is to clarify and expand allowable uses of the Affordable Housing Fund and Home Acquisition and Ownership Programs Revolving Fund.

SECTION 2. Section 3.34.040, Maui County Code, is amended to read as follows:

**“3.34.040 Use of fund.** Council appropriations from the home acquisition and ownership programs revolving fund [shall] must be for the public purposes set forth in section 3.34.020[.] including the following:

A. To assist low-income renters and homebuyers with upfront costs of obtaining rentals and mortgage financing, including providing housing subsidies, grants and loans to individuals, individual development accounts, and first-time homebuyers down payment assistance.

B. To provide deferred payment mortgages.

C. To provide rental housing gap financing.

D. To fund and provide financing for ohana and accessory dwelling unit development.

E. To fund and provide financing for individual septic and wastewater system development.

F. To provide long-term financing for housing projects.

G. To provide housing counseling services and the development of a prequalified list of eligible buyers and renters.”



SECTION 3. Section 3.35.040, Maui County Code, is amended to read as follows:

**“3.35.040 Use of fund.** The council may make appropriations from the affordable housing fund for the provision, protection, and expansion of affordable housing and suitable living environments for residents of very low to gap income, including the rehabilitation of existing structures, land purchase or other acquisition of land or property entitlements, planning, design, and construction, including the following:

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

B. To acquire interests in real property for purposes set forth in this chapter[;].

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

D. To provide housing for elderly, disabled, and homeless residents lacking a permanent home[;].

E. To provide grants or loans to an entity developing 100 percent affordable projects 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 that the purpose of any grant or loan shall be for the purposes set forth in section 3.35.010 of this chapter[;].

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

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

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

I. To provide comprehensive infrastructure assessments for priority affordable housing project areas.

J. To finance bond sales for qualified affordable housing projects by ordinance.

K. For the uses set forth in section 3.34.040.”

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 November 1, 2022.

APPROVED AS TO FORM AND LEGALITY:

/s/ MIMI DESJARDIN

---

MIMI DESJARDINS  
Department of the Corporation Counsel  
County of Maui

ah:misc:014(7)abill01  
LF2021-0011 AH-14(7) 2021-12-13 Ord Amd Title 3 – CC revised