

REQUEST FOR LEGAL SERVICES

Date: February 28, 2022
From: Gabe Johnson, Chair
Affordable Housing Committee

RECEIVED

By Corporation Counsel at 1:16 pm, Mar 01, 2022

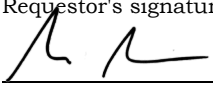
TRANSMITTAL

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

Subject: **COMPREHENSIVE AFFORDABLE HOUSING PLAN: EXPANDING AFFORDABLE HOUSING FUNDING** (AH-14(7))

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

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Gabe Johnson	Contact Person Paige Greco or Richard E. Mitchell (Telephone Extension: 7660 or 7662, respectively)
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☐ [] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [x] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): March 9, 2022.

REASON: For posting on the Council's March 18, 2022, meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-0011	BY: GMR
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TO REQUESTOR: ☐ [] APPROVED ☐ [] DISAPPROVED ☒ [X] 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 reference to MCC 2.86.140(A) for the definition of very low income was replaced with MCC 2.96.020, which also defines very low income and is more commonly used than the reference to Chapter 2.86.

DEPARTMENT OF THE CORPORATION COUNSEL

Date March 8, 2022

By 

(Rev. 7/03)

ah:ltr:014(7)acc04:pmg

Attachments

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE,
RELATING TO USE OF THE AFFORDABLE HOUSING 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.

SECTION 2. Section 3.35.010, Maui County Code, is amended by amending subsection B to read as follows:

“B. In adopting fiscal [~~years 2008 through 2021~~] year annual operating budgets and capital improvement programs, the council [~~shall~~] must appropriate a minimum of [~~two~~] 3 percent of the certified real property tax revenues to the affordable housing fund. Any appropriations to this fund [~~shall~~] must not substitute, but [~~shall~~] must be in addition to, those appropriations historically made for the purposes stated [~~in this chapter~~].”

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, including the rehabilitation of existing structures, land purchase or other acquisition of land or property entitlements, planning, design, and construction, for residents whose income is between very low income, as defined in section 2.96.020, and gap income, as defined in section 3.35.025(B), in addition to 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 building 100 percent affordable projects or 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] must 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 projects.

J. To provide long-term planning for affordable housing and houselessness solutions.

K. To provide funds for payment of principal and interest on bonds issued.”

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.

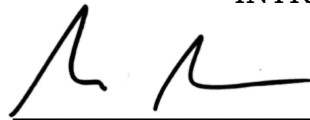
SECTION 5. This Ordinance takes effect on November 1, 2022, except Section 2 which takes effect on this Ordinance’s approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ MIMI DESJARDINS

MIMI DESJARDINS
Department of the Corporation Counsel
County of Maui
ah:misc:014(7)abill04:rem LF2021-0011 AH-14(7)
Amd Ch. 3.35.010 & 3.35.040

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a small flourish.
