

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

BILL NO. 50, FD1 (2023)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY  
CODE, RELATING TO THE HOME ACQUISITION AND OWNERSHIP PROGRAMS  
REVOLVING FUND

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

SECTION 1. Chapter 3.34, Maui County Code, is amended to read as  
follows:

**“Chapter 3.34**

**[HOME ACQUISITION AND OWNERSHIP] HOMEOWNER  
PROGRAMS REVOLVING FUND**

**Sections:**

- 3.34.010 Fund establishment.**
- 3.34.020 Purpose.**
- 3.34.030 Administration.**
- 3.34.040 Use of fund.**
- 3.34.050 Term of fund.**

**3.34.010 Fund establishment.** A fund [shall be] is  
established and created to be known as the “[home acquisition and  
ownership] homeowner programs revolving fund.”

**3.34.020 - Purpose.** The [home acquisition and ownership  
programs revolving fund will enable the department of housing and  
human concerns to continue] fund’s purpose is to provide a stable  
and continuing source of funding to maintain and expand existing  
homeowner programs and to create new programs to meet the  
housing opportunity needs of Maui County residents. [qualified to  
participate in] Grants from this fund will provide capital to first-time  
homebuyers through the first-time homebuyers down payment  
assistance program[,]; matching funds through the individual  
development account program[, and]; grants for homeowners to  
build accessory dwellings or second farm dwellings for use as long-

term residential workforce housing, as defined in section 2.96.020, through the 'ohana assistance program; shared equity investment opportunities to buy down the price of homes and lower monthly mortgage payments for buyers; and for similar future programs to be named in this paragraph upon establishment and approval by council.

**3.34.030 Administration.** A. The director of finance [shall] will establish a separate account to record all revenues and [expenses as a result of the home acquisition and ownership programs established in the County.] supplemental transfers credited to and expenditures made from the fund, and each account within the fund.

B. There [shall] will be deposited into the [home ownership and acquisition] homeowner programs revolving fund any council appropriations to the first-time homebuyers program[,], account, the individual development program account, the 'ohana assistance program account, and the shared equity program account; all [moneys] money granted or donated to the County in the future for [home acquisition and ownership] homeowner programs[,]; and all [moneys] money repaid to the County by previous recipients of [home acquisition and ownership] homeowner programs. [Funds deposited into the home acquisition and ownership programs revolving fund will not lapse at the end of the fiscal year.]

C. Any proposed appropriation from the fund [shall] must be submitted to the council for approval as a budget appropriation in either the annual budget ordinance, or a proposed amendment to the budget ordinance. In adopting each fiscal year's budget and capital program, the council may make appropriations to the fund.

D. Any unencumbered balance in each account in the fund at the end of each fiscal year will not lapse but must remain in each account in the fund, accumulating from year to year.

E. The council may by ordinance establish procedures for the administration and expenditure of the revenues in this fund. Any appropriations to this fund will not substitute, but will be in addition to those appropriations historically made for the purposes stated in this chapter.

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

**3.34.050 [Term of fund.]** The ordinance codified in this chapter shall automatically expire on June 30, 2031, unless reenacted by the council as provided by law.] **Homeowner programs**

**fund accounts.** The homeowner programs fund must contain the following separate accounts:

A. First-time homebuyer down payment assistance program account. The first-time homebuyer down payment assistance program will be administered by the department of housing and human concerns or by the department that is assigned to oversee housing.

B. Individual development program account. The individual development account program will be administered by the department of housing and human concerns or by the department that is authorized to oversee housing.

C. 'Ohana assistance program account. The 'ohana assistance program account will be administered by the department of housing and human concerns or by the department that is authorized to oversee housing.

1. The department of housing and human concerns or the department that is authorized to oversee housing, by itself, or with, or through a grantee, will offer grants of up to \$50,000 to property owners to build an accessory dwelling or second farm dwelling for long-term occupancy as residential workforce housing units.

2. Grant recipients will contractually agree to deed restrictions that abide by affordable rent guidelines as established by HUD each year and to rent long-term exclusively to permanent, full-time residents of Maui County.

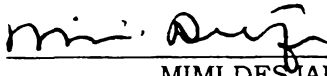
3. The deed restrictions imposed by this section run with and bind the housing unit, and the department must record the restrictions with the bureau of conveyances or the land court of the State.

D. Shared equity account. The shared equity program account will be administered by the department of finance. Shared equity investments to buy down the price of homes and lower monthly mortgage payments for buyers may be approved each year by the council in the annual budget ordinance or by ordinance at any time during a fiscal year using available funds in the shared equity program account."

SECTION 2. 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 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "mimi. Desjardins", is written over a horizontal line.

MIMI DESJARDINS

Deputy Corporation Counsel

Department of the Corporation Counsel

County of Maui

LF 2023-0636

PAF 23-128 2023-05-19 Ord Amd Ch 3.34

paf:rkk:23-128a

INTRODUCED BY:

  
\_\_\_\_\_

DIGEST

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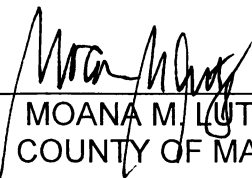
This bill proposes to provide a stable and continuing source of funding to maintain and expand existing homeowner programs and to create new programs to meet the housing opportunity needs to Maui County residents.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing BILL NO. 50, FD1 (2023) was passed on First  
Reading by the Council of the County of Maui, State of Hawaii, on the 23rd day of May,  
2023, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama,  
Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M.  
Sinenci, Nohelani U'u-Hodgins, and Chair Alice L. Lee.

NOES: Vice-Chair Yuki Lei K. Sugimura.

DATED at Wailuku, Maui, Hawaii, this 26th of May, 2023.

  
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MOANA M. LUTEY, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

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