

# REQUEST FOR LEGAL SERVICES

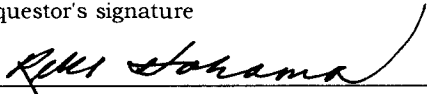
**Date:** April 19, 2016  
**From:** Riki Hokama, Chair  
Budget and Finance Committee

TRANSMITTAL  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jeffrey Ueoka, Esq.

**Subject:** Fiscal Year ("FY") 2017 Budget (CC-12; BF-1)

**Background Data:** Proposed bill to amend Affordable Housing Fund to make Code consistent with Charter-authorized extension of Fund, through FY 2021; insert a definition of "gap income" because the definition has been deleted from Chapter 2.96 and the Charter provision relies upon a definition by ordinance; and make other housekeeping revisions.

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

Requestor's signature  Riki Hokama	Contact Person Michele Yoshimura or Carla Nakata (Telephone Extensions: 7663 or 7659, 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)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): April 21, 2016  
REASON: For posting on April 29, 2016 Committee meeting agenda.

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

bf:2017bgt:160416acc01:cmn

Attachment

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

BILL NO. \_\_\_\_\_ (2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, RELATING TO THE AFFORDABLE HOUSING FUND

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

SECTION 1. The purpose of this ordinance is to amend Chapter 3.35, Maui County Code, to make it consistent with the extension through Fiscal Year 2021 authorized by the Revised Charter of the County of Maui (1983), as amended, and to insert a definition of “gap income” because the definition has been deleted from Chapter 2.96, Maui County Code, and the Charter provision relies upon a definition by ordinance.

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 [2015] 2021 annual operating budgets and capital improvement programs, the council shall appropriate a minimum of two percent of the certified real property tax revenues to the affordable housing fund. Any appropriations to this fund shall not substitute, but shall be in addition to, those appropriations historically made for the purposes stated in this chapter.”

SECTION 3. Section 3.35.025, Maui County Code, is amended to read as follows:

**“3.35.025 Definitions. A.** Whenever used in this chapter, unless a different meaning clearly appears from the context, the definitions in section 2.96.020 of this code shall apply.

**B.** “Gap income” shall refer to 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.”

SECTION 4. Section 3.35.050, Maui County Code, is amended by amending subsection A to read as follows:

“A. Ownership housing units financed by the affordable housing fund shall be subject to the restrictions of [subsections] subsection 2.96.060(B) [and (C)] of this code. Rental housing units financed by the affordable housing fund shall be subject to the restrictions of [subsections] subsection 2.96.070(C) [through (D)] of this code.”

SECTION 5. Section 3.35.090, Maui County Code, is amended by amending subsection A to read as follows:

“A. The department shall prepare and submit [within ninety days following the end of fiscal year 2009 and annually thereafter,] an annual report to the council on the expenditures and accomplishments resulting from appropriations from the affordable housing fund. The annual report shall provide the following information:

1. The number and types of units created or assisted;
2. Any non-dwelling unit improvements, such as land acquisition or infrastructure improvements;
3. The geographic distribution of units or funded projects;
4. Statistical data relative to the incomes of the households assisted;
5. The amount of state, federal, and private funds leveraged [and/or] or matched; and
6. Sales or rental prices established.”

SECTION 6. 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 7. This ordinance shall take effect on July 1, 2016.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

bf:2017bgt:ch 3.35bill01:cmn