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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

November 25, 2016

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OFFICE OF THE  
COUNTY CLERK

The Honorable Mike White  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: **AMENDMENT TO BILL RELATING TO ACCESSORY  
AND AFFORDABLE ACCESSORY DWELLINGS**  
(PAF 16-188)

May I request the matter relating to the attached proposed amendment to a proposed bill relating to accessory and affordable accessory dwellings be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Elle Cochran".

ELLE COCHRAN  
Councilmember

paf:gig:16-188a

Attachment

COUNTY COMMUNICATION NO. 16-302

MAUI COUNTY COUNCIL  
Amendment Summary Form

Legislation: Proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY AND AFFORDABLE ACCESSORY DWELLINGS"

Proposer: Councilmember Elle Cochran.

Description: Amends the bill to set maximum rents for affordable accessory dwellings at the 80 percentile range as established by HUD Affordable Rent Guidelines. Deletes references in the bill to immediate family members, unrelated persons, and income levels.

Motion: Move to amend SECTION 4 of the bill by amending Maui County Code Section 19.35.110, "Affordable accessory dwellings," at pages 7-8 of the bill, to read as shown in Exhibit "A."

Effect: The changes to the bill are on Exhibit "A," with new material underscored and deleted material bracketed.

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## **Exhibit “A”**

### **“19.35.110 Affordable accessory dwellings. A.**

Affordable accessory dwellings will be permitted where the area of the lot on which the main house is located is less than seven thousand five hundred square feet.], provided that the unit will be built to accommodate the owner’s immediate family members or unrelated persons of very-low income, low income, below-moderate income, moderate income, and above-moderate income, as established by the department of housing and human concerns pursuant to section 2.96.020 of this code. Immediate family includes a person’s parents, spouse or partner through a civil union, children and their spouses, siblings, stepparents, stepchildren, adopted children and their spouses, and hanai children.] The maximum rents for affordable accessory dwellings shall not be based on tenant income levels. The monthly rental rates for affordable accessory dwellings shall be set at a maximum, for all tenants, at the 80 percentile range established in the Affordable Rent Guidelines of United States Department of Housing and Urban Development and enforced by the department of housing and human concerns.

B. A deed restriction shall be established on the lot that is used for affordable accessory dwelling purposes consistent with subsection A of this section. The deed restriction shall include the following:

1. The affordable accessory dwelling must remain affordable in perpetuity.
2. The deed restriction shall run with the land, and, if sold, the new property owner will use the accessory dwelling consistent with subsection A of this section.
3. The affordable accessory dwelling may only be occupied by immediate family members of the property owner as defined in this section, or by unrelated persons having household incomes within the ranges specified by this section.
4. The affordable accessory dwelling shall not be rented for a term of less than one hundred eighty days, or at market rates to tenants unrelated to the property owner.

5. The property owner must notify the director of housing and human concerns of the intent to sell the property, or to discontinue affordable accessory dwelling use.

C. The applicant must sign an agreement with the department of housing and human concerns, certifying that the affordable accessory dwelling is [either being occupied by immediate family members as defined in this section, or, if occupied by persons unrelated to the owner, certifying that the tenants are of very-low income, low income, below-moderate income, moderate income, and above-moderate income,] being rented at rates consistent with the 80 percentile range established in the Affordable Rent Guidelines of United States Department of Housing and Urban Development. [as established by the department of housing and human concerns pursuant to section 2.96.020 of this code.]

D. [The monthly rental rates for tenants unrelated to the owner shall be set by the department of housing and human concerns consistent with the United States Department of Housing and Urban Development income limits for very-low to above-moderate income groups.

E.] The owner of an affordable accessory dwelling shall file an annual compliance report with the department of housing and human concerns certifying that the property is compliant with the requirements of this section. The certification shall include such information as the names of the occupants, the household size, whether the tenant is a section 8 voucher holder, the date the tenant initially occupied the affordable accessory dwelling, and the rent charged.

[F.]E. Permits for an affordable accessory dwelling may be revoked for failure to comply with the provisions of this section. In addition to any other remedy available to the County under the comprehensive zoning ordinance or at law, the County may order the affordable accessory dwelling improvements to be removed at the property owner's expense for failure to comply with the provisions of this section."