

REQUEST FOR LEGAL SERVICES

Date: January 29, 2020
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Moana M. Lutey, Esq.

Subject: **PROPOSED CHARTER AMENDMENTS (AFFORDABLE HOUSING FUND)** (GET-10(3))

Background Data: Please revise the proposed resolution as reflected in the attached markup, and, if appropriate, approve as to form and legality. A hard copy of the revised proposed resolution is requested with your response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Michael J. Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: 7134)
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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): January 30, 2020

REASON: For possible posting on the February 7, 2020 Council 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)

get:ltr:0010(3)acc01:ske

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO SECTION 9-20
OF THE REVISED CHARTER OF THE COUNTY
OF MAUI (1983), AS AMENDED, RELATING TO
THE AFFORDABLE HOUSING FUND

WHEREAS, Section 9-20(1) of the Revised Charter of the County of Maui (1983), as amended ("Charter"), requires the Council to appropriate a minimum of two percent of the certified real property tax revenues to the affordable housing fund in adopting fiscal years 2008 through 2021 annual operating budgets and capital programs; and

WHEREAS, an amendment to Section 9-20(1) is necessary to preserve the mandated minimum appropriation to the affordable housing fund beyond fiscal year 2021, which ends on June 30, 2021; and

WHEREAS, the need for affordable housing in the County is critical, and an amendment to increase the required minimum percentage of certified real property tax revenues annually appropriated to the affordable housing fund from two percent to three percent is both prudent and necessary; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Section 9-20 of the Charter, pertaining to the Affordable Housing Fund, be amended by amending subsection (1) to read as follows:

"1. In adopting [fiscal years 2008 through 2021] annual operating budgets and capital programs, the council shall appropriate a minimum of [two percent (2%)] 3 percent of the certified real property tax revenues to a fund known as the affordable housing fund. In any fiscal year, the council may make appropriations to the fund in addition to the minimum required appropriations. The revenues and unencumbered balance in this fund shall be utilized for the provision, protection, and expansion of affordable housing and suitable living environments for [persons of very low to gap income,]

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households from 0 – 100 percent area median income, as defined by ordinance, including the rehabilitation of existing structures, land purchase, or other acquisition of land or property entitlements, planning, design, and construction.”;
and

2. That material to be repealed is bracketed and new material is underscored; and

3. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

5. That, pursuant to Section 14-1(1) of the Charter, it proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended to require that a minimum percentage of the certified real property tax revenues be appropriated into an affordable housing fund to be used for the provision, protection, and expansion of affordable housing and suitable living environments for households from 0 – 100 percent area median income; and to increase the minimum required percentage from 2 percent to 3 percent of the certified real property tax revenues, effective July 1, 2021?”; and

6. That, pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment as set forth in this resolution in its entirety in a newspaper of general circulation; and

7. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed herein shall take effect as of July 1, 2021; and

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8. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Director of Housing and Human Concerns, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

get:misc:0010(3)areso01:ske