

ORDINANCE NO. 5369

BILL NO. 61 (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

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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:

AL

WE HEREBY CERTIFY that the foregoing BILL NO. 61 (2022)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 1st day of April, 2022, by the following vote:

Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

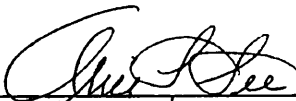
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 1st day of April, 2022.

DATED AT WAILUKU, MAUI, HAWAII, this 1st day of April, 2022.

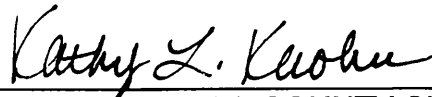
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OFFICE OF THE MAYOR



ALICE L. LEE, CHAIR  
Council of the County of Maui



KATHY L. KAOHU, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 4th DAY OF April, 2022.



MICHAEL P. VICTORINO, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5369 of the County of Maui, State of Hawaii.



KATHY L. KAOHU, COUNTY CLERK  
County of Maui

Passed First Reading on March 18, 2022

Effective date of Ordinance November 1, 2022

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OFFICE OF THE  
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5369, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

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County Clerk, County of Maui