

**HOLD FOR MEETING**

BFED-1

April 26, 2024, BFED Committee meeting

BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE  
Amendment Summary Form

Legislation: Bill 77, Updating the Real Property Tax Classifications for Park Assessments, as Referenced in Section 18.16.320, Maui County Code.

Proposer: Council Chair Alice L. Lee. 

Description: Replaces the bill with a proposed CD1 version, which incorporates nonsubstantive revisions and has been approved as to form and legality.

Motion: Move to substitute Bill 77 (2024) with the attached proposed CD1 version.

Attachment: Proposed CD1 version of Bill 77 (2024).

paf:cmn:24-091c

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

BILL NO. 77, CD1 (2024)

A BILL FOR AN ORDINANCE TO UPDATE THE REAL PROPERTY TAX  
CLASSIFICATIONS FOR PARK ASSESSMENTS, AS REFERENCED  
IN SECTION 18.16.320, MAUI COUNTY CODE

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

SECTION 1. By Ordinance 3766 (2010), Real Property Tax classifications in section 3.48.305, Maui County Code, were amended. “Improved residential” and “unimproved residential” were replaced with “residential”. Section 3 of Ordinance 3766 amended subsection 18.16.320(C) on park assessments for consistency with section 3.48.305. Certain ramseyered changes in Ordinance 3766, specifically, the deletion of subsection 18.16.320(C)(1)(b) in its entirety, and renumbering 18.16.320(C)(1)(c) to (b) were never codified, and do not appear in the Code.

Since Ordinance 3766’s enactment, section 3.48.305 was further amended to remove the “residential” and “homeowner” classifications (Ordinance 5020 (2019)). The two classifications appear to have been changed and replaced with “non-owner-occupied” and “owner-occupied.”

This Ordinance’s purpose is to bring consistency to the Real Property Tax classifications referenced in the calculation of the park assessment, and to correct the Code to be consistent with changes made in Ordinance 3766.

SECTION 2. Section 18.16.320, Maui County Code, is amended by amending subsection C to read as follows:

“C. In-lieu Payment and Dedication. In lieu of providing land in perpetuity or dedicating land, the director of parks and recreation [shall] must require the subdivider to:

1. Pay to the County a sum of money equal to the number of square feet that would have been required by [subsection (B)(2)(c) of this section,] subsection 18.16.320(B)(2)(c), multiplied by the average of the following values, determined at subdivision approval, [in accordance with] under the most recent certified assessment for real property tax purposes in the respective community plan area where the subdivision is located:

a. The average value per square foot of lands classified as [residential;] non-owner-occupied; and

b. The average value per square foot of lands classified as apartment.

2. Combine the payment of money with land to be provided or dedicated, as required by [subsection (B)(2)(c) of this section;] subsection 18.16.320(B)(2)(c); or

3. Provide improvement to parks and playgrounds in the community plan area where the subdivision is located. The value of [such] the improvements [shall] must be at least equal to the sum of money required to be paid [pursuant to] under this section. The estimate for the cost of the improvements provided [shall] must be based upon cost estimates certified by an engineer licensed to practice in the State of Hawaii. For subdivisions [which] that qualify as affordable housing or residential workforce housing projects [pursuant to] under chapter 2.96 [of this code], this park assessment fee [shall] may be deferred for either one year from the date of final subdivision approval or until [fifty per cent] 50 percent of the dwelling units of the affordable housing project are sold or rented, whichever occurs first.”

SECTION 3. 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 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Kristina C. Toshiko", is written over a horizontal line.

KRISTINA C. TOSHIKO  
Department of the Corporation Counsel  
County of Maui  
paf:cmn:24-091a

LF2024-0539  
PAF 24-091 2024-04-24 Ord Amd Sec 18.16.320

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

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ALICE L. LEE