

REQUEST FOR LEGAL SERVICES

Date: August 7, 2024
From: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

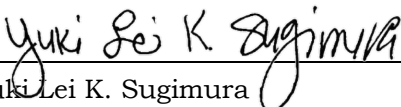
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristina C. Toshikiyo, Esq.

Subject: BILL 112 (2024) AND BILL 113 (2024), RELATING TO FLOOD DEVELOPMENT PERMIT APPLICATION REVIEW FEES (BFED-96)

Background Data: Please opine on the attached questions. Please transmit your response to bfed.committee@mauicounty.us.

Work Requested: ☐ FOR APPROVAL AS TO FORM AND LEGALITY
☒ OTHER: Opinion

Requestor's signature  Yuki Lei K. Sugimura	Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</u>)
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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): August 12, 2024
REASON: For possible consideration at the August 13, 2024, Council meeting.

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)

bfed:ltr:096acc02:jgk

Attachment

The Budget, Finance, and Economic Development Committee reviewed Bill 112 (2024) and Bill 113 (2024), relating to special flood hazard area development permit application review fees. The Council may consider action on the bills at its meeting of August 13, 2024.

In preparation for the Council meeting, may I please request you opine on the following:

1. Individuals are required to obtain a special flood hazard area development permit before building on a property in the special flood hazard area. Can individuals receive exemptions from this requirement for certain properties, such as those damaged or destroyed in the August 2023 Maui Wildfires? If individuals cannot be exempt from this requirement, is it possible to waive the permit application review fee?
2. If an individual is denied a special flood hazard area development permit and therefore cannot build on their property, would that be considered a taking? Would it be considered a taking for someone who lost their home in the Wildfires and cannot rebuild because they did not receive a permit?

BFED Committee

From: BFED Committee
Sent: Wednesday, August 7, 2024 3:52 PM
To: CorpCounselRFLS@co.maui.hi.us
Cc: BFED Committee
Subject: OCS - BFED - Bill 112 (2024) and Bill 113 (2024), Relating to Flood Development Permit Application Fees (BFED-96)
Attachments: 096acc02.pdf

Please see attached RLFS.

Thank you,
Maria