

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

June 21, 2024

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water and Infrastructure Committee, having met on June 6, 2024, makes reference to Bill 87 (2024), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY CODE, RELATING TO TEMPORARY STRUCTURES AND USES.”

Bill 87’s purpose is to allow the use of temporary structures within the Lahaina burn zone of the August 2023 wildfires for up to five years.

Your Committee notes that projects for the development of temporary structures are authorized under the Mayor’s Eighth Emergency Proclamation Relating to Wildfires, dated April 12, 2024.

At the end of the Eighth Emergency Proclamation, all uses of the structures must terminate within 90 days and be removed within 180 days.

Your Committee further notes that the Mayor’s Ninth Emergency Proclamation Relating to Wildfires became effective on June 10, 2024, allowing the uses of temporary structures to be terminated within 120 days and be removed within 180 days of the end of the Proclamation.

Your Committee notes Section 16.25.108, Maui County Code, authorizes the issuance of permits for temporary structures and uses for no more than 180 days. Temporary structures must comply with the County Fire Code, as amended, and the Comprehensive Zoning Ordinance.

Your Committee also notes the 180-day timeframe does not provide adequate time for Lahaina property owners affected by the August 2023

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wildfires to rebuild and transition from temporary to permanent structures.

Your Committee further notes that state and federal interim housing projects such as Ka La'i Ola, Ke Ao Maluhia, and Kilohana will house displaced Maui residents for up to five years. Bill 87 proposes to ensure consistency with this timeframe for individuals who do not participate or qualify for state- or federally sponsored temporary housing.

The Director of Public Works said state and federal agencies are exempt from permits under the County's Building Code.

The Director expressed public safety and health concerns if temporary structures were permitted to be used as dwelling units without complying to regulatory standards. He noted Section 16.25.108, Maui County Code, was not intended to apply to overnight habitation, but rather to tents and other structures used for events.

The Director proposed defining temporary structures in Bill 87 as those permitted under a state or a local emergency proclamation. Under the Mayor's current Emergency Proclamation, a "temporary structure" includes structures, motor vehicles, trailers, and recreational vehicles used for housing, schools, medical facilities, financial institutions, and food distribution sites, and has been approved for processing by the Office of Recovery.

Additionally, the Director recommended expanding the applicability of temporary structures to include locations outside of the Lahaina burn zone and Upcountry for those impacted by the August 2023 wildfires. Your Committee notes that 87 percent of displaced residents were renters, while the remaining were homeowners.

The Director added that Maui's Automated Planning and Permitting System, or MAPPS, is able to track permit expiration dates for temporary structures and notify owners.

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Your Committee agreed to amend Bill 87 to specify that temporary structures, inclusive of those used as dwelling units permitted under a state or local emergency proclamation, must be permitted for 42 months, after which the owner may apply for an automatic permit extension for no more than 18 additional months from the date of the initial permit extension. Your Committee requested that the Department conduct a check-in with the owner after the initial 42 months to determine the status of their temporary structure and the owner’s pathway to permanent housing.

Your Committee commended the efforts of the Department of Public Works for their collaborative work on Bill 87. Your Committee expressed support for Bill 87 as a way to assist displaced residents affected by the August 2023 wildfires as they find a pathway to permanent housing.

Your Committee voted 9-0 to recommend passage of Bill 87, CD1 (2024), on first reading. Committee Chair Cook, Vice-Chair Sugimura, and members Johnson, Kama, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins voted “aye.”

Your Committee is in receipt of Bill 87, CD1 (2024), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Water and Infrastructure Committee **RECOMMENDS** that Bill 87, CD1 (2024), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25, MAUI COUNTY CODE, RELATING TO TEMPORARY STRUCTURES AND USES,” be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



TOM COOK, Chair

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ORDINANCE NO. _____

BILL NO. 87, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25,
MAUI COUNTY CODE, RELATING TO TEMPORARY
STRUCTURES AND USES

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

SECTION 1. Section 16.25.108, Maui County Code, is amended to read
as follows:

“16.25.108 Temporary structures and uses.

108.1 General. A. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty days[.], except that temporary structures, inclusive of those used as dwelling units permitted under a state or local emergency proclamation under section 127A-14, Hawai‘i Revised Statutes, must be permitted initially for forty-two months, after which the property owner may apply for an automatic permit extension for no more than eighteen additional months from the date of the initial permit expiration. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements of the Maui County Fire Code, as amended, and title 19. The applicant and property owner are responsible to ensure the temporary structure is erected and constructed in a safe manner and does not pose a life safety or fire safety hazard. In the event of severe weather, the temporary structure shall be removed.

108.3 Permit required. Temporary structures shall obtain a permit unless exempted by this code. The erection and removal dates shall be provided.

108.4 Construction documents. A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and other information required by reviewing agencies.

108.5 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.”

SECTION 5. 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 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/Michael J. Hopper

Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN