

# REQUEST FOR LEGAL SERVICES

**Date:** October 23, 2018  
**From:** Stacy Crivello, Chair  
Housing, Human Services, and Transportation Committee

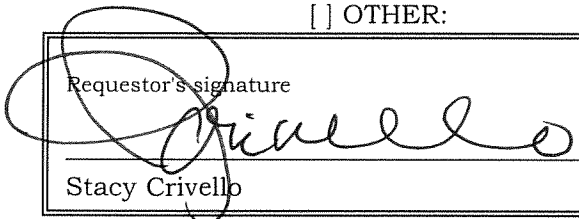
**TRANSMITTAL**  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jeffrey Ueoka, Esq.

RECEIVED  
CORPORATION COUNSEL  
2018 OCT 23 AM 10:35

**Subject:** AMENDMENT TO CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING FAST TRACK PERMITTING (HHT-52)

**Background Data:** Please review and, if appropriate, approve as to form and legality, the attached revised proposed bill. A signed hard copy is requested.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Stacy Crivello	Contact Person Saumalu Mataafa (Telephone Extension: 7665)
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RECEIVED  
OFFICE OF THE  
COUNTY CLERK  
2018 OCT 24 PM 3:23

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): October 25, 2018  
REASON: To meet the October 26 posting deadline for HHT's November 1, 2018 Committee meeting.

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>JTU</u>	ASSIGNMENT NO. <u>2017-0097</u>	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):  
Please see attached

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/24/18

By JU

(Rev. 7/03)

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

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96,  
MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE  
HOUSING FAST TRACK PERMITTING

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

SECTION 1. Section 2.96.140, Maui County Code, is repealed.

SECTION 2. Chapter 2.96, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**“2.96.160 Fast track permitting.** A. Purpose. The purpose of this section is to support the fast track development of residential workforce housing by codifying the County’s priority permitting policy for expediting the County’s permit process and giving priority to qualified residential workforce housing projects.

B. Project qualifications. A project comprised of 100 percent residential workforce housing units and has a fully-executed residential workforce housing agreement, recorded in the bureau of conveyances or registered in the land court, and made between the developer and the County in compliance with this chapter, shall be eligible for fast track permitting.

C. Permits subject to fast track permitting. Qualified projects may utilize the fast track permitting process to expedite the review and issuance of all County permits necessary for the development of the project site, including subdivision applications, civil construction plan permits, and other plans and permits associated with the development of the project site. Building permits shall only be expedited for workforce housing units.

Fast track permitting applies to applications that require review or approval by the planning commissions, the council, and any other County board or commission. The processing of fast track applications shall be given first priority status by County departments while complying with all statutory and procedural requirements.

D. Fast track permitting processing procedure. All applicable County departments shall review and process permits for qualified projects in accordance with state and county laws. Applicable departments shall begin the permit review process for fast track projects no later than two working days following submission of all required applications and forms deemed complete. Applicable departments shall submit initial comments to the applicant within fifteen working days following submission of all required applications and forms deemed complete. If on the sixteenth working day an applicant does not receive initial comments, the permit will be deemed approved by the applicable department. Applicable departments shall begin the permit review process for qualified projects before all other permit applications for projects not eligible for fast track permitting.

E. Fast track applications requiring council review. For qualified projects subject to fast track permitting, the council shall schedule the initial meeting for such application within thirty days of the referral to the appropriate committee. The council shall vote to approve or deny the application within sixty days of the referral to committee. If on the sixty-first day an application is not denied, it shall be deemed approved by the council.

F. Annual report. The department shall prepare and submit an annual report to the council on the following:

1. The number of qualified projects that utilized the County's fast track permitting process.

2. The length of review time for each permit by each department.

G. Rules. The director may adopt administrative rules to implement the fast track permitting procedure provided for in this section or amend rules adopted to implement this chapter to include fast track permitting."

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:

A handwritten signature in black ink, appearing to read 'Jeffrey Ueoka', is written over a horizontal line.

JEFFREY UEOKA  
Department of the Corporation  
Counsel  
County of Maui

2017-0097  
HHT-52 2018-10-24 Ordinance (REVISED)