

# REQUEST FOR LEGAL SERVICES

RECEIVED  
CORPORATION COUNSEL

2018 SEP 28 AM 10:06


Date: September 28, 2018  
From: Stacy Crivello, Chair  
Housing, Human Services, and Transportation Committee

TRANSMITTAL  
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL

Subject: **AMENDMENTS TO THE MAUI COUNTY CODE RELATING TO EXPEDITING THE PERMITTING PROCESS FOR WORKFORCE HOUSING PROJECTS (HHT-52)**

Background Data: Please review and approve the attached proposed bill, relating to fast track permitting for workforce housing projects, as to form and legality. Please incorporate a signed hard copy in your response.

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

Requestor's signature  Stacy Crivello	Contact Person Saumalu Mataafa (Telephone Extension: 7665)
-----------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------

RECEIVED  
OFFICE OF THE COUNTY COUNCIL  
2018 OCT 25 PM 12:59

- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 1, 2018  
REASON: For discussion at the October 4, 2018 HHT Committee meeting

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: JTU	ASSIGNMENT NO. 2017-0097	BY:
------------------	--------------------------	-----

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 10/28/18

By JTU

(Rev. 7/03)

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

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

A BILL FOR AN ORDINANCE AMENDING THE  
MAUI COUNTY CODE RELATING TO FAST TRACK PERMITTING

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

SECTION 1. Section 2.96.140, Maui County Code, is amended to read as follows:

**“[2.96.140 Incentives.** A. For developments subject to this chapter, and under the jurisdiction of the development services administration of the department of public works, decisions on permits will be made by all departments within sixty days of the date the permit application is deemed complete by the development services administration. Decisions on permits that require review by any outside agency will be made within thirty days of receipt by the development services administration of the last approval from an outside agency; provided that decisions on applications that require special management area permit review, or environmental review pursuant to chapter 343, Hawaii Revised Statutes, shall be issued within ninety days of completion of the applicable review.

B. For developments subject to this chapter, and if applicable, the council will schedule the initial meeting for such application within six months of the referral to the appropriate committee. The council will vote to approve or deny the application within one year of the referral to committee.] **2.96.140 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 that 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. Fast track permitting certification. The County, through its Mayor, shall authorize the applicable County department heads to expedite the County permit process for qualified projects as set forth in this section and certified as eligible projects by the director.

D. 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 priority status by County departments while complying with all statutory and procedural requirements.

E. Fast track permitting processing procedure. All applicable County departments shall review and process permits for qualified projects in the most expeditious manner allowable under state and county law. 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. Departments shall begin the permit review process for qualified projects ahead of all permit applications for projects not eligible for fast track permitting.

F. Fast track applications requiring council review. For qualified projects subject to fast track permitting, the council will schedule the initial meeting for such application within six months of the referral to the appropriate committee. The council will vote to approve or deny the application within one year of the referral to committee.

G. 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.

H. 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 2. 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 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:

---

Department of the Corporation  
Counsel  
County of Maui

hht:misc:052abill01:ssm