



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor

CAROL K. REIMANN
Director

JAN SHISHIDO
Deputy Director

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OFFICE OF THE MAYOR

February 25, 2016

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Carol K. Reimann 3/1/16
Mayor Date

Dear Chair White and Members:

SUBJECT: A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.34.090 AND 14.35.080 RELATING TO THE EXEMPTIONS FOR THE WASTEWATER ASSESSMENT FEES FOR FACILITY EXPANSION AND COLLECTION/ TRANSMISSION SYSTEM UPGRADE

I am transmitting a proposed bill for an ordinance entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.34.090 AND 14.35.080 RELATING TO THE EXEMPTIONS FOR THE WASTEWATER ASSESSMENT FEES FOR FACILITY EXPANSION AND COLLECTION/ TRANSMISSION SYSTEM UPGRADE".

The purpose of the proposed bill for an ordinance is to amend the requirements for an exemption from certain wastewater assessment fees for residential workforce housing units in an effort to be consistent with other residential workforce housing exemptions in the Maui County Code.

I would like to request that this matter be referred to the appropriate Council committee for review and discussion.

Thank you for your attention to this matter. Should you have any questions, please feel free to call me at Ext. 7805.

Sincerely,

CAROL K. REIMANN
Director of Housing and Human Concerns

Attachment

TO SUPPORT AND EMPOWER C
FOR PERSONAI

COUNTY COMMUNICATION NO. 16-53

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.34.090 AND
14.35.080 RELATING TO THE EXEMPTIONS FOR THE WASTEWATER
ASSESSMENT FEES FOR FACILITY EXPANSION
AND COLLECTION/TRANSMISSION SYSTEM UPGRADE

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

SECTION 1. Section 14.34.090, Maui County Code, is amended to read
as follows:

“14.34.090 Exemptions. This chapter shall not apply to those developments granted building permits after January 1, 1989 and are:

A. County housing projects and other [county] County facilities[;].

B. [Affordable housing units which, for a period of five years after the original purchase, are:

1. Sold to the county of Maui at a price which shall not exceed the sum of:

a. The original cost to the purchaser,

b. The cost of any improvements added by the purchaser, and

c. Simple interest on the case equity of the property at the rate of seven percent a year, pursuant to section 2.86.610B6aiii, of this code.

2. If the county does not exercise its right to purchase the unit, the homeowner may sell the unit at the market price, but must pay the county the assessment.

3. Within the five-year period, the homeowner may pay the assessment, in which case the unit may be sold at the market price.

4. The terms of the exemption from the assessment fee shall be set forth in a unilateral agreement. The agreement shall be recorded with the bureau of conveyances or the land court and the agreement shall run with the land and shall bind and constitute notice to all subsequent grantees, assignees, mortgagees, lienors, and any other person who claims an interest in the property. The agreement shall be

enforceable by the county, by appropriate action at law or suit in equity, against the parties and their heirs, personal representatives, successors, and assigns;

C. Accessory dwellings which meet affordable housing requirements;] Comprised of one hundred percent residential workforce housing units, as defined in section 2.96.020 of this code.

[D.]C. Churches[;].

[E.]D. Public schools.”

SECTION 2. Section 14.35.080, Maui County Code, is amended to read as follows:

“14.35.080 Exemptions. This chapter shall not apply to those developments that are:

A. County housing projects and other [county] County facilities[;].

B. [Affordable housing units which, for a period of five years after the original purchase, are:

1. Sold to the county of Maui at a price which shall not exceed the sum of:

a. The original cost to the purchaser;

b. The cost of any improvements added by the purchaser;

and

c. Simple interest on the cash equity of the property at the rate of seven percent per year, pursuant to section 2.86.610B6aiii, of this code.

2. If the county does not exercise its right to purchase the unit, the homeowner may sell the unit at the market price, but must pay the assessment.

3. Within the five-year period, the homeowner may pay the assessment, in which case the unit may be sold at the market price.

4. The terms of the exemption from the assessment fee shall be set forth in a unilateral agreement. The agreement shall be recorded with the bureau of conveyances or the land court and the agreement shall run with the land and shall bind and constitute notice to all subsequent grantees, assignees, mortgagees, lienors and any other person who claims an interest in the property. The agreement shall be enforceable by the county, by appropriate action at law or suit in equity, against the parties and their heirs, personal representatives, successors, and assigns;

C. Accessory dwellings which meet affordable housing requirements;] Comprised of one hundred percent residential workforce housing units, as defined in section 2.96.020 of this code.

[D.]C. Churches.”

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 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

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14.35.080.docx
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