

# REQUEST FOR LEGAL SERVICES

**Date:** August 22, 2016

**From:** Stacy Crivello, Chair

Housing, Human Services, and Transportation Committee

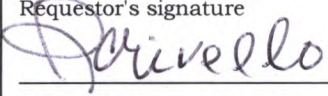
TRANSMITTAL

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

**Subject:** EXEMPTIONS FROM CERTAIN WASTEWATER ASSESSMENT FEES FOR RESIDENTIAL WORKFORCE HOUSING UNITS (HHT-31)

**Background Data:** Revise proposed bill to incorporate nonsubstantive revisions as noted on the attached marked-up copy.

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

Requestor's signature  Stacy Crivello, Chair	Contact Person <u>Michele Yoshimura</u> (Telephone Extension: <u>7663</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): Wednesday, August 24, 2016  
REASON: For posting for the Council meeting on September 2, 2016. NOTE: Please provide a hard copy of the revised proposed bill along with an electronic version.

## 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)

hht:ltr:031acc01:mmmy

Attachment

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

BILL NO. \_\_\_\_\_ (2016)

~~MAUI COUNTY CODE,~~  
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;

B. 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;

B. 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  
2016-0238