

ORDINANCE NO. _____

BILL NO. 88 (2016)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.34.090 AND 14.35.080, MAUI COUNTY CODE, 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;]

B. 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;]

B. 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:



JEFFREY UEOKA

Department of the Corporation Counsel
County of Maui

2016-0238/2014-3060

HHT-31 2016-02-24 Ordinance Exemptions
from Certain Wastewater Assessment Fees

DIGEST

ORDINANCE NO. _____
BILL NO. 88 (2016)

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

This bill proposes to amend Sections 14.34.090 and 14.35.080, of the Maui County Code to amend the exemptions from wastewater assessment fees for the expansion of the Kihei wastewater treatment plant and the upgrade and expansion of the Kihei wastewater transmission system, and the expansion of the Wailuku/Kahului wastewater treatment plant, and allow the exemptions to apply to developments that are comprised of 100 percent residential workforce housing units, as defined in Section 2.96.020, Maui County Code.

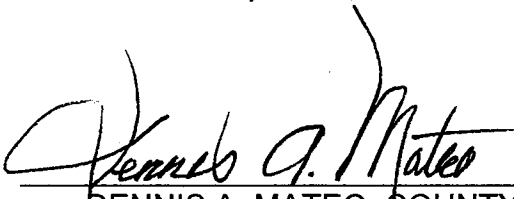
I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 88 (2016) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 2nd day of September,
2016, by the following vote:

AYES: Councilmembers Gladys C. Baisa, Robert Carroll, Donald G. Couch Jr., S. Stacy Crivello, G. Riki Hokama, Michael P. Victorino, Vice-Chair Donald S. Guzman, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmember Eleanora Cochran.

DATED at Wailuku, Maui, Hawaii, this 6th of September, 2016.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.