

ORDINANCE NO. 4359

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

WE HEREBY CERTIFY that the foregoing BILL NO. 88 (2016)

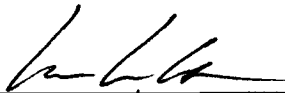
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 16th day of September, 2016, by the following vote:

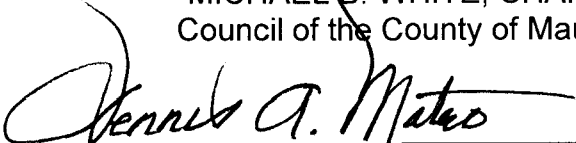
Michael B. WHITE Chair	Donald S. GUZMAN Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	S. Stacy CRIVELLO	G. Riki HOKAMA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 16th day of September, 2016.


DATED AT WAILUKU, MAUI, HAWAII, this 16th day of September, 2016.

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2016 SEP 16 PM 2:51
OFFICE OF THE MAYOR

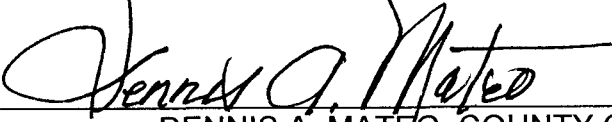

MICHAEL B. WHITE, CHAIR
Council of the County of Maui


DENNIS A. MATEO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 16 DAY OF September, 2016.


ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4359 of the County of Maui, State of Hawaii.


DENNIS A. MATEO, COUNTY CLERK
County of Maui

Passed First Reading on September 2, 2016
Effective date of Ordinance September 16, 2016

RECEIVED
2016 SEP 19 AM 9:33
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4359, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui