

## NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, November 14, 2018, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

### Bill No. 2723

A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-1.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

This Bill proposes amend Section 5A-1.1 of the Kaua'i County Code 1987, as amended, relating to real property tax, to add the definition of "claim." The purpose of this Bill is to prevent the potential reset of real property tax benefits as a result of a death when the surviving relative was also on the title of the property.

### Bill No. 2724

A BILL FOR AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO OUTDOOR SIGNS

This Bill proposes to amend Chapter 15, Article 4, Kaua'i County Code 1987, as amended, relating to Outdoor Signs. The purpose of this Bill is to allow nonprofit organizations to post temporary outdoor signs relating to their upcoming events without the requirement of signage permits.

### Bill No. 2725

A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AFFORDABLE HOUSING PRESERVATION

This Bill proposes to amend Chapter 7A, Sections 7A-1.3, 7A-2.1, and 7A-10.4, Kaua'i County Code 1987, as amended, relating to the Housing Policy For The County of Kaua'i. The purpose of this Bill is to preserve the affordability of housing developed with public (taxpayer) moneys or required by state or county zoning and planning powers.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov). Copies of these Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bills Nos. 2723, 2724, and 2725 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 24, 2018, by the following vote:

AYES:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.
Līhu'e, Hawai'i October 25, 2018	/s/ Jade K. Fountain-Tanigawa County Clerk, County of Kaua'i	

**NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAI'I, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.**

(One publication – The Garden Island – October 31, 2018)

**A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-1.1 OF THE  
KAUAI COUNTY CODE 1987, AS AMENDED,  
RELATING TO REAL PROPERTY TAX**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The purpose of this Bill is to add the definition of "claim" to Section 5A-1.1, "Definitions," to prevent the potential reset of real property tax benefits as a result of a death when the surviving relative was also on the title.

SECTION 2. Chapter 5A, Section 5A-1.1, of the Kauai County Code 1987, as amended, is hereby amended by adding the definition of "Claim" to read as follows:

"Claim" under 5A-1.2(k) may include the retroactive approval and reinstatement of a home exemption, homestead tax rate, and assessment cap of an owner occupant that was benefiting from a home exemption, homestead tax rate, and assessment cap of a co-owner occupant that is now deceased, provided that the owner occupant would have independently qualified for the home exemption at the time of death. This approval and reinstatement shall only be applied retroactively up to three years."

SECTION 3. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kauai County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



ROSS KAGAWA

DATE OF INTRODUCTION:

**October 24, 2018**

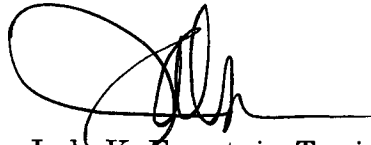
Lihu'e, Kauai, Hawaii

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2723, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 24, 2018, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Līhu'e, Hawai'i  
October 25, 2018



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 15,  
ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED,  
RELATING TO OUTDOOR SIGNS**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to amend Chapter 15, Article 4, Kauai County Code 1987, as amended, relating to outdoor signs to add a definition for "Nonprofit organizations" and to exempt nonprofit organizations' event signs from the permit requirements of this Article.

SECTION 2. Chapter 15, Article 4, Kauai County Code 1987, as amended, is hereby amended as follows, and all other and prior ordinances or parts of ordinances in conflict herewith are hereby repealed:

1. Chapter 15, Section 15-4.3, Definitions, is hereby amended by adding a definition for "Nonprofit organization" as follows:

**"Sec. 15-4.3 Definitions.**

"Nonprofit organization" means an association, corporation, or other entity organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income, or earnings of which inures to the benefit of any individual or member thereof."

2. Chapter 15, Section 15-4.6, Signs Not Requiring a Permit, is hereby amended by adding a new subparagraph (3) to read as follows:

**"Sec. 15-4.6 Signs Not Requiring a Permit.**

The following types of signs are exempt from the permit requirements of this Article, but must comply with the requirements of Sections 15-4.4, 15-4.7 and 15-4.10.

(a) Temporary Signs.

(1) Real Estate Sign. Any sign which contains information regarding the sale, rental or lease of premises and/or the real property upon which the sign is located. A real estate sign shall not exceed six (6) square feet; and only one (1) such shall be allowed per street frontage of the premises or real property.

(2) Political Campaign Sign. Any sign which:

(A) Identifies the headquarters of a political candidate, and shall not exceed the size limitation set forth in Section 15-4.5(b).

(B) Identifies and/or provides information about a political candidate or issue to be voted upon. It shall not be posted within the street right-of-way boundary of any public road or highway and shall not block, obstruct or impede, partially or completely, any public sidewalk or pedestrian walkway and shall not exceed the size limitations set forth in Section 15-4.5(b).

(3) Nonprofit Organization Event Signs. Any sign which contains information regarding an event hosted by a nonprofit organization, may be posted no more than ten (10) days prior to the event and must be removed no later than the day following the event."

SECTION 3. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or portion of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

SECTION 4. Material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

  
MEL RAPOZO

DATE OF INTRODUCTION:

**October 24, 2018**

Līhu'e, Kaua'i, Hawai'i

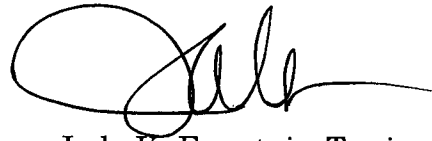
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2724, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 24, 2018, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
October 25, 2018



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A,  
KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO  
AFFORDABLE HOUSING PRESERVATION**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds that when affordable housing developed with taxpayer subsidies or required through the County's zoning and planning powers is allowed to be re-sold at market prices, this puts many of the county's most vulnerable citizens, particularly the elderly and low-income families at risk. It also prevents the County from continually increasing its inventory of affordable housing which is the only way it can begin to address the affordable housing need on Kaua'i. Many federal, state, and county housing programs require affordability for only a limited time, resulting in many subsidized properties "timing out" and converting to market properties. The preservation of affordable housing is necessary if the County is to meet existing and future housing needs. It is more critical than ever that the County preserve the affordability of affordable housing.

The purpose of this ordinance is to preserve the affordability of housing developed with public (taxpayer) moneys or required by state or county zoning and planning powers.

SECTION 2. Sec. 7A-1.3, Kaua'i County Code 1987, as amended, is hereby amended by adding a definition for "Long-term affordable housing":

"Long-term affordable housing" means affordable housing as defined in this Chapter that is restricted by deed or contract provisions to remain affordable for the longest term generally accepted by law, where the intent is for continual extension of the deed or contract provisions so as to ensure that any affordable housing developed with public moneys or required by county zoning or planning actions will always be affordable."

SECTION 3. Sec. 7A-1.3, Kaua'i County Code 1987, as amended, is hereby amended by amending the definition of "workforce housing" as follows:

"Workforce housing" or "affordable housing" or "workforce unit" or "affordable unit" or "workforce housing unit" or "affordable housing unit" means a lot, single-family dwelling unit, or multiple-family dwelling unit that [may be] is rented or sold at price levels that are affordable as defined in



Article 4 herein to households that earn from eighty percent (80%) and below of the Kaua'i median household income to one hundred forty percent (140%) of the Kaua'i median household income.”

SECTION 4. Sec. 7A-2.1, Kaua'i County Code 1987, as amended, is hereby amended by adding a subsection as follows:

“Sec. 7A-2.1 General Requirements.

(a) Residential Developments. A thirty percent (30%) workforce housing requirement shall be assessed to any residential project subject to the [Workforce] County Housing Policy. The housing assessment shall be satisfied by fee-simple sale of workforce housing units at affordable housing prices, which shall be determined by the Housing Agency pursuant to Article 4 of this Chapter.

(1) For a residential development consisting of ten (10) to twenty-five (25) units, a developer shall be required to satisfy a workforce housing requirement based on project's total number of residential units. Workforce housing units shall be sold to households earning from eighty percent (80%) to one hundred forty percent (140%) of Kaua'i median household income, with the average sales price being affordable to households earning one hundred percent (100%) of Kaua'i median household income.

(2) For a residential development consisting of twenty-six (26) units or more, a developer shall be required to satisfy a workforce housing requirement based on project's total number of residential units. Workforce housing units shall be sold to households earning from eighty percent (80%) to one hundred forty percent (140%) of Kaua'i median household income, in accordance with the following income group assessment:

(A) Twenty percent (20%) of total units priced to be affordable to households earning up to eighty percent (80%) of the Kaua'i median household income.

(B) Thirty percent (30%) of total units priced to be affordable to households earning up to one hundred percent (100%) of the Kaua'i median household income.

(C) Thirty percent (30%) of total units priced to be affordable to households earning up to one hundred twenty percent (120%) of the Kaua'i median household income.

(D) Twenty percent (20%) of total units priced to be affordable to households earning up to one hundred forty percent (140%) of the Kaua'i median household income.

(b) Resort Developments. For resort projects in visitor destination areas, for amendments into the visitor destination area, and for resort district zoning amendments which will generate a need for new employees to fill one hundred (100) or more full-time equivalent jobs, or have density for more than ten (10) residential dwelling units or twenty (20) hotel rooms, a workforce housing requirement shall be assessed. The number, type, size, income target groups to benefit, and the sales or rental prices of workforce housing units required shall be based on an analysis of the number of jobs to be generated, the availability of workers to fill those jobs, the resultant number and incomes of workers to be supported by those jobs, the estimated number of workers requiring housing assistance, and the amount of housing inventory available to those workers. Such analysis shall be conducted by an economist retained by, but independent of, the developer. The analysis shall be subject to approval by the County Council for all petitions for visitor destination area or zoning district boundary amendments, or approval by the Housing Agency for subdivision, zoning, or building permit applications. The developer shall complete construction of the required workforce housing units before final building inspections or certificate of occupancy is issued for any facility or accommodation of the resort development, except for temporary buildings for real estate sales offices.

(c) Long-Term Affordability Requirement. Any provision in this Chapter to the contrary notwithstanding, all affordable or workforce housing developed pursuant to this Chapter shall be long-term affordable as defined in this Chapter. Any land dedicated pursuant to this Chapter shall be developed for long-term affordable housing. Any in-lieu fees pursuant to this Chapter shall be used only for the development of long-term affordable housing. Any dedicated completed dwelling units pursuant to this Chapter shall be long-term affordable housing.

SECTION 5. Sec. 7A-10.4, Kaua'i County Code 1987, as amended, is hereby amended as follows:

“Sec. 7A-10.4 Affordable or Workforce Housing Developments. Any affordable or workforce housing development developed by or for the County, either by itself or in partnership with another housing development organization, is exempt from the requirements of this [Chapter.] Chapter, provided that all such housing shall be long-term affordable housing as defined in this Chapter.”

SECTION 6. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 8. This Ordinance shall take effect upon its approval.

Introduced by: /s/ JOANN A. YUKIMURA

/s/ MEL RAPOZO

DATE OF INTRODUCTION:

**October 24, 2018**

Līhu'e, Kaua'i, Hawai'i

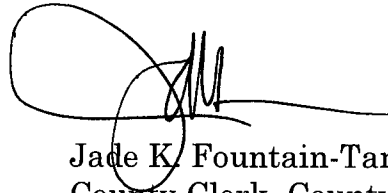
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2725, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on October 24, 2018, by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
October 25, 2018



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i