

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, October 23, 2019, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2743

A BILL FOR AN ORDINANCE AMENDING CHAPTER 25, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT

This Bill proposes to amend Chapter 25, Kaua'i County Code 1987, as amended, by amending Section 25-12.3, Exemptions, to establish an exemption from Wastewater Treatment Capacity Assessment (Sewer Assessment) for Additional Rental Units (ARUs) certified by the Housing Agency as affordable housing pursuant to Section 2-1.16, Kaua'i County Code 1987, as amended. This Bill further establishes a repayment schedule and removal of the exemption for violation of the affordable housing restrictions.

Bill No. 2743 is part of a package of six (6) proposals (along with Bill No. 2740, Bill No. 2741, Bill No. 2742, Bill No. 2744, and Bill No. 2745) intended to incentivize the development of Additional Rental Units (ARUs).

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. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill 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 Bill No. 2743 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 25, 2019, by the following vote:

AYES: Brun, Chock, Cowden, Evslin, Kaneshiro	TOTAL - 5,
NOES: None	TOTAL - 0,
EXCUSED & NOT VOTING: Kagawa, Kualii	TOTAL - 2,
RECUSED & NOT VOTING: None	TOTAL - 0.

Lihu'e, Hawai'i
September 25, 2019

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

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication - The Garden Island - October 2, 2019)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 25,
KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT**

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

SECTION 1. Chapter 25, Article 12, Kauai County Code 1987, as amended, is hereby amended by amending Sec. 25-12.3 to read as follows:

“Sec. 25-12.3 Exemptions.

(a) County facilities, except for Department of Water, are exempt.

(b) Housing projects or portions of housing projects that are developed to be affordable to low-income households as determined by the Housing Administrator of the County Housing Agency shall be exempt provided such projects conform to applicable provisions of the County’s affordable housing program.

(c) Housing projects or portions of housing projects that are developed to be affordable to gap-group households as determined by the Housing Administrator of the County Housing Agency shall be exempt from one-half of the wastewater treatment capacity assessment, provided such projects conform to applicable provisions of the County’s affordable housing program.

(d) Additional Rental Units (“ARU”) developed pursuant to Article 30, Kauai County Code 1987, as amended, shall be exempt provided such ARU receives certification from the Housing Agency that the ARU qualifies as affordable housing pursuant to Sec. 2-1.16 of the Kauai County Code 1987, as amended. The ARU shall be subject to annual certification by the Housing Agency. It shall be the applicant’s responsibility to submit a copy of the annual certification to the Department of Public Works-Wastewater Division as verification for compliance with this section. Any violation of the affordable housing restrictions required by the Housing Agency may result in the removal of the exemption and payment of the Wastewater Treatment Capacity Assessment (Sewer Assessment) as follows:

<u>Number of days in Affordable Rental Program</u>	<u>Percent of Sewer Assessment Repayment</u>
<u>Less than or equal to 365 days (1 year)</u>	<u>100%</u>
<u>Less than or equal to 730 days (2 years)</u>	<u>75%</u>
<u>Less than or equal to 1,095 days (3 years)</u>	<u>50%”</u>

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance 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 3. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the underscoring need not be included.

SECTION 4. This Ordinance shall take upon its approval.

Introduced by:



LUKE A. EVSLIN



MASON K. CHOCK

DATE OF INTRODUCTION:

September 25, 2019

Līhu'e, Kaua'i, Hawai'i

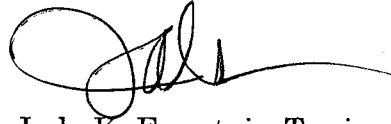
V:\BILLS\2018-2020 TERM\Amend WWT Assessment - LE MC (AMKIaa)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2743, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 25, 2019, by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kaneshiro	TOTAL - 5,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Kagawa, Kualii	TOTAL - 2,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
September 25, 2019



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