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EMERGENCY ORDINANCE FAQ's

Q. What is it and who is eligible?

A. The primary purpose of the Emergency Ordinance is to allow residents and landowners to engage in immediate action in order to provide themselves shelter, mitigate any damages, and protect those properties that were affected by the rain/flood events in Mid-April 2018.

The process allows work to be done to repair damaged buildings, structures, and property with the highest priority given to returning residents to safe and functional homes.

It is intended to accommodate those residents whose properties were impaired by the disaster.

Q. What is required for permitting?

A. Every landowner/resident who has sustained damages to their property can complete the registration form and describe the extent of repairs (aka. "work") involving the affected property. At this time, no construction plans are necessary.

The Department of Planning will determine the type of permit that is required, if applicable, based on the type of repairs that will be conducted as described on the registration form.

Q. Who is qualified for expedited permits?

A. Every landowner/resident is encouraged to apply and the Planning Department will evaluate the proposal and determine whether the proposed work qualifies for expedited permit review.

Q. Can I rebuild my house if it was damaged?

A. The answer depends on the amount of damages sustained (based on the cost to repair), and the location of the property, and the existing improvements on the lot. It is often best to contact the Department of Planning about your situation.

It is imperative that the intent of the ordinance is to accommodate repairs to a residence and to assure that the work protects the health, safety, and welfare of its occupants.

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Q. What documents are necessary for the Qualification Process?

A. The Applicant is not required to bring a completed set of construction drawing. The purpose of the qualification process is to identify the damages sustained to the property and recognize the repair work.

Q. What occurs during the Qualification Process?

A. The Applicant is required to complete a Qualification Form that is provided by the Department of Planning. During the registration process, the landowner/resident is required to describe the extent of damages and the extent of repairs to the property. Additionally, the Applicant will be completing a declaration consenting that:

- They are the owner or authorized by the owner to register for the after-the-fact permits;
- The repairs as described are for damages incurred during the historic rain event of April 2018;
- The work will comply with all applicable codes and laws;
- Authorizes County and/or State agents entry to the premises to verify the damages;

Once completed, a County official will be accompanying the Applicant to their property to document and verify the extent of damage.

Within *three (3) business days* of receiving the completed qualification form, the Department of Planning shall notify the Applicant whether they've qualified for an expedited permitting review and they type of permit(s) necessary to facilitate the proposed repair work.

Q. If an Applicant qualifies for expedited permitting, what's next?

A. Work may commence on any building or structure upon receiving qualification from the Department of Planning, provided that all permits are applied for no later than thirty (30) days after receiving qualification. Work to be done shall be completed by a State licensed contractor or owner-builder.

Q. What if an Applicant is unable to submit a permit application within the 30 days?

A. The Director of Planning may extend the deadline to an individual who exhibits reasonable hardship relating to their ability to submit an application with the 30 days.

Q. What if the proposed work does not qualify?

A. All work that does not qualify for expedited permitting will be required to apply for the necessary permits through the normal permitting process. This includes, but is not limited to:

- Special Management Area (SMA) Permits;
- Shoreline Setback Determinations (SSD);
- Building Permits, as required by Chapter 15 of the Kaua'i County Code 1987;
- Grading Permits, as required by Chapter 22, Article 7 of the KCC