

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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MAYOR



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DIRECTOR

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DEPUTY DIRECTOR

July 9, 2015

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

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Dear Chair Martin and Councilmembers:

SUBJECT: Bill 20 (2015) to Amend Chapter 21, Revised Ordinances of Honolulu 1990,  
as amended (The Land Use Ordinance), Relating to Accessory Dwelling Units

For your consideration are further proposed revisions to Bill 20 (2015), relating to accessory dwelling units. In a letter dated March 17, 2015, we submitted, for your review and consideration, our first request for revisions to Bill 20 (2015). These additional adjustments, which are minor changes, reflect recommendations we only recently received from the Department of the Corporation Counsel and further amend Bill 20 (2015). These proposed revisions are as follows:

Section 21-5\_(c)(5), is amended by removing the word "a" before the word "covenant" and adding the letter "s" at the end of the word "covenant" and adding the words "said covenants" after the words "shall record", to read as follows:

"(5) The owner or owners of the lot shall record covenants running with the land with the bureau of conveyances of the State of Hawaii, or if the lot is subject to land court registration under HRS Chapter 501, they shall record said covenants in the land court, stating that:"

Section 21-5\_(c)(5)(A) is amended by replacing the word "the" before the word "condominium" with the word "a", replacing the words "established by" with "under the provisions of Hawaii Revised Statutes" and by inserting the acronym "HRS" in brackets, to read as follows:

"(A) Neither the owner or owners, nor their heirs, successors or assigns of the owner or owners shall submit the lot or any portion thereof to a condominium property regime under the provisions of Hawaii Revised Statutes (HRS) Chapter 514A to separate the ownership of an accessory dwelling unit from its primary dwelling;"

Section 21-5.\_(c)(5)(B) is amended by inserting a letter "s" in brackets after the word "representative" and by removing the letter "s" from the word "prevents", to read as follows:

"(B) The property owner or owners or persons who are related by blood, marriage, or adoption to the property owner or owners, or designated authorized representative(s) shall occupy the primary residential unit or the accessory dwelling unit as long as one of the two units is being rented or otherwise occupied for a minimum of six months. Except in unforeseen hardship circumstances (e.g., active military deployment, serious illness) which prevent the continued occupancy of the primary residential unit or the accessory, subject to confirmation by the director;"

Section 21-5.\_(c)(5)(C) is amended by replacing the words "explicitly not" with the words "shall not be used", to read as follows:

"(C) The accessory dwelling unit shall only be used for long-term rental or otherwise occupied for at least six months, and shall not be used as a transient vacation unit;"

Section 21-5.\_(c)(5)(D) is amended by inserting a letter "s" in brackets after the word "representative" and replacing the words "explicitly not" with the words "shall not be used", to read as follows:

"(D) In case that the property owner or owners, or persons who are related by blood, marriage, or adoption to the property owner or owners, or designated authorized representative(s) choose to receive rent for the primary residential unit and occupy the accessory dwelling unit; the primary residential unit shall only be used for long-term rental or otherwise occupied for a minimum of six months, and shall not be used as a transient vacation unit;"

Section 21-5.\_(c)(5)(E) is amended by adding the sentence "in accordance with the provisions of the Land Use Ordinance" at the end of the sentence, to read as follows:

"(E) The accessory dwelling unit shall be limited to the approved size in accordance with the provisions of the Land Use Ordinance;"

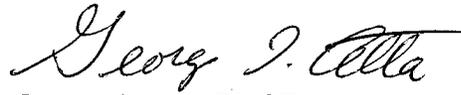
Section 21-5.\_(c)(5)(F) is amended by rephrasing the paragraph as follows:

"(F) The deed restrictions shall lapse upon removal of the accessory dwelling unit; and all of the foregoing covenants shall be binding upon any and all successors and assigns of the owner or owners."

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Should you have any questions, please contact me at 768-8000.

Very truly yours,



George I. Atta, FAICP  
Director

APPROVED:



Roy K. Amemiya, Jr.  
Managing Director