



**A BILL FOR AN ORDINANCE**

TO AMEND CHAPTER 14, CHAPTER 18, AND CHAPTER 22, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO INCENTIVES FOR ACCESSORY DWELLING UNITS PRODUCTION.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this ordinance is to provide incentives to stimulate the creation of accessory dwelling units, in order to increase the number of affordable rental units and to help alleviate Honolulu's housing shortage.

SECTION 2. Chapter 14, Article 10, Revised Ordinances of Honolulu 1990 ("Wastewater System Facility Charges"), is amended by adding a new Section 14-10.7 to read as follows:

**"Sec. 14-10.7 Waiver of wastewater system facility charges for accessory dwelling unit projects.**

The wastewater system facility charges, as set forth in Appendix 14-D of this chapter, for the creation of an "accessory dwelling unit," as defined in Section 21-10.1, will be waived. The wastewater system facility charges that were collected for the creation of "accessory dwelling units" from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee."

SECTION 3. Section 14-14.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 14-14.4 Permit fees.**

- (a) Prior to issuance of a grading permit, a permit fee for grading on the same site based on the volume of excavation or fill measured in place, whichever is greater, [shall] will be collected according to the following schedule:



**A BILL FOR AN ORDINANCE**

<b>Volume of Material</b>	<b>Permit Fee</b>
1,000 cubic yards or less	\$55.00 for each 100 cubic yards or fraction thereof
More than 1,000 to less than 10,000 cubic yards	\$550.00 for the first 1,000 cubic yards plus \$55.00 for each additional 1,000 cubic yards or fraction thereof
10,000 cubic yards or more	\$1,030.00 for the first 10,000 cubic yards plus \$35.00 per 1,000 cubic yards or fraction thereof

The fee for a permit authorizing work additional to that under a valid permit [shall be] will equal the difference between the fee paid for the original permit and the fee computed for the entire project.

- (b) Prior to issuance of a grubbing permit, a permit fee of \$110.00 for grubbing areas up to 15,000 square feet plus \$15.00 for each additional 1,000 square feet or fraction thereof [shall] will be collected.
- (c) Prior to issuance of a stockpiling permit, a permit fee of \$55.00 for stockpiling in excess of the first 100 cubic yards plus \$15.00 for each additional 1,000 cubic yards or fraction thereof [shall] will be collected.
- (d) When grading, grubbing or stockpiling is performed by or on behalf of the city, state or federal government, the chief engineer shall waive the collection of any permit fee required in subsections (a), (b) and (c) of this section.
- (e) When a business is certified as a qualified business pursuant to Section 35-1.3, the chief engineer shall waive the collection of any permit fee required in subsections (a), (b) and (c) of this section for the qualified business for a period of three years.
- (f) All permit fees [shall] are to be deposited into the highway fund.
- (g) When grading, grubbing or stockpiling permits are processed in conjunction with a building permit for the creation of an "accessory dwelling unit," as defined in Section 21-10.1, the chief engineer shall waive the collection of the permit fees required in subsections (a), (b) and (c) of this section. The grading, grubbing and stockpiling permit fees that were collected for the creation of "accessory dwelling units" from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee.



---

A BILL FOR AN ORDINANCE

---

SECTION 4. Chapter 18, Article 5, Revised Ordinances of Honolulu 1990 ("Permit Issuance"), is amended by adding a new section to be designated by the revisor of ordinances and to read as follows:

**"Sec. 18-5. Permit for accessory dwelling unit.**

(a) Upon receipt of an application for a permit for construction of an accessory dwelling unit or conversion of an existing structure to an accessory dwelling unit, the building official will have a maximum of 60 calendar days to do both of the following:

- (1) Notify the applicant in writing whether the application is complete or incomplete, and if the application is found incomplete, the written notice must state the corrective action necessary to complete the application; and
- (2) Review and approve or deny an accepted permit application for construction of an accessory dwelling unit, or conversion of an existing structure to an accessory dwelling unit. If the application is denied, the building official shall provide written notice of the reason for denial and state the necessary corrective action, if any.

If the building official fails to complete the actions specified in both subdivisions (1) and (2) within 60 calendar days, the permit will be deemed approved; provided that the days between the notification of the applicant that an application is incomplete and the resubmittal of the application will be excluded.

- (b) The applicant shall be responsible for ensuring that the plans for the project deemed approved comply with all applicable regulations, governmental provisions and requirements.
- (c) The building official may suspend or revoke a permit deemed approved for noncompliance as provided under Section 18-5.4(d)."

SECTION 5. Section 18-6.5, ROH 1990, is amended to read as follows:

**"Sec. 18-6.5 Exemptions.**

- (a) The city, all agencies thereof and contractors therewith [shall] will be exempt from the requirement of paying plan review and permit fees.



---

A BILL FOR AN ORDINANCE

---

- (b) The building official may grant an exemption from the requirement of paying plan review and permit fees for any person seeking to restore or reconstruct a structure damaged or destroyed as a result of a major disaster. For the purposes of this section:
- (1) "Major Disaster" means any hurricane, tornado, storm, flood, high water, tsunami, earthquake, volcanic eruption, landslide, mud slide, fire, explosion or other catastrophe occurring in any part of the [City and County of Honolulu] city that causes damage, suffering and loss to such a degree that:
    - (A) The President of the United States has declared, pursuant to the Disaster Relief Act of 1974, P.L. 93-288, that a major disaster exists such that the [City and County of Honolulu] city or any part thereof is eligible for federal disaster assistance programs;
    - (B) The governor of the State of Hawaii has declared pursuant to HRS Chapter 209 that a major disaster has occurred;
    - (C) The mayor has issued a proclamation declaring the existence of a major disaster; or
    - (D) The council has adopted a resolution declaring the existence of a major disaster.
  - (2) "Restore and reconstruct" means any repair or other work performed to return a structure to its former condition that does not increase the floor area of the structure beyond that of the structure prior to the major disaster, is in conformance with the building code, flood hazard regulations, land use ordinance, and other applicable laws, and is started within two years of the major disaster.
  - (3) The burden of proof that work to be performed qualifies for an exemption from the payment of building permit fees due to a major disaster [shall] will be on the owner of the structure. An applicant filing for such exemption [shall] must certify in writing that the work to be performed [shall] will be in conformance with the requirements of this section.
- (c) All owners and their contractors [shall] will be exempt from paying that portion of any building permit fee for permits issued after September 15, 1994, attributable to the installation of ultra-low flush toilets that they install on their properties to replace existing non-ultra-low flush toilets.



---

A BILL FOR AN ORDINANCE

---

- (d) The building official shall waive the collection of any building permit fee for a period of three years where the business has been certified to be a qualified business pursuant to Section 35-1.3.
- (e) The building official shall waive the collection of any building permit fee for any person seeking to replace a dilapidated dwelling unit located on homestead land leased under the Hawaiian Homes Commission Act of 1920. For the purposes of this section:
- (1) "Dilapidated dwelling unit" means any residential home that has significantly deteriorated because of age, termites or other causes, which make the home unsafe, uninhabitable or unhealthy.
  - (2) The burden of proof that a dwelling unit is dilapidated which qualifies for an exemption from the payment of building permit fees [shall] will be on the owner of the unit. An applicant filing for such exemption shall attach acceptable proof that the dwelling unit is dilapidated to the building permit application.
  - (3) The replacement home may increase the floor area of the originally demolished or removed structure.
- (f) The building official shall waive the collection of any plan review and building permit fees exclusively for the creation of an "accessory dwelling unit," as defined in Section 21-10.1. The plan review and building permit fees that were collected for the creation of "accessory dwelling units" from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee. Building permit fees and plan review fees will not be waived where a permit was required and work started or proceeded without obtaining a permit. In these cases, fees will be required pursuant to Section 18-6.2(d)."

SECTION 6. Section 22-7.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 22-7.5 Land area required for parks and playgrounds.**

The land area required for parks and playgrounds [shall] will be calculated as set forth in this section.



---

A BILL FOR AN ORDINANCE

---

- (a) Country and Residential Districts, Excluding Planned Development Housing Projects. The minimum land area in country and residential districts [shall] will be:
- (1) For subdivisions involving three or four lots: 50 square feet per dwelling or lodging unit;
  - (2) For subdivisions involving five lots: 100 square feet per dwelling or lodging unit;
  - (3) For subdivisions involving six lots: 200 square feet per dwelling or lodging unit;
  - (4) For subdivisions involving seven or eight lots: 300 square feet per dwelling or lodging unit; and
  - (5) For subdivisions involving nine or more lots: 350 square feet per dwelling or lodging unit.

For subdivision actions involving eight or fewer lots, the applicable rate [shall] will be based on the total number of potential lots.

A lot [which] that cannot be further subdivided [shall] will count as one potential lot. For a lot [which] that can be further subdivided, the potential number of lots [shall] will be determined by dividing the area of the lot by the minimum potential lot size for the zoning district.

Dwelling or lodging units [shall] include existing, proposed and potentially developable units, except for "ohana dwelling units" and "accessory dwelling units" as defined in [the land use ordinance of the city.] Section 21-10.1.

- (b) Other Districts and Planned Development Projects within Residential Districts. The minimum land area required [shall] will be either 10 percent of the maximum permitted floor area or the following, whichever is less:
- (1) Apartment, resort and mixed-use districts: 110 square feet per dwelling or lodging unit;
  - (2) Planned development project: 110 square feet per dwelling or lodging unit.



---

**A BILL FOR AN ORDINANCE**

---

- (c) Special District Use Precincts.
- (1) Dwellings, one-[family] and two-family and duplex units: 350 square feet per dwelling or lodging unit, in accordance with subsection (a) above;
  - (2) Multiple-family dwelling: 10 percent of the maximum permitted floor area or 110 square feet per dwelling or lodging unit, whichever is less."

SECTION 7. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu 1990, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.



**A BILL FOR AN ORDINANCE**

SECTION 8. This ordinance takes effect upon its approval; provided that the amendments to the Revised Ordinances of Honolulu 1990 made in Section 2, Section 3 and Section 5 of this ordinance are repealed on June 30, 2018.

INTRODUCED BY:

Ernest Martin (BR)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

March 22, 2016  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu