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**A BILL FOR AN ORDINANCE**

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RELATING TO FEES.

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

SECTION 1. Purpose. The purpose of this ordinance is to provide incentives for the retrofitting of automatic fire sprinkler systems in certain existing high-rise residential buildings.

SECTION 2. Section 18-6.5, Revised Ordinances of Honolulu 1990, as amended by Ordinance 18-1, is amended to read as follows:

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

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



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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 will be on the owner of the structure. An applicant filing for such exemption must certify in writing that the work to be performed will be in conformance with the requirements of this section.
- (c) All owners and their contractors 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.
- (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 and qualifies for an exemption from the payment of building permit fees 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" after September 14, 2015, will be



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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).

- (g) The building official shall waive the collection of the plan review and building permit fees for the residential portion of a project equal to:
- (1) The percentage of affordable dwelling units as defined in and as provided within the project pursuant to Chapter \_\_\_; or
  - (2) The percentage of affordable dwelling units provided pursuant to a planned development-transit permit pursuant to Section 21-9.100-10, or an interim planned development-transit permit pursuant to Section 21-9.100-5.
- (h) The building official shall waive the collection of the plan review and building permit fees for the residential portion of a project that is in compliance with HRS Section 201H-36(a)(5).
- (i) The building official shall waive the collection of that portion of any plan review and building permit fee attributable to the installation of automatic fire sprinkler systems for the suppression of fire in existing high-rise residential buildings. For the purposes of this section, "existing high-rise residential building" means any building that has floors used for human occupancy located more than 75 feet above the highest grade, contains dwelling units, and was erected prior to 1993.

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring. In Section 2 of this ordinance, the Revisor of Ordinances shall insert the appropriate chapter number from Bill 58 (2017) where indicated in the ordinance following the enactment of Bill 58 (2017), either in its original or amended form.



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SECTION 4. This ordinance takes effect upon its approval; provided that the amendments made to ROH Section 18-16.5 in Section 2 shall not be deemed to supersede the repeal of:

1. ROH Section 18-16.5(f) on June 30, 2020, pursuant to Section 8 of Ordinance 16-19, as amended by Ordinance 17-30; and
2. ROH Sections 18-16.5(g) and 18-16.5(h) on June 30, 2027, pursuant to Section 8 of Ordinance 18-1.

INTRODUCED BY:

Ron Menor

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DATE OF INTRODUCTION:

November 8, 2017  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 15<sup>th</sup> day of March, 20 18.

KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE

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BILL 102 (2017), CD1, FD1

Introduced: 11/08/17

By: RON MENOR

Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO FEES.

Voting Legend: \* = Aye w/Reservations

12/06/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
01/20/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/25/18	BUDGET	CR-31(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
01/31/18	COUNCIL/PUBLIC HEARING	CR-31(18) ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.
02/10/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/14/18	BUDGET	CR-72(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
02/28/18	COUNCIL	BILL AMENDED TO FD1. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. CR-72(18) ADOPTED AND BILL 102 (2017), CD1, FD1 PASSED THIRD READING 9 AYES: ANDERSON*, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
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GLEN I. TAKAHASHI, CITY CLERK

  
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RON MENOR, CHAIR AND PRESIDING OFFICER

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