

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR
GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

June 5, 2020

Mr. Glen Takahashi
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawaii 96813

Dear Mr. Takahashi:

SUBJECT: Approved Bills

The following Bills are approved and returned herewith:

Bill 1, CD2	Relating to City advertisements.
Bill 5	Relating to the Affordable Housing Fund.
Bill 25 (2019), CD2, FD1	Relating to the adoption of the State Energy Conservation Code.
Bill 28 (2019), CD2, FD1	Relating to affordable housing incentives.
Bill 58 (2019)	To rezone land situated at Haleiwa, Oahu, Hawaii.
Bill 60 (2019)	Relating to affordable rental housing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell
Mayor

Attachments

MAYOR'S MESSAGE 67

20 JUN 4 PM 4:08 CITY CLERK



A BILL FOR AN ORDINANCE

RELATING TO CITY ADVERTISEMENTS.

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

SECTION 1. Purpose. The purpose of this ordinance is to except liquor commission advertisements from the requirement that City advertisements include a statement that the advertisement is paid for, in whole or part, by City taxpayers. The ordinance requires that liquor commission advertisements include a statement that the advertisements are paid for with fees collected and received by, as well as all other moneys received on behalf of, the liquor commission and deposited into the liquor commission fund. The exception is needed because liquor commission advertisements are paid for with fees, fines, and other moneys deposited into the liquor commission fund rather than from property tax revenues collected from City taxpayers.

SECTION 2. Section 1-21.1 Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Advertisement" and adding a new definition of "Liquor commission advertisement" to read as follows:

""Advertisement" includes any communication paid for in whole or in part with city funds, and publicly distributed to support, advocate for, or inform the public about a city project, program, action, or legislation. The term does not apply to notices of public meetings, notices of public hearings, notices of real property tax assessments, liquor commission advertisements, and other legal notices required by ordinance or other law. A radio or television broadcast that differs in content from day-to-day or program-to-program shall be treated as a separate advertisement for each day or program, respectively."

""Liquor commission advertisement" means any communication paid for with fees collected and received by, as well as all other moneys received on behalf of, the liquor commission and deposited into the liquor commission fund, and publicly distributed to support, advocate for, or inform the public about a liquor commission project, program, action, or legislation. The term does not apply to notices of public meetings, notices of public hearings, and other legal notices required by ordinance or other law. A radio or television broadcast that differs in content from day-to-day or program-to-program shall be treated as a separate liquor commission advertisement for each day or program, respectively."



A BILL FOR AN ORDINANCE

SECTION 3. Section 1-21.2 Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 1-21.2 Disclosure required.

- (a) No city officer, employee, or consultant, contractor, subconsultant, or subcontractor to the city shall submit or cause to be submitted any advertisement without including the following statement in the advertisement: "Paid for (or paid in part) by the taxpayers of the City and County of Honolulu." For radio advertisements, the statement may be altered to state: "Paid for (or in part) by city taxpayers."
- (b) No Honolulu liquor commission officer, employee, or consultant, contractor, subconsultant, or subcontractor to the Honolulu liquor commission, shall submit or cause to be submitted any liquor commission advertisement without including the following statement in the liquor commission advertisement: "Paid for solely by fees collected and received by, as well as all other moneys received on behalf of, the liquor commission and deposited into the liquor commission fund."
- (c) If an advertisement or liquor commission advertisement is in printed or published form, the statement required in subsection (a) or (b) shall be displayed in a prominent location in the advertisement~~[-]~~ or liquor commission advertisement, and be of sufficient type size to be clearly readable by the recipient or audience of the advertisement~~[-]~~ or liquor commission advertisement. If the advertisement or liquor commission advertisement is broadcast on the radio, the statement shall be stated orally at the end of the advertisement~~[-]~~ or liquor commission advertisement."

SECTION 4. Ordinance material to be repealed is bracketed and stricken and new 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 brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 1 (2020), CD2

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

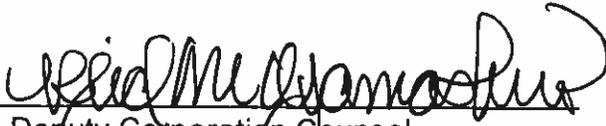
Ann Kobayashi

DATE OF INTRODUCTION:

January 16, 2020
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
REID YAMASHIRO

APPROVED this 4th day of June, 2020.


KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 1 (2020), CD2

Introduced: 01/16/20 By: ANN KOBAYASHI Committee: BUDGET

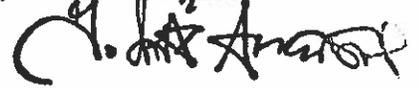
Title: A BILL FOR AN ORDINANCE RELATING TO CITY ADVERTISEMENTS.

Voting Legend: * = Aye w/Reservations

01/29/20	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MENOR.
02/05/20	BUDGET	CR-50 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. 5 AYES: ELEFANTE, MANAHAN, MENOR, PINE, WATERS.
02/08/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/19/20	COUNCIL/PUBLIC HEARING	CR-50 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: FUKUNAGA.
02/26/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/26/20	BUDGET	CR-82 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM. 4 AYES: ELEFANTE, MANAHAN, MENOR, WATERS. 1 EXCUSED: PINE.
03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.
05/20/20	COUNCIL	CR-82 ADOPTED AND BILL 1 (2020), CD2 PASSED THIRD READING AS AMENDED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

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.


GLEN I. TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

A BILL FOR AN ORDINANCE RELATING TO THE AFFORDABLE HOUSING FUND.

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

SECTION 1. The purpose of this ordinance is to amend Chapter 6, Article 63 of the Revised Ordinances of Honolulu 1990, as amended, entitled Affordable Housing Fund, to conform to changes in the 1973 Revised Charter of the City & County of Honolulu (2017 Edition).

SECTION 2. Section 6-63.2, Revised Ordinances of Honolulu 1990, as amended ("Purpose"), is amended to read as follows:

"Sec. 6-63.2 Purpose.

The purpose of the fund is to provide and maintain affordable rental housing for persons earning [~~less than 50~~] 60 percent or less of the median household income in the city for the following purposes: provision and expansion of affordable rental housing and suitable living environments in projects, which may include mixed-use, mixed-income projects, having residential units that are principally for persons of low and moderate income through land acquisition for, development of, construction of, [and maintenance of affordable housing for sale or for rental,] and/or capital improvements or rehabilitation to such housing, provided that the funded housing remains affordable [~~in perpetuity.~~] for at least sixty years."

SECTION 3. Section 6-63.3, Revised Ordinances of Honolulu 1990, as amended ("Deposit"), is amended to read as follows:

"Sec. 6-63.3 Deposit.

There shall be appropriated by the council and deposited into the affordable housing fund an amount equal to one-half [~~of the appropriation by the council of a minimum~~] of one percent of the estimated real property tax revenues, plus any interest earned on deposits in this fund."

SECTION 4. Ordinance material to be repealed is bracketed. 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 bracketed material, or the underscoring.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 5 (2020)

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY: ²

[Handwritten Signature]

(br)

Councilmembers

DATE OF INTRODUCTION:

JAN 23 2020

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

[Handwritten Signature]

Deputy Corporation Counsel
ERICA C. OSTERKAMP

APPROVED this 4th day of June, 2020.

[Handwritten Signature]

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 5 (2020)

Introduced: 01/23/20 By: IKAIKA ANDERSON – BY REQUEST Committee: BUDGET

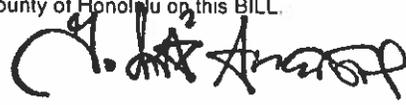
Title: A BILL FOR AN ORDINANCE RELATING TO THE AFFORDABLE HOUSING FUND.

Voting Legend: * = Aye w/Reservations

01/29/20	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MENOR.
02/05/20	BUDGET	CR-51 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. 5 AYES: ELEFANTE, MANAHAN, MENOR, PINE, WATERS.
02/08/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/19/20	COUNCIL/PUBLIC HEARING	CR-51 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET. 8 AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: FUKUNAGA.
02/26/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/26/20	BUDGET	CR-83 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING 5 AYES: ELEFANTE, MANAHAN, MENOR, PINE, WATERS.
03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.
05/20/20	COUNCIL	CR-83 ADOPTED AND BILL 5 (2020) PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

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.


GLEN T. TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO THE ADOPTION OF THE STATE ENERGY CONSERVATION CODE.

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

SECTION 1. Purpose. The purpose of this ordinance is to regulate the design and construction of residential and commercial buildings for the effective use of energy through the adoption of the State Energy Conservation Code (2017), subject to the local amendments herein.

SECTION 2. Chapter 32, Revised Ordinances of Honolulu 1990 ("Building Energy Conservation Code") is repealed.

SECTION 3. The Revised Ordinances of Honolulu 1990 is amended by adding a new Chapter 32 to read as follows:

"Chapter 32.

BUILDING ENERGY CONSERVATION CODE

Article 1. Building Energy Conservation Code

Sec. 32-1.1 Adoption of the State Energy Conservation Code.

The State Energy Conservation Code (SECC), as adopted by the State of Hawaii on February 14, 2017, which adopts, with modifications, the International Energy Conservation Code, 2015 edition (IECC), as copyrighted by the International Code Council, is adopted by reference and made a part hereof, subject to the following amendments, which, unless stated otherwise, are in the form of amendments to the IECC 2015 edition:

- (1) Amending Section C101.1. Section C101.1 is amended to read:

C101.1 Title

This code shall be known as the Building Energy Conservation Code (BECC) of the City and County of Honolulu (CCH) or the CCH BECC. It is referred to herein as "this code."



A BILL FOR AN ORDINANCE

- (2) Amending Section C103.1 Section C103.1 is amended to read:

C103.1 General. When the requirements in this code apply to a building as specified in Section C101.4, plans, specifications, or other construction documents submitted for a building, electrical, or plumbing permit required by the jurisdiction must comply with this code and will be prepared, designed, approved, and observed by a design professional. The responsible design professional shall provide on the plans a signed statement certifying that the project is in compliance with this code.

Exception: Any building, electrical or plumbing work that is not required to be prepared, designed, approved or observed by a licensed professional architect or engineer pursuant to Chapter 464, Hawaii Revised Statutes (HRS).

- (3) Amending Subsection C103.2. Subsection C103.2 is amended to read:

C103.2. Information on construction documents. Construction documents must be drawn to scale upon suitable material or submitted in an electronic form acceptable to the code official. Construction documents must be of sufficient clarity to indicate the location, nature, and extent of work proposed and show, in sufficient detail, pertinent data, and features of the building, systems, and equipment as herein governed. Details must include, but are not limited to the following, as applicable:

1. Insulation materials and their thermal resistance (*R*-values);
2. Fenestration U-Factors and solar heat gain coefficients (SHGCs);
3. Area-weighted U-factor and SHGC calculations;
4. Mechanical system design criteria and power requirements;
5. Mechanical and service water heating system and equipment types, sizes and efficiencies;
6. Economizer description;
7. Equipment and system controls;
8. Fan motor horsepower (hp) and controls;



A BILL FOR AN ORDINANCE

- 9. Duct sealing, duct and pipe insulation and location;
- 10. Lighting fixtures schedule with wattage and control narrative;
- 11. Location of daylight zones on floor plans; and
- 12. Air sealing details.

All plans, reports, and documents must be certified by the project design professional or engineer, using the appropriate form shown below and submitted to the code official certifying that the plans and documents conform to the requirements of this code.

CITY AND COUNTY OF HONOLULU
REVISED ORDINANCES OF HONOLULU 1990
CHAPTER 32

To the best of my knowledge, this project's design substantially conforms to the Building Energy Conservation Code for:

Building Component Systems
 Electrical Component Systems
 Mechanical Component Systems

Signature: _____ Date: _____
 Name: _____
 Title: _____
 License No.: _____

Include only those items that the signator is responsible for. This block shall be on the first sheet of the pertinent plan, e.g. architectural, electrical, and mechanical. The above may be submitted separately to the Code Official in a letter including the identification of the building.

- (4) Amending Subsection C104. Subsection C104 is amended to read:
C104.2 Required inspections. Inspections must comply with ROH Chapter 16.
- (5) Amending Subsection C104.2.6. Subsection C104.2.6 is amended to read:
C104.2.6 Final inspection. The building must have a final inspection and cannot be occupied until approved. The final inspection must include verification of the installation of and proper operation of all required building controls, and documentation verifying activities associated with required building



A BILL FOR AN ORDINANCE

commissioning have been conducted and any findings of noncompliance corrected.

- (6) Amending Subsection C104.6. Subsection C104.6 is amended to read:

C104.6 Re-inspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections must be made to achieve compliance with this code. The work or installation must then be resubmitted to the responsible code official for inspection and testing as required by this code.

- (7) Amending Subsection C104.7. Subsection 104.7 is amended to read:

C104.7 Approval. After a building passes all tests and inspections required by this code, the responsible design professional must submit a confirmation letter to the code official certifying that the building has passed all of the tests and inspections required and stating that the building owner has received the Preliminary Commissioning Report, as required by IECC Section C408.2.4.

- (8) Amending Subsection C107.1. Subsection C107.1 is amended to read:

C107.1 Fees. Prescribed fees must comply with ROH Chapter 18.

- (9) Amending Subsection C108.1. Subsection C108.1 is amended to read:

C108.1 Authority. Stop work order must comply with ROH Chapter 18.

- (10) Amending Subsection C109.1. Subsection C109.1 is amended to read:

C109.1 General. Board of Appeals must comply with ROH Chapter 16.

- (11) Amending Section C202. Section C202 is amended by:

- (a) Amending the definition of "CODE OFFICIAL" to read:

CODE OFFICIAL means the Director of Planning and Permitting or the director's authorized representative.



A BILL FOR AN ORDINANCE

- (b) Amending the definition of "DWELLING UNIT" to read:

DWELLING UNIT means a building or portion thereof that contains living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for 16 or fewer persons.

- (c) Adding the following definition of "RENEWABLE ENERGY" immediately before the definition of "REPAIR:"

RENEWABLE ENERGY by reference to HRS §269-91, renewable energy means energy generated or produced using the following sources:

1. Wind;
2. Sun;
3. Falling water;
4. Biogas, including landfill and sewage-based digester gas;
5. Geothermal;
6. Ocean water, currents and waves, including ocean thermal energy conversion;
7. Biomass, including biomass crops, agricultural, and animal residues and waste and municipal solid waste and other solid waste;
8. Biofuels; and
9. Hydrogen produced from renewable energy sources.

- (12) Amending Subsection C402.2.3. Subsection C402.2.3 is amended to read:

C402.2.3 Thermal resistance of above-grade walls. The minimum *R*-value of materials installed in the wall cavity between framing members and continuously on the wall shall be as specified in Table C402.1.3, based on framing type and construction materials used in the wall assembly.



A BILL FOR AN ORDINANCE

Exception: Continuous insulation for wood-framed, metal-framed, and mass walls are not required when one of the following conditions are met:

1. Walls have a covering with a reflectance of equal to or greater than 0.64;
2. Walls have overhangs with a projection factor equal to or greater than 0.3. The projection factor is the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom-most point of the overhang; or
3. Concrete, concrete masonry units (CMU), and similar mass walls are six inches or greater in thickness.

The *R*-value of integral insulation installed in CMUs shall not be used in determining compliance with Table C402.1.3. Mass walls must include walls:

1. Weighing not less than 35 psf (170 kg/m²) of wall surface area.
 2. Weighing not less than 25 psf (120 kg/m²) of wall surface area where the material weight is not more than 120 psf (1900 kg/m³).
 3. Having a heat capacity exceeding 7 Btu/ft² F (144 kJ/m² • K).
 4. Having a heat capacity exceeding 5 Btu/ft² F (103 kJ/m² • K), where the material weight is not more than 120 pcf (1900 kg/m³).
- (13) Amending Table C402.4. Table C402.4 ("Building Envelope Fenestration Maximum U-Factor and SHGC Requirements") is amended by amending Exception "b" to read:
- b. Jalousie windows are excepted from SHGC requirements.

- (14) Amending Subsection C402.4.1.2. Subsection C402.4.1.2 is amended to read:

C402.4.1.2 Increased skylight area with daylight responsive controls. The skylight area shall be permitted to be not more than five percent of the roof area provided *daylight responsive controls* complying with Section C405.2.3.1 are installed in *daylight zones* under skylights.



A BILL FOR AN ORDINANCE

Exception: Spaces where the designed general lighting power densities are equal to or less than 60 percent of the lighting power densities specified in Table C405.2(1) or C405.4.2(2) are exempt from the daylighting requirements.

- (15) Amending Subsection C402.4.3.5. Subsection C402.4.3.5 is amended to read:

C402.4.5 Area-Weighted SHGC. In commercial buildings, an area-weighted average of fenestration products will be permitted to satisfy SHGC requirements.

Exception: Jalousie windows are excepted from SHGC requirements.

- (16) Adding Subsection C403.2.4.2.4. Subsection C403.2.4.2.4 is added to read:

C403.2.4.2.4 Door switches. Opaque and glass doors opening to the outdoors in hotel and motel sleeping units, guest suites, and timeshare condominiums must be provided with controls that disable the mechanical cooling or reset the cooling setpoint to 90 degrees Fahrenheit or greater within five minutes of the door opening. Mechanical cooling may remain enabled if the outdoor air temperature is below the space temperature.

- (17) Amending Subsection C405.2. Subsection C405.2 is amended by amending the exceptions to read:

Exception: Spaces that use 60 percent or less of designated watts per square foot are exempt from Sections C405.2.2 (Time switch controls) and C405.2.3 (Daylight-responsive controls).

- (18) Amending Subsection C406.1. Subsection C406.1 is amended to read:

C 406.1 Requirements. In addition to the requirements specified in Subsection C406.8 ("Electric vehicle infrastructure"), buildings must comply with at least one of the following:

1. More efficient HVAC performance in accordance with Subsection C406.2;
2. Reduced lighting power density system in accordance with Subsection C406.3;
3. Enhanced lighting controls in accordance with Subsection C406.4;
4. On-site supply of renewable energy in accordance with Subsection C406.5;



A BILL FOR AN ORDINANCE

5. Provision of a dedicated outdoor air system for certain HVAC equipment in accordance with Subsection C406.6; or
6. High-efficiency service water heating in accordance with Subsection C406.7.

(19) Amending Subsection C406.3. Subsection C406.3 is amended to read:

C406.3 Reduced lighting power density. The total interior lighting power (watts) of the building shall be determined by using 80 percent of the lighting power values specified in Table C405.4.2(1) times the floor area for the building types, or by using 80 percent of the lighting power values specified in Table C405.4.2(2) times the floor area for the building type, or by using 80 percent of the interior lighting power allowance calculated by the Space-by-Space Method in Section C405.4.2.

(20) Adding Subsection C406.8, Subsection C406.8.1, Table C406.8.1, Subsection C406.8.2, and Table C406.8.2. Subsection C406.8, Subsection C406.8.1, Table C406.8.1, Subsection C406.8.2, and Table C406.8.2 are added to read:

C406.8 Electric vehicle infrastructure. All newly-created parking stalls for newly-constructed residential multi-unit and commercial buildings must comply with one of the electric vehicle readiness compliance pathways specified in Subsection C406.8.1 or Subsection C406.8.2.

For purposes of Subsection C406.8.1, Subsection C406.8.2, and Table C406.8.2, the following apply:

1. "Common area" stall means any parking stall that is not intended to be assigned, sold, leased, or attached contractually to a specific dwelling unit or commercial establishment;
2. "Dedicated" stall means any parking stall that is intended to be assigned, sold, leased, or attached contractually to a specific dwelling unit or commercial establishment; and
3. When computation of the number of required vehicle charger ready stalls results in a fractional number with a fraction of 0.5 or greater, the number of required vehicle charger ready stalls required will be the next highest whole number.



A BILL FOR AN ORDINANCE

C406.8.1 Baseline percentage electric vehicle readiness compliance path.

Newly-constructed parking stalls for newly-constructed residential multi-unit buildings that add eight or more new parking stalls must be electric vehicle charger ready for at least 25 percent of the newly-added parking stalls. Newly-constructed parking stalls for newly-constructed commercial buildings that add 12 or more new parking stalls must be electric vehicle charger ready for at least 25 percent of the newly-added parking stalls. As used in this section, "electric vehicle charger ready" means that sufficient wire, conduit, electrical panel service capacity, overcurrent protection devices, and suitable termination points are provided to connect to a charging station capable of providing simultaneously an AC Level 2 charge per required parking stall. Charge method electrical ratings are provided in Table C406.8.1.

Exceptions:

1. For retail establishments, as defined in ROH Chapter 21, the total number of newly-added parking stalls that would otherwise be required to be electric vehicle charger ready to comply with the baseline requirements under this subsection will be reduced by 20 percent.
2. For affordable housing units offered for sale or rent to households earning more than 100 percent of the area median income for Honolulu, up to 140 percent of the area median income for Honolulu, the total number of newly-added parking stalls that would otherwise be required to be electric vehicle charger ready to comply with the baseline requirements under this subsection will be reduced by 20 percent.
3. For affordable housing units offered for sale or rent to households earning 100 percent or below of the area median income for Honolulu, none of the total number of newly-added parking stalls that would otherwise be required to be electric vehicle charger ready to comply with the baseline requirements under this subsection will be required.



A BILL FOR AN ORDINANCE

**Table C406.8.1
CHARGE METHODS ELECTRICAL RATING**

Charge Method	Normal Supply Voltage (Volts)	Maximum Current (Amps – Continuous)	Supply power
AC Level 2 (enclosed attached residential garages only)	208 to 240V AC, 1-phase	Minimum 16A	208/240VAC/20-100A (16A-80A continuous)
AC Level 2	208 to 240V AC, 1-phase	Minimum 32A	208/240VAC/40-100A (32A-80A continuous)

C406.8.2 Points-based electric vehicle readiness compliance path. Newly-constructed parking stalls for newly constructed residential multi-unit buildings that add eight or more newly-added parking stalls must be equipped to achieve no less than one point for every four parking stalls based on the EV charger capacity requirements and values listed in Table C406.8.2. Newly-constructed parking stalls for newly-constructed commercial buildings that add twelve or more newly-added parking stalls must be equipped to achieve no less than one point for every four parking stalls based on the capacity requirements and values listed in Table C406.8.2.

Retail establishments, as defined in ROH Chapter 21, may only qualify for compliance points under Table C406.8.2 in the following two categories: (1) Dedicated EV Ready Stalls, or (2) Common Area Stall with EV Charging Equipment Installed.

For purposes of compliance under this subsection, building developers may aggregate points across multiple projects and phases; provided that each individual project achieves no less than 10 percent compliance or adds a minimum of one electric vehicle charger ready parking space per project, whichever is greater. All aggregation plans under this subsection must be identified and verified by a certified design professional and the building official at the time of permitting.



A BILL FOR AN ORDINANCE

Exceptions:

1. For retail establishments, as defined in ROH Chapter 21, the total number of points that would otherwise be required to comply with the points-based requirements under this subsection will be reduced by 20 percent.
2. For affordable housing units offered for sale or rent to households earning more than 100 percent of the area median income for Honolulu, up to 140 percent of the area median income for Honolulu, the total number of points that would otherwise be required to comply with the points-based requirements under this subsection will be reduced by 20 percent.
3. For affordable housing units offered for sale or rent to households earning 100 percent or below of the area median income for Honolulu, none of the total number of points that would otherwise be required to comply with the points-based requirements under this subsection will be required.

**Table C406.8.2
ELECTRIC VEHICLE READINESS POINTS-BASED COMPLIANCE VALUES**

Electric Vehicle Charger Capacity Level	Charging Rate (kW) at 208 Vac	Time to charge 50 kW battery (hrs)	Compliance Points		
			Dedicated EV Ready Stalls	Common Area EV Ready Stalls	Common Area Stall w/ EV Charging Equipment Installed
Level 2, Minimum 16A	3.4	15	1 (in enclosed attached garage)	N/A	N/A
Level 2, Minimum 32A	6.7	7.5	1	4	7
Level 2, 64A to 80A	13.3	3.8	1	7	14
DCFC 50 kW (480/277 Vac 3-phase)	50.0	1.0	1	25	50



A BILL FOR AN ORDINANCE

- (21) Amending Subsection C408.2.4.1. Subsection C408.2.4.1 is amended to read:

C408.2.4.1 Acceptance of reports. Buildings, or portions thereof, shall not be considered acceptable for a certificate of occupancy until the *code official* has received a letter of transmittal from the building owner acknowledging that the building owner or owner's authorized agent has received the Preliminary Commissioning Report.

- (22) Amending Subsection C408.3.1. Subsection C408.3.1 is amended to read:

C408.3.1 Functional testing. Prior to issuance of a certificate of occupancy, the *licensed design professional* shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the *construction documents* and manufacturer's instruction. Functional testing must be in accordance with Sections C408.3.1.1 and C408.3.1.2 for the applicable control type.

- (23) Amending Subsection C501.4. Subsection C501.4 is amended to read:

C501.4 Compliance. *Alterations, repairs, additions* and changes of occupancy to, or relocation of, existing buildings and structures must comply with the provisions and regulations for *alterations, repairs, additions* and changes of occupancy to, or relocation of, respectively, required by this code.

- (24) Amending Subsection C503.3.1. Subsection C503.3.1 is amended to read:

C503.3.1 Roof replacement. *Roof replacements* must comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck.

Exception: The following alterations need not comply with the requirements for new construction; provided that the energy use of the building is not increased. When uninsulated roof sheathing is exposed during alteration, either the roof coating must have a minimum initial reflectance of 0.85 and a minimum aged reflectance of 0.75, or two of the following must be installed:

1. Table C402.3 (solar reflectance); Energy Star compliant roof covering;
2. Radiant barrier;



A BILL FOR AN ORDINANCE

3. Attic ventilation via solar attic fans or ridge ventilation or gable ventilation;
 4. Two or more of the exceptions listed in Table C402.3; or
- (25) Amending Subsection R103.1. Subsection R103.1 is amended to read:
- R103.1 General.** Construction documents and other supporting data must be submitted to indicate compliance with this code. The construction documents shall be prepared, designed, approved and observed by a duly licensed design professional, as required by HRS Chapter 464. The responsible design professional must provide on the plans a signed statement certifying that the project is in compliance with this code.
- Exception:** Any building, electrical or plumbing work that is not required to be prepared, designed, approved or observed by a licensed professional architect or engineer, pursuant to HRS Chapter 464. Specifications and necessary computations need not be submitted when authorized by the *Code Official*.
- (26) Amending Subsection R401.2. Subsection R401.2 is amended to read:
- R401.2 Compliance.** Projects must comply with one of the following:
1. Sections R401.3 through R404;
 2. Section R405 and the provisions of Sections R401 through R404 labeled "mandatory";
 3. An energy rating index (ERI) approach in Section R406; or
 4. The Tropical Zone requirements in Section R401.2.1.
- (27) Amending Subsection R401.2.1. Subsection R401.2.1 is amended to read:
- R401.2.1 Tropical zone.** *Residential buildings* in the tropical zone at elevations below 2,400 feet (731.5 m) above sea level must comply with this chapter by satisfying the following conditions:
1. Not more than one-half of the area of the *dwelling unit* is air conditioned.



A BILL FOR AN ORDINANCE

2. The *dwelling unit* is not heated.
3. Solar, wind, or another renewable energy source supplies not less than 90 percent of the energy for service water heating.
4. Glazing in conditioned space must have a maximum *solar heat gain coefficient* as specified in Table R402.2.1.
5. Skylights in dwelling units must have a maximum Thermal Transmittance (U-factor), as specified in Table R402.1.2.
6. Permanently installed lighting is in accordance with Section R404.
7. The roof/ceiling complies with one of the following options:
 - a. Comply with one of the roof surface options in Table C402.3 and install R-13 insulation or greater; or
 - b. Install R-19 insulation or greater.

If present, attics above the insulation are vented and attics below the insulation are unvented.

Exception: The roof/ceiling assembly are permitted to comply with Section R407.
8. Roof surfaces have a minimum slope of one fourth inch per foot of run. The finished roof does not have water accumulation areas.
9. Operable fenestration provides ventilation area equal to not less than 14 percent of the floor area in each room. Alternatively, equivalent ventilation is provided by a ventilation fan.
10. Bedrooms with exterior walls facing two different direction have operable fenestration or exterior walls facing two different directions.
11. Interior doors to bedrooms are capable of being secured in the open position.
12. Ceiling fans or whole house fans are provided for bedrooms and the largest space that is not used as bedroom.



A BILL FOR AN ORDINANCE

13. Walls, floors and ceilings separating air conditioned spaces from non-air conditioned spaces shall be constructed to limit air leakage in accordance with the requirements in Table R402.4.1.1.

(28) Amending Table R402.1.2. Table R402.1.2 is amended to read:

**Table R402.1.2
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^c U-FACTOR	GLAZED FENESTRATION SHGC ^{d,e,f}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^g	FLOOR R-VALUE	BASEMENT ^h WALL R-VALUE	SLAB ⁱ R-VALUE & DEPTH	CRAWL SPACE ^j WALL R-VALUE
1	NR	0.75	0.25	30	13	^k or NR ^l	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5 ^b	8/13	19	5/13 ^t	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13+5 ^b	8/13	19	10/13	10.2 ft	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13+5 ^b	13/17	30 ^g	15/19	10.2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^b	15/20	30 ^g	15/19	10.4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^b	19/21	38 ^g	15/19	10.4 ft	15/19

For SI: 1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in climate zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.



A BILL FOR AN ORDINANCE

- f. Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. The first value is cavity insulation, the second value is continuous insulation, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- j. Exception: R-value for mass walls are not required if mass walls meet one of the following requirements: (1) have a reflectance ≥ 0.64 ; (2) have overhangs with a projection factor ≥ 0.3 ; or (3) are ≥ 6 inches in thickness.
- k. Exception: Jalousie windows are excepted from SHGC requirements.

(29) Amending Table R402.2.1. Table R402.2.1 is amended to read:

**Table R402.2.1.
WINDOW SHGC REQUIREMENTS**

Projection Factor of overhang from base of average window sill	SHGC
< 0.30	0.25
0.30 - 0.50	0.40
≥ 0.50	N/A

- a. Exception: North-facing windows with pf > 0.20 are exempt from the SHGC requirement. Overhangs shall extend two feet on each side of window or to nearest wall, whichever is less.
- b. Exception: Jalousie windows are excepted from SHGC requirements.

(30) Amending Subsection R402.2.5. Subsection R402.2.5 is amended to read:

R.402.2.2.5 Mass walls. Mass walls for the purposes of this chapter will be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth), solid timber/logs, or any other wall having a heat capacity equal to or exceeding 6 Btu/ft² x °F (123 kJ/m² x K). The



A BILL FOR AN ORDINANCE

minimum thermal resistance (R-value) of mass walls must be as specified in Table R402.1.2.

Exception: Insulation or r-value for mass walls, indicated in Table R402.1.2, is not required when one or more of the following conditions is met:

1. Walls have a covering with a reflectance of ≥ 0.64 ;
2. Walls have overhangs with a projection factor equal to or greater than 0.3. The projection factor is the horizontal distance from the surface of the wall to the farthest most point of the overhand divided by the vertical distance from the first floor level to the bottom most point of the overhang; or
3. Concrete, concrete masonry units (CMU), and similar mass walls are 6 inches or greater in thickness.

(31) Amending Subsection R402.3.2. Subsection R402.3.2 is amended to read:

R402.3.2 Glazed fenestration SHGC. Fenestration must have a maximum *solar heat gain coefficient* as specified in Table R402.1.2. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the SHGC requirements.

Exception: *Dynamic glazing* is not required to comply with this section when both the lower and higher labeled SHGC already comply with the requirements of Table R402.1.2.

Exception: Jalousie windows are excepted from SHGC requirements.

(32) Adding Subsection R402.4.1.3. Subsection R402.1.3 is added to read:

R402.1.3 Sampling. For builders of multiple single homes and multi-family units of similar construction type and envelope systems (i.e. production home building), air infiltration/duct testing may be completed by following Chapter 6 ("Standard for Sampled Ratings"), of the current Residential Energy Service Network (RESNET) National Home Energy Rating System Standards.



A BILL FOR AN ORDINANCE

- (33) Adding Subsection R403.5.5. Subsection R403.5.5 is added to read:

R403.5.5 Solar water heating. New single-family dwellings must comply with the solar water heater system standards established by HRS Section 269-44, unless a variance is approved pursuant to HRS Section 196-6.5.

- (34) Adding Subsection R403.6.2. Subsection R403.6.2 is added to read:

R403.6.2 Ceiling fans (Mandatory). A ceiling fan or whole house fan is provided for bedrooms and the largest space that is not used as bedroom; provided that the whole house mechanical ventilation system complies with the efficacy requirements of Table R403.6.1.

Exception: For production home building, ceiling fan junction boxes must be provided for bedrooms and the largest interior space that is not used as a bedroom, and ceiling fan equipment must be provided as a buyer's option.

- (35) Adding Subsection R404.2. Subsection R404.2 is added to read:

R404.2 Solar conduit and electrical panel readiness. Construction documents must indicate a location for inverters, metering equipment, battery equipment, energy storage equipment, and other equipment necessary to interconnect a residence with on-site solar energy generation facilities with the electrical grid in compliance with applicable laws, statutes, and utility tariffs. Construction documents must indicate a pathway for routing of conduit from the solar panel location to the point of interconnection with electrical service. New single-family detached dwellings, two-family detached dwellings, and duplexes must install for each residence an electrical panel with reserved space to accommodate not less than a five Kilowatt (AC) photovoltaic system. New multi-family dwellings must install an electrical panel that includes space reserved to accommodate a photovoltaic system: (1) sized to serve common area electrical loads, or (2) sized to the roof space available. The reserved space must be clearly labeled as solar PV ready. All feeders and electrical distribution equipment, including switchgear, switchboards, and panelboards, that will be fed simultaneously by the electrical grid and other power sources must be sized to support the installation of future solar energy generation systems per the interconnection requirements of the Electrical Code. New residential buildings must also install conduit not less than one and one-half inches to provide a pathway from the electrical panel to the inverter location and from the inverter location to the underside of the roof sufficient to allow future installation of solar equipment. If conduits are to be installed between separate buildings or other structures, construction documents must provide sufficient details to show that



A BILL FOR AN ORDINANCE

compliance with the Electrical Code's restrictions on the number of power supplies to each building or other structure has been examined.

(36) Adding Subsection R404.3. Subsection R404.3 is added to read:

R404.3 Electric Vehicle Readiness. In addition to what is required by the Electrical Code, if a building permit application involves the installation of an electrical panel and parking area for either a multifamily dwelling of three stories or less or a detached dwelling or duplex, a dedicated receptacle for an electric vehicle must be provided with a minimum AC Level 2 charge in each enclosed attached garage, as defined in this code.

(37) Amending Table R405.5.2(1). Table R405.5.2(1) is amended to read:

Table R405.5.2(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Heating Systems	Fuel type: Same as proposed design	As proposed
	<u>Efficiencies</u>	
	Electric: Air-source heat pump with prevailing federal minimum standards	As proposed
	Nonelectric furnaces: Natural gas furnace with prevailing federal minimum standards	As proposed
	Nonelectric boilers: Natural gas boiler with prevailing federal minimum standards	As proposed
	Capacity: Sized in accordance with Section R403.7	As proposed



A BILL FOR AN ORDINANCE

Cooling systems	Fuel type: Electric Efficiency: In accordance with prevailing federal minimum standards	As proposed
	Capacity: Sized in accordance with Section R403.7	As proposed
Service water heating	Fuel type: Same as proposed design	As proposed
	Efficiency: In accordance with prevailing federal minimum standards	As proposed
	Use: Same as proposed design	gal/day=30+(10x Nbr)

(38) Amending Table R407.1. Table R407.1 is amended to read:

**Table R407.1
POINTS OPTION**

Walls		Standard Home Points	Tropical Home Points
Wood Framed			
	R-13 Cavity Wall Insulation	0	1
	R-19 Roof Insulation	-1	0
	R-19 Roof Insulation + Cool roof membrane ¹ or Radiant Barrier ³	0	1
	R-19 Roof Insulation + Attic Venting ²	0	1
	R-30 Roof Insulation	0	1
	R-13 Wall Insulation + high reflectance walls ⁴	1	2
	R-13 Wall insulation + 90% high efficacy lighting and Energy Star Appliances ⁵	1	2
	R-13 Wall insulation + exterior shading wpf=0.3 ^b	1	2
	Ductless Air Conditioner ⁷	1	1



A BILL FOR AN ORDINANCE

	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not applicable	2
	House floor area ≤ 1,000 ft ²	1	1
	House floor area ≥ 2,500 ft ²	-1	-1
	Energy Star Fans ⁸	1	1
	Install 1 kw or greater of solar electric	1	1
Metal Framed			
	R-13 + R-3 Wall Insulation	0	1
	R-13 Cavity Wall insulation + R-0	-1	0
	R-13 Wall Insulation + high reflectance walls ⁴	0	1
	R-13 Wall Insulation + 90% high efficacy lighting and Energy Star Appliances ⁵	1	2
	R-13 Wall Insulation + exterior shading wpf=0.3 ⁶	0	1
	R-30 Roof Insulation	0	1
	R-19 Roof Insulation	-1	0
	R-19 + Cool roof membrane ¹ or Radiant Barrier ³	0	1
	R-19 Roof Insulation + Attic Ventilation	0	1
	Ductless Air Conditioner ⁷	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not Applicable	2
	House floor area ≤ 1,000 ft ²	1	1
	House floor area ≥ 2,500 ft ²	-1	-1
	Energy Star Fans ⁷	1	1
	Install 1 kw or greater of solar electric	1	1



A BILL FOR AN ORDINANCE

Mass Walls			
	R- 3/4 Wall Insulation	0	1
	R-0 Wall Insulation	-1	0
	R-0 Wall Insulation + high reflectance walls ⁴	0	1
	R-0 Wall Insulation + 90% high efficacy lighting and Energy Star Appliances ⁵	1	2
	R-0 Wall Insulation + exterior shading WPF = 0.3 ⁶	0	1
	R-19 Roof Insulation	-1	0
	R-19 Roof Insulation + Cool roof membrane ¹ or Radiant Barrier ³	0	1
	R-19 Roof Insulation + Attic Venting	0	1
	R-30 Roof Insulation	0	1
	Ductless Air Conditioner ⁷	1	1
	1.071 X Federal Minimum SEER for Air Conditioner	1	1
	1.142 X Federal Minimum SEER for Air Conditioner	2	2
	No air conditioning installed	Not Applicable	2
	House floor area ≤ 1,000 ft ²	1	1
	House floor area ≥ 2,500 ft ²	-1	-1
	Energy Star Fans ⁷	1	1
	Install 1 kW or greater of solar electric	1	1

- 1 Cool roof with three-year aged solar reflectance of 0.55 and 3-year aged thermal emittance of 0.75 or 3-year aged solar reflectance index of 64.
- 2 One cfm/ft² attic venting.
- 3 Radiant barrier shall have an emissivity of no greater than 0.05 as tested in accordance with ASTM E-408. The radiant barrier shall be installed in accordance with the manufacturer's installation instructions.
- 4 Walls with covering with a reflectance of ≥ 0.64.
- 5 Energy Star rated appliances include refrigerators, dishwashers, and clothes washers and must be installed for the Certificate of Occupancy.
- 6 The wall projection factor is equal to the horizontal distance from the surface of the wall to the farthest most point of the overhang divided by the vertical distance from the first floor level to the bottom most point of the overhang.
- 7 All air conditioning systems in the house must be ductless to qualify for this credit.
- 8 Install ceiling fans or whole-house fans in all bedrooms and the largest space that is not used as a bedroom.



A BILL FOR AN ORDINANCE

(39) Amending Subsection R501.4. Subsection R501.4 is amended to read:

R501.4 Compliance. Alterations, repairs, additions, and changes of occupancy to, or relocation of, existing buildings and structures must comply with the provisions and regulations for alterations, repairs, additions, and changes of occupancy to, or relocation of, respectively required by this code.

(40) Amending Subsection R503.1.1. Subsection R503.1.1 is amended by adding the following exception and footnote to the exception to read:

7. When uninsulated roof sheathing is exposed during alteration, at least two of the following must be installed:
 - a. Energy Star compliant roof covering;
 - b. Radiant barrier;
 - c. Attic ventilation via solar attic fans or ridge ventilation or gable ventilation; or
 - d. A minimum of two exceptions listed in C402.3.

Footnote to exception: Shake roofs on battens must be replaced with materials that result in equal or improved energy efficiency."

SECTION 4. Severability. If any provision of this ordinance, or the application thereof to any person or circumstances, is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. In SECTION 3 of this ordinance, the Revisor of Ordinances shall replace the phrase, "the effective date of this ordinance" with the actual month, day, and year on which this ordinance takes effect.



A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect 90 days after its approval.

INTRODUCED BY:

Ann Kobayashi (br)

DATE OF INTRODUCTION:

May 6, 2019
Honolulu, Hawaii

_____ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
MOLLY A. STEBBINS

APPROVED this 21 day of June, 20 20.

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 25 (2019), CD2, FD1

Introduced: 05/06/19 By: ANN KOBAYASHI – BY REQUEST Committee: ZONING, PLANNING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO THE ADOPTION OF THE STATE ENERGY CONSERVATION CODE.

Voting Legend: * = Aye w/Reservations

CC-173(19) ANDERSON - COUNCIL STANDING COMMITTEE ASSIGNMENTS.

CC-181(19) ANDERSON – RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.

07/03/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
07/25/19	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 4 AYES: ELEFANTE, KOBAYASHI, MENOR, WATERS. 1 EXCUSED: MANAHAN.
08/22/19	ZONING, PLANNING AND HOUSING	CR-266 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. 3 AYES: ELEFANTE, MENOR, WATERS. NOES: NONE. 2 EXCUSED: KOBAYASHI, MANAHAN.
08/24/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
09/04/19	COUNCIL/PUBLIC HEARING	CR-266 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE*, TSUNEYOSHI*, WATERS.
09/12/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/23/20	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 4 AYES: ELEFANTE, KOBAYASHI, MENOR, WATERS. 1 EXCUSED: MANAHAN.
02/27/20	ZONING, PLANNING AND HOUSING	CR-96(20) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS.
03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.

05/20/20 COUNCIL

NOTE: ACTION WAS NOT TAKEN ON THE PROPOSED FD1 POSTED ON THE AGENDA SUBMITTED BY COUNCILMEMBER ELEFANTE.

BILL AMENDED TO FD1 (OCS2020-0468/5/13/2020 3:47 PM).

9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

CR-96(20) ADOPTED AND BILL 25 (2019), CD2, FD1 PASSED THIRD READING.

9 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

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.



GLEN I. TAKAHASHI, CITY CLERK



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO AFFORDABLE HOUSING INCENTIVES.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the affordable housing incentives enacted by Ordinance 18-1, as amended by Ordinance 19-8.

SECTION 2. Chapter 14, Article 10, Revised Ordinances of Honolulu 1990 ("Wastewater System Facility Charges"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 14-10. Development agreement required for projects seeking waivers of charges for affordable housing.

(a) The developer of an affordable housing project, as defined by the department of planning and permitting by rule, requesting waivers of wastewater system facility charges for affordable dwelling units pursuant to Section 14-10. (a)(5), shall execute a development agreement with and acceptable to the director of planning and permitting, to be recorded with the State of Hawaii bureau of conveyances or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, that encumbers the project site and at a minimum:

- (1) Describes the proposed project;
- (2) Specifies the percentage of the total project dwelling units to be sold to households earning 120 percent and below of the AMI;
- (3) Specifies the percentage of the total project dwelling units to be sold to households earning 100 percent and below of the AMI; and
- (4) Includes as an attachment a schedule of all units and proposed pricing.

For the purposes of this section, "AMI" means the current area median income determined by the United States Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area, as adjusted for household size.

(b) Prior to the developer being issued a certificate of occupancy for the affordable housing project, the developer shall submit to the department of planning and



A BILL FOR AN ORDINANCE

permitting a schedule of all housing units in the project, including actual sales price, buyer income group, and percentage of affordable housing units in the project sold to households earning (i) 120 percent and below and (ii) 100 percent and below of the AMI.

- (c) If the director of planning and permitting determines at any time that the developer is in violation of the development agreement, the violator will be subject to the administrative enforcement provisions of Section 21-2.150-2; provided that in addition to the civil fines specified in Section 21-2.150-2(b)(1)(C) and Section 21-2.150-2(b)(1)(D), the violator will be subject to penalties equal to the amount of wastewater system facility charges waived for the proportion of affordable units sold to households earning 100 percent and below of the AMI."

SECTION 3. Section 14-10.____, Revised Ordinances of Honolulu 1990, ("Waiver of wastewater system facility charges for affordable dwelling units"), as enacted in SECTION 4 of Ordinance 18-1 and amended by SECTION 3 of Ordinance 19-8, is amended by amending subsection (a) to read as follows:

- "(a) Wastewater system facility charges, as set forth in Appendix 14-D of this chapter will be waived for the following:
- (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter A;
 - (2) 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;
 - (3) Affordable rental dwelling units developed in compliance with HRS Section 201H-36(a)(5); [øf]



A BILL FOR AN ORDINANCE

- (4) Affordable rental housing units that are rented to households earning 100 percent and below of the AMI, and rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size or less, pursuant to Chapter B[-]; or
- (5) The residential portion of the dwelling units that are sold to households earning 100 percent and below of the AMI in developments for which at least 75 percent of the total number of dwelling units in the development are sold to households earning 120 percent and below of the AMI."

SECTION 4. Chapter 18, Article 6, Revised Ordinances of Honolulu 1990 ("Fees"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 18-6. Development agreement required for projects seeking waivers of fees for affordable housing.

- (a) The developer of an affordable housing project, as defined by the department of planning and permitting by rule, requesting waivers of plan review and building permit fees for affordable dwelling units pursuant to Section 18-6.5(g)(3), shall execute a development agreement with and acceptable to the director of planning and permitting, to be recorded with the State of Hawaii bureau of conveyances or the office of the assistant registrar of the land court of the State of Hawaii, or both, as appropriate, that encumbers the project site and at a minimum:
 - (1) Describes the proposed project;
 - (2) Specifies the percentage of the total project dwelling units to be sold to households earning 120 percent and below of the AMI;
 - (3) Specifies the percentage of the total project dwelling units to be sold to households earning 100 percent and below of the AMI; and
 - (4) Includes as an attachment a schedule of all units and proposed pricing.

For the purposes of this section, "AMI" means the current area median income determined by the United States Department of Housing and Urban Development



A BILL FOR AN ORDINANCE

annually for the Honolulu Metropolitan Statistical Area, as adjusted for household size.

- (b) Prior to the developer being issued a certificate of occupancy for the affordable housing project, the developer shall submit to the department of planning and permitting a schedule of all housing units in the project, including actual sales price, buyer income group, and percentage of affordable housing units in the project sold to households earning (i) 120 percent and below and (ii) 100 percent and below of the AMI.
- (c) If the director of planning and permitting determines at any time that the developer is in violation of the development agreement, the violator will be subject to the administrative enforcement provisions of Section 21-2.150-2; provided that in addition to the civil fines specified in Section 21-2.150-2(b)(1)(C) and Section 21-2.150-2(b)(1)(D), the violator will be subject to penalties equal to the amount of plan review and building permit fees waived for the proportion of affordable units sold to households earning 100 percent and below of the AMI."

SECTION 5. Section 18-6.5, Revised Ordinances of Honolulu 1990, ("Exemptions"), as enacted in SECTION 4 of Ordinance 18-1, is amended by amending subsection (g) to read as follows:

- "(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 ~~---~~ A; ~~[e]~~
 - (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~~[-];~~ or
 - (3) The percentage of affordable dwelling units sold to households earning 100 percent and below of the AMI; provided that at least 75 percent of the dwelling units in the project are sold to households earning 120 and below of the AMI."



A BILL FOR AN ORDINANCE

SECTION 6. Ordinance material to be repealed is bracketed and stricken. New 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 brackets, the material that has been bracketed and stricken, or the underscoring. In SECTIONS 3 and 5 of this ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH Section 1-16.3(b):

- (1) Replace references to "Chapter A" with the appropriately designated chapter enacted by Ordinance 18-10;
- (2) Replace references to "Chapter B" with the appropriately designated chapter enacted by Ordinance 19-8; and
- (3) Replace references to "Section 8-10.Y" with the appropriately designated section enacted by SECTION 3 of Ordinance 18-1.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 28 (2019), CD2, FD1

A BILL FOR AN ORDINANCE

SECTION 7. Effective date; repeal.

This ordinance takes effect upon its approval and will be repealed one year after its effective date, provided that the amendments made by this ordinance and the repeal thereof do not affect the respective repeal dates of Ordinances 18-1 and 19-8.

INTRODUCED BY:

Ann Kobayashi

DATE OF INTRODUCTION:

May 29, 2019
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Molly Stebbins
Deputy Corporation Counsel
MOLLY A. STEBBINS

APPROVED this 4th day of JUNE, 20 20.

Kirk Caldwell
KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 28 (2019), CD2, FD1

Introduced: 05/29/19 By: ANN KOBAYASHI Committee: ZONING, PLANNING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE HOUSING INCENTIVES.

Voting Legend: * = Aye w/Reservations

06/05/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
09/26/19	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 3 AYES: ELEFANTE, MENOR, WATERS. 2 EXCUSED: KOBAYASHI, MANAHAN.
10/24/19	ZONING, PLANNING AND HOUSING	CR-332 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. 4 AYES: ELEFANTE, KOBAYASHI, MENOR, WATERS. 1 EXCUSED: MANAHAN.
10/26/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
11/06/19	COUNCIL/PUBLIC HEARING	CR-332 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.
11/09/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
11/14/19	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS.
02/06/20	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS.
02/27/20	ZONING, PLANNING AND HOUSING	CR-97(20) – BILL AMENDED TO CD2. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS. BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM. 5 AYES: ELEFANTE*, KOBAYASHI, MANAHAN, MENOR, WATERS.
03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.

05/20/20 COUNCIL

NOTE: ACTION WAS NOT TAKEN ON THE PROPOSED FD1s POSTED ON THE AGENDA SUBMITTED BY COUNCILMEMBERS ELEFANTE AND WATERS.

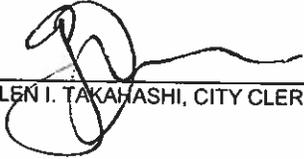
BILL AMENDED TO FD1 (OCS2020-0291/3/4/2020 4:03 PM).

9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

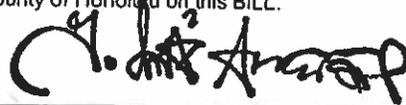
CR-97(20) ADOPTED AND BILL 28 (2019), CD2, FD1 PASSED THIRD READING.

9 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

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.



GLEN I. TAKAHASHI, CITY CLERK



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT HALEIWA, OAHU, HAWAII.

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

SECTION 1. Zoning Map No. 17 (Mokuleia – Waialua – Haleiwa), Ordinance No. 86-134, is hereby amended as follows: Lands situated at 66-540D Kamehameha Highway, Haleiwa, Oahu, Hawaii, hereinafter described, are hereby rezoned from the R-5 Residential District to the B-1 Neighborhood Business District. The boundaries of said Districts shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Key 6-2-007: portion of 016.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof, with regards to Tax Map Key 6-2-007: portion of 016.



A BILL FOR AN ORDINANCE

SECTION 3. This Ordinance shall take effect upon its approval.

INTRODUCED BY:

[Handwritten signature]

(br)

DATE OF INTRODUCTION:

OCT 29 2019

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

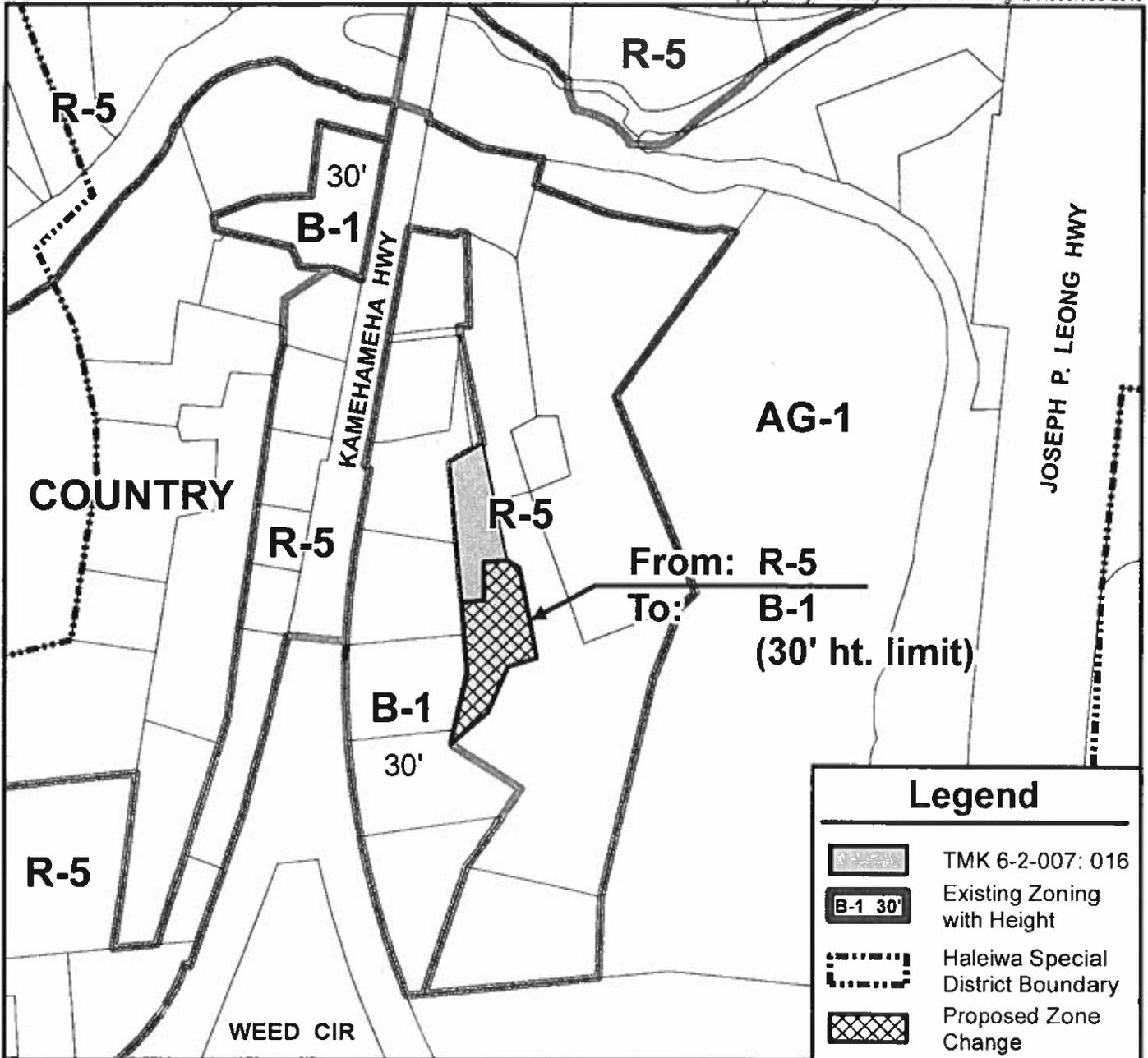
[Handwritten signature]

Deputy Corporation Counsel
MOLLY A. STEBBINS

APPROVED this 4th day of June, 20 20.

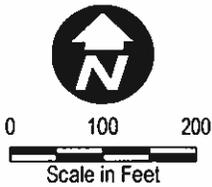
[Handwritten signature]

KIRK CALDWELL, Mayor
City and County of Honolulu



**PORTION OF
ZONING MAP NO. 17
MOKULEIA - WAIALUA - HALEIWA**

Land situated approximately 450 feet northeast from the intersection of Kamehameha Highway and Weed Circle.



APPLICANT: HALEIWA KEM 7309, LLC
TAX MAP KEY(S): 6-2-007: 016 (portion)
FOLDER NO.: 2019/Z-3
LAND AREA: 13,137 S.F.
PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
 CITY AND COUNTY OF HONOLULU
PUBLIC HEARING: PLANNING COMMISSION CITY COUNCIL

ORD. NO.
EFF. DATE:

EXHIBIT A

BILL

2019/Z-2

I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances,

Handwritten signature

**Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii**



**STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED**

March 03, 2020 3:29 PM

Doc No(s) A-73671166



1 1/1 ICL
B-33473881

/s/ LESLIE T. KOBATA
REGISTRAR

2019R 4 PM 2:31 CITY CLERK

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL () PICK-UP (X) TO:

CADES SCHUTTE LLP
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Attn: Calvert G. Chipchase, Esq.

UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING (hereinafter referred to as this "Unilateral Agreement" or this "Declaration"), made this 2nd day of March, 2020, by HALEIWA KEM 7309 LLC, a Hawai'i Limited Liability Company, whose address is 59-134 Paumalu Place, Hale'iwa, Hawai'i 96712 (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, the Declarant is the owner in fee simple of that certain parcel of land situated in Hale'iwa, O'ahu, consisting of approximately 23,137 square feet, described as Tax Map Key No. (1) 6-2-007: 016, and more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), and desires to make the Land subject to this Unilateral Agreement; and

WHEREAS, the City Council (the "Council") of the City and County of Honolulu (the "City"), pursuant to the provisions of the Land Use Ordinance ("LUO"), Revised Ordinances of Honolulu 1990 ("ROH") Section 21-2.80, as amended, relating to conditional zoning, is considering a change in zoning under the LUO of a 13,137-square foot portion of the Land, more particularly described in Exhibit B attached hereto and incorporated herein, from the R-5 Residential District to the B-1 Neighborhood Business District (the "zone change"); and

WHEREAS, no construction or development is proposed as a part of the requested zone change; and

WHEREAS, the portion of the Land subject to the zone change, consisting of 13,137 square feet, is depicted as the cross-hatched area designated as the proposed zone change area on the portion of Zoning Map No. 17, attached hereto as Exhibit C and made a part hereof (the "zone change area"); and

WHEREAS, the Declarant is also the owner in fee simple of a parcel of land adjacent to the Land, consisting of approximately 20,154 square feet, described as Tax Map Key No. (1) 6-2-007: 017, and zoned B-1 Neighborhood Business District; and

WHEREAS, a public hearing regarding the change in zoning, Bill 58 (2019), was held by the Council on February 19, 2020; and

WHEREAS, the Council recommended by its Zoning, Planning, and Housing Committee Report No. 98 (2020) that the said zone change be approved, subject to the following conditions contained in this Declaration to be made pursuant to the provisions of ROH section 21-2.80, as amended, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the change of zoning (the "Rezoning Ordinance").

NOW THEREFORE, The Declarant hereby covenants and declares as follows:

1. Compliance with Conditional Use Permit No. 2016/CUP-6. Within 180 days after enactment of the Rezoning Ordinance, the Declarant shall provide to the Department of Planning and Permitting ("DPP") a copy of the Joint Development Agreement recorded with the State of Hawaii Bureau of Conveyances, pursuant to that certain conditional use permit minor (DPP File No. 2016/CUP-6), which permitted the joint development of two parcels identified as Tax Map Key Nos. 6-2-007:016 and 6-2-007:017.
2. Compliance with applicable development standards. Within 180 days after enactment of the Rezoning Ordinance, the Declarant shall provide to the DPP for review and approval a site plan and elevations for the storage shed and carport located within the zone change area, showing compliance with the applicable development standards, including but not limited to yard setbacks, transitional height setbacks, and screening requirements under the LUO.
3. Transportation. Prior to the submittal of a building permit application for any change in existing land use or new development within the zone change area, the Declarant shall consult with the State of Hawaii Department of Transportation ("HDOT") as to whether an update to the Traffic Assessment Report ("TAR") dated March 12, 2019 is required. If required, the Declarant shall submit to the HDOT for its review and acceptance, an updated TAR that more accurately reflects traffic volumes based on the proposed change in existing land use or new development, and evaluates whether the change in the existing land use or new development is consistent with the conclusions made by the initial TAR. The Declarant shall submit to the DPP as a part of any building permit application for the zone change area, documentation of the Declarant's consultation with the HDOT, and if an updated TAR is required, documentation of the HDOT's review and acceptance of the updated TAR.
4. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of the zone change does not constitute compliance with LUO or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that any future development of the Land complies with all applicable LUO and other governmental provisions and requirements.
5. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction of, or describing its progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.
6. Noncompliance with Conditions. In the event of noncompliance with any of the conditions set forth herein, the Director of Planning and Permitting shall inform the City Council and may seek civil enforcement or take appropriate action to terminate or stop any future development of the Land until applicable conditions are met, including but not limited withholding issuance of any permits related to the future development of the Land. Noncompliance also may be grounds for

the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

NOW THEREFORE, Declarant hereby makes the following additional Declarations:

As used herein, references to a specific City department or agency shall be deemed to include a reference to any successor department or agency.

That the conditions imposed herein are reasonably conceived to fulfill public service demands created by the requested change in zoning and are rationally related to the objective of preserving the public health, safety, and general welfare and the further implementation of the General Plan of the City and County of Honolulu.

That any development of the zone change area shall conform to the aforesaid conditions with the understanding that, at the request of the Declarant and upon the satisfaction of the conditions set forth in this Unilateral Agreement, the Department of Planning and Permitting may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreement(s) applicable to the zone change area, the terms and conditions of this Unilateral Agreement shall apply.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the Land and shall bind and constitute notice to all the parties hereto and subsequent lessees, grantees, assignees, mortgagees, lienors, successors, and any other persons who have or claim to have an interest in the Land, and the City and County of Honolulu shall have the right to enforce this Declaration by rezoning, appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may file a petition with the Department of Planning and Permitting for amendment or removal of any conditions or termination of this Declaration, such petition to be processed in the same manner as petitions for zone changes.

IN WITNESS WHEREOF, Haleiwa 7309 KEM, LLC has executed this Unilateral Agreement and Declaration for Conditional Zoning on the day and year first written above.

DECLARANT:

HALEIWA KEM 7309 LLC,

a Hawai'i limited liability company

By: Edmont P. D'Ascoli

Name: Edmont P. D'Ascoli

Its: Manager

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 2nd day of MARCH, 2020 before me personally appeared EDMONT P. D'ASCOLI, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Official Stamp or Seal)

Signature: Catherine Villegas
Name: Catherine Villegas
Notary Public, State of Hawaii
My commission expires: 8/7/2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:
Unilateral Agreement And Declaration for Conditional Zoning

Doc. Date: undated

No. of Pages: 1

Jurisdiction: First Circuit
(in which notarial act is performed)
MAR - 2 2020

Catherine Villegas
Signature of Notary

Date of Notarization and
Certification Statement

Catherine Villegas
Printed Name of Notary



(Official Stamp or Seal)

EXHIBIT A

All of that certain piece or parcel of land situate at Paalaa, Waialua, City and County of Honolulu, State of Hawaii, described as follows:

Being all of Royal Patent 906, Land Commission Award 2939, Apana 2 to Kahoolalahala, more particularly described as follows:

Beginning at the South corner of this parcel of land, being also the common corner of Royal Patent 883, Land Commission Award 2687, Apana 1 to Leleahina; Royal Patent 903, Land Commission Award 2859-B, Apana 2 to Kaluhia; Royal Patent 883, Land Commission Award 2687, Apana 2 to Leleahina; and Royal Patent 1479, Land Commission Award 7342, Apana 12 to Kuokoa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "O'REILLY" being 7,406.90 feet North and 12,506.99 feet West and thence running by azimuths measured clockwise from true South and thus bounded and described per survey of Walter P. Thompson, Registered Surveyor, dated January 28, 1964, as follows:

1. 193° 04' 105.60 feet along R. P. 1479, L. C. Aw. 7342, Ap. 12 to Kuokoa;
2. 174° 34' 274.56 feet along R. P. 1479, L. C. Aw. 7342, Ap. 12 to Kuokoa;
3. 241° 49' 51.48 feet along R. P. 1479, L. C. Aw. 7342, Ap. 12 to Kuokoa;
4. 347° 08' 79.28 feet along R. P. 895, L. C. Aw. 2920, Ap. 2 to Hika;
5. 349° 34' 83.82 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina;
6. 297° 34' 13.20 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina;
7. 349° 34' 124.08 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina;
8. 71° 04' 39.60 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina;
9. 23° 34' 57.42 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina;
10. 46° 34' 69.42 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina to the point of beginning and containing an 23,137 square feet, more or less.

TOGETHER WITH all improvements located thereon, and all rights to water with respect to the above-described property.

Being all the property described in the following:

DEED

Recorded : February 3, 2010 in the Bureau of Conveyances, State of Hawaii as Document No. 2010-015716
Grantor : TODD WHITE and MARSHA H. WHITE

EXHIBIT A

Grantee THE TMKGRT REVOCABLE LIVING TRUST by TRUSTEES
TODD WHITE Grantor Trustee and MARSHA H. WHITE Successor
Trustee

SUBJECT, HOWEVER, to:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.
2. Any rights, interests or claims which may exist or arise by reason of the facts shown on a survey plat prepared by Erik S. Kaneshiro, Licensed Professional Land Surveyor, Certificate Number 9826, on December 17, 2008, designated Job No. ---, as follows:
 - A) Chainlink fence crosses into Subject Lot from Lot B and C by as much as 0.8 feet or a difference of 84.6 feet.
 - B) Wooden fence crosses into Subject Lot from Lot 3 by as much as 0.6 feet for a distance of 32.8 feet.
 - C) Concrete slab crosses into Lot 2 from Subject Lot by as much as 1.5 feet for a distance of 97.4 feet.
 - D) Hose bib crosses into Lot 2 from Subject Lot by as much as 0.8 feet.
 - E) CMU wall crosses into Parcel 21 from Subject Lot by as much as 9.0 feet for a distance of 9.3 feet.

EXHIBIT B

PROPOSED B-1 ZONING AREA

LOT 2

Being Portion of Royal Patent 906, Land Commission Award 2939, Apana 2 to Kahoolalahala. Situate at Paalaa, Waialua, Oahu, Hawaii.

Beginning at the south corner of this parcel of land, being also the common corner of Royal Patent 883, Land Commission Award 2687, Apana 1 to Leleahina, Royal Patent 903, Land Commission Award 2859-B, Apana 2 to Kaluhia, Royal Patent 883, Land Commission Award 2687, Apana 2 to Leleahina, and Royal Patent 1479, Land Commission Award 7342, Apana 12 to Kuokoa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "O'REILLY" being 7,406.90 feet North and 12,506.99 feet West and running by azimuths measured clockwise from true South:

1. 193° 04' 105.60 feet along R. P. 1479, L. C. Aw. 7342, Ap. 12 to Kuokoa;
2. 174° 34' 94.94 feet along same;
3. 264° 34' 28.94 feet along the remainder of R. P. 906, L. C. Aw. 2939, Ap. 2 to Kahoolalahala;
4. 182° 12' 35.48 feet along same;
5. 260° 28' 31.46 feet along same;
6. 297° 34' 13.20 feet along R. P. 883, L. C. Aw. 2687, Ap. 2 to Leleahina;
7. 349° 34' 124.08 feet along same;
8. 71° 04' 39.60 feet along same;
9. 23° 34' 57.42 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAIAHI STREET, SUITE 207
HILO, HAWAII 96720

EXHIBIT B

10. 46° 34' 68.62 feet along same to the point of beginning and containing an area of 13,137 square feet.

The above description is based on ground dimension. Record description of the boundary exceeds closure by 0.8 feet.



Description Prepared By:

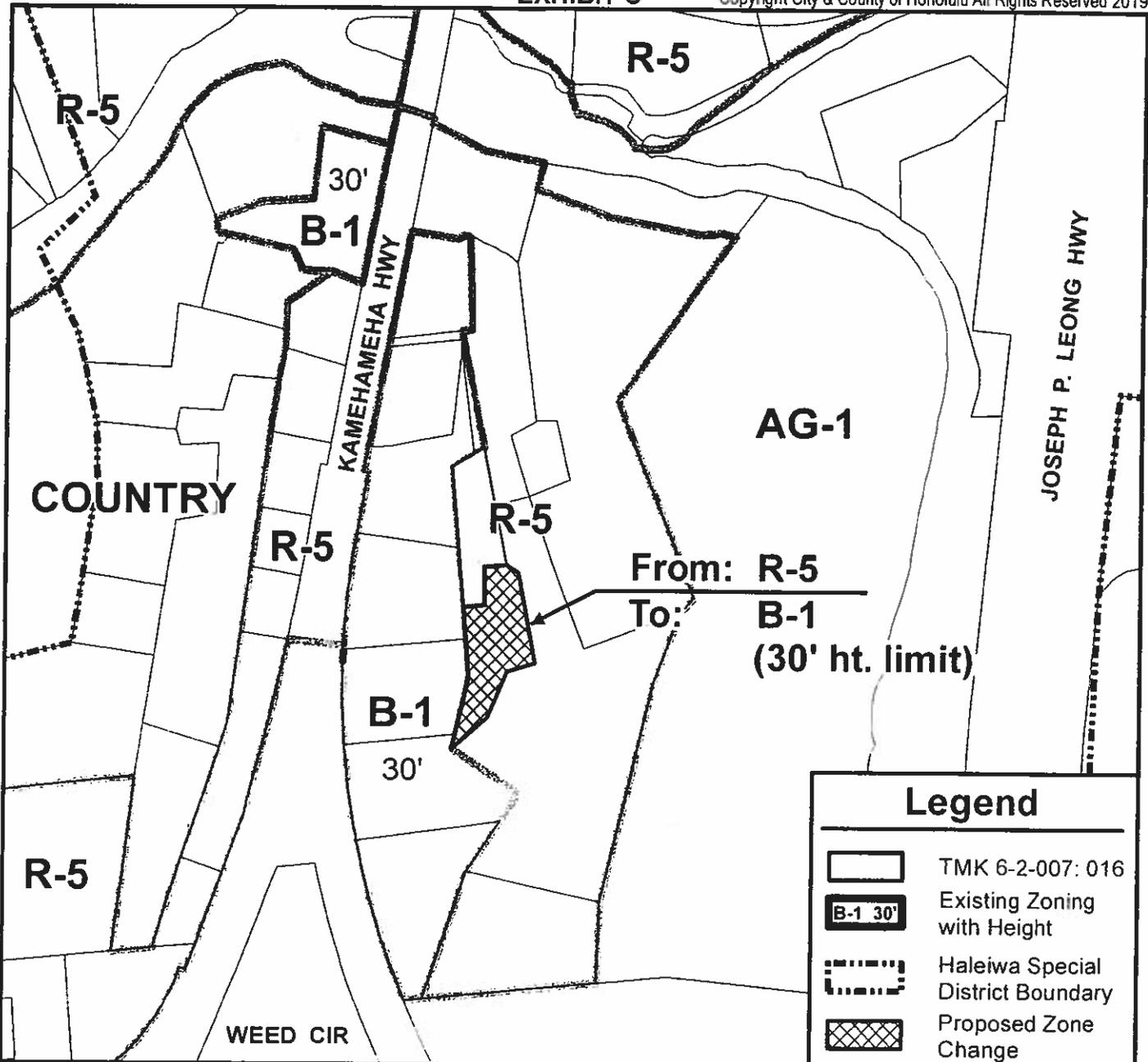
AUSTIN, TSUTSUMI & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

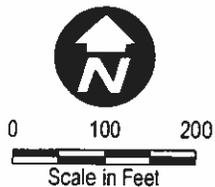
Honolulu, Hawaii
January 30, 2019
TMK: (1) 6-2-007: POR.016





PORTION OF
ZONING MAP NO. 17
MOKULEIA - WAIALUA - HALEIWA

Land situated approximately 450 feet northeast from the intersection of Kamehameha Highway and Weed Circle.



APPLICANT: HALEIWA KEM 7309, LLC

TAX MAP KEY(S): 6-2-007: 016 (portion)

FOLDER NO.: 2019/Z-3

LAND AREA: 13,137 S.F.

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU

PUBLIC HEARING: PLANNING COMMISSION CITY COUNCIL

ORD. NO.
EFF. DATE:

2019/Z-2

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 58 (2019)

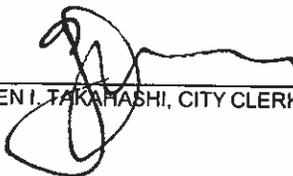
Introduced: 10/29/19 By: IKAIKA ANDERSON – BY REQUEST Committee: ZONING, PLANNING AND HOUSING

Title: A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT HALEIWA, OAHU, HAWAII.

Voting Legend: * = Aye w/Reservations

11/06/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.
11/14/19	ZONING, PLANNING AND HOUSING	CR-380 - EXTENSION OF TIME REPORTED OUT OF COMMITTEE FOR ADOPTION. 4 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR. 1 EXCUSED: WATERS.
12/04/19	COUNCIL	CR-380 WAS ADOPTED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MENOR.
02/06/20	ZONING, PLANNING AND HOUSING	CR-60(20) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS.
02/08/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/19/20	COUNCIL/PUBLIC HEARING	CR-60(20) ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 8 AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: FUKUNAGA.
02/26/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/27/20	ZONING, PLANNING AND HOUSING	CR-98(20) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING. 3 AYES: ELEFANTE, KOBAYASHI, MENOR. 2 EXCUSED: MANAHAN, WATERS.
03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.
04/15/20	COUNCIL	M-187(20) APPROVED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
05/20/20	COUNCIL	CR-98(20) ADOPTED AND BILL 58 (2019) PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

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.


GLEN I. TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO AFFORDABLE RENTAL HOUSING.

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

SECTION 1. Purpose. The purpose of this ordinance is to address affordable rental housing.

SECTION 2. Section __-1.1, Revised Ordinances of Honolulu 1990 ("Definitions"), as enacted in SECTION 2 of Ordinance 19-8, is amended by amending the definitions of "Affordable rental housing project," "Affordable rental housing unit," and "Declaration of restrictive covenants" to read as follows:

""Affordable rental housing project" means a multifamily dwelling, containing only dwelling units, that meets all of the following criteria:

- (1) (A) At least 80 percent of the total units are rented to households earning 100 percent and below of the AMI[~~7~~]; and
- (B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size [~~or less~~];
- (2) No more than 20 percent of the total units in the affordable rental housing project are occupied by the property owners or individuals who are related by blood, marriage, or adoption to the property owners;
- (3) Households occupying affordable rental housing units must have a lease for the unit with a minimum six month term, and a prohibition against subleasing;
- (4) All leases for dwelling units must allow the lessee to terminate the lease early if the lessee or any member of the lessee's family residing with the lessee is rendered unable to access the unit by reason of an accident or medical condition;



A BILL FOR AN ORDINANCE

- (5) The fee owners of the land on which an affordable rental housing project is situated shall execute a declaration of restrictive covenants, and shall file a copy thereof with the department of planning and permitting prior to the issuance of a building permit for the affordable rental housing project; and
- (6) A certification must be filed annually with the director of budget and fiscal services using a form provided by the director of budget and fiscal services, affirming that at least 80 percent of the total units in the affordable rental housing are affordable rental housing units and no more than 20 percent of the total units in the affordable rental housing are occupied by the property owners or individuals who are related by blood, marriage, or adoption to the property owners.

"Affordable rental housing unit" means a unit in an affordable rental housing project that [is];

- (1) Is rented to a household earning 100 percent and below of the AMI[.]; and
- (2) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size[~~or less~~].

"Declaration of restrictive covenants" means the declaration of covenants, conditions, and restrictions in a form approved by the director of budget and fiscal services and executed by the fee owners of the land on which an affordable rental housing project is situated, which at a minimum provides that:

- (1) The land and all improvements thereon are subject to the affordable rental housing requirements of this chapter;
- (2) The land or a portion thereof may qualify for a real property tax exemption during the exemption period [#];
 - (A) If rented to households earning 80 percent or below of the AMI[.]; and



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 60 (2019), CD1

A BILL FOR AN ORDINANCE

- (B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 80 percent of the AMI for the applicable household size~~[-or less]~~;
- (3) Excluding any portion of the ground floor of the affordable rental housing project that is designated for commercial use if commercial use is otherwise permitted by the underlying zoning, mixed use projects are prohibited;
- (4) The property on which an affordable rental housing project is situated may only be submitted to a condominium property regime pursuant to HRS Chapter 514B or any successor statute if it contains a ground floor commercial use that is permitted by the underlying zoning of the property; provided further that the only condominium units created are one condominium unit for the ground floor commercial portion of the project and one condominium unit for the residential portion of the project, and the one condominium unit for the residential portion of the project must not be further divided into separate condominium units; and
- (5) Violation of the declaration of restrictive covenants is subject to the enforcement provisions of Chapters 8 and 21."

SECTION 3. Section __-1.6, Revised Ordinances of Honolulu 1990, ("Violation - Penalty"), as enacted in SECTION 2 of Ordinance 19-8, is amended by amending subsection (a) to read as follows:

- "(a) If the director of planning and permitting determines that the use of the affordable rental housing project is abandoned; or that an owner, or the heir, successor, or assign of the owner is violating any provision of Article 2, the violator will be subject to the administrative enforcement provisions of Section 21-2.150-2; provided that in addition to the civil fines specified in Section 21-2.150-2(b)(1)(C) and 21-2.150-2(b)(1)(D), the violator will be subject to ~~[a civil fine equal to ten-times the amount of the real property tax assessed for the years of noncompliance.]~~ penalties equal to the following amounts:



A BILL FOR AN ORDINANCE

- (1) The differences in the amount of taxes that were paid and those that would have been due but for the exemption for affordable rental housing units pursuant to Section 8-10.X(b)(4);
- (2) The differences in the amount of taxes that were paid and those that would have been due but for the exemption for qualifying construction work pursuant to Section 8-10.Y(a)(2);
- (3) The amount of wastewater system facility charges waived for affordable rental housing units pursuant to Section 14-10. (a)(4);
- (4) The amount of plan review and building permit fees waived for the affordable rental housing units pursuant to Section 18-6.5(i); and
- (5) The value of the park dedication requirements waived for the affordable rental housing units pursuant to Section 22-7.3(i)(4);

together with a penalty in the form of interest at 10 percent per annum on the amounts imposed under subdivisions (1), (2), (3), (4), and (5), from the dates that the respective payments would have been due, but for the exemption or waiver."

SECTION 4. Section __-2.1, Revised Ordinances of Honolulu 1990, as enacted in SECTION 2 of Ordinance 19-8, is amended to read as follows:

"Sec. __-2.1 Administration.

The director of planning and permitting, or the director's duly appointed representative, shall administer this article. Unless specifically modified in this article, the permitted uses, development standards, and other requirements of Chapters 21, 21A, 22, 23, and 25 apply to affordable rental housing projects; provided that the special district requirements pursuant to Sections 21-9.20 through 21-9.90-6 and related exhibits do not apply to affordable rental housing projects if the assessed value of the existing buildings on the proposed affordable rental housing project site does not exceed 30 percent of the assessed value of the land. In the event of a conflict between applicable provisions, the provisions of this article will prevail."



A BILL FOR AN ORDINANCE

SECTION 5. Section __-2.2, Revised Ordinances of Honolulu 1990, as enacted in SECTION 2 of Ordinance 19-8, is amended to read as follows:

"Sec. __-2.2 Permitted uses.

Affordable rental housing projects are a permitted use in the apartment, apartment mixed use, and business mixed use zoning districts, and in the apartment precinct, including the apartment mixed use subprecinct, of the Waikiki special district, pursuant to Chapter 21."

SECTION 6. Section 14-10.__, Revised Ordinances of Honolulu 1990, ("Waiver of wastewater system facility charges for affordable dwelling units"), as enacted in SECTION 4 of Ordinance 18-1 and amended by SECTION 3 of Ordinance 19-8, is amended by amending subsection (a) to read as follows:

"(a) Wastewater system facility charges, as set forth in Appendix 14-D of this chapter will be waived for the following:

- (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter A;
- (2) 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;
- (3) Affordable rental dwelling units developed in compliance with HRS Section 201H-36(a)(5); or
- (4) Affordable rental housing units that [~~are~~]:
 - (A) Are rented to households earning 100 percent and below of the AMI[~~];~~ and
 - (B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size [~~or less~~];

pursuant to Chapter B."



A BILL FOR AN ORDINANCE

SECTION 7. Section 18-6.5, Revised Ordinances of Honolulu 1990 ("Exemptions"), as enacted in SECTION 5 of Ordinance 18-1 and amended by SECTION 4 of Ordinance 19-8, is amended by amending subsection (i) to read as follows:

"(i) The building official shall waive the collection of the plan review and building permit fees for the portion of an affordable rental housing project equal to the percentage of affordable rental housing units that ~~are~~:

(1) Are rented to households earning 100 percent and below of the AMI[.];
and

(2) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size ~~or less~~;

pursuant to Chapter B."

SECTION 8. Section 8-10.X, Revised Ordinances of Honolulu 1990 ("Exemption—Qualifying affordable rental dwelling units or affordable rental housing units"), as enacted in SECTION 2 of Ordinance 18-1 and amended by SECTION 6 of Ordinance 19-8, is amended by amending subsection (b) to read as follows:

"(b) This section applies only to the following:

- (1) That portion of real property used for affordable rental dwelling units as provided on-site or off-site pursuant to Chapter A;
- (2) That portion of real property used for affordable rental dwelling units provided pursuant to a planned development—transit permit under Section 21-9.100-10, or an interim planned development—transit permit under Section 21-9.100-5;
- (3) That portion of real property used for affordable rental dwelling units located on real property used in connection with a housing project developed in compliance with HRS Section 201H-36(a)(5); or



A BILL FOR AN ORDINANCE

(4) That portion of real property used for affordable rental housing units that ~~[are]~~:

(A) Are rented to households earning 80 percent and below of the AMI~~[r]~~; and

(B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 80 percent of the AMI for the applicable household size ~~[or less.]~~

pursuant to Chapter B."

SECTION 9. Section 8-10.Y, Revised Ordinances of Honolulu 1990 ("Exemption—During construction work for and marketing of affordable dwelling units or affordable rental housing projects"), as enacted in SECTION 3 of Ordinance 18-1 and amended by SECTION 7 of Ordinance 19-8, is amended by amending subsections (b) and (c) to read as follows:

"(b) Any incremental increase in the valuation of the real property primarily attributable to qualifying construction work will be exempt from property taxes, provided that:

(1) The qualifying construction work creates affordable dwelling units pursuant to Chapter A;

(2) The qualifying construction work creates affordable dwelling units 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;

(3) The real property is developed in compliance with HRS Section 201H-36(a)(5); or

(4) The qualifying construction work creates affordable rental housing units that ~~[are]~~:

(A) Are rented to households earning 100 percent and below of the AMI~~[r]~~; and



A BILL FOR AN ORDINANCE

(B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size ~~[or less];~~;

pursuant to Chapter B.

(c) A claim for exemption must be filed with the director of budget and fiscal services on or before September 30th preceding the first tax year for which the exemption is claimed on a form as may be prescribed by the director, and must be supported by documentation establishing the date of the issuance of the building permit for demolition, if applicable, or the building permit for new buildings or portions thereof, additions, or substantial rehabilitations, and documenting the creation of ~~[affordable]~~;

(1) Affordable dwelling units pursuant to Chapter A; ~~[a]~~

(2) A planned development–transit permit pursuant to Section 21-9.100-10; ~~[an]~~

(3) An interim planned development–transit permit pursuant to Section 21-9.100-5; ~~[affordable]~~

(4) Affordable rental dwelling units pursuant to HRS Section 201H-36(a)(5); or ~~[affordable]~~

(5) Affordable rental housing units that ~~[are]~~;

(A) Are rented to households earning 100 percent and below of the AMI~~[-];~~ and

(B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size ~~[or less];~~;

pursuant to Chapter B."



A BILL FOR AN ORDINANCE

SECTION 10. Ordinance material to be repealed is bracketed and stricken. New 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 brackets, the material that has been bracketed and stricken, or the underscoring. In SECTIONS 3, 5, 6, 7, and 8 of this ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH Section 1-16.3(b):

- (1) Replace references to "Chapter A" with the appropriately designated chapter and sections enacted by Ordinance 18-10;
- (2) Replace references to "Chapter B" with the appropriately designated chapter enacted by Ordinance 19-8;
- (3) Replace references to "Section 8-10.X" and "Section 8-10.X(b)(4)" with the appropriately designated section enacted by SECTION 2 of Ordinance 18-1; and
- (4) Replace references to "Section 8-10.Y" and "8-10.Y(a)(2)" with the appropriately designated section enacted by SECTION 3 of Ordinance 18-1.

SECTION 11. Effective date; repeal. This ordinance takes effect upon its approval and will be repealed on the repeal date of Ordinance 19-8, provided that:

- (1) Any real property tax exemption authorized pursuant to Section 8-10.X(b)(4) in SECTION 7 of this ordinance, and pursuant to Section 8-10.Y(b)(4) in SECTION 8 of this ordinance will apply to tax years beginning July 1, 2020 and thereafter; and



A BILL FOR AN ORDINANCE

- (2) The amendments made by this ordinance and the repeal thereof do not affect the respective repeal dates of Ordinances 18-1 and 19-8.

INTRODUCED BY:

Ron Menor (br)

DATE OF INTRODUCTION:

October 31, 2019
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Molly Stebbins
Deputy Corporation Counsel
MOLLY A. STEBBINS

APPROVED this 12 day of June, 2020.

Kirk Caldwell
KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 60 (2019), CD1

Introduced: 10/31/19 By: RON MENOR – BY REQUEST Committee: ZONING, PLANNING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE RENTAL HOUSING.

Voting Legend: * = Aye w/Reservations

11/06/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.
11/14/19	ZONING, PLANNING AND HOUSING	CR-381 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. 5 AYES: ELEFANTE*, KOBAYASHI, MANAHAN, MENOR, WATERS.
11/23/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/04/19	COUNCIL/PUBLIC HEARING	CR-381 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 7 AYES: ANDERSON, FUKUNAGA*, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS*. 2 NOES: ELEFANTE, TSUNEYOSHI.
12/07/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/27/20	ZONING, PLANNING AND HOUSING	CR-99(20) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM. 4 AYES: ELEFANTE*, KOBAYASHI, MENOR, WATERS. 1 EXCUSED: MANAHAN.
03/18/20	COUNCIL	CANCELLED AND NOT CONSIDERED.
05/20/20	COUNCIL	MOTION TO AMEND TO FD1 WITHDRAWN. CR-99(20) ADOPTED AND BILL 60 (2019), CD1 PASSED THIRD READING AS AMENDED. 9 AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

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


GLENN TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER