



A BILL FOR AN ORDINANCE

RELATING TO WASTEWATER SYSTEM FACILITY CHARGES.

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

SECTION 1. Purpose. The purpose of this ordinance is to reduce the wastewater system facility charges for low-income housing projects.

SECTION 2. Section 14-10.1, Revised Ordinances of Honolulu 1990 ("Liability for payment of wastewater system facility charges"), is amended by amending subsection (a) to read as follows:

"(a) New Applicants for Service.

- (1) All applicants for structures to be completed after the effective date of this article shall be liable for the payment of wastewater system facility charges, provided, they will be served directly or indirectly by the city's wastewater system.
- (2) Applicants for structures on any existing vacant, residential zoned property shall be exempt from paying a system facility charge for connecting one equivalent single-family dwelling unit to the city's wastewater system. In the event more than one equivalent single-family dwelling unit is connected to the system, system facility charges shall be assessed for each additional equivalent single-family dwelling unit connected.
- (3) Applicants for structures on any vacant residential zoned property that is created in accordance with city subdivision rules and regulations after the effective date of this article shall be assessed system facility charges for each equivalent single-family dwelling unit connected to the system.
- (4) Applicants for structures to be completed after the effective date of this article which will initially be served by either private individual wastewater disposal systems or private wastewater treatment plants shall be subject to a deferred wastewater system facility charge. Payment of the deferred charge shall not be required until such time as connection is actually made either directly or indirectly to the city's wastewater system.
- (5) All other applicants for structures to be completed after the effective date of this article which will be served either directly or indirectly by the city's



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wastewater system shall be subject to the wastewater system facility charge [without exception], including federal, state, city, charitable, religious or other tax-exempt entities[.]; except that the wastewater system facility charge shall be reduced for low-income housing projects in accordance with Section 14-10.."

SECTION 3. Section 14-10.2, Revised Ordinances of Honolulu 1990 ("Time of payment"), is amended by amending subsection (a) to read as follows:

"(a) Residential Service.

(1) New Residential Applicants for Service.

(A) A wastewater system facility charge shall be paid by each new applicant for service as a precondition to the issuance of a building permit by the city, where the new applicant is subject to liability under Section 14-10.1(a); provided that the director may defer payment of the facility charge [upon consideration of the applicant's financial situation in cases of] for low-income housing projects and city or city-sponsored, or state or state-sponsored housing projects, but in all instances no connection to the city's sewer system shall be allowed until the facility charge is paid. The required payment shall be based on the number and type of dwelling units to be constructed in accordance with Section 14-10.3.

(B) Wastewater system facility charges for subdivision or development projects shall be paid as a precondition to final subdivision approval by the city. The minimum required payment shall be based on one equivalent single-family dwelling unit per lot. In the event more than one equivalent single-family dwelling unit is constructed per lot, wastewater system facility charges for each additional unit shall be paid as a precondition to the issuance of a building permit by the city; provided that the director may defer payment of the facility charge [upon consideration of the applicant's financial situation in cases of] for low-income housing projects and city-sponsored, or state or state-sponsored housing projects, but in all instances no connection to the city's sewer system shall be allowed until the facility charge is paid. Subdivision or development projects which have received final subdivision approval prior to the effective



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date of this article shall be exempt from paying the minimum one equivalent single-family dwelling unit charge.

(2) Existing Residential Structures.

- (A) An existing residential structure is exempt from liability under Section 14-10.1 for its existing wastewater system capacity entitlement.
- (B) An applicant for a building permit to enlarge an existing residential structure shall be liable for the wastewater system facility charge increment associated with the enlargement project, based on the number and type of dwelling units to be constructed in accordance with Section 14-10.3. Payment of the charge shall be a precondition to the issuance of a building permit by the city.

For the purposes of this subsection, "city or city-sponsored housing project" shall mean a housing project that is city-owned, city-funded and/or developed pursuant to HRS Section 46-15 or 46-15.2 and/or under HRS Chapter [201E] 201G as applicable to the city through HRS Section 46-15.1, [and] "state or state-sponsored housing project" shall mean a housing project that is state-owned, state-funded and/or developed under HRS Chapter [201E.] 201G, and "low-income housing project" means the same as is defined in Section 14-10. , provided that a "city or city-sponsored housing project" and a "state or state-sponsored housing project" may also be a "low-income housing project" for purposes of the reduction of the wastewater system facility charges pursuant to Section 14-10. ."

SECTION 4. Chapter 14, Article 10, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 14-10. Reduction of wastewater system facility charges for low-income housing projects.

- (a) A developer of low-income housing may apply for a reduction of wastewater system facility charges in accordance with this section.
- (b) An applicant for a reduction of wastewater system facility charges shall provide the city with information, as prescribed by the director, to demonstrate



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that the applicant is developing a low-income housing project and otherwise qualifies for a reduction of the city's wastewater system facility charges.

- (c) If the city determines that an applicant qualifies for a reduction of the wastewater system facility charges, the city shall reduce the charges only for those housing units in the applicant's housing project that are to be sold or rented to low-income households. The reduced charges shall be as provided in Appendix 14-D(2).
- (d) For the purposes of this section:
 - (1) "Low-income" means the same as is defined in Section 8-10.20;
 - (2) "Low-income housing project" means a housing project in which at least 25 percent of the units are reserved for rent for low-income housing pursuant to an agreement with the county, state or federal government, or reserved for sale to low-income households;
 - (3) "Low-income housing unit" means a housing unit in the applicant's housing project that is sold or rented to a low-income household; and
 - (4) "Director" means the director of environmental services.
- (e) If a developer to whom a reduction has been granted under this section sells a low-income housing unit in a low-income housing project to other than a low-income household, or rents a low-income housing unit in a low-income housing project to other than a low-income household within any period in which the sale or rental of the unit is prohibited by any agreement with the county, state or federal government, the developer shall notify the director of environmental services within 30 days of such sale or rental and shall, within such 30-day period, pay to the city the difference between the wastewater system facility charge that would have been applicable under Appendix 14-D(1), and the reduced charge that was paid under Appendix 14-D(2), plus interest on the difference at eight percent per annum from the date of payment of the reduced wastewater system facility charge for the housing unit.
- (f) In accordance with HRS Chapter 91, the director may adopt rules having the force and effect of law for the implementation, administration and enforcement of this section."



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SECTION 5. Appendix 14-D, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Appendix 14-D

WASTEWATER SYSTEM FACILITY CHARGES

- (1) The following wastewater system facility charges are established in accordance with Sections 14-10.3, 14-10.4 and 14-10.5:

Fiscal Year	Wastewater System Facility Charge per ESDU (dollars)	Terms in Strength Surcharge Formula (dollars)	
		A	B
2003/04	\$4,641	\$3,989	\$652

Each fiscal year, the council shall review the wastewater system facility charge to determine if it remains appropriate or should be revised.

- (2) The following wastewater system facility charges are established for low-income housing units in accordance with Section 14-10. :

<u>Wastewater System Facility Charge per ESDU (dollars)</u>	<u>Terms in Strength Surcharge Formula (dollars)</u>	
	<u>A</u>	<u>B</u>
<u>\$1,146</u>	<u>\$985</u>	<u>\$161"</u>

SECTION 6. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



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SECTION 7. This ordinance shall take effect upon its approval and shall apply to low-income housing projects for which the initial building permit is issued after the effective date of this ordinance.

INTRODUCED BY:

Ann Kobayashi

DATE OF INTRODUCTION:

September 12, 2003
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2004.

JEREMY HARRIS, Mayor
City and County of Honolulu

(OCS/050503/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 04-12

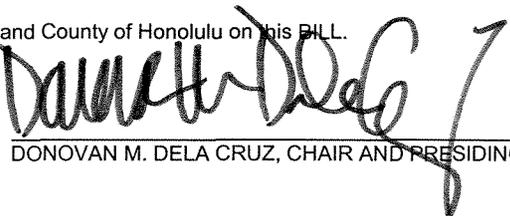
BILL 59 (2003)

INTRODUCTION DATE: SEPTEMBER 12, 2003				
INTRODUCED BY: ANN KOBAYASHI				
1ST READING DATE: 9/24/03 REMARKS: Kobayashi/Cachola – Bill passed 1st reading and referred consecutively to Public Works, Budget. – 9.		AYE	NO	A/E
	CACHOLA	X		
	DELA CRUZ	X		
	DJOU	X		
	GABBARD	X		
	GARCIA	X		
	KOBAYASHI	X		
	MARSHALL	X		
	OKINO	X		
	TAM	X		
TOTAL		9	0	0
2ND READING DATE: 10/15/03 DRAFT: COMMITTEE REPORT: PWCR-387 PUBLIC HEARING DATE: 10/15/03 REMARKS: Gabbard/Kobayashi - Bill passed 2nd reading. - 8. Noes: Marshall. - 1. Public hearing held concurrently, closed and referred to Budget.		AYE	NO	A/E
	CACHOLA	X		
	DELA CRUZ	X		
	DJOU	X		
	GABBARD	X		
	GARCIA	X		
	KOBAYASHI	X		
	MARSHALL		X	
	OKINO	X		
	TAM	X		
TOTAL		8	1	0
3RD READING DATE: 5/12/04 DRAFT: CD1 COMMITTEE REPORT: BCR-182 REMARKS: Kobayashi/Marshall – Bill passed 3rd reading, as amended. – 8. Noes: Okino. – 1.		AYE	NO	A/E
	CACHOLA	X		
	DELA CRUZ	X		
	DJOU	X		
	GABBARD	X		
	GARCIA	X		
	KOBAYASHI	X		
	MARSHALL	X		
	OKINO		X	
	TAM	X		
TOTAL		8	1	0

Referred to: PUBLIC WORKS,BUDGET
Reference:

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.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

ORDINANCE NO. 04 - 12

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

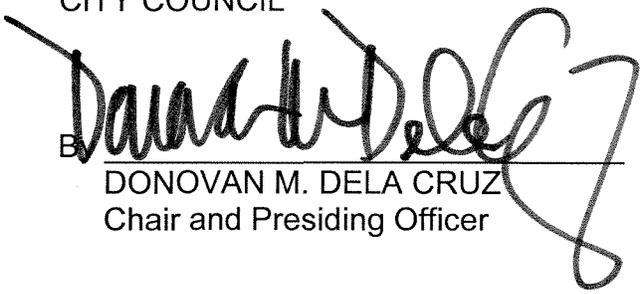
CERTIFICATE

I hereby certify that on May 13, 2004, Bill 59 (2003), CD1, was presented to the Honorable Jeremy Harris, Mayor of the City and County of Honolulu, for his approval or otherwise; and that on May 27, 2004, the Mayor returned said Bill without his signature; therefore, pursuant to Section 3-203 of the Revised Charter of Honolulu, said Bill 59 (2003), CD1, became a duly enacted ordinance on May 27, 2004.

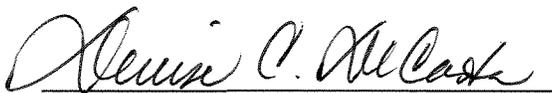
Dated, Honolulu, State of Hawaii, this 27th day of May, 2004.

CITY COUNCIL

B


DONOVAN M. DELA CRUZ
Chair and Presiding Officer

ATTEST:


DENISE C. DE COSTA
City Clerk

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