

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

Committee Meeting Held
March 3, 2022

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Bill 8 (2022) entitled:

"A BILL FOR AN ORDINANCE RELATING TO ADMINISTRATIVE
ENFORCEMENT OF CERTAIN CODES,"

introduced on January 20, 2022, and which passed First Reading at the Council meeting on January 26, 2022, reports as follows:

The purpose of the Bill is to address the administrative enforcement of certain codes in the Revised Ordinances of Honolulu 1990.

Your Committee, at its meeting on February 10, 2022, postponed action on the Bill to take the Bill under advisement.

The Director of Planning and Permitting testified in support of the proposed posted CD1 version of the Bill and had no objections to the CD1 version, described below, that was reported out of the Committee.

Your Committee received written testimony in support of the Bill from one individual. Written testimony in opposition to the Bill was received from one individual.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

MAR 16 2022

COMMITTEE REPORT NO. **48**

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Your Committee amended the Bill to a CD1 version that makes the following amendments:

- A. In SECTION 2 and generally in accordance with Departmental Communication 107 (2022) submitted by the Department of Planning and Permitting, replaces the amendments to ROH Section 18-7.4 with an amendment to ROH Section 18-4.1 that would (in new subsection (l)):
 - 1. Require that all building permit applications under ROH Chapter 18 contain a duly notarized signed affidavit from the applicant stating the applicant has no outstanding fines payable to, or liens in favor of, the City; and
 - 2. Prohibit the Department of Planning and Permitting from accepting or processing a building permit application unless the applicant has no outstanding fines payable to, or liens in favor of, the City, unless the application is to correct a violation on the property.
- B. In SECTION 4, specifies that the measure, upon its approval, applies to all building permit applications submitted pursuant to ROH Chapter 18 after the effective date of the measure.
- C. Makes miscellaneous technical and nonsubstantive amendments.

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Your Committee on Zoning and Planning is in accord with the intent and purpose of Bill 8 (2022), as amended herein, and recommends that it pass Second Reading, be scheduled for public hearing, and be referred back to Committee in the form attached hereto as Bill 8 (2022), CD1. (Ayes: Cordero, Elefante, Say – 3; Noes: None; Excused: Kia'āina - 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAR 10 2022

COMMITTEE REPORT NO. 48



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 8 (2022), CD1

A BILL FOR AN ORDINANCE

RELATING TO ADMINISTRATIVE ENFORCEMENT OF CERTAIN CODES.

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

SECTION 1. Purpose. The purpose of this ordinance is to address the administrative enforcement of certain codes in the Revised Ordinances of Honolulu 1990.

SECTION 2. Section 18-4.1, Revised Ordinances of Honolulu 1990, as amended by Ordinance 20-28, is amended to read as follows:

"Sec. 18-4.1 Application.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose by the building official. Every application must:

- (a) Identify and describe the work to be covered by the permit for which application is made, including a list of each and every phase of electrical and plumbing work;
- (b) Describe the land on which the proposed work is to be done, by tax map key number, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (c) Indicate the use or occupancy for which the proposed work is intended;
- (d) Be accompanied by plans, specifications, calculations, and construction inspection requirements as required in Section 18-4.2;
- (e) State the valuation of the proposed work;
- (f) Provide the name and license of all specialty contractors involved in the project, in compliance with the provisions of HRS Chapter 444;



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- (g) State the following information for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure, or project:
 - (1) Name;
 - (2) Address;
 - (3) Contractor's license number; and
 - (4) Particular phase or phases of work to be performed;
- (h) Be signed by the responsible managing employee or authorized employee of each contractor designated in subsection (g);
- (i) For applications contemplating the demolition of any building constructed as a residential dwelling and occupied in any habitable unit thereof, be accompanied by a duly notarized affidavit stating that the applicant has a proprietary interest in the subject property or has the written authorization of a person or entity with a proprietary interest in the subject property to submit the application. If the interest of the applicant or of the person or entity authorizing the applicant to submit the application is not a fee simple interest in the property, the affidavit must state the nature and the remaining term of the interest.

For purposes of this subsection, a person or entity has a "proprietary interest" if the person or entity has the right of control and dominion of the property being demolished, and a person or entity has "right of control and dominion" if the person or entity holds, possesses, and retains control of 51 percent or more of the property interest. If a person or entity holds, possesses, and retains less than 51 percent of the property interest, other persons or entities with an interest in the property must consent to the demolition of the building, such that the combined interests of the person or entity claiming the right of control and dominion and of the consenting persons or entities equal or exceed 51 percent;



A BILL FOR AN ORDINANCE

- (j) For applications for the construction of a one-family or two-family detached dwelling, duplex, or multifamily dwelling, be accompanied by a duly notarized affidavit executed by a person with a proprietary interest in the subject property, stating that:
- (1) The proposed construction complies with all restrictive covenants relating to the maximum number of dwelling units permitted on the zoning lot, and the minimum yard (setback) requirements for the zoning lot; and
- (2) The proposed use complies with this code and Chapter 21;

provided that an affidavit is not required for applications for construction of new one-family or two-family detached dwellings, duplexes, or multifamily dwellings that are part of a residential tract development. For purposes of this subsection, "residential tract development" means a project with three or more one-family or two-family detached dwellings or duplexes, or more than one multi-family dwelling, that is constructed or is to be constructed as a single development; ~~[and]~~

- (k) Give such other information as reasonably may be required by the building official. If the application proposes excavation and backfill work that does not require a grading permit under Section 14-13.5(b), the building official, if deemed necessary to protect or promote public safety, may require the submittal of an engineering slope hazard report. An engineering slope hazard report means the same as defined under Section 14-13.3. The report shall have the same information as that required for an engineering slope hazard report under Section 14-14.2(d)(2)~~[-]; and~~
- (l) Contain a duly notarized signed affidavit from the applicant stating that the applicant has no outstanding fines payable to, or liens in favor of, the city. No permit application will be accepted or processed if the applicant has any such outstanding fines or liens. An application will be processed if it is to correct a violation on the property."

SECTION 3. Ordinance material to be deleted 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 bracketed and stricken material, or the underscoring.



CITY COUNCIL
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ORDINANCE _____

BILL 8 (2022), CD1

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SECTION 4. This ordinance takes effect upon its approval and applies to all building permit applications submitted pursuant to ROH Chapter 18 after the effective date of this ordinance.

INTRODUCED BY:

Heidi Tsuneyoshi

DATE OF INTRODUCTION:

January 20, 2022
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu