

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
March 1, 2023

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

Mr. Chair:

Your Committee on Zoning, to which was referred Bill 56 (2022) entitled:

"A BILL FOR AN ORDINANCE RELATING TO PERMITS REQUIRED,"

introduced on October 17, 2022, and which passed First Reading at the November 2, 2022, Council meeting, reports as follows:

The purpose of the Bill is to address exemptions from the requirement to obtain a building permit.

The Director of Planning and Permitting testified in support of the Bill and answered questions from the Committee.

Your Committee received written testimony in support of the Bill from BIA Hawaii, and six individuals. Written comments on the Bill were received from one individual.

Your Committee prepared a CD1 version that makes the following amendments:

- A. Amends ROH §18-3.1(a) by adding a reference to the exemptions enumerated in ROH Section 18-3.1(b).
- B. Amends ROH § 18-3.1(b)(6) by deleting the reference to planter boxes that are not more than 30 inches in height.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

MAR 15 2023

COMMITTEE REPORT NO.

59

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Page 2

- C. Amends ROH § 18-3.1(b)(10) to read:

Repairs [valued at \$5,000 or less in the aggregate in any 12-month period.] or the replacement of component parts of existing work with like-for-like materials for the purpose of maintenance, and that in the aggregate do not exceed \$7,500 in valuation in any 12-month period and do not involve any electrical, plumbing, or mechanical installations.

- D. Amends ROH § 18-3.1(b)(11) by including an exemption for appliances attached to countertops, removing the exemption for "similar finish work," and providing that the exemption in subdivision (11) applies to work that does not involve any electrical, plumbing, or mechanical installations.
- E. Amends ROH § 18-3.1(b)(18)(I) by providing that the exemption for electrical work applies to like-for-like replacement of component parts and materials for the purpose of maintenance, in addition to repair work, and increasing the exempted amount to \$2,500 or less (increased from \$1,000 or less) in the aggregate in any 12-month period.
- F. Deletes proposed new ROH § 18-3.1(b)(18)(J).
- G. Amends ROH § 18-3.1(b)(20) by deleting the exemption for repair work in plumbing systems when the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures, providing that the exemption for plumbing work applies to like-for-like replacement work, in addition to repair work, and increasing the exemption threshold to

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Page 3

\$2,500 or less (increased from \$1,000 or less) in the aggregate in any 12-month period.

H. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Zoning is in accord with the intent and purpose of Bill 56 (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 56 (2022), CD1. (Ayes: Cordero, Dos Santos-Tam, Kia'āina, Say, Weyer – 5; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAR 15 2023

COMMITTEE REPORT NO. 59



A BILL FOR AN ORDINANCE

RELATING TO PERMITS REQUIRED.

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

SECTION 1. The purpose of this ordinance is to address exemptions from the requirement to obtain a building permit.

SECTION 2. Section 18-3.1, Revised Ordinances of Honolulu 2021, as amended by Ordinance 20-29, is amended to read as follows:

"§ 18-3.1 Required.

- (a) ~~[No]~~ Except as provided in subsection (b), no person shall perform any of the following or cause any of the following to be performed without first obtaining a building permit therefor as prescribed in this ~~[section:]~~ chapter:
- (1) Erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure;
 - (2) Any electrical work;
 - (3) Install, remove, alter, repair, or replace any plumbing, fire sprinkler, gas or drainage piping work, or any fixture, gas appliance, or water heating or treating equipment; or
 - (4) Construct, reconstruct, or improve any sidewalk, curb, or driveway in any public street right-of-way.
- (b) ~~[Exceptions.]~~ Exemptions. A permit is not required for the types of work listed below. Exemption from the permit requirements of this code does not grant authorization for any work to be done in violation of the technical codes or any other laws or ordinances of this jurisdiction.
- (1) Work exempted from building code provisions under Chapter 16. Work on sidewalks, curbs, or driveways regulated under Chapter 14, Article 3, is not exempt from permit requirements;
 - (2) Temporary construction sheds and temporary construction fences;



A BILL FOR AN ORDINANCE

- (3) Reroofing work that will not adversely affect the structural components for Groups R-3 and U occupancies;
- (4) Installation of siding to existing exterior walls that will not adversely affect the structural components or fire protection of the walls of Groups R-3 and U occupancies;
- (5) Temporary tents or other coverings, for periods not to exceed 14 consecutive days, used for private family parties or for camping; or temporary structures that have obtained a lawful permit from another [City] city agency[-];
- (6) Retaining walls[-] and fences[-] and planter boxes that are not more than 30 inches (762 mm) in height[-], not more than 30 inches in height, walkways, riprap walls, and outside paving within private property[-];
- (7) Individual residential television wireless cable, [~~and~~] radio antennas, and dish-type antennas that are less than 39.37 inches (one meter) in diameter or diagonal dimension[-];
- (8) Window awnings supported by the exterior walls of Groups R-3 or U occupancies, when projecting not more than 4 feet 6 inches (1372 mm)[-];
- (9) Installation of wallpaper or wall covering that is exempted under Chapter 16[-];
- (10) Repairs [~~valued at \$5,000 or less in the aggregate in any 12-month period-~~] or the replacement of component parts of existing work with like-for-like materials for the purpose of maintenance and that in the aggregate do not exceed \$7,500 in valuation in any 12-month period and do not involve any electrical, plumbing, or mechanical installations;
- (11) Painting, installation of floor covering, [~~or~~] counter tops and appliances attached thereon, and cabinet work[-] and similar finish work that does not involve any electrical, plumbing, or mechanical installations, without limit as to valuation; provided that the values thereof must be included as part of the value of any new construction for which a permit is required by this code, for the purpose of determining the amount of the fee to be paid for such permit[-];



A BILL FOR AN ORDINANCE

- (12) Work located on federal property, except when permits are specifically requested by the federal agency with administrative authority over the property[-];
- (13) Work performed for any government agency, except where permits are specifically requested by the agency[-];
- (14) Playground equipment, monuments, statues, ornamental ponds less than 24 inches in depth, and golf course pedestrian and golf cart bridges[-];
- (15) Temporary motion picture, television, and theater stage sets and scenery[-];
- (16) One-story detached buildings:
 - (A) Accessory to Group R-3 occupancies and used as tool and storage sheds, playhouses, and similar uses; or
 - (B) Accessory to crop production in AG-1 Restricted Agricultural or AG-2 General Agricultural zoning districts and used as storage sheds or for water catchment and not used as dwelling or lodging units;provided that the aggregate floor area does not exceed 120 square feet (11 m²);
- (17) Nonfixed and movable cases, counters, racks, and partitions that do not exceed 5 feet 9 inches (1753 mm) in height[-];
- (18) The following electrical work:
 - (A) Electrical work and installation to which the provisions of the electrical code are expressly not applicable;
 - (B) Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug, if the cord or cable is permitted by the electrical code;
 - (C) Repair of any fixed motor or other appliance, or replacement of any fixed motor with another motor having the same horsepower rating and situated at the same location;



A BILL FOR AN ORDINANCE

- (D) Maintenance work for commercial and industrial processing equipment performed by a duly licensed electrician;
 - (E) Electronic equipment, sound public address systems, cable television, and communication systems for a single-family or two-family detached dwelling;
 - (F) Radio and television receiving antenna systems other than master or community systems;
 - (G) Sound recording systems for a single-family or two-family detached dwelling;
 - (H) Interior telephone work subject to regulation by the State public utilities commission and wiring of interconnecting cable for data processing equipment; and
 - (I) Repair work or like-for-like replacement of component parts and materials for the purpose of maintenance, performed by a licensed electrical contractor valued at ~~[\$500]~~ \$2,500 or less in the aggregate in any 12-month period, and that does not involve service entrance equipment;
- (19) The following work by a public utility supplying gas:
- (A) Disconnecting defective gas piping or equipment when authorized under Chapter 19; and
 - (B) Disconnecting or reconnecting existing gas piping or equipment for repair, servicing, replacement, or removal;
- (20) The following plumbing work:
- ~~[(A) Repair work in plumbing systems when the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures; and~~
 - ~~(B) Repair]~~ repair or like-for-like replacement work performed by a licensed plumbing contractor valued at ~~[\$1,000]~~ \$2,500 or less in the aggregate in any 12-month period, and which involves or requires only the replacement of valves, pipes, or fixtures;



A BILL FOR AN ORDINANCE

- (21) All structures, other than buildings, that are constructed in conjunction with board of water supply projects or public works projects undertaken by or on behalf of the city;
- (22) All structures, other than buildings, that are constructed in conjunction with the subdivision of lands and in accordance with plans approved by the city under its subdivision rules and regulations[-];
- (23) Sidewalks, curbs, and driveways in public street rights-of-way that are:
 - (A) Constructed in conjunction with public works projects undertaken by or on behalf of the city;
 - (B) Constructed in conjunction with the subdivision of land and in accordance with plans approved by the city under its subdivision rules and regulations; or
 - (C) Subject to compliance with Chapter 14, Article 3; [~~and~~]
- (24) Minor repairs to sidewalks, curbs, or driveways in public street rights-of-way; provided that reconstruction or replacement of any portion of sidewalks, curbs, or driveways will not be construed as a repair that is exempt under this subdivision;
- (25) Weather-protected outdoor storage regulated under Chapter 20;
- (26) Temporary tents used for commercial purposes or other purposes of assembly, including rallies, festivals, amusements, and sideshows, for periods not to exceed three consecutive days; and
- (27) Exterior screen doors for R-3 dwellings or individual residential units of R-2 occupancies, except when openings are required to be fire-rated."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. 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 brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 56 (2022), CD1

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Andria Tupola

DATE OF INTRODUCTION:

October 17, 2022
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu