

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
May 24, 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), CD1, entitled:

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

which passed Second Reading and was the subject of a public hearing held at the March 15, 2023, Council meeting, reports as follows:

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

Your Committee, at its meeting on April 5, 2023, postponed action on the Bill to allow more time to address certain concerns raised by the public, industry groups, and the Department of Planning and Permitting ("DPP").

At your Committee's meeting on May 24, 2023, the DPP Deputy Director responded to questions from the Councilmembers.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUN 7 2023

COMMITTEE REPORT NO.

149

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Your Committee considered and approved a CD2 version of the Bill (OCS2023-0451/5/17/2023 12:12 PM) that makes the following amendments:

- A. Amends ROH § 18-3.1(b) to provide that except for construction work to be done within any public utility right-of-way or easement, a permit is not required for the types of work enumerated in that subsection.
- B. Amends ROH § 18-3.1(b)(6) to exempt the following structures; provided that the structures are not located on a street corner or in a flood zone:
 - 1. Fences and planter boxes that are not more than 6 feet (1829 mm) in height;
 - 2. Retaining walls and riprap walls that are not more than 30 inches (762 mm) in height; or
 - 3. Walkways and outside paving that are within private property.
- C. Amends ROH § 18-3.1(b)(10) to exempt repairs and labor that:
 - 1. Involve replacement of component parts of existing work with like-for-like materials for the purpose of maintenance;
 - 2. Do not exceed \$10,000 in valuation in the aggregate in any 12-month period; and
 - 3. Do not involve any electrical, plumbing, or mechanical installations.

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- D. Amends ROH § 18-3.1(b)(11) by deleting the existing ROH language and adding an exemption for interior remodeling that:
1. Does not affect building square footage or the number of bedrooms or bathrooms;
 2. Does not modify the location of rooms, walls, or windows; and
 3. Does not involve any electrical, plumbing, or mechanical installations;
- including but not limited to painting, installation of floor covering, cabinet and countertop work, and replacement of existing fixtures (such as windows, doors, and appliances); provided that the value of the interior remodeling 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.
- E. Amends ROH § 18-3.1(b)(18)(I) by deleting the language stating that the exemption for electrical work applies to like-for-like replacement of component parts and materials for the purpose of maintenance.
- F. Adds proposed new ROH § 18-3.1(b)(18)(J) to provide an exemption for electrical work involving the replacement of solar photovoltaic component parts or equipment with like-for-like materials to restore system operations within the original designed energy output of the system; provided that the original approved system capacity is not exceeded.

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- G. Amends ROH § 18-3.1(b)(20) to provide an exemption for plumbing repair or like-for-like replacement of plumbing components when the repair or replacement is installed by a licensed plumbing contractor valued at \$2,500 or less in the aggregate in any 12-month period that only involves valves, pipes, or fixtures.
- H. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Zoning is in accord with the intent and purpose of Bill 56 (2022), CD1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as Bill 56 (2022), CD2. (Ayes: Dos Santos-Tam, Kia'aina, Say, Weyer – 4; Noes: None; Absent: Cordero – 1).

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUN 7 2023

COMMITTEE REPORT NO. **149**



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, 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. A]~~ Exemptions. Except for construction work to be done within any public utility right-of-way or easement, a permit is not required for the types of work listed below. Exemption from the permit requirements of this code [de] 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;



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- (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, fences,] The following structures, provided that the structures are not located on a street corner or in a flood zone:
 - (A) Fences and planter boxes that are not more than [30 inches (762 mm)] 6 feet (1829 mm) in height[-, walkways, riprap walls, and outside paving within private property-];
 - (B) Retaining walls and riprap walls that are not more than 30 inches (762 mm) in height; or
 - (C) Walkways and outside paving that are 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-] and labor that:
 - (A) Involve the replacement of component parts of existing work with like-for-like materials for the purpose of maintenance;



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- (B) Do not exceed \$10,000 in valuation in the aggregate in any 12-month period; and
 - (C) Do not involve any electrical, plumbing, or mechanical installations;
- (11) ~~[Painting, installation of floor covering, or counter tops, cabinet work, and similar finish work 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.]~~ Interior remodeling that:
- (A) Does not affect building square footage or the number of rooms or bathrooms;
 - (B) Does not modify the location of rooms, walls, or windows; and
 - (C) Does not involve any electrical, plumbing, or mechanical installations;
- including but not limited to painting, installation of floor covering, cabinet and countertop work, and replacement of existing fixtures (such as windows, doors, and appliances); provided that the value of the interior remodeling 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;
- (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 BILL FOR AN ORDINANCE

- (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;
 - (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;



A BILL FOR AN ORDINANCE

- (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 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; and
 - (J) Replacement of solar photovoltaic component parts or equipment with like-for-like materials to restore system operations within the original designed energy output of the system; provided that the original approved system capacity is not exceeded;
- (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~~ Plumbing repair or like-for-like replacement of plumbing [work performed] components when the repair or replacement is installed by a licensed plumbing contractor valued at ~~[\$1,000]~~ \$2,500 or less in the aggregate in any 12-month period~~[- and which]~~ that only involves [or requires only the replacement of] valves, pipes, or fixtures;
- (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;



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- (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), CD2

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