



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE

BILL

36 (2023)

A BILL FOR AN ORDINANCE

RELATING TO BUILDING PERMITS.

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

SECTION 1. The purpose of this ordinance is to: disallow building permit applications from applicants who have been convicted of a criminal offense involving the acceptance of a bribe or who caused an employee of the Department of Planning and Permitting to be convicted of the same; and remove the affidavit requirement of stating no outstanding fines or liens for building permit applications.

SECTION 2. Section 18-4.1, Revised Ordinances of Honolulu 2021, as amended by Ordinance 22-32, is amended to read as follows:

“(a) Application requirements. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose by the building official. Every application must:

- (1) 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;
- (2) 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;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Be accompanied by plans, specifications, calculations, and construction inspection requirements as required in § 18-4.2;
- (5) State the valuation of the proposed work;
- (6) Provide the name and license of all specialty contractors involved in the project, in compliance with the provisions of HRS Chapter 444;
- (7) State the following information for each contractor or subcontractor engaged to do electrical or plumbing work upon the building, structure, or project:



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- (A) Name;
 - (B) Address;
 - (C) Contractor's license number; and
 - (D) Particular phase or phases of work to be performed;
- (8) Be signed by the responsible managing employee or authorized employee of each contractor designated in subsection (7);
- (9) 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;

- (10) 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:
- (A) 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



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(B) 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

(11) 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 § 18A-1.5, 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 § 18A-1.3. The report shall have the same information as that required for an engineering slope hazard report under § 18A-2.2(d)(2); ~~and~~

~~[(12) Contain a written and signed attestation from the owner of the zoning lots to which the building permit application pertains, stating that the owner has no outstanding fines payable to, or liens in favor of, the city. No permit application will be accepted or processed if the owner has any such outstanding fines or liens; provided that a permit application will be accepted and processed if it is to correct a violation on the zoning lot].~~

(b) Persons ineligible to submit or work on applications. The following persons are not eligible to submit applications to the department or work on any part of an application for a permit required by this chapter.

(1) If the department has imposed civil fines against a person for a violation on a property, the fined person may not submit an application for a permit concerning the same property until all outstanding civil fines are resolved, provided that they may submit an application for a permit that is necessary to prevent or correct a violation.

(2) A permit applicant, property owner, design professional, contractor, subcontractor, and/or permit runner may not work on any part of an application submitted to the department or submit an application to the



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department for a property that they do not personally own or use as their principal residence if:

- (A) They have been convicted of a criminal offense involving the payment of a bribe to a government official within the previous ten years.
 - (B) They have entered a plea of guilty or nolo contendere in response to being charged with a criminal offense related to the payment of a bribe to a government official within the last 10 years; or
 - (C) They have participated in conduct that has caused a government official to be convicted of a criminal offense involving the acceptance of a bribe within the last ten years; or
 - (D) They have participated in conduct that has caused a government official to enter a plea of guilty or nolo contendere in response to being charged with a criminal offense related to the payment of a bribe to a government official within the last 10 years.
- (3) Upon determining that a person is not eligible to work on or submit applications to the department pursuant to paragraph (b), the department shall notify the person of their ineligibility by sending them a notice stating the factual basis for their ineligibility. The notice shall be served by hand delivery or certified mail, marked for restricted delivery. However, if the department cannot serve the notice by hand delivery or certified mail, the department may then serve the notice by publication. Service by publication shall be made by publishing a statement identifying the person that is not eligible to work on applications and the reason for their ineligibility in a newspaper published in the State of Hawaii and circulated generally throughout the City and County of Honolulu. Service by publication shall be made not less than once each week for four successive weeks and be deemed complete upon the last required publication.
- (4) A person served with a notice informing them that they are not eligible to work on or submit applications to the department may appeal the notice to the building board of appeals within thirty days of being served. The building board of appeals may only sustain an appeal from a notice of ineligibility if it finds that the building official's notice was based on a clearly erroneous finding of material fact."



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SECTION 3. This ordinance is specifically intended to have retroactive effect and will apply to any and all persons who engaged in conduct that will disqualify them under Section 2 of this ordinance.

SECTION 4. 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.



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SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tony Watkins

(br)

DATE OF INTRODUCTION:

JUN 1 2023

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