HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 36 (2023), CD1

FILED
JUN 1 2025
PURSUANT TO ROH Sec. 1-2.4

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, is amended to read as follows:

"§ 18-4.1 Application.

(a) 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.

(b) 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:

(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~~] subdivision (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,~~] subdivision, 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

(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 the purposes of this [~~subsection,~~] subdivision, "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;

(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(2), 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~~] must contain 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."

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.

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 1, 2023
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

FILED
JUN 1 2025
PURSUANT TO ROH Sec. 1-2.4

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu