

# REPORT OF THE COMMITTEE ON ZONING

## Voting Members:

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

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Committee Meeting Held  
November 28, 2023

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

Mr. Chair:

Your Committee on Zoning, to which was referred Bill 36 (2023) entitled:

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

introduced on June 1, 2023, and which passed First Reading at the Council meeting on June 7, 2023, reports as follows:

The purpose of the Bill 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 ("DPP") to be convicted of the same; and remove the requirement for an affidavit by the owner of the property that is the subject of the building permit application, stating that the owner has no outstanding fines payable to or liens in favor of the City.

At your Committee's meeting on November 28, 2023, the DPP Director testified in support of the Bill and responded to questions from the Councilmembers.

At your Committee's meeting on November 28, 2023, one individual testified in opposition to the Bill.

Written testimony in opposition to the Bill was received from one individual.

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

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**HONOLULU CITY COUNCIL**  
*Ke Kanihela o ke Kalana o Honolulu*  
CITY AND COUNTY OF HONOLULU

ADOPTED ON **DEC 6 2023**

COMMITTEE REPORT NO. **352**

# REPORT OF THE COMMITTEE ON ZONING

## Voting Members:

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- A. In SECTION 2 of the bill:
1. Deletes proposed provisions relating to persons ineligible to submit or work on applications (formerly proposed new ROH § 18-4.1(b));
  2. Retains, rather than deletes, the second sentence in ROH § 18-4.1(b)(12) (formerly ROH § 18-4.1(12) – a new subsection (b) designation was created for the listing of the application contents).
- B. Deletes SECTION 3 of the bill, and renumbers subsequent SECTIONS of the bill accordingly.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Zoning is in accord with the intent and purpose of Bill 36 (2023), 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 36 (2023), CD1. (Ayes: Cordero, Dos Santos-Tam, Kia'āina, Say, Weyer – 5; Noes: None.)

Respectfully submitted,

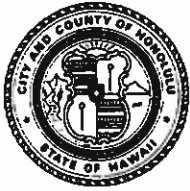
  
Committee Chair

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**HONOLULU CITY COUNCIL**  
*Ke Kanihela o ke Kalana o Honolulu*  
CITY AND COUNTY OF HONOLULU

ADOPTED ON **DEC 6 2023**

COMMITTEE REPORT NO. **352**



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 36 (2023), CD1

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**A BILL FOR AN ORDINANCE**

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RELATING TO BUILDING PERMITS.

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

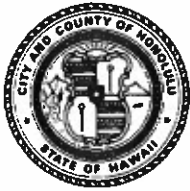
SECTION 1. The purpose of this ordinance is to: disallow building permit applications from applicants who have been convicted of a criminal offense involving the acceptance of a bribe or who caused an employee of the Department of Planning and Permitting to be convicted of the same; and remove the affidavit 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;



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BILL 36 (2023), CD1

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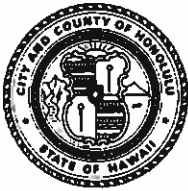
**A BILL FOR AN ORDINANCE**

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- (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:



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BILL 36 (2023), CD1

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**A BILL FOR AN ORDINANCE**

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(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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ORDINANCE \_\_\_\_\_

BILL **36 (2023), CD1** \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

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DATE OF INTRODUCTION:

June 1, 2023

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