

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
August 21, 2024

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

Mr. Chair:

Your Committee on Zoning, to which was referred Bill 39 (2024) entitled:

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

which passed Second Reading and was the subject of a public hearing held at the August 7, 2024 Council meeting, reports as follows:

The purpose of the Bill is to remove the affidavit requirements for building permit applications. Specifically, the Bill:

1. Removes affidavit requirements stating that an Applicant has a proprietary interest in a property when the project involves the demolition of a residential dwelling;
2. Removes affidavit requirements stating that the construction of a detached dwelling, duplex, or multifamily dwelling complies with applicable restrictive covenants, the Land Use Ordinance, and the Building, Electrical, Plumbing, and Sidewalk Codes; and
3. Removes attestation requirements stating that the owner of the zoning lot that is the subject of a building permit application has no outstanding fines payable to, or liens in favor of, the City. (Instead provides that except to correct a violation, a building permit application will not be accepted or

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
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ADOPTED ON **SEP 4 2024**

COMMITTEE REPORT NO. **260**

REPORT OF THE COMMITTEE ON ZONING

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processed if the subject property has any outstanding violations, or fines payable to, or liens in favor of, the City.

At your Committee's meeting on August 21, 2024, the Deputy Director of Planning and Permitting testified that the Department of Planning and Permitting had no objections to the Bill.

Your Committee received written testimony in support of the Bill from Grassroot Institute of Hawaii.

Your Committee considered and approved a CD1 version of the Bill that makes the following amendments:

- A. Amends § 18-4.1(b)(6) to require building permit applications to include the name, license number, and address of all contractors, subcontractors, and specialty contractors involved in the project.
- B. Amends § 18-4.1(b)(7) to require building permit applications to include the name, address, license number, and phases of work to be performed for all contractors, subcontractors, and specialty contractors engaged to perform electrical or plumbing work on the project.
- C. Amends § 18-4.1(b)(8) to require building permit applications to be signed by a representative of all contractors, subcontractors, and specialty contractors engaged to perform electrical or plumbing work on the project.
- D. Makes miscellaneous technical and nonsubstantive amendments.

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COMMITTEE REPORT NO. 260

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Your Committee on Zoning is in accord with the intent and purpose of Bill 39 (2024), as amended herein, and recommends that it pass Third Reading in the form attached hereto as Bill 39 (2024), CD1. (Ayes: Cordero, Kia'āina, Say, Weyer – 4; Noes: None; Absent: Dos Santos-Tam – 1.)

Respectfully submitted,

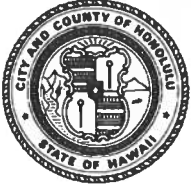


Committee Chair

HONOLULU CITY COUNCIL
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COMMITTEE REPORT NO. 260



HONOLULU CITY COUNCIL
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CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 39 (2024), CD1

A BILL FOR AN ORDINANCE

RELATING TO BUILDING PERMITS.

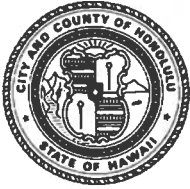
BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to remove affidavit requirements 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]~~ submit an application ~~[therefor in writing on a form furnished for that purpose by]~~ to the building official.
- (b) All documents and information required in support of the application must be submitted to the department concurrently with the application. Every application must:
- (1) Identify and describe ~~[the]~~ all work to be covered by the permit for which ~~the~~ application is ~~[made,]~~ submitted, including a list of ~~[each and every phase]~~ all applicable contractor phases of electrical and plumbing work;
 - (2) Describe the land on which the proposed work ~~[is to]~~ will be done~~[-]~~ by reference to the property's tax map key number[-] and house and street address~~[-, or similar description that will readily identify and definitely locate the proposed building or work;]~~ if one has been assigned;
 - (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 and 18-4.3;
 - (5) State the valuation of the proposed work;
 - (6) Provide the name ~~[and]~~, license number, and address of all contractors, subcontractors, and specialty contractors involved in the project, ~~[in compliance with the provisions of HRS Chapter 444]~~ or identify the project as an owner-builder project authorized by HRS § 444-2.5;



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(7) State the following information for each contractor ~~[of]~~, subcontractor, and specialty contractor engaged to ~~[do]~~ perform electrical or plumbing work upon the building, structure, or project:

(A) Name;

(B) Address;

(C) Contractor's license number; and

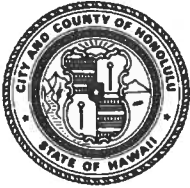
(D) Particular phase or phases of work to be performed;

(8) Be signed by the responsible managing employee or authorized employee of each contractor, subcontractor, and specialty 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~~



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~~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~~

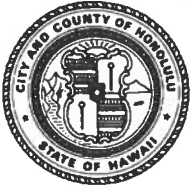
~~(B) — The proposed use complies with this code and Chapter 21;~~

~~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 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] (9) Provide such other information as may 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), and the building official[~~, if deemed~~] deems it necessary to protect or promote public safety, the building official 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].~~

(c) Except to correct a violation, a permit application will not be accepted or processed if the property that is the subject of the application has any outstanding violations or fines payable to or liens in favor of the city."



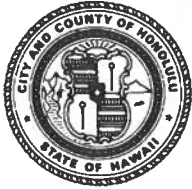
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A BILL FOR AN ORDINANCE

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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BILL 39 (2024), CD1

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

July 3, 2024

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

Report Title:

Building Permits; Department of Planning and Permitting ("DPP"); Building Permit Application

Description:

Clarifies that all documents and information required in support of a building permit application be submitted concurrently with the building permit application. Requires that the building permit application include the name, license number, and address of all contractors, subcontractors, and specialty contractors involved in the project, or identify the project as an owner-builder project, if applicable. Requires building permit applications to state the name, address, license number, and phases of work to be performed by all contractors, subcontractors, and specialty contractors engaged to perform electrical or plumbing work on the project and a signature by the responsible managing employee or authorized employee of each contractor, subcontractor, and specialty contractor so designated/stated. Removes the requirements that building permit applicants submit an affidavit that: (1) demonstrates that a majority of the owners of a property concur with the demolition of a building; and (2) affirms compliance with certain restrictive covenants and with the Land Use Ordinance ("LUO") if a one- or two-family detached dwelling, duplex, or multifamily dwelling is being constructed. Removes the requirement that the owner of the zoning lot provide a written and signed attestation stating that the owner has no outstanding fines payable to, or liens in favor of, the city.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.