



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

**COMMITTEE ON HOUSING,  
SUSTAINABILITY AND HEALTH**

**Voting Members:**  
Matt Weyer, Chair  
Esther Kia'aina, Vice Chair  
Tyler Dos Santos-Tam  
Val A. Okimoto  
Augie Tulba

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## **AGENDA**

REGULAR MEETING  
CITY COUNCIL CHAMBER  
WEDNESDAY, SEPTEMBER 25, 2024  
2:30 P.M.

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

### Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **85496155810** and Passcode **809357**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Persons wishing to testify in-person in the Council Chamber are requested to register by 2:30 p.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Committee on Housing, Sustainability and Health Agenda  
Wednesday, September 25, 2024

Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address, and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3119 or send an email to [sherry.arca@honolulu.gov](mailto:sherry.arca@honolulu.gov).

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlldoc.ehawaii.gov/hnlldoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to [sherry.arca@honolulu.gov](mailto:sherry.arca@honolulu.gov) as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

**FOR ACTION**

1. **BILL 38 (2024), FD1, CD1 – O’AHU WATERSHED MANAGEMENT PLAN.**  
Amending a portion of the O’ahu Watershed Management Plan, enacted by Ordinance 90-62, and codified as Chapter 30, Articles 1, 2, and 3, Revised Ordinances of Honolulu 2021 (“ROH”), by adopting the East Honolulu Watershed Management Plan. (Bill passed second reading and public hearing held 9/4/24)
  
2. **BILL 40 (2024) – RELATING TO PROFESSIONAL SELF-CERTIFICATION.**  
Amending Ordinance 23-29 by adding solar, energy storage, and energy efficiency projects for multi-family dwellings and commercial buildings to the list of eligible projects for professional self-certification. (Bill passed second reading and public hearing held 9/4/24)

PROPOSED CD1 TO BILL 40 (2024) (Submitted by Councilmember Weyer) – The CD1 (OCS2024-0854/9/18/2024 11:10 AM) makes the following amendments:

- A. In SECTION 2 of Ordinance 23-29, subsection (a):
  1. Amends the definition of "Eligible Project" as follows:
    - a. In subdivision (2), relating to commercial building tenant improvements that involve alternative methods not being eligible for the self-certification program, moves the exception for solar, energy storage, or energy efficiency projects from the lead-in language of subdivision (2) to paragraph (D), which specifically addresses alternative methods.
    - b. In new subdivision (4), relating to self-certification eligibility for solar, energy storage, or energy efficiency projects in a multi-family dwelling or commercial building:
      - i. Requires that the project involve customer-sited behind-the-meter installations, and not involve utility-scale installations;
      - ii. Requires that the project comply with all relevant codes, and that the building permit application include all required plans; and

- iii. Defines the term "energy efficiency project."
    - c. Amends the definition of "Relevant Code" to include ROH Chapters 16C, 18, 18A (in addition to ROH Chapters 16, 16A, 16B, 17, and 19).
  - B. In SECTION 3 of the ordinance, deletes the instruction to the Revisor of Ordinances relating to incorporation of the amendments into the Revised Ordinances of Honolulu (Ordinance 23-29 is not codified in the ROH).
  - C. Makes miscellaneous technical and nonsubstantive amendments.
3. **BILL 41 (2024) – PUBLIC SPAY AND NEUTER CLINIC FOR DOGS AND CATS.**  
Addressing the administration of the public spay and neuter clinic for dogs and cats. (Bill passed second reading and public hearing held 9/4/24)

PROPOSED CD1 TO BILL 41 (2024) (Submitted by Councilmember Weyer) – The CD1 (OCS2024-0857/9/18/2024 2:02 PM) makes the following amendments:

- A. In SECTION 3 of the bill in proposed new section § 12-5.2 ("Administrative Rules"):
  - 1. Replaces "chapter," with "article," in reference to the scope over which the director of customer services may adopt administrative rules for the purpose of implementing, administering, and enforcing the public spay and neuter clinic for dogs and cats.
  - 2. Removes the last two sentences of the section authorizing the director of customer services to prescribe forms in conformity with the chapter and stating that such forms and rules have the force and effect of law.
- B. In SECTION 5 of the bill, amends the effective date to "upon its approval; provided that until such time that the Director of Customer Services has adopted rules pursuant to Section 12-5.2, Revised Ordinances of Honolulu 2021 ("ROH"), and such rules have taken effect, ROH Section 12-5.1, as it read on the day before the effective date of this ordinance, shall remain in effect."

C. Makes miscellaneous technical and nonsubstantive amendments.

4. **BILL 46 (2024) – REAL PROPERTY TAXATION.** Addresses the taxation of vacant residential properties in the City and County of Honolulu. (Consecutive referral: HSH, BUD) (Bill passed first reading on 8/7/24; Committee postponed action on 8/21/24)

PROPOSED CD1 TO BILL 46 (2024) (Submitted by Councilmember Weyer) – The CD1 (OCS2024-0851/9/18/2024 1:39 PM) makes the following amendments:

- A. In SECTION 1 of the bill, adds the following: "A 2024 study by *Demographia International Housing Affordability* ranks Honolulu as having the third worst 'impossibly unaffordable' housing in the United States and the 89th worst out of 94 least affordable housing markets in eight major nations of the English-speaking world."
- B. In SECTION 2 of the bill:
1. At proposed § 8-\_\_\_.1 ("Definitions"):
    - a. Adds the definitions of "Bed and Breakfast Home," "Floor Area," "Permitted Occupant," and "Transient Vacation Unit";
    - b. Revises the definition of "Dwelling Unit" to read as follows:

"A single-family home, each individual unit in a duplex, condominium, apartment, or otherwise a housing unit containing a room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen. The term does not include accessory dwelling units or ohana dwelling units.";
    - c. Revises the definition of "Empty Home" to include any bed and breakfast home or transient vacation unit on a residential property that does not qualify for any of the exemptions in § 8-\_\_\_.4;

- d. Revises the definition of "Principal Residence" to read as follows:

"The usual dwelling where a person lives, makes his or her home, and conducts his or her daily affairs and to which place the individual has, whenever absent, the intention of returning with the intent to reside, and is generally the residential address used on documentation related to employment or education on Oahu, billing, paying bills and receiving mail, identification, taxation, and insurance, including, without limitation, income tax returns, driver's licenses, personal identification, vehicle registration, and utility bills. A person may only have one principal residence."; and

- e. Revises the definition of "Residential Property" to include property that is:

- (1) Classified as residential, residential A, bed and breakfast home, or transient vacation under § 8-7.1; or
- (2) Dedicated for residential use under § 8-7.5, including any property improved with a dwelling unit, condominium unit, apartment building, or duplex unit (adding the reference to the citation and deleting "accessory dwelling unit" and "ohana dwelling unit").

- 2. Revises proposed § 8-\_\_\_.2(a) ("*Empty homes tax*") to require that an empty homes tax for each tax year on every parcel on which an empty home is situated be levied, assessed, and collected.
- 3. Revises proposed § 8-\_\_\_.2(c) ("*Tax calculation for properties with multiple dwelling units*") to clarify that the square footage is "of the floor area."
- 4. Revises § 8-\_\_\_.3 ("Tax revenues") to require that revenues collected from the empty homes tax are subject to appropriation in the City's executive operating and capital budget ordinances and utilized as follows:

Committee on Housing, Sustainability and Health Agenda  
Wednesday, September 25, 2024

- (a) As authorized by the Charter, at least 20 percent shall be deposited into the affordable housing fund to be used as provided by Charter § 9-204;
  - (b) Revenues from the empty homes tax collected from this article that are not deposited into the affordable housing fund shall be deposited into the general fund, provided that:
    - (1) At least 20 percent shall be used to increase the City's supply of affordable housing for persons earning 140 percent or less of the area median income as determined by the United States Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical area, as adjusted for household size; and
    - (2) At least 10 percent shall be used to address homelessness.
  - (c) Notwithstanding any provision to the contrary, up to 5 percent of the revenues from the empty homes tax may be used to support the administrative costs of implementing and enforcing this article, including the costs of additional staff.
5. Revises the exemptions at proposed § 8-\_\_\_.4 ("Exemptions") to:
- a. Change the two rental or occupancy periods to multiple rental or occupancy periods (at § 8-\_\_\_.4(2));
  - b. Clarify a dwelling unit or residential property is subject to a probate court proceeding or the title to the property is the subject of pending litigation before a court of competent jurisdiction during a tax year; provided that such exemption is only valid for the tax years during which such court action was active, resolved, and for the following tax year (at § 8-\_\_\_.4(3));
  - c. Increases the exemption for a newly transferred property to five tax years and allows for the same five year exemption for properties most recently transferred to a new owner beginning during the tax year of this measure's adoption (at § 8-\_\_\_.4(4));

- d. Clarifies that the exemption applies to the owner, renter or permitted occupant of the dwelling undergoing medical care, "including but not limited to residing in an assisted living facility" and deletes the requirement that the owner has not previously claimed the exemption in the past five years (at § 8-\_\_4(5));
- e. Clarify that the exemption applies to occupants who are deployed outside of the city on active duty with the armed forces of the United States during the tax year (at § 8-\_\_4(6));
- f. Clarify that the exemption may only be claimed for the dwelling unit while any building permits remain open and includes the tax year during which a certificate of occupancy is issued for the work completed under the building permit or the dwelling unit is otherwise lawfully occupiable (at § 8-\_\_4(7));
- g. Clarify that the exemption is for the dwelling unit or property and that the exemption may only be claimed to include the tax year during which "the dwelling unit is otherwise lawfully occupied" (at § 8-\_\_4(8));
- h. Clarify that the exemption applies to the dwelling unit or property subject to active sales or rental efforts in the prior tax year instead of the tax year and that the exemption must not be claimed for the sale of property more than one tax year in any five-year period (at § 8-\_\_4(9));
- i. Substitute "a part of" for "thereon" in referencing dwelling units within certain State-licensed group homes (at § 8-\_\_4.2(10));
- j. Delete as unnecessary the qualifier for a "nonprofit organization" that it is "registered in the State and qualifies for a tax exemption from the State and federal income taxes" because it is included in the definition of "nonprofit organization" in the article (at § 8-\_\_4.2(11)); and



- k. Add an exemption from the empty homes tax for bed and breakfast homes and transient vacation units that are provided to transient occupants for compensation for not less than six months in the tax year and is operating in compliance with all applicable laws (at § 8-\_\_\_.4.2(15)).
6. In proposed § 8-\_\_\_.5(a) and (f), clarifies that the properties subject to City notification and notice of assessment requirements are "residential" properties.
7. In proposed § 8-\_\_\_.5(d)(1), clarifies the property is the principal place of residence of the owner, tenant, or other occupant for at least six months in the tax year and proof of that residency includes but is not limited to: vehicle registration, government-issued personal identification, driver's license, utilities records, a mailing address used for personal bank and credit accounts, or a current record of a real property tax homeowner exemption issued by the City's Department of Budget and Fiscal Services, Real Property Assessment Division;
8. In proposed § 8-\_\_\_.5(i), clarifies that a request for an extension of the deadline for filing a property status declaration must be within \_\_\_ days before the deadline for filing the declaration.
9. In proposed § 8-\_\_\_.6(a), clarifies that a completed annual property status declaration and attestation must be submitted to the City provided that such declaration and attestation is not required if the owner has provided to the City a real property tax homeowner exemption issued by the City's Department of Budget and Fiscal Services, Real Property Assessment Division.
10. In proposed § 8-\_\_\_.6(a)(2), clarifies that the attestation relates to all dwellings on the property instead of dwelling units;
11. In proposed § 8-\_\_\_.6(a)(3), clarifies that a property owner must include in the owner's annual property status declaration whether each dwelling on the property qualifies for an empty homes tax exemption and, if so, to specify which exemption and the justification for claiming the exemption.

12. In proposed § 8-\_\_\_.6(c), removes properties with accessory dwelling units or ohana dwelling units.
  13. In proposed § 8-\_\_\_.6(e), adds "residential" before "property" to clarify that the empty homes tax must be paid by the owner of the residential property.
- C. Adds a new SECTION 3 requiring the Revisor of Ordinances, pursuant to the Revisor's authority under SECTION 2 of Ordinance 23-7, to update the Reporting Requirements Table to include the reporting requirements enacted by SECTION 2 of this ordinance; and renumbers the subsequent SECTION.
- D. Makes miscellaneous technical and nonsubstantive amendments.
5. **RESOLUTION 24-213 – RECYCLING RECEPTACLES IN CITY PARKS AND RECREATIONAL FACILITIES.** Requesting the City administration to provide and manage recycling receptacles in City parks and recreational facilities.

#### **INFORMATIONAL BRIEFING**

6. **PROJECT BRIEFING FOR NORTHWEST KAPOLEI BY 'IKENĀKEA DEVELOPMENT AND THE MICHAEL'S ORGANIZATION.**

**EXECUTIVE SESSION**

If the need arises with respect to any item on this agenda, then pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

MATT WEYER, Chair  
Committee on Housing, Sustainability  
and Health