BILL051(24)
Testimony

MISC. COMM. 467

HOUSING, SUSTAINABILITY AND HEALTH (HSH)

HOUSING, SUSTAINABILITY AND HEALTH (HSH)

Meeting

Meeting Date: Oct 23, 2024 @ 01:00 PM

Support: 6

Oppose: 1

I wish to comment: 2

Name:	Email:	Zip:
Aaron Racoma	racman96@hotmail.com	96734
Representing:	Position:	Submitted:
Self	Support	Oct 17, 2024 @ 10:11 PM
Testimony:		
I am in support of Bill051(24).		

Name:	Email:	Zip:
Julia Fink	julia@aiahonolulu.org	96813
Representing:	Position:	Submitted:
AIA Honolulu	Support	Oct 21, 2024 @ 12:32 PM

Name:	Email:	Zip:
Michael Silva	mikesilva@hawaii.rr.com	96782
Representing:	Position:	Submitted:
Self	Oppose	Oct 21, 2024 @ 10:56 PM

Name:	Email:	Zip:
Ted Kefalas	tkefalas@grassrootinstitute.org	96813
Representing:	Position:	Submitted:
Grassroot Institute of Hawaii	Support	Oct 22, 2024 @ 07:12 AM

Name:	Email:	Zip:
Jamie Barboza	lho@hawaiipublicpolicy.com	96813
Representing:	Position:	Submitted:
BOMA Hawaii	I wish to comment	Oct 22, 2024 @ 09:31 AM

Name:	Email:	Zip:
Evan Oue	eoue@imanaka-asato.com	96813
Representing:	Position:	Submitted:
NAIOP Hawaii	Support	Oct 22, 2024 @ 11:17 AM

Name:	Email:	Zip:
Suzanne Young	anakama@wik.com	96813
Representing:	Position:	Submitted:
Honolulu Board of REALTORS	Support	Oct 22, 2024 @ 02:32 PM

Name:	Email:	Zip:
Stefanie Sakamoto	ssakamoto@imanaka-asato.com	96789
Representing:	Position:	Submitted:

BIA Hawaii	I wish to comment	Oct 22, 2024 @ 07:53 PM
Name: Angela Melody Young	Email: Alohadivinedesign@gmail.com	Zip: 96817
Representing: CARES Community Advocacy Research Education Services	Position: Support	Submitted: Oct 23, 2024 @ 11:50 AM
Testimony: Cares will testify, pls refer to public video record.		

AIA Honolulu

Monday, October 21, 2024

Matt Weyer, Chair
Esther Kiaāina, Vice Chair
Housing Sustainability and Health Committee Members
Honolulu City Council

Subject: Bill 51 2024
Relating to Adaptive Reuse

Dear Chair Weyer,

AIA Honolulu offers **SUPPORT** and **COMMENTS** for Bill 51, which aims to streamline the building permit application process in our city. We believe this bill represents a significant step towards improving efficiency and transparency in the permitting process, which will benefit both the architectural community and the public at large.

However, we would like to raise a concern regarding the definition of “building code” as outlined in the bill. The current definition appears to be somewhat broad and could benefit from greater specificity. A more precise definition would help ensure that all stakeholders have a clear understanding of the requirements and standards that must be met. This clarity is crucial for architects, builders, and developers as they plan and execute their projects.

We recommend that the bill include a detailed reference to the specific codes and standards that constitute the “building code.” This could include, but not be limited to, the International Building Code (IBC), the International Residential Code (IRC), and any local amendments that are applicable. By providing this level of detail, the bill would offer clearer guidance and reduce the potential for misunderstandings or misinterpretations.

Additionally, we would like to express a concern regarding the potential cost burden of duplicate mechanical system. Ensuring that the bill addresses this issue will help prevent unnecessary financial strain on developers and property owners, thereby supporting the overall goal of facilitating adaptive reuse projects.

We appreciate your consideration of our recommendations and look forward to the successful implementation of this important legislation.

AIA Honolulu

Sincerely,

Wayne Goo, AIA
2024 President, American Institute of Architects, Honolulu

Monday, October 21, 2024

Matt Weyer, Chair
Esther Kiaāina, Vice Chair
Housing Sustainability and Health Committee Members
Honolulu City Council

Subject: Bill 51 2024 Relating to Adaptive Reuse

I am a licensed professional engineer in the fields of both Mechanical and Civil Engineering and have been a part of the construction and building industry for over 40 years. I am also the former Building Division Chief – Chief of Building Safety of the Department of Planning and Permitting (DPP). However, I must make it clear that I am submitting testimony as a private citizen. I am not submitting testimony as an employee of the City and County of Honolulu and I have not been privy to the DPP's position on Bill 51.

I acknowledge that Act 37, Session Laws of Hawaii 2024 ("Act 37"), requires each county to adopt or amend its ordinances to allow for adaptive reuse. I also acknowledge that Act 37 requires each county to allow adaptive reuse to meet the interior environment requirements of the *International Building Code* (IBC).

I grew up in State affordable housing projects so I know very well the need for affordable housing. I support adaptive reuse of commercial buildings; however, **I strongly oppose Bill 51 in its current form along with the proposed Committee Draft 1 (CD1).** Both would allow for one hundred percent mechanical ventilation in dwellings with NO openings to the exterior, thus eliminating natural ventilation. This conflicts with Revised Ordinances of Honolulu (ROH) 16A, Housing Code, Section 16A-4.4 Light—Ventilation.

I would like to humbly remind the Housing Committee that ROH 16A was set up to protect the public from situations that "threaten the health, safety, and welfare of the public by creating unsafe living conditions [ROH 16A-1.1(a)]." The purpose of the Housing Code "is to provide minimum standards regarding the use, occupancy, location, and maintenance of all buildings and properties that are used or intended to be used for human habitation [ROH 16A-1.1(b)(1)]." Therefore, any discussions on modifying ROH 16A must keep these statements in mind.

The IBC does include provisions for natural ventilation in Section 1202.5 Natural Ventilation. I have included an excerpt of IBC Section 1202.5 at the end of this testimony as a reference. It can also be found with the following link: https://codes.iccsafe.org/content/IBC2018.

I therefore propose that Bill 51, CD1 be amended to include the following as ROH Section 16A-4.4(e)(5):

> Ventilation for bedrooms shall be in accordance with the natural ventilation requirements of the *International Building Code.*

Adding the above statement to CD1 would meet both the requirement of Act 37 as well as preserve the intent and purpose of ROH 16B Housing Code.

For further discussion of one hundred percent mechanical verses natural ventilation, I have included a discussion following the quote of IBC Section 1202.5. The discussion also references a report by the Terner Center for Housing Innovation,UC Berkeley, *Adaptive Reuse Challenges and Opportunities in California* (https://ternercenter.berkeley.edu/wp-content/uploads/2021/11/Adaptive-Reuse-November-2021.pdf). This report provides a well-balanced evaluation of adaptive reuse.

Mahalo,

(Attachments)

The following is taken from the *2018 International Building Code*.

1202.5 Natural Ventilation. Natural ventilation of an occupied space shall be through windows, doors, louvers or other openings to the outdoors. The operating mechanism for such openings shall be provided with ready access so that the openings are readily controllable by the building occupants.

1202.5.1 Ventilation area required. The openable area of the openings to the outdoors shall be not less than 4 percent of the floor area being ventilated.

1202.5.1.1 Adjoining spaces. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the opening to the adjoining room shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.3 m^2). The openable area of the openings to the outdoors shall be based on the total floor area being ventilated.

Exception: Exterior openings required for ventilation shall be allowed to open into a sunroom with thermal isolation or a patio cover provided that the openable area between the sunroom addition or patio cover and the interior room shall have an area of not less than 8 percent of the floor area of the interior room or space, but not less than 20 square feet (1.86 m^2). The openable area of the openings to the outdoors shall be based on the total floor area being ventilated.

1202.5.1.2 Openings below grade. Where openings below grade provide required natural ventilation, the outside horizontal clear space measured perpendicular to the opening shall be one and one-half times the depth of the opening. The depth of the opening shall be measured from the average adjoining ground level to the bottom of the opening.

1202.5.2 Contaminants exhausted. Contaminant sources in naturally ventilated spaces shall be removed in accordance with the International Mechanical Code and the International Fire Code (revised as ROH Chapter 20, *Fire Code* of the City and County of Honolulu).

1202.5.2.1 Bathrooms. Rooms containing bathtubs, showers, spas and similar bathing fixtures shall be mechanically ventilated in accordance with the International Mechanical Code.

1202.5.3 Openings on yards or courts. Where natural ventilation is to be provided by openings onto yards or courts, such yards or courts shall comply with Section 1205.

Natural Ventilation vs. Mechanical Ventilation in Adaptive Reuse

Openable windows in bedrooms are required for natural ventilation per the City's Housing Code, ROH 16A-4.4(c). There is a recent movement by adaptive reuse developers to remove this requirement from the Housing Code.

In 2021 the Terner Center for Housing Innovation,UC Berkeley, produced the report *Adaptive Reuse Challenges and Opportunities in California.* This report provides a balanced evaluation of adaptive reuse. The report can be found at https://ternercenter.berkeley.edu/wp-content/uploads/2021/11/Adaptive-Reuse-November-2021.pdf.

Reasons supporting 100% mechanical ventilation in adaptive reuse:

1. Modifying existing commercial buildings to include openable windows increases construction costs.

2. Mechanical ventilation can help to regulate indoor temperatures on extreme temperature days, i.e., when outdoor temperature is too hot or too cold.

3. Other jurisdictions allow 100% mechanical ventilation.

Reasons supporting natural ventilation:

1. Long-Term Costs. While developers claim that providing openable windows for natural ventilation increase construction costs, the long-term costs of energy use, maintenance, and repair of mechanical ventilation systems far exceed any initial costs by the developers. These long-term costs would be borne by the residents of the buildings.

2. Air Quality. Good air quality can be provided with mechanical systems. However, it is a well-known fact that air quality in mechanical systems decrease over time. Even in the most well maintained systems, there is no way to avoid the buildup of dust and contaminants in equipment and ductwork over time. Cleaning ductwork is non-viable due to logistical infeasibility and costs involved. Thus, air quality in mechanical ventilation systems will always decrease over time.

3. Hawaii's Environment: With the exception of extreme weather conditions, Hawaii's moderate climate and good air quality allow for natural ventilation 24 hours a day.

4. Addition of Air-conditioning. One hundred percent mechanically ventilated buildings not only require systems for outside air, but they also require air-conditioning to regulate indoor temperatures. Sometimes the air-conditioning systems are independent of the outside air systems, thus compounding the long term buildup of dust and contaminants in the overall air system.

5. Energy Use. One hundred percent mechanically ventilated buildings require constant energy use 24 hours a day. This clearly diverges from the 2045 energy mandate.

6. Power Failures. The Building Code only requires 2 hours of emergency power. For longer durations that occur during major emergencies, it is unrealistic to expect buildings to refuel every 2 hours. After major events, power may be out for days or even weeks.

7. System failures. All mechanical ventilation and air-conditioning systems will eventually fail. Repair of these systems often take days or even weeks. In June 2023, multiple local news agencies reported on the mechanical system failure in the Century Center Condominiums near Ala Moana where residents reported health issues due to the lack of adequate ventilation and cooling. At the time of reporting, the mechanical ventilation system had been inoperative for about three weeks.

8. Other Jurisdictions. While it is true that some jurisdictions allow for 100% mechanical ventilation, there are also other jurisdictions that require natural ventilation. It is important to note that the other jurisdictions apply natural ventilation on a more expansive scale than ROH 16A, which only requires natural ventilation for bedrooms.

    a. Sacramento requires natural light and ventilation in every space intended for human occupancy (*City of Sacramento Charter*, 8.100.340 Natural light and ventilation).

    b. Berkeley Housing Code §19.40.030 requires natural ventilation for all habitable spaces.

    c. Chicago's building code §1202.1 requires natural ventilation in all living, dining, and sleeping rooms with a floor area of 70 square feet or more.

    d. New York's building code §1203.5.1.2 requires natural ventilation for all habitable spaces.

9. Infection Control. The CDC recommends opening doors and windows to bring in fresh air into homes. The World Health Organization produced a publication in 2009 that discussed ventilation for infection control. Although the publication pertained to health-care settings, the principles discussed are very applicable to adaptive reuse in light of the recent COVID pandemic. They concluded that natural ventilation over mechanical ventilation is the better option when possible. The publication can be viewed on the National Library of Medicine website at https://www.ncbi.nlm.nih.gov/books/NBK143284.

GRASSROOT INSTITUTE OF HAWAII

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Honolulu, HI 96813
808-864-1776
info@grassrootinstitute.org

Removing barriers to Hawaii's prosperity

Oct. 23, 2024, 1 p.m.
Honolulu Hale

To: Honolulu City Council, Committee on Housing, Sustainability and Health
Matt Weyer, Chair
Esther Kiaʻāina, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: Bill 51 (2024) — RELATING TO ADAPTIVE REUSE

Aloha Chair Weyer, Vice-Chair Kiaʻāina and other members of the Committee,

The Grassroot Institute of Hawaii **supports** Bill 51 (2024), which would amend county ordinances to allow for the adaptive reuse of existing commercial buildings.

Converting non-residential structures to residential use is an innovative way to boost Hawaii's housing stock and foster the creation of vibrant, walkable communities, as discussed in the Grassroot Institute's policy report, "How to facilitate more homebuilding in Hawaii."[1]

Unfortunately, many adaptive reuse projects are frustrated by regulations that make it difficult or prohibitively expensive to refit commercial buildings for residential use, such as window or ventilation requirements.

By carving out an alternate approach to current ordinances on light and ventilation for adaptive reuse projects, this bill would help facilitate adaptive reuse on Oahu.

It also would help meet the state's Act 37 requirement that the counties adopt or amend existing ordinances to allow for adaptive reuse by the end of this year.

Grassroot suggests the Committee adopt Chair Weyer's proposed amendment, which adds clarity to the bill for anyone looking to adaptively reuse a building under Act 37.

[1] Jonathan Helton, "How to facilitate more homebuilding in Hawaii," Grassroot Institute of Hawaii, December 2023.

There are additional steps the Council could take to encourage the growth of affordable housing via adaptive reuse, but Bill 51 would represent an important step forward.

We look forward to future conversation about this topic.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

BOMA HAWAII
Building Owners and Managers Association

"Advancing the Commercial Real Estate Industry through Education, Networking and Advocacy"

Committee:	Housing, Sustainability, and Health
Date:	Wednesday, October 23, 2024
Time:	1:00 PM
Place:	City Council Chamber
RE:	Bill 51, Adaptive Reuse

Aloha Chair Weyer, Vice Chair Kia'āina, and members of the committee,

Thank you for the opportunity to submit testimony on Bill 51, Relating to Adaptive Reuse. This bill is intended to increase the supply of housing, including by amending the Revised Ordinances of Honolulu to allow for the adaptive reuse of existing commercial buildings.

We are the Building Owners and Managers Association of Hawai'i (BOMA Hawai'i) testifying with **comments** on Bill 51.

The Building Owners and Managers Association (BOMA) Hawai'i supports efforts to expand housing opportunities, recognizing the importance of addressing Honolulu's housing challenges. With expertise in commercial real estate, property management, and experience in adaptive reuse, BOMA understands the complexities involved in transforming existing structures to meet community needs. We are committed to sharing our knowledge on best practices, potential challenges, and effective solutions. BOMA Hawai'i stands ready to serve as a resource for the Honolulu City Council as it explores policies that promote sustainable development and economic growth.

BOMA Hawai'i is a non-profit trade association dedicated to advancing the commercial real estate industry through education, networking and advocacy. Please consider BOMA as a resource to policy makers. Thank you for the opportunity to testify on this measure.

Sincerely,

Jamie Barboza
BOMA Hawai'i Government Affairs Committee Chair

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

October 21, 2024

Councilmember Matt Weyer, Chair
Councilmember Esther Kiaʻāina, Vice Chair
Committee on Housing Sustainability and Health

RE: **Bill 51 - Relating to Adaptive Reuse**
Hearing date: Wednesday, October 23, 2024, at 1:00PM

Aloha Chair Weyer, and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii **SUPPORTING THE INTENT of BILL 51 with COMMMENTS**. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

As background, Act 37, Session Laws of Hawaii 2024 ("Act 37") was passed by the legislature to allow for the adaptive reuse of existing commercial buildings in the county's building code. Specifically, under the new Section 46-B(b)(2) of Act 37, the intent of the Legislature was to allow for adaptive reuse to meet the interior environment requirements of the International Building Code ("IBC"). In accordance with Act 37, Bill 51 has been introduced to safely and sustainably increase the supply of housing by amending the Revised Ordinances of Honolulu ("ROH") to allow for the adaptive reuse of existing commercial buildings consistent with the IBC.

Currently, Honolulu is the only county in the state that has a Housing Code that is imbedded into the building code. The Housing Code specifically requires operable windows to allow for natural lighting and direct ventilation for living rooms and bedrooms. Honolulu's building code dictates that IBC governs except as maybe contrarily specified in the Housing Code. This is overly restrictive as most office buildings do not have sufficient windows to provide direct window access.

The IBC code is an international code. Advances in technology for artificial lighting and ventilation methodologies with proven application in living spaces have been validated by the IBC. The IBC approved the change in 2012 and Hawai'i adopted the changes in 2018. The new code allows for indirect or artificial light and mechanical ventilation options to consider rooms to become "bedrooms" and living rooms. Furthermore, the IBC does not require emergency power or generators for mechanical ventilation. **Most significantly, the changes do not compromise life and safety for potential residents.**

NAIOP Hawaii supports the intent of this measure to allow for adaptive reuse in Honolulu. However, as currently drafted the measure presents several concerns including:

1. Reference to building code in Section 16A-4.4(e)(3) and (4) creates more onerous requirements than the IBC for ventilation and lighting which prevent a project from proceeding.
2. Additional generator requirement in in Section 16A-4.4(e)(5) is cost prohibitive, logistically unrealistic (size and location) and overly burdensome.
3. Section 16A-4.4(e)(6) contains overbroad langauge for relocation plan requirements.

Accordingly, NAIOP Hawaii respectfully recommends the following amendments to Bill 51 to: 1) clarify IBC as the applicable code for artificial lighting and ventilation requirements for adaptive reuse projects; and 2) remove overburdensome and duplicative requirements.

1. Revise "building code" in Section 16A-4.4(e)(3) and (4) to refer to "international building code."
2. Revise in Section 16A-4.4(e)(5) to refer to "international building code" as the applicable code for emergency mechanical light and ventilation requirements and delete duplicate power mechanical ventilation system.
3. Delete Section 16A-4.4(e)(6) to remove an ambiguous and unnecessary requirement mandating an evacuation and relocation plan.

These amendments will help achieve the intended purpose of Bill 51 to allow for adaptive reuse in Honolulu and increase housing inventory for residents.

Ultimately, Honolulu is currently in a housing crisis which is continuing to worsen due to the ongoing economic changes. NAIOP Hawaii supports this measure which seeks to encourage the conversion of commercial units into residential units. NAIOP Hawaii is dedicated to the creation of affordable housing for our communities. Thank you for the opportunity to testify on this measure and we look forward to working with all interested stakeholders to address this issue.

Mahalo for your consideration,



Reyn Tanaka, President
NAIOP Hawaii

A BILL FOR AN ORDINANCE

RELATING TO ADAPTIVE REUSE.

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

SECTION 1. Purpose and findings. The City Council ("Council") finds that Act 37, Session Laws of Hawaii 2024 ("Act 37"), allows residential uses in areas zoned for commercial use. Act 37, among other things, amended Chapter 46, Hawaii Revised Statutes, to require that:

> "No later than January 1, 2025, each county shall adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings in the county's building code; provided that adaptive reuse of existing commercial buildings shall be allowed pursuant to this section until each county adopts or amends its ordinances in accordance with this section."

The Council further finds that if such an ordinance is not enacted before the January 1, 2025, deadline, the adaptive reuse of commercial buildings shall be allowed with limited regulation, potentially negatively impacting the health and safety of Honolulu residents.

Accordingly, the purpose of this ordinance is to safely and sustainably increase the supply of housing, including by amending the Revised Ordinances of Honolulu to allow for the adaptive reuse of existing commercial buildings.

SECTION 2. Section 16A-4.4, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 16A-4.4 Light—Ventilation.**

(a) *Natural light and ventilation.*

(1) All guest rooms and habitable rooms within a dwelling unit or congregate residence [~~shall~~] must be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. Not less than one-half of the required window or skylight area [~~shall~~] must be openable to provide natural ventilation.

(2) All bathrooms, water closet compartments, laundry rooms, and similar rooms [~~shall~~] must be provided with natural ventilation by means of

windows with an openable area not less than one-twentieth of the floor area of

such rooms with a minimum of 1.5 square feet.

(b) *Origin.*

(1) Required windows [~~shall~~] must open directly onto the public way or a yard or court located on the same lot as the building.

Exception: required windows may open into a roofed porch or lanai where the porch or lanai:

(A) Abuts a public way, yard, or court;

(B) Has a ceiling height of not less than 7 feet; and

(C) Has the longer side at least 50 percent open and unobstructed. The area of fixed openings in open guardrails of minimum height may be credited for this requirement.

(2) A required window in a service room may open into a vent shaft that is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft [~~shall~~] may extend through more than two stories.

(3) For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when at least one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(c) *Mechanical ventilation.*

(1) In lieu of required openable windows for natural ventilation, a mechanical ventilation system may be provided for all spaces except bedrooms.

(2) Mechanical ventilation systems for bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, [~~shall~~] must provide not less than five air changes per hour and [~~shall~~] must be connected directly to the outside. The point of discharge of exhaust air [~~shall~~] must be at least 3 feet from any opening [~~which~~] that allows air entry into occupied portions of the building.

(3) Mechanical ventilation systems for all habitable rooms, except bedrooms, and public corridors [~~shall~~] must be capable of providing not less than two air changes per hour. At least one-fifth of the air supply [~~shall~~] must be taken from the outside.

(4) All bathrooms, lavatories, and toilet compartments that are ventilated by

mechanical ventilation [~~shall~~] must have fixed openings, from adjacent rooms or corridors or from other approved sources, [~~which~~] that are sufficient to provide an inflow of air necessary to make exhaust ventilation effective. The exhaust air from bathrooms, lavatories, and toilet compartments [~~shall~~] may not be recirculated. Exhaust duct systems for toilet compartments and bathrooms [~~shall~~] must be separate from the exhaust duct systems for other portions of a building.

(5) Toilet compartments, bathrooms, and kitchens ventilated in accordance with this subsection may be provided with artificial light. When a water closet in a bathroom or toilet compartment is completely enclosed by partitions, such enclosure [~~shall~~] must be separately lighted and ventilated.

(6) Systems of mechanical ventilation installed to comply with this code [~~shall~~] must be kept in good working order and in continuous operation at all times during occupancy of the room served by such system. All openings to ventilators [~~shall~~] must be [~~ratproofed.~~] rat-proofed.

(d) *Hallways.* All public hallways, stairs, and other exitways [~~shall~~] must be adequately lighted at all times in accordance with the building code.

(e) *Applicability*. Except as provided in this subsection, this section does not apply to the retrofitting and repurposing of non-residential buildings or structures for multi-family dwelling purposes; provided that:

(1) "Multi-family dwelling" has the same meaning as defined in § 21-10.1;

(2) The retrofitting or repurposing does not include the rehabilitation of any existing dwelling units other than those allowed by way of this section;

(3) Every space intended for human habitation must comply with the natural light or artificial lighting standards and requirements of the international building code;

(4) Each dwelling unit must be provided with natural ventilation or mechanical ventilation in accordance with the standards and requirements of the international building code;

(5) Dwelling units exclusively reliant on mechanical ventilation shall be safeguarded with an on-site emergency power system in accordance with the standards and requirements of the international building code ~~and a duplicate mechanical ventilation system to ensure continuous ventilation~~;

(6) ~~The multi-family dwelling owner or manager, as applicable, shall develop and maintain an evacuation and relocation plan for residents in the event of mechanical ventilation failure; and~~

(7) Any purchase or rental agreement for a dwelling unit reliant on mechanical ventilation shall include notice to the purchaser or renter of the potential effects to the unit and its occupants should the mechanical ventilation fail."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New 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.

SECTION 4. This ordinance takes effect on January 1, 2025; provided that: (a) this ordinance does not affect any building permits that had been issued prior to the effective date of this ordinance; and (b) all building permit applications received prior to the effective date of this ordinance and deemed complete for processing by the department of planning and permitting must be processed in accordance with Section 16A-4.4, Revised Ordinances of Honolulu 2021, in the form in which it read prior to the effective date of this ordinance.

INTRODUCED BY:

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai‘i Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____

Deputy Corporation Counsel

A BILL FOR AN ORDINANCE

APPROVED this _____day of _____, 20 ___.

_____
RICK BLANGIARDI, Mayor
City and County of Honolulu

Honolulu Board of REALTORS®
EST. 1922
1136 12th Avenue, Suite 200 • Honolulu, HI 96816-3796 • TEL: 808.732.3000 • FAX: 808.732.8732 • www.hicentral.com

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Testimony by Suzanne Young, CEO
Honolulu Board of REALTORS®

Bill 51 (2024), PROPOSED CD1
Relating to Adaptive Reuse

Committee on Housing, Sustainability and Health (HSH)
Matt Weyer, Chair

Honolulu Hale
Wednesday, October 23, 2024
1:00 PM

Aloha Chair Weyer, Vice Chair Kiaʻāina, and members of the committee:

The Honolulu Board of REALTORS® (HBR) representing over 6,700 members is in strong support of Bill 51, (2024), Proposed CD1, which allows residential uses in areas zoned for commercial use to be considered permitted under certain circumstances.

Bill 51, Proposed CD1 will encourage adaptive reuse projects which require flexible design options. For instance, most office buildings do not have sufficient windows to provide direct window access. The measure allows for the conversion of office buildings resulting in gaining additional housing units for Honolulu residents.

Adaptive reuse and conversion of commercial into residential will also create mixed-use neighborhoods where residents can live-work-play like Downtown Honolulu.

We ask for your favorable support of the Proposed CD1 to provide opportunities to increase the supply of housing at all price points in areas with existing infrastructure.

Thank you for allowing us to provide testimony in support of the Proposed CD1.

HONOLULU CITY COUNCIL
Committee on Housing, Sustainability, and Health
Honolulu Hale
1:00 PM

October 23, 2024

RE: Bill 51 - RELATING TO ADAPTIVE REUSE

Chair Weyer, Vice Chair Kiaaina, and members of the Council:

My name is Roseann Freitas, President and CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

We are writing with comments on the proposed draft of Bill 51, and to highlight its conflict with established national standards, specifically the 2021 International Mechanical Code (IMC).

Section 401.2 of the 2021 IMC allows for mechanical ventilation in all rooms of a dwelling unit, including bedrooms. This provision is critical in ensuring that buildings, particularly in adaptive reuse projects, are safe, habitable, and meet modern ventilation standards. However, the current language in Bill 51 seems to overlook this provision, potentially imposing restrictions on the use of mechanical ventilation in bedrooms where natural ventilation may not be available or feasible.

One of the primary concerns is that, as proposed, Bill 51 will severely limit the number of adaptive reuse projects on Oahu. Many older buildings that could be revitalized and repurposed for housing, especially in urban areas, do not have the capacity for natural ventilation in all rooms, including bedrooms. The International Mechanical Code, which is widely adopted across the country, recognizes this limitation and allows mechanical ventilation systems to compensate for the lack of natural ventilation. By preventing the use of mechanical ventilation in bedrooms, this bill could stifle much-needed development and housing opportunities.

In conclusion, we urge the Council to reconsider restrictive provisions of Bill 51 and ensure that it aligns with the 2021 International Mechanical Code, particularly regarding mechanical ventilation in bedrooms. This alignment would not only ensure compliance with national standards but also support adaptive reuse projects that could provide much-needed housing on Oahu.

Thank you for the opportunity to testify.