



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

ORDINANCE _____
BILL **17 (2026)**

A BILL FOR AN ORDINANCE

RELATING TO AFFORDABLE RENTAL HOUSING.

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

SECTION 1. Purpose and findings. The purpose of this ordinance is to address affordable rental housing as regulated under Chapter 32, Revised Ordinances of Honolulu 2021 ("ROH").

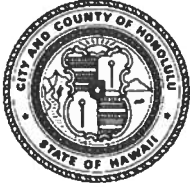
The City Council ("Council") finds that the affordable rental housing provisions codified in ROH Chapter 32 were initially enacted by Ordinance 19-8 (Bill 7 (2019), CD2, FD1), and were not included in the Land Use Ordinance ("LUO"), ROH Chapter 21, because it is a pilot program with a sunset date.

The Council also finds that Ordinance 19-8 became effective on May 21, 2019, with a repeal date of May 21, 2024. Ordinance 23-12 extended the repeal date of Ordinance 19-8 to June 1, 2030. The affordable rental housing program was originally intended as a temporary program to accelerate the construction of affordable rental housing in the apartment, apartment mixed-use, and business mixed-use zoning districts, and in the apartment precinct, including the apartment mixed-use subprecinct of the Waikiki Special District, by relaxing certain zoning and building code standards, and offering certain financial incentives. The extended repeal date may exceed the period of time needed to accomplish this goal.

The Council notes that an affordable rental housing project does not require discretionary permit approval, and may proceed to a building permit application, which is a ministerial permit that will be approved if the project complies with all applicable Land Use Ordinance, Building Code, and other development standards and requirements.

The Council further finds that ROH Chapter 32 currently provides for a maximum height of 60 feet for affordable rental housing projects, which has been the subject of community opposition when the project site's underlying zoning district specifies a maximum height that is less than 60 feet, or when the project is located within a special district that provides for specific height limits.

SECTION 2. Section 32-2.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:



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"§ 32-2.3 Development standards.

Affordable rental housing projects are subject to the following development standards and off-street parking and loading requirements, as illustrated in Figures 32-2.6 and 32-2.7:

Development Standard	Requirement
Maximum lot area	20,000 square feet
Minimum front yard	10 feet, or the minimum front yard required by the underlying zoning, whichever is less
Minimum side and rear yards	5 feet, or the minimum side and rear yards required by the underlying zoning, whichever is less
Maximum building area	80% of the zoning lot
Maximum building height	<u>Lesser of the maximum height for the underlying zoning district or special district, or 60 feet</u>
Maximum density	4.0 FAR
Height setbacks	None
Off-street parking	None
Bicycle parking	None
Off-street loading	None, provided that loading and garbage storage must be accommodated on site.
Yard encroachments	Parking, including bicycle parking, is allowed in the side and rear yards. One loading space may encroach a maximum of 5 feet into the front yard. Required fire exit stairwells and fire corridors may encroach into the front yard by a maximum of 5 feet.

SECTION 3. Section 32-3.2, Revised Ordinances of Honolulu 2021 ("Standards"), is amended by amending subsection (a) to read as follows:

- "(a) *Building heights and areas.* The building height permitted by Table 32-A will be increased in accordance with Section 504 of the building code. The building area of a one-story building must not exceed the limitations set forth in Table 32-A, except as provided in Section 506 of the building code.



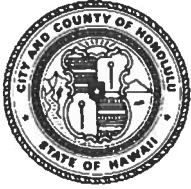
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TABLE 32-A					
TYPE OF CONSTRUCTION	ALLOWABLE HEIGHT AND BUILDING AREAS FOR MID-RISE MULTI-FAMILY RESIDENTIAL BUILDINGS.				
	Height Limitations shown as stories and feet above grade plane.				
	Area limitations as determined by the definition of Area, building, per story				
	IB	IIA	IIIA	HT	VA
	MAXIMUM HEIGHT (feet)				
Height/Area	Maximum Height (stories) and Maximum Area (sq. ft.)				
H	7	7	7	7	5
A	80% of land area	80% of land area	80% of land area	80% of land area	80% of land area

TABLE 32-A					
TYPE OF CONSTRUCTION	ALLOWABLE HEIGHT AND BUILDING AREAS FOR MID-RISE MULTI-FAMILY RESIDENTIAL BUILDINGS.				
	Height limitations shown as feet and stories above grade plane.				
	Building area limitations as determined by the definition of area, building, per story.				
	IB	IIA	IIIA	HT	VA
MAXIMUM HEIGHT (FEET)	Lesser of the maximum height for the underlying zoning district or special district, or 60				Lesser of the maximum height for the underlying zoning district or special district, or 50
MAXIMUM HEIGHT (STORIES)	Lesser of the stories allowed under the maximum height for the underlying zoning district or special district, or 7				Lesser of the stories allowed under the maximum height for the underlying zoning district or special district, or 5
MAXIMUM BUILDING AREA	80% of land area	80% of land area	80% of land area	80% of land area	80% of land area



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SECTION 4. Section 8-10.33, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 8-10.33 Exemption—Qualifying affordable rental dwelling units ~~[or affordable rental housing units].~~

- (a) For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Affordable Housing Agreement. An affordable housing agreement as described in § 29-1.8, or a "regulatory agreement" as defined in § 8-10.17(a).

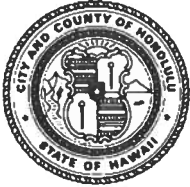
~~***[Declaration of Restrictive Covenants.*** Has the same meaning as defined in Chapter 32.~~

~~***Exemption Period.*** The 15-year period commencing upon the effective date of the claim for a real property tax exemption pursuant to subsection (b)(4), and ending on June 30 of the last year of the 15-year period. Any exemptions granted pursuant to § 8-10.33 prior to May 28, 2025 will be extended by five years.]~~

Regulated Period. The period during which a project is subject to an affordable housing agreement.

- (b) This section applies only to the following:

- (1) That portion of real property used for affordable rental dwelling units as provided on-site or off-site pursuant to Chapter 29;
- (2) That portion of real property used for affordable rental dwelling units provided pursuant to a planned development-transit permit under § 21-9.100-10, or an interim planned development-transit permit under § 21-9.100-5; or
- (3) That portion of real property used for affordable rental dwelling units located on real property used in connection with a housing project developed in compliance with HRS § 201H-36(a)(5); ~~or~~
- (4) ~~That portion of real property used for affordable rental housing units that:~~



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~~(A) Are rented to households earning 80 percent and below of the AMI; and~~

~~(B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 80 percent of the AMI for the applicable household size;~~

~~pursuant to Chapter 32].~~

(c) The exemption provided in this section does not apply to any portion of the real property that is:

- (1) Used for commercial or other non-residential purposes;
- (2) Not for the exclusive use of the tenants of the affordable rental dwelling units; or
- (3) Subject to any other exemption from real property taxation.

(d) Real property specified in subsection (b) that is subject to an affordable housing agreement will be exempt from property taxes for the duration of the regulated period~~[, and real property specified in subsection (b)(4) that is subject to a declaration of restrictive covenants will be exempt from property taxes for the duration of the exemption period].~~

- (1) If the project fails to meet the requirements under this section at any time during the regulated period ~~[or exemption period, whichever is applicable]~~, the exemption will be canceled, and the real property will be subject to taxes and penalties pursuant to subsection (i)(3).
- (2) If the ownership of any portion of the real property that qualifies for an exemption under this section changes during the regulated period ~~[or exemption period, whichever is applicable]~~, the exemption will be canceled and the entire project, including any retained portion and the portion that changed ownership, will be subject to taxes and penalties pursuant to subsection (i)(3). The taxes and penalties do not apply to any portion of the real property for which a new claim is filed for an exemption within 30



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days of the recordation or filing of the real property title change with the registrar of the bureau of conveyances or the assistant registrar of the land court, or both, as appropriate, if the director grants the exemption.

- (3) If the ownership of the real property changes during the regulated period, a new claim for exemption must be filed within 30 days of the recordation of filing of such change with the registrar of the bureau of conveyances or the assistant registrar of the land court, or both, as appropriate. Failure to timely file a new claim for an exemption, or to meet the qualifications under this section, will result in cancellation of the exemption, and taxes and penalties will be imposed pursuant to subsection (i)(3).
- (e) Where a project is situated upon a single parcel of land, if any portion of the property is ineligible for the property tax exemption under this section:
 - (1) The remaining eligible portion will not be deprived of the exemption; and
 - (2) The ineligibility of a portion of the property for exemption under this section will not disqualify that portion from an exemption under any other law.
- (f) Exemptions claimed under this section disqualify the same property from receiving an exemption under HRS § 53-38[; ~~provided that exemptions claimed under subsection (b)(4) also disqualify the same real property from receiving a real property tax exemption under any other law, except for § 8-10.34.~~]
- (g) Notwithstanding any provision in this chapter to the contrary, any real property determined by the director to be exempt from property taxes under this section will be exempt from property taxes effective as of the date the application is filed with the director; provided that the initial application for an exemption must be filed with the director within 60 days after the real property qualifies for the exemption, but in no event later than September 30 preceding the tax year for which the exemption is claimed.
 - (1) A copy of the affordable housing agreement that has been recorded with the registrar of the bureau of conveyances or the assistant registrar of the land court, or both, as appropriate, [~~or the declaration of restrictive covenants that has been executed by the owner of the zoning lot on which an affordable rental housing project is situated,~~] must be filed with the



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application along with any additional documents determined by the director to be necessary to supplement the application.

~~[(1) For exemptions claimed under subsections (b)(1), (b)(2), and (b)(3), after]~~

~~(2) After the initial year for which the real property has qualified for an exemption, a claim for a continued exemption must be filed annually on or before September 30, together with a document from the agency regulating the project certifying that the project continues to be in compliance with the initial affordable housing agreement and is in compliance with the applicable rental requirements.~~

~~[(2) For exemptions claimed under subsection (b)(4), after the initial year for which the real property has qualified for an exemption, a report must be filed with the director annually on or before September 30 during the exemption period. The report must certify that the affordable rental housing project continues to be in compliance with the declaration of restrictive covenants and the applicable rental requirements pursuant to this chapter, including but not limited to the number of affordable rental housing units that are rented to households earning 80 percent or below of the AMI, and rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 80 percent of the AMI for the applicable household size or less.]~~

(3) The director may, after 30 days' written notice, audit the records of the real property exempt from taxes under this section. A taxpayer's refusal or failure to cooperate and produce all records requested by the director may result in the cancellation of the exemption and subject the real property to the taxes and penalties determined in subsection (i)(3).

(h) In the event property taxes have been paid in advance to the city for real property that subsequently qualifies for the exemption, the director shall refund to the owner that portion of the taxes attributable to, and paid for the period after the qualification.

(i) *Cancellation of exemption—penalties.*

(1) *Notice by director.* Following the initial year for which real property has qualified for an exemption under this section, if an owner fails to file a claim for continued exemption by the September 30 deadline, the director



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shall promptly mail a notice to the owner at the owner's address of record stating that unless a claim for continued exemption and all the necessary documents are received by the director by November 15 of the same year, the exemption will be canceled.

- (2) *Cancellation of exemption.* An owner who has been sent a notice under subdivision (1) by the director and who fails to file for an exemption by the November 15 deadline will have the exemption canceled and the project will be subject to taxes and penalties pursuant to subdivision (3). In the event the director finds that the initial or a subsequent claim for exemption contains false or fraudulent information, the project fails to meet the requirements during the regulated period, or the owner fails to file annually during the regulated period as required under this section, the director shall cancel the exemption retroactive to the date the exemption was first granted pursuant to an initial filing under subsection (g), and the project will be subject to the taxes and penalties determined in subdivision (3).
- (3) *Back taxes and penalties.* In the event a project is subject to taxes and penalties, as provided in subdivision (2), the differences in the amount of taxes that were paid and those that would have been due but for the exemption allowed are payable, together with a penalty in the form of interest at 10 percent per annum, from the respective dates that these payments would have been due. The taxes and penalties due will be a paramount lien upon the real property. In the event a claim for an exemption is submitted after the September 30 deadline but on or before the November 15 deadline, a late filing penalty of \$500 will be imposed."

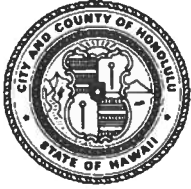
SECTION 5. Section 8-10.34, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 8-10.34 Exemption—During construction work for and marketing of affordable dwelling units [or affordable rental housing projects].

- (a) For the purposes of this section, the following ~~[definitions shall apply]~~ definition applies unless the context clearly indicates or requires a different meaning.

Qualifying Construction Work. Work[:

- (1) ~~To~~ to construct new buildings or portions thereof, or to construct additions or substantial rehabilitations, as defined in § 29-1.2, to existing buildings;



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provided that the new or existing building is located on land that is classified in accordance with § 8-7.1 as residential, residential A, hotel and resort, or commercial~~[-or~~

~~(2) — To construct an affordable rental housing project pursuant to Chapter 32].~~

(b) Any incremental increase in the valuation of the real property primarily attributable to qualifying construction work will be exempt from property taxes; provided that:

(1) The qualifying construction work creates affordable dwelling units pursuant to Chapter 29;

(2) The qualifying construction work creates affordable dwelling units pursuant to a planned development-transit permit pursuant to § 21-9.100-10, or an interim planned development-transit permit pursuant to § 21-9.100-5; or

(3) The real property is developed in compliance with HRS § 201H-36(a)(5)~~[-or~~
~~or~~

~~(4) — The qualifying construction work creates affordable rental housing units that:~~

~~(A) — Are rented to households earning 100 percent and below of the AMI; and~~

~~(B) — For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size;~~

~~pursuant to Chapter 32].~~

(c) A claim for exemption must be filed with the director on or before September 30 preceding the first tax year for which the exemption is claimed on a form as may be prescribed by the director, and must be supported by documentation establishing the date of the issuance of the building permit for demolition, if



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applicable, or the building permit for new buildings or portions thereof, additions, or substantial rehabilitations, and documenting the creation of:

- (1) Affordable dwelling units pursuant to Chapter 29;
 - (2) A planned development-transit permit pursuant to § 21-9.100-10;
 - (3) An interim planned development-transit permit pursuant to § 21-9.100-5;
or
 - (4) Affordable rental dwelling units pursuant to HRS § 201H-36(a)(5); ~~or~~
 - (5) ~~Affordable rental housing units that:~~
 - (A) ~~Are rented to households earning 100 percent and below of the AMI; and~~
 - (B) ~~For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size;~~

~~pursuant to Chapter 32].~~
- (d) The real property tax will be based on the assessed value of the property for the tax year immediately preceding the tax year during which the building permit for demolition, if applicable, or a building permit for new buildings or portions thereof, additions, or substantial rehabilitations for the qualifying construction work was issued.
 - (e) The claim for exemption, once allowed, will expire:
 - (1) Three calendar years after issuance of a building permit for new buildings or portions thereof, additions, or substantial rehabilitations;
 - (2) Upon issuance of a certificate of completion; or
 - (3) Upon issuance of any certificate of occupancy;



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whichever occurs first. The director may extend this exemption for good cause.

~~[(f) — If, within five years after the expiration of the claim for an exemption under subsection (b)(4), an affordable rental housing project is not in compliance with the executed declaration of restrictive covenants, the exemption will be retroactively revoked and the taxpayer shall reimburse the city for the total exemption amount.]]"~~

SECTION 6. Section 18-6.5, Revised Ordinances of Honolulu 2021 ("Exemptions") is amended by amending subsections (h) and (i) to read as follows:

~~"[(h) — The building official shall waive the collection of the plan review and building permit fees for the portion of an affordable rental housing project equal to the percentage of affordable rental housing units that:~~

- ~~(1) — Are rented to households earning 100 percent and below of the AMI; and~~
- ~~(2) — For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size;~~

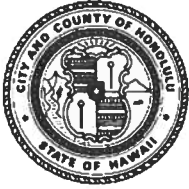
~~pursuant to Chapter 32.]~~

- (i) The building official shall waive the collection of that portion of any plan review and building permit fee attributable to the installation of automatic fire sprinkler systems for the suppression of fire in existing high-rise residential buildings. For the purposes of this subsection, "existing high-rise residential building" means any building that has floors used for human occupancy located more than 75 feet above the highest grade, contains dwelling units, and was ~~[erected]~~ constructed prior to 1993."

SECTION 7. Section 22-7.3, Revised Ordinances of Honolulu 2021 ("Scope"), is amended by amending subsection (j) to read as follows:

"(j) This article also does not apply to the following dwelling units:

- (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter 29;



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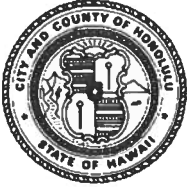
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- (2) Affordable dwelling units provided pursuant to a planned development transit permit pursuant to ROH § 21-9.100-10, or an interim planned development-transit permit pursuant to ROH § 21-9.100-5; or
- (3) Affordable rental dwelling units provided in compliance with HRS § 201H-36(a)(5); ~~or~~
- ~~(4) Affordable rental housing units that are rented to households earning 100 percent and below of the AMI, and rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size or less, pursuant to Chapter 32]."~~

SECTION 8. Section 43-10.8, Revised Ordinances of Honolulu 2021 ("Waiver of wastewater system facility charges for affordable dwelling units"), is amended by amending subsection (a) to read as follows:

"(a) Wastewater system facility charges, as set forth in Appendix 43-C of this chapter will be waived for the following:

- (1) Affordable dwelling units as defined in and as provided on-site or off-site pursuant to Chapter 29;
- (2) Affordable dwelling units provided pursuant to a planned development-transit permit pursuant to § 21-9.100-10, or an interim planned development-transit permit pursuant to § 21-9.100-5; or
- (3) Affordable rental dwelling units developed in compliance with HRS § 201H-36(a)(5);
- ~~(4) Affordable rental housing units that:~~
 - ~~(A) Are rented to households earning 100 percent and below of the AMI; and~~
 - ~~(B) For a period of at least 15 years after a certificate of occupancy is issued for the affordable rental housing project, the affordable units are rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for~~



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~~households earning 100 percent of the AMI for the applicable household size;~~

~~pursuant to Chapter 32]."~~

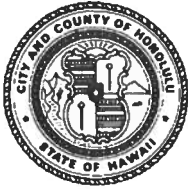
SECTION 9. SECTION 10 of Ordinance 19-8, as amended by Ordinance 23-12, is amended to read as follows:

"SECTION 10. This ordinance takes effect upon its approval and will be repealed ~~[seven years after the date on which Bill 8 (2023), or any amended version thereof, has been enacted into law and taken effect;]~~ on July 1, 2027; provided that:

- (1) Any real property tax exemption authorized pursuant to ~~[Section]~~ § 8-10.33(b)(4) in SECTION 6 of this ordinance, and pursuant to ~~[Section]~~ § 8-10.34(b)(4) in SECTION 7 of this ordinance, will apply to tax years beginning July 1, 2020;
- (2) The amendments made in SECTIONS 3, 4, 5, 6, and 7 of this ordinance do not affect the repeal date of Ordinance 18-1; and
- ~~[(3) No later than May 21, 2022, the Director of Planning and Permitting shall submit to the City Council a report on the number of affordable rental housing units developed under this ordinance, and a recommendation regarding the repeal, modification, or extension of this ordinance.]~~
- (3) Any real property tax exemption authorized pursuant to § 8-10.33(b)(4) in SECTION 6 of this ordinance, and pursuant to § 8-10.34(b)(4) in SECTION 7 of this ordinance will remain in effect for the duration of the period specified in §§ 8-10.33 and 8-10.34 as they read immediately prior to the repeal of §§ 8-10.33(b)(4) and 8-10.34(b)(4) on July 1, 2027."

SECTION 10. SECTION 3 of Ordinance 23-12, is repealed.

~~"[SECTION 3. No later than one year after the effective date of this ordinance and by that date every year thereafter, the Director of Planning and Permitting shall submit to the City Council a report on the number of affordable~~



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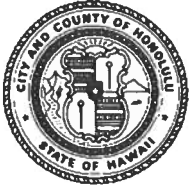
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~~housing units developed under Chapter 32, Revised Ordinances of Honolulu-2021, as of that time.]"~~

SECTION 11. 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 12. This ordinance takes effect upon its approval; provided that:

1. SECTIONS 4, 5, 6, 7, and 8 of this ordinance take effect on July 1, 2027.
2. This ordinance does not affect any building permit issued prior to the repeal of Chapter 32, Revised Ordinances of Honolulu 2021 ("ROH").
3. All building permit applications for affordable rental housing projects under ROH Chapter 32 submitted to and deemed complete for processing by the Department of Planning and Permitting prior to the repeal of ROH Chapter 32 must be processed in accordance with ROH Chapter 32, as it read immediately prior to the repeal of ROH Chapter 32.
4. The amendments made in SECTIONS 4, 5, and 7 of this ordinance do not affect the repeal of ROH §§ 8-10.33, 8-10.34, and 43-10.8 on June 1, 2030, pursuant to Ordinance 18-1, as amended by Ordinance 25-25.



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5. Upon the repeal of ROH Chapter 32, the penalty provisions set forth in ROH § 32-4.4 will remain in effect for as long as any affordable rental housing project is subject to the requirements of ROH Chapter 32, as it read on the day prior to the date on which ROH Chapter 32 is repealed.

INTRODUCED BY:

Esther Kia'ania
[Signature]

DATE OF INTRODUCTION:

JAN 22 2026

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:

Real Property; Affordable Housing; Incentives; Repeal Date; Chapter 32 ("Affordable Rental Housing")

Description:

Amends the repeal date of ROH Chapter 32, relating to affordable rental housing, to July 1, 2027. Effective July 1, 2027, repeals related provisions to reflect the proposed July 1, 2027 repeal date for ROH Chapter 32.

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