



A BILL FOR AN ORDINANCE

RELATING TO FLOOD HAZARD AREAS.

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

SECTION 1. Purpose and intent. The purpose of this ordinance is to amend the Flood Hazard Area Ordinance, Chapter 21A, Revised Ordinances of Honolulu 2021, to adopt language and construction standards consistent with the requirements of the Federal Emergency Management Agency (FEMA) to maintain participation in the National Flood Insurance Program and the Community Rating System, and for housekeeping purposes.

SECTION 2. Section 21A-1.1 ("Purpose") Revised Ordinances of Honolulu 2021, is amended by amending subsections (b), (c), (e), and adding subsection (f) to read as follows:

"Sec. 21A-1.1 Purpose.

- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in [~~areas of~~] special flood hazard[~~s~~] areas, which increase flood heights and velocities also contribute to flood losses.
- (c) Congress has determined that regulation of construction in areas subject to flood hazards is necessary for the protection of life and property and reduction of public costs for flood control, rescue and relief efforts, thereby promoting the safety, health, convenience, and general welfare of the community. To achieve these purposes, this chapter establishes special flood hazard areas and imposes restrictions upon man-made changes to improved and unimproved real estate within the areas. These restrictions are necessary to qualify the city for participation in the federal flood insurance program.
- (e) This chapter is designed to:
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in [~~areas of~~] special flood hazard areas;



A BILL FOR AN ORDINANCE

- (6) Help maintain a stable tax base by providing for the sound use and development of ~~[areas of]~~ special flood hazard areas so as to minimize future blighted areas caused by flood damage;
 - (7) Ensure that potential buyers are notified that property is in ~~[an area of]~~ a special flood hazard area; and
 - (8) Ensure that those who occupy or develop, or both, ~~[the areas of]~~ special flood hazard areas assume responsibility for their actions.
- (f) This chapter, adopted for compliance with FEMA standards, shall apply to the design and construction of drainage facilities under the purview of the storm drainage standards of the City and County of Honolulu."

SECTION 3. Section 21A-1.3 ("Administration") Revised Ordinances of Honolulu 2021, is amended by amending subsections (b), (e), and (i) to read as follows:

"Sec. 21A-1.3 Administration.

- (b) Duties and responsibilities shall include but not be limited to the following:
- (1) Review all subdivision and other development permits to determine that the requirements of this chapter have been satisfied, the project site is reasonably safe from flooding, and other required federal or State approvals are obtained;
 - (2) Where base flood elevation data have not been provided on the federal flood insurance rate maps, the director shall obtain, review, and reasonably use any base flood elevation and floodway data available from a federal or State agency, or other source, to administer this chapter;
 - (3) Whenever a watercourse is proposed to be altered or relocated:
 - (A) ~~It~~Require that the flood carrying capacity within the altered or relocated watercourse be maintained;
 - (B) For riverine situations, obtain approval from the State of Hawai'i Department of Land and Natural Resources, Commission on Water



A BILL FOR AN ORDINANCE

Resource Management prior to such alteration or relocation and submit evidence of such notification to the Federal Emergency Management Agency.

- (d) Enforcement. If the director determines that there is a violation of this chapter or any permit issued pursuant thereto, the violator shall be subject to the code applicable enforcement rules of the department.
- (e) Warning and disclaimer of liability.
 - (1) The degree of flood and tsunami protection required by this chapter is considered reasonable for regulatory purposes and is based on standard engineering methods of study. Floods or tsunamis larger than the base flood as designated on the flood maps may occur on occasion. This chapter does not imply that areas outside the special flood hazard area will be free from flooding or damage.
- (i) Fees.

Type of Permit	Fee
(1) Floodway permit	\$600
(2) Flood variance	\$600
(3) Letter of map amendment (LOMA), and revision based on fill (LOMR-F)	\$300
(4) Letter of map revision (LOMR), <u>Conditional letter of map revision (CLOMR)</u> , and physical map revision (PMR)	\$600
(5) Flood hazard area interpretation	\$150

SECTION 4. Section 21A-1.4 ("Definitions") Revised Ordinances of Honolulu 2021, is amended by adding new definitions and amending existing definitions to read as follows:

"Sec. 21A-1.4 Definitions.

Design Flood Elevation. The elevation to which building elements shall be elevated or floodproofed for construction purposes. The design flood elevation for



A BILL FOR AN ORDINANCE

meeting the requirements of this chapter is calculated as the base flood elevation plus freeboard.

Director. ~~The director of planning and permitting~~ director of planning and permitting of the City or the ~~directors~~ director's authorized representative.

Flood-resistant materials. Flood-resistant materials are defined as any building product [material, component, or system] capable of withstanding direct and prolonged contact with floodwater without sustaining significant damage. The term "prolonged contact" means at least 72-hours, and the term "significant damage" means any damage requiring more than cosmetic repair. "Cosmetic repair" includes cleaning, sanitizing, and resurfacing (e.g., sanding, repair of joints, repainting) of the material. The cost of cosmetic repair should be less than the cost of replacement of affected materials and systems. In addition to these requirements, individual materials that are considered "flood damage resistant" must not cause degradation of adjacent materials or the systems of which the material is a part.

Freeboard. The additional height above the base flood elevation as a factor of safety to account for uncertainties in the determination of flood elevations. The freeboard for meeting the requirements of this chapter is one foot.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction. Structures for which the "start of construction" commenced [en-or] after [May 22, 2014*] September 3, 1980 and includes any subsequent improvements to such structures."

Non-conversion Agreement. A declaration of restrictive covenants to be signed by the owners of a structure and recorded on the property deed in the Bureau of Conveyances or Land Court of the State of Hawaii, by which the owners agree not to convert or modify any enclosures below the elevated structure in any manner that is inconsistent with the terms of the building permit and these regulations.

Variance. A grant of relief from the terms of this chapter pertaining to floodplain management regulations."



A BILL FOR AN ORDINANCE

SECTION 5. Section 21A-1.5 ("Special Flood Hazard Areas") Revised Ordinances of Honolulu 2021, is amended by amending subsections (c), (d), (e), and adding subsection (f) to read as follows:

"Sec. 21A-1.5 Special Flood Hazard Areas.

- (c) The special flood hazard areas and base flood elevations shall be determined by the flood maps. Where interpretation is needed as to whether or not a project lies within a certain flood hazard area, or interpretation is needed on the base flood elevation in the floodway, flood fringe, or coastal high hazard areas, a request for interpretation of the flood maps shall be submitted to the director for determination. The request shall include the project site and location plan, property lines, and dimensions and tax map key.
- (d) Where special flood hazard areas and base flood elevations have not been determined on the flood maps, the director shall obtain and review the information needed to make this determination. A request for interpretation under this section shall be submitted to the director and include three sets of documents, stamped and signed by a licensed professional engineer, containing adequate information and substantiating data consistent with this part, such as flood study, flood data, project site and location plan, property lines and dimension, tax map key, and topographic data, contours, or spot elevations based on reference marks on flood maps. Upon initial review by the director, other related information may be subsequently required to evaluate the request.
- (e) [~~Flood~~] Conditional map revisions. Whenever base flood elevations may change due to a proposed development, the applicant shall obtain a conditional letter of map revision from the FEMA before approval or issuance of any development permit. [~~A letter of map revision shall be obtained from the FEMA whenever a development has changed the base flood elevation within any special flood hazard area. An application for a letter of map revision shall be submitted to the FEMA no later than six months after the completion of a development.~~] The director may waive this requirement if the proposed change does not result in any increase of the base flood elevation outside the watercourse(s).
- (f) Post-development map revisions. A letter of map revision shall be obtained from the FEMA whenever a development has changed the base flood elevation within any special flood hazard area. An application for a letter of map revision shall be



A BILL FOR AN ORDINANCE

submitted to the FEMA no later than six months after the completion of a development."

SECTION 6. Section 21A-1.6 ("General development standards") Revised Ordinances of Honolulu 2021, is amended to read as follows:

"Sec. 21A-1.6 General development standards

[Structures] All development within ~~[the]~~ a special flood hazard area[s] shall require a permit to conform with the following:

- (4) Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service facilities that are designed or located at or above the design flood elevation, ~~[or both,]~~ so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) Provided with adequate drainage to prevent or minimize damage in accordance with the storm drainage standards of the department and required codes;
- (6) For new or replacement potable water system and facilities; be designed and constructed to minimize or eliminate infiltration of flood waters into the systems;
- (7) For new or replacement sanitary sewer system and waste disposal systems; be designed, located, and constructed so as to minimize or eliminate infiltration, impairment, and contamination to or from the system;
- (8) Manufactured homes. Manufactured homes that are placed or substantially improved within special flood hazard areas ~~[that are not coastal high hazard areas]~~ shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to, or above, the ~~[base]~~ design flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement of which the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade. Manufactured homes that are placed or substantially improved within coastal high hazard areas shall meet the requirements of § 21A-1.9;



A BILL FOR AN ORDINANCE

- (9) Recreational vehicles. Recreational vehicles placed within a special flood hazard area shall either:
- (A) Be on site for fewer than 30 consecutive days;
 - (B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by a quick disconnect type utilities and security device, and has no permanently attached additions); or
 - (C) Meet the requirements for manufactured homes and the standards for the applicable special flood hazard area.
- (10) A structure that straddles two or more special flood hazard areas shall comply with the standards of the special flood hazard area that is considered to have the most stringent or restrictive standards;
- (11) For watercourse alteration or relocation, ensure the flood carrying capacity of the altered or relocated portion of the watercourse is maintained;
- (12) Prior to the commencement of grading, grubbing, or other construction activities within a special flood hazard area, two certified flood zone elevation stakes shall be placed in the ground by a licensed surveyor and documented with the department marking base flood elevations on the property. These stakes shall remain on the property and be maintained until the department approves the completion of construction. Stakes can be moved and re-established in order to facilitate construction activities, and inspections by the department;
- (13) New subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is less, shall include base flood elevation data on the preliminary maps;
- (14) Review subdivision proposals and other proposed new development, to determine whether such proposals will be reasonably safe from flooding. If new development is in a flood area, any such proposals shall be reviewed to assure that:
- (A) All such proposals are consistent with the need to minimize flood damage within the flood-prone area;



A BILL FOR AN ORDINANCE

- (B) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (C) Adequate drainage is provided to reduce exposure to flood hazards."

SECTION 7. Section 21A-1.7 ("Floodway area") Revised Ordinances of Honolulu 2021, is amended by adding subsection (g) to read as follows:

"Sec. 21A-1.7 Floodway area.

- (g) For property partially in a floodway area, but which does not yet contain any structures located within the floodway, new construction or substantial improvement to a structure that causes encroachment into the floodway shall be kept to the minimum extent necessary, and the applicant must show that the proposal cannot be fully accommodated within the non-floodway portion of the property. The director may require changes to the proposal if encroachment into the floodway is otherwise avoidable."

SECTION 8. Section 21A-1.8 ("Flood fringe area") Revised Ordinances of Honolulu 2021, is amended by amending subsections (a), (b), (c) and (f) to read as follows:

"Sec. 21A-1.8 Flood fringe area.

- (a) In areas designated on the flood maps as zone AE or AH:
- (1) All new construction or substantial improvements of residential structures shall have the lowest floor, including basements, elevated to or above the [base] design flood elevation.
 - (2) All new construction or substantial improvements of nonresidential structures shall have the lowest floor elevated to or above the [base] design flood elevation; or together with attendant utility and sanitary facilities, be designed and constructed so that below the [base] design flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components



A BILL FOR AN ORDINANCE

having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy due to the base flood.

- (3) Within zone AH, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- (b) In areas of shallow flooding designated on the flood maps as zone AO:
 - (1) All new construction or substantial improvements of residential structures shall have the lowest floor including basements, elevated above the highest adjacent grade at least ~~[as high as]~~ one foot higher than the depth number specified on the flood maps.
 - (2) All new construction or substantial improvements of nonresidential structures shall have the lowest floor elevated above the highest adjacent grade at least ~~[as high as]~~ one foot higher than the depth number specified on the flood maps; or together with attendant utility and sanitary facilities, be designed and constructed so that below that level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- (c) All new construction or substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
 - (1) For nonengineered openings:
 - (A) Have a minimum of two openings on different sides having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
 - (B) The bottom of all openings shall be no higher than 1 foot above internal or external grade whichever is highest;



A BILL FOR AN ORDINANCE

- (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters; and
 - (D) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter and exit.
- (2) Be certified by a licensed engineer or architect.
- (f) Accessory [~~residential~~] detached structures of less than 600 square feet which are used solely for parking and/or limited storage, and are constructed with the lowest floor below the [~~base~~] design flood elevation must be designed to meet the following minimum criteria:
- (1) The structure must be anchored to resist flotation, collapse, and lateral movement;
 - (2) Any portion of the structure located below the [~~base~~] design flood elevation must be constructed of flood-resistant materials;
 - (3) The structure must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with the provisions of preceding subsection (c);
 - (4) All mechanical and utility equipment housed inside the structure must be elevated to or above the [~~base~~] design flood elevation; and
 - (5) The use of the structure must be limited to parking or limited storage or both.

A licensed engineer or architect shall certify that designs for accessory [~~residential~~] detached structures subject to this subsection meet these minimum criteria."

SECTION 9. Section 21A-1.9 ("Coastal high hazard area") Revised Ordinances of Honolulu 2021, is amended by amending subsections (a) and (b) to read as follows:

"Sec. 21A-1.9 Coastal high hazard area.



A BILL FOR AN ORDINANCE

- (a) (1) All new construction or substantial improvements of residential and nonresidential structures shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the [base] design flood elevation.
- (2) Piles or columns foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a 1 percent chance of being equaled or exceeded in any given year.
- (b) (1) All new construction or substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the structure or supporting foundation.
- (2) Such enclosed space below the lowest floor shall not be used for human habitation and shall be used solely for parking of vehicles, building access, or storage. If the space will be fully enclosed with breakaway walls, a non-conversion agreement must be submitted as part of the building permit application.
- (3) A breakaway wall shall have a design-safe loading resistance of not less than 10 and not more than 20 pounds per square foot, or a licensed architect or engineer shall certify that the breakaway wall shall collapse from a water load less than that which would occur during the base flood."

SECTION 10. Section 21A-1.14 ("Certification Standards") Revised Ordinances of Honolulu of Honolulu 2021, is amended to read as follows:

"Sec. 21A-1.14 Certification standards.

Pre-construction, during-construction, and post-construction certification of elevation and floodproofing of new construction, development and improvements within the special flood hazard areas shall be submitted to the director and shall be maintained as a matter of public record.



A BILL FOR AN ORDINANCE

- (a) *Pre-construction certification.* Requirements for approval of the building permit must include the following items, as applicable, and any additional items as required by the director to promote public welfare and safety:
- (1) *Certification of building plans.* Each set of building plans must include a current topographic survey map prepared by a licensed surveyor, and must be signed and stamped by a licensed engineer or architect certifying the accuracy of the flood boundary and elevation information.
 - (2) *Flood hazard certification.* The city's applicable flood hazard certification form ("Flood Fringe", "Floodway", "Coastal High Hazard", or "No-Impact") must be completed and signed and stamped by a licensed engineer or architect.
 - (3) ~~[Floodproofing]~~ Dry floodproofed design certification. ~~[The Federal Emergency Management Agency]~~ For applicable non-residential structures, Section II of the FEMA "Dry Floodproofing Certificate" form, must be completed and signed and stamped by a licensed engineer or architect.
 - (4) *Certification of no-rise determination.* For all construction and improvements in the floodway, the ~~[Federal Emergency Management Agency]~~ FEMA "No-rise Certification" form must be completed and signed and stamped by a licensed engineer. The director may waive the requirement for this certification form in the case of improvements to an existing structure, provided the proposal is not a substantial improvement and there is no change to the existing footprint of the structure below the design flood elevation.
 - (5) *Draft non-conversion agreement.* For enclosures below an elevated new or substantially improved structure in the coastal high hazard area, the owners must complete and sign and notarize the document.
- (b) *During construction certification.* Upon placement of the lowest floor, including the basement, and prior to further vertical construction of a new or substantially improved structure in the special flood hazard area, the ~~[Federal Emergency Management Agency]~~ FEMA "Elevation Certificate" must be completed and signed and stamped by a licensed surveyor.



A BILL FOR AN ORDINANCE

- (c) *Post-construction certification.* As a condition for the closing of the building permit or issuance of a certificate of occupancy for a new or substantially improved structure in the special flood hazard area, the ~~[Federal Emergency Management Agency FEMA "Elevation Certificate", as amended, shall be completed and signed and stamped by a licensed surveyor, engineer or architect.]~~ documentation required must include the following submittals, as applicable:
- (1) *Finish-construction certification.* The FEMA "Elevation Certificate" must be completed and signed and stamped by a licensed surveyor.
 - (2) *Dry floodproofed elevation and construction certifications.* For applicable non-residential structures, the FEMA "Dry Floodproofing Certificate" form must be completed and signed and stamped by a licensed surveyor, engineer or architect (Section III), and licensed engineer or architect (Section IV).
 - (3) *Recorded non-conversion agreement.* An executed recorded copy of the agreement if a draft agreement was required for approval of the building permit."

SECTION 11. Ordinance material to be repealed is bracketed and 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 bracketed and stricken material, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 34 (2026)

A BILL FOR AN ORDINANCE

SECTION 12. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Esther Kia'ania (br)

DATE OF INTRODUCTION:

APR 9 2026
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2026.

RICK BLANGIARDI, Mayor
City and County of Honolulu