SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 34 (2026), CD1
RELATING TO FLOOD HAZARD AREAS.

The PROPOSED CD2 makes the following amendments:

A. Amends ROH § 21A-1.1(d) in SECTION 2 of the bill by clarifying that failure to participate in the program will (instead of could) result in the denial of federal financial assistance for acquisition and construction purposes, and will (instead of could) jeopardize loans secured by improved real estate by lending institutions regulated by the federal government.

B. Amends ROH § 21A-1.4 in SECTION 4 of the bill by amending the definition of "New Construction" to retain the quotation marks for "start of construction."

C. Amends ROH § 21A-1.5(e) in SECTION 5 of the bill by retaining the reference to the watercourse (instead of watercourse areas).

D. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **34 (2026), CD2**

PROPOSED

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 update requirements and construction standards for consistency with the requirements of the Federal Emergency Management Agency ("FEMA"), to remain eligible for participation in the National Flood Insurance Program and the Community Rating System, and for housekeeping purposes.

SECTION 2. Section 21A-1.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21A-1.1 Purpose.**

(a) Within the City and County of Honolulu, certain areas are subject to periodic inundation by flooding or tsunami, or both, resulting in loss of life and property, creation of health and safety hazards, disruption of commerce and governmental services, as well as extraordinary public expenditures for flood and tsunami protection and relief, and impairment of the real property tax base, all of which adversely affect the public health, safety, and general welfare.

(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 [~~hazards,~~] hazard 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 the reduction of public costs for flood control[~~,~~] and the need for 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.

(d) Failure to participate in the program [~~would~~] will result in the denial of federal financial assistance for acquisition and construction purposes, and [~~would~~] will jeopardize the making, securing, extension, and renewal of loans secured by improved real estate by lending institutions regulated by the federal government.

(e) This chapter is designed to:

(1) Protect human life and health and promote the general welfare;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(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;

(6) Help maintain a stable real property tax base by providing for the sound use and development of [~~areas of~~] special flood hazard [~~so as~~] areas 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, applies to the design and construction of drainage facilities in accordance with city storm drainage standards."

A BILL FOR AN ORDINANCE

SECTION 3. Section 21A-1.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 21A-1.3 Administration.

(a) *Designation of floodplain administrator.* The director [~~of planning and permitting~~] is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.

(b) *Duties and responsibilities.* Duties and responsibilities [~~shall~~] include but are 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~~] has 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[~~, require~~]:

(A) Require that the flood carrying capacity within the altered or relocated watercourse be maintained; and

(B) For riverine situations, obtain approval from the State department of land and natural resources, commission on water resource management prior to any alteration or relocation and submit evidence that notification was provided to FEMA.

(4) Obtain and maintain for public inspection, certifications, and documentation required by this chapter, including a record of all variance actions;

(5) Make interpretations where needed, as to the exact location of the boundaries of [~~the areas of~~] special flood hazard[~~,~~] areas, where there appears to be a conflict between a mapped boundary and actual field conditions; and

(6) Take action to remedy violations of this chapter.

(c) *Appeals.* This chapter is a zoning ordinance, and appeals from the actions of the director in the administration of this chapter [~~shall~~] will be to the zoning board of appeals as provided by Charter § 6-1516. Appeals [~~shall~~] must be filed within 30 days [~~of~~] after the date of mailing or personal service of the director's written decision.

(d) *Enforcement*. If the director determines that there is a violation of this chapter or any permit issued pursuant [~~thereto,~~] to this chapter, the violator [~~shall~~] will 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. Larger floods or tsunamis than the base flood, as designated on the flood maps, may occur on occasions, or flood or tsunami elevations may be increased by man-made or natural causes. This chapter does not imply that areas outside of the special flood hazard [~~area~~] areas will be free from flooding or damage.

(2) This chapter [~~shall~~] does not create liability on the part of the city or any officer, official, or employee for any flood or tsunami damages that result from reliance on this chapter or any administrative decision lawfully made under this section.

(f) *Other laws and regulations.* All construction and improvements subject to this chapter [~~shall~~] must comply with federal, State, and other applicable city laws and regulations, including but not limited to the zoning, building, housing, plumbing, and electrical codes, and grading ordinances. This chapter, which is designed to reduce flood losses [~~shall take~~], takes precedence over any less restrictive[~~,~~] or conflicting laws, ordinances, or regulations.

(g) *No exemptions.* Neither the city nor any agency, department, or division under its control [~~shall be exempted~~] is exempt from compliance with this chapter.

(h) *Severability.* [~~This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be~~

~~unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.~~] If any provision in this chapter is determined to be invalid or unenforceable by any court of competent jurisdiction, the remaining provisions of this chapter remain in full force and effect, and the provisions of this chapter are therefore declared to be severable.

(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), Conditional letter of map revision (CLOMR), and physical map revision (PMR)	$600
(5) Flood hazard area interpretation	$150

"

SECTION 4. Section 21A-1.4, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended as follows:

1. By amending the definitions of "Director" and "New Construction," to read as follows:

"***Director***. The director of planning and permitting [~~of the City and County of Honolulu~~] or the director's authorized representative."

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

2. By adding new definitions of "Department," "Design Flood Elevation," "Flood-Resistant Materials," "Freeboard," "Levee," "Manufactured Home Park or Subdivision," "Non-Conversion Agreement," and "Variance," to read as follows:

"***Department.*** The department of planning and permitting."

"***Design Flood Elevation*.** The elevation to which building elements must be elevated or floodproofed for construction purposes. The design flood elevation for meeting the requirements of this chapter is calculated as the base flood elevation plus freeboard."

"***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. The term significant damage means any damage requiring more than cosmetic repair. The term cosmetic repair includes cleaning, sanitizing, and resurfacing (for example, sanding, repair of joints, repainting) of the material. The cost of cosmetic repair must 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 may 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 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."

"***Non-conversion Agreement.*** A declaration of restrictive covenants signed by the owners of a structure and recorded on the property deed in the bureau of conveyances or the office of the assistant registrar of the land court, or both as appropriate, 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 this chapter."

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

SECTION 5. Section 21A-1.5, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21A-1.5 Special flood hazard areas.**

(a) *Applicability.* This chapter [~~shall apply~~] applies to all lands within the special flood hazard areas as determined by the director or as delineated on the flood insurance rate maps [~~(FIRM)~~] prepared by [~~the~~] FEMA, or both. The following special flood hazard areas are established:

(1) Floodway area (floodway in zone AE);

(2) Flood fringe area (zones AE, AO, AH);

(3) Coastal high hazard area (zone VE, V); and

(4) General floodplain area (zone A).

(b) *Adoption of federal flood maps and reports.* The special flood hazard areas identified by [~~the~~] FEMA in the flood insurance rate maps and flood insurance study dated January 19, 2011, and any subsequent revisions and amendments [~~(hereinafter called "flood maps")~~] (referred to as "federal flood maps") are adopted and declared to be part of this chapter. The federal flood maps are on file at the [~~City and County of Honolulu Department of Planning and Permitting,~~] department's office at 650 S. King Street, Honolulu, Hawaii 96813.

(c) The special flood hazard areas and base flood elevations [~~shall~~] will be determined by the federal 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 federal flood maps [~~shall~~] will be submitted to the director for determination. The request [~~shall~~] must 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 federal flood maps, the director shall obtain and review the information needed to make this determination. A request for interpretation under this section [~~shall~~] must 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,~~] section, such as flood study, flood data, project site and location plan, property lines and [~~dimension,~~] dimensions, tax map key, and topographic data, contours, or spot elevations based on reference marks on the federal 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 the 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 of the watercourse.

(f) *Post-development map revisions*. A letter of map revision must be obtained from FEMA whenever a development has changed the base flood elevation within any special flood hazard area. An application for a letter of map revision must be submitted to FEMA no later than six months after the completion of a development."

SECTION 6. Section 21A-1.6, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21A-1.6 General development standards**

[~~Structures~~] All development within [~~the~~] a special flood hazard [~~areas shall~~] area requires a permit, and the development must conform [~~to~~] with the following[~~:~~].

(1) [~~Be designed~~] Designed and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including effects from buoyancy caused by the base flood[~~;~~].

(2) Constructed of flood-resistant materials[~~;~~].

(3) Constructed by methods and practices that minimize flood damage[~~;~~].

(4) Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service facilities that are designed or located[~~, or both,~~] at or above the design flood elevation, 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 applicable 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 [~~system, be~~] systems, designed, located, and constructed [~~so as~~] to minimize [~~impairment to them~~] or eliminate infiltration, impairment, and contamination to or from [~~them during and after flooding by~~] the [~~base flood;~~] system.

(8) *Manufactured homes*.

(A) Manufactured homes that are placed or substantially improved within special flood hazard areas [~~that are not coastal high hazard areas shall~~]:

(i) Must be elevated on a permanent foundation [~~such~~] so that the lowest floor of the manufactured home is elevated to[~~,~~] or above[~~,~~] the [~~base~~] design flood elevation [~~and~~];

(ii) Must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement[~~.~~]; and

(iii) The chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

(B) Manufactured homes that are placed or substantially improved within coastal high hazard areas [~~shall~~] must meet the requirements of § 21A-1.9[~~;~~].

(9) *Recreational vehicles*. Recreational vehicles placed within a special flood hazard area [~~shall~~] must 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,~~] devices, and has no permanently attached additions); or

(C) Meet the requirements for manufactured homes [~~under subsection (8).~~] and the standards for the applicable special flood hazard area.

(10) A structure that straddles two or more special flood hazard areas [~~shall~~] must 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 marking base flood elevations on the property must be placed in the ground by a licensed surveyor and documented with the department. These stakes must remain on the property and be maintained until the department approves the completion of construction. Stakes may be moved and re-established in order to facilitate construction activities and department inspections.

(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, must include base flood elevation data on the preliminary maps.

(14) Subdivision proposals and other proposed new development must be reviewed to determine whether the proposals will be reasonably safe from flooding. If new development is in a flood area, the proposals must be reviewed to ensure that:

(A) All proposals are consistent with the need to minimize flood damage within the flood-prone area;

(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, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21A-1.7 Floodway area.**

The floodway identified on the federal flood maps and located within areas of special flood hazard is the watercourse reserved to discharge the base flood. Since the floodway is an extremely hazardous area due to the velocity of floodwaters [~~which~~] that could carry debris, and erosion potential, the following apply.

(a) A floodway permit must be obtained from the director before approval or issuance of any other permits for all new construction of or substantial improvements to structures within the floodway area.

(b) A restrictive covenant [~~shall~~] must be inserted in the deeds and other conveyance documents of the property and recorded or filed with the bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate, providing that a permit has been granted to a property located in a floodway area that is subject to flooding and flood damage, increases risks to life and property, and the property owners [~~shall~~] may not file any lawsuit, action, or claim against the city for costs or damages, and [~~shall~~] must indemnify and [~~save~~] hold harmless the city from any liability when such loss, damage, injury, or death results due to the

permit and the flooding of the property. Upon approval of the floodway permit, such covenant [~~shall~~] must be fully executed and recorded. Proof of recordation [~~shall~~] must be submitted to the director before issuance of any building permits.

(c) Any temporary or permanent encroachment, including fill, structures, storage of material or equipment, or other development within the floodway, [~~shall~~] may not be approved, unless certification and supporting data, including hydrologic and hydraulic analyses performed in accordance with standard engineering practice, are provided by a licensed engineer demonstrating that the proposed encroachment will not cause any increase in base flood elevations during the occurrence of the base flood.

(d) Proposed structures in the floodway area [~~shall~~] must additionally comply with the general development standards and flood fringe area provisions of this chapter.

(e) No more than two dwelling units [~~shall be~~] are permitted on a single zoning lot whose only buildable area is in the floodway.

(f) Within an area designated AE without a floodway on the federal flood maps, until a floodway is designated, no new construction, substantial improvement, or other development (including fill) [~~shall be~~] is permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point.

(g) For property located partially in a floodway area, with no structures located within the floodway, new construction or substantial improvement to a structure that results in encroachment into the floodway must be kept to the minimum extent necessary, and the applicant shall show that the proposal could not 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."

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SECTION 8. Section 21A-1.8, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21A-1.8 Flood fringe area.**

In addition to the general development standards, the following standards [~~shall be~~] are applicable in the flood fringe area.

(a) *In areas designated on the federal flood maps as zone AE or AH*.

(1) All new construction or substantial improvements of residential structures [~~shall~~] must 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~~] must 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 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~~] must be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(b) *In areas of shallow flooding designated on the federal flood maps as zone AO.*

(1) All new construction or substantial improvements of residential structures [~~shall~~] must 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 federal flood maps.

(2) All new construction or substantial improvements of nonresidential structures [~~shall~~] must 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 federal 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~~] must 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~~] that are subject to flooding, [~~shall~~] must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs [~~for meeting~~] that meet this requirement must [~~meet~~] satisfy 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~~] must be no higher than 1 foot above internal or external grade, whichever is [~~highest;~~] higher;

(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.

(d) A licensed professional architect or engineer shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the [~~provisions~~] requirements of this chapter[~~,~~] and include the elevation to which [~~such~~] the structures are floodproofed.

(e) New construction and substantial improvements of below-grade crawlspaces must be constructed in accordance with the requirements of FEMA Technical Bulletin 11-01 and any amendments thereto. A licensed engineer or architect [~~must~~] shall certify that designs for below-grade crawlspaces meet these requirements.

(f) Accessory [~~residential~~] detached structures of less than 600 square feet that are used solely for parking or limited storage, or both, 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 [~~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, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21A-1.9 Coastal high hazard area.**

In addition to the general development standards, the following standards [~~shall be~~] are applicable in the coastal high hazard area.

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(a) (1) All new construction or substantial improvements of residential and nonresidential structures [~~shall~~] must 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~~] must 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~~] must each have a 1 percent chance of being equaled or exceeded in any given year.

(b) (1) All new construction or substantial improvements [~~shall~~] must 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 [~~shall~~] below the lowest floor may not be used for human habitation and [~~shall~~] must 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~~] must 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~~] will collapse from a water load less than that which would occur during the base flood.

(c) The use of fill for structural support of buildings [~~shall be~~] is prohibited.

(d) All new development [~~shall~~] must be constructed landward of the reach of the mean high tide.

(e) Human alterations of sand dunes and native mangrove stands [~~which~~] that would increase potential flood damage [~~shall be~~] is prohibited.

(f) A licensed architect or engineer shall develop or review the design, specifications, and plans and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the [~~provisions~~] requirements of this chapter[~~,~~] and that any development in the coastal high hazard area, including structures and improvements, would not affect the base flood nor aggravate existing flood-related erosion hazards."

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

"**§ 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 must be submitted to the director and must be maintained as a matter of public record, in accordance with [~~the following.~~] with this section.

(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 "Floodproofing Certificate"~~] 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 "No-rise Certification"~~] FEMA No-Rise Certification form must be completed, [~~and~~] signed, and stamped by a licensed engineer. The director may waive the certification form requirement for improvements to an existing structure; provided that 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 shall complete, 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~~] within special flood hazard [~~area~~,] areas, the [~~Federal Emergency Management Agency "Elevation Certificate"~~] FEMA Elevation Certificate must be completed, [~~and~~] signed, and stamped by a licensed surveyor.

(c) *Post-construction certification*. [~~As a condition for~~] Prior to the closing of the building permit or issuance of a certificate of occupancy for a new or substantially improved structure in [~~the~~] a 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.~~] the following documents are required, as applicable:

(1) *Finish-construction certification*. The FEMA Elevation Certificate form must be completed, 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, 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 non-conversion agreement, if a draft agreement was required for approval of the building permit."

A BILL FOR AN ORDINANCE

SECTION 11. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 12. This ordinance takes effect on June 10, 2026.

INTRODUCED BY:

Esther Kiaʻāina (br)

DATE OF INTRODUCTION:

April 9, 2026
Honolulu, Hawaiʻi

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____ , 2026

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Flood Hazard Area Ordinance; Updating Requirements and Construction Standards; Federal Emergency Management Agency ("FEMA"); National Flood Insurance Program and the Community Rating System; Housekeeping; Department of Planning and Permitting ("DPP")

Description:
Amends ROH Chapter 21A to update requirements and construction standards for consistency with the requirements of the FEMA, to remain eligible for participation in the National Flood Insurance Program and the Community Rating System, and make other housekeeping amendments. Takes effect on June 10, 2026.

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