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DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU


SUMMARY

1. Rules Governing the Enforcement of Codes and Regulations by the Building Department of the City and County of Honolulu, effective date December 15, 1999, is repealed.

2. Rules Relating to Administration of Codes of the Department of Planning and Permitting is adopted.
DEPARTMENT OF PLANNING AND PERMITTING

PART 4
RULES RELATING TO ADMINISTRATION OF CODES

CHAPTER 1
GENERAL PROVISIONS

§ 20-1-1 Definitions
§ 20-1-2 Public information
§ 20-1-3 Rulemaking
§ 20-1-4 Declaratory rulings

§ 20-1-1 Definitions.

"Certify" means an expression of a licensed Architect or Engineer's professional opinion to the best of his/her information, knowledge, or belief and does not constitute a warranty or guarantee.

"Civil fine or administrative fine" means any monetary penalty imposed by a competent judicial authority or by the director on a violator for a violation of the Building Code, Electrical Code, Plumbing Code, and Housing Code, and ordinances pertaining to vacant lots and littering required by law to be enforced by the department.

"Code" means the Building Code, Plumbing Code, Electrical Code, Housing Code, and ordinances pertaining to Land Use, and to Building Energy Efficiency Standards that are administered and enforced by the department of planning and permitting.
"Collecting agency" means an agency of the city, or its representative, authorized to collect specified taxes, fees or charges established by statute, act, ordinance, rules or regulations.

"Days" means calendar days unless otherwise specified.

"Department" means the department of planning and permitting, City and County of Honolulu.

"Director" means the director of the department of planning and permitting, City and County of Honolulu, or the director's designated representative.

"Discretionary permit" includes any permit issuable by the Honolulu City Council, including but not limited to: (1) special management area use permits; (2) any permit issuable by the designated City agency, including conditional use permits and site plan review permits; or (3) any permit issuable as a matter of discretion by any federal, state or county agency. "Discretionary permit" does not include grading permits, construction permits, or any permit issuable pursuant to ROH Chapter 18 under the city building, plumbing, housing, or electrical codes, or the Building Energy Efficiency Ordinances, unless exempted by the department.

"Order" means a document signed by the director, identifying a violation, specifying corrective action, and assessing a fine or other penalty.

"Recurring violation" means a recurrence of a similar type of violation at the same location by the same party responsible for the prior violation.

"Technical Officer" means an architect or engineer duly licensed by the State of Hawaii, and
approved by the department to review building permit submittals for compliance with the Code, as defined in this Chapter.

"Third party reviewer" means a Technical Officer, an individual or firm, duly authorized by the Department, pursuant to Chapter 7, to provide Code (Building Code, Plumbing Code, Electrical Code, Housing Code, and ordinances pertaining to Land Use, and to Building Energy Efficiency Standards administered and enforced by the Department) compliance plan review services (of building permit submittals) to owners at the owner's expense.

"Unpaid civil fine" means any outstanding civil fine due and owing to the city by a violator, in whole or in part.

"Violator" means any individual, organization, partnership, firm, association, trust, estate, public or private corporation, or firm that has an interest in the property on which the violation occurs; and may include any or all of the following: fee owner, leaseholder, sublease holder and other assignee, tenant, contractor, designer, third party reviewer, or any other person, party or parties responsible for a violation or with an interest in the property on which the violation occurs.


§ 20-1-2 Public information. Inquiries or information requests whether in person, by mail or by telephone, should be directed to:
§ 20-1-3 Rulemaking.

(a) Any person may petition the director to adopt, amend or repeal these rules.

(b) Petitions for rulemaking shall contain the petitioner's name, address and telephone number and include the following information:

(1) A statement of the nature of the petitioner's interest.

(2) A draft of the proposed rule or amendment or identification of the rule proposed to be repealed.

(3) A statement of the reasons in support of the proposed rule, amendment, or repeal.

(c) Disposition. Within thirty days after submission, the director shall either deny the petition in writing, stating the reasons for denial, or shall initiate rulemaking proceedings in accordance with HRS § 91-3.

§ 20-1-4 Declaratory rulings.

(a) Any interested person may petition the director for a declaratory ruling as to the
applicability of a statute or ordinance relating to the department or of any rule or order of the department.

(b) The petition for declaratory ruling shall contain:

(1) The petitioner's name, mailing address and telephone number.

(2) Designation of the specific provision, rule or order in question together with a statement of the controversy or uncertainty involved.

(3) A complete statement of facts.

(4) A statement of the petitioner's interest and reasons for submitting the petition.

(5) A statement of the position or contention of the petitioner.

(6) Justification, including legal authorities in support of the petitioner's position.

(c) Where a question of law is involved, the director may refer the matter to the department of the corporation counsel. The director may also obtain assistance from other agencies when necessary or desirable.

(d) The director may reject any petition, which does not conform to the foregoing requirements.

(e) The director may refuse to issue a declaratory ruling for good cause. Without limiting the generality of the foregoing, the director may so refuse where:
(1) The question is speculative or purely hypothetical and does not involve existing fact, or facts, which can reasonably be expected to arise within the next year.

(2) The petitioner's interest is not of a type, which would give the petitioner standing to maintain an action to seek judicial relief.

(3) The issuance of the declaratory ruling may adversely affect the interests of the city in litigation which is pending or may reasonably be expected to arise.

(f) Within sixty days after receipt of a petition for declaratory ruling, the director shall either deny the petition in writing stating the reasons for refusing to issue a declaratory ruling, or shall issue a declaratory ruling on the matters contained in the petition. The director shall notify the petitioner in writing of the disposition of the petition.

(g) A declaratory ruling shall apply only to the factual situation alleged in the petition or set forth in the ruling. It shall not be applicable to situations where the facts are different or where there are additional facts.

CHAPTER 2
PERMIT PROCESSING

§ 20-2-1 Applicability
§ 20-2-2 Maximum time limits
§ 20-2-3 Exceptions
§ 20-2-4 Allowable areas of review
§ 20-2-5 Plans not approved after second review
§ 20-2-6 Extensions
§ 20-2-7 Additional plans
§ 20-2-8 Optional one time review process
§ 20-2-9 Approval by "third party review"

§ 20-2-1 Applicability. The following maximum time limits for plan review of building, sign and relocation permit applications and plans shall apply only to plan review that occurs within the department of planning and permitting (hereinafter "plan review").


§ 20-2-2 Maximum time limits.

(a) Maximum time limits as specified below, shall apply to the first plan review and shall be calculated in accordance with subsection (e). Maximum time limits for the second plan review shall be one-half of the maximum time limits for the first plan review unless there are major revisions, in which case the maximum time limits shall be as specified below. Plans that are not approved after second submittal shall be subject to the provisions of § 2-5.
<table>
<thead>
<tr>
<th>Project category</th>
<th>Maximum Time Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category 1</strong></td>
<td>2 full working days</td>
</tr>
<tr>
<td>Single-family dwelling and</td>
<td></td>
</tr>
<tr>
<td>2-family dwelling including</td>
<td></td>
</tr>
<tr>
<td>alterations and additions (not part of a large development)</td>
<td></td>
</tr>
<tr>
<td>Structures accessory to</td>
<td></td>
</tr>
<tr>
<td>Residential dwellings</td>
<td></td>
</tr>
<tr>
<td>Retaining walls and fences</td>
<td></td>
</tr>
<tr>
<td><strong>Category 2</strong></td>
<td>14 calendar days</td>
</tr>
<tr>
<td>Projects with valuation</td>
<td></td>
</tr>
<tr>
<td>below $50,000</td>
<td></td>
</tr>
<tr>
<td>Sign permits</td>
<td></td>
</tr>
<tr>
<td>Relocation permits</td>
<td></td>
</tr>
<tr>
<td><strong>Category 3</strong></td>
<td>28 calendar days</td>
</tr>
<tr>
<td>Projects with valuation</td>
<td></td>
</tr>
<tr>
<td>between $50,000-$999,999</td>
<td></td>
</tr>
<tr>
<td><strong>Category 4</strong></td>
<td>42 calendar days</td>
</tr>
<tr>
<td>Projects with valuation</td>
<td></td>
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<tr>
<td>between $1,000,000-$9,999,999</td>
<td></td>
</tr>
<tr>
<td><strong>Category 5</strong></td>
<td>70 calendar days</td>
</tr>
<tr>
<td>Projects with valuation</td>
<td></td>
</tr>
<tr>
<td>$10,000,000 and over</td>
<td></td>
</tr>
</tbody>
</table>

(b) Category 1 applications for property that is subject to a zoning variance, or that fall within a potential slide area, special district or shoreline setback area shall be evaluated for complexity upon submission of the building permit application and may be placed within a higher category.

(c) Failure to complete plan review within the maximum time limit, as specified herein, shall result in the automatic approval of the plan review, in accordance with the requirements of Chapter 91, Hawaii Revised
Statutes. Automatic approval shall not be construed to be an approval of any violation of applicable codes, regulations, or ordinances.

(d) Valuation for purposes of this section shall be determined by the director. For projects submitting multiple building permit applications, valuation for a project shall be the sum of all permits submitted at one time.

(e) The maximum time limits shall begin upon receipt of the building permit application and plans, and shall stop when the applicant is called to pick up plans.

§ 20-2-3 Exceptions. Maximum time limits shall not apply in the following situations:

(a) Where plans fail to meet basic adequacy requirements; or

(b) Where plans are withdrawn by the applicant prior to completion of plan review; or

(c) Where an applicant has failed to obtain necessary discretionary permits or approvals; or

(d) Where subdivision approval is required.

§ 20-2-4 Allowable areas of review. For plans that require more than one review, plan review shall be limited to revisions.
§ 20-2-5 Plans not approved after second review.

(a) In the event that plans are not approved after the second plan review, the applicant shall either:

(1) Self certify. A licensed architect or engineer may attest that the remaining deficiencies have been addressed and submit revised plans along with an automatic approval form to be provided by the department, that shall be executed by the architect/engineer and the owner. This alternative may not be used if the capacity of the City's infrastructure is inadequate. The department may require the architect/engineer for the project to be covered by professional liability insurance. The department may deny the use of this alternative if, in the opinion of the department, the applicant is not ensuring compliance with all applicable laws and regulations or is abusing this process.

(2) Request a permit by appointment. The applicant shall schedule an appointment with the plan reviewer(s) to discuss remaining comments. The applicant, the owner (in situations where the applicant is not the owner), and the architect and/or engineer (for stamped plans) shall attend the appointment. Subsequent to the meeting, revised plans may be submitted and will be subject to the maximum time limits as established in § 2.2.

(b) For purposes of this section, the definition of "owner" shall include the buyer of property if a letter of authorization from the seller is submitted; or the lessee/tenant if a letter of authorization from the fee owner is submitted.

[Eff OCT 3 0 2004 ](Auth: RCH §6-1503) (Imp: RCH §6-1503)
§ 20-2-6 Extensions. Extensions from the maximum time limits may be granted in the event of national disaster, state emergency or union strike, which would prevent the department from reviewing the plans.


§ 20-2-7 Additional plans. The director may require the submission of additional sets of plans in order to accommodate the maximum time limit requirements of this chapter. Additional plans shall be submitted to the department no later than three working days from the date of the request. If additional plans are not received, the time limits in § 2-2 shall be extended for each day plans are not received.

[Eff OCT 30 2004 ](Auth: RCH §6-1503) (Imp: RCH §6-1503)

§ 20-2-8 Optional one time review process.

(a) One time review is an optional process that allows the owner and the project engineer or architect to assert that after a review of the plans has been made, the corrections shall be made in compliance with the comments of the appropriate branch or office within the department. This will permit the issuance of the building permit without another review.

(b) Eligibility. This process may not be used if the capacity of the city’s infrastructure is inadequate. The plans must be prepared by a Hawaii licensed engineer or architect.

(c) Self certification. A licensed architect or engineer must attest that the remaining revisions have been addressed and submit revised plans along with an automatic approval form to be provided by the department, that shall
be executed by the architect/engineer and the owner. The department may require the architect/engineer for the project to be covered by professional liability insurance. The department may deny the use of this process if, in the opinion of the department, the applicant is not ensuring compliance with all applicable laws and regulations or is abusing this process.

(d) Permits that are processed under the one time review process shall comply with maximum time limits specified in § 2-2(a).

§ 20-2-9 Third party review.

(a) Subject to the restrictions set forth in §2-9, subsection (c) owners may exercise the option of obtaining, at the owner’s expense, review of building permit submissions by a department-approved, third-party reviewer, and submitting to the department written verification confirming compliance with the Code, via completion of a department-provided form by the owner and third-party reviewer. The department may review submittals to monitor for compliance.

(b) Monitoring of third-party reviews. The department may monitor the third-party reviewers and/or may conduct random inspections for compliance.

(c) Eligibility. Third-party review shall not be permitted in the following circumstances:

(1) The capacity of the City’s infrastructure is inadequate;

(2) The plans are not properly stamped by an engineer or architect licensed in the State of Hawaii, as provided in ROH 18-4.2;
(3) The "third party reviewer" has a conflict of interest involving the party with whom it has contracted to perform plan review services, including, but not limited to:

(i) where a third-party reviewer and its owners, directors, management personnel, architects, engineers, plans examiners or inspectors, hold stock or possess any ownership interest or managerial affiliation with the party with whom it has contracted to perform plan review services;

(ii) where the third party reviewer's performance of plan review services would result in financial benefit to the third party reviewer;

(iii) where the building permit submissions to be reviewed by the third-party reviewer were produced in whole or in part by a member or employee of the third-party reviewer's staff or by a member or employee of the staff of any affiliated organization of the third party reviewer; or

(iv) where the third-party reviewer has been retained to perform or participate in design or engineering services on the same project for which the third party reviewer has been retained to perform plan review services.

(4) Validity. Approval of building permit applications are subject to compliance with any and all applicable discretionary permits, including land use approvals. The issuance hereunder of any permit or third party approval of plans, specifications, and other data shall permit the building permit applicant to proceed
with the proposed work, and shall not be construed as a permit or other approval authorizing the violation, exception, or waiver from compliance with requirements set forth in the provisions of the code, or other applicable law, nor shall it be construed as a determination as to whether the building permit applicant has complied with any other applicable laws not specifically identified in this chapter. In addition to the requirements set forth in this chapter for the issuance of any permit, the property owner retains the ultimate responsibility to observe and comply with all other applicable federal, state and city laws, ordinances, rules and regulations.

[Auth: RCH §6-1503, ROH §18-5.3]

(d) Certification. A qualified third party reviewer as defined in Chapter 7, must certify that the project is in conformance with the Code.

(e) Insurance. The third party reviewer shall provide documentation of professional liability and errors and omissions insurance coverage in an amount to be determined by the City and County of Honolulu’s Department of Budget and Fiscal Services.

(f) No liability of the department or the City for damages. Any third-party approval issued under this chapter shall not be construed to relieve any owner or person performing any work authorized under any approval issued under this chapter from liability for damages for any injury or death to anyone caused by any defect in such work or performing such work; nor shall the Department or the City, including its officers and employees or any other agents thereof, be held liable for such injury or death by reason of the issuance of any third party review and approval under this chapter (Sec. 18-5.7, R.O. 1978 (1983 Ed.); Am. Ord. 93-59).
(g) Disqualification. The director may disqualify, deny, suspend, or revoke the registration of an individual or firm deemed to have acted in bad faith or in a manner inconsistent with professional standards and professional practice, or because the individual or firm registered as a third party reviewer or seeking registration or renewal of registration by the department, has failed to comply with §20-7-5 or other applicable department requirements.

[Eff OCT 30 2004] (Auth: RCH §6-1503, ROH §16-1.1)

(Imp: RCH §6-1503)]
CHAPTER 3
ENFORCEMENT

§ 20-3-1 Applicability
§ 20-3-2 Notice of violation
§ 20-3-3 Administrative enforcement
§ 20-3-4 Addition of unpaid civil fines to taxes, fees and charges
§ 20-3-5 Enforcement procedure for graffiti damage to public property
§ 20-3-6 Housing code violator sign
§ 20-3-7 Other legal remedies

§ 20-3-1 Applicability. These rules shall apply to the enforcement of Building Code, Electrical Code, Plumbing Code, and Housing Code, and ordinances pertaining to the Land Use (Chapter 21), Shoreline Setback (Chapter 23), sidewalks (Chapter 14), vacant lots (Chapter 41) and littering (Chapter 29) required by law to be enforced by the Department.

§ 20-3-2 Notice of violation.

(a) A written notice of violation may be issued by an inspector of the department upon discovery of a violation of any code.

(b) The notice of violation may be issued to the fee simple or leasehold property owner, the contractor or the person committing the violation. Service of the notice of violation shall be by mail or personal service or as prescribed in the applicable code.

(c) The time in which to correct the violation shall be as stated in the notice of violation. The
time allowed shall be as prescribed in the applicable code. Reasonable time shall be allowed when the code does not mention the allowable time.

(d) Violations not corrected within the time allowed in the notice of violation shall follow the procedure prescribed in the applicable code for corrective action. When the applicable code does not mention the procedure to be taken, the notice of violation will be referred to the department of the prosecuting attorney and/or the department of the corporation counsel for appropriate action.

(e) Where work is done without the necessary permit(s), the notice of violation shall inform the violator of the penalty as prescribed in the applicable code.

(f) Whenever work is being done in violation of any code, the department may order the work stopped by so stating on the notice of violation.


§ 20-3-3 Administrative enforcement.

(a) In lieu of or in addition to other means to correct a violation, the department may order any person who violates the code to pay a civil fine.

(b) The director may issue an order assessing a fine when the violation is not corrected within the time prescribed on the notice of violation.

(c) The order shall be served upon the owner, lessee, tenant, contractor, designer or other person responsible for the violation. Service shall be by
personal service or certified mail, return receipt requested, or by posting on property if unable to serve by other means.

(d) The order shall state each violation, the fine assessed for each violation, and the date and method of payment of the fine. The order shall also state what corrective action is necessary, the date by which such action must be completed to avoid daily fines, the amount of the daily fine, should a daily fine be assessed, and that the fines, if unpaid within the prescribed time period, can be added to specified fees, taxes, or charges collected by the city. The order shall advise the person that the order shall become final thirty calendar days after the date of delivery.

(e) Any person(s) subject to an order pursuant to this section may appeal the director’s decision to the building board of appeals. The appeal may include all administrative enforcement, including the addition of unpaid civil fines to certain taxes, fees, or charges collected by the city, that are specified in the notice of order. The appeal must be received in writing within thirty days from the date of delivery or personal service of the order. The appeal must be made in accordance with the Rules of the Building Board of Appeals. The order becomes final after this thirty-day period. An appeal to the building board of appeals shall not stay any provision of the order. Civil fines shall not be collected until after the appeal hearing is held and a decision is made by the building board of appeals.

(f) When specifying a reasonable deadline to correct the violation, the director shall consider the following:
(1) The type and the degree of the violation, whether it is a repeated violation, and the number of violations cited in the order.

(2) Potential threat to human health and safety.

(3) Time previously given for correction by a notice of violation issued by the department.

(4) The intent of the responsible party to comply.

(5) Procedural requirements for obtaining a permit or authorization to carry out corrective action.

(6) The complexity of the corrective action, including construction requirements and the legal prerogatives of landlords and tenants.

(7) Any other circumstances beyond the control of the responsible party.

(g) In addition to correcting the violation, the person(s) responsible for the violation shall pay to the city an initial fine of at least $50 and not more than $1000. In specifying the amount of the fine, the director shall consider the following:

(1) The nature and degree of the violation.

(2) Whether the violation involves a threat to public health and safety.

(3) Whether there is income derived from the violation.

(4) Whether there are multiple violations.
(5) Whether it is a recurring violation as defined in § 1-1.

(h) The fine assessed by the order is payable whether or not correction of the violation is completed before or after the order becomes final.

(i) When a violation is not corrected by the deadline established in the order, the department may assess an additional fine for each separate day during which the violation remains uncorrected.

(j) The director shall have the authority to reduce the amount of the cumulative total of daily fines.

(k) The director may have a private collection agency collect the unpaid civil fines. This may be in lieu of or done concurrently with the addition of unpaid civil fines to taxes, fees, and charges collected by the city.

(l) Where there is a recurring violation, the notice of violation may require immediate compliance. Simultaneously, but following the requirements in subsections (a) to (j) above, the director may issue a notice of order to the violator, informing the violator that, due to the recurring violation, civil fines have been imposed immediately, effective as of the date of the order.

[Eff OCT 30 2004 (Auth: RCH §6-1503, HRS §46-1.5) (Imp: RCH §6-1503)]

§ 20-3-4 Addition of unpaid civil fines to fees, taxes and charges.

(a) Any unpaid civil fine which remains due after all rights of administrative or judicial review have been exhausted may be added by administrative
action of the director to the taxes, fees, or charges listed in subsection (c) below.

(b) The director may also at any time remove the addition of the unpaid civil fine. The addition of unpaid civil fines to real property tax shall be only for the property that has the violation for which the civil fines are being assessed.

(c) The director may add unpaid civil fines to the following taxes, fees and charges collected by the city:
<table>
<thead>
<tr>
<th>Collecting Agency:</th>
<th>Eligible Tax, Fee or Charge:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Planning and Permitting</td>
<td>Building and demolition permit fees</td>
</tr>
<tr>
<td></td>
<td>Sign permit fee</td>
</tr>
<tr>
<td></td>
<td>Building code variance application fee</td>
</tr>
<tr>
<td></td>
<td>Relocation permit fee</td>
</tr>
<tr>
<td></td>
<td>All Land Use Ordinance permit and other application fees, including application fees for a zone map change</td>
</tr>
<tr>
<td></td>
<td>General plan amendment application fee</td>
</tr>
<tr>
<td></td>
<td>Development plan amendment application fee</td>
</tr>
<tr>
<td></td>
<td>Grading, excavation, grubbing and trenching permit application fees</td>
</tr>
<tr>
<td>Customer Service Department</td>
<td>Motor vehicle registration fee and vehicle weight tax</td>
</tr>
<tr>
<td></td>
<td>Drivers license renewal</td>
</tr>
<tr>
<td>Department of Budget and Fiscal Services</td>
<td>fee</td>
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<tr>
<td>-----------------------------------------</td>
<td>-----</td>
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<tr>
<td></td>
<td>Business license fee</td>
</tr>
<tr>
<td>Liquor Commission</td>
<td>Real property tax</td>
</tr>
<tr>
<td>Department of Environmental Services</td>
<td>Liquor license and renewal fees</td>
</tr>
<tr>
<td></td>
<td>Refuse collection charges</td>
</tr>
</tbody>
</table>

(d) An unpaid civil fine shall not be added to fees, taxes or charges unless the civil fine has been outstanding for at least 30 days.

(e) The director shall provide written notification to any person directly affected by the addition of an unpaid civil fine to any fee, tax or charge collected by the city. The written notification shall include the following:

1. The effective date and amount of unpaid civil fine to be added to the fee, tax or charge.

2. The particular fee, tax or charge to which the unpaid civil fine has been administratively added.

(f) The person affected by the addition of an unpaid civil fine to any fee, tax or charge shall be notified in writing should the director remove the addition of the unpaid civil fine.

(g) The director will notify the collecting agency in writing the amount of unpaid civil fine to be added to the particular fee, tax or charge. The
director will also notify the collecting agency in writing should the addition of the unpaid civil fine be removed.

(h) While the daily civil fine is accruing, any portion of an unpaid civil fine due and owing each year may be added to the fee, tax or charge. Unpaid civil fines accruing later may be added annually in subsequent years.

[Eff OCT 30 2004 ] (Auth: HRS §46-1.5, ROH §1-19.4) (Imp: ROH §1-19.4)

§ 20-3-5 Enforcement procedure for graffiti damage to public property.

(a) The director may issue a notice of violation and order to any person who places graffiti on public property. The notice shall be served on the violator by registered or certified mail or personal delivery. If a minor has committed the violation, the director shall also serve the parent(s) or guardian(s) having custody of the minor.

(b) The notice of violation shall include the following information:

(1) Date of the notice.

(2) The name and address of the person given notice.

(3) The section number of the ordinance which has been violated.

(4) The nature of the violation.

(5) The location of the violation and the date that the violation was discovered.
(c) The order shall require the person to pay a civil fine in a stated amount, determined by the director in accordance with ROH § 40-12.2(a), in the manner, at the place, and before the date specified in the order. The order shall advise the person that the order shall become final thirty days after the date of its mailing or delivery unless a written request for a hearing is mailed or delivered to the department within thirty calendar days. The order shall further advise that any parent or guardian having custody of a minor who has committed the violation is jointly and severally liable for the fine.

(d) The provisions of the order issued by the department shall become final 30 calendar days after the date of mailing or delivery of the order, unless within those 30 calendar days the person subject to the order requests in writing a hearing before the department. The request for a hearing shall be considered timely if the written request is delivered or mailed and postmark dated to the department within thirty days.

(e) Upon receipt of the written request for a hearing, the director shall specify a time and place for the person subject to the order to appear and be heard. The hearing shall be conducted by the director or the director's designee in accordance with the provisions of HRS Chapter 91. Following the hearing, the director may affirm, modify, or rescind the order. [Eff OCT 3 0 2004 ] (Auth: ROH §40-12.3) (Imp: ROH §40-12.3)
§ 20-3-6 Housing code violator sign.

(a) The department may place a "housing code violator" sign in the city right-of-way fronting the lot in violation of the Housing Code when all of the following conditions apply:

(1) There are two or more current notices of violation of the Housing Code.

(2) The notices of order have been outstanding for at least 30 days.

(3) The violator has been given notice of his right to appeal to the building board of appeals, the consequences of his failure to appeal, and the penalties involved for a violation, including the civil fines involved and the possible placement of a sign.

(4) No appeal of the order has been filed with the building board of appeals, nor is there pending judicial review of that order.

(5) The individual or individuals on the posted notice have either failed to appeal their violations or have been found by the building board of appeals and/or courts to be responsible for the violations and have done no actual work to comply with the notices of violation or correct the violations, or have not entered into any contract to correct the violations, or otherwise arranged for complete correction.

(b) The sign shall set forth the words "housing code violator" in capital letters and the name, address and telephone number of the party responsible
for the violations at the subject building, structure, or premises.

(c) The department shall remove the sign after all of the violations listed on the notices have been corrected.

§ 20-3-7 Other legal remedies. The director may refer violations to the prosecutor's office for criminal prosecution or pursue any other legal means to correct the violations.
CHAPTER 4
VIOLATIONS REQUIRING RELOCATION ASSISTANCE

§ 20-4-1 Applicability
§ 20-4-2 Information requirements
§ 20-4-3 Determining existence of displaced person
§ 20-4-4 Relocation expense
§ 20-4-5 Reimbursement of relocation expenses
§ 20-4-6 Right to appeal

§ 20-4-1 Applicability. This chapter shall apply whenever, due to code enforcement activities by the department, a person is a "displaced person" as that term is defined by HRS § 111-2.

§ 20-4-2 Information requirements. The following written information will be provided, together with the notice of violation, in the event the violation giving rise to the notice of violation creates a displaced person:

(1) Informational bulletin regarding the right of a governmental agency to recover any monies paid to a displaced person, pursuant to HRS Chapter 111, from the party responsible for a zoning code violation.

(2) A copy of a relocation assistance letter sent to potential displaced persons. Copies of those letters are also sent to the property owner.

§ 20-4-3 Determining existence of displaced person.
(a) Any person claiming to be a displaced person shall notify the department. The department will fill out the "relocation assistance record," as appropriate. Upon a determination that the applicant is in fact a displaced person, the department will issue a "certificate of displacement" to the qualified displaced person. The certificate of displacement will then be taken by the displaced person to the city's department of budget and fiscal services for further processing and assistance.

(b) In the event the department is unable to determine which person(s) of two or more persons is the displaced person(s) (for example, where multiple dwelling units exist on a zoning lot on which fewer than the existing dwelling units are permitted by the zoning code), the certificate of displacement will be issued to the qualified displaced person who first applied.

(c) Any displaced person who is in any way responsible for the violation creating the displacement is not eligible for relocation assistance.

[Eff OCT 3 0 2004] (Auth: HRS §111-3) (Imp: HRS §111-3)

§ 20-4-4 Relocation expenses. If a displaced person receives a certificate of displacement, a relocation payment as determined by the department of budget and fiscal services will be made. The relocation payment, if approved, will be paid to the displaced person by the city.

[Eff OCT 3 0 2004] (Auth: HRS §111-3) (Imp: HRS §111-3)

§ 20-4-5 Reimbursement of relocation expenses.
(a) Pursuant to HRS § 111-8.5, the director may make a written demand, which is delivered by certified mail, return receipt requested or by personal service, for the amount of relocation expenses paid by the city from any party responsible for the zoning code violation. A copy of this written demand shall be delivered to the owner of the subject real property.

(b) The letter shall include the following information:

(1) That if the party fails to pay the city within sixty days after receipt of this written demand, the city will file a lien against the real property from which the persons were displaced.

(2) That if the party does not concur with the director’s determination that the party is responsible for the zoning code violation, then the party may request in writing that the determination be reviewed by the director of the Housing and Community Development Corporation of Hawaii (hereinafter “HCDCH”).

(3) That such request must be filed with the director within sixty days after receipt of this written demand and must contain the grounds for the appeal, the specific issue involved, the contentions of the aggrieved party and a description of the evidence that the aggrieved party intends to introduce to support these contentions.

§ 20-4-6 Right to appeal. Any person aggrieved by a determination as to the person's responsibility for payment, amount of payment or eligibility for payment may appeal to the director of the HCDCH for his review and decision. Any person aggrieved may appeal the Director's decision to the circuit court of the circuit in which the person resides.

[Eff OCT 3 0 2004 ] Auth: HRS §111-12) (Imp: HRS §111-12)
CHAPTER 5
SPECIAL INSPECTION

§ 20-5-1 Purpose
§ 20-5-2 Special inspectors
§ 20-5-3 Test for special inspectors
§ 20-5-4 Application requirements
§ 20-5-5 Renewal of registration

§ 20-5-1 Purpose. The purpose of this chapter is to establish requirements for individuals to become qualified special inspectors as prescribed by Section 1701 of the Uniform Building Code.
[Eff OCT 30 2004 ] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)

§ 20-5-2 Special Inspectors. The following individuals shall be considered to be qualified to perform special inspection:

(1) Structural engineers licensed by the State of Hawaii may perform special inspection of concrete, bolts installed in concrete, special moment-resisting concrete frames, reinforcing steel, prestressing steel tendons, structural masonry, shotcrete, sheathed shear walls and diaphragms, high-strength bolting, and complete load path and uplift ties.

(2) Civil engineers licensed by the State of Hawaii may perform special inspection of piling, drilled piers, caissons, special grading, excavation and filling.

(3) Mechanical engineers licensed by the State of Hawaii may perform special inspection of smoke-control and fire-extinguishing systems.
(4) Architects licensed by the State of Hawaii who are responsible for performing both design and observation of construction under HRS Chapter 464 for a particular project may perform for that project special inspection for concrete, bolts installed in concrete, reinforcing steel, structural masonry, shotcrete, sheathed shear walls and diaphragms.

(5) Qualified employees, designated by the structural engineer of record who is licensed by the State of Hawaii and who is responsible for performing both design and observation of construction under HRS Chapter 464 and special inspection under the Building Code for a particular project, may perform for that project special inspection of concrete, bolts installed in concrete, reinforcing steel, structural masonry, sheathed shear walls and diaphragms, high strength bolting, complete load path and uplift ties, prestressing steel tendons, and shotcrete.

(6) Qualified employees, designated by the civil engineer of record who is licensed by the State of Hawaii and who is responsible for preparing the soils investigation report and performing both observation of construction under HRS Chapter 464 and special inspection under the Building Code for a particular project, may perform for that project special inspection of piling, drilled piers, caissons, special grading, excavation and filling.

(7) Qualified employees, designated by the mechanical engineer of record who is
licensed by the State of Hawaii and who is responsible for performing both observation of construction under HRS Chapter 464 and special inspection under the Building Code for a particular project, may perform for that project special inspection of smoke-control and fire extinguishing systems.

(8) Inspectors certified by the American Concrete Institute, the International Code Council (hereinafter "ICC"), the American Society for Nondestructive Testing, or the American Welding Society shall be considered to be qualified in the areas of their specialty.

(9) Design professionals of record, licensed by the State of Hawaii, responsible for performing observation of construction under HRS Chapter 464 for a particular project, may perform special inspection of complete load path and uplift ties and termite treatment for that project.

[Eff OCT 30 2004] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)

§ 20-5-3 Test for special inspectors. In addition to individuals meeting the qualifications set forth in § 5-2, individuals who pass a written test prepared by the department with a minimum passing score of 70 percent are eligible to be certified as special inspectors. The department may qualify an inspector without examination for unusual and special cases.

[Eff OCT 30 2004] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)

§ 20-5-4 Application requirements.
(a) Applicants must have at least three years of applicable experience to be eligible for the written test. An engineering or architectural degree from an accredited college or university may be substituted for two years of experience. A two-year degree in engineering technology may be substituted for one year of experience. Concrete and reinforcing steel special inspector certifications shall be a prerequisite for obtaining prestressed concrete certification. Examinations shall not be retaken in the same classification within any six-month period.

(b) Application for certification as a special inspector shall be made upon forms to be furnished by the department and shall be signed by the applicant.

(c) For each classification examination or re-examination, the applicant shall pay an examination fee of $25.00.

(d) Upon passing the examination with a minimum score of 70, the applicant shall pay a registration fee of $10.00, and upon receipt thereof by the department shall thereupon be registered as a special inspector.

(e) The department shall issue a card listing the classification the applicant is certified to inspect or if the applicant has a card, the department shall issue a revised card adding the classification.

(f) The registration fee need not be paid if the applicant has a card issued by the department registering him/her as a special inspector in another classification.

[Eff OCT 30 2004 ] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)
§ 20-5-4 Renewal of registration. Every initial card of registration expires on the third January 31 following the date of its issuance and becomes invalid after that date unless renewed for two years upon payment of a renewal fee of $10.00 before the expiration date. Thereafter, renewals may be made for two years from the expiration date upon payment of a renewal fee of $10.00 before the expiration date. Should a person miss paying his/her renewal fee before the expiration date, he/she may renew his/her card by paying an additional $10.00 to the renewal fee within a year of the expiration date.

[Eff Oct 30 2004] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)
CHAPTER 6
MATERIAL AND METHOD APPROVAL

§ 20-6-1 Purpose
§ 20-6-2 Request for approval
§ 20-6-3 Preapproval
§ 20-6-4 Disodium octaborate tetrahydrate (DOT)

§ 20-6-1 Purpose. The purpose of this chapter is to establish procedures for the approval of new materials and/or methods for use under the Building Code.
[Eff OCT 30 2004 ] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)

§ 20-6-2 Request for approval.

(a) All requests shall be in writing and shall be submitted with applicable data, test results and calculations.

(b) Approval by the department shall be based on the result of investigation and tests conducted by the department, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

(c) Should there be International Code Council ("ICC") Evaluation Service Acceptance Criteria, the department will use the acceptance criteria to determine approval. The department may make modifications to the acceptance criteria.
[Eff OCT 30 2004 ] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)

§ 20-6-3 Preapproval. Unless a new material and/or method is specifically not approved, the following materials and/or methods are approved:
(1) Materials and/or methods listed under the following classifications in the current edition of the Underwriters' Laboratories, Inc.'s Building Materials List are hereafter automatically approved when used in accordance with provisions (1), (2), and (3) below: fire hazard classification (flame spread, etc.); fire resistance classification (fire-time-rated); fire protected openings (fire-time-rated); and roof covering materials (fire-rated).

(A) Underwriters' Laboratory (hereinafter "U.L.") designation number must be specified wherever it is used.

(B) The materials and/or methods under fire hazard and fire resistance classifications shall be detailed on the plans. The producer and trade name shall be specified for proprietary products of all classifications. The designer must have ascertained that the specified product is locally available.

(C) No deviation is made from the U.L. designs unless approved by the department.

(2) Materials and/or methods listed in ICC Evaluation Service Evaluation Reports are hereafter automatically approved when used in accordance with the following provisions:

(A) The evaluation report is on file in the department and the report number is indicated wherever it is used.
(B) The materials and/or methods under fire hazard and fire resistance classifications shall be detailed on the plans. The producer and trade name shall be specified for proprietary products of all classifications. The designer must have ascertained that the specified product is locally available.

(C) No deviation may be made from the evaluation report unless approved by the department.

(3) Building components which carry the Warnock Hersey or Factory Mutual (FM) label and/or listing for fire hazard classification (flame spread, etc.), fire resistance classification (fire-time-rated) and fire protected openings (fire-time-rated) are hereafter automatically approved when used in accordance with the following provisions:

(A) The Warnock Hersey or FM approval is on file in the department and reference is made to the Warnock Hersey or FM label wherever it is used.

(B) The materials and/or methods under fire hazard and fire resistance classifications shall be detailed on the plans. The producer and trade name shall be specified for proprietary products of all classifications. The designer must have ascertained that the specified product is locally available.

(C) No deviation is made from the label conditions unless approved by the department.
(4) The department may suspend or revoke any approval covered by (a), (b) and (c) above if it is found that the material or method of construction deviated from any of the conditions upon which said approval is based, or is not of a quality or workmanship equivalent to that required by the Building Code.

[Eff OCT 30 2004 ] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)

§ 20-6-4 Disodium octaborate tetrahydrate (DOT).

(a) Disodium octaborate tetrahydrate (DOT) is a sodium borate having the approximate composition Na₂B₆O₁₃•4H₂O, and formula weight 412.52.

(b) DOT is approved for treating Douglas fir and hem fir subject to the following limitations:

(1) DOT treated lumber shall be limited to locations which are not in contact with the ground and not subject to contact with liquid water.

(2) DOT treated lumber and plywood shall not be exposed to the weather in its final applications (exterior siding, trim and facia) unless continually protected with a water resistant paint, stain or coating.

(c) The preservative treatment of lumber and plywood with DOT shall comply with preservative treatment by pressure processes and quality control standards published by the American Wood Preservers Association (hereinafter “AWPA”), except for the following:
(1) Steaming prior to conditioning or treatment is permitted for a maximum duration of four hours. The steam temperature shall not exceed 245° F. Minimum vacuum shall be 22 inches of mercury at sea level.

(2) The range of pressure during the treatment process shall be 50-150 psig. The temperature of the DOT preservative during the entire pressure period shall not exceed 240° F.

(d) Sampling shall be in accordance with a quality control program submitted to and approved by the department ("approved quality control program") which complies with the following standards:

(1) Retention shall be determined by assay analysis of the treated wood.

(2) Number of borings per charge shall be 20.

(3) Sampling zone for assay measured from the surface shall be 0.0-0.6 inch for sizes up to 5 inches nominal thickness and 0.0-0.75 inch for sizes over 5 inches nominal thickness.

(4) Sampling zone for plywood shall be through its thickness.

(5) Minimum retention shall be 0.28 pcf B₂O₃ or approximately 0.42 pcf of DOT.

(6) Minimum penetration shall be 0.4 inch and 90 percent of sapwood, whichever is greater. Penetration shall be determined by boring 20 pieces that are well distributed throughout each charge. The charge will be accepted if
90 percent of the borings comply with penetration requirements.

(e) Determination of boron in treated wood shall be in accordance with the guidelines established under AWPA Standard A2-93, Sections 15, and 16.

(f) The treating process shall be under an approved quality control program that shall include a quality control manual and shall require periodic inspections by an independent quality control inspection agency approved by the department ("approved quality control agency").

(g) The approved quality control agency shall be responsible for the monitoring and compliance to the requirements listed in the quality control program. The treater's facility shall have minimum once per month audit inspection by the approved quality control agency. The quality control manual shall conform with the ICC Evaluation Service Acceptance Criteria for Quality Control Manuals and with the guidelines established under the AWPA 1997 Book of Standards.

[Eff OCT 30 2004] (Auth: ROH §16-1.1) (Imp: ROH §16-1.1)
CHAPTER 7
THIRD PARTY REVIEW

§ 20-7-1 Purpose
§ 20-7-2 Eligibility
§ 20-7-3 Application and registration requirements
§ 20-7-4 Renewal of registration
§ 20-7-5 Ethics declaration
§ 20-7-6 Duties of third Party reviewers
§ 20-7-7 Fees for services performed by third party reviewers
§ 20-7-8 Review of work conducted by third party reviewers and suspension and revocation of registration.

§ 20-7-1 Purpose. The purpose of this chapter is to provide an optional process for review of plans and submittals for building permit applications and to establish requirements for individuals to become qualified "third party reviewers" to review plans and submittals for building permit applications.

§ 20-7-2 Eligibility. The following individuals and organizations are considered to be eligible to be qualified to perform a third party review:

(1) Structural engineers licensed by the State of Hawaii and registered by the department under this chapter, may review for conformance to the structural portions of the Building Code of the City and County of Honolulu, including Regulations within Flood Hazard Districts and Developments Adjacent to Drainage Facilities.

(2) Mechanical engineers licensed by the State of Hawaii, and registered by the department under this chapter, may review plans for conformance to the Plumbing Code of the City and County, ROH Chapter 32 - Building Energy
Efficiency Standards, Fire Protection systems requirements of the Building Code of the City and County of Honolulu, and State Department of Health Regulations regarding Air Conditioning and Mechanical Ventilation systems not reviewed by the State of Hawaii, Department of Health.

(3) Electrical engineers licensed by the State of Hawaii, certified by the International Code Council ("ICC") as an Electrical Plans Examiner, and registered by the department, under this chapter, may review for conformance for the Electrical Code of the City and County of Honolulu and the Building Energy Efficiency Standards.

(4) Architects licensed by the State of Hawaii and registered by the department under this chapter, may review for conformance for the non-discretionary requirements of the Land Use Ordinance. Individuals shall also pass a written exam for the Land Use Ordinance as administered by the department with a minimum passing score of 70 percent.

(5) Architects Engineers licensed by the State of Hawaii, certified by the International Code Council ("ICC") as a Building Plans Examiner and registered by the department under this chapter, may review for conformance to the nonstructural portions of the Building Code of the City and County of Honolulu.

(6) The International Code Council Architectural and Engineering Services may review for compliance with the Code.

§ 20-7-3 Application and registration requirements.
(a) Individuals or firms seeking third party review registration with the department, shall submit for the department’s review, a completed department-supplied application form, evidencing that the individual or firm: (1) possesses the appropriate licenses, specialized knowledge, and experience to perform the review; (2) is in good standing and if the individual or firm was the subject of prior adverse determination(s) by a court or regulatory authority, including any disciplinary board; and (3) shall agree to thereafter, annually submit evidence to the department confirming the validity of such appropriate licensure.

(b) Individuals or entities seeking third party review registration must have one or more of the following qualifications: a minimum of nine years of licensed applicable full-time work experience, with full responsibility for interpreting, organizing, executing, and coordinating project design plans and specifications, and must meet all other job qualification requirements as set forth in the position description set forth in the City and County of Honolulu’s Department of Human Resources’ Class Specification for “Structural Engineer II,” “Plans Examining Engineer III,” “Mechanical Engineer V,” “Electrical Engineer V,” and “Land Use Plans Checker IV,” and knowledge of State laws, City ordinances, and other applicable requirements relevant to review of the submittal documents.

(c) Each third party reviewer applicant, shall possess the required knowledge and experience to perform the code compliance reviews in the disciplines for which the individual or firm is seeking third party review registration. Such knowledge and experience, which shall include at a minimum possession of a current national certification as a plans reviewer, issued by a certifying agency recognized by the International Codes Council, in the
discipline or disciplines in which the reviewer is applying to perform reviews.

(d) Individuals or entities seeking third-party review registration to perform reviews of plans and specifications for buildings and other structures for compliance with Chapter 21 of the Revised Ordinances of Honolulu (as amended) ("Land Use Ordinance"), shall submit to a written examination administered by the department, and shall obtain a score of at least 70 percent to demonstrate sufficient knowledge of the Land Use Ordinance. The department reserves the right to require and administer a re-examination in the event that substantive, non-technical changes are made to the existing Land Use Ordinance.

(1) For each examination or re-examination administered, the third party review applicant shall pay an examination fee of $25.00.

(2) Individuals or entities seeking third party review registration that fail to obtain a score of at least 70 percent on the examination, may apply to retake the examination. Applications to retake the examination shall be submitted not earlier than six (6) months from the date of the administration of the examination in which the applicant failed to obtain a passing score.

(e) Within five (5) business days of the department's notification to the individual or firm confirming the individual or firm's registration to conduct plan review, the individual or firm shall remit a registration fee of $300.00 to the department.

(f) A list identifying individuals and/or organizations registered as third party reviewers shall be prepared, updated as necessary, and made available to the public.
§ 20-7-4 Renewal of Registration. A third party reviewer's registration shall automatically expire on July 31, two (2) years following the date of the individual or firm's registration. Third party reviewers may obtain a renewal of registration once every two (2) years by: (a) submitting a completed department-provided Renewal Form documenting the third-party's continued eligibility, including proof of requisite liability insurance; and (b) remitting a Renewal Fee of $300.00 prior to the expiration of the third-party reviewer's registration. If the third-party reviewer fails to submit the required renewal information and fails to remit the required renewal fee prior to the expiration of the renewal deadline, the third-party reviewer's registration becomes null and void. Registrations which have expired for non-payment of renewal fees on or before the renewal deadline may be restored within one (1) year upon remittance to the department of an additional $300.00 fee for each renewal. The third party reviewer must demonstrate continued eligibility at the time of renewal.

(a) The third party reviewer shall immediately notify the department in writing of any change affecting the third party reviewer's eligibility to conduct compliance reviews.

§ 20-7-5 Ethics Declaration. Individuals or firms seeking third party review registration shall submit a declaration to the department stating that the individual or firm shall maintain the individual's or firm's independence as registered until the expiration or relinquishment of such registration, and further acknowledging that the individual or firm:

(1) Will not undertake a review of plans involving a project designed by the individual or firm, the individual or firm's
employees, or the individual or firm's contractors affiliated with the project;

(2) Does not have a conflict of interest with the owner, the preparers of the submittal documents, or the City;

(3) Has no prior pecuniary interest in the project for which the third party reviewer has been retained to perform third party review services, or other relationship with the owner, which would result in an ethical conflict;

(4) Shall disclose the nature and extent of any conflict of interest, which shall be reviewable by the Director;

(5) Will not appear on behalf of private interests before any agency other than a court of law, nor shall such person represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party;

(6) Will not acquire any financial interest in business enterprises which the third party reviewer has reason to believe may be directly involved with regard to services to be rendered by the third party reviewer;

(7) Will not participate, as an agent or representative of any department or agency of the City and County of Honolulu, in any official action directly affecting a business or matter in which: (1) the third party reviewer such person has a substantial financial interest; or (2) by or for which a firm of which the third-party reviewer is a member, an associate, an employee has been engaged as a legal counsel or advisor or
consultant or representative in a matter directly related to such action;

(8) Shall not disclose any information which by law or practice, is not available to the public, and which the third party reviewer acquired in the course of the third party reviewer's duties, and shall not use such information for third party reviewer's personal gain or the benefit of anyone.

The director shall report any violations of § 20-7-5 to the appropriate professional organization, and/or governmental agency authorized to investigate such complaints.

§ 20-7-6 Duties of third party reviewers.

(a) Third party reviewers who are retained by an owner to perform plan review services, shall conduct such review of the 100% design submission of plans and specifications for the purpose of certifying that the proposed design/project is in compliance with the Code, ordinances, rules, and other requirements;

(b) As deemed appropriate by the Director, third party reviewers shall perform independent analyses of the plans and specifications submitted to the department to confirm the conclusions of the submittal documents;

(c) Third party reviewers shall review, certify, and provide documentation in accordance with the City's requirement(s) for the project submitted for the building permit. Documentation may include, but shall not be limited to:

(1) Building code compliance analysis such as type of construction, height and area limitations, and building separation or exposure protection, and copies of the comment sheets for the project;
(2) Classification of occupancy;

(3) Land Use data, such as uses, floor and building areas, bonus areas, parking/loading space calculations, yard, height setbacks, open space;

(4) AutoCAD media for AutoCAD drawings;

(5) Restrictive Covenants;

(6) Copy of required discretionary approvals such as, Special district permit, Conditional Use permit, Park dedication;

(7) Requirements for fire-rated walls, fire-rated doors, fire dampers and corresponding fire-resistive ratings, smoke compartmentation, smoke barriers;

(8) Analysis of automatic fire suppression systems and fire protected areas;

(9) Smoke control systems;

(10) Fire alarm system (the type of alarm system and location of the fire alarm equipment and fire zones);

(11) Fire detection system (the type of alarm system and location of the fire alarm equipment and fire zones);

(12) Standpipe systems and fire extinguishers;

(13) Interior finish ratings;

(14) Identify the various occupancies and hazardous areas associated with the project;

(15) Fire Department access;
(16) Special Inspection form;

(17) Called Inspection form;

(18) Flood Certifications;

(19) Lighting calculations;

(20) Structural calculations;

(21) Hydraulic calculations;

(22) On-site fire protection;

(23) The design review process, including the reasons for and results of any independent analyses;

(24) Any design deficiencies identified by the third party reviewer and resolution of such deficiencies by the plan preparer;

(25) Verification of the adequacy of the final design submittal documents. For the purposes of this section, "final design submittal documents" means the submittal documents with any amendments included as a result of the third party review process;

(26) Information relating to any outstanding code interpretations pertaining to acceptance and approval by the building official;

(d) The third party reviewer's designated authority under this chapter is limited to acknowledging compliance with only those Federal, State, and other City agency requirements defined in § 20-1-1 herein.
(e) Certifications by third party reviewers shall be limited to only those areas/disciplines approved by the department and in which the third party reviewer is duly qualified.

(f) Third party reviewers shall not have any authority to approve alternate use of any material, alternate design or methods of construction, alternate construction materials, or performance-based designs.

(g) Third-party reviewers shall not have any authority to grant modifications, variances, waivers, exemptions, or other discretionary approvals. Approval of building permit applications are subject to compliance with any and all applicable discretionary permits and/or discretionary land use approvals, including but not limited to, variances, waivers, zoning adjustments, and exemptions. The issuance hereunder of any permit or third party approval of plans, specifications, and other data, permits the building permit applicant to proceed with the proposed work, and shall not be construed as a permit or other approval authorizing the violation, exception, or waiver from compliance with the Code or other applicable law, nor shall it be construed as a determination as to whether the building permit applicant has complied with any other applicable laws not specifically identified in this chapter. Notwithstanding third party review approval, owners remain subject to appropriate enforcement action by the Department.

(h) The third party reviewer shall immediately notify the department in writing upon the discovery of any discrepancies relating to the third party reviewer's review and analysis of the plans and specifications submitted to the Department. The disclosure requirement shall not extend to any matters of as-built construction, nor to any design changes made subsequent to the completion of the third party review.
(i) Certifications by third party reviewers shall be transmitted to the department in writing, and shall include submittal to the department of a completed department-provided certification form and a copy of the 100% design submission of plans and specifications reviewed. The department may provide a checklist to assist owners in the submittal process; however, such checklist is intended to serve as a general guide only and shall not be construed as a permit or other approval authorizing the violation, exception, or waiver from compliance with the Code or other applicable law, nor shall it be construed as a determination as to whether the building permit applicant/property owner has complied with any other applicable laws and/or regulations not specifically identified in this chapter.

(j) The completed certification form prepared by the third party reviewer shall be included with the third party reviewer’s report and shall contain the third party reviewer's signature and a professional stamp stating that the plans have been reviewed for compliance with the code and the required number of copies as provided in ROH 18-4.2 shall be submitted to the building official.

§ 20-7-7 Fees for Services Performed by Third-Party Reviewers. Any fees and costs for services performed by third party reviewers shall not be governed by, nor monitored by the City and County of Honolulu. [Eff OCT 30 2004 ] (Auth: ROH §16-1.1, §17-2.1, §18-4, §19-2.1, §21-1.30)

§ 20-7-8 Review Conducted by Third-Party Reviewers and Suspension and Revocation of Registration.
(a) The department reserves the right to monitor and conduct unannounced audits of work performed by third-party reviewers.

(b) If the department discovers that the plans review conducted by a third party reviewer does not meet the requirements of the Code, administrative rules and regulations herein, or if the department discovers that the third party reviewer has otherwise failed to comply with any requirements of this section, the department shall notify the third party reviewer of same and temporarily suspend the third-party reviewer’s registration pending a review by the director to determine whether the third party reviewer’s registration shall be permanently suspended and revoked.

(c) In connection with the review by the director to determine whether the third party reviewer’s registration should be permanently suspended and revoked, the third party reviewer may submit information in response to the alleged violation(s) for the director’s consideration.

(d) The third party reviewer’s registration may be reinstated upon a determination by the director that the third party reviewer has corrected the violation that formed the basis for the suspension or revocation.

(e) Following such review, the department shall suspend or revoke the certification or registration of an individual or firm if the director determines that such certification or registration was issued on the basis of incorrect information or issued in violation of these rules, or if the approved third party reviewer refuses to comply with the rules or applicable statutes. If the department suspends or
revokes the approval of a third party review, the
reviewer shall be given notice of the revocation with
the reasons set forth therein.

Eric G. Crispin, AIA
Director
Department of Planning
and Permitting

APPROVED:

JEREMY HARRIS
Mayor
City and County of Honolulu
Dated: 10/12/04

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
These rules were adopted on October 12, 2004, following a public hearing held on December 12, 2003, after public notice was given on November 10, 2003, in the Honolulu Star-Bulletin.

These rules shall take effect ten days after filing with the City Clerk of the City and County of Honolulu.

Eric G. Crispin, AIA
Director
Department of Planning
And Permitting

FILED:

Given unto my hand and affixed with the Seal of the City and County of Honolulu this 20th day of October, 2004.

Denise C. De Costa
City Clerk

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CERTIFICATE

I, DENISE C. DE COSTA, the duly appointed and qualified City Clerk of the City and County of Honolulu, State of Hawaii, do hereby certify that attached hereto are two copies of the Department of Planning and Permitting (DPP) Administrative Rules of Codes, adopted on October 12, 2004 and to become effective on October 30, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City and County of Honolulu, Hawaii, to be affixed this 20th day of October, 2004.

DENISE C. DE COSTA
City Clerk
City and County of Honolulu
State of Hawaii
October 20, 2004

The Honorable James "Duke" Aiona, Jr.
Lieutenant Governor
State of Hawaii
P. O. Box 3226
Honolulu, Hawaii 96813

Dear Lieutenant Governor Aiona:

Pursuant to Hawaii Revised Statutes, transmitted for filing are two copies of the Department of Planning and Permitting (DPP) Administrative Rules of Codes, adopted on October 12, 2004 and to become effective on October 30, 2004.

Sincerely,

[Signature]

DENISE C. DE COSTA
City Clerk

ck

Enclosures