



# Accessory Dwelling Unit Homeowners' Handbook

A Guide for Homeowners on Oahu Interested in Building an Accessory Dwelling Unit  
Updated September 2016



**HAWAII APPLESEED**  
CENTER FOR LAW & ECONOMIC JUSTICE

**DISCLAIMER**

The information in this handbook is subject to change.

Please visit [hawaiiadu.org](http://hawaiiadu.org) for the latest information.

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## Introduction

### What is an accessory dwelling unit?

An accessory dwelling unit (ADU) is a home, built on a single-family lot, separate from the main dwelling. Accessory dwelling units have their own kitchen, bathroom, and sleeping facilities. They can be attached or detached from the existing single-family home, also called the primary dwelling unit. Accessory dwelling units are sometimes referred to as granny flats or in-law apartments, both names referring to multigenerational living. They can be completely new construction, an extension or partition of the main house, or a conversion of an existing accessory structure such as a recreational room or garage.

### How to use this manual

This manual is intended to inform homeowners about ADUs and help them decide whether building an ADU is right for them. It guides the homeowner through the ADU development process, from checking a property for the basic requirements to choosing a tenant. Deciding to build an ADU is a big decision. Use this manual to help you consider all the details before proceeding with a building permit application.

The manual is broken down into the following sections:

**Initial Considerations:** Helps the homeowner reflect on the responsibilities of managing an ADU and discusses the basic requirements.

**Getting Started:** Offers key considerations such as hiring construction professionals and how to finance the project.

**Designing the ADU:** Provides planning and design tips, including floor plan examples.

**Permitting and Construction:** Outlines the building permit process and what to expect during construction.

**Being a Landlord:** Summarizes the responsibilities of a landlord.

In addition to these sections, the appendix to this manual contains resources that could be of use to the homeowner throughout the process including forms, checklists, and additional information on legal requirements.

Although this manual aims to provide the homeowner with enough information to get an ADU project started, it is merely a guide and does not replace the need for professional services throughout the process. Additionally, information in this manual is subject to change, as ADUs are relatively new to the City and County of Honolulu. The manual will be updated as new information becomes available.

Check for manual updates  
and additional resources at  
[hawaiiadu.org](http://hawaiiadu.org).



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## Accessory Dwelling Unit Process Diagram

**6**

### **Become a landlord**

Review the Fair Housing Act and the Landlord-Tenant Code  
Prepare a rental application and screen potential tenants  
Have a lease ready for the first qualified applicant

**5**

### **Permit and construct**

Apply for a building permit with the Dept. of Planning and Permitting  
Proceed with construction when the permit is issued

**4**

### **Design the ADU to fit your needs**

Who will live there? What size will it be? What amenities will it have?  
Research existing designs, prefabricated and packaged home options  
Have a design professional create site-specific plans for you

**3**

### **Hire construction professionals**

Ask friends, family, and coworkers for recommendations  
Have a professional help you submit an ADU Facilities Pre-Check Form  
to the Dept. of Planning and Permitting

**2**

### **Secure financing**

Research the financial options available to you  
Test the HawaiiADU financing calculator  
Seek advice from Hawaiian Community Assets or other professionals

**1**

### **Review the requirements**

Go through the ADU Homeowners' Handbook and other available  
resources

## History of ‘Ohana Units and ADUs in Hawai‘i

In 1981 the State of Hawai‘i passed a bill permitting second dwelling units to be built on single-family lots as a means to improve the affordable housing market and allow homeowners to accommodate extended family on their property. The counties were then given the authority to regulate ADUs in 1989, at which point each county made adjustments to their ordinances to fulfill the needs of their communities.

Until recently, Oahu homeowners could build a separate dwelling on their property only if it was to be occupied by a relative. In September 2015, the City and County of Honolulu loosened this restriction by creating an ADU Ordinance that legalizes the development and rental of ADUs (see Ordinance 15-4, included in the appendix).

Maui, Kauai, and Hawai‘i counties all have their own accessory dwelling unit regulations, but the rules differ from county to county, and homeowners should check their local requirements before deciding to build an ADU. This manual only applies to Oahu.

## Benefits

ADUs provide a host of benefits to homeowners, renters, the local community, and the environment.

### *Homeowners*

**Provides a source of income:** Renting an ADU provides the homeowner with supplemental income that can be used toward mortgage payments, expenses, retirement or other forms of savings.

**Alleviates overcrowding:** In Hawai‘i, it is common for extended family to live together. ADUs provide an opportunity for family members to stay together, but have separate accommodations and more space. ADUs provide flexibility so that if circumstances change, the ADU can be rented out to a non-relative.

**Encourages aging in place:** For kupuna who do not want to give up their home, but wish to downsize, they can move into the ADU and rent out the main house. Alternatively, those who need at-home care can offer to rent the ADU to a caregiver.

**Provides an opportunity to help those in need:** ADUs present an opportunity for private homeowners to contribute to solving one of the most pressing problems in Hawai‘i—the lack of affordable housing and the resulting plight of homelessness faced by many of our families. Many people are surprised to learn that most families experiencing homelessness have no mental health or substance abuse issues, and they have steady incomes, but just not enough to afford Hawai‘i’s high housing costs. Homeowners with space for an ADU can help families out of homelessness by renting out their ADUs at an affordable rate, while still making it a good investment.

## Renters

**Provides access to single-family neighborhoods:** Accessory dwelling units add more options in the rental market, particularly the opportunity to live in single-family neighborhoods without having to buy a home. For some, these neighborhoods are more attractive because they tend to be relatively quiet and family-oriented.

**Potential for affordable rental housing:** ADUs typically have lower rents than rental units in multifamily buildings, and can play an important role in addressing Hawai'i's affordable housing problem.

**Potential to reduce burdens on low-income households:** Housing costs are considered to be affordable when they are less than 30 percent of a household's income. In Hawai'i, many people pay more than *half* their income toward housing, which means they are faced with difficult choices when it comes to paying for other necessities such as nutritious food, medical care, and education supports for their children. Lower housing costs made available through the renting of affordable ADUs can relieve some of this pressure, while at the same time providing families the opportunity to live in stable, family-friendly neighborhoods with better access to resources, which can provide a foundation for success for future generations.

## Community

**Creates rental housing:** As ADUs are permitted and built, rental housing stock increases.

**Supports local economy:** The local construction industry will get a boost, maintaining and potentially creating jobs for our friends and neighbors.

**Maintains neighborhood character:** The addition of ADUs into single-family neighborhoods increases density with little effect on neighborhood character. This is achieved by working with design professionals to create units that will fit in aesthetically and minimize disruptions.

**Minimizes urban sprawl:** Infill development, the utilization of vacant spaces in already developed areas, prevents the expensive expansion into the rural areas of the island, a result known as urban sprawl. As a form of infill development, ADUs can help maintain the beauty of undeveloped land on Oahu.

**Uses existing infrastructure:** New construction becomes more labor intensive and expensive as it expands into undeveloped areas. Since ADUs are built on lots shared with a single-family home, they can take advantage of existing public utility infrastructure.

**Encourages diversity:** If ADUs are rented at an affordable level, neighborhoods will become mixed-income, giving more people the opportunity to live in a single-family environment.



## *Environment*

**Reduces footprint:** Less resources are consumed when building small homes like ADUs, and once they are occupied, small homes typically have a small carbon footprint than larger ones. They produce less construction waste, can use smaller, more efficient appliances, and require less energy to cool, heat, and light, if designed in such a way.

**Conserves water and energy:** If the design incorporates sustainability features, utilities such as water and electric will be used minimally. These energy savings directly translate into monetary savings—a benefit for the environment, homeowner and tenant.

**Potential to be off-grid:** Because ADUs are relatively small, they have the potential to be powered completely by solar photovoltaic and battery systems. This could lead to long-term energy cost savings and create additional income.

## Initial Considerations

### Is an ADU right for you?

Now that you have become familiar with the various benefits associated with ADUs, which benefits apply to you? Ask yourself:

1. Why do you want an ADU?
2. Do you have a homeowners' association that prohibits second dwellings or rentals?
3. Would you convert an existing space or add new construction?
4. Are you prepared for both initial costs (design, permitting, and construction) and on-going costs (property taxes, property insurance, General Excise tax, etc.)?
5. Will you be able to handle maintenance of the ADU and fulfill other duties of a landlord?

Building an ADU is a big commitment requiring a lot of preparation, time and money. You should be aware of the investments required of you before jumping into the process. You should also clearly understand the costs up front and the long-term financial benefit.

### Basic Requirements

Once you have decided that an ADU fits your needs, you need to make sure you qualify to build one. The City and County of Honolulu's Department of Planning and Permitting (DPP) is the primary agency that you will need to work with. DPP is responsible for supplying building permits, enforcing building codes, and overseeing additions to utility and other infrastructure, all of which apply to ADU construction.

The following outlines the basic requirements listed in the ADU Ordinance that determine whether a property is eligible for an ADU. Your property must meet **all** of the requirements to be eligible.

1. The lot is zoned in R-3.5, R-5, R-7.5, R-10, R-20, or Country District.

To look up the zoning designation, go to the Honolulu Land Information System website at <http://gis.hicentral.com>, and scroll down to the Report Generator, shown below.



The screenshot shows a web interface titled "Report Generator". It has a light blue background and a dark header with the word "REPORTS" in large, semi-transparent letters. Below the header, there are three search options:

- "Start by selecting a category" with a dropdown menu currently showing "Property Info".
- "Then, select by Tax Map Key (TMK)" with a text input field, a "Go" button, and an example "48002056" below it.
- "Or, search by address" with two text input fields labeled "Number:" and "Street:", a "Go" button, and a "Number:" label below the first field.

Enter your address and look under Zoning and Flood Information—Zoning (LUO) Designation.

Zoning and Flood Information	
Zoning (LUO) Designation:	R-10
Ohana Zoning Designation:	Ineligible
FEMA Flood Designation:	X
Tsunami Evacuation Zone:	No

The zoning designation must match one of the districts listed (R-3.5, R-5, R-7.5, R-10, R-20, or Country District).

2. Lot area is at least 3,500 square feet.

Find the square footage of your lot using the property search on the Department of Planning and Permitting website. Go to the DPP’s Property Search at <http://dppweb.honolulu.gov/DPPWeb/default.aspx?PossePresentation=PropertySearch>. Search for your property by entering the house number and street name then you will see details of your property, including the lot area in square feet. This number must be at least 3,500 square feet.

The screenshot shows the 'Tax Map Key' page on the Department of Planning and Permitting website. The page has a navigation bar with links for 'Permitting', 'Searching', 'DPP Home', and 'Sign In'. Below the navigation bar are several tabs: 'Details', 'Warnings', 'Building/Sign Permits', 'Subdivision Permits', 'Other Permits', 'Owners', 'History', 'Assessments', 'Str Setbacks', and 'Parcel Info'. The 'Details' tab is selected. The main content area displays the following information:

- TMK: [Redacted]
- Historical TMK Sequence: [Redacted]
- Area (sq ft): 8429 (highlighted with a red box)
- Area (acres): 0.194
- Lot Number: [Redacted]
- Ohana: (None)
- POID: [Redacted]
- Tax Pin: [Redacted]

Below this information is a section titled 'PARCEL INFO' with a table of details:

Type	Description
Council District Effective 2003 3 - Ikaika Anderson	
Development Plan Areas	Koolaupoko
Flood Zones	X - Beyond 500 Year Flood Plain
Height Limit	25' unless sloping
Lot Restriction	None
Neighborhood Boards	31 - KAILUA
SMA	Not in SMA
Slide Area	None
State Land Use	Urban District
Street Setback	NONE
Zoning (LUO)	R-7.5 Residential District

Below the 'PARCEL INFO' section is a section titled 'FACILITIES' with a table of details:

Facility Code	Year Built	No. of Floors	Total Floor Area
01 - Single-Family Dwelling	1990	2	0

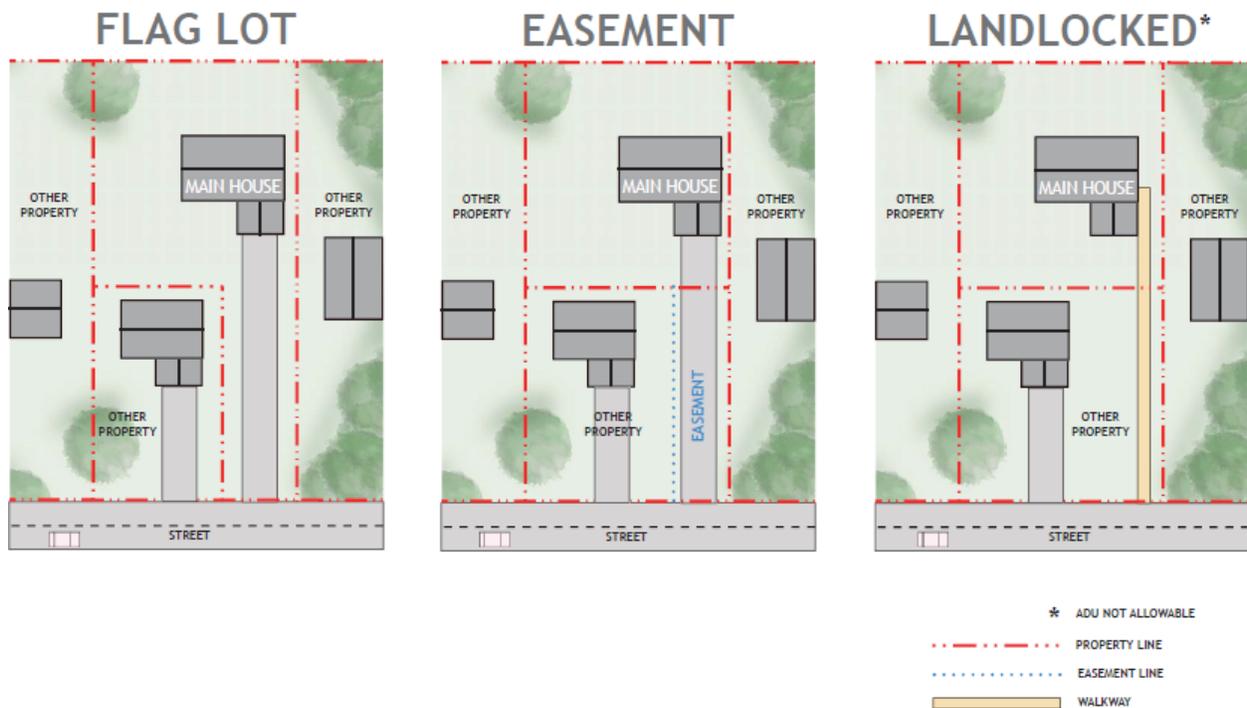
Below the 'FACILITIES' section is a section titled 'TMK SEPARATIONS' with a table of details:

Activity Code	Census Tract	Census Block
01 - HOUSEHOLD DWELLING	[Redacted]	[Redacted]

At the bottom of the page is an 'Address List' section with a redacted address.

### 3. The lot cannot be landlocked.

A lot that is landlocked has no direct access road. In other words, to access a landlocked property, one must cross someone else's property.



This requirement is reviewed on a case-by-case basis. Check with the DPP if you have a question about this particular requirement.

### 4. The lot does not contain more than one dwelling unit.

Accessory dwelling units are only allowed on single-family lots, meaning the property must only have one existing single-family home built on it. The house cannot be a multi-family dwelling unit, like a duplex or apartment building, nor can it have an existing 'ohana or ADU. Only one ADU is allowed per single-family lot.

### 5. The property owner, property owner's family, or designated representative will reside in either the primary dwelling or the ADU.

The homeowner (or family of the homeowner) must live on the property so long as one of the units is occupied. For example, if the ADU is being rented out, the homeowner must live in the main house. If the main house is rented out, the homeowner must live in the ADU.

You must sign a Declaration of Restrictive Covenants during the permitting process, which will include a statement that the property owner will reside in one of the units if the other is being rented. The homeowner may designate a person to act as the property owner, record this person with the DPP, and allow this person to live on and manage the property in the homeowner's absence. The ordinance has exceptions for "unforeseen circumstances" such as an active military deployment or illness that prevents the property owner from living on the property. If such an event were to occur, the director must give approval for a rental to remain active.

The appendix to this manual includes a copy of a sample Declaration of Restrictive Covenants.

### Restrictive Covenant

A legally binding agreement between a homeowner and another party (in this case it is the City and County of Honolulu) that specifies rules by which the homeowner must follow. Penalties may be levied if the homeowner violates the covenant.

6. The property owner will record covenants running with the land with the Bureau of Conveyances or the Land Court of the State of Hawai'i, or both.

This agreement ensures the property owner does not sell the ADU separate from the rest of the property. The lot cannot be divided into two separate properties. The Declaration of Restrictive Covenants also lists the other rules about owning an ADU.

7. If you have signed a private covenant prohibiting ADUs, you cannot build one.

A homeowners' association may have rules against the construction and/or rental of ADUs. You must follow their rules, whether or not your property meets all the other ADU requirements. Be sure to check with your homeowners' association before proceeding with plans.

8. The lot fits one parking space in addition to the parking required for the primary dwelling, unless the lot is located within one-half mile of a rail station.

If the edge of your property within 0.5 mile from the edge of a rail station, you are not required to provide a parking space for the ADU. If it is more than 0.5 miles away, your ADU site plan must include a parking space designated for the ADU. This parking space is in addition to the minimum number required for your single-family home.

9. The ADU will have a maximum size of 400 square feet for 3,500 to 4,999 square-foot lots or 800 square feet for 5,000 square-foot lots or larger.

If your lot is not at least 3,500 square feet in size, you cannot build an ADU. There is a minimum size based on the building code, which your design professional can refer to if you would like a very small unit.

You must be able to meet all of the above requirements to proceed with building an ADU. If you wish to convert an existing, legally established accessory structure that does not meet the parking or square footage requirements, you can apply for a Zoning Adjustment. This is further discussed in the "Permitting and Construction" section.

**Important:** Even if you meet all the basic of the basic requirements for an ADU, DPP and other agencies must conduct additional reviews to see whether the property meets infrastructure requirements. See "Getting Started" section.

Another important consideration is the availability of utility infrastructure such as sewers and water supply. Utility infrastructure in some neighborhoods will not be able to support a new dwelling unit. If this is the case, you cannot build an ADU on your property. This is further discussed in the “Getting Started” section.

### Does an ‘ohana unit better suit your needs?

If you intend to use the extra space for family members only, you may want to consider building an ‘ohana unit instead. As mentioned in the introduction, ‘ohana units are also second dwellings built on a lot with an existing house. ‘Ohana units follow a different set of rules and have a separate building permit, so it is important to evaluate your needs and both types of units before deciding which one to construct.

#### ‘Ohana and ADU Comparison Chart

	‘Ohana Unit	ADU
Zoning	R-5, R-7.5, R-10, Country District, AG-1, AG-2	R-3.5, R-5, R-7.5, R-10, R-20, Country District
Lot eligibility	Must be on the ‘ohana eligibility map	Must contain only one single-family dwelling
Maximum Size	No set maximum; based on lot coverage	400 sq. ft. for lots 3,500-4,999 sq. ft. 800 sq. ft. for lots greater than 5,000 sq. ft.
Occupancy	Must be related (by blood, marriage, or adoption) to the occupants of the main house	If rented, must be a long-term lease (6 months or longer)
Parking	2 off-street parking spaces plus 1 additional space per 1,000 SF for units over 2,500 SF	1 off-street parking space; no parking required for lots within 0.5 mile from rail station
# units allowed per lot	1 unit	1 unit
Attached or detached to main house	Both allowed	Both allowed

# Getting Started

## Pre-Check Form

To see if your lot qualifies for ADU development, fill out and submit a Pre-Check Form from the Department of Planning and Permitting (DPP). This form is required to make sure the property meets the basic requirements and has access to sufficient public facilities before proceeding with planning. The pre-check process is intended to help you avoid unnecessary time, expense and frustration.

Fill and submit the pre-check form to the DPP Customer Services Division. The form will be circulated to the other agencies for review and you will be contacted when it is completed.

The Pre-Check Form asks for the following:

- Tax Map Key (TMK) of the property
- Zoning district
- Lot area
- Address
- Type of unit (conversion of an existing unit, new unit, attached/detached)
- Number of bedrooms
- **One copy of the project’s plot plan and one copy of the floor plan. Plot plan must show lot dimensions, location of driveway, location of proposed work, distance from property lines and other buildings, and other pertinent information.**

ADU Pre-Check Form

You will be required to gather signatures from multiple agencies to confirm that the building site meets the code requirements and has access to sufficient utility infrastructure. You must receive approval from all of the following agencies to be eligible to build an ADU.

City Agencies on the ADU Pre-Check Form	
Department	What they check for
DPP Customer Services Division	Zoning and lot size standards
DPP Wastewater Branch	Sewer service is available and capacity is adequate
State Department of Health – Wastewater Branch	Existing/proposed Individual Wastewater System meets requirements (if applicable)
Board of Water Supply – Service Engineering	Existing water system is adequate
Fire Department	Lot meets fire safety requirements
DPP Traffic Review B	Meets minimum roadway requirements

A sample ADU Pre-Check form can be found the appendix of this manual, and you can download a copy of the form at <http://www.honoluluodpp.org/Portals/0/pdfs/construction/ADU%20Pre-Check%20Form%202016.pdf>.

## Working with professionals

### Different professions in building construction

You will be working with a variety of professionals to build your ADU, so it is important to understand their roles in your construction project.

**Architect** – a person who designs buildings and prepares the plans for the contractor to follow and build

**General Contractor** – a person or company who will provide the labor and materials for your project

**Subcontractor** – a person or company who will provide a specific service for your project such as plumbing or electrical work

**Electrical Engineer** – a person who assesses the electrical capacity of a building

**Structural Engineer** – a person who assesses the integrity of a building’s structural support

**Mechanical Engineer** – a person who assesses the plumbing, heating, cooling, and ventilating needs of a building

### Choosing the right people

Start by asking friends, family, and neighbors about local professionals they have had positive experiences with. You can also research companies that have experience with single-family and tiny homes. Once you have a list of candidates, you should interview each of them and discuss the following:

#### Professional license

They must be licensed in the State of Hawai‘i to work on a project that costs more than \$1,000. Take down their company name, address, and license number so you can verify their licensing online with the Department of Commerce and Consumer Affairs (DCCA) at [http://cca.hawaii.gov/rico/business\\_online/](http://cca.hawaii.gov/rico/business_online/). The DCCA’s website includes a section explaining why it is important to hire a licensed contractor (see <http://cca.hawaii.gov/rico/licensedcontractor/>). See the appendix for the DCCA’s checklist for hiring a contractor.

Beware: Some unscrupulous unlicensed builders have been known use the name and license number of a licensed contractor. If you are not certain that the person you have spoken with about building your ADU is truly affiliated with the company they say they are with, it is a good idea to look up the company number and call for verification.

#### Experience with ADUs or residential construction

You may not find many local professionals with experience building ADUs on Oahu, but you will find people who have experience with units similar to ADUs such as ‘ohana units, tiny homes, and other home additions.

## References

Most businesses provide past client testimonials on their website. You should ask for contact information of references if you would like to talk to them directly.

## Documentation of past work

You can usually find past and current projects on their website. If not, you should ask to see records of past work, especially projects on Oahu.

## Training and continuing education

Is the company continuously expanding their knowledge of the local construction industry? Ask if the company is an active member of the Building Industry Association (BIA), an organization that provides educational workshops, trainings, and other resources to keep members up-to-date on construction-related topics, especially at the local level.

## Rates and fees

Cost is a huge factor for most homeowners planning a construction project. Compare the rates across all your options before making a decision.

## Working with a contractor

### Find multiple offers

After you have a design professional draw up the project plans, contact multiple contractors to price your project. Compare the offers, taking note of the aforementioned topics and what the offer includes and excludes. Pricing that is significantly lower than the others may not include all of the services listed in the other offers.

### The contractor agreement

Draw up a written agreement between you and the contractor (or review their prepared agreement) and include the following information, as listed by the Hawaii Contractors License Board:

- The contractor's license number and classification (Type A – General engineering; Type B – General building contractor; Type C – Specialty contractor)
- The total amount due from the homeowner to the contractor
- The start date and number of days until project completion
- List of work to be accomplished and materials to be used
- The approximate percentage of work to be subcontracted
- A statement of the risk of loss of any payments made to a sales representative
- The name and address of any salesperson who solicited or negotiated the contract
- The name and address of the contractor
- A payment schedule based on the amount of work completed, and provides that 5 to 10 percent be withheld until all work is completed
- A description of what constitutes substantial completion of work
- The terms of warranties
- A provision requiring the contractor to obtain lien releases from all subcontractors and suppliers

The Department of Commerce and Consumer Affairs provides additional information regarding hiring contractors in their “Consumers, Contractors, and Contracts” publication, available at [http://cca.hawaii.gov/pvl/files/2013/06/pvl\\_consumers.pdf](http://cca.hawaii.gov/pvl/files/2013/06/pvl_consumers.pdf).

## Construction Costs

### Hard Costs versus Soft Costs

When you try to estimate the costs of your ADU, it will be important for you to know some of the basic vocabulary and cost components.

**Hard costs** are a result of direct work on the project, such as:

- Demolition
- Site preparation
- Materials
- Labor
- Landscaping

**Soft costs** include all other costs that are not hard construction costs, such as:

- Financing (second mortgage or loan)
- Architect/design services
- Engineering services
- Permitting
- Utility connection and separate meter fees

### Estimating the project cost

Costs vary greatly with respect to the rates of the professionals you hire and the design. The following tables offer example budgets for three different project costs. Note that labor is not included in the cost of kit homes. Contractor costs are estimated at 1.5 times the cost of the kit home. Be sure to review what is and what is not included in the pricing of the ADU you are looking to buy.

Estimated Budget for \$20,000 ADU Kit (Labor not included in kit)	
Category	Cost
ADU building permit and plan review fees	\$0*
Sewer hook-up (DPP Wastewater Branch)	\$0†
Water hook-up (Board of Water Supply)	\$5,500
Contractor (estimated at 1.5x the material cost)	\$30,000
ADU Kit (materials only)	\$20,000
Total	\$55,500

\* ADU building permit and plan review fees are waived as a result of Ordinance 16-19 effective July 21, 2016

† ADU wastewater hook-up fees are waived as a result of Ordinance 16-19 effective July 21, 2016

Estimated Budget for \$40,000 ADU Kit (Labor not included in kit)	
Category	Cost
ADU building permit and plan review fees	\$0*
Sewer hook-up (DPP Wastewater Branch)	\$0†
Water hook-up (Board of Water Supply)	\$5,500
Contractor (estimated at 1.5x the material cost)	\$60,000
ADU Kit (materials only)	\$40,000
<b>Total</b>	<b>\$105,500</b>

Estimated Budget for \$80,000 ADU Project (Labor and materials included with project cost)	
Category	Cost
ADU building permit and plan review fees	\$0‡
Sewer hook-up (DPP Wastewater Branch)	\$0§
Water hook-up (Board of Water Supply)	\$5,500
Architect/design services (estimated at 10%)	\$8,000
Contractor (labor and materials)	\$80,000
<b>Total</b>	<b>\$93,500</b>

\* ADU building permit and plan review fees are waived as a result of Ordinance 16-19 effective July 21, 2016

† ADU wastewater hook-up fees are waived as a result of Ordinance 16-19 effective July 21, 2016

‡ ADU building permit and plan review fees are waived as a result of Ordinance 16-19 effective July 21, 2016

§ ADU wastewater hook-up fees are waived as a result of Ordinance 16-19 effective July 21, 2016

## Financing your ADU

### Financial calculator

If you have an estimated project cost and a fixed-rate mortgage quote, try the ADU finance calculator on [hawaiiadu.org](http://hawaiiadu.org) to find out how much income you can bring in after mortgage and other payments. It also provides affordable rent amounts for different household incomes to give you an idea of how much tenants can comfortably pay. You will need Microsoft Excel and the following information for the calculator:

- Project cost
- Down payment
- Fixed interest rate
- Payment period (in years)

### Financial Guidance - Hawaiian Community Assets

Hawaiian Community Assets (HCA) is a HUD-certified financial education and housing counseling agency that can assist you and your family to become financially qualified to secure loans and/or grants to build your ADU.



Sign up for HCA's free services and you will be matched with a dedicated counselor who will help you develop a budget, review your credit report, conduct a mortgage qualification assessment, and assist you in applying for grants and loans to help build your ADU,

#### Client Intake

To enroll in HCA's free services, you will first need to complete and submitted a client intake packet with copies of financial documents.

You can download a client intake packet online at [www.hawaiiancommunity.net](http://www.hawaiiancommunity.net) or call HCA at (808) 587-7886 to request a client intake packet.

#### Homebuyer Education Workshop

Once you enroll in HCA's services, you will be enrolled in an 8-hour homebuyer education workshop that will teach you financial management, the loan process, how to secure mortgage financing, home-buying resources, and more.

#### Individualized Counseling

Our certified Counselors work with you and your family to develop customized financial action plan to build savings, pay down debt, and improve credit so you can financially qualify for an ADU. During sessions, HCA counselors will refer you to additional services and enroll you in loans and grants to help make your ADU a reality.



## Financial Products

HCA also provides access to loans and grants to help qualified individuals build their ADUs. The grants and loans include:

- Housing Assistance Micro-Loan: Loans up to \$25,000 to build your home.
- HCA MATCH Savings Accounts: 2:1 match on \$1,000 saved by you and your family to help pay for your ADU.
- Punawai IDA: 2:1 match on \$1,000 saved by you and your family to help pay for your ADU.

See the appendix for HCA's contact information and further details on the Punawai IDA and MATCH Savings Accounts.

# Designing the ADU

## Site Requirements

An ADU is treated as a single-family home when it comes to building codes, other than the specific limitations and requirements. The size of your lot determines the maximum square footage of the ADU as stated in the following table.

Lot Area to ADU Floor Area	
Lot Area (sq. ft.)	Maximum ADU Floor Area (sq. ft.)
3,500 to 4,999	400
5,000 or more	800

The table below from Section 21 of the Land Use Ordinance indicates development standards for residential districts. The highlighted notes apply to ADUs, since an ADU is a dwelling.

Revised Ordinances of Hawaii (ROH) Section 21 - Table 21-3.2  
Residential Districts Development Standards

Development Standard		District				
		R-3.5	R-5	R-7.5	R-10	R-20
Minimum Lot area (square feet)	One-family dwelling detached	3,500	5,000	7,500	10,000	20,000
	Two-family dwelling detached	7,000	7,500	14,000	Use not permitted	Use not permitted
	Duplex	3,500	3,750	7,000	Use not permitted	Use not permitted
Minimum lot width and depth (feet)		30 per duplex unit, 50 for other uses		35 per duplex unit, 65 for other uses	65 for dwellings, 100 for other uses	100
Yard (feet)	Front	10 for dwellings, 30 for other uses				
	Side and Rear	5 for dwellings, 15 for other uses			5 for dwellings, 15 for other uses	
Maximum Building Area		50 percent of the zoning lot				
Maximum height (feet)		25-30				
Height setbacks		Per Sec. 21-3.70-1(c)				



The professionals you hire should be familiar with this information if they are experienced with single-family home construction on Oahu. If your property is located in the Country District, make sure your design professional refers to those zoning standards for setbacks and other requirements.

In addition to the development standards listed above, there is a maximum building area, or the maximum percentage of a lot that can be built on. Residential lots have a maximum building area of 50 percent, while country district lots limit it to 25 percent (for non-agricultural uses).

## Converting an existing accessory structure

For structures that were permitted for another use (e.g., a rec room), the following steps apply.

### Legally established accessory structures

For structures that were permitted for another use (e.g., a rec room), the following steps apply.

**Step 1:** Check to see if the existing structure meets the basic requirements. If it meets all of the basic requirements, move to step 2a. If not, move to step 2b.

**Step 2a:** Continue onto filling out the pre-check form and proceed with the regular planning and permitting process.

**Step 2b:** If your accessory structure does not meet the square footage or parking requirements, you should apply for a zoning adjustment.

Review the DPP's zoning adjustment instructions (available at [http://www.honoluluodpp.org/Portals/0/pdfs/zoning/ADU\\_%20Application%20Instructions\\_09-09-2015.pdf](http://www.honoluluodpp.org/Portals/0/pdfs/zoning/ADU_%20Application%20Instructions_09-09-2015.pdf)) so you can collect all the necessary paperwork before proceeding with an application (available at <http://www.honoluluodpp.org/Portals/0/pdfs/zoning/LUPD%20Master%20Application%20Form%202015-%20fill-able.pdf>). Review of zoning adjustment applications take up to 45 days. There are also an application fee of \$200 due when the application is submitted and a processing fee of \$400 due upon approval. Contact the DPP if you have questions about the limitations or requirements of the zoning adjustment application.

### Accessory structures with no permit

You may apply for an after-the-fact permit if your existing accessory structure does not currently have a building permit, as long as it meets the basic requirements. Though this permit costs more than a building permit obtained before construction, it is preferable to absorb the cost now rather than suffer through higher costs and potential penalty fines later on.

For example, if anything happens to your unpermitted ADU, it may not be covered by your home insurance. Any damage that home insurance would typically cover would become an out-of-pocket expense. This would include but not be limited to your policy's liability coverage should someone injure themselves on your property and seek damages. In addition, if you decide to renovate any structure on your property, licensed construction professionals are required to submit plans of the existing structures and what the changes will be. Unpermitted, non-conforming structures make it

difficult to hire a qualified, licensed professional and could impact the resale value of your property.

## How will you design the ADU?

Accessory dwelling units are essentially small single-family homes. The building codes associated with single-family dwellings apply to ADUs, which means that your ADU must have a kitchen, bathroom, and bedroom (which can be shared with the living space).

**Kitchen** – composed of a fridge, heating element, and sink

**Full Bathroom** – sink, toilet, and shower

**Bedroom** – must contain at least one closet

## Be a good neighbor

If you are building an ADU, it may be useful to communicate with your neighbors about your project. Though you may experience some opposition, they will likely feel more comfortable about the idea if you initiate the conversation and are open to hearing their concerns. Accessory dwelling units are meant to add value to a community without disrupting the community's character, and being able to voice this to your neighbors can increase support for ADU development.

## Neighborhood trends in architecture, landscaping, and spacing

Your ADU should attempt to conform to the architectural style, landscaping, and spacing exhibited in your neighborhood. New construction that does not fit in will be obtrusive and potentially reduce the appeal of your property and neighborhood.

## Size

Consider the size limitations and who you think might live in the ADU. A rental unit for a small family should have two bedrooms and sufficient living and storage space. A single or couple's unit may only need a very small space, so you might not have to build the ADU to the maximum size. The minimum size is your zoning code's minimum single-family dwelling square footage, which your design professional can find out for you.

## Utilities and Amenities

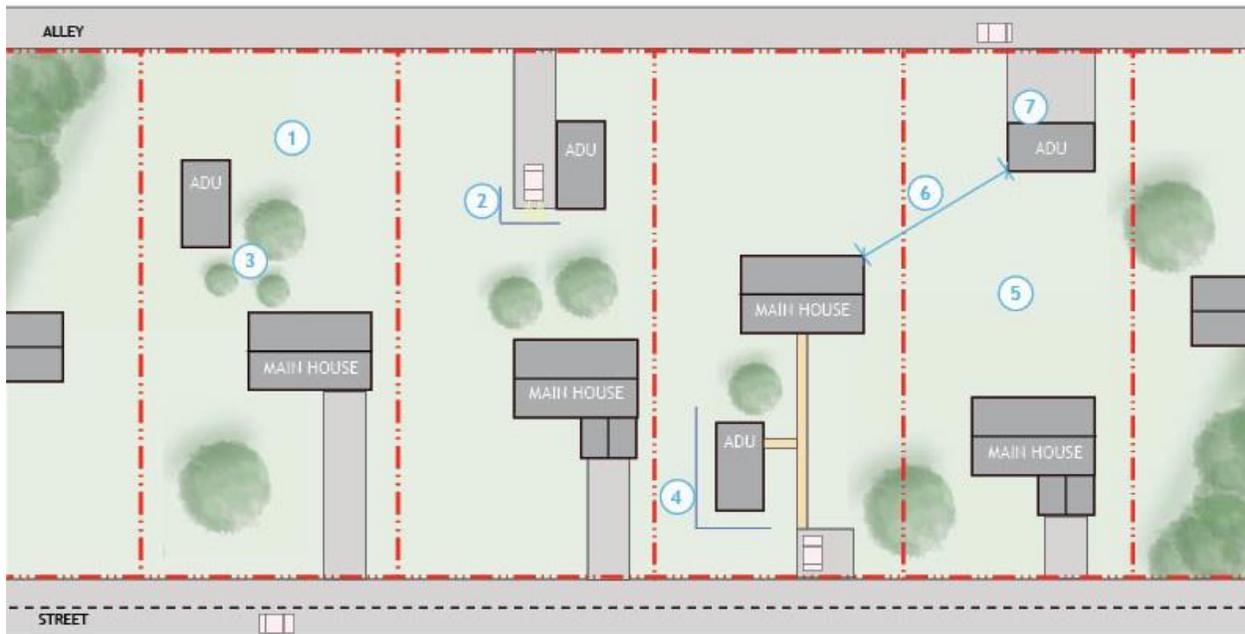
When designing your ADU, you will have to decide whether or not to build it with separate utility meters. Your tenant can pay their utilities (electricity, water, sewer, and gas) independent from you if you are able to put in separate meters. There are fees to put in separate meters, so you may want to ask your contractor how much it would cost to install them.

These are a number of amenities you may want to consider including in your ADU:

- Laundry facilities
- Garden or yard
- Air conditioning
- Built-in fans or efficient airflow design
- ADA accessibility
- Built-in storage space
- High efficiency appliances
- Lanai, deck or outdoor living space
- Special windows and/or skylights

## Privacy and Views

The ADU should be situated in a way that maintains your neighbor's and your primary dwelling's privacy. Work with your hired professionals to creatively place the ADU on your property to maximize privacy, using the tips below.



- 1 CONSIDER PROVIDING GENEROUS YARD SPACE FOR YOUR ADU.
  - 2 FENCE OR SCREEN HELPS SHIELD THE MAIN HOUSE FROM HEADLIGHTS.
  - 3 USE VEGETATION TO HELP WITH PRIVACY.
  - 4 FENCE OR SCREENS PROVIDE PRIVACY FOR THE ADU TENANT FROM NEIGHBORS OR STREET.
  - 5 MAINTAIN OPEN SPACE BETWEEN THE ADU AND MAIN HOUSE.
  - 6 PROVIDE AMPLE DISTANCE BETWEEN ADU AND NEIGHBORING STRUCTURES.
  - 7 ORIENT ADU ENTRY AWAY FROM MAIN HOUSE.
- PROPERTY LINE  
— WALKWAY

## Construction and Noise

Take note of your neighbors' needs when it comes to scheduling your construction project. Work with your contractor on the timeline—start and end dates, times of day, and days of the week—to minimize the amount of disturbance the project causes the neighbors. Also think of the noise a tenant may produce and design the ADU to minimize daily disturbances. Increased sound from construction should typically take place from 8am to 5pm, Monday through Friday, so be aware that noise outside of these hours may draw a complaint.

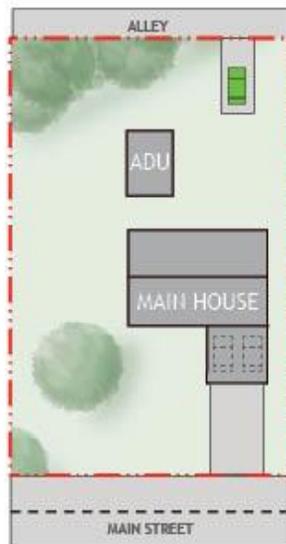
## Solar Access

New building may shade surround areas and you do not want to block sunlight from your neighbor's yard, garden, and/or solar photovoltaic or hot water system. Position the ADU in a way that refrains from shading your neighbor's property.

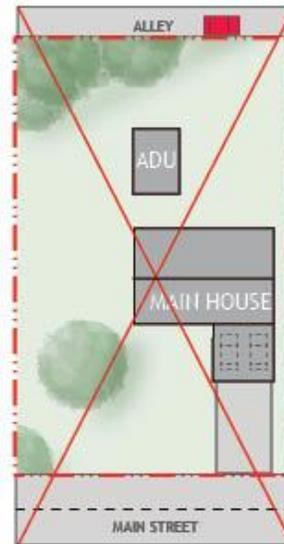
## Parking and Traffic

There is a requirement for one off-street parking space for an ADU in addition to existing parking requirements for the main house, but there is an exception if the ADU is located one-half mile from a rail station. Congestion and parking are widespread issues on Oahu, which can be addressed by encouraging the use of public transportation and carpooling by as many people as possible. Consider adding more parking if your lot has extra space to minimize the number of cars parked on the street.

### WITH ALLEY

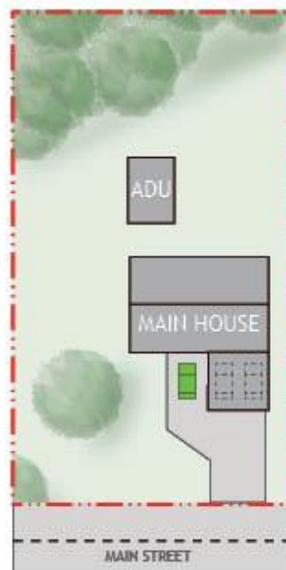


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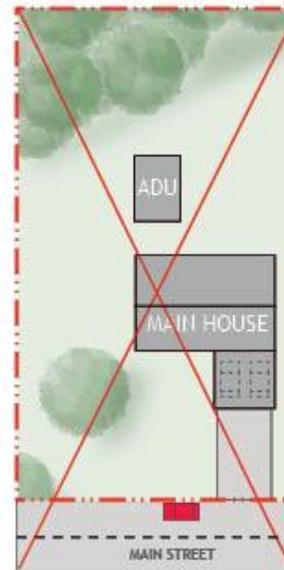


NOT ALLOWED

### WITHOUT ALLEY



ALLOWED



NOT ALLOWED

## Sustainable Design Approaches

Do some research on sustainable or green home design and ask your design professional about ways to incorporate it into your ADU plans. If you find an idea of interest to you, run it by your design professional and contractor to make sure it is locally relevant and feasible for your project and budget. These are a few options you can look into:

### Materials

Ask your construction professionals about green building materials options. There are suppliers who offer a variety of products that are recycled, salvaged, or generally sustainable from roofing down to flooring. There are local groups that specialize in collecting and repurposing construction materials.

See the Materials Chart in the appendix.

### Solar

Solar photovoltaic (PV) panels and water heaters are widely used in homes on Oahu. Inquire with local vendors and your construction professionals about which products would work best for your ADU. They will be able to explain any rebates or tax credits that exist for solar products, which you should confirm with your Certified Public Accountant (CPA) or tax professional.

### Water

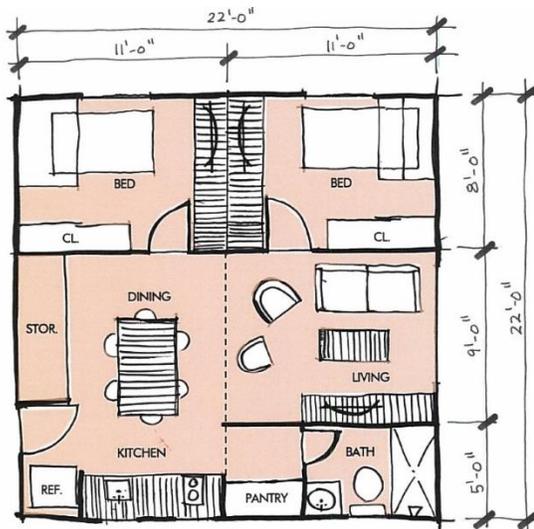
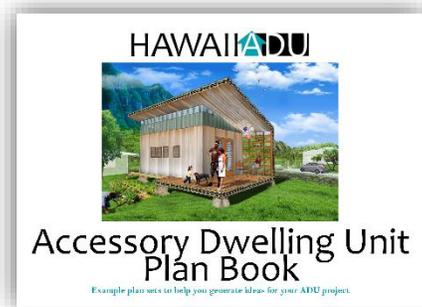
You can save water by installing high efficiency kitchen and bathroom fixtures such as low-flow toilets, water-efficient faucets, and Energy Star dishwashers. A rainwater catchment system can be used to collect rainwater for watering the yard or garden, doing laundry, or other needs. Some go as far as installing gray water systems to recycle water from sinks and showers.

## Floorplan examples

The floorplans below illustrate what an ADU could look like. These graphics are not complete plans; you must hire a design professional to draw up plans for your ADU project. A free ADU Plan Book is available at <http://hawaiiadu.org/wp-content/uploads/2016/07/ADU-Plan-Book.pdf>.

### General design options on Oahu

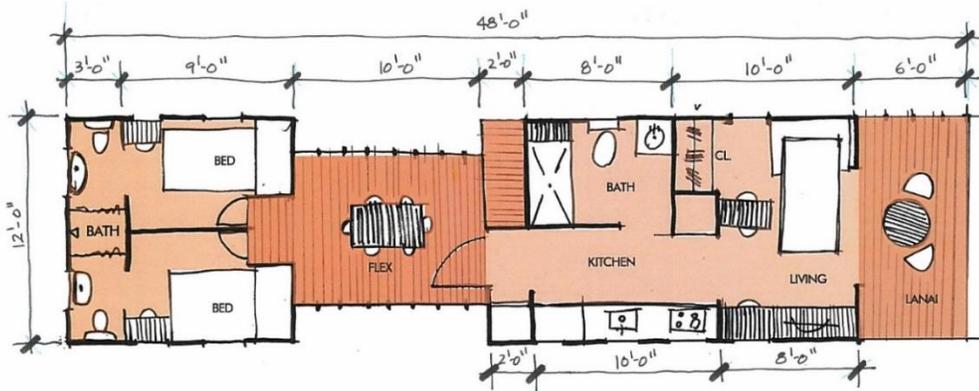
- New construction
- Conversion
- Partition
- Package/kit homes
- Prefabricated/modular
- Modified shipping container homes



This floorplan shows the potential for converting a garage into a two-bedroom ADU.

ADU: GARAGE ENCLOSURE (484 SF.)  
SCALE: NONE DATE: 10.01.15

This floorplan of a detached ADU design that emphasizes indoor/outdoor living.



ADU: FAMILY UNIT (576 S.F.)  
SCALE: NONE DATE: 10.01.15



# Permitting and Construction

## Applying for a building permit

Once you have hired a professional to design your ADU, you can start the permitting process. Your design professional or general contractor should have the experience to help get your ADU permitted, so the following steps are an overview of what you and your hired professional will do. The Department of Planning and Permitting provides these steps to attain an ADU building permit through their online portal:

1. Complete an Internet Building Permit (IBP) application online. Note your IBP number
2. Upload to ePlans:
  - a. Completed and approved ADU Pre-Check Form
  - b. Construction drawings
  - c. Other required documents
3. Download the Restrictive Covenants and submit to the Permit Issuance Branch before recording it with Bureau of Conveyance or Land Court. A permit will not be issued if this is not received.
4. Pay fees to the State Department of Health, Board of Water Supply, and the Honolulu Fire Department when contacted by each of these agencies\*
5. Return signed building permit application with approved plans and required documents to the Permit Issuance Branch
6. ADU building permit is issued

**Building Permit Application -**

**Introduction**

**Internet Permit Application**

Thank you for applying for your permit online. In the pages to follow, you will be instructed to enter pertinent information for your project. Please read the instructions carefully on each page before proceeding to the next.

**The IBP number is listed at the end of the application.**

Please submit the IBP number with your plans to the One-Stop Permit Center if you are submitting paper plans

-----

**Please select the type of permit you are applying for:**

Building Permit     Sign Permit     (None)

- A separate building permit application is required for each building or structure except for a single dwelling and its accessories.
- A separate building permit application is required for Solar Photovoltaic installations.
- If you are applying for a Sign Permit and electrical work will be involved, you must also apply for a separate Building Permit.
- Any applicable Plan Review fees shall be paid once the plans are submitted for review.

After you have read all of the above, click on the "Next" button below:

IBP Application Page

\* Building permit, plan review, wastewater connection and certain other fees are waived for ADU building permits as a result of Ordinance 16-19 effective July 21, 2016

## Building Permit Application Documents

These are the forms required by the DPP for a building permit. Some forms only apply to certain applicants depending on the project specifications. These forms can be found on the DPP's website under Applications & Forms – Building Permits (see <http://www.honoluludpp.org/ApplicationsForms/BuildingPermits.aspx>).

- Building Permit Application Worksheet
- Contractors Statement – Form DPP-29
- Specialty Contractors Statement – Form BPD 200.19a
- Called Inspection – Form BSD-10
- Supplemental Information Sheet
- 'Ohana/ADU Pre-Check Form
- Flood Hazard Forms

## Plan Requirements

You must submit four sets of plans for the ADU. The plans must be stamped and signed by a licensed architect or engineer if any of the following apply:

- One-story building project cost exceeds \$40,000
- Two-story building project cost exceeds \$35,000
- Principle structural members are of reinforced concrete or structural steel

Electrical plans must be stamped by licensed electrical engineer with the exception of demand less than 30 kilovolt-amperes.

## Declaration of Restrictive Covenants

A Declaration of Restrictive Covenants must be recorded with the Bureau of Conveyances (see <http://dlnr.hawaii.gov/boc/>) or the Land Court before an ADU building permit is issued. See the instructions in the appendix on how to prepare and file the restrictive covenants. There is a one-time fee for filing documents. Please see the Bureau of Conveyance's fee page (<http://dlnr.hawaii.gov/boc/recording-fees/>) for further information.

To check whether you need to record with the Bureau of Conveyances or the Land Court, search for your property on the City and County of Honolulu's Real Property Assessment Division ([http://qpublic9.qpublic.net/hi\\_honolulu\\_search.php?search=parcel](http://qpublic9.qpublic.net/hi_honolulu_search.php?search=parcel)) using your Tax Map Key. It will provide information when the owner acquired title and the document number of the conveying document. If the document number is shown by the year and document number, i.e. 1998-008768, it is recorded in the Regular System. If the document number is a number with no year reference, it is recorded in Land Court.

## Fees

The Department of Planning and Permitting provides a building permit fee calculator (<http://dppweb.honolulu.gov/DPPWeb/default.aspx?PossePresentationId=5000>) based on the cost of the project. The calculator gives the amounts for the building permit fee and the plan review fee. The plan review fee is due when your plans are accepted for review, while the building permit fee is due after your plans are approved.

There are other fees not included in the DPP's building permit fee calculator, like the fees charged for utility connections. Ask your professionals or contact each department for your project's fees (See appendix for each department's contact information). These fees may vary depending on the project.

## Timeline

It is difficult to give an accurate estimate for the time it takes to complete the permitting process because each property and project is unique. An estimate for the pre-check process is one month. As for the building permit process, if there are no complications the permit may be issued in two to four months. Remember, ADUs are new to the City and County of Honolulu and the departments involved with the building process are continuously making improvements to their ADU procedures to ensure ADU development is an island-wide success. The process may seem long, but it is well worth the time to make certain your ADU will be safe and legal.

## What to do during construction

### Maintain communication with your contractor

Set the expectation for how often you will touch base, which could be once a week or a couple times per month. Be available to respond to questions when needed.

### Monitor the work during construction and after completion

When it is appropriate, walk through the construction site to monitor the quality of work, timeliness of completed work, etc. Be careful not to interfere too much, as this might delay work.

### Make decisions in a timely fashion

You will be asked to select things like fixtures, appliances, and other materials. Make these decisions within a reasonable amount of time for your contractor to order and install the materials. Try to avoid making changes that will affect your project timeline and budget, unless you have the means to increase your budget.

### Meet all the responsibilities as written in the contractor's agreement

Keep up with all other duties you agreed to fulfill to bring your project to completion.



## Inspections

When construction is complete, your ADU will be inspected to ensure it is built to code. There are no additional fees for this inspection (it is included in your building permit fees). Submit a completed Request for Building Inspection form to the DPP to schedule your final inspection.

### Property Taxes and Insurance

The Real Property Assessment Division of the City and County of Honolulu's Department of Budget and Fiscal Services will receive notice when your property has been permitted and inspected. Expect a property tax increase, as the value of your property has increased.

Remember to update your property insurance to cover your ADU. Costs will vary based on your insurer and the assessed property value.

## Being a Landlord

Remember that the homeowner or designated representative must reside in the primary dwelling or the ADU when either of the units is rented out. In addition, the length of the lease must be at least six months. After those first six months pass, the landlord may rent to the same tenant on a month-to-month basis. Failure to comply with these rules provide grounds for suspension or revocation of the ADU building permit.

If you need assistance managing your ADU, there are individuals and companies willing to do so for a fee. Ask your construction professional or call property management companies about ADU property management.

### Fair Housing Act and other regulations

According to the Fair Housing Act (see [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/FHLaws/yourrights](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/yourrights)), it is unlawful to discriminate against potential renters because of race, color, religion, sex, familial status, or national origin. Read through Hawaii's Landlord-Tenant Code (see [http://files.hawaii.gov/dcca/ocp/landlord\\_tenant/landlord-tenant-handbook.pdf](http://files.hawaii.gov/dcca/ocp/landlord_tenant/landlord-tenant-handbook.pdf)), which describes the responsibilities of both the landlord and tenant including rental agreements, maintenance, and how to deal with different issues that may come up.

### General Excise Tax (GET)

You must pay the GET on the rental income you receive. First, review the basic information about the GET on the Department of Taxation's GET page (<http://tax.hawaii.gov/geninfo/get/>) and their factsheet (available at <http://files.hawaii.gov/tax/legal/taxfacts/tf2015-37-1.pdf>). The next step is to fill out the State of Hawaii Basic Business Application (available at <http://files.hawaii.gov/tax/forms/2015/bb1packet.pdf>) to apply for a GET license. There is a one-time \$20 application fee.

For assistance, contact your CPA or tax professional who can also help determine the required frequency of your GET payments.

## Determining how much to charge for rent

### Talk to your financial adviser

Discuss your financial needs with a real estate professional or financial counselor to identify a reasonable amount of rent that will help you cover your mortgage or other payments. To determine what is “reasonable”, you can research rental properties with similar amenities, square footage, number of bedrooms, and location.

## Affordable housing

Accessory dwelling units are part of an island-wide affordable housing initiative; the people who pushed for the legalization of ADUs on Oahu did so to bring about more affordable housing on the island. You have the freedom to decide how much to charge for rent, so consider renting to a Section 8 participant or setting rent at an affordable level. Housing is considered affordable when it costs 30 percent or less of the tenant's household's income. When a tenant can comfortably pay rent, the landlord also has peace of mind knowing that the rent can be paid without issue.

## Choosing a tenant

### Advertise

There are many ways to advertise your ADU/primary dwelling for rent. Given the rental housing market here on Oahu, you may experience a high amount of interest. Here is a list of channels to advertise through:

- Word of mouth through family, friends, neighbors, and coworkers
- Flyers at local businesses and public bulletin boards
- Craigslist.com
- Apartments.com
- Zillow.com

The Declaration of Restrictive Covenants you signed to obtain the ADU building permit restricts you from using the ADU or your main house as a short-term rental (less than 6 month leases). If you advertise the ADU or your main house as a vacation rental or bed and breakfast, it can be used as evidence against you as a violation of the Restrictive Covenants, providing grounds for suspension or revocation of the permit. If you proceed with renting the ADU or main house as a short-term rental, you can be fined \$1,000 per day.

### Seek Expertise

Hawaiian Community Assets (HCA) offers homeowners enrolled in its services access to Hawaii Tenant Referral Services. Through Hawaii Tenant Referral Services, you can advertise your unit to individuals who have completed a client intake, rental housing workshop, and individualized counseling with HCA.

In addition, HCA will provide you, as the homeowner, with potential renters' Renter-Ready Packet which will include a cover letter detailing HCA services completed by the individual, copy of a credit report, and a financial assessment to confirm their existing monthly income and debt. Potential renters may also qualify for loans and grants to assist with first month's rent and deposits through HCA.

Once the renter has signed a lease with you, as the homeowner, Hawaii Tenant Referral Services will bill you for a \$150 one-time fee that will allow other homeowners in Hawai'i to utilize this service.



Overall, Hawaii Tenant Referral Services provides you with critical financial information about your potential renter and gives you piece of mind that whomever you choose has gone through the steps to become financially qualified renter.

### Screen

Invite potential renters to visit the property and decide if it fits their needs. Once they tour the ADU/primary dwelling, you can provide a rental application. If multiple people will be renting together, provide each with a separate application.

You may want to request the following information on the rental application:

1. First, middle, and last name
2. Current address
3. Date of birth
4. Social security number
5. Driver's license/ID number
6. Past addresses
  - a. If rental, provide landlord name and number/email
  - b. Length of stay
7. Employment history
  - a. Address
  - b. Supervisor name and number/email
  - c. Salary/wage
8. Bank reference
  - a. Bank name
  - b. Account number
  - c. Phone number
9. Personal references
  - a. Name
  - b. Address
  - c. Relationship
  - d. Phone number/email
10. Criminal history

Along with checking the references on the application, you may charge an application fee in order to pay for both a credit and criminal background check.

Some renters have difficulty finding housing due to a spotty credit history, which is sometimes the result of events that occurred out of the person's control. Keep an open mind and consider looking to Hawaiian Community Assets for a tenant who completed their renter preparation program.



### Make a decision

Keeping in mind the Fair Housing Act and the Landlord-Tenant Code of Hawaii, you should choose the first applicant who qualifies and offer them the lease agreement.

### Sign the lease

Prepare a lease agreement and have it checked by an attorney or real estate agent. Have the tenant sign the lease and provide you with a security deposit and first month's rent before giving them the keys.



## Acknowledgements

Hawai‘i Appleseed would like to recognize the following organizations for their contributions to this manual.

### Content

City & County of Honolulu Department of Planning and Permitting  
Hawaiian Community Development Board  
Hawaiian Community Assets

### Graphics and Images

Architects Hawaii, Ltd.

We would also like to thank the City of Santa Cruz, the City of Seattle, and the City of San Francisco, which provided examples of work they have done to assist homeowners with the development of ADUs.

## Appendix



**A BILL FOR AN ORDINANCE**

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TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO ACCESSORY DWELLING UNITS.

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 establish accessory dwelling units as a permitted use in all residential zoning districts, to encourage and accommodate the construction of accessory dwelling units, increase the number of affordable rental units and alleviate the housing shortage in the City, and to establish land use standards for those accessory dwelling units.

SECTION 2. Section 21-2.140-1, Revised Ordinances of Honolulu ("Specific circumstances"), is amended by adding a new subsection (o) to read as follows:

"(o) Conversion of accessory structures. An existing, legally established, accessory structure constructed prior to the effective date of this ordinance in the country or residential district may be converted to an accessory dwelling unit and allowed to exceed the maximum floor area established by Section 21-5. (c)(1) and/or be exempted from the off-street parking requirement established by Section 21-5. (c)(4) and contained in Table 21-6.1 subject to the following conditions:

- (1) Provided the director finds that viable constraints do not allow the reduction of the floor area of the existing accessory structure.
- (2) Provided that the director finds that no feasible alternative off-street parking site exists due to the placement of structures on, and/or the topography of, the zoning lot."

SECTION 3. Table 21-3, Revised Ordinances of Honolulu 1990 ("Master Use Table"), is amended by amending the "Dwelling and Lodgings" category to permit duplex units and detached two-family dwellings within Country and R-10 and R-20 Residential zoning districts and add "accessory dwelling units," to read as follows:



**A BILL FOR AN ORDINANCE**

**"TABLE 21-3  
MASTER USE TABLE**

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District; please refer to Table 21-9.6(A).

- KEY:** Ac = Special accessory use subject to standards in Article 5  
 Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)  
 C = Conditional Use Permit-major subject to standards in Article 5; public hearing required  
 P = Permitted use  
 P/c = Permitted use subject to standards in Article 5  
 PRU = Plan Review Use

ZONING DISTRICTS																					
USES (Note: Certain uses are defined in Article 10.)	R-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	L-1	L-2	L-3	MX-1

DWELLINGS AND LODGINGS																					
					Ac	Ac	Ac														
Accessory dwelling units																					
Boarding facilities							P	P	P	P	P	P					P	P			
Consulates					P/c	P/c	P	P	P	P	P	P	P	P	P	P	P	P			
Duplex Units				P	P	P	P	P	P	P	P	P	P				P				
Dwellings, owner's or caretaker's, accessory														Ac	Ac		Ac	Ac	Ac	Ac	Ac
Dwellings for cemetery caretakers	Ac		Ac																		
Dwellings, detached, one-family				P	P	P	P	P	P	P	P	P	P				P				
Dwellings, detached, two-family				P	P	P	P	P	P	P	P	P	P				P				
Dwellings, multifamily							P	P	P	P	P	P	P				P/c	P			
Farm dwellings		P/c	P/c																		
Group living facilities		C	C	C	C	C	C	C	C	C	C	C					C	Cm			
Guest houses (R-20 only)					Ac																
Hotels													P				C Cm	P		Cm	Cm
Roomers/Rooming				Ac	Ac	Ac															
Special needs housing for the elderly							C	C	C	C	C	C					C	C			
Time sharing								P/c						P							
Transient vacation units								P/c						P							
Vacation cabins	C																				



**A BILL FOR AN ORDINANCE**

SECTION 4. Table 21-3.2, Revised Ordinances of Honolulu 1990 ("Residential Districts Development Standards"), is amended to read as follows:

**"Table 21-3.2  
Residential Districts  
Development Standards**

Development Standard		District				
		R-3.5	R-5	R-7.5	R-10	R-20
Minimum lot area (square feet)	One-family dwelling, detached, and other uses	3,500	5,000	7,500	10,000	20,000
	Two-family dwelling, detached	7,000	7,500	14,000	[Use not permitted] 15,000	[Use not permitted] 25,000
	Duplex	3,500	3,750	7,000	[Use not permitted] 7,500	[Use not permitted] 12,500
Minimum lot width and depth (feet)		30 per duplex unit, 50 for other uses		35 per duplex unit, 65 for other uses	65 for dwellings, 100 for other uses	100
Yards (feet):	Front	10 for dwellings, 30 for other uses				
	Side and rear	5 for dwellings <sup>1</sup> , 15 for other uses			5 for dwellings <sup>1</sup> , 15 for other uses	
Maximum building area		50 percent of the zoning lot				
Maximum height (feet) <sup>2</sup>		25-30				
Height setbacks		per Sec. 21-3.70-1(c)				

<sup>1</sup> For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.

<sup>2</sup> Heights above the minima of the given range may require height setbacks or may be subject to other requirements. See the appropriate section for the zoning district for additional development standards concerning height.<sup>18</sup>



**A BILL FOR AN ORDINANCE**

SECTION 5. Chapter 21, Article 5, Revised Ordinances of Honolulu 1990 ("Specific Use Development Standards"), is amended by adding a new Section for "Accessory dwelling units," to be appropriately numbered by the revisor of ordinances and to read as follows:

**"Sec. 21-5. Accessory dwelling units.**

- (a) The purpose of this section is to encourage and accommodate the construction of accessory dwelling units to increase the number of affordable rental units, without substantially altering existing neighborhood character, in order to alleviate the housing shortage in the city.
- (b) It is intended that accessory dwelling units only be allowed in areas where wastewater, water supply, and transportation facilities are adequate to support the additional dwelling units.
- (c) One accessory dwelling unit may be located on a lot in the country, R-3.5, R-5, R-7.5, R-10, and R-20 zoning districts, subject to the following conditions:

- (1) The maximum size of an accessory dwelling unit shall be as follows:

<u>Lot Area</u>	<u>Maximum Floor Area</u>
<u>3,500 to 4,999 sq. ft.</u>	<u>400 sq. ft.</u>
<u>5,000 sq. ft. or more</u>	<u>800 sq. ft.</u>

- (2) Accessory dwelling units are not permitted:

- (A) On lots with a lot area of less than 3,500 square feet;
- (B) On lots that have more than one dwelling unit, including but not necessarily limited to, more than one single-family dwelling, two-family dwelling, accessory authorized ohana dwelling, guest house, multi-family dwellings, planned development housing, cluster, or group living facility; or
- (C) On lots that are landlocked.

- (3) The property owner or owners or persons who are related by blood, marriage, or adoption to the property owner or owners, or designated authorized representative shall occupy the primary dwelling unit or the accessory dwelling unit; except in unforeseen hardship circumstances



A BILL FOR AN ORDINANCE

(e.g., active military deployment, serious illness) that prevent the continued occupancy of the primary dwelling unit or the accessory dwelling unit, subject to confirmation by the director.

- (4) One off-street parking space per accessory dwelling unit must be provided in addition to the required off-street parking for the primary dwelling unit, except for accessory dwelling units located within one-half mile of a rail transit station. For purposes of this section, the minimum distance requirement is measured as the shortest straight line distance between the edge of the station area and the zoning lot line(s) of the project site.
- (5) The owner or owners of the lot shall record covenants running with the land with the bureau of conveyances or the land court of the State of Hawaii, or both, as is appropriate, stating that:
- (A) Neither the owner or owners, nor the heirs, successors or assigns of the owner or owners will submit the lot or any portion thereof to a condominium property regime under the provisions of HRS Chapter 514A to separate the ownership of an accessory dwelling unit from the ownership of its primary dwelling unit;
- (B) The property owner or owners, or persons who are related by blood, marriage, or adoption to the property owner or owners, or designated authorized representative(s) shall occupy the primary dwelling unit or the accessory dwelling unit so long as the other unit is being rented or otherwise occupied; except in cases of unforeseen hardship circumstances (e.g., active military deployment, serious illness) that prevent the continued occupancy of the primary dwelling unit or the accessory dwelling unit, subject to confirmation by the director. For purposes of this section, "designated authorized representative(s)" means the person or persons designated by the property owner or owners to the department of planning and permitting, who are responsible for managing the property;
- (C) The accessory dwelling unit may only be used for long-term rental or otherwise occupied for periods of at least six months, and cannot be used as a bed and breakfast home or transient vacation unit;
- (D) If the property owner or owners, or persons who are related by blood, marriage or adoption to the property owner or owners, or designated authorized representative(s) choose to receive rent for



A BILL FOR AN ORDINANCE

the primary dwelling unit and occupy the accessory dwelling unit, the primary dwelling unit may only be used for long-term rental or otherwise occupied for a minimum period of six months, and cannot be used as a bed and breakfast home or transient vacation unit;

- (E) The accessory dwelling unit is limited to the approved size in accordance with the provisions of Chapter 21; and
- (F) The deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all heirs, successors and assigns of the owner or owners.

The covenant must be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such a covenant will be deemed a violation of Chapter 21 and will be grounds for enforcement by the director pursuant to Section 21-2.150, et seq.

- (6) All other provisions applicable to the zoning district apply.
- (7) All rentals of an accessory dwelling unit, or of the primary dwelling unit if the property owner or owners, or persons who are related by blood, marriage or adoption to the property owner or owners, or designated authorized representative(s) choose to receive rent for the primary dwelling unit and occupy the accessory dwelling unit, must be evidenced by a written rental agreement signed by the owner and the tenant for a lease period of at least six months; provided that after the initial lease period is concluded, the owner may allow the same tenant to continue renting the accessory dwelling unit on a consecutive month-to-month basis.
- (d) At the time of application, the applicant shall first obtain written confirmation from the responsible agencies that wastewater treatment and disposal, water supply, and access roadways are adequate to accommodate the accessory dwelling unit.
- (e) An accessory dwelling unit may be created by building a new structure (attached or detached from the primary dwelling unit) or through conversion of a legally established structure (attached to or detached from the primary dwelling unit), attic or basement, subject to meeting all pertaining zoning requirements.



A BILL FOR AN ORDINANCE

- (f) The owner of a structure constructed without a building permit prior to the effective date of this ordinance, who wants to convert that structure to an accessory dwelling unit shall obtain an after-the-fact building permit. In addition to fulfilling the base requirements of the after-the-fact permit, any adjustments to the structure must conform to the accessory dwelling unit regulations enumerated in this section and any additional adopted policies and rules.
- (g) The department of planning and permitting must be notified upon removal of an accessory dwelling unit.
- (h) Prima facie evidence. If an accessory dwelling unit is advertised as a bed and breakfast home or transient vacation unit, the existence of such advertisement will be prima facie evidence of the following:
- (1) That the owner of the advertised unit disseminated or directed the dissemination of the advertisement in that form and manner; and
  - (2) That a bed and breakfast home or transient vacation unit, as applicable, is being operated at the location advertised.

The burden of proof is on the owner to establish otherwise with respect to the advertisement and that the subject property either is not being used as a bed and breakfast or transient vacation unit, or that it is being used legally for such purpose."

SECTION 6. Section 21-6.30, Revised Ordinances of Honolulu 1990 ("Method of determining number"), is amended by amending subsection (d) to read as follows:

"(d) All required parking spaces [shall] must be standard-sized parking spaces, except that duplex units, detached dwellings and multifamily dwellings may have up to 50 percent compact spaces, and accessory dwelling units may have one compact space."

SECTION 7. Table 21-6.1, Revised Ordinances of Honolulu 1990 ("Off-street Parking Requirements"), is amended by amending the DWELLINGS AND LODGINGS category to read as follows:



**A BILL FOR AN ORDINANCE**

"

<b>Table 21-6.1 Off-street Parking Requirements</b>		
Use <sup>1</sup>	Requirement <sup>2</sup>	
<b>DWELLING AND LODGINGS</b>		
Boarding facilities	2 plus 0.75 per unit	
Consulates	1 per dwelling or lodging unit, plus 1 per 400 square feet of office floor area, but not less than 5	
<u>Dwellings, accessory dwelling unit</u>	<u>1 per accessory dwelling unit or none if the accessory dwelling unit is located within one-half mile of a rail transit station</u>	
Dwellings, detached, duplex and farm	2 per unit plus 1 per 1,000 square feet over 2,500 square feet (excluding carport or garage)	
Dwellings, multifamily	<b>Floor Area of Dwelling or Lodging Units</b>	<b>Required Parking per Unit</b>
	600 sq. ft. or less	1
	More than 600 but less than 800 sq. ft.	1.5
	800 sq. ft. and over	2
Plus 1 guest parking stall per 10 units for all projects		
Hotels: dwelling units	1 per unit	
Hotels: lodging units	0.75 per unit	

"

SECTION 8. Section 21-6.40, Revised Ordinances of Honolulu 1990 ("Arrangement of parking spaces"), is amended by amending subsection (c) to read as follows:

- "(c) All spaces [shall] must be arranged so that any automobile may be moved without moving another except that tandem parking [shall be] is permissible in any of these instances:
- (1) Where two or more parking spaces are assigned to a single dwelling unit and/or a parking space is assigned to an accessory dwelling unit.
  - (2) For use [for] as employee parking, except that at no time [shall] can the number of parking spaces allocated for employees exceed 25 percent of the total number of required spaces. Also, for employee parking, "tandem" parking [shall be] is limited to a configuration of two stacked parking stalls.
  - (3) Where all parking is performed by an attendant at all times, and vehicles may be moved within the lot without entering any street, alley or walkway.



**A BILL FOR AN ORDINANCE**

- (4) For public assembly facilities and temporary events when user arrivals and departures are simultaneous and parking is attendant directed."

SECTION 9. Section 21-8.20, Revised Ordinances of Honolulu 1990 ("Housing--Ohana dwellings"), is amended by amending subsection (c) to read as follows:

"(c) One ohana dwelling unit may be located on a lot zoned for residential, country, or agricultural use, with the following limitations:

- (1) The maximum size of an ohana dwelling unit [shall] is not [be] limited but [shall] will be subject to the maximum building area development standard in the applicable zoning district.
- (2) Ohana dwelling units [shall] are not [be] permitted on lots within a zero lot line project, cluster housing project, agricultural cluster, country cluster, planned development housing, R-3.5 zoning districts, or on duplex unit lots.
- (3) An ohana dwelling unit [shall] is not [be] permitted on any nonconforming lot.
- (4) The ohana dwelling unit and the first dwelling [shall] may be located within a single structure, i.e., within the same two-family detached dwelling, or the ohana dwelling unit may be detached from the first dwelling and located on the same lot as the first dwelling.
- (5) The ohana dwelling unit [shall] must be occupied by persons who are related by blood, marriage or adoption to the family residing in the first dwelling. Notwithstanding this provision, ohana dwelling units for which a building permit was obtained before September 10, 1992 are not subject to this restriction and their occupancy by persons other than family members is permitted
- (6) All other provisions of the zoning district [shall] apply.
- (7) The parking provisions of this chapter applicable at the time the ohana building permit is issued [shall] apply and the provision of such parking [shall be] is a continuing duty of the owner.
- (8) The owner or owners of the lot shall record in the bureau of conveyances of the State of Hawaii, or if the lot is subject to land court registration under HRS Chapter 501, they shall record in the land court, a covenant



**A BILL FOR AN ORDINANCE**

that neither the owner or owners, nor the heirs, successors or assigns of the owner or owners shall submit the lot or any portion thereof to the condominium property regime established by HRS Chapter 514A. The covenant [shall] must be recorded on a form approved by or provided by the director and may contain such terms as the director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such a covenant [shall] will be deemed a violation of Chapter 21 and be grounds for enforcement of the covenant by the director pursuant to Section 21-2.150, et seq., and [shall] will be grounds for an action by the director to require the owner or owners to remove, pursuant to HRS Section 514A-21, the property from a submission of the lot or any portion thereof to the condominium property regime made in violation of the covenant."

SECTION 10. Section 21-10.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding new definitions of "Accessory dwelling unit" and "Designated authorized representative," to read as follows:

"Accessory dwelling unit" means a second dwelling unit, including separate kitchen, bedroom and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot."

"Designated authorized representative" means one or more persons appointed by the owner or owners to reside in the primary dwelling unit or accessory dwelling unit and act on behalf of the owner or owners in his or her absence."

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



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 15-41

BILL 20 (2015), CD1

**A BILL FOR AN ORDINANCE**

SECTION 12. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (BR)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

March 5, 2015  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*Don S. Kiritaka*  
Deputy Corporation Counsel

APPROVED this 14<sup>th</sup> day of September, 2015.

*Kirk Caldwell*  
KIRK CALDWELL, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 15-41

BILL 20 (2015), CD1

Introduced: 03/05/15

By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

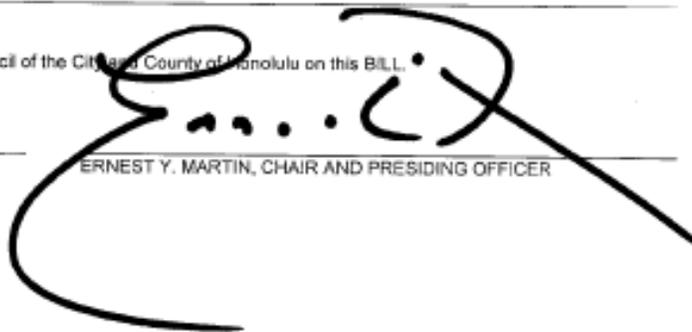
Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO ACCESSORY DWELLING UNITS.

Voting Legend: \* = Aye w/Reservations

03/11/15	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.
04/25/15	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
04/30/15	ZONING AND PLANNING	CR-155 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
05/06/15	COUNCIL/PUBLIC HEARING	CR-155 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
05/13/15	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/28/15	ZONING AND PLANNING	CR-223 – REQUESTING 120-DAY EXTENSION OF TIME.
06/03/15	COUNCIL	CR-223 ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
07/23/15	ZONING AND PLANNING	BILL DEFERRED IN COMMITTEE.
08/20/15	ZONING AND PLANNING	CR-335 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
09/02/15	COUNCIL	CR-335 ADOPTED AND BILL 20 (2015), CD1 PASSED THIRD READING AS AMENDED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
GLEN TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

15-41

## Sample Declaration of Restrictive Covenants

**CITY AND COUNTY OF HONOLULU**  
**DEPARTMENT OF PLANNING AND PERMITTING**  
650 SOUTH KING STREET, HONOLULU, HAWAII 96813  
<http://www.honoluluodpp.org/>

**INSTRUCTIONS FOR PREPARING AND FILING A DECLARATION OF RESTRICTIVE COVENANTS  
FOR ACCESSORY DWELLING UNITS**

Before the accessory dwelling permit can be issued, the fee owner(s) of the lot must prepare and file the declaration of restrictive covenant with the Bureau of Conveyances or the Land Court. A certified copy of the declaration showing proof of recordation must be presented to the Permit Issuance Branch before issuance of the building permit.

### Preparation of the Declaration of Restrictive Covenants

Reproduce a document similar to the sample copy. Fill in blanks and omit blank spaces.

- Type or print neatly in black ink.
- All documents should be no larger than 8 ½" x 11" and should be single-sided sheets of written text.
- All documents should be able to reproduce legibly under photographic or electrostatic methods. Highlights are not acceptable for imaging.
- The first page of the document must have the following:
  - Top three and one-half inches (3 ½") must be reserved for Registrar's recording information.
  - The following one inch (1") must be reserved for information showing to whom the recorded document should be returned with the complete mailing address.
  - The mailing address to whom the document should be returned must begin one and one-half inches (1 ½") from left the margin and not exceed three and one-half inches (3 ½") per line.
  - Must identify the full names of all fee owners, addresses and tax map key number. If the property is owned by a trust, the trustee must be identified and affiliation to the trust must be explained.
  - Must identify the specific zoning designation for the property (Country, R-3.5, R-5, R-7.5, R-10 or R-20) as well as the lot area.
- The names of parties must conform throughout the document (body of instrument, below signature line and notary page).
- Signatures must be notarized.
- Attach and label "Exhibit A." "Exhibit A" is the description of the property which is usually attached to the deed or other conveyances document.

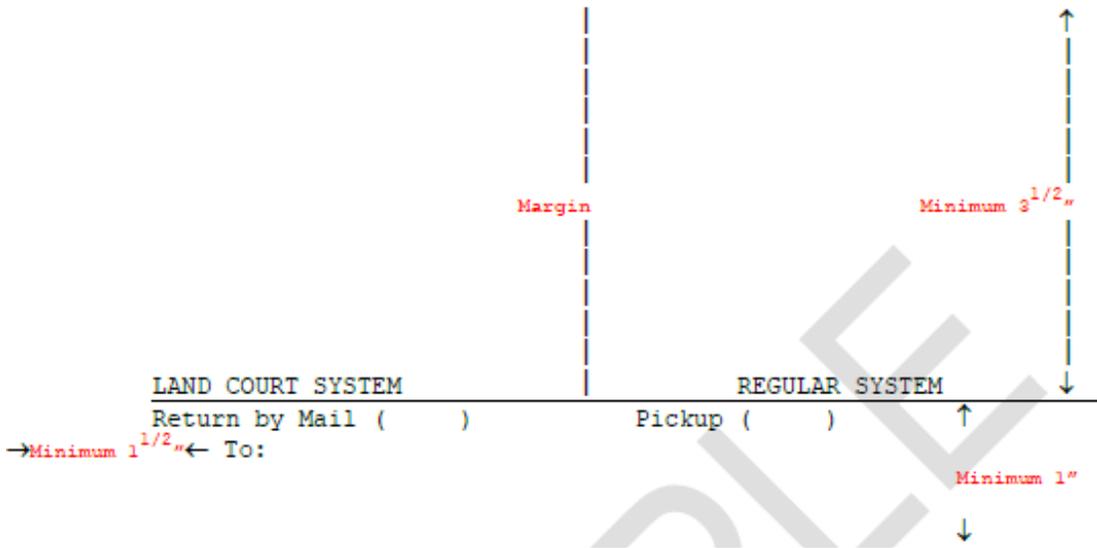
Most of the above information was obtained from the State Bureau of Conveyances. Please access their website at <http://dlnr.hawaii.gov/boc/recording-fees/>

### Review and Recordation

The declaration must be reviewed and approved by the assigned residential plans examiner. Therefore:

- Submit an unsigned (not notarized) and not recorded declaration of restrictive covenant (prepared per instructions above) to the assigned residential plans examiner at the Permit Issuance Branch.
- The plans examiner will review the information in the declaration and inform you if corrections or addition are needed.
- Once the declaration has been approved by the plans examiner, take it to the Bureau of Conveyances or Land Court for recordation at *Kalanimoku Building, 1151 Punchbowl Street, Room 120*.
- After the recordation, submit a certified copy of the recorded declaration to the assigned residential plans examiner.

**ATTENTION:** It is the sole responsibility of the fee owner(s) to properly fill-in the declaration of restrictive covenant and file it with the Bureau of Conveyances. When you submit the filled-in and unsigned declaration of restrictive covenant to the Permit Issuance Branch (prior to being recorded) the plans examiner will only review it for content relating to building permit.



DECLARATION OF RESTRICTIVE COVENANTS

This Declaration made by \_\_\_\_\_, Owner(s) in fee simple of that certain parcel of land at \_\_\_\_\_ also known as Lot \_\_\_\_\_ of \_\_\_\_\_, identified by Tax Map Key \_\_\_\_\_, and more particularly described in Exhibit "A" attached hereto and made a part thereof (the "Property").

WHEREAS, by Deed dated \_\_\_\_\_, recorded in the Bureau of Conveyances (Regular System) of the State of Hawaii in Liber # \_\_\_\_\_, Page \_\_\_\_\_, or in Document/Instrument No. \_\_\_\_\_, and/or filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_, [name of owner(s)] became the sole owner(s) of the Property and is/are hereinafter collectively called the "Declarant."

WHEREAS, the Declarant has applied for a building permit from the Department of Planning and Permitting of the City and County of Honolulu, Building Permit Application No. \_\_\_\_\_ ("Building Permit Application"), for the construction, and/or maintenance of an accessory dwelling unit on the Property.

WHEREAS, pursuant to the Land Use Ordinance of the City and County of Honolulu, in a \_\_\_\_\_ District on a zoning lot of \_\_\_\_\_ square feet, a one-family detached dwelling may only be erected and maintained on said premises, except under the provisions of the Land Use Ordinance relating to Accessory Dwelling Units.

NOW, THEREFORE, in accordance with the provisions and definitions in the Land Use Ordinance pertaining to Accessory Dwelling Units, the Declarant hereby covenants and agrees to subject the Property described in Exhibit "A" to the following restrictive covenants:

1. Neither the owner or owners, nor their heirs, successors or assigns of the owner or owners will submit the lot or any portion thereof to a condominium property regime under the provisions of HRS Chapter 514A to separate the ownership of an accessory dwelling unit from the ownership of its primary dwelling unit.
2. The property owner or owners or persons who are related by blood, marriage, or adoption to the property owner or owners, or designated authorized representative(s) shall occupy the primary dwelling unit or the accessory dwelling unit so long as the other unit is being rented or otherwise occupied; except in cases of unforeseen hardship circumstances (e.g., active military deployment, serious illness) that prevent the continued occupancy of the primary dwelling unit or the accessory dwelling unit, subject to confirmation by the director. For purposes of this section, "designated authorized representative(s)" means the person or persons designated by the property owner or owners to the department of planning and permitting, who are responsible for managing the property.
3. The accessory dwelling unit may only be used for long-term rental or otherwise occupied for periods of at least six months, and cannot be used as a bed and breakfast home or transient vacation unit.
4. If the property owner or owners, or persons who are related by blood, marriage or adoption to the property owner or owners, or designated authorized representative(s) choose to receive rent for the primary dwelling unit and occupy the accessory dwelling unit, the primary dwelling unit may only be used for long-term rental or otherwise occupied for a minimum period of six months, and cannot be used as a bed and breakfast home or transient vacation unit.
5. The accessory dwelling unit is limited to the approved size in accordance with the provisions of Chapter 21.
6. The deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all heirs, successors and assigns of the owner or owners.
7. This Declaration of Restrictive Covenants shall run with the land and shall bind, inure to the benefit of, and constitute notice to the respective successors, grantees, assignees, mortgagees, lienors, and any other person who claims an interest in the Property.
8. Declarant shall file a certified recorded copy of this Declaration of Restrictive Covenants with the Department of Planning and Permitting of the City and County of Honolulu, as a condition precedent to the issuance of the Building Permit.

9. This Declaration of Restrictive Covenants shall not terminate, extinguish nor cancel without the express approval of the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii.
10. The failure to maintain the development in accordance with this Declaration of Restrictive Covenants shall constitute grounds for the City and County of Honolulu to revoke or suspend any building permits issued hereunder.
11. The City and County of Honolulu, State of Hawaii, shall have the right to enforce this Declaration of Restrictive Covenants and the conditions contained herein by appropriate action at law or suit in equity against Declarant and any persons claiming an interest in the Property.

IN WITNESS WHEREOF, the undersigned hereunto sets his/her hand on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NAME OF OWNER

\_\_\_\_\_  
NAME OF OWNER

STATE of HAWAII )  
 ) ss  
CITY AND COUNTY OF HONOLULU )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ known to me to be the \_\_\_\_\_ Declarant hereunder, described in and who executed the foregoing instrument, and acknowledge that he executed the same as his free act and deed and as the act and deed of Declarant.

\_\_\_\_\_  
Notary Public, State of Hawaii  
Print Name:

My commission expires:

<b>NOTARY CERTIFICATE</b> (Hawaii Administrative Rules §5-11-8)	
Date of Doc: _____	# Pages: _____
Name of Notary: _____	Notes: _____
Doc. Description: _____ _____ _____	
Notary Signature _____	Date _____
First Circuit, State of Hawaii	(stamp or seal)
<b>NOTARY CERTIFICATION</b>	

# Sample ADU Pre-check Form

**CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF PLANNING AND PERMITTING (DPP)  
ACCESSORY DWELLING UNIT (ADU) PUBLIC FACILITIES PRE-CHECK FORM**

**TAX MAP KEY**

Zone	Sec	Plat	Par	Lot

ZONING DISTRICT: \_\_\_\_\_

LOT AREA: \_\_\_\_\_

ADDRESS/LOCATION OF PROPERTY: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

AGENT: \_\_\_\_\_ PHONE: \_\_\_\_\_

NOTE: Plot plan and floor plan are to be submitted with this form. This form becomes void 210 business days after the first date of approval by a government agency.

**ADU - PART I (To be completed by Applicant)**

1. PROPOSAL FOR: (check only one)
  - One new attached unit
  - One new detached unit
  - Alteration work only (conversion of garage, guest quarters, recreation rooms, basement, etc.)
  - Other \_\_\_\_\_
  - Use of existing attached second unit
  - Use of existing detached second unit
2. TOTAL NUMBER OF BEDROOMS IN BOTH UNITS: \_\_\_\_\_ (for Dept. of Health review, if required)
3. PARCEL NOW SERVED BY OR HAS: (check Yes or No)
  - a. Minimum lot size required  Yes  No
  - b. City water  Yes  No
  - c. City sewers  Yes  No
  - d. Cesspool or septic tank. If "Yes", see II.b. - State Department of Health  Yes  No
  - e. Direct access to a street with minimum paved roadway width of 20 feet  Yes  No
  - f. Sufficient area for required number of parking spaces  Yes  No

**ADU - PART II (To be completed by government agencies)**

*If you do not meet any of the requirements below, permit cannot be granted.*

- I. DPP CUSTOMER SERVICES DIVISION: Parcel meets zoning and lot size/dimension standards.
 

Yes  No      Checked by: \_\_\_\_\_      \_\_\_\_\_  
Name and Signature Date
- II. WASTEWATER DISPOSAL (either a or b)
  - a. DPP WASTEWATER BRANCH: Sewer service is available and capacity is adequate.
 

Yes  No      Checked by: \_\_\_\_\_      \_\_\_\_\_  
Name and Signature Date
  - b. STATE DEPARTMENT OF HEALTH - WASTEWATER BRANCH: Existing/proposed individual wastewater system meets requirements.
 

Yes  No      Checked by: \_\_\_\_\_      \_\_\_\_\_  
Name and Signature Date
- III. BOARD OF WATER SUPPLY - SERVICE ENGINEERING: Existing water system is adequate.
 

Yes  No      Checked by: \_\_\_\_\_      \_\_\_\_\_  
Name and Signature Date
- IV. FIRE DEPARTMENT: Lot meets fire safety requirements.
 

Yes  No      Checked by: \_\_\_\_\_      \_\_\_\_\_  
Name and Signature Date
- V. DPP ROADWAY ACCESS REVIEW: Meets roadway requirements.
 

Yes  No      Checked by: \_\_\_\_\_      \_\_\_\_\_  
Name and Signature Date

Additional comments (attach if necessary): \_\_\_\_\_

July 2016

## Contractor Checklist

### Hiring a Contractor Checklist

Are you planning to remodel your home? This checklist will help you make sure you've done everything you need to do for your project. Check off each item when they're complete.

- Get three written estimates for the job.
- Verify the licenses of all contractors and subcontractors with DCCA  
Call 587-3222
- Check prior complaints history for all contractors and subcontractors with  
DCCA Call 587-3222
- Ask contractor for references
- Request a list of subcontractors to be used
- Draw up a written contract
- Read the entire contract and understand all the terms and conditions
- Purchase performance, material and completion bonds through the contractor
- Obtain the appropriate building permits
- See and understand any plans and blueprints before approving them
- Periodically check on the progress of the work
- Get lien releases from subcontractors and material supplies
- Keep copies of all documents and correspondence
- Publish a notice of completion in the newspaper once the job is done.

## Hawaiian Community Assets Punawai IDA and MATCH Savings Accounts

Hawaiian Community Assets (HCA) provides access to loans and grants to help qualified individuals build their ADUs. Two programs—Punawai IDA and HCA MATCH—may be of particular interest to homeowners who are considering building an ADU. *Although these two programs are available only to persons of Native Hawaiian ancestry, HCA also provides services that are available to others who do not be the ancestry requirement of Punawai IDA and HCA MATCH.*

You can find out more about HCA’s services at <http://www.hawaiiancommunity.net>.

Additional information about the Punawai IDA and HCA MATCH programs is included below.

### Punawai IDA

Before you can be approved for enrollment into the Office of Hawaiian Affairs’ Punawai IDA you will need to complete the following steps:

1. Complete an HCA client intake packet.
2. Enroll in a financial or housing program with HCA.
3. Complete a Kahua Waiwai Financial or Housing Education workshop delivered by a certified Kahua Waiwai Trainer.
4. Receive HUD-approved financial coaching to develop a budget, review your credit, and establish a financial action plan.
5. Complete a Punawai IDA Orientation meeting and enrollment forms.
6. Establish a savings goal and a Punawai IDA Savings Plan.
7. Open, or have an existing, bank or trust account.

### Punawai IDA Objectives

Hawaiian Community Assets’ (HCA) objective for the Punawai IDA is to assist Native Hawaiian individuals and families develop savings habits necessary to prevent emergencies and reach a financial goal. Punawai IDA is intended to assist participants with:

- Developing personal financial management skills;
- Establishing regular savings habits and disciplines;
- Identifying a financial goal;
- Completing a savings plan with Punawai IDA funds that results in securing a financial goal.

Punawai IDA provides:

- Kahua Waiwai Financial Education
- Individualized HUD-approved financial coaching to help participants achieve their savings goal; and
- A savings incentive – Punawai IDA provides a 2:1 match for every dollar saved by participants toward a savings goal. Maximum Punawai IDA is \$1,000 per participant. *Example: Participant saves \$1,000. Punawai IDA will match the savings by \$2,000 (2:1), resulting in a total of \$3,000 to use for a financial goal.*

### Participant Eligibility

Eligible participants of the Punawai IDA include individuals or families with Native Hawaiian ancestry residing in Hawaii who:

- Are 18 years of age or older;
- Are at or below 250% Federal Poverty Guideline for Hawai‘i;
- Have completed a Kahua Waiwai Financial Education Workshop

- Have completed HUD-approved counseling
- Complete *Punawai IDA Participant Application Form*; and
- Sign and abide by the rules set forth in the *Participant Savings Plan Agreement and Enrollment Form*.

### On-Going Participant Requirements

To maintain eligibility in the HCA MATCH Savings Account, participants must:

- ✓ Open, or have an existing, savings or trust account;
- ✓ Must make monthly deposits in bank or trust account with NO withdrawals. If a withdrawal is made, participants will be ineligible to receive matching funds and encouraged to re-enroll in the HCA MATCH Savings Account;
- ✓ Meet with assigned HCA Community Services Specialist to provide information on spending/savings habits, progress toward savings goal, and savings account statements;
- ✓ Share feedback about the product in an exit interview and through follow-up contact;
- ✓ Stay enrolled in the product for at least three (3) months but not to exceed a maximum term of twenty-four (24) months from initial enrollment.

### Eligible Uses of Punawai IDA Match Funds

Program participants can **ONLY** use match funds for the following financial goals:

Goal	Eligible Uses
Housing	Mortgage/rent payments, utilities, down payment, closing costs, application fees, homeowners insurance, property taxes, program fees, home repair/maintenance
Education	Tuition, books, application fees, laptop
Business	Start-up/expansion costs, business plan development, equipment
Medical	Costs for dental, vision, or health services, emergency services
Debt	Collections, judgments, liens, credit cards, loans
Transportation	Car purchase, car repair, purchase of bus passes
Career	Professional work clothing, job/career training
Family	Funeral, childcare
Assistive Technology	Technology for persons with special needs to live, work, or attend school

### HCA Match Savings Account

Before you can be approved for enrollment into the HCA MATCH you will need to complete the following steps:

1. Enroll in financial literacy/renter education and credit counseling program with HCA.
2. Complete Kahua Waiwai Financial Literacy or Housing Education workshop series delivered by HCA or approved provider.
3. Complete HUD-approved housing counseling with an HCA Community Services Specialist.
4. Complete HCA MATCH Orientation meeting and program enrollment forms.
5. Establish a savings goal and HCA MATCH Savings Plan.
6. Open, or have an existing, savings or trust account.

### HCA MATCH Objectives

Hawaiian Community Assets' (HCA) objective for the HCA MATCH Savings Account is to assist Native Hawaiian individuals and families in developing savings habits necessary to secure and sustain affordable housing. The HCA MATCH Savings Account is intended to assist participants with:

- ✓ Developing personal financial management skills;
- ✓ Establishing regular savings habits and disciplines;
- ✓ Identifying housing costs;
- ✓ Completing a savings plan with HCA MATCH funds that results in securing rental housing or sustaining homeownership.

The HCA MATCH Savings Account provides:

- ✓ Kahua Waiwai Financial Literacy and Housing Education workshops
- ✓ Ongoing, individualized HUD-approved housing counseling and case management to help participants achieve their savings and housing goal; and
- ✓ A savings incentive – HCA MATCH provides a 2:1 match for every dollar saved by participants toward a savings goal. Maximum HCA MATCH is \$1,000 per participant. *Example: Participant saves \$1,000. HCA MATCH will match the savings by \$2,000 (2:1), resulting in a total of \$3,000 to use toward housing related costs for renters or homeowners.*

Our goals with the HCA MATCH Savings Accounts are to support the success of each participant to implement positive savings and spending habits to achieve a realistic savings goal.

### Participant Eligibility

Eligible participants of the HCA MATCH Savings Account include individuals or families with Native Hawaiian ancestry receiving services from HCA or an HCA-approved partner organization in Hawai'i who:

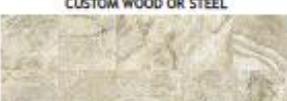
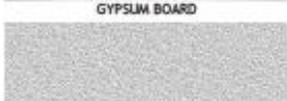
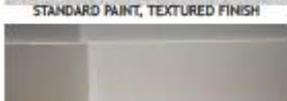
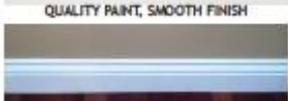
- ✓ Is 18 years of age or older;
- ✓ Has verified monthly income;
- ✓ Is at or below 80% HUD Area Median Income for their County of residence;
- ✓ Has completed Kahua Waiwai Financial Literacy or Housing Education workshop and HUD-approved housing counseling delivered by HCA or an approved provider;
- ✓ Complete *HCA MATCH Participant Application Form*; and
- ✓ Sign and abide by the rules set forth in the *Participant Savings Plan Agreement and Enrollment Form*.

### On-Going Participant Requirements

To maintain eligibility in the HCA MATCH Savings Account, participants must:

- Open, or have an existing, savings or trust account;
- Must make monthly deposits in bank or trust account with NO withdrawals. If a withdrawal is made, participants will be ineligible to receive matching funds and encouraged to re-enroll in the HCA MATCH Savings Account;
- Meet with assigned HCA Community Services Specialist to provide information on spending/savings habits, progress toward savings goal, and savings account statements;
- Share feedback about the product in an exit interview and through follow-up contact;
- Stay enrolled in the product for at least three (3) months but not to exceed a maximum term of twenty-four (24) months from initial enrollment.

# Materials Chart

MATERIALS	\$	\$\$	\$\$\$
ROOF	 ASPHALT COMPOSITE	 METAL	 CONCRETE TILE
EXTERIOR WALLS	 VINYL	 NATURAL WOOD (SEALED)	 SHEET METALS
GUTTERS + DOWNSPOUTS	 VINYL	 ALUMINUM	 COPPER
RAILINGS	 SIMPLE PAINT GRADE WOOD	 STOCK METAL OR CUSTOM CABLE	 ARTISAN METAL WORK
EXTERIOR FLOORING	 PLYWOOD	 COMPOSITE	 EXOTIC
DOORS + WINDOW FRAMES	 VINYL	 ALUMINUM CLAD WOOD	 CUSTOM WOOD OR STEEL
INTERIOR WALLS	 GYPSUM BOARD	 CUSTOM PLASTER	 TILE
INTERIOR WALL FINISH	 STANDARD PAINT, TEXTURED FINISH	 QUALITY PAINT, SMOOTH FINISH	 ARTISAN FINISH
INTERIOR TRIM	 PAINTED MDF	 PAINT GRADE WOOD	 STAINED CLEAR WOOD
INTERIOR FLOORING	 STAINED MARINE GRADE PLYWOOD	 WOOD RESILIENT FLOORING	 STAINED WOOD
LIGHTS	 DOWNLIGHT	 HANGING	 DECORATIVE
CABINETS	 MDF	 PLYWOOD	 CUSTOM

## Useful Contacts

### Hawaii Appleseed

119 Merchant St., Suite 605A  
Honolulu, HI 96813  
(808) 587-7605  
[www.hiappleseed.org](http://www.hiappleseed.org)

### Hawaiian Community Development Board

1188 Bishop St., Suite 907  
Honolulu, HI 96813  
[www.hawndev.org](http://www.hawndev.org)

### Hawaiian Community Assets

200 N. Vineyard Boulevard, Suite A300  
Honolulu, HI 96817  
1-866-400.1116 (toll-free)  
[www.hawaiiancommunity.net](http://www.hawaiiancommunity.net)

### Department of Planning and Permitting (DPP)

[www.honoluluapp.org](http://www.honoluluapp.org)

Customer Services Division  
Permit Issuance Branch  
Frank Fasi Municipal Building  
650 South King St., 1<sup>st</sup> Floor  
(808) 768-8220

Customer Services Division  
Building Permit Center  
Kapolei Hale  
1000 Uluohia St., 1<sup>st</sup> Floor  
(808) 768-3123

Wastewater Branch  
Frank Fasi Municipal Building  
650 South King St., 1<sup>st</sup> Floor  
(808) 768-8197

Land Use Permits Division  
Zoning Regulations & Permits Branch  
Frank Fasi Municipal Building  
650 South King St., 7<sup>th</sup> Floor  
(808) 768-8021

### Board of Water Supply (BWS)

Service Engineering Section  
630 S. Beretania St., 1<sup>st</sup> Floor  
(808) 748-5460

### State Department of Health (DOH)

Environmental Management Division  
Wastewater Branch  
919 Ala Moana Blvd., Rm 309  
Honolulu, HI 96814  
(808) 586-4294

### Department of Land and Natural Resources

Bureau of Conveyances  
1151 Punchbowl St., Rm 121  
Honolulu HI 96813  
(808) 587-0147

### Office of Consumer Protection

Residential Landlord-Tenant Center  
(808) 586-2634  
Monday through Friday, 8am-12pm  
[cca.hawaii.gov/hfic/landlord\\_tenant/](http://cca.hawaii.gov/hfic/landlord_tenant/)

### Regulated Industries Complaints Office

235 S. Beretania St., 9th Floor  
Honolulu, HI 96813  
[cca.hawaii.gov/rico](http://cca.hawaii.gov/rico)