

## WHAT IS AN ADU?

An Accessory Dwelling Unit (ADU) is defined as a second dwelling unit, including its own kitchen, bedroom, and bathroom facilities. It may be attached or detached from the primary dwelling unit on the zoning lot. ADUs are intended to be “accessory” to the primary dwelling, and are typically much smaller in size.

The ADU Ordinance was signed into law on September 14, 2015, by Mayor Kirk Caldwell. The purpose of this Ordinance is to allow ADUs as a permitted use in Residential and Country zoning districts and to encourage and accommodate the construction of ADUs, which will increase the number of affordable rental units and help alleviate the housing shortage in the City.

### PROCEDURE TO ADD AN ADU

1. **Decide** what type of ADU fits your needs.
2. **Check** if you meet the basic requirements.
3. **Complete** the Ohana/ADU Public Facilities Pre-check Form.
4. **Prepare** construction drawings.
5. **Apply** for a building permit.

## A. WHAT TYPE OF ADU TO BUILD

An ADU can be attached or detached from the main dwelling. There are several ways by which an ADU can be added to a lot:

1. Addition to or alteration of an existing structure.
2. Construction of a new structure.
3. Recognition of an existing structure that was built without a building permit.
4. Conversion of an existing structure that exceeds the maximum floor area and/or cannot provide the minimum off-street parking (Zoning Adjustment required).

## B. ADU BASIC REQUIREMENTS

Prior to applying for a building permit, check if the basic requirements to adapt, build, or convert an ADU on a lot are met.

BASIC REQUIREMENTS*		
1	The lot is zoned: R-3.5, R-5, R-7.5, R-10, R-20 or Country District.	<input type="checkbox"/>
2	Minimum lot area of 3,500 SF	<input type="checkbox"/>
3	The lot is not landlocked.	<input type="checkbox"/>
4	The lot does not have more than one dwelling unit, i.e., more than one single-family dwelling, two-family dwelling, accessory ohana dwelling, guest house, multi-family dwelling, planned development housing, cluster, or group living facility.	<input type="checkbox"/>
5	Either the main dwelling or the ADU will be occupied by the property owner(s), the owner's family, or a designated authorized representative.	<input type="checkbox"/>
6	The owner(s) of the lot will 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.	<input type="checkbox"/>
7	Private covenants do not prohibit ADUs.	<input type="checkbox"/>
8	The lot can fit one parking space in addition to the parking required for the primary dwelling unit. No parking is required if the lot is located within one-half mile of a rail transit station.	<input type="checkbox"/>
9	Floor area maximum: 400 SF (for lots with an area of 3,500 to 4,999 SF) and 800 SF (for lots with an area of 5,000 SF or more).	<input type="checkbox"/>
* For more detailed information, see ADU Ordinance.		

There are three possible outcomes:

**Outcome 1:** If you **meet** all the requirements, proceed to C.

**Outcome 2:** If you **do not** meet any of requirements 1 to 7, you cannot build an ADU on your lot.

**Outcome 3:** If you are converting an existing structure into an ADU **and** you meet requirements 1 to 7, but **do not meet** either 8 or 9 or both, apply for a Zoning Adjustment (*refer to E*). Once the Zoning Adjustment is approved, proceed to Section C.

## C. APPLYING FOR A BUILDING PERMIT

After completing the Ohana/ADU Public Facilities Pre-Check Form (refer to E); there are two ways to apply for a building permit. New buildings must be filed electronically through ePlans. Alterations or additions may submit a hard copy application.



### ePlans Permitting Process

1. Complete an Internet Building Permit (IBP) application online.  
Tip: Note your IBP number.
2. Upload to ePlans:
  - a. Approved Ohana/ADU Public Facilities Pre-Check Form
  - b. Construction drawings
  - c. Other required documents

Download the Restrictive Covenant (*refer to E*). Once completed, submit it to the Permit Issuance Branch, before it is recorded. A building permit will not be issued until this is completed.

3. Pay fees to the Department of Planning and Permitting Wastewater Branch, State Department of Health, Board of Water Supply, and the Honolulu Fire Department (if required) when contacted by each of these agencies.
4. Return signed building permit application with approved plans and required documents to the Permit Issuance Branch.
5. Pay building permit fees to the Permit Issuance Branch.
6. Building permit is issued.

### Paper Permitting Process

1. Submit to the Permit Issuance Branch:
  - a. Approved Ohana/ADU Public Facilities Pre-Check Form
  - b. Construction drawings
  - c. Other required documents

Download the Restrictive Covenant (*refer to E*). Once completed, submit it to the Permit Issuance Branch, before it is recorded. A building permit will not be issued until this is completed.

2. Route construction drawings and building permit application to the Department of Planning and Permitting (DPP) Wastewater Branch, or State Department of Health, Board of Water Supply and the Honolulu Fire Department (if required), and the DPP Traffic Review Branch (if required) for review.
3. Pay fees to the DPP Wastewater Branch or State Department of Health, Board of Water Supply, and the Honolulu Fire Department (if needed) when contacted by each of these agencies.
4. Return signed building permit application with required documents to the Permit Issuance Branch.
5. Pay building permit fees to the Permit Issuance Branch.
6. Building permit is issued.



After a building permit is issued and construction of an ADU is underway, inspectors will inspect the building, electrical work, and plumbing. Once inspection is completed, the Certificate of Occupancy will be issued.

## D. HELPFUL CONTACT INFORMATION

### Department of Planning and Permitting (DPP)

Customer Services Division  
Permit Issuance Branch  
Frank Fasi Municipal Building  
650 South King Street, 1<sup>st</sup> Floor  
(808) 768-8220 (please leave voice message)

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

Wastewater Branch  
Frank Fasi Municipal Building  
650 South King Street, 1<sup>st</sup> Floor  
(808) 768-8210

Land Use Permit Division  
Frank Fasi Municipal Building  
650 South King Street, 7th Floor  
(808) 768-8029

### Honolulu Fire Department (HFD)

Frank Fasi Municipal Building  
650 South King Street, 1st Floor  
(808) 723-7094

### Board of Water Supply (BWS)

Service Engineering Section  
630 South Beretania Street, 1st Floor  
(808) 748-5460

### State Department of Health (DOH)

Wastewater Branch  
Five Waterfront Plaza  
500 Ala Moana Boulevard, Suite 250D  
(808) 586-4294

### Department of Land and Natural Resources (DLNR)

Bureau of Conveyances  
Kalanimoku Building  
1151 Punchbowl Street, Room 120  
(808) 587-0147

## E. PERTINENT FORMS AND INSTRUCTIONS

Listed below are pertinent forms and other important information that is needed in order to adapt, build, or convert an ADU.

- 1. Ohana/ADU Public Facilities Pre-Check Form**  
<http://www.honoluluodpp.org/ApplicationsForms/BuildingPermits.aspx>
- 2. Internet Building Permit Application**  
<http://bit.ly/1KsKAYl>
- 3. Additional Building Permit Information**  
[http://www.honoluluodpp.org/Portals/0/pdfs/construction/dpp\\_brouchure.PDF](http://www.honoluluodpp.org/Portals/0/pdfs/construction/dpp_brouchure.PDF)
- 4. Basic Requirements**  
Information about your lot size and zoning district can be accessed at:  
<http://dppweb.honolulu.gov/DPPWeb/default.aspx?PossePresentation=PropertySearch>
- 5. Information on How to Use ePlans**  
<http://www.honoluluodpp.org/OnlineServices.aspx>
- 6. Access to ePlans**  
<https://eplans.honolulu.gov/projectdox/>
- 7. Zoning Adjustment**  
Information for preparing and applying for a Zoning Adjustment:  
<http://www.honoluluodpp.org/ApplicationsForms/ZoningandLandUsePermits.aspx>
- 8. Restrictive Covenant**  
Sample draft of restrictive covenant.  
<http://www.honoluluodpp.org/ApplicationsForms/BuildingPermits.aspx>
- 9. Additional Forms**  
Most forms relating to building permits can be accessed at:  
<http://www.honoluluodpp.org/ApplicationsForms/BuildingPermits.aspx>

## Benefits of Accessory Dwelling Units

An increasing number of communities across the nation are allowing Accessory Dwelling Units (ADU), also known as granny flats and second units, within residential areas in order to increase their affordable housing supply.

ADUs offer a variety of benefits to communities. They create housing options that support workforce housing, provide flexible living arrangements for multigenerational families, and provide supplemental income for homeowners. ADUs also support sustainability because they are often conversions of underutilized space and consume less land than new single-family development on vacant land. Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults, find ADUs convenient and affordable.

As identified in the Affordable Housing Strategy, there is a major shortage of affordable housing on Oahu, especially for rental housing. ADUs can help address this problem by allowing existing homeowners to build or convert a legal second unit on their property.

This brochure is a **general guide**, please consult each agency for additional details and/or the latest amendments and changes. For more detailed information, visit our website:

<http://www.honoluluodpp.org/>

All information is subject to change.  
Revised September 2015

# ACCESSORY DWELLING UNITS

## A QUICK GUIDE TO BUILD A SECOND UNIT ON YOUR LOT



Department of  
Planning and Permitting



Kirk Caldwell, Mayor  
City and County of Honolulu



## ACCESSORY DWELLING UNIT (ADU) FREQUENTLY ASKED QUESTIONS Department of Planning and Permitting

The following are common questions about ADU. The answers are based on the ADU Ordinance that was signed by Mayor Kirk Caldwell on September 14, 2015.

### 1. What is an ADU?

An ADU is an accessory or second dwelling unit, including its own kitchen, bedroom, and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot. ADUs are intended to be “accessory” to the main house, and are typically much smaller and sited to the rear or side of the house.

### 2. Why are ADUs important?

As identified in the Mayor’s Affordable Housing Strategy, there is a major shortage of affordable housing on Oahu, especially for rental housing. ADUs can help address this problem by allowing existing homeowners to build a second unit on their property. In addition, seniors will have the option to “age in place” by moving into the ADU and renting the larger home for additional income.

### 3. Where can I build an ADU?

An ADU can be built on any lot zoned Residential (R-3.5, R-5, R-7.5, R-10, and R-20) or Country District with a lot area of 3,500 square feet (SF) or more provided that there is adequate infrastructure and subject to meeting all other Land Use Ordinance provisions for the zoning lot and there are no restrictive covenants.

### 4. How big can an ADU be?

An ADU can be a maximum of 400 SF for lots ranging between 3,500 SF and 4,999 SF and 800 SF for lots greater than 5,000 SF.

### 5. In addition to the principal dwelling unit, how many ADUs can I build on a single lot?

Only one additional dwelling unit is permitted. ADUs are not permitted on lots that already have more than one dwelling unit, including but not necessarily limited to, more than one single-family dwelling, a two-family dwelling, accessory authorized ohana dwelling, or guest house. Properties with multi-family dwellings, or which are part of a planned development housing, cluster, or group living facility are also not eligible.

### 6. How are ADUs different from ohana dwelling units?

ADUs are similar, but not synonymous with ohana dwelling units. The key difference is that ohana dwellings restrict occupancy to family members,

have no size limitations, and require two off-street parking spaces. The ADU regulations allow occupancy of the ADU by non-family members, require only one off-street parking space, and limit the size of the ADU.

### 7. Are owners required to live on the property?

Yes, either the ADU or primary dwelling unit must be occupied by the property owner(s), or persons who are related by blood, marriage, or adoption to the property owner(s), or designated authorized representative(s), except in unforeseen hardship circumstances (i.e., active military deployment, serious illness).

### 8. Is there a minimum occupancy period for an ADU?

Yes, an ADU may not be occupied for less than a six month (180 days) period.

### 9. Is there enough sewer and water capacity to accommodate ADUs?

Sewer and water capacity varies from location to location. To assure the adequacy of the existing infrastructure, prospective applicants will need to receive confirmation from all appropriate agencies (The Department of Planning and Permitting’s (DPP) Customer Service Division; Wastewater Branch; and Traffic Review Branch, State Department of Health, Board of Water Supply, and Honolulu Fire Department), affirming the capacity of needed infrastructure. The DPP has developed a step-by-step Public Facilities Pre-Check Form for homeowners or contractors to get the required approvals. No building permit for ADUs shall be issued unless there is adequate infrastructure to support it.

### 10. Is parking required for an ADU?

The ADU law requires one parking space to be located on the lot per ADU, in addition to the required parking for the primary dwelling unit. Tandem parking and compact stalls are permitted. However, ADUs within one-half mile of a rail transit station do not require parking.

### 11. Can the owner sell the ADU or the portion of the parcel where the ADU is located?

No, ADUs are not allowed to be sold separately. They are intended to provide rental housing. The

owner(s) of the lot are required to record a covenant stipulating that neither the owner(s), nor their heirs, successors, nor assigns will submit the lot or any portion thereof to a condominium property regime to separate the ownership of an ADU from the ownership of its primary dwelling unit.

**12. How does the ADU law guard against using the units as illegal vacation rentals?**

The ADU provisions require the ADU to be leased for a minimum of six months (180 days). This requirement will be recorded in a covenant running with the land with the Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as is appropriate. This requirement facilitates enforcement and deters the ADU from being used as a transient vacation unit.

**13. What are the different ways by which I can add an ADU to a lot?**

You can build a new unit either separate or attached. An existing accessory structure (garage or interior rooms such as recreation rooms, basements or attics) can also be converted to an ADU. Current building code standards must be met when adding an ADU.

**14. Is a building permit required to convert an ohana dwelling unit or other accessory structures into an ADU?**

Yes, a building permit is required to convert an ohana dwelling unit or an accessory structure or interior room into an ADU.

**15. Can a nonconforming structure be converted to an ADU?**

Yes, a nonconforming structure can be converted to an ADU, but it has to conform to the ADU regulations and all the development standards of the underlying zoning district, as well as other pertinent regulations.

**16. How can I convert an existing, legally established accessory structure to an ADU if it was built prior to the effective date of the ADU Ordinance, but does not meet the size and off-street requirements?**

An existing, legally established accessory structure constructed in a residential district prior to the effective date of the ADU Ordinance may be converted to an ADU and allowed to exceed the maximum floor area and/or be exempted from the off-street parking requirement through a zoning adjustment process. The DPP has prepared instructions for prospective Applicants to use when requesting a zoning adjustment.

**17. How can I convert an existing structure to an ADU, if it was built without a building permit?**

The owner must obtain an after-the-fact permit. In addition to fulfilling the base requirements of the after-the-fact permit, any adjustments required to the structure must conform to the ADU regulations.

**18. Can pre-manufactured, container, modular, or mobile homes be used as an ADU?**

Yes, these are just construction methods. They can be used as ADUs, provided they comply with the provisions related to ADUs and all applicable building codes.

**19. If a private covenant stipulates that I cannot have an ADU, can I still build an ADU?**

No, while the ADU Ordinance allows ADUs if a private covenant prohibits the construction of an ADU, the latter takes precedence. In such situations, these prohibitions must be addressed with the appropriate parties, not the City. The appropriate association must take action to lift the restriction.

**20. Will the character of my neighborhood change?**

ADU provisions are intended to maintain the character of neighborhoods. The overall size of the ADU is limited, coupled with the one ADU per lot requirement; both will help minimize the visual impact to the neighborhood. In addition, all development standards and siting requirements of the underlying zoning district must be met. Similarly, the small size of the ADU will limit the number of people occupying the ADU. In addition, the occupancy requirement of the owner(s) will ensure that tenants are well behaved.

**21. How is the City making it easier to build an ADU?**

The DPP has developed an ADU brochure to help guide homeowners and contractors through the permitting process. We are also working with the building industry and design professionals to encourage them to develop a range of building types, both stand-alone cottages and additions, which can be pre-approved under a master permit. Once a builder obtains a master permit for a particular model, that building just needs a site permit showing where and how it will be constructed on the lot (but will require appropriate inspections during construction). We are also encouraging financial institutions and builders to develop simplified financing packages, similar to a home equity loan.

If you would like to learn more about how to add an ADU to your lot, please visit our website:

<http://www.honolulu DPP.org/>

**DEPARTMENT OF PLANNING AND PERMITTING  
OHANA / ACCESSORY DWELLING UNITS (ADU)  
PUBLIC FACILITIES PRE-CHECK FORM**

TAX MAP KEY

Zone	Sec	Plat	Par	Lot

MARK ONLY 1:  Ohana  ADU

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

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

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

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

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

**PART I (To be completed by applicant)**

1. PROPOSAL FOR: (check only one)

- |   |   |
|---|---|
| <input type="radio"/> One new <u>attached</u> unit  | <input type="radio"/> Use of existing <u>attached</u> second unit |
| <input type="radio"/> One new <u>detached</u> unit  | <input type="radio"/> Use of existing <u>detached</u> second unit |
| <input type="radio"/> Alteration work only (conversion of garage, guest quarters, recreation rooms, basement, etc.) |   |
| <input type="radio"/> Other _____   |   |

2. TOTAL NUMBER OF BEDROOMS IN BOTH UNITS: \_\_\_\_\_ (for DOH review, if required)

3. PARCEL NOW SERVED BY OR HAS: (check Yes or No)

- |  |                           |                          |
|--|---------------------------|--------------------------|
| a. Meets minimum lot size required   | <input type="radio"/> Yes | <input type="radio"/> No |
| b. City water  | <input type="radio"/> Yes | <input type="radio"/> No |
| c. City sewers   | <input type="radio"/> Yes | <input type="radio"/> No |
| d. Cesspool or septic tank. If "Yes", see II.b. -- State Department of Health  | <input type="radio"/> Yes | <input type="radio"/> No |
| e. Direct access to a street with minimum paved roadway width of 20 feet (18 feet if street serves no more than 6 lots). | <input type="radio"/> Yes | <input type="radio"/> No |
| f. Sufficient area for required number of parking spaces   | <input type="radio"/> Yes | <input type="radio"/> No |

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

*Visit agencies in order. If you do not meet any requirement do not proceed, permit cannot be granted.*

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

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

b. STATE DEPARTMENT OF HEALTH - WASTEWATER BRANCH: Existing/proposed Individual Wastewater System meets requirements.

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

**III. BOARD OF WATER SUPPLY - SERVICE ENGINEERING:** Existing water system is adequate.

Yes  No Checked by: \_\_\_\_\_  
Signature \_\_\_\_\_ Date (Valid for 120 days)

BWS ONLY: Approval for one-time 90-day extension.

Checked by: \_\_\_\_\_  
Signature \_\_\_\_\_ Date (Valid for 90 days)

**IV. FIRE DEPARTMENT:** Lot meets access and fire safety requirements.

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

**V. DPP TRAFFIC REVIEW BRANCH:** Meets minimum roadway requirements.

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

Attach additional comments if necessary.

Revised September 2015

**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.

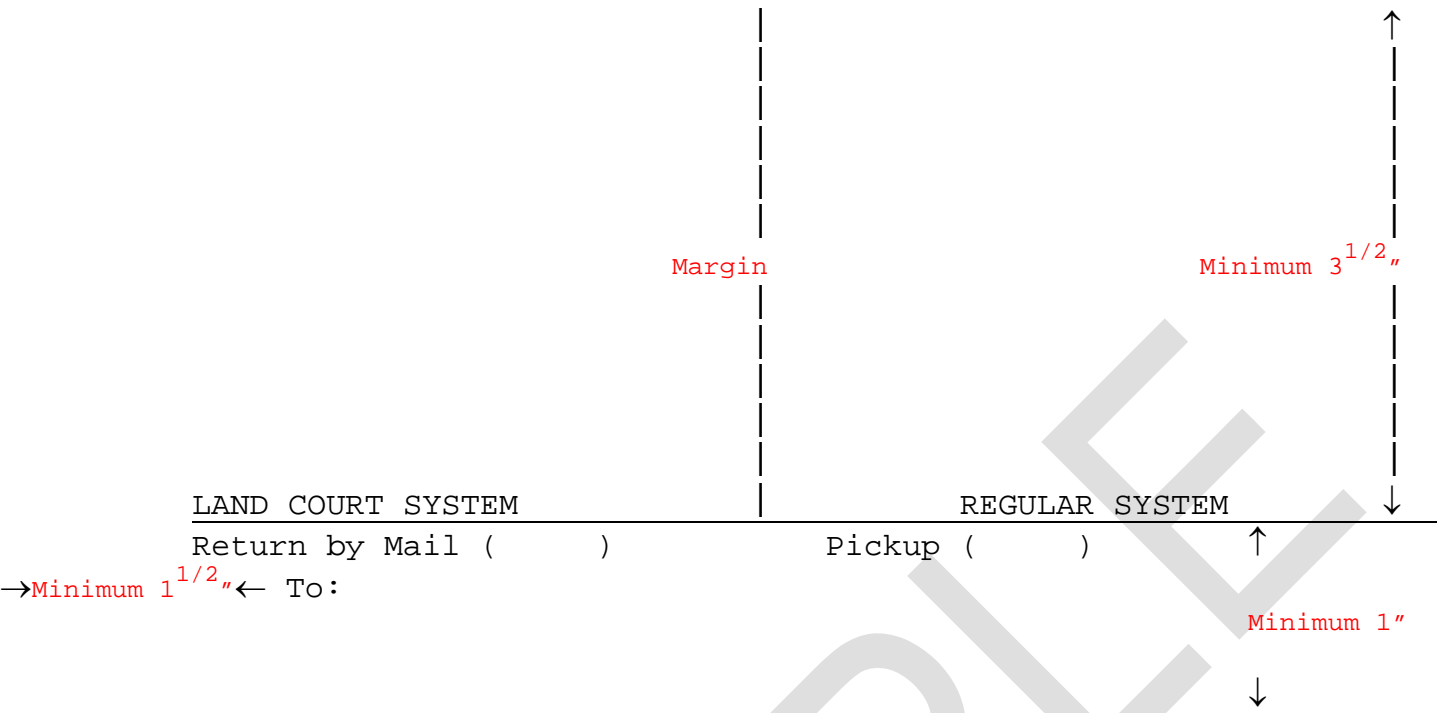
Most of the above information was obtained from the State Bureau of Conveyances. Please access their website at <http://dlnr.hawaii.gov/boc/recording-fees/>

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