

## Chapter 6

### REVOLVING SPECIAL FUNDS, HOUSING MORTGAGE LOANS AND FEES

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(Article 1. Municipal Stores Revolving Fund. Repealed by Ord. 13-14)

**Article 1. Reserved**

**Article 2. Payrolls Clearance Fund**

**Sections:**

- 6-2.1 **Creation.**
- 6-2.2 **Authorization.**

**Sec. 6-2.1 Creation.**

There is created a working capital fund to be known as the "payrolls clearance fund." (Sec. 5-3.1, R.O. 1978 (1983 Ed.))

**Sec. 6-2.2 Authorization.**

The director of finance is authorized to approve claims payable out of the payrolls clearance fund, only when such claims are accompanied by properly executed distribution vouchers, requesting the issuance of warrants chargeable to the respective funds or appropriation accounts against which the segregated amounts of the total payrolls listed on such claims are legally chargeable, and payable to the payrolls clearance fund in amounts, the total of which is equal to the total of payroll claims sought to be charged to the payrolls clearance fund. (Sec. 5-3.2, R.O. 1978 (1983 Ed.))

**Article 3. Highway Fund\***

[\* **Editor's note:** Establishment: See HRS Section 249-18, as amended.]

**Sections:**

- 6-3.1 **Redesignation.**

**Sec. 6-3.1 Redesignation.**

The special fund designated as "road fund" is redesignated "highway fund" pursuant to the provisions of HRS Section 249-18, as amended. (Sec. 5-4.1, R.O. 1978 (1983 Ed.))

**Article 4. Treasury Trust Fund**

**Sections:**

- 6-4.1 **Creation.**
- 6-4.2 **Purpose.**
- 6-4.3 **Administration.**
- 6-4.4 **Disposition of unclaimed moneys.**

**Sec. 6-4.1 Creation.**

There is created and established a special trust fund to be known as the "treasury trust fund." (Sec. 5-6.1, R.O. 1978 (1983 Ed.))

**Sec. 6-4.2 Purpose.**

All moneys received by the various agencies of the city for specific purposes, as trustee, escrow agent, custodian or security holder and which moneys are found by the director of finance, in view of the nature of the purposes for which the same have been received, to require expeditious disbursement shall be deposited into the treasury trust fund from which the director of finance may authorize disbursements through checking accounts. Such moneys shall be maintained by separate accounts according to, and used for, the purposes for which such moneys are received. (Sec. 5-6.2, R.O. 1978 (1983 Ed.))

**Sec. 6-4.3 Administration.**

The administrative head of each city agency shall be responsible for the administration of the respective agency account or accounts in the treasury trust fund under such procedures as may be prescribed by the director of finance. (Sec. 5-6.3, R.O. 1978 (1983 Ed.))

**Sec. 6-4.4 Disposition of unclaimed moneys.**

All moneys deposited into the treasury trust fund, not used for the purposes for which such moneys were received, and remaining unclaimed for a period of at least five years after the purposes for which such moneys were originally received have ceased to exist, shall be transferred into the general fund of the city as general realization. (Sec. 5-6.4, R.O. 1978 (1983 Ed.))

**Article 5. General Trust Fund**

**Sections:**

- 6-5.1 Creation.**
- 6-5.2 Purpose.**
- 6-5.3 Administration.**
- 6-5.4 Disposition of unclaimed moneys.**

**Sec. 6-5.1 Creation.**

There is created and established a special trust fund to be known as the "general trust fund." (Sec. 5-7.1, R.O. 1978 (1983 Ed.))

**Sec. 6-5.2 Purpose.**

All moneys received by the various agencies of the city for specific purposes, as trustee, escrow agent, donee, beneficiary, custodian or security holder, for which no special trust fund exists, shall be deposited into the general trust fund and maintained in separate accounts according to, and used for, the purposes for which such moneys are received; provided, that gifts and donations shall be first accepted by the council pursuant to Revised Charter of Honolulu Section 13 113. (Sec. 5-7.2, R.O. 1978 (1983 Ed.))

**Sec. 6-5.3 Administration.**

The administrative head of each city agency shall be responsible for the administration of the respective agency account or accounts in the general trust fund under such procedures as may be prescribed by the director of finance. (Sec. 5-7.3, R.O. 1978 (1983 Ed.))

**Sec. 6-5.4 Disposition of unclaimed moneys.**

All moneys deposited into the general trust fund, not used for the purposes for which such moneys were received, and remaining unclaimed for a period of at least five years after the purposes for which such moneys were originally received have ceased to exist, shall be transferred into the general fund of the city as general realization. (Sec. 5-7.4, R.O. 1978 (1983 Ed.))

**Article 6. Improvement District Bond and Interest Redemption Fund**

**Sections:**

- 6-6.1 Creation.**
- 6-6.2 Administration.**

**Sec. 6-6.1 Creation.**

There is created and established a special fund to be known as the "improvement district bond and interest redemption fund." The director of finance shall transfer from the improvement district assessment fund into the improvement district bond and interest redemption fund such moneys as are required for the payment of principal of and interest on the bonds as are issued

under Articles 23 through 30 of Chapter 14, ROH 1990, when the same becomes due and payable. (Sec. 5-8.1, R.O. 1978 (1983 Ed.))

**Sec. 6-6.2 Administration.**

The director of finance shall be responsible for the administration of the improvement district bond and interest redemption fund under such procedures as may be prescribed by the director. (Sec. 5-8.2, R.O. 1978 (1983 Ed.))

**Article 7. Housing and Community Development Revolving Fund**

**Sections:**

**6-7.1 Creation.**

**6-7.2 Purpose.**

**6-7.3 Administration.**

**6-7.4 Disposition of unexpended balance.**

**Sec. 6-7.1 Creation.**

There is created and established a working capital fund to be known as the "housing and community development revolving fund." (Sec. 5-9.1, R.O. 1978 (1983 Ed.))

**Sec. 6-7.2 Purpose.**

The purpose of the housing and community development revolving fund is to facilitate the expenditure of joint costs allocable to the separate programs undertaken by the department of housing and community development. (Sec. 5-9.2, R.O. 1978 (1983 Ed.))

**Sec. 6-7.3 Administration.**

The administrative head of the department of housing and community development shall be responsible for the administration of the fund under such procedures as may be prescribed by the director of finance. (Sec. 5-9.3, R.O. 1978 (1983 Ed.))

**Sec. 6-7.4 Disposition of unexpended balance.**

All moneys remaining unexpended in the housing and community development revolving fund after the purposes for which such moneys were originally deposited have ceased to exist, shall be transferred to the funds from which the working capital was originally provided. (Sec. 5-9.4, R.O. 1978 (1983 Ed.))

**Article 8. General Obligation Bond and Interest Redemption Fund**

**Sections:**

**6-8.1 Creation.**

**6-8.2 Purpose.**

**Sec. 6-8.1 Creation.**

There is created and established a special fund to be known as the "general obligation bond and interest redemption fund." (Sec. 5-10.1, R.O. 1978 (1983 Ed.))

**Sec. 6-8.2 Purpose.**

All moneys as are provided for the payment of principal of and interest on general obligation bonds of the City and County of Honolulu shall be deposited into the general obligation bond and interest redemption fund, and shall be used only for the payment of such principal and interest when the same become due and payable. (Sec. 5-10.2, R.O. 1978 (1983 Ed.))

**Article 9. Community Renewal Program Fund**

**Sections:**

**6-9.1 Creation.**

**Sec. 6-9.1 Creation.**

There is created and established a special fund to be known as the "community renewal program fund." All community renewal program grant moneys received from the United States of America under Title I of the Housing Act of 1949, as amended, shall be deposited into the community renewal program fund, and all budgetary appropriations made for the

community renewal program shall be transferred to the fund. All moneys deposited or transferred into the fund shall be used only for the purposes for which such moneys were received or appropriated. (Sec. 5 -12.1, R.O. 1978 (1983 Ed.))

**Article 10. Service Fees for Disposition of Real Property**

**Sections:**

- 6-10.1 Property sold at public auction.**
- 6-10.2 Property disposed of by negotiated sale or exchange.**

**Sec. 6-10.1 Property sold at public auction.**

Whenever any real property, or any interest therein, owned by the city is sold at public auction, the purchaser thereof shall pay, in addition to the purchase price, fees for services rendered by the city in connection with such sale according to the following schedule:

<b>Services</b>	<b>Fee</b>
Advertising .....	Actual cost
Appraisal.....	Actual cost but not less than \$25.00
Preparation or processing of document of conveyance .....	20.00
Preparation or processing of map land description .....	25.00
Survey.....	Actual cost

(Sec. 5-14.1, R.O. 1978 (1983 Ed.))

**Sec. 6-10.2 Property disposed of by negotiated sale or exchange.**

Whenever any real property, or any interest therein, owned by the city is disposed of by negotiated sale or exchange, no service fee for such sale or exchange shall be charged by the city; provided, however, where the proceeds from such negotiated sale or exchange do not inure to the exclusive use of the city, the purchaser thereof shall be charged with service fees, in accordance with the schedule provided in Section 6-10.1. (Sec. 5-14.1, R.O. 1978 (1983 Ed.))

**Article 11. Fee Schedule for Public Records**

**Sections:**

- 6-11.1 Charges for extracts, certified copies and searches of public records.**
- 6-11.2 Charges for publications.**
- 6-11.3 Applicability.**
- 6-11.4 Exemption from payment of fees and charges.**
- 6-11.5 Director of finance to administer.**

**Sec. 6-11.1 Charges for extracts, certified copies and searches of public records.**

Except as otherwise provided in this article, a copy or extract of any public document or record which is open to inspection of the public shall be furnished to any person applying for the same by the public officer having custody or control thereof pursuant to the following schedule of fees:

- (a) Duplicated copy of any record (by duplicating machines including, but not limited to, microfilm printer, Thermofax, Verifax, Xerox, etc.)
  - For the first page of each document or record..... \$ .50
  - Each additional page or copy thereof..... .25
- (b) Abstract of information from public record
  - Each page..... .50
  - Each additional copy..... .25
- (c) Typewritten copy of any record
  - Per 100 words or fraction thereof..... 1.00
- (d) Copy of map, plan, diagram
  - Black and White Reproductions
    - Up to 22" x 36" size; per sheet..... 5.00
    - Larger than 22" x 36" size;.....prevailing commercial rate
    - with minimum charge per sheet..... 5.00
  - Color Reproductions
    - Up to 8 1/2" by 14"; per sheet..... 1.00
    - Up to 11" x 17"; per sheet..... 2.00

Larger than 11" x 17";.....	prevailing commercial rate
with minimum charge per sheet.....	25.00
<b>Black and White or Color Custom Prints</b>	
For each 10 minutes or fraction thereof of searching, creation, and printing of document;	
per sheet.....	5.00
(e) Photograph or photograph enlargement.....	prevailing commercial rate
(f) City clerk's certificate of voter registration.....	.50
(g) Voter registration lists (in printed forms as may be available).....	1.00 per precinct
(h) Certified copy of medical examiner's report and autopsy report.....	5.00
(i) Medical information extracted from health department records for insurance companies and other firms.....	5.00
(j) Certified statement attesting to veracity of information obtained from public records	
Per 100 words of statement or fraction thereof.....	1.00
(k) Certification by public officer or employee as to correctness (or in attestation that document is a true copy) of any document, including maps, plans, and diagrams	
Per page.....	.50
(l) Use of motion picture film for the purpose of producing a copy, subject to the terms, conditions and covenants contained in an agreement between the city and the party seeking to use the film for the purpose stated herein.	
Per minute of film.....	2.00
(m) Searches of real property tax records	
For each 15 minutes or fraction thereof of searching and typing.....	4.75

(Sec. 5-15.1, R.O. 1978 (1983 Ed.); Am. Ord. 99-29, 03-12)

**Sec. 6-11.2 Charges for publications.**

- (a) Charges for publications shall be based on cost, including reproduction costs, mailing and other handling charges attributable to making the publication available to the public.
- (b) The term "publications" refers to copies of documents which are reproduced on a volume basis for general distribution and shall include, but not be limited to, such items as: ordinances, engineering and construction standards, directories, manuals and handbooks.

(Sec. 5-15.2, R.O. 1978 (1983 Ed.))

**Sec. 6-11.3 Applicability.**

The fees established in this article shall have no application to the furnishing of copies or extracts of public documents or records for which fees have been established by statutory provisions where such statutory provisions have not been superseded. (Sec. 5-15.3, R.O. 1978 (1983 Ed.))

**Sec. 6-11.4 Exemption from payment of fees and charges.**

- (a) The following agencies and organizations may be exempted from the payment of fees established in this article, as well as charges to cover mailing and other handling costs by the public officer having custody or control of the records involved:
  - (1) Government agencies requiring the records or publications for official purposes;
  - (2) Nonprofit organizations directly concerned with the matter involved in the records or publications; provided, however, that exemption from payment of fees and/or charges shall be limited to one copy or one set of such records or publications;
  - (3) Newspapers; provided, however, that exemption from payment of fees and/or charges shall be limited to one copy or one set of such records or publications; and
  - (4) Organizations which have arranged reciprocal agreement with a city agency for mutual exchange of records and publications.
- (b) The director of finance may waive fees and/or charges for the following:
  - (1) Educational materials necessary for carrying out an agency program; or
  - (2) Distribution of records and publications when such distribution is of benefit and interest to the city; or
  - (3) Records or publications required by a student engaged in studying city operations as part of such student's school assignment; provided, however, that exemption from payment of fees and/or charges shall be limited to one copy or one set of such records or publications.
- (c) Political parties shall be furnished, without charge, three copies of the voter registration lists of all precincts. Candidates who have filed for public elective offices shall be furnished, without charge, one copy of such current voter registration lists as may be requested by the candidate, provided that such lists are available for distribution. Additional copies in excess of the number to be furnished without charge as hereinabove stated shall be furnished upon payment of the fees specified in Section 6-11.1 (g).

(Sec. 5-15.4, R.O. 1978 (1983 Ed.))

**Sec. 6-11.5 Director of finance to administer.**

The provisions of this article shall be administered by the director of finance, and the director shall be authorized to determine the specific organizations and agencies which shall be exempt from the payment of fees for public records and charges for publications, and to determine the specific records and/or publications for which no fees or charges shall be required. (Sec. 5-15.5, R.O. 1978 (1983 Ed.))

#### **Article 12. Public Records**

**Sections:**

**6-12.1 Defined.**

**6-12.2 Storage of public records.**

**Sec. 6-12.1 Defined.**

The term "public records" shall be as defined in HRS Section 92 50. (Sec. 5-16.1, R.O. 1978 (1983 Ed.))

**Sec. 6-12.2 Storage of public records.**

The managing director shall promulgate rules and regulations regarding the maintenance and storage of public records for all city agencies pursuant to HRS Chapter 91. Said regulations shall be complementary to HRS Section 92-51, and shall provide for but not be limited to:

- (a) Guidelines to be utilized in determining which documents must remain confidential to prevent invasions of privacy;
- (b) Segregation of all public records into confidential files and files open to public inspection;
- (c) Maintenance of separate storage facilities for open and confidential files;
- (d) Listing (by title) of all records in confidential files;
- (e) Certification by the corporation counsel that each document contained in confidential files is not a public record as defined in Section 6-12.1.

(Sec. 5-16.2, R.O. 1978 (1983 Ed.))

#### **Article 13. Federal Grants Fund**

**Sections:**

**6-13.1 Creation.**

**6-13.2 Purpose.**

**Sec. 6-13.1 Creation.**

There is created and established a special fund to be known as the "federal grants fund." (Sec. 5-17.1, R.O. 1978 (1983 Ed.))

**Sec. 6-13.2 Purpose.**

All moneys received from the United States of America as grants for specific projects, in addition to supporting moneys from other sources, where such moneys are not accounted for in any other fund, shall be deposited into the federal grants fund. Any related budgetary appropriations of city moneys shall be transferred into the fund. All moneys deposited or transferred into the fund shall be maintained in separate accounts identified with, and expended for, the purposes for which such moneys are received or appropriated. (Sec. 5-17.2, R.O. 1978 (1983 Ed.))

#### **Article 14. Special Projects Fund**

**Sections:**

**6-14.1 Creation.**

**6-14.2 Purpose.**

**Sec. 6-14.1 Creation.**

There is created and established a special fund to be known as the "special projects fund." (Sec. 5-18.1, R.O. 1978 (1983 Ed.))

**Sec. 6-14.2 Purpose.**

All moneys received under special contracts entered into by and between the city and the state, such as for maintenance of state highways, and all moneys received from various other sources for operating and capital improvement expenses for which no financing has been provided in other funds, such as contributions from property owners exclusive of improvement district

assessment collections, shall be deposited into the special projects fund and expended for the purposes authorized. (Sec. 5-18.2, R.O. 1978 (1983 Ed.))

## **Article 15. Furnishing of Electronic Data Processing Services**

### **Sections:**

- 6-15.1 Definitions.**
- 6-15.2 Policy and conditions governing availability of public data.**
- 6-15.3 Charges for furnishing electronic data processing services.**
- 6-15.4 Exemption from payment of charges.**
- 6-15.5 Administration.**
- 6-15.6 Violation Penalty.**

### **Sec. 6-15.1 Definitions.**

As used in this article:

"Public data" means information stored by the department of data systems which may be released to the public pursuant to Revised Charter of Honolulu Section 13-105, City and County of Honolulu, and accessibility of which is in accordance with rules and regulations promulgated by the managing director to implement Ordinance 78-21 (Article 12 of this chapter).

An invasion of "the right of privacy of individuals" shall be deemed to result from, but shall not be limited to, the granting of access to:

- (1) Criminal history records and investigatory files compiled for law enforcement purposes;
- (2) Applications for licenses or permits required by law;
- (3) Personnel and employment records, employment examinations and personal references of applicants for employment. However, an examinee shall have the right to review his or her own completed examination;
- (4) Medical records;
- (5) Credit histories; and
- (6) Information of a personal nature when disclosure would result in economic or personal hardship to the subject party which outweighs the public's fundamental right of access to information concerning the conduct of city agencies.

(Sec. 5-19.1, R.O. 1978 (1983 Ed.))

### **Sec. 6-15.2 Policy and conditions governing availability of public data.**

The following policy shall govern the availability of public data:

- (a) Public data may be obtained by governmental agencies and the general public from the department of data systems in the medium (such as compact disk) as determined by the department of data systems.
- (b) The following conditions shall apply to the release, sale or rent of public data:
  - (1) The applicant must obtain written permission from the head of the agency which controls the data, which permission shall be withheld in circumstances where release of the data would result in the invasion of the right of privacy of individuals;
  - (2) The agency which controls the data may place restrictions on the use of that data in any circumstances where it deems such restrictions are necessary to protect the right of privacy of individuals;
  - (3) All federal, state and county statutes and rules and regulations regarding accessibility, privacy and security shall apply;
  - (4) The director of data systems may decline the request if special programming or operating procedures must be developed to meet the needs of the applicant;
  - (5) The responsible officer of the agency shall review the request with the department of data systems;
  - (6) The request shall be processed by the department of data systems on a "not to interfere" basis with respect to other jobs being processed for governmental agencies.
- (c) This article shall not apply to data under the control of the Honolulu police department or the prosecutor's office of the City and County of Honolulu or other agencies making up the criminal justice system.

(Sec. 5-19.2, R.O. 1978 (1983 Ed.); Am. Ord. 98-62)

### **Sec. 6-15.3 Charges for furnishing electronic data processing services.**

Charges for data processing services shall be computed on the basis of the cost of equipment, time, labor and materials used in connection with processing the request for data. The director of data systems shall promulgate rules and regulations prescribing the method of computing said charges. (Sec. 5-19.3, R.O. 1978 (1983 Ed.))

### **Sec. 6-15.4 Exemption from payment of charges.**

Government agencies requiring data for public purposes may be exempt from all or a portion of the cost of services provided by the department of data systems. (Sec. 5-19.4, R.O. 1978 (1983 Ed.))

**Sec. 6-15.5 Administration.**

The provisions of this article shall be administered by the director of finance and the director shall be authorized to determine when government agencies may be exempt from payment of charges. (Sec. 5-19.5, R.O. 1978 (1983 Ed.))

**Sec. 6-15.6 Violation--Penalty.**

It is unlawful for any person to use data in violation of restrictions placed upon its use in accordance with Section 6-15.2(b)(2), and violation of said provisions shall be punishable by a fine not to exceed \$1,000.00, or imprisonment not to exceed 30 days, or both. (Sec. 5-19.6, R.O. 1978 (1983 Ed.); Am. Ord. 98-62)

**Article 16. General Improvement Bond Fund**

**Sections:**

**6-16.1 Creation.**

**6-16.2 Deposit.**

**6-16.3 Source of payment.**

**Sec. 6-16.1 Creation.**

There is created and established a special fund to be known as the "general improvement bond fund." (Sec. 5- 20.1, R.O. 1978 (1983 Ed.))

**Sec. 6-16.2 Deposit.**

There shall be deposited into the general improvement bond fund the proceeds of the sale of general obligation bonds of the city and county issued to pay all or part of those appropriations for public improvements made in the capital budget ordinance of the city and county and specified therein to be expended from the general improvement bond fund. (Sec. 5-20.2, R.O. 1978 (1983 Ed.))

**Sec. 6-16.3 Source of payment.**

There shall be paid from the general improvement bond fund the costs of public improvements appropriated in said capital budget ordinance and specified therein to be expended from the general improvement bond fund. (Sec. 5- 20.3, R.O. 1978 (1983 Ed.))

**Article 17. Highway Improvement Bond Fund**

**Sections:**

**6-17.1 Creation.**

**6-17.2 Deposit.**

**6-17.3 Source of payment.**

**Sec. 6-17.1 Creation.**

There is created and established a special fund to be known as the "highway improvement bond fund." (Sec. 5- 21.1, R.O. 1978 (1983 Ed.))

**Sec. 6-17.2 Deposit.**

There shall be deposited into the highway improvement bond fund the proceeds of the sale of general obligation bonds of the city and county issued to pay all or part of those appropriations for public improvements made in the capital budget ordinance of the city and county and specified therein to be expended from the highway improvement bond fund. (Sec. 5-21.2, R.O. 1978 (1983 Ed.))

**Sec. 6-17.3 Source of payment.**

There shall be paid from the highway improvement bond fund the costs of public improvements appropriated in said capital budget ordinance and specified therein to be expended from the highway improvement bond fund. (Sec. 5- 21.3, R.O. 1978 (1983 Ed.))

**Article 18. Bus Transportation Fund**

**Sections:**

**6-18.1 Creation.**

**6-18.2 Purpose.**

**Sec. 6-18.1 Creation.**

There is created and established a special fund to be known as the "bus transportation fund." (Sec. 5-23.1, R.O. 1978 (1983 Ed.))

**Sec. 6-18.2 Purpose.**

This fund is for the following purposes:

- (a) For city bus system purposes, including:
  - (1) The management, operation and maintenance of the city bus system; and
  - (2) The pro rata share of the expenses of the department of transportation services attributable to the administration of the city bus system.
- (b) As a depository for all revenues generated by or received from the city bus system and parking fees derived from the joint traffic management center parking garage.
- (c) To provide for expenses of operation, maintenance, improvement and betterment of the joint traffic management center parking garage facilities.

(Sec. 5-23.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 97-02, 12-36)

**Article 19. Federal Revenue Sharing Fund**

**Sections:**

**6-19.1 Creation.**

**6-19.2 Purpose.**

**6-19.3 Administration.**

**Sec. 6-19.1 Creation.**

There is created and established a special fund to be known as the "federal revenue sharing fund." (Sec. 5-24.1, R.O. 1978 (1983 Ed.))

**Sec. 6-19.2 Purpose.**

- (a) There shall be deposited into the federal revenue sharing fund all moneys received from the United States of America under the State and Local Fiscal Assistance Act of 1972. All moneys deposited into this fund shall be expended for "priority expenditure" purposes authorized by the provisions of said Act based on appropriations in the operating budget and capital budget ordinances. The appropriations shall be explicit as to the purpose for which intended, and shall be accompanied by a statement of such conditions and restrictions as may apply to ensure full compliance with said Act.
- (b) Priority expenditure purposes outlined in said Act mean only:
  - (1) Ordinary and necessary maintenance and operating expenses for:
    - (A) Public safety (including law enforcement, fire protection and building code enforcement),
    - (B) Environmental protection (including sewage disposal, sanitation and pollution abatement),
    - (C) Public transportation (including transit systems and streets and roads),
    - (D) Health,
    - (E) Recreation,
    - (F) Libraries,
    - (G) Social services for the poor and aged, and
    - (H) Financial administration;
  - (2) Ordinary and necessary capital expenditures authorized by law.

(Sec. 5-24.2, R.O. 1978 (1983 Ed.))

**Sec. 6-19.3 Administration.**

The director of finance and the chief budget officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Sec. 5-24.3, R.O. 1978 (1983 Ed.))

**Article 20. Highway Beautification and Disposal of Abandoned Vehicles Revolving Fund**

**Sections:**

**6-20.1 Creation.**

**6-20.2 Purpose.**

**6-20.3 Expenditures.**

**6-20.4 Administration.**

**Sec. 6-20.1 Creation.**

There is created and established a special fund to be known as the "highway beautification and disposal of abandoned vehicles revolving fund." (Sec. 5-25.1, R.O. 1978 (1983 Ed.))

**Sec. 6-20.2 Purpose.**

There shall be deposited into the highway beautification and disposal of abandoned vehicles revolving fund all receipts from the fee permitted under HRS Section 286-51. The fee assessed and collected shall be \$1 per vehicle for U-drive motor vehicles, and for motor vehicles other than U-drive motor vehicles:

<b>Per Vehicle</b>	<b>Effective Date</b>
\$6.00	September 1, 2009
\$7.00	July 1, 2010

All moneys deposited into this fund shall be expended in accordance with HRS Section 286-51 for:

- (a) Beautification and other related activities of primary highways under the ownership, control and jurisdiction of the city; and
- (b) Disposition and other related activities of abandoned vehicles as prescribed in HRS Chapter 290. (Sec. 5-25.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 02-30, 03-13, 09-16)

**Sec. 6-20.3 Expenditures.**

All expenditures from this fund shall be for purposes authorized herein, based on appropriations in the operating budget and/or capital budget ordinances. (Sec. 5-25.3, R.O. 1978 (1983 Ed.))

**Sec. 6-20.4 Administration.**

The director of finance and the chief budget officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Sec. 5-25.4, R.O. 1978 (1983 Ed.))

**Article 21. Bikeway Fund**

**Sections:**

- 6-21.1 Creation.**
- 6-21.2 Purpose.**
- 6-21.3 Expenditures.**
- 6-21.4 Administration.**

**Sec. 6-21.1 Creation.**

There is created and established a special fund to be known as the "bikeway fund." (Sec. 5-26.1, R.O. 1978 (1983 Ed.))

**Sec. 6-21.2 Purpose.**

There shall be deposited into the bikeway fund all receipts from the biennial registration fee of eight dollars levied and collected under HRS Section 249-14, as amended from time to time. All moneys deposited into this fund shall be expended for:

- (a) Acquisition, design, construction, improvement, repair and maintenance of bikeways, including the installation and repair of storm drains and bridges;
- (b) Installation, maintenance and repair of bikeway lights and power, including replacement of old bikeway lights;
- (c) Purposes and functions connected with traffic control and preservation of safety upon bikeways; and
- (d) Payment of interest on and redemption of bonds issued to finance bikeway construction and improvements.

(Sec. 5-26.2, R.O. 1978 (1983 Ed.); Am. Ord. 92-67)

**Sec. 6-21.3 Expenditures.**

All expenditures from this fund shall be for purposes authorized herein, based on appropriations in the operating budget and/or capital budget ordinances. (Sec. 5-26.3, R.O. 1978 (1983 Ed.))

**Sec. 6-21.4 Administration.**

The director of finance and the chief budget officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Sec. 5-26.4, R.O. 1978 (1983 Ed.))

## Article 22. Community Development Fund

### Sections:

- 6-22.1 Creation.**
- 6-22.2 Purpose.**
- 6-22.3 Administration.**

#### Sec. 6-22.1 Creation.

There is created and established a special fund to be known as the "community development fund." (Sec. 5-27.1, R.O. 1978 (1983 Ed.))

#### Sec. 6-22.2 Purpose.

There shall be deposited into the community development fund all moneys received from the United States of America under the Housing and Community Development Act of 1974. All moneys deposited into this fund shall be expended for the primary objective of the community development program as authorized by the provisions of said Act based on appropriations in the operating budget and capital budget ordinances. The primary objective is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

- (a) This primary objective is for the support of community development activities which are directed toward the following specific objectives:
- (1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;
  - (2) The elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities;
  - (3) The conservation and expansion of the nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;
  - (4) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;
  - (5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational and other needed activity centers;
  - (6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and
  - (7) The restoration and preservation of properties of special value for historic, architectural or esthetic reasons.
- (b) It is also the purpose of said Act to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of federal aid which:
- (1) Provides assistance on an annual basis, with maximum certainty and minimum delay, upon which communities can rely in their planning;
  - (2) Encourages community development activities which are consistent with comprehensive local and area wide development planning;
  - (3) Furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and
  - (4) Fosters the undertaking of housing and community development activities in a coordinated and mutually supportive manner.

(Sec. 5-27.2, R.O. 1978 (1983 Ed.))

#### Sec. 6-22.3 Administration.

The director of finance and the chief budget officer shall be responsible for the administration of this fund. Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Sec. 5-27.3, R.O. 1978 (1983 Ed.))

## Article 23. Housing and Community Development Section 8 Contract Fund

### Sections:

- 6-23.1 Creation.**
- 6-23.2 Purpose.**

### **6-23.3 Administration.**

#### **Sec. 6-23.1 Creation.**

There is created and established a special fund to be known as the "housing and community development Section 8 contract fund." (Sec. 5-29.1, R.O. 1978 (1983 Ed.))

#### **Sec. 6-23.2 Purpose.**

There shall be deposited into the housing and community development Section 8 contract fund all moneys received from the United States of America under the Housing and Community Development Act of 1974 for the purposes set forth under Title II of said Act, and expended for such purposes. (Sec. 5-29.2, R.O. 1978 (1983 Ed.))

#### **Sec. 6-23.3 Administration.**

The administrative head of the department of housing and community development shall be responsible for the administration of the housing and community development Section 8 contract fund in accordance with disbursement procedures prescribed by the director of finance. (Sec. 5-29.3, R.O. 1978 (1983 Ed.))

### **(Article 24. Farmers Home Administration Loan Fund. Repealed by Ord. 12-32)**

### **Article 24. Reserved**

### **Article 25. Parks and Playgrounds Fund**

#### **Sections:**

##### **6-25.1 Creation.**

##### **6-25.2 Purpose.**

##### **6-25.3 Administration.**

#### **Sec. 6-25.1 Creation.**

There is created and established a special fund to be known as the "parks and playgrounds fund." (Sec. 5-32.1, R.O. 1978 (1983 Ed.))

#### **Sec. 6-25.2 Purpose.**

All moneys received by the city pursuant to Section 22-7.6, ROH 1990, shall be deposited into the parks and playgrounds fund to be expended for the purposes prescribed in Section 22-7.6. (Sec. 5-32.2, R.O. 1978 (1983 Ed.))

#### **Sec. 6-25.3 Administration.**

The director of finance and the chief budget officer shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditures of city funds. (Sec. 5-32.3, R.O. 1978 (1983 Ed.))

### **Article 26. Housing and Community Development Rehabilitation Loan Fund**

#### **Sections:**

##### **6-26.1 Definitions.**

##### **6-26.2 Title.**

##### **6-26.3 Purpose.**

##### **6-26.4 Limitations concerning rehabilitation loans.**

##### **6-26.5 Rules and regulations.**

#### **Sec. 6-26.1 Definitions.**

"Concentrated code enforcement project area" means a deteriorated or deteriorating area as described by Section 105(a)(3) of the Housing and Community Development Act of 1974.

"Department" means the department of housing and community development.

"Eligible applicant" means one or more persons who own or lease a parcel of land.

"General property improvement" means the general renovation, improvement, alteration, expansion and enhancement of a property.

"Local code requirements" means requirements of fire, health, safety, sanitation, building and other requirements as cited in various laws, ordinances, codes and regulations of the City and County of Honolulu.

"Project standards" means code requirements of a concentrated code enforcement project and a rehabilitation project, and provisions of the urban renewal plan for the urban renewal project.

"Rehabilitation project area" means an area designated by the administering department, with the consent of the city council, for a voluntary property rehabilitation program.

"Rehabilitation" means the necessary and required improvement of a property in accordance with project standards or local code requirements.

"Urban renewal project area" means a slum or blighted, deteriorated or deteriorating area as defined by HRS Section 53-51. (Sec. 5-33.1, R.O. 1978 (1983 Ed.))

**Sec. 6-26.2 Title.**

There is created and established a "housing and community development rehabilitation loan fund," which may be cited as "H& CD loan fund." (Sec. 5-33.2, R.O. 1978 (1983 Ed.))

**Sec. 6-26.3 Purpose.**

(a) The purposes of this fund are:

(1) To make loan money available primarily to low- and moderate income applicants who are owners or lessees of parcels of land within urban renewal, concentrated code enforcement or rehabilitation project areas or are owners or lessees of a parcel of land in the City and County of Honolulu that have been cited for local code violations by departments of the City and County of Honolulu or are owners or lessees of parcels of land who have need of rehabilitation or general property improvement as determined by the department. Applicants eligible for financing under this loan program must be unable to secure funds under the Rehabilitation Loan Program, Section 312 of the Housing Act of 1964, as amended, or from other sources under comparable terms and conditions, to finance rehabilitation of their properties.

(2) To fund any project that is eligible to receive and expend community development block grant monies.

(b) For the purpose set forth in (a)(1), there may be authorized sufficient sums appropriated each fiscal year which may constitute a revolving account to be used by the department to carry out this loan program. All moneys in such revolving account may be available for servicing loans made pursuant to this article.

(Sec. 5-33.3, R.O. 1978 (1983 Ed.); Am. Ord. 04-22)

**Sec. 6-26.4 Limitations concerning rehabilitation loans.**

The following limitations shall only apply to loans made pursuant to Section 6-26.3(a)(1).

(a) Loans shall be made in the name of the City and County of Honolulu to an eligible applicant who is an owner or lessee of a parcel of land containing one or more structures which is situated in an approved urban renewal, concentrated code enforcement or rehabilitation project area or are owners or lessees of a parcel of land that have been cited for local code violations from departments of the City and County of Honolulu, or has need of rehabilitation or general property improvements.

(b) The amount of each loan, together with other existing liens, shall not exceed 90 percent of the appraised value of the fee property or leasehold property after rehabilitation.

(c) If there are rental units situated on properties under this loan program, priority shall be given by the property owner or lessee to low income and moderate income families.

(d) All loans shall be adequately secured as determined by the department.

(e) All loans shall bear interest on the outstanding balance thereof at an annual interest rate to be determined by the department provided that the department may forego interest for loan leveraging purposes or if such interest poses a hardship on a low income applicant.

(f) Monthly payments shall be made on all loans. The department may defer said payments for such periods as deemed appropriate and necessary upon its determination that the applicant is unable to meet these payments because of limited income, unemployment or for any other valid reason.

(g) The term of each loan shall not exceed three fourths of the remaining economic life of the structure after rehabilitation or the remaining period of a leasehold property, whichever is the lesser.

(h) The department may require that the loan be paid in full should the owner occupant or lessee occupant borrower cease to be an occupant of the property or if title or lease to the property is transferred prior to the maturity date, unless the succeeding titleholder(s) or leaseholder(s) meets the eligibility requirements established by the department for said loan.

(i) If there are rental units on the subject parcel of land, the loan shall be paid in full if it is found that the property owner is in violation of the loan agreements as set by the department.

(j) The department may prescribe such charges, fees and other costs as may be related to each loan.

(k) All loans shall be periodically reviewed to assure compliance with the above limitations.

(Sec. 5-33.4, R.O. 1978 (1983 Ed.); Am. Ord. 04-22)

**Sec. 6-26.5 Rules and regulations.**

The department shall, under its powers, adopt necessary and appropriate rules and regulations to implement the purpose of said fund and be responsible for the administration thereof. (Sec. 5-33.5, R.O. 1978 (1983 Ed.))

## Article 27. State Special Use Permit

### Sections:

#### **6-27.1 Fees for state special use permits.**

#### **Sec. 6-27.1 Fees for state special use permits.**

The following fees shall be charged for a state special use permit:

- (a) An application fee of \$700.00, plus \$300.00 per acre or major fraction thereof, up to a maximum of \$15,000.00, shall be charged for a state special use permit. In the event of a joint application (conditional use permit and state special use permit), only one fee shall apply.
  - (b) When an environmental assessment or impact statement must be prepared as a prerequisite to a special use permit, and is submitted to the department of planning and permitting for processing as the accepting agency, there shall be a processing fee of \$600.00 for an environmental assessment, and \$1,200.00 for an environmental impact statement.
- (Sec. 5-34.1, R.O. 1978 (1983 Ed.); Am. Ord. 03-12, 14-4)

### (Article 28. Special Trust Fund. Repealed by Ord. 00-07)

## Article 28. The Waipio Peninsula Soccer Park Fund

### Sections:

#### **6-28.1 Creation.**

#### **6-28.2 Purpose.**

#### **6-28.3 Administration**

#### **Sec. 6-28.1 Creation.**

There is hereby created and established a fund to be known as the "Waipio Peninsula Soccer Park fund."  
(Added by Ord. 15-30)

#### **Sec. 6-28.2 Purpose.**

All revenues generated from the Waipio Peninsula Soccer Park shall be deposited into the Waipio Peninsula Soccer Park fund. All monies deposited into this fund must be expended, as appropriated, for the improvement, maintenance and repair of the city's Waipio Peninsula Soccer Park. All appropriations from this fund must be used to supplement, and not supplant, other city fund appropriations for the Waipio Peninsula Soccer Park.  
(Added by Ord. 15-30)

#### **Sec. 6-28.3 Administration.**

The director of budget and fiscal services shall administer the Waipio Peninsula Soccer Park fund.  
(Added by Ord. 15-30)

## Article 29. Standards for the Appropriation of Funds to Private Organizations

### Sections:

#### **6-29.1 Legislative intent.**

#### **6-29.2 Appropriation of funds.**

#### **6-29.3 Organizations applying/granted funds.**

#### **6-29.4 Reports.**

#### **Sec. 6-29.1 Legislative intent.**

The purpose of this article is to establish standards for the appropriation of funds to private organizations providing programs and services which the City and County of Honolulu has determined to be in the public interest. (Sec. 5-36.1, R.O. 1978 (1983 Ed.))

#### **Sec. 6-29.2 Appropriation of funds.**

All grants of public funds made by the City and County of Honolulu to private organizations are to be made in accordance with the standard that the private programs and services so funded shall result in a direct benefit to the public and

accomplish public purposes. No grant, subsidy or purchase of services contract to a private organization shall be made or allotted unless the private organization meets the following criteria:

- (a) The private organization is a not for profit organization or association chartered or otherwise authorized to do business in the State of Hawaii for charitable purposes.
- (b) The purposes for which the private not for profit corporation or association is organized provides direct benefits to the people of the City and County of Honolulu.
- (c) The purposes for which the not for profit corporation or association is organized includes one of the following categories:
  - (1) Social services for the poor, the aged and the youth of the City and County of Honolulu;
  - (2) Health services including services for those with physical and/or emotional/mental disabilities;
  - (3) Educational, manpower and/or training services;
  - (4) Services to meet a definitive cultural, social or economic need within the City and County of Honolulu not being met by any other private organization.

(Sec. 5-36.2, R.O. 1978 (1983 Ed.))

#### **Sec. 6-29.3 Organizations applying/granted funds.**

No grant, subsidy or purchase of services contract to a private organization shall be made or allotted by the City and County of Honolulu unless a private organization so funded agrees to the following conditions:

- (a) To comply with all applicable federal and state laws prohibiting discrimination against any person on the grounds of race, color, national origin, religion, creed, sex, handicap or age, in employment and any condition of employment with the recipient or in participation in the benefits of any program or activity funded in whole or in part by the state;
- (b) To comply with all applicable licensing requirements of the county, state and federal governments and with all applicable accreditation and other standards of quality generally accepted in the field of the recipient's activities;
- (c) To have in its employ or under contract such persons as are professionally qualified to engage in the activity funded in whole or in part by the state;
- (d) To comply with such other requirements as the director of finance may prescribe to ensure adherence by the provider or recipient with county, federal and state laws and to ensure quality in the service or activity rendered by the recipient; and
- (e) To allow the expending or related county agency, or a committee of the council, or the council full access to records, reports, files and other related documents in order that they may monitor and evaluate the management and fiscal practices of the recipient organization to assure proper and effective expenditure of city and county funds.

(Sec. 5-36.3, R.O. 1978 (1983 Ed.))

#### **Sec. 6-29.4 Reports.**

All organizations granted funds must keep these funds financially separate in their book of accounts and submit quarterly program and financial reports on the use of these funds, due on or before the 15th of the month following the close of the quarter; and a year end report on the same within 90 days following the close of the fiscal year in which the money is appropriated. In lieu of a year-end report, the City and County of Honolulu may elect to require a final report be submitted within 90 days following the completion of the program or services for which the grant was awarded. The reports shall contain, but are not limited to:

- (a) Program status summary;
- (b) Program data summary;
- (c) Summary of participant characteristics;
- (d) Financial status report of the city and county funds used;
- (e) Financial status report of the remaining balance of city and county funds, if any; and
- (f) A narrative report.

In lieu of quarterly and year-end reports for grants in the amount of \$10,000 or less, a final report shall be submitted within 90 days following the close of the fiscal year in which the money is appropriated or the completion of the program or services, whichever is later.

(Sec. 5-36.4, R.O. 1978 (1983 Ed.); Am. Ord. 07-12)

### **Article 30. Liquor Commission Fund**

#### **Sections:**

##### **6-30.1 Creation.**

##### **6-30.2 Purpose.**

##### **6-30.3 Administration.**

#### **Sec. 6-30.1 Creation.**

There is created and established a special fund to be known as the "liquor commission fund." (Sec. 5-37.1, R.O. 1978 (1983 Ed.))

**Sec. 6-30.2 Purpose.**

All fees collected and received by as well as all other moneys received on behalf of the liquor commission shall be deposited into the liquor commission fund and used for the operational and administrative costs of the liquor commission. (Sec. 5-37.2, R.O. 1978 (1983 Ed.))

**Sec. 6-30.3 Administration.**

The moneys in the liquor commission fund shall be administered in accordance with the procedures prescribed by the director of finance and as provided by law. (Sec. 5-37.3, R.O. 1978 (1983 Ed.))

**(Article 31. Housing Assistance Fund. Repealed by Ord. 98-30)**

**Article 31. The Patsy T. Mink Central Oahu Regional Park Fund**

**Sections:**

**6-31.1 Creation.**

**6-31.2 Purpose.**

**6-31.3 Administration**

**Sec. 6-31.1 Creation.**

There is hereby created and established a special fund to be known as the "Patsy T. Mink Central Oahu Regional Park fund."

(Added by Ord. 15-8)

**Sec. 6-31.2 Purpose.**

All revenues generated from the Patsy T. Mink Central Oahu Regional Park shall be deposited into the Patsy T. Mink Central Oahu Regional Park fund. All monies deposited into this fund must be expended, as appropriated, for the improvement, maintenance and repair of the City's Patsy T. Mink Central Oahu Regional Park. All appropriations from this fund must be used to supplement, and not supplant, other city fund appropriations for the Patsy T. Mink Central Oahu Regional Park.

(Added by Ord. 15-8)

**Sec. 6-31.3 Administration.**

The director of budget and fiscal services shall administer the Patsy T. Mink Central Oahu Regional Park fund.

(Added by Ord. 15-8)

**Article 32. Establishing Maximum Interest Rate for Urban Renewal Project Notes**

**Sections:**

**6-32.1 Maximum interest rate.**

**Sec. 6-32.1 Maximum interest rate.**

Any ordinance to the contrary notwithstanding, project notes to aid in financing urban renewal projects of the city hereafter to be authorized for issuance and sale under HRS Chapter 53 shall bear interest at a coupon or stated rate or rates not exceeding 10 percent a year. (Sec. 5-39.1, R.O. 1978 (1983 Ed.))

**Article 33. Establishing Maximum Interest for General Obligation Bonds**

**Sections:**

**6-33.1 Maximum interest rate.**

**6-33.2 Council approval required.**

**Sec. 6-33.1 Maximum interest rate.**

Except as may be otherwise provided in an ordinance authorizing the issuance of general obligation bonds, all general obligation bonds of the City and County of Honolulu shall bear interest at a rate or rates not exceeding 13 percent per annum. (Sec. 5-40.1, R.O. 1978 (1983 Ed.))

**Sec. 6-33.2 Council approval required.**

Where general obligation bonds of the City and County of Honolulu have been authorized for issuance and sale by the council of the City and County of Honolulu in accordance with the provisions of HRS Chapter 47, the director of finance shall not offer for sale or sell the whole or any part of any issue of the bonds so authorized without first obtaining the determination of the council, by resolution, of the form, date, amount, denomination and maturity of the bonds to be offered for sale and sold by the director of finance. (Sec. 5-40.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

#### **Article 34. Housing Loan and Mortgage Programs**

##### **Sections:**

- 6-34.1 Definitions.**
- 6-34.2 Promulgation of rules and regulations.**
- 6-34.3 Eligible borrowers.**
- 6-34.4 Eligible loans.**
- 6-34.5 Additional program procedures and requirements.**
- 6-34.6 Establishment of rental housing loan program.**
- 6-34.7 Promulgation of rules and regulations of rental housing loan program.**

##### **Sec. 6-34.1 Definitions.**

As used in this article, unless the context requires:

"Bonds" means general obligation bonds of the city issued pursuant to HRS Chapter 47 and Section 46-15.2, or revenue bonds of the city issued pursuant to HRS Chapter 49 and Section 46-15.2 to carry out the loan programs authorized thereunder.

"City" means the City and County of Honolulu.

"Director" means the director of the city's department of housing and community development.

"Eligible borrower" means any person or family meeting the requirements established by rules and regulations promulgated by the director for a mortgagor under a housing loan program, and further meeting the requirements of HRS Section 46-15.2.

"Eligible loan" means a loan to an eligible borrower made under a housing loan program meeting the requirements established by rules and regulations promulgated by the director for a loan made under a housing loan program, and further meeting the requirements of HRS Section 46-15.2.

"Housing loan program" means a housing loan and mortgage program authorized under HRS Section 46-15.2, established by the city.

"Mortgage lender" means any bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, credit union, insurance company or other financial institution meeting the requirements of a mortgage lender under a housing loan program established in rules and regulations promulgated by the director and further meeting the requirements of HRS Section 46 15.2. (Sec. 31-1.1, R.O. 1978 (1983 Ed.))

##### **Sec. 6-34.2 Promulgation of rules and regulations.**

The director shall promulgate rules and regulations for the implementation, administration and enforcement of any housing loan program to be undertaken in compliance with HRS Section 46-15.2. In accordance with HRS Chapter 91 and Section 4-105 of the city charter, such rules and regulations shall have the force and effect of law. The director shall file in the office of the city clerk not less than three copies of such rules and regulations. (Sec. 31-2.1, R.O. 1978 (1983 Ed.))

##### **Sec. 6 34.3 Eligible borrowers.**

Rules and regulations promulgated pursuant to Section 6-34.2 shall establish the qualifications of an eligible borrower, and may consider, but not be limited to, the following:

- (a) The proportion of income spent for shelter;
  - (b) Size of the family;
  - (c) Cost and condition of housing available to the total housing market; and
  - (d) Ability of the person to compete successfully in the normal housing market and to pay the amounts on which private enterprise is providing loans for safe, decent and sanitary housing in the state.
- (Sec. 31-2.2, R.O. 1978 (1983 Ed.))

##### **Sec. 6-34.4 Eligible loans.**

Rules and regulations promulgated pursuant to Section 6-34.2 shall establish the qualification of an eligible loan, and may establish, but not be limited to, requirements as to the location, age, conditions and other characteristics of the property. Such rules and regulations may further establish the terms, maturities, interest rates, collateral and other requirements for eligible loans. (Sec. 31-2.3, R.O. 1978 (1983 Ed.))

##### **Sec. 6-34.5 Additional program procedures and requirements.**

Rules and regulations promulgated pursuant to Section 6-34.2 shall establish such procedures and requirements as are deemed necessary to implement a housing loan program, including, but not limited to procedures and requirements governing:

- (a) The qualifications of mortgage lenders;

- (b) The making of advance commitments to purchase and the purchasing of eligible loans to be made by mortgage lenders;
  - (c) Loan applications made through mortgage lenders to eligible borrowers;
  - (d) The allocation of loans to mortgage lenders;
  - (e) The making of advance commitments and allocation of funds to purchase eligible loans from mortgage lenders; and
  - (f) The participation by mortgage lenders as originators and processors of eligible loans on behalf of the city.
- (Sec. 31-2.4, R.O. 1978 (1983 Ed.))

**Sec. 6-34.6 Establishment of rental housing loan program.**

This section establishes a loan program for the construction of multi family rental units by utilizing tax exempt revenue bonds. (Sec. 31-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-34.7 Promulgation of rules and regulations of rental housing loan program.**

The director of the department of housing and community development is authorized and directed, under and pursuant to and upon compliance with Part II, HRS Chapter 356, HRS Chapters 91 and 92, as amended, and the revised city charter of the city, to adopt from time to time rules and regulations for the multi family rental housing program for the city authorized hereby. Said rules and regulations shall further the purposes of the multi family rental housing program as set forth in Part II, HRS Chapter 356, as amended, and consistent with the purposes of this section. Such rules and regulations shall have the force and effect of law. The director shall file in the office of the city clerk not less than three copies of such rules and regulations. (Sec. 31-3.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Article 35. Hotel and Boardinghouse Annual License Fee**

**Sections:**

- 6-35.1 Purpose.**
- 6-35.2 State statutes to remain in effect.**

**Sec. 6-35.1 Purpose.**

In accordance with the authority granted by HRS Section 445-15, the annual fee for a license to keep a hotel or boardinghouse, as established by HRS Section 445-92, shall be \$50.00 per hotel. For the purposes of this article, "hotel or boardinghouse" means a building or buildings having at least 10 rooms for the accommodation of guests. (Sec. 5-42.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-35.2 State statutes to remain in effect.**

The provisions of HRS Chapter 445, Part III, shall continue in effect for the purposes of this article. (Sec. 5-42.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58)

**Article 36. Capital Projects Fund**

**Sections:**

- 6-36.1 Creation.**
- 6-36.2 Purpose.**

**Sec. 6-36.1 Creation.**

There is created and established a special fund to be known as the "capital projects fund." (Sec. 5-44.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-36.2 Purpose.**

Moneys received by the city, from sources other than the federal government, in the form of grants, entitlements, shared revenues or payments in lieu of taxes, to fund capital projects, and city moneys appropriated for capital projects, may be deposited or transferred into the capital projects fund. All moneys deposited or transferred into such fund shall be maintained in separate accounts identified with, and expended for, the purposes for which such moneys are received or appropriated. Appropriated moneys transferred from another fund into the capital projects fund shall lapse into that other fund if not encumbered or expended in a timely manner pursuant to Article 9, 1973 Revised Charter of Honolulu (2000 Edition), as amended. (Sec. 5-44.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Article 37. Federal Grants Capital Projects Fund**

**Sections:**

- 6-37.1 Creation.**

**6-37.2 Purpose.**

**Sec. 6-37.1 Creation.**

There is created and established a special fund to be known as the "federal grants capital projects fund." (Sec. 5- 45.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-37.2 Purpose.**

All moneys received from the federal government, in the form of grants, entitlements or payments in lieu of taxes, to fund capital projects, and federal revenue sharing funds appropriated for capital projects, may be deposited or transferred into the federal grants capital projects fund. All moneys deposited or transferred into such fund shall be maintained in separate accounts identified with, and expended for, the purposes for which such moneys are received or appropriated. Appropriated moneys transferred from another fund into the federal grants capital projects fund shall lapse into that other fund if not encumbered or expended in a timely manner pursuant to Article 9, 1973 Revised Charter of Honolulu (2000 Edition), as amended. (Sec. 5-45.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Article 38. Leisure Services Incentive Fund**

**Sections:**

- 6-38.1 Creation.**
- 6-38.2 Definitions.**
- 6-38.3 Purpose.**
- 6-38.4 Eligibility.**
- 6-38.5 Administration.**

**Sec. 6-38.1 Creation.**

There is created and established a special fund to be known as the "leisure services incentive fund." (Sec. 5- 46.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-38.2 Definitions.**

Except as expressly provided otherwise, the following definitions shall apply for the purposes of this article:

"Director" means the director of the department of parks and recreation or the director's authorized representative.

"Incentive fund" means the leisure services incentive fund.

"Incentive fund project" means a project funded under the provisions of this article.

"Matching contribution" means the contribution required from the sponsor for an incentive fund project.

"Sponsor" means the organization, individual or other eligible entity which sponsors an incentive fund project. (Sec. 5-46.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-38.3 Purpose.**

There shall be deposited in the incentive fund amounts as may be appropriated by the city council, to be used to fund up to one half of the cost of any project for the construction or improvement of recreation and park facilities authorized under this article. (Sec. 5-46.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-38.4 Eligibility.**

Expenditures from the incentive fund shall be made subject to the following:

- (a) A project to be funded under this article must be sponsored by a recognized nonprofit civic, neighborhood or community group, or by identified individuals. Determination of qualifying organizations will be made by the director pursuant to rules and regulations promulgated hereunder, and will involve consideration of the financial ability of the applicant to participate. Nothing in this section shall prevent a sponsor from seeking or accepting contributions from other private sources to constitute all or part of the community's matching contribution.
- (b) Incentive fund projects shall benefit the entire community as a whole and be available for use by all citizens.
- (c) An incentive fund project under this article must:
  - (1) Be located on publicly owned property;
  - (2) Result in a new parks and recreation facility or improve an existing facility;
  - (3) Be open to the public on a nondiscriminatory basis upon completion, subject to such reasonable restrictions for protection of the property as may be agreed upon by the sponsor and the city and stipulated in the application agreement;
  - (4) Have a minimum life expectancy of five years;
  - (5) Involve total financial cost of over \$100.00.
- (d) The incentive fund will provide up to 50 percent of the total estimated project cost, up to the total amount approved. The matching contribution shall be in cash, materials or equipment. The director may agree to accept in kind labor or services as part or all of the matching contribution.

- (e) All purchases made in whole or in part with incentive fund moneys must be agreed to by the department of parks and recreation, and all property so purchased shall become the property of the City and County of Honolulu. (Sec. 5-46.4, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-38.5 Administration.**

- (a) The department of parks and recreation shall, under its powers, adopt necessary and appropriate rules and regulations to implement the purpose of the incentive fund and be responsible for the administration thereof.
- (b) Upon approval of an application under this article, department of parks and recreation will extend a written confirmation of the grant to the sponsor, specifying the amount, time period, and conditions thereof.
- (c) The department of parks and recreation may, by rules and regulations, establish procedures to expedite approval of requests to use a park facility by sponsors of the facility.

(Sec. 5-46.5, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Article 39. Landscaping and Beautification**

**Sections:**

- 6-39.1 Purpose.**  
**6-39.2 Site improvement and beautification.**  
**6-39.3 Funding.**

**Sec. 6-39.1 Purpose.**

The purpose of this article is to provide for landscaping and beautification of open space areas surrounding city buildings in order to enhance their visual image. (Sec. 5-41.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-39.2 Site improvement and beautification.**

In connection with any city building when first constructed or acquired, the improvement of the site and beautification of the land shall be considered by the agency expending funds for such construction or acquisition. (Sec. 5-41.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-39.3 Funding.**

An amount not less than one percent of the construction or acquisition appropriation shall be set aside for landscaping and beautification purposes. Notwithstanding the foregoing limitation on the amount to be set aside for landscaping and beautification purposes, an amount in excess of one percent may be set aside with the concurrence of the council. (Sec. 5-41.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Article 40. Application Fees for General Plan, Development Plan, and Public Infrastructure Map Amendments**

**Sections:**

- 6-40.1 Purpose.**  
**6-40.2 Fees.**

**Sec. 6-40.1 Purpose.**

The purpose of this article is to establish, pursuant to Revised Charter Section 3-112, fees for general plan and development plan amendment applications. (Sec. 5-47.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 96-58)

**Sec. 6-40.2 Fees.**

- (a) General plan amendment applications shall be accompanied by a fee of \$1,500.00, and development plan amendment applications shall be accompanied by a fee of \$1,500.00 per amendment.
- (b) When an environmental assessment or impact statement must be prepared as a prerequisite to a general and/or development plan amendment, where the department of planning and permitting is the accepting agency, there shall be a processing fee of \$600.00 for an environmental assessment, and \$1,200.00 for an environmental impact statement.
- (c) The application fee is not refundable, except for applications the director of planning and permitting chooses not to process, in which case such fee shall be refunded upon request of the applicant.

(Sec. 5-47.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 03-12, 14-4)

**Article 41. Fee Schedule for Land Use Ordinance\* -- Applications and Variances**

[\*Editor's Note: The land use ordinance is codified as Chapter 21 of this code.]

**Sections:**

**6-41.1 Fee schedule.**

**Sec. 6-41.1 Fee schedule.**

(a) The fees set forth in the following schedule for applications under Chapter 21 and for variances therefrom shall be paid upon application:

	<b>Type of Application</b>	<b>Fee</b>
(1)	Zone change	\$700.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(2)	Cluster housing	\$1,200.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(3)	Conditional use permit (major), and conditional use permit (minor) for a meeting facility, day-care facility, or school (elementary, intermediate, or high)	\$1,200.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(4)	Major project in special districts and downtown building heights in excess of 350 feet	\$1,200.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(5)	Plan review use	\$1,200.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(6)	Planned development—housing	\$1,200.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(7)	Special districts: establishment of, or amendment to	\$1,200.00, plus \$300.00 per acre or major fraction, up to a maximum of \$15,000.00
(8)	Conditional use permit (minor), other than for a meeting facility, day-care facility, or school (elementary, intermediate or high)	\$600.00
(9)	Existing use	\$600.00, plus \$150.00 per acre or major fraction, up to a maximum of \$15,000.00
(10)	Exempt project in special districts	No permit fee required
(11)	Minor project in special districts	
	(A) Tree removal	\$100.00 per tree
	(B) Other than tree removal	\$600.00
(12)	Waiver	\$600.00
(13)	Zoning adjustment	
	(A) Sign master plan	\$1,200.00
	(B) Other than for a sign master plan	\$600.00
(14)	Signs--estimated value of work	
	(A) \$0.01 to \$500.00	\$18.00
	(B) \$500.01 to \$1,000.00	\$35.00
	(C) \$1,000.01 and above	\$70.00

	<b>Type of Application</b>	<b>Fee</b>
(15)	Zoning variance	\$1,200.00
(16)	Nonconforming use certificate renewal	\$400.00
(17)	Minor modifications	
	(A) To approved cluster housing permit; conditional use permit (major); conditional use permit (minor) for a meeting facility, day-care facility, or school (elementary, intermediate, or high); plan review use; planned development-housing permit, planned development-apartment, and planned development-resort; major projects in special districts, and downtown building heights in excess of 350 feet; and zoning adjustment for a sign master plan	\$600.00
	(B) To conditional use permit (minor) other than for a meeting facility, day-care facility, or school (elementary, intermediate, or high); existing use; exclusive agriculture site approval; minor projects in special districts other than tree removal; agricultural site development plan; waiver; and zoning adjustment for other than for a sign master plan	\$300.00
	(C) To temporary use approval	\$50.00
(18)	Agricultural site development plan	\$600.00
(19)	Planned Development-Apartment and Planned Development-Resort	\$15,000.00
(20)	Written zoning clearance or confirmation, and flood hazard district interpretation	\$150.00 per request or for each tax map key when multiple parcels are involved; or \$300.00 per tax map key for requests involving confirmation of nonconforming status
(21)	Temporary use approval	
	(A) For a sales office	\$100.00
	(B) For other than a sales office	\$200.00
(22)	Exclusive agriculture site approval	\$600.00
(23)	Flood variance	\$600.00
(24)	Zoning district boundary adjustment	\$500.00

	<b>Type of Application</b>	<b>Fee</b>
(25)	Appeals to zoning board of appeals and contested case hearings	\$400.00
(26)	Environmental document processing, when the department of planning and permitting is the accepting agency	
	(A) Environmental assessment	\$600.00
	(B) Environmental impact statement	\$1,200.00
(b)	Application fees are not refundable, notwithstanding provisions in the Revised Ordinances of Honolulu, as amended, to the contrary, except when the director of planning and permitting determines that a land use ordinance application or variance is not required in order to proceed with the development proposed.	
(c)	When the city council initiates, by resolution, a zone change application on behalf of a private landowner, the owner shall be required to pay the applicable zone change application fee.	
(d)	When an application under Chapter 21 or for a variance therefrom is sought subsequent to the applicant's being cited for taking action without having obtained necessary approvals, the application fee set forth in subsection (a) shall be doubled.	
(e)	The payment of the fee required by this section shall not relieve the applicant from compliance with Chapter 21 or from imposed penalties.	
(f)	When an application identified in subsection (a) of this section is submitted for processing, there shall be a nonrefundable application review fee to determine whether the application is complete or incomplete, as follows:	
	(1)	Applications with a minimum fee of \$1,200.00 or more shall have an application review fee of \$400.00;
	(2)	Applications with a fee of \$600.00 to less than \$1,200.00 shall have an application review fee of \$200.00;
	(3)	Applications with a fee of less than \$600.00 shall have an application review fee equivalent to one-half the application fee; provided that a request for a sign permit, a nonconforming use certificate renewal, a written zoning clearance or confirmation, a flood hazard district interpretation, or an appeal to the zoning board of appeals or other contested case hearing fee, shall not be subject to the application review fee required by this subsection. When an application under this section has been accepted by the department for processing, the application review fee for the submitted application shall be counted as partial payment towards the total application fee for that submittal.
(g)	The application fees required by this section shall be waived for city projects. (Sec. 5-48.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 94-36, 99-31, 03-12, 14-4)	

## **Article 42. Deferred Compensation Fund**

### **Sections:**

#### **6-42.1 Creation.**

#### **6-42.2 Purpose.**

#### **6-42.3 Administration.**

### **Sec. 6-42.1 Creation.**

There is created and established a special fund to be known as the "deferred compensation fund." (Sec. 5-49.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

### **Sec. 6-42.2 Purpose.**

All amounts of compensation deferred under the Internal Revenue Code Section 457 public employee deferred compensation plan of the City and County of Honolulu as well as property and rights purchased with such amounts and all income attributable to such amounts, property and rights shall be recorded in the deferred compensation fund and shall be held in trust outside the city treasury in accordance with Section 457 of the Internal Revenue Code for the exclusive benefit of the plan's participants and its beneficiaries. (Sec. 5-49.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 08-17)

### **Sec. 6-42.3 Administration.**

The director of finance shall be responsible for the administration of the deferred compensation fund. (Sec. 5- 49.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

#### **Article 43. Charges by Municipal Reference and Records Center for Computer On Line Service**

##### **Sections:**

- 6-43.1 Fee for computer services.**
- 6-43.2 Exemption from payment of charges.**

##### **Sec. 6-43.1 Fee for computer services.**

Charges for computer on line services of private vendor providing commercially available data bases and information services shall be computed on the basis of the cost of equipment, time, labor and materials used in connection with processing the request for data. The municipal reference and records center shall promulgate rules and regulations prescribing the method of computing said charges. (Sec. 5-50.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

##### **Sec. 6-43.2 Exemption from payment of charges.**

Government agencies requiring data for public purposes may be exempt from all or a portion of the cost of services provided by the municipal reference and records center. (Sec. 5-50.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

#### **Article 44. Fees and Charges for Services of the Honolulu Police Department**

##### **Sections:**

- 6-44.1 Definition.**
- 6-44.2 Administration.**
- 6-44.3 Fees for special duty requests.**
- 6-44.4 Waiver.**
- 6-44.5 Rules.**
- 6-44.6 Fee authorized for special activities.**

##### **Sec. 6-44.1 Definition.**

"Special activity" is an activity, including an entertainment or athletic event, for which a fee is charged to any person attending or participating in the activity. This section shall not affect the obligations of the City and County of Honolulu under any existing settlement agreement that applies to parades held for the purpose of participants expressing views or engaging in other activities protected by the First Amendment of the United States Constitution.

"Special duty" means the performance of a service for a person, organization or governmental entity, other than the Honolulu police department, by an officer of the Honolulu police department acting in a police capacity, in return for which the officer receives a direct or indirect payment or compensation of some kind. (Sec. 5-52.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 05-025)

##### **Sec. 6-44.2 Administration.**

The chief of police shall be responsible for the administration of the processing of requests for the services of special duty police officers of the Honolulu police department. (Sec. 5-52.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

##### **Sec. 6-44.3 Fees for special duty requests.**

- (a) Any person or entity requesting the services of a special duty police officer shall be assessed an administration fee of fourteen dollars for each request for a police officer, plus two dollars for each additional officer requested. For every request, there shall also be a workers' compensation fee of up to five dollars per day for each officer. The workers' compensation fees shall be deposited into the general trust fund and maintained in a separate account for the purpose of paying workers' compensation expenses for officers injured while on special duty assignments. These fees shall be assessed by the Honolulu police department and shall be in addition to any charge assessed for the services of the special duty police officer. These fees shall not be assessed to the extent that a request is not fulfilled.
- (b) Once the workers' compensation fee separate account reaches a range between \$500,000 and \$1,000,000, the chief of police shall reduce the workers' compensation fee to maintain the account within this range.
- (c) Within 30 days after the first day of each fiscal year, the department of budget and fiscal services shall file a report with the city clerk. The report shall include the following information for the prior fiscal year: 1) the fee charged; 2) total workers' compensation fees collected; 3) fund balance in the workers' compensation fee separate account at the end of the prior fiscal year; and 4) details of expenditures from the account, including administrative costs, fringe benefits, workers' compensation benefits, and training costs.

(Sec. 5-52.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 01-57, 09-21)

**Sec. 6-44.4 Waiver.**

- (a) The chief of police shall waive the administrative fee established in Section 6-44.3 when the special duty services are for an event or activity mandated by law or otherwise conducted by the federal, state or city government.
- (b) The chief of police shall not waive the administrative or workers' compensation fee when special duty services are provided to a private person or entity performing a government function or renting or leasing a government facility for a nongovernmental event.
- (c) The chief of police shall waive the workers' compensation fee when the special duty services are for an event or activity conducted by the city government.
- (d) The chief of police shall not waive the workers' compensation fee when the special duty services are for an event or activity conducted by the federal or state government.

(Sec. 5-52.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 01-57)

**Sec. 6-44.5 Rules.**

- (a) The chief of police may adopt rules, in accordance with HRS Chapter 91, governing the processing of requests for special duty officers.
- (b) The chief of police shall adopt rules, in accordance with HRS Chapter 91, to establish the fee schedule and fees for additional police services provided at special activities as authorized by Section 6-44.4.

(Sec. 5-52.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 05-025)

**Sec. 6-44.6 Fee authorized for special activities.**

The police department is authorized to establish a fee schedule and charge a fee to any person, sponsor, promoter, organizer or organization conducting a special activity for which the services of uniformed police officers, in addition to special duty officers, are required. Fees collected pursuant to this subsection shall be deposited in a special account of the general fund and shall be used for expenses related to police services. (Added by Ord. 05-025)

**Article 45. Rental Assistance Fund**

**Sections:**

- 6-45.1 Establishment.**
- 6-45.2 Funding.**
- 6-45.3 Amount of assistance.**
- 6-45.4 Eligibility for assistance.**
- 6-45.5 Expenditures.**
- 6-45.6 Administration.**

**Sec. 6-45.1 Establishment.**

There is established a fund to be known as the rental assistance fund (RAF). (Sec. 5-51.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-45.2 Funding.**

- (a) There shall be deposited into the rental assistance fund all net receipts from the Hale Pauahi parking structure. This fund shall pay for expenses related to the operation and maintenance of the Hale Pauahi parking structure that are not within the scope of the parking concession, for any assessments attributable to the parking unit of the Hale Pauahi Association of Owners, and for monthly rental assistance payments to a landlord on behalf of an eligible applicant, as defined herein.
- (b) Unless designated by resolution for deposit into the reserve for fiscal stability fund, there may be deposited into the rental assistance fund net proceeds from the leasing or sale of any property interest in a city affordable housing project.
- (c) There shall be deposited into the rental assistance fund such additional monies as may be appropriated for that purpose.

(Sec. 5-51.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93 47, 13-17)

**Sec. 6-45.3 Amount of assistance.**

Monthly rental assistance payments shall be as prescribed in the rules. (Sec. 5-51.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 6-45.4 Eligibility for assistance.**

- (a) An eligible applicant is defined as any single person or family: (1) who (A) may be displaced from a city-assisted housing project sold or leased by the city, (B) has been displaced by governmental action, fire or natural disaster, (C) has been determined to be homeless as defined in the rules, or (D) has been selected for placement in a city-assisted housing project; and (2) whose total income, by number in the household does not exceed 80 percent of the median income for the city as determined by HUD.
- (b) Applicants receiving assistance under the federal Section 8 existing housing program, the state rent supplement program or living in government-subsidized housing projects are ineligible for assistance.

- (c) Assistance shall be given in the following order of priority:
- (1) Applicants displaced as a result of governmental action and applicants who are current tenants in a city affordable housing project at the time that it is sold by the city or leased by the city to a new lessor and who, without rental assistance, may be displaced by rent increases implemented by the buyer or new lessor;
  - (2) Applicants displaced as a result of fire or natural disaster;
  - (3) Applicants determined to be "homeless" as defined in the rules;
  - (4) Applicants selected for placement in city-assisted housing projects.

(Sec. 5-51.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 13-17)

**Sec. 6-45.5 Expenditures.**

All expenditures from this fund shall be for rental assistance payments to or on behalf of eligible applicants, for administration of the rental assistance program and for such other purposes as may be authorized in appropriations from the rental assistance fund made in the operating budget ordinance. During any fiscal year, no more than five percent of the monies appropriated from the rental assistance fund may be used for administrative expenses.

(Sec. 5-51.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 13-17)

**Sec. 6-45.6 Administration.**

The department of housing and community development (DHCD) shall be responsible for the administration of the rental assistance fund and, pursuant to HRS Chapter 91, shall adopt uniform rules for the administration of this fund, including but not limited to, establishing criteria and procedures for determining eligibility of tenants, amounts of rental assistance requirements. (Sec. 5-51.6, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Article 46. Housing Development Special Fund**

**Sections:**

- 6-46.1 Creation.**
- 6-46.2 Purpose.**
- 6-46.3 Receipts and expenditures.**
- 6-46.4 Administration.**

**Sec. 6-46.1 Creation.**

There is created and established a special fund to be known as the "housing development special fund." There is established in the special fund a separate account to be designated as the "housing development account." (Added by Ord. 88-80)

**Sec. 6-46.2 Purpose.**

Moneys in the housing development special fund shall be used for the development of housing for sale or for rental in the City and County of Honolulu.

There shall be established in the aforesaid special fund a separate account to be designated the "housing development account." (Added by Ord. 88 80; Am. Ord. 05-008)

**Sec. 6-46.3 Receipts and expenditures.**

- (a) The proceeds of general obligation bonds and bond anticipation notes authorized and issued for the purpose of developing housing for sale or for rental in the City and County of Honolulu, including, without limitation, paying the cost of construction of housing for sale or for rental in the City and County of Honolulu and the acquisition of land therefor, shall be deposited in the housing development special fund and credited to the housing development account therein. Moneys on credit to the housing development account shall be expended solely for the purpose of developing housing for sale or for rental in the City and County of Honolulu, including all expenses incurred in connection with and related to the issuance of general obligation bonds or bond anticipation notes issued for such purpose; provided, that the proceeds of general obligation bonds and bond anticipation notes shall be applied solely to the particular project or projects for which such bonds and notes are authorized.
- (b) Moneys from the sale or rental of housing developed from moneys on deposit in the housing development special fund and credited to the housing development account therein, including housing developed from the proceeds of general obligation bonds and bond anticipation notes of the City and County of Honolulu authorized and issued for such purpose, shall be deposited in the housing development special fund as and when received.
- (c) Moneys in the housing development special fund, other than moneys on credit to the housing development account therein, may be expended in such amounts as appropriated in the annual executive operating and capital budget ordinances and amendments thereto for the following purposes:
  - (1) For rebate to the United States of America to the extent and as required by federal law;
  - (2) For additional credits to the housing development account for the development of additional housing for sale or for rental in the City and County of Honolulu;

- (3) For the retirement of general obligation bonds or bond anticipation notes issued for the purpose of, and the proceeds of which have been applied to, the development of housing for sale or for rental in the City and County of Honolulu;
  - (4) For transfers to the general fund of the City and County of Honolulu as reimbursement of the principal of and interest on general obligation bonds or bond anticipation notes issued for, and the proceeds of which have been applied to, the development of housing for sale or rental in the City and County of Honolulu; and
  - (5) For payment of all expenses incurred in connection with and related to the issuance of general obligation bonds or bond anticipation notes issued for the development of housing for sale or rental in the City and County of Honolulu.
- (d) Pending the expenditure of moneys on deposit on the housing development special fund or on credit to the housing development account therein, the director of budget and fiscal services shall, to the extent reasonable and practicable, invest and reinvest such moneys in accordance with law. Income from or earnings on the investment and reinvestment of such moneys shall be deposited in the housing development special fund and shall be expended as are all other moneys on deposit therein.
- (e) Land acquired using moneys from the fund may be exchanged with another government entity for other land of equivalent value if the land disposed of by exchange is used for the development of housing for sale or rental in the City and County of Honolulu, provided first that such exchange shall be approved by council resolution, and second, that if the land acquired by the city through such exchange is subsequently leased or sold by the city, the proceeds of the lease or sale shall be deposited in the fund to the credit of the housing development account. Land acquired by such exchange need not be used for the development of housing.
- (Added by Ord. 88-80; Am. Ord. 89-61, 05-008)

**Sec. 6-46.4 Administration.**

The director of finance shall be responsible for the administration of the fund. The director of finance may promulgate such rules and regulations as may be deemed necessary for the administration of this fund. (Added by Ord. 88-80)

**Article 47. Wastewater System Facility Charge**

**Sections:**

**6-47.1 Use of wastewater system facility charges.**

**Sec. 6-47.1 Use of wastewater system facility charges.**

- (a) All moneys received as wastewater system facility charges are intended to recover an equitable share of the value of the capacity in the backup facilities which were or will be constructed to serve that new applicant for sewer service or an existing sewer user and shall be deposited into the sewer fund created by Section 14-8.1 and shall be accounted for and expended for the expansion of and addition to the capacity of wastewater facilities. Unencumbered or lapsed wastewater facility charge moneys shall remain in the sewer fund earmarked for the stated wastewater facility charge purpose and shall not become available for other sewer fund uses.
- (b) For the purposes of this section, "wastewater system facility charges" and "backup facilities" mean the same as defined in Section 14-1.2.

(Added by Ord. 90-80; Am. Ords. 98-21, 14-24)

**(Article 48. Motor Vehicle Registration Fund. Repealed by Ord. 97-42)**

**Article 48. Solid Waste Improvement Bond Fund**

**Sections:**

**6-48.1 Creation.**

**6-48.2 Deposit.**

**6-48.3 Source of payment.**

**Sec. 6 48.1 Creation.**

There is hereby created and established a special fund to be known as the "solid waste improvement bond fund."  
(Added by Ord. 01-30)

**Sec. 6-48.2 Deposit.**

There shall be deposited into the solid waste improvement bond fund the proceeds of the sale of general obligation bonds of the city and county issued to pay all or part of those appropriations for the public improvements made in the capital budget ordinance of the city and county and specified therein to be expended from the solid waste improvement bond fund. (Added by Ord. 01-30)

**Sec. 6-48.3 Source of payment.**

There shall be paid from the solid waste improvement bond fund the costs of public improvements at solid waste collection and disposal facilities to include recycling, glass, and/or other related capital improvements appropriated in said capital budget ordinance and specified therein to be expended from the solid waste improvement bond fund. (Added by Ord. 01-30)

**(Article 49. Recycling Fund. Repealed by Ord. 99-22)**

**Article 49. Solid Waste Special Fund**

**Sections:**

**6-49.1 Creation of Solid Waste Special Fund.**

**6-49.2 Deposits into fund.**

**6-49.3 Expenditures.**

**6-49.4 Administration.**

**Sec. 6-49.1 Creation of solid waste special fund.**

There is hereby created and established a special fund to be known as the "solid waste special fund." There is established in the solid waste special fund separate accounts to be designated as the "glass incentive account," the "Honolulu solid waste disposal facility account," the "recycling account," the "general operating account," and such additional accounts as may be established by the director of budget and fiscal services. (Added by Ord. 99-22)

**Sec. 6-49.2 Deposits into fund.**

(a) There shall be deposited into the Solid Waste Special Fund:

- (1) All revenues and income derived from the operation of the refuse division, as well as all other monies received on behalf of the refuse division, including without limitation (i) all monies collected pursuant to Section 9-4.2(e) and any interest earned on such monies, which shall be credited to the "recycling account"; (ii) all monies as may accrue to the glass recycling program from the assessment of glass dealers, and any interest earned on such monies, which shall be credited to the "glass incentive account"; and (iii) all monies derived from the operation of the Solid Waste Disposal and Energy and Materials Recovery Project established by Ordinances 85-90 and 97-44, including without limitation all fees for disposal of waste at the Project and income derived from the sale of energy produced from the Project and materials recovered from waste processed at the Project, and any interest earned on such monies, which shall be credited to the "Honolulu solid waste disposal facility account"; and
- (2) All existing monies in the glass incentive special fund, Honolulu solid waste disposal facility special fund, and recycling special fund, including any interest earned on such monies; provided that existing monies in the glass incentive special fund shall be credited to "glass incentive account," existing monies in the Honolulu solid waste disposal facility special fund shall be credited to the "Honolulu solid waste disposal facility account," and existing monies in the recycling special fund shall be credited to the "recycling account."

(b) There shall also be deposited into the Solid Waste Special Fund all revenues, fees, income, and any other monies derived from the operation of the refuse division (other than those derived from the glass incentive special fund, the Honolulu solid waste disposal facility special fund, and the recycling special fund).

(Added by Ord. 99-22)

**Sec. 6-49.3 Expenditures.**

Moneys on credit to the glass incentive special fund account shall be expended solely for the purposes of administering the glass recycling program and paying incentives to glass recyclers. Moneys on credit to the Honolulu solid waste disposal facility special fund account shall be expended solely for the purposes specified in Section 11 of Ordinance 85-90. Moneys on credit to the recycling special fund account shall be expended solely for the purposes of establishment, operation, management and expansion of the city's recycling programs, including programs for waste reduction, development of recycling markets and recycling awareness sponsored by the city.

Any and all payments required for the refuse division (other than those required by the glass incentive special fund, the Honolulu solid waste disposal facility special fund, and the recycling special fund) shall be made from the general operating fund account.

(Added by Ord. 99-22)

**Sec. 6-49.4 Administration.**

The director of budget and fiscal services shall be responsible for the administration of the fund established in this article. Expenditures from the fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Added by Ord. 99-22)

**Article 50. Zoo Animal Purchase Fund**

**Sections:**

**6-50.1 Creation.**

**6-50.2 Purpose.**

**6-50.3 Administration.**

**Sec. 6-50.1 Creation.**

There is hereby created and established a single purpose special fund to be known as the "zoo animal purchase fund." (Added by Ord. 94-44)

**Sec. 6-50.2 Purpose.**

All proceeds from the sale of surplus animals from the Honolulu Zoo shall be deposited into the zoo animal purchase fund. Donations made to the Honolulu Zoo, specifically for the purchase of animals, shall also be deposited into this fund. All monies deposited into this fund shall be expended for the acquisition of zoo animals for the city, including shipping, insurance, travel and other costs related to the purchase of such animals. (Added by Ord. 94-44; Am. Ord. 14-24)

**Sec. 6-50.3 Administration.**

The director of finance shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditures of city funds. (Added by Ord. 94-44)

**Article 51. Hanauma Bay Nature Preserve Fund**

**Sections:**

**6-51.1 Creation of fund.**

**6-51.2 Purpose and Deposits.**

**6-51.3 Expenditures.**

**6-51.4 Administration.**

**Sec. 6-51.1 Creation of fund.**

There is created and established a special fund to be known as the "Hanauma Bay Nature Preserve fund." (Added by Ord. 96-19)

**Sec. 6-51.2 Purpose and Deposits.**

There will be deposited into the Hanauma Bay Nature Preserve fund all receipts from the fees imposed under Section 10-2.11 and all concession revenues from the Hanauma Bay Nature Preserve concessions, plus any interest earned on deposits in the fund. All moneys deposited into this fund will be used for the following purposes in the order of priority as indicated:

- (1) First, for the operation, maintenance and improvement of the Hanauma Bay Nature Preserve;
- (2) Second, for educational and orientation programs for visitors to the preserve; and
- (3) Third, for a carrying capacity study of the preserve and for other studies relating to the environmental condition of the preserve.

(Added by Ord. 96-19; Am. Ord. 00-25, 03-21, 15-5)

**Sec. 6-51.3 Expenditures.**

All expenditures from this fund shall be for purposes authorized in this article, based on appropriations in the operating or capital budget ordinances, or amendments thereto. (Added by Ord. 96-19)

**Sec. 6-51.4 Administration.**

The director of budget and fiscal services shall be responsible for the administration of this fund in accordance with prescribed laws and procedures applicable to expenditures of city funds. (Added by Ord. 96-19; Am. Ord. 03-21)

(Article 52. Fee for Convicted Persons, was repealed on June 14, 1998)

## Article 52. Grants in Aid Fund

### Sections

- 6-52.1**      **Creation.**
- 6-52.2**      **Purpose.**
- 6-52.3**      **Deposit.**
- 6-52.4**      **Additional expenditure requirements.**
- 6-52.5**      **Administration.**
- 6-52.6**      **Annual report.**

#### **Sec. 6-52.1**      **Creation.**

There is hereby created and established a special fund to be known as the "Grants in Aid Fund" (hereinafter "fund").  
(Added by Ord. 13-7)

#### **Sec. 6-52.2**      **Purpose.**

The purpose of the fund is to receive and expend monies to be used by the city to award grants in aid to charitable non-profit organizations that provide services to economically and/or socially disadvantaged populations or provide services for public benefit in the areas of the arts, culture, economic development or the environment pursuant to Section 9-205 of the Revised Charter of Honolulu.

"Charitable non-profit organization" means an organization that can establish that it:

- (1) Is exempt (or would be qualified for an exemption) from federal income tax pursuant to Section 501 of the United States Internal Revenue Code; and
- (2) Is organized and operated exclusively for religious, charitable, scientific or educational purposes on a non-profit basis in which no part of the net earnings of the organization inures to the benefit of any private individuals.

(Added by Ord. 13-7)

#### **Sec. 6-52.3**      **Deposit.**

There shall be deposited into the fund a minimum of one-half of one percent of the estimated general fund revenues, plus any interest earned on deposits in the fund.

(Added by Ord. 13-7)

#### **Sec. 6-52.4**      **Additional expenditure requirements.**

- (a) There is established a grants in aid advisory commission which shall review applications for grants in aid monies and advise the city on projects to be funded with grant monies from the fund. The recommendations made by the grants in aid advisory commission regarding recommended expenditures from the fund shall be consistent with the priorities established by the council by resolution.
- (b) Applications for projects to be funded with grants in aid monies, including projects submitted by the city administration and by councilmembers to benefit their respective council districts, shall be submitted to the commission by January 20 of each year. The council shall only consider for the funding those projects for which applications have been submitted to the commission by the January 20th deadline.
- (c) The commission shall annually submit a report setting forth its recommendations to the city council by March 4.
- (d) The council shall select the projects to be funded with grants in aid monies through the annual budget process and the selection of the projects must comply with the requirements set forth in the Charter.
- (e) All monies for projects to be funded with grants in aid monies shall be awarded and encumbered within 45 days of the beginning of the fiscal year. All notices to proceed shall not be unreasonable withheld and in all instances shall be issued no later than 30 days from the date of encumbrance. All requests for payments from grantees shall be processed, reconciled and paid within 30 calendar days from its receipt. The administering agency may only withhold payment for disputed charges but only for the disputed amount. The administering agency shall notify the grantee and reconcile any disputes within 60 days from the date whereupon the applicable request for payment was received.
- (f) In the event of a disagreement between the department of community services, department of budget and fiscal services, or any other city agency involved in the administration of the program as to a disputed charge, the decision of the director of community services shall prevail.
- (g) At any given time, no more than five percent of the monies in the fund shall be used for administrative expenses.
- (h) Any balance remaining in the fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in the fund shall not be used for any purposes except those listed in this article.

(Added by Ord. 13-7, 13-40)

#### **Sec. 6-52.5**      **Administration.**

The director of budget and fiscal services shall administer the fund and the director of community services shall administer the projects funded by grants awarded from the grants in aid fund. Procedures for the administration of the fund and the expenditure of funds awarded from the fund may be established by the director of community services by rule.  
(Added by Ord. 13-7)

**Sec. 6-52.6 Annual report.**

The director of community services shall provide the council with an annual report within one month of the end of the fiscal year setting forth for each project funded with grants in aid monies:

- (a) The amount budgeted for each project;
- (b) The amount encumbered by the city for each project;
- (c) The amount expended by the city for each project;
- (d) Whether each project is in compliance with the terms of the grant award and, in the event of a project's failure to comply with the terms, the measures the city is taking to either assure the project's compliance or to recover the grant award monies.

(Added by Ord. 13-7)

**Article 53. Special Events Fund**

**Sections:**

**6-53.1 Creation.**

**6-53.2 Purpose.**

**6-53.3 Administration.**

**Sec. 6-53.1 Creation.**

There is hereby created and established a single purpose special fund to be known as the "special events fund." (Added by Ord. 96-45; Am. Ord. 98-31)

**Sec. 6-53.2 Purpose.**

- (a) There shall be deposited into the special events fund:
  - (1) All revenues generated by the department of enterprise services, including rents, concession fees, user fees and miscellaneous revenues generated from operations at the Neal S. Blaisdell Center, the Waikiki Shell and the Honolulu Zoo;
  - (2) All proceeds from the charges for services provided for box office operations, ushering, and events activities;
  - (3) A \$0.25 per ticket sale charge that shall be added to the price of each computerized ticket sold for an event held at the Neal S. Blaisdell Center and Waikiki Shell; and
  - (4) All monies appropriated to the fund by the council in the annual executive operating budget ordinance and any amendments thereto.
- (b) The purpose of the special events fund is to provide the following:
  - (1) The operating funds for the department of enterprise services, including funds for the operations and development of the Neal S. Blaisdell Center, the Waikiki Shell and the Honolulu Zoo;
  - (2) The salaries of persons providing part-time assistance in box office, ushering, and events operations to the department of enterprise services, which includes the Neal S. Blaisdell Center, the Waikiki Shell and the Honolulu Zoo, and related expenses; and
  - (3) Loans of up to \$10,000.00 per nonprofit organization to cover marketing costs and charges required to be paid in advance of an event conducted by a nonprofit organization for the use of the Neal S. Blaisdell Center and the Waikiki Shell; provided that there shall be a \$100,000.00 limit on the total outstanding amount of loans to nonprofit organizations.
- (c) For purposes of this section, "nonprofit organization" means the same as defined in Section 28-6.2.  
(Added by Ord. 96-45; Am. Ord. 97-43, 99-23)

**Sec. 6-53.3 Administration.**

- (a) The director of finance shall be responsible for the administration of the special events fund in accordance with prescribed laws and procedures applicable to expenditures of city funds.
- (b) At any time during a fiscal year, the director of finance may, with the approval of the council by resolution, transfer from the special events fund to the general fund all or any portion of monies determined to be in excess of the fiscal year's requirements for the special fund.
- (c) The loans to nonprofit organizations shall be made according to the following terms:
  - (1) Loans shall be noninterest bearing, due on the event settlement date, and have a maximum term of one year.

- (2) All loans shall be paid in full from the first revenues collected from the event with respect to which the loan was made.
  - (3) Any loan which is not paid when due will be considered delinquent and subject to interest as specified in Section 1-3.3.
  - (4) Organizations that have not repaid a loan in full when due shall not be eligible for a subsequent loan until the previous loan has been paid in full and until four years have elapsed from the loan delinquency date.
  - (5) The department of finance shall adopt rules as may be necessary and appropriate to implement the loan program.
- (d) All monies deposited in the special events fund that are in excess of the amounts appropriated from the fund are to be considered single purpose monies and appropriated for the purposes specified herein, provided that the expenditure of such monies is authorized by council resolution.
- (Added by Ord. 96-45; Am. Ord. 97-45, 98-31)

#### **Article 54. Sewer Revenue Bond Improvement Fund**

**Sections:**

- 6-54.1 Creation.**
- 6-54.2 Deposits.**
- 6-54.3 Expenditures.**
- 6-54.4 Administration.**

**Sec. 6-54.1 Creation.**

There is hereby created and established a special fund to be known as the "sewer revenue bond improvement fund."  
(Added by Ord. 97-40)

**Sec. 6-54.2 Deposits.**

There shall be deposited into the sewer revenue bond improvement fund the proceeds from the sale of revenue bonds of the city issued to pay for the expenditures specified in Section 6-54.3. (Added by Ord. 97-40)

**Sec. 6-54.3 Expenditures.**

Monies deposited into the sewer revenue bond improvement fund shall be expended for the costs of improvements to, repairs to and maintenance of the wastewater treatment system as appropriated in the capital budget ordinances of the city, and any amendments thereto, and specified therein to be expended from the sewer revenue bond improvement fund. (Added by Ord. 97-40)

**Sec. 6-54.4 Administration.**

The director of finance and the chief budget officer shall be responsible for the administration of the fund established in this article. Expenditures from the fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Added by Ord. 97-40)

(Article 55, Fees for Examinations, terminated and ceased to be effective on June 12, 1998)

#### **Article 55. Reserved**

#### **Article 56. Reserve for Fiscal Stability Fund**

**Sections:**

- 6-56.1 Creation of fund.**
- 6-56.2 Purpose.**
- 6-56.3 Deposits into the fund.**
- 6-56.4 Expenditures.**
- 6-56.5 Administration.**

**Sec. 6-56.1 Creation of fund.**

There is created and established a special fund to be known as the reserve for fiscal stability fund. (Added by Ord. 98-32; Am. Ord. 06-23)

**Sec. 6-56.2 Purpose.**

The reserve for fiscal stability fund is designated for economic and revenue downturns and emergency situations, and fund monies may be appropriated by ordinance only when one or more of the conditions identified in subdivisions (1), (2) or (3) are met:

- (1) Economic Triggers:
  - (A) The unemployment rate for the City and County of Honolulu increases by more than two percent within three fiscal quarters; or
  - (B) Total value of net taxable real property declines by two percent or more from the preceding fiscal year.
- (2) Revenue Triggers:
  - (A) General fund and highway fund revenues decline by two percent or more from the preceding fiscal year; or
  - (B) Transient accommodation tax revenues decline by five percent or more from the preceding fiscal year; or
  - (C) Nondiscretionary expenditures increase by more than five percent of the preceding fiscal year's revenues.
- (3) Emergencies:
  - (A) The Governor of the State of Hawaii or the President of the United States of America declares that a state of emergency exists within the City and County of Honolulu as a result of a natural disaster; or
  - (B) Unfunded mandates are enacted by the state or federal government, imposed after the enactment of the City and County of Honolulu's fiscal year budget, and require outlays prior to the start of the subsequent fiscal year.

(Added by Ord. 98-32; Am. Ord. 99-41, 06-23)

**Sec. 6-56.3 Deposits into the fund.**

There shall be deposited into the reserve for fiscal stability fund:

- (1) Monies deemed by the director of budget and fiscal services to be in excess of funding required to sustain city services; such as monies realized when the previous fiscal year's general fund or highway fund "unreserved fund balance" as determined by the Comprehensive Annual Financial Report exceeds the respective fund's current fiscal year budget for "unreserved fund balance," adjusted for any monies required under Section 9-105 of the Revised Charter of the City and County of Honolulu, subject to council approval by resolution;
- (2) Monies appropriated by the council to the fund;
- (3) Monies realized from the conveyance of city property which are designated for deposit into the fund by the council resolution authorizing the conveyance; and
- (4) Any interest earned on the deposits of this fund.

(Added by Ord. 98-32; Am. Ord. 06-23, 07-27)

**Sec. 6-56.4 Expenditures.**

- (a) All expenditures from the reserve for fiscal stability fund shall be solely to address the conditions set forth in Section 6-56.2.
- (b) Notwithstanding the approval requirement in Section 6-56.2, in the event monies need to be expended pursuant to an emergency as described in Section 6-56.2(3)(A), such monies are deemed appropriated and may be expended without council approval.

(Added by Ord. 98-32; Am. Ord. 06-23)

**Sec. 6-56.5 Administration.**

The director of budget and fiscal services shall be responsible for the administration of the reserve for fiscal stability fund in accordance with the prescribed laws and procedures applicable to expenditures of city funds. (Added by Ord. 98-32; Am. Ord. 06-23)

**Article 57. Golf Fund**

**Sections:**

**6-57.1 Creation.**

**6-57.2 Purpose.**

**6-57.3 Administration.**

**Sec. 6-57.1 Creation.**

There is hereby created and established a special fund to be known as the "golf fund." (Added by Ord. 99-23)

**Sec. 6-57.2 Purpose.**

There shall be deposited into the golf fund all revenues generated by the department of enterprise services from operations related to municipal golf courses and all monies appropriated to the fund by the council in the annual executive operating budget ordinance and any amendments thereto. All monies deposited into this fund shall be expended for the operating funds for the department of enterprise services for operations related to municipal golf courses and for related debt service payments. (Added by Ord. 99-23)

**Sec. 6-57.3 Administration.**

- (a) The director of budget and fiscal services shall be responsible for the administration of the golf fund in accordance with prescribed laws and procedures applicable to expenditures of city funds.
- (b) All monies deposited in the golf fund that are in excess of the amounts appropriated from the fund are to be considered single-purpose monies and appropriated for the purposes specified in Section 6-57.2, provided that the expenditure of such monies is authorized by council resolution.

(Added by Ord. 99-23)

**Article 58. Contribution to the County**

**Sections:**

**6-58.1 Purpose.**

**6-58.2 Definitions.**

**6-58.3 Contributions to the county.**

**6-58.4 Schedule, time for payment and increase of contribution.**

**6-58.5 Notice to director, documentation.**

**Sec. 6-58.1 Purpose.**

The purpose of this article is to establish a schedule for an annual contribution to the city from certain federal lessees where such leased federal property does not use the city's refuse and road maintenance services, and routine police, fire and ambulance services, where "routine police, fire and ambulance services" do not include services provided by the city on such federal property: (i) pursuant to agreements between the federal government and the city or the State of Hawaii, including without limitation, mutual aid agreements, or (ii) in accordance with policies or procedures developed by the city to coordinate the provision of such services as between the federal government and the city. The payment of this annual contribution is for the use, benefit and enjoyment of the other city services of the leased federal property and the individual residents of the military housing project, which are not subject to an easy cost analysis for establishment of a fee assessment for the city services. Such other city services include such activities as the planning, land acquisition, development and maintenance of public parks, subsidized bus service, landscaping and beautification projects countywide, the availability of police, fire and ambulance services throughout the county, planning, land acquisition, development and maintenance of public roadways throughout the county, and the many cultural and athletic city-cosponsored events in the county. (Added by Ord. 04-38)

**Sec. 6-58.2 Definitions.**

As used in this article:

"BAH" means the United States military basic allowance for housing.

"Department" means the department of budget and fiscal services.

"Director" means the director of the department of budget and fiscal services.

"Federal lease" means the lease of federal property to a private person who under such lease is contractually obligated to develop, rehabilitate, maintain and operate a military housing project under the authority of the National Defense Authorization Act for Fiscal Year 1996, P.L. 104-106, Title XXVIII, Subtitle A – Military Housing Privatization Initiative (codified at 10 U.S.C. Sections 2871-2885), as amended, including all improvements thereon.

"Federal lessee" means the private person to whom federal property is leased pursuant to a federal lease.

"Federal property" means real property owned by the United States.

"United States military services" includes the Air Force, Army, Navy, Marine Corps and Coast Guard.

(Added by Ord. 04-38)

**Sec. 6-58.3 Contributions to the county.**

A federal lessee of federal property that does not use the city's refuse and road maintenance services, and routine police, fire and ambulance services, where "routine police, fire and ambulance services" do not include services provided by the city on such federal property: (i) pursuant to agreements between the federal government and the city or the State of Hawaii, including without limitation, mutual aid agreements, or (ii) in accordance with policies or procedures developed by the city to coordinate the provision of such services as between the federal government and the city, may, pursuant to an agreement under Section 6-58.5, elect for the duration of the federal lessee's federal lease, to remit annual contributions to the city in accordance with Section 6-58.4, to contribute toward the use, benefit and enjoyment of the leased federal property and the individual residents of the military housing project of other city services than refuse and road maintenance services, and routine police, fire and ambulance services. (Added by Ord. 04-38)

**Sec. 6-58.4 Schedule, time for payment and increase of contribution.**

(a) The initial annual contribution shall be established by the number of housing units the federal lessee is to construct, rehabilitate, operate, manage and maintain in accordance with the federal lease upon execution of the federal lease.

Housing Units, Number Not to Exceed	Contribution
300	\$ 15,000
500	25,000
1,000	50,000
1,500	75,000
2,000	104,000
2,500	133,000
3,000	162,000
3,500	192,000
4,000	221,000
4,500	250,000
5,000	280,000
5,500	308,000
6,000	337,000
6,500	367,000
7,000	396,000
7,500 and over	425,000

(b) The annual contribution to the city shall be payable in semiannual installments as set forth in the agreement under Section 6-58.5, except that the first payment shall be due within 60 days of the execution of the federal lease, prorated from the date of the execution of the federal lease to the remaining days of the calendar year.

(c) The annual contribution shall be adjusted each January 1st, beginning with the first January 1st which is at least six months after execution of the federal lease, by multiplying the amount of the annual contribution for the immediately preceding calendar year by the percentage change between the weighted average BAH for the applicable military service effective as of January 1st of the subject year, and the weighted average BAH effective as of January 1st of the immediately preceding calendar year, provided that the annual contribution shall not be adjusted below the initial annual contribution established in subsection (a) above. For the purpose of this subsection, the "weighted average BAH" means the average of all of the BAH by rank classification as of the applicable date, weighted by the number of housing units designated for rent in each respective BAH rank classification as of the applicable date, provided that the rank classification and number of housing units for the earlier of such two years shall be assumed to be the same as that for the later year.

(d) In the event there is an increase of more than five percent (5%) in the number of housing units operated by a federal lessee whether under an existing federal lease or a new federal lease over the number of housing units in a prior year, the annual contribution at that time shall be increased by a proportional amount reflecting the proportional increase in the number of housing units.

(Added by Ord. 04-38)

**Sec. 6-58.5 Notice to director, documentation.**

(a) A federal lessee who elects to remit the contribution to the city under this article, shall provide written notice to the director, supported by documentation to establish the initial annual contribution and the eligibility under the provisions of this article.

(b) The director is authorized to request additional documentation, records and other information from the federal lessee to establish the initial annual contribution and eligibility, and to verify the amount of the annual contribution and the continued eligibility of the federal lessee under this article.

(c) The director shall verify whether the federal lessee is eligible under this article within thirty (30) days of submission by the federal lessee pursuant to Sections 6-58.5(a) and (b). Upon verification of the eligibility of the federal lessee under this article, the director shall execute an agreement with the federal lessee for the contribution to the city consistent

with the terms of this article on the date of execution of the federal lease and which shall contain such other terms necessary or appropriate for the implementation of this article.  
(Added by Ord. 04-38)

## **Article 59. Land Conservation Fund**

### **Sections:**

#### **6-59.1 Establishment—Purpose—Administration.**

#### **6-59.2 Deposits.**

#### **6-59.3 Expenditures.**

#### **Sec. 6-59.1 Establishment—Purpose—Administration.**

There is hereby established a special fund to be known as the "land conservation fund." The purpose of the fund is to facilitate the purchase or otherwise acquire lands or property entitlements for natural resource land conservation purposes in the city. Such a fund would assist the city in its preservation efforts by: (1) enabling the city to act quickly when purchasing private lands or interests therein; and (2) allowing the city to leverage any private and governmental funding sources for such land acquisitions by having matching funds available. The director of budget and fiscal services shall administer the fund. (Added by Ord. 05-003)

#### **Sec. 6-59.2 Deposits.**

There shall be deposited into the land conservation fund all gifts and voluntary contributions to the city for the purposes of the fund, all appropriations made to the fund, and all revenues designated by ordinance or resolution for deposit into the fund. (Added by Ord. 05-003)

#### **Sec. 6-59.3 Expenditures.**

Moneys on credit to the fund shall be expended solely for the purposes of the fund. (Added by Ord. 05-003)

## **Article 60. Transportation Surcharge—Use of Funds**

### **Sections:**

#### **6-60.1 Establishment of surcharge—Conditions.**

#### **6-60.2 Use of funds.**

#### **6-60.3 Repeal of surcharge.**

#### **Sec. 6-60.1 Establishment of surcharge—Conditions.**

Pursuant to Section 2 of Act 247, Session Laws of Hawaii, Regular Session of 2005, codified as Section 46-16.8 of the Hawaii Revised Statutes, there is hereby established a one-half percent general excise and use tax surcharge to be used for purposes of funding the operating and capital costs of public transportation within the City and County of Honolulu as specified herein. The excise and use tax surcharge will be levied beginning January 1, 2007.

(Added by Ord. 05-027; Am. Ord. 07-001, Ord. 16-1)

#### **Sec. 6-60.2 Use of funds.**

- (a) As required by HRS Section 248-2.6(d), moneys received from the state derived from the imposition of the surcharge established under this article will be a general fund realization. Beginning July 1, 2015, moneys received from the surcharge may be expended for the following purposes authorized by state law:
  - (1) Capital costs of a locally preferred alternative for a mass transit project; and
  - (2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to subdivision (1).
- (b) No surcharge moneys may be expended on portions of the locally preferred alternative for mass transit project beyond the minimum operable segment established under resolution 08-261, and a maximum amount of \$4.815 billion of surcharge moneys levied from January 1, 2007 to December 31, 2022 may be expended on the minimum operable segment and associated debt financing costs.
- (c) Notwithstanding the restrictions detailed in subsection (b) above, any surcharge moneys collected in excess of the \$4.815 billion may be expended in the following order of priority:
  - (1) Contingency and other reserves as recommended by the Federal Transit Administration and as detailed in the Updated Final Financial Plan for the Full Funding Grant Agreement;
  - (2) ADA accessibility improvements to the minimum operable segment of the locally preferred alternative for the mass transit project;

- (3) Planning and design costs for route expansion; and
- (4) Infrastructure improvements to rail station areas to support affordable housing, as permitted by State and Federal law,

provided that these additional surcharge expenditures may be expended only after the Honolulu Authority for Rapid Transportation provides for council review an update on the expenditures to date on the mass transit project and the anticipated use and amount of the additional surcharge expenditures above the \$4.815 billion limit.

- (d) No surcharge moneys may be expended for any purpose if the expenditure of such moneys will result in the project ending cash balance falling below the amount set forth in the Updated Final Financial Plan for the Full Funding Grant Agreement.
- (e) The Honolulu Authority for Rapid Transportation shall submit to the council no later than January 1, 2017, any and all costs associated with: 1) contingency and other reserves as recommended by the Federal Transit Administration and as detailed in the Updated Final Financial Plan for the Full Funding Grant Agreement; 2) ADA accessibility improvements to the minimum operable segment of the locally preferred alternative for the mass transit project; 3) planning and design costs for route expansion; and 4) infrastructure improvements to rail station areas to support affordable housing, as permitted by State and Federal law.
- (f) No moneys received from the surcharge may be used to build or repair public roads or highways or bicycle paths, or to support public transportation systems already in existence prior to July 12, 2005.
- (g) Prior to and as a prerequisite for any transfer of moneys received from the surcharge, the Honolulu Authority for Rapid Transportation shall submit to the council a quarterly updated cash balance summary that contains all revenues and expenditures, including both capital expenditures and operating and maintenance expenditures.
- (h) At the close of each quarter, the Honolulu Authority for Rapid Transportation shall submit to the council:
  - (1) A capital improvement program status report in substantially the same form as that submitted by the director of budget and fiscal services for the city's executive capital improvement program.
  - (2) A statement of cash balances for each revenue source and each category of project cost showing the cash balance at the start of the accounting period and the cash balance at the end of the period.
    - (i) Within 30 days following the end of each fiscal year, the Honolulu Authority for Rapid Transportation shall submit to the council a report detailing all amounts invoiced by and paid to general contractors for the fiscal year just ended. The report must be organized by general contractor, separately reflect amounts billed by the general contractor for work done by its subcontractors, and include the following information:
      - (1) The names of general contractors and their respective subcontractors;
      - (2) The type of services provided by each general contractor and subcontractor;
      - (3) A detailed description and justification for the work done by each general contractor and subcontractor; and
      - (4) The amount invoiced by and paid to each general contractor, and the amount invoiced by each subcontractor to the general contractor for the described work.
- (j) For purposes of this article, "capital costs" means the same as defined in HRS Section 46-16.8, as it may be amended, for a county with a population greater than 500,000.

(Added by Ord. 05-027; Am. Ord. 16-1)

### **Sec. 6-60.3 Repeal of surcharge.**

Pursuant to Section 9 of Act 247, Session Laws of Hawaii, Regular Session of 2005, Section 6-60.1 will be repealed on December 31, 2022.

(Added by Ord. 05-027; Am. Ord. 16-1)

## **Article 61. Transit Fund**

### **Sections:**

**6-61.1 Establishment.**

**6-61.2 Purpose.**

**6-61.3 Deposits.**

**6-61.4 Expenditures.**

**6-61.5 Administration.**

### **Sec. 6-61.1 Establishment.**

There is hereby created a special fund to be known as the "transit fund." (Added by Ord. 06-37)

### **Sec. 6-61.2 Purpose.**

The purpose of the transit fund is to receive transfers of all monies collected from the county surcharge on state excise and use tax by the general fund and to provide budgetary control and accountability of moneys collected pursuant to Section 6-60.1. (Added by Ord. 06-37)

**Sec. 6-61.3 Deposits.**

There shall be deposited into the transit fund:

- (1) All county surcharge on state general excise and use tax moneys collected pursuant to Section 6-60.1 and deposited into the general fund; and
- (2) All revenues generated by the locally preferred alternative, including any interest earned on the deposits of this fund and all other receipts dedicated for the mass transit project.

(Added by Ord. 06-37)

**Sec. 6-61.4 Expenditures.**

All expenditures from this fund shall be used for:

- (1) Operating or capital costs of a locally preferred alternative for a mass transit project;
- (2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to (1) above; and
- (3) Reimbursement of the general fund or the highway fund by the transit fund for any prior operating or capital expenditures incurred by the general fund or highway fund relating to the development of a locally preferred alternative for a mass transit project. All reimbursements by the transit fund shall be included in the executive operating budget.

(Added by Ord. 06-37. 11-24)

**Sec. 6-61.5 Administration.**

The director of budget and fiscal services shall administer the fund. (Added by Ord. 06-37)

**Article 62. Clean Water and Natural Lands Fund**

**Sections:**

**6-62.1 Creation.**

**6-62.2 Purpose.**

**6-62.3 Deposit.**

**6-62.4 Report required.**

**6-62.5 Additional requirements.**

**6-62.6 Administration.**

**Sec. 6-62.1 Creation.**

There is hereby created and established a special fund to be known as the "clean water and natural lands fund" (hereinafter "fund"). (Added by Ord. 07-18)

**Sec. 6-62.2 Purpose.**

The purpose of the fund is to provide for the purchase of or to otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in order to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space. (Added by Ord. 07-18)

**Sec. 6-62.3 Deposit.**

There shall be deposited into the fund an amount equal to one-half of the appropriation by the city council of a minimum of one percent of the estimated real property tax revenues, plus any interest earned on deposits in this fund. (Added by Ord. 07-18)

**Sec. 6-62.4 Report required.**

Within 15 calendar days after the mayor submits the budget documents specified in Section 9-102.1, Revised Charter of Honolulu, to the council, the mayor shall also submit a report on the fund which shall include but not be limited to:

- (1) The calculation of the minimum amount required by the charter to be appropriated from the estimated real property tax revenues and deposited into the fund and the amount to be deposited into the fund as provided in the proposed budget for the ensuing fiscal year, which shall at least equal the minimum amount.
- (2) An explanation of the operating and capital program for the ensuing six fiscal years for the use of the fund. The explanation may be in the form of a functional plan spanning at least the ensuing six fiscal years for the fund, adopted by the council, and any annual updates thereto, also adopted by the council. If applicable, the explanation shall demonstrate that the operating and capital program complies with the appropriation

priorities the council has established for the fund. Identification of applicable information contained in the administration's budget submittal may satisfy this requirement.

- (3) The amount included in the mayor's proposed executive operating and capital budgets for the ensuing fiscal year from the fund, separately identifying the amount to be appropriated for administrative expenses and demonstrating that the appropriation complies with the charter's maximum amount, and an explanation of how the budgeted amount complies with the charter requirement that the amount does not substitute for but is in addition to the appropriations historically made for the purposes set forth in the charter.
- (4) A list of proposed amendments to the public infrastructure maps required by the proposed appropriations from the fund.

(Added by Ord. 07-18)

**Sec. 6-62.5 Additional requirements.**

- (a) All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution.
- (b) Monies in this fund may be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this ordinance and pursuant to Sections 3-116 or 3-117 of the city charter, in whole or in part, for the purposes enumerated above and for the payment of costs associated with the purchase, redemption or refunding of such bonds; and
- (c) At any given time, no more than five percent of the monies in this fund shall be used for administrative expenses.
- (d) Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in this fund shall not be used for any purposes except those listed in this article.
- (e) The appropriations to this fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this article.

(Added by Ord. 07-18)

**Sec. 6-62.6 Administration.**

The director of budget and fiscal services shall administer the fund. (Added by Ord. 07-18)

### **Article 63. Affordable Housing Fund**

**Sections:**

**6-63.1 Creation.**

**6-63.2 Purpose.**

**6-63.3 Deposit.**

**6-63.4 Report required.**

**6-63.5 Additional requirements.**

**6-63.6 Administration.**

**Sec. 6-63.1 Creation.**

There is hereby created and established a special fund to be known as the "affordable housing fund" (hereinafter "fund"). (Added by Ord. 07-19)

**Sec. 6-63.2 Purpose.**

The purpose of the fund is to provide and maintain affordable housing for persons earning less than 50 percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity. (Added by Ord. 07-19)

**Sec. 6-63.3 Deposit.**

There shall be deposited into the affordable housing fund an amount equal to one-half of the appropriation by the council of a minimum of one percent of the estimated real property tax revenues, plus any interest earned on deposits in this fund. (Added by Ord. 07-19)

**Sec. 6-63.4 Report required.**

Within 15 calendar days after the mayor submits the budget documents specified in Section 9-102.1, Revised Charter of Honolulu, to the council, the mayor shall also submit a report on the fund which shall include but not be limited to:

- (1) The calculation of the minimum amount required by the charter to be appropriated from the estimated real property tax revenues and deposited into the fund and the amount to be deposited into the fund as provided in the proposed budget for the ensuing fiscal year, which shall at least equal the minimum amount.
- (2) An explanation of the operating and capital program for the ensuing six fiscal years for the use of the fund. The explanation may be in the form of a functional plan spanning at least the ensuing six fiscal years for the fund, adopted by the council, and any annual updates thereto, also adopted by the council. If applicable, the explanation shall demonstrate that the operating and capital program complies with the appropriation priorities the council has established for the fund. Identification of applicable information contained in the administration's budget submittal may satisfy this requirement.
- (3) The amount included in the mayor's proposed executive operating and capital budgets for the ensuing fiscal year from the fund, separately identifying the amount to be appropriated for administrative expenses and demonstrating that the appropriation complies with the charter's maximum amount, and an explanation of how the budgeted amount complies with the charter requirement that the amount does not substitute for but is in addition to the appropriations historically made for the purposes set forth in the charter.
- (4) A list of proposed amendments to the public infrastructure maps required by the proposed appropriations from the fund.

(Added by Ord. 07-19)

**Sec. 6-63.5 Additional requirements.**

- (a) All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution.
- (b) Monies in this fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this ordinance and pursuant to Sections 3-116 or 3-117 of the city charter, in whole or in part, for the purpose enumerated above and for the payment of costs associated with the purchase, redemption or refunding of such bonds; and
- (c) At any given time, no more than five percent of the monies in this fund shall be used for administrative expenses.
- (d) Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in this fund shall not be used for any purposes except those listed in this article.
- (e) The appropriations to this fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this article.

(Added by Ord. 07-19)

**Sec. 6-63.6 Administration.**

The director of budget and fiscal services shall administer the fund. (Added by Ord. 07-19)

**(Article 64. Other Post-Employment Benefits Reserve Fund. Repealed by Ord. 15-7)**

**Article 64. Reserved**

**Article 65. Transit Improvement Bond Fund**

**Sections:**

**6-65.1 Creation.**

**6-65.2 Deposit.**

**6-65.3 Expenditure.**

**6-65.4 Administration.**

**Sec. 6-65.1 Creation.**

There is hereby created and established a special fund to be known as the "transit improvement bond fund." (Added by Ord. 09-14)

**Sec. 6-65.2 Deposit.**

There shall be deposited into the transit improvement bond fund the proceeds of the sale of general obligation bonds of the city and county issued to pay all or part of those appropriations for public improvements made in the capital budget ordinance of the city and county and specified therein to be expended from the transit improvement bond fund. (Added by Ord. 09-14)

**Sec. 6-65.3 Expenditure.**

There shall be paid from the transit improvement bond fund the costs of public improvements appropriated in said capital budget ordinance and specified therein to be expended from the transit improvement bond fund. (Added by Ord. 09-14)

**Sec. 6-65.4 Administration.**

The director of the department of budget and fiscal services shall be responsible for the administration of the fund established in this article. Expenditures from the fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues. (Added by Ord. 09-14)

**Article \_\_. The Waipio Peninsula Soccer Park Fund**

**Sections:**

**6-\_\_1 Creation.**

**6-\_\_2 Purpose.**

**6-\_\_3 Administration**

**Sec. 6-\_\_1 Creation.**

There is hereby created and established a fund to be known as the "Waipio Peninsula Soccer Park fund."  
(Added by Ord. 15-30)

**Sec. 6-\_\_2 Purpose.**

All revenues generated from the Waipio Peninsula Soccer Park shall be deposited into the Waipio Peninsula Soccer Park fund. All monies deposited into this fund must be expended, as appropriated, for the improvement, maintenance and repair of the city's Waipio Peninsula Soccer Park. All appropriations from this fund must be used to supplement, and not supplant, other city fund appropriations for the Waipio Peninsula Soccer Park.  
(Added by Ord. 15-30)

**Sec. 6-\_\_3 Administration.**

The director of budget and fiscal services shall administer the Waipio Peninsula Soccer Park fund.  
(Added by Ord. 15-30)

**Article \_\_. Transit Construction Mitigation Fund**

**Sections:**

**6-\_\_1 Establishment.**

**6-\_\_2 Purpose.**

**6-\_\_3 Deposits.**

**6-\_\_4 Expenditures.**

**6-\_\_5 Administration.**

**Sec. 6-\_\_1 Establishment.**

There is hereby created a special fund to be known as the "transit construction mitigation fund."  
(Added by Ord. 15-37)

**Sec. 6-\_\_2 Purpose.**

The purpose of the transit construction mitigation fund is to receive and expend moneys to mitigate negative economic impacts from the construction of the Honolulu High Capacity Transit project.  
(Added by Ord. 15-37)

**Sec. 6-\_\_3 Deposits.**

Only moneys from the general fund or other federal, state or private sources that have been so specified for these purposes may be deposited into the transit construction mitigation fund.  
(Added by Ord. 15-37)

**Sec. 6-\_\_4 Expenditures.**

Expenditures from this fund shall only be used to mitigate negative economic impacts on businesses from the construction of the Honolulu High Capacity Transit project and such expenditures may include, but not be limited to:

- (1) Reestablishment payments (grants): Available to businesses that were forced to physically relocate due to rail construction;
- (2) Business interruption payments (grants): To compensate businesses located along the corridor for loss of business income due to construction impacts; and
- (3) Working capital advances (loans): For covering legitimate business operating expenses required to continue operation during the construction phase.

(Added by Ord. 15-37)

**Sec. 6-\_\_\_.5 Administration.**

The director of budget and fiscal services shall administer the fund.

(Added by Ord. 15-37)