

City and County of Honolulu Building Board of Appeals (BBA) Frequently Asked Questions (FAQ)

Are you thinking of filing an appeal with the BBA?
[Here are some important things to know before you do.](#)

Q: Can the BBA reverse or change an action by the Department of Planning and Permitting (DPP), for example, a Notice of Order (NOO)?

A: Yes, but only if the decision by the DPP Director is: (1) based on an erroneous finding of material fact, (2) arbitrary and capricious, or (3) a manifest abuse of discretion. Unless you can prove one of these three things occurred, your appeal will be denied.

Q: Why is the burden on me to prove one of these things occurred?

A: Based on Hawai'i law, you have the burden of proof. This means that unless you can prove your case, your appeal will be denied.

Q: What will the appeal hearing be like?

A: The hearing will be a contested case hearing conducted similar to a regular court case. Prior to the hearing you and the City will submit written position statements. You and the City will make opening and closing statements and may call witnesses, as needed. You may call yourself as a witness if you choose. You may introduce documents and other materials as evidence.

Q: Does this mean I need a lawyer?

A: There is no requirement that you have a lawyer represent you. You should expect that the City will be represented by lawyers.

Q: Can the BBA alter findings or reduce fines for extenuating circumstances?

A: No, unless you prove, with respect to the NOO example, one of the three items above, then there is nothing the BBA can do to change the action taken by the DPP Director.

Q: What can I do if I disagree with the decision of the BBA?

A: Once you receive the BBA's written decision, you may appeal the decision to the circuit court within the applicable statute of limitations.

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