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Rules of a homeowners hui override city ADU precepts

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POSTED: 1:30 a.m. HST, Sep 21, 2015

LAST UPDATED: 9:16 a.m. HST, Sep 21, 2015

Question: Does the city's new ADU law override homeowner association rules?

Answer: No. If an existing private covenant prohibits construction of an accessory dwelling unit on a property, that restriction takes precedence over the ADU ordinance, according to the city Department of Planning and Permitting.

Any homeowner subject to such a covenant must work with the homeowners association or whatever authority established the rule to lift it before construction of a second, smaller unit on the property may proceed. It is up to the homeowner, not the city, to seek the covenant's elimination.

For additional information, see the DPP's answers to frequently asked questions about ADUs at 808ne.ws/1LnuZiv. The entries most relevant to your query are Nos. 3 and 19.

The new ADU law, passed by the Honolulu City Council and signed by Mayor Kirk Caldwell, is intended to spur construction of affordable rental housing and provide homeowners a means of earning income from their primary residential property.

Q: If I build an ADU, will I need to report the unit addition to the city and county's Real Property Tax Division?

A: No, that notification will occur automatically when you acquire a building permit. The Real Property Division is notified by the Department of Planning and Permitting electronically when any permit is approved for a property; ADUs will be no different, explained Gary Kurokawa, deputy director of the city Department of Budget and Fiscal Services.

Q: Regarding the Kokua Line item last month about overgrown fruit trees on private property protruding over the H-1 freeway: If a car accident were to occur because of such fruit or branches falling, who would be responsible?

A: Property owners are responsible for maintaining their trees and would be liable for any damage the trees cause, according to Patricia Wong, an information specialist for the state Department of Transportation.

"If a tree is becoming a hazard and the property owner is unaware of it, the state will get involved," she said. "The state will contact the owner and have them cut their tree, or we will trim the tree for the owner and back-charge them."

Wong advises that people who want to report trees on private property encroaching onto state roads should file a complaint with the DOT's maintenance department by calling 831-6714 on Oahu.

Q: I need to know where I can take my e-waste material to be recycled. I have old computers, earphones, cable, etc.

A: The city Department of Environmental Services maintains a comprehensive list of e-waste recycling options, including a list of upcoming drop-off donation events, and ongoing retailer and manufacturer “takebacks.” We emailed you information about an event in your area. You can find the full list at 808ne.ws/1Pa1mjK.

Some of the retailer “takebacks” provide recyclers a store gift card according to the value of the electronic devices turned in, while some of the community drop-off events funnel used computer equipment to needy schools and other organizations.

How you choose to dispose of your home electronics might depend on whether you are hoping to get a form of cash back or are able to make a charitable donation.

Mahalo

The Edward Sato family would like to extend our love and thank-you to the following people who were able to successfully assist him when he went unconscious while watching a volleyball game Aug. 28: Kamehameha Schools students and trainers Duke Robins, Keith Condon, Roy Robins, Lloyd Trujillo, Lisa Tilton, Yoko Hutchinson, Kuulei, Becca Kapihe, Edna Johnson, Abbie Kaawa, Honolulu Fire Department and paramedics. Your professionalism and compassion to him will never be forgotten. We’re so lucky and fortunate that we were surrounded by you all!

Write to “Kokua Line” at Honolulu Star-Advertiser, 7 Waterfront Plaza, Suite 210, 500 Ala Moana Blvd., Honolulu 96813; call 529-4773; fax 529-4750; or email kokualine@staradvertiser.com.

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