

**FAQs:
Supplemental Dwelling Units (SDU)
Proposed Administrative Rules**

What is an SDU?

SDU stands for “supplemental dwelling unit.” It’s a second dwelling built on your lot that is smaller than your existing house. Some counties call it an “‘ohana unit,” others call it an “ADU” or accessory dwelling unit.

Who can have an SDU on their lot?

The rules propose a 5-year pilot program for residential lessees on Hawaiian Home Lands. You need to be in good standing, building an SDU must be compatible with the island plan and area plan where you live, the lot must not be landlocked, the lot cannot already have more than one dwelling unit, attached or detached, it cannot be prohibited by private covenants, conditions, and restrictions, and you must meet your county’s requirements for building a second dwelling unit. The program will be evaluated after 3 years and if it is found to be successful, the program may become permanent.

What is the process to get approval for an SDU?

You must complete the Department’s SDU application and be found to be in compliance with your lease. The department will either notify you of compliance matter(s) that need to be addressed or will notify you to proceed with your county’s ADU or ‘ohana unit permitting process. Once you have county approval, the department will place your request on the Hawaiian Homes Commission agenda; you must receive HHC approval before construction can begin. You must complete construction within 1 year of HHC approval.

Who can live in the SDU?

There are several options:

- A native Hawaiian, as defined by the HHCA, can rent the SDU;
- ‘Ohana, qualified under section 209(a) of the HHCA, can live in the SDU;
- The lessee can live in the SDU and a native Hawaiian can rent or qualified ‘ohana can live in the primary dwelling.
- NO SHORT TERM RENTALS. The shortest allowable rental period is six months.

What is the Lessee responsible for, and what is DHHL responsible for?

DHHL is responsible for reviewing your SDU application and informing you in a timely manner if there are lease issues that prevent you from building an SDU on your lot. You as the Lessee are responsible for all costs associated with the County’s permitting process and any upgrades to infrastructure, such as water or wastewater, or other code or regulatory compliance items that the County may require. You must also comply with residential rental housing laws including the Hawaii landlord tenant code and the fair housing act.

Where can I find my county’s ADU or ‘ohana unit requirements?

Hawaii County: Hawaii County Planning Department

<https://www.planning.hawaiicounty.gov/resources/resources-references>

Rule 12 Ohana Dwelling Units:

<http://records.hawaiicounty.gov/Weblink/1/edoc/80069/Planning%20Department%20Rules.pdf>

Division 3. Ohana Dwellings: <https://www.hawaiicounty.gov/home/showdocument?id=56>

Application for Ohana Dwelling Unit Permit:

<http://records.hawaiicounty.gov/weblink/1/edoc/103607/Ohana%20Dwelling%20Permit%20Application%20v3.pdf>

Maui County: <https://www.mauicounty.gov/1208/Building-Permit>

Chapter 19.35 Accessory Dwellings:

https://library.municode.com/hi/county_of_mau/codes/code_of_ordinances?nodeId=TIT19ZO_ARTIIC_OZOPR_CH19.35ACDW

City and County of Honolulu: Department of Planning and Permitting

<http://www.honoluludpp.org/ApplicationsForms/BuildingPermits.aspx>

ADU Quick Guide: <http://www.honoluludpp.org/Portals/0/pdfs/construction/ADUquickguide.pdf>

ADU FAQ: http://www.honoluludpp.org/Portals/0/pdfs/construction/ADU_FAQ.pdf

Kauai County: County of Kauai Planning Department

<https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Additional-Dwelling-Unit-ADU-and-Additional-Rental-Unit-ARU>