

SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 44 (2023) RELATING TO FALSE STATEMENTS.

THE PROPOSED CD1 makes the following amendments:

- A. Deletes SECTION 2 of the bill and renumbers SECTION 3 of the bill (containing the effective date provision) to SECTION 8.
- B. Adds a new SECTION 2 of the bill that amends ROH § 18-2.1 ("Definitions") by adding new definitions of "City Official" and "False Statement."
- C. Adds a new SECTION 3 of the bill that amends ROH § 18-7.1 ("Generally") to add the following:
 - 1. "A person may not knowingly make a false statement to a city official during the course of an inspection for or investigation into compliance with this chapter."
 - 2. "The building official may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this chapter."
- D. Adds a new SECTION 4 of the bill that amends ROH § 18-7.3 ("Criminal prosecution") to except persons violating the provision added by the amendment referred to in C.1 above from criminal prosecution.
- E. Adds a new SECTION 5 of the bill that adds a new section to ROH Chapter 18, Article 7 ("Violation and Penalty") to provide for the designation of persons with a history of making false statements and instruct the building official to take into consideration whether the party responsible for the violation has a history of making false statements when determining the contents of an order served pursuant to ROH § 18-7.4.
- F. Adds a new SECTION 6 of the bill that adds a new section to ROH Chapter 18, Article 7 ("Violation and Penalty") to add a severability clause.
- G. Adds a new SECTION 7 of the bill to add a Ramseyer clause for the Revisor of Ordinances.
- H. Makes miscellaneous technical and nonsubstantive amendments.



A BILL FOR AN ORDINANCE

RELATING TO FALSE STATEMENTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to deter persons from making or inciting the making of a false statement to a public servant.

SECTION 2. Section 18-2.1, Revised Ordinances of Honolulu 2021, is amended by adding new definitions of "City Official" and "False Statement" to read as follows:

"City Official. Any city employee who, in the normal course of the employee's duties and responsibilities, conducts investigations or inspections, or both, to ascertain compliance with any city ordinance, rule, or regulation."

"False Statement. Any statement, in oral, written, printed, or electronic form, that is incorrect, inaccurate, or not in accordance with truth or fact."

SECTION 3. Section 18-7.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 18-7.1 Generally.

- (a) ~~[No person shall erect]~~ A person may not, contrary to or in violation of this chapter:
 - (1) ~~Erect,~~ construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure~~[-or perform];~~
 - (2) Perform any electrical, plumbing, gas, or drainage piping work~~[-or install];~~
 - (3) Install, remove, alter, repair, or replace or cause to be installed, removed, altered, repaired, or replaced ~~[any plumbing, gas or drainage piping work or]~~ any fixture, gas appliance, or water heating or treating equipment~~[-or construct];~~ or
 - (4) Construct, reconstruct, or improve any sidewalk, curb, or driveway in public street rights-of-way, or cause the same to be done~~[-or in violation of this chapter].~~



A BILL FOR AN ORDINANCE

- (b) A person may not knowingly make a false statement to a city official during the course of an inspection for or investigation into compliance with this chapter.
- (c) The building official may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this chapter."

SECTION 4. Section 18-7.3, Revised Ordinances of Honolulu 2021 ("Criminal prosecution"), is amended by amending subsection (a) to read as follows:

- "(a) *General.* Any person, firm, or corporation violating this chapter, except for § 18-7.1(b), is guilty of a misdemeanor, ~~[and each such person]~~ is guilty of a separate offense for each and every day or portion thereof during which any violation of this chapter is committed, continued, or permitted, and, upon conviction of ~~[any such]~~ the violation, ~~[such person shall be]~~ is punishable by a fine of not more than \$2,000 or ~~[by]~~ imprisonment for not more than one year, or ~~[by]~~ both ~~[fine and imprisonment]~~."

SECTION 5. Chapter 18, Article 7, Revised Ordinances of Honolulu 2021 ("Violation and Penalty"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"§ 18-7. Prior false statements.

- (a) Any person who has been:
 - (1) Convicted of unsworn falsification to authorities or making a false, fraudulent, or fictitious claim pursuant to HRS Chapter 710, or its successor provisions; or
 - (2) Issued a final order pursuant to § 18-7.4 that states the person has been found to have violated § 18-7.1(b);

is designated as a person with a history of making false statements.
- (b) In determining the contents of the order served pursuant to § 18-7.4, the building official shall take into consideration whether the party responsible for the violation has a history of making false statements."



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

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SECTION 6. Chapter 18, Article 7, Revised Ordinances of Honolulu 2021 ("Violation and Penalty"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"§ 18-7. Severability.

If any provision of this article, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the article that can be given effect without the invalid provision or application, and to this end, the provisions of this article are severable. This article must be construed to be enforceable up to, but no further than, the maximum possible extent consistent with federal and State law."

SECTION 7. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 8. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tyler Dos Santos-Tam

Tommy Waters

DATE OF INTRODUCTION:

July 6, 2023
Honolulu, Hawai'i

 Councilmembers

APPROVED AS TO FORM AND LEGALITY:

 Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

 RICK BLANGIARDI, Mayor
 City and County of Honolulu