



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

**COMMITTEE ON EXECUTIVE
MATTERS AND LEGAL AFFAIRS**

Voting Members:

Tyler Dos Santos-Tam, Chair
Radiant Cordero, Vice Chair
Esther Kia'āina
Val A. Okimoto
Calvin K.Y. Say
Augie Tulba
Andria Tupola
Tommy Waters
Matt Weyer

**AGENDA
ADDENDUM**

REGULAR MEETING
CITY COUNCIL CHAMBER
TUESDAY, FEBRUARY 6, 2024
1:00 P.M.

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **81230429066** and Passcode **676385**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Persons wishing to testify in-person in the Council Chamber are requested to register by 1:00 p.m. by filling out the registration form in person outside the Council Chamber.

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Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Oral testimony will be allowed when each agenda item is taken up, in the following order:

- 1. In-person in the Council Chamber;**
- 2. Remote testimony.**

Written testimony may be uploaded at <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address, and phone number, will be available to the public at <https://hnlidoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-9230 or send an email to sherry.arca@honolulu.gov.

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to sherry.arca@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

THE ADDENDUM PROVIDES A PROPOSED CD1 AMENDMENT TO AGENDA ITEM NO. 2 – BILL 44 (2023).

FOR ACTION

2. **BILL 44 (2023) – RELATING TO FALSE STATEMENTS.** Deterring persons from making or inciting the making of a false statement to a public servant. (Bill passed second reading and public hearing held 8/9/23; Committee postponed action on the Bill 9/12/23)

PROPOSED CD1 TO BILL 44 (2023) (Submitted by Councilmember Dos Santos-Tam) – The Proposed CD1 (OCS2024-0082/2/2/2024 1:40 PM) makes the following amendments:

- A. Amends SECTION 1 of the bill to revise the purpose to state, "The purpose of this ordinance is to deter persons from making false statements to the building official."
- B. Replaces SECTION 2 of the bill with a new SECTION 2 that amends ROH § 18-1.1 ("Purpose and intent") to add that the purpose of ROH Chapter 18 is to deter the making of a false statement to the building official.
- C. Renumbers SECTION 3 of the bill (containing the effective date of the ordinance) to SECTION 13 of the bill.
- D. Adds a new SECTION 3 of the bill that amends ROH § 18-2.1 ("Definitions") by adding new definitions of "False Statement" and "Person with a History of Making a False Statement."
- E. Adds a new SECTION 4 of the bill that adds a new unnumbered section to ROH Chapter 18, Article 2 ("General Provisions"), entitled "Rulemaking and administration."
- F. Adds a new SECTION 5 of the bill that adds a new unnumbered section to ROH Chapter 18, Article 4 ("Permit Application"), entitled "Denial or refusal of applications."
- G. Adds a new SECTION 6 of the bill that adds a new unnumbered section to ROH Chapter 18, Article 5 ("Permit Issuance"), entitled "Temporary Certificate of Occupancy."

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- H. Adds a new SECTION 7 of the bill that amends ROH § 18-6.1 ("Plan review fees") to allow the building official to increase the plan review fee to 30 percent of the tentative building permit fee with no maximum for applicants who are persons with a history of making false statements.
- I. Adds a new SECTION 8 of the bill that amends ROH § 18-6.2 ("Building permit fees") to add a new subsection that allows the building official to double building permit fees for applicants who are persons with a history of making false statements.
- J. Adds a new SECTION 9 of the bill to amend ROH § 18-7.1 ("[Violation and Penalty,] Generally") to establish that it is a violation of ROH Chapter 18 for any applicant to fail to comply with all applicable requirements and restrictions of ROH Chapter 18.
- K. Adds a new SECTION 10 of the bill to amend ROH § 18-7.2 ("Notice of violation—Contents") to state that the notice of violation must additionally notify the party of the applicable violation and, as applicable, direct the party to make the building or structure, or portion thereof, comply with the requirements of ROH Chapter 18.
- L. Adds a new SECTION 11 of the bill to amend ROH § 18-7.4 ("Administrative enforcement") to increase the maximum civil fines for violations of ROH Chapter 18 to \$3,000 per occurrence (instead of \$2,000) and \$3,000 per day for each day the violation persists (instead of \$2,000). Also adds that, in determining the appropriate penalties, the building official may take into consideration whether the person responsible for the violation is a person with a history of making false statements.
- M. Adds a new SECTION 12 of the bill to add a Ramseyer clause for the Revisor of Ordinances.
- N. Makes miscellaneous technical and nonsubstantive amendments.

TYLER DOS SANTOS-TAM, Chair
Committee on Executive Matters
and Legal Affairs