

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

ORDINANCE _____

BILL **52 (2023), CD1**

A BILL FOR AN ORDINANCE

RELATING TO LARGE DWELLINGS.

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

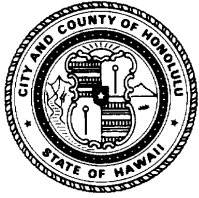
SECTION 1. The City Council finds that the proliferation of large detached dwellings in residential districts continues to be a problem for our communities, and the current penalty amounts imposed for Land Use Ordinance ("LUO") violations of up to a \$5,000 initial fine and up to \$5,000 per day for each day the violation persists, are a negligible cost of doing business for developers of large detached dwellings.

The Department of Planning and Permitting expends a considerable amount of time and incurs extensive costs to administratively enforce LUO violation provisions relating to large detached dwellings, including but not limited to audit functions, revocation of building permits, and defending building permit revocations before the Building Board of Appeals.

The purpose of this ordinance is to provide a more effective deterrent by increasing the penalty for persons that construct or convert a structure in violation of the LUO development standards and requirements for large detached dwellings.

SECTION 2. Section 21-2.150-2, Revised Ordinances of Honolulu 2021 ("Administrative enforcement"), is amended by amending subsection (e) to read as follows:

- "(e) *Contents of the notice of order.* If the violation is not corrected by the date specified in the notice of violation, the director may issue a notice of order imposing penalties for failure to correct a violation.
- (1) In addition to any other information or requirements deemed appropriate by the director, the notice of order must include a copy of the applicable notice of violation issued by the director for the violation.
 - (2) The notice of order may require the person to do any or all of the following:
 - (A) Cease and desist from the violation;
 - (B) Correct the violation at the person's own expense before a date specified in the order;



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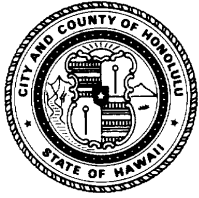
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- (C) Pay a civil fine not to exceed \$5,000 in the manner, at the place, and before the date specified in the order; and
- (D) Pay a civil fine not to exceed \$5,000 per day for each day in which the violation persists beyond the date specified in paragraph (C), in the manner and at the time and place specified in the order.
- (3) Notwithstanding the civil fines specified in subdivision (2)(C) and (D), if the violation is a violation of any provision of this chapter relating to the requirements for transient vacation units or bed and breakfast homes, then, in addition to the requirements in subdivision (2)(A) and (B), the order may require a person to do any or all of the following:
 - (A) Pay a civil fine not to exceed \$10,000 in the manner, at the place, and before the date specified in the order; and
 - (B) Pay a civil fine not to exceed \$10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.
- (4) Notwithstanding the civil fines specified in subdivision (2)(C) and (D), if the violation involves the construction or conversion of a structure in violation of § 21-3.70-1(c)(3), relating to large detached dwellings, then, in addition to the requirements in subdivision (2)(A) and (B), the order may require a person to do any or all of the following:
 - (A) Pay a civil fine not to exceed \$25,000 in the manner, at the place, and before the date specified in the order; and
 - (B) Pay a civil fine not to exceed \$10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.
- ~~[(4)]~~(5) The order must advise the person that the order will become final 30 days after the date of its mailing or delivery. The order must also advise that the director's action may be appealed to the zoning board of appeals."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance



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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.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 31, 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

Report Title:

Large Detached Dwellings; Administrative Enforcement; Penalties; Department of Planning and Permitting ("DPP")

Description:

Establishes increased civil fines (\$25,000 as an initial fine and \$10,000 per day for each day the violation persists) for violations involving the construction or conversion of a structure in violation of ROH § 21-3.70-1(c)(3), relating to large detached dwellings.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.