REPORT OF THE COMMITTEE ON PUBLIC SAFETY & CUSTOMER SERVICES

Voting Members:
Val A. Okimoto, Chair; Esther Kia'āina, Vice-Chair;
Scott Y. Nishimoto, Augie Tulba, Matt Weyer

Committee Meeting Held
March 6, 2025

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Safety & Customer Services, which considered Bill 12 (2025) entitled:

"A BILL FOR AN ORDINANCE RELATING TO GAMBLING,"

introduced on January 29, 2025, and which passed first reading at the February 26, 2025 Council meeting, reports as follows:

The purpose of Bill 12 (2025) is to address public nuisances relating to gambling activities throughout the City and County of Honolulu by adding a new article to Chapter 41 of the Revised Ordinances of Honolulu 2021.

Director Dawn Takeuchi Apuna of the Department of Planning and Permitting, Captain Jerome Pacarro of the Honolulu Police Department, and Deputy Prosecuting Attorney Gabriel Huntington of the Department of the Prosecuting Attorney provided comments on the Bill and answered questions from the Committee.

Your Committee received oral comments from one individual on the Bill.

Your Committee considered and approved a CD1 version of the Bill that makes the following amendments:

A. Adds a new SECTION 2, which amends ROH § 18-4.7 to allow building officials to deny or refuse to process applications for permits for properties in certain circumstances.

ADOPTED ON MAR 19 2025

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B. Adds a new SECTION 3, which amends ROH § 18-5.4(d) to allow building officials to issue notices to suspend or revoke permits for properties cited for code violations related to gambling-related public nuisances.

C. Renumbers the previous SECTION 2 as the new SECTION 4.

D. Adds a new SECTION 5 to include the Ramseyer clause and provide Revisor instructions.

E. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Public Safety & Customer Services is in accord with the intent and purpose of Bill 12 (2025), as amended herein, and recommends that it pass second reading, be scheduled for a public hearing, and be referred to, and accepted by, the Committee on Budget for further consideration pursuant to its consecutive referral, in the form attached as Bill 12 (2025), CD1. (Ayes: Kia'āina, Okimoto, Tulba, Weyer – 4; Noes: None; Absent: Nishimoto – 1.)

Respectfully submitted,

Val A. Okimoto
Committee Chair

ADOPTED ON MAR 19 2025

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HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **12 (2025), CD1**

A BILL FOR AN ORDINANCE

RELATING TO GAMBLING.

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

SECTION 1. Purpose and findings. The purpose of this ordinance is to address public nuisances relating to gambling activities throughout the City and County of Honolulu.

The City Council ("Council") finds that illegal gambling establishments attract other criminal elements and activities, such as violent crime and the distribution of illegal drugs. These activities undermine the peace, safety, and security of neighborhoods and drive out legitimate businesses. The Council further finds that buildings and structures that promote such unsafe conditions affect the surrounding areas and threaten the health, safety, and welfare of the public by creating unsafe public nuisances, which requires interagency cooperation to effectively combat.

SECTION 2. Section 18-4.7, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 18-4.7. Denial or refusal of applications.**

The building official may deny or refuse to process any application for a permit issued under this chapter that is submitted by a person with a history of making false statements, on the grounds that the applicant has a history of making false statements, for a period of two years from the date of their conviction under HRS Chapter 710, or its successor provisions.

Any person with a history of making false statements may not circumvent the application of this section through the use of a third party, including their employees and agents. A third party may not submit an application for a permit issued under this chapter on behalf of a person with a history of making false statements to circumvent the application of this section.

The building official may deny or refuse to process any application for a permit issued under this chapter that is submitted for a property cited within the last two years for a code violation related to a gambling-related public nuisance as defined by § 41-.1."

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SECTION 3. Section 18-5.4, Revised Ordinances of Honolulu 2021 ("Suspension or revocation of a permit"), is amended by amending subsection (d) to read as follows:

"(d) *Suspension or revocation of a permit.*

(1) The building official may issue a notice to suspend or revoke a permit pursuant to the requirements of subsection (e) whenever a permit is issued under this chapter:

(A) In error;

(B) On the basis of incorrect information supplied; [~~or~~]

(C) In violation of the building, electrical, or plumbing codes, or any other code, ordinance, or regulation[~~.~~]; or

(D) For a property cited for a code violation related to a gambling-related public nuisance.

(2) No suspension imposed pursuant to this section will constitute a cause beyond the control of the building contractor or owner, as defined in this section, for which extensions may be received under subsection (c), unless the suspension is found by the appellate authority to be arbitrary, capricious, characterized by an abuse of discretion, or based upon a clearly erroneous finding of a material fact.

(3) The building official may issue a notice to revoke a permit pursuant to subsection (e) if the building or work authorized by the permit is not commenced within 180 days after the date the permit was issued, or if the building or work authorized by the permit is suspended or abandoned for a period of at least 120 consecutive days after the work has commenced.

(4) The building official may issue a notice to revoke a permit pursuant to the requirements of subsection (e) when a building or structure is not completed within the time specified in subsection (b)(3) and (b)(4)."

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SECTION 4. Chapter 41, Revised Ordinances of Honolulu 2021 ("Public Health and Safety"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __: GAMBLING-RELATED PUBLIC NUISANCES

§ 41-__.1 Definitions.

For purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Chief of Police. The chief of police of the city or the chief's authorized subordinates.

Director. The director of planning and permitting or the director's authorized subordinates.

Gambling-Related Public Nuisance. A public nuisance as defined under HRS Chapter 712, Part V, that involves activities related to gambling offenses prohibited under HRS Chapter 712, Part III.

§ 41-__.2 Interagency cooperation.

(a) The director and the chief of police shall cooperate in the provision of notices, referrals, and assistance to ensure code enforcement of gambling-related public nuisances.

(b) The director and the chief of police are authorized to adopt rules pursuant to HRS Chapter 91 or enter into a memorandum of agreement between the department of planning and permitting and the Honolulu police department for the purposes of implementing this section."

SECTION 5. 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. The Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH Section 1-16.3(b)(6), replace reference numbers in SECTION 2 of this ordinance to agree with newly numbered sections.

A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Andria Tupola

Tyler Dos Santos-Tam

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DATE OF INTRODUCTION: _____

_____

January 29, 2025 _____
Honolulu, Hawai'i Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ____.

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RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Gambling; Nuisance Abatement; Public Health and Safety; Interagency Cooperation; Department of Planning and Permitting ("DPP"); Honolulu Police Department ("HPD"); HRS Chapter 91; Rulemaking Authority; Denial or Refusal of Permit Applications; Suspension or Revocation of Permit.

Description:
Requires cooperation between the Director of Planning and Permitting and Honolulu Chief of Police to ensure code enforcement of gambling-related public nuisances. Provides the DPP and the HPD with rulemaking authority. Allows a building official to deny, refuse, suspend, or revoke permits in certain circumstances if a property is cited for code violations related to gambling-related nuisances.

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