

PLANNING COMMISSION
KOMIKINA HO'OLĀLĀ
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEIA



PANE MEATOQA, Chair *LĀLA*
RYAN J. K. KAMO, Vice Chair *HOPE LĀLA*
NATHANIEL KINNEY
HILARIE ALOMAR
MELISSA MAY
KAI NANI KRAUT
JOY KIMURA
ELENA BRYANT
JASON WOO

March 14, 2025

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Transmittal of Proposed Amendment to Chapter 21, Revised Ordinances of Honolulu, ("ROH") 2021 (The Land Use Ordinance ["LUO"]), Resolution No. 24-141, Relating to Administrative Enforcement

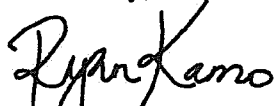
The Planning Commission held a public hearing on March 5, 2025 on the above subject matter. No public and written testimonies were received. The public hearing was closed on March 5, 2025.

The Planning Commission voted 6:0:1 (Meatoga III abstained) to recommend approval of Resolution No. 24-141, relating to Administrative Enforcement, as amended by the Department of Planning and Permitting (DPP). DPP's amendments to the resolution are attached as Exhibit 2 of the enclosed DPP report and recommendation dated February 11, 2025.

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
March 14, 2025
Page 2

Should you have any questions, please contact me at (808) 768-8007.

Sincerely,



Ryan Kamo, Vice Chair
Planning Commission

Enclosures

ACKNOWLEDGED:



Rick Blangiardi, Mayor
Office of the Mayor

ACKNOWLEDGED:



Dawn Takeuchi Apuna, Director
Department of Planning and Permitting



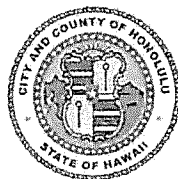
Michael D. Formby, Managing Director
Office of the Managing Director

Authorization *Dawn Takeuchi Apuna*
Director
Advertisement *Feb. 21, 2025*
Public Hearing *March 5, 2025*

DEPARTMENT OF PLANNING AND PERMITTING
KA 'ŌIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

February 11, 2025

MEMORANDUM

TO: Pane Meatoga III, Chair
and Members of the Planning Commission

FROM: Dawn Takeuchi Apuna, Director Designate
Department of Planning and Permitting (DPP)

SUBJECT: Resolution No. 24-141 ("Resolution")
Proposing an Amendment to Chapter 21, Revised Ordinances of Honolulu
("ROH") 2021 (The Land Use Ordinance ["LUO"])
Relating to Administrative Enforcement

2025 FEB 12 AM 10:07
CITY OF HONOLULU

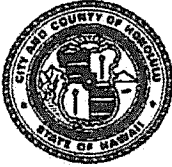
Transmitted for appropriate action is the Department of Planning and Permitting's ("DPP") report and recommendation for the proposed amendments to the LUO. On June 5, 2024, the City Council adopted the subject Resolution (attached hereto as Exhibit 1), which proposes to amend the LUO by clarifying the administrative enforcement procedures found in ROH §21-2.150-2 (Administrative Enforcement). The DPP supports the intent of the Resolution and recommends additional edits for clarity, attached hereto as Exhibit 2.

The Resolution specifies that the physical posting of a copy of the enforcement notice is effective service upon all violations named in the enforcement notice. According to the Resolution, this change is designed to provide the DPP with more methods to serve a Notice of Violation ("NOV") or Notice of Order ("NOO") in order to address instances where a violator has evaded enforcement by deliberately avoiding or refusing to accept service of an NOV or NOO. The Resolution states that this change will facilitate and improve the effectiveness and efficiency of the DPP's enforcement efforts.

The DPP supports the intent of the Resolution, and recommends only minor edits (see Exhibit 2). One edit of note is that currently and in the Resolution, the references to physically posting a copy of the enforcement notice on a property was in ROH §§21-2.150-2(c)(2) and (4); for clarity we consolidated those references in ROH §21-2.150-2(c)(3). We would be happy to answer any questions that you may have concerning this matter during the Public Hearing.

Attachments: Exhibits 1 and 2

Exhibit 1



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

No. 24-141

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 2021 (THE LAND USE ORDINANCE), RELATING TO ADMINISTRATIVE ENFORCEMENT.

WHEREAS, the zoning maps and the Land Use Ordinance ("LUO") of the City and County of Honolulu ("City") establish zoning districts and zoning district regulations for the utilization of land in the City pursuant to Section 6-1514, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"); and

WHEREAS, each zoning district is designated for certain uses and restricted for other uses in order to encourage orderly development in accordance with adopted land use policies, including the O'ahu general plan, and the applicable development plans or sustainable community plans, and to promote and protect the public health, safety, and welfare; and

WHEREAS, the Director of Planning and Permitting has the authority to administratively enforce violations of the LUO, the rules adopted by the director to administer the LUO, and the conditions of any permits or approvals granted under the LUO by issuing a written notice of violation and notice of order pursuant to Section 21-2.150-2, Revised Ordinances of Honolulu 2021 ("ROH"); and

WHEREAS, under ROH § 21-2.150-2(c)(1), a notice of violation or notice of order may be served on the violator by registered or certified mail (with return receipt requested), or by delivering a copy of the enforcement notice to the violator in person; and

WHEREAS, under ROH § 21-2.150-2(c)(2), a notice of violation or notice of order may also be served on the violator by leaving a copy of the enforcement notice at the violator's residence, place of employment, or usual place of business; or by physically posting a copy of the enforcement notice in a prominent location on the property in a conspicuous manner that is likely to be discovered; but those methods of service may only be used if due diligence was first used in attempting to serve the violator personally or by registered or certified mail; and

WHEREAS, under ROH § 21-2.150-2(c)(3), if the Director of Planning and Permitting is not able to serve a notice of violation or notice of order by the methods described above, the Director may serve the enforcement notice to the violators by publishing a copy of the notice of order once each week for two consecutive weeks in a daily or weekly publication that is in general circulation within the City; and



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

No. 24 - 141

RESOLUTION

WHEREAS, there have been instances where a violator has deliberately avoided or refused to accept service of a notice of violation or notice of order to evade the Department of Planning and Permitting's ("DPP") enforcement of the LUO; and

WHEREAS, time is of the essence when serving of a notice of violation or notice of order, to prevent an LUO violation from becoming worse, and to mitigate impacts and avert situations that may be difficult to undo, particularly when a notice of order includes a directive to cease and desist an activity; and

WHEREAS, the City Council ("Council") believes that it would be advantageous to provide the DPP with more methods to serve notices of violation and notices of order, with the intent of facilitating and improving the effectiveness and efficiency of the DPP's enforcement efforts; and

WHEREAS, Charter § 6-1513 provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the [D]irector [of Planning and Permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter § 6-1513, includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, Chapter 2, Article 24, Part A, Revised Ordinances of Honolulu 2021 ("ROH"), establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter § 6-1513 and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



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

No. 24-141

RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the City Clerk shall transmit copies of this resolution and the Exhibit A attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Tony Water

DATE OF INTRODUCTION:

MAY 16 2024

Honolulu, Hawai'i

Councilmembers

EXHIBIT A



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

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO ADMINISTRATIVE ENFORCEMENT.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the administrative enforcement provisions for violation of the standards and requirements of the Land Use Ordinance.

SECTION 2. Section 21-2.150-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 21-2.150-2 Administrative enforcement.

- (a) *Enforcement authority.* In lieu of or in addition to seeking criminal enforcement pursuant to § 21-2.150-1, the director may seek enforcement against any person violating this chapter, the rules adopted by the director to administer this chapter, and the conditions of any permits or approvals granted under this chapter by issuing a written notice of violation and notice of order pursuant to this section.
- (b) *Liability.* If the director determines that more than one person is liable for a violation, the director may issue one enforcement notice to all responsible persons or separate enforcement notices to persons or groups of persons that are responsible for the violation. Each person will be independently liable for the full extent of the violation and responsible for complying with the enforcement notice.
- (c) *Service of enforcement notices issued by the director.*
 - (1) The director may serve an enforcement notice issued pursuant to this section by registered or certified mail, with return receipt requested, addressed to the last known address of each violator identified in the enforcement ~~[action,]~~ notice, or by delivering a copy of the enforcement notice to the violator in person.
 - (2) The director also may serve an enforcement notice issued pursuant to this section by leaving a copy of the enforcement notice at the violator's residence, place of employment, or usual place of business, or by physically posting a copy of the enforcement notice in a prominent location on the property that is the subject of the enforcement notice, in a



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

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

conspicuous manner that is likely to be discovered~~[- provided that due diligence was used in attempting to serve the person personally or by registered or certified mail].~~

- (3) If the director is not able to serve the enforcement notice by any of the methods described in subdivisions (1) and (2), the director may serve the enforcement notice on one or more violators by publishing a copy of the ~~[order]~~ enforcement notice once each week for two consecutive weeks in a daily or weekly publication that is in general circulation within the city.
- (4) Where one or more violators identified in an enforcement notice have the same mailing address, place of residence, place of employment, or usual place of business, the delivery of one copy of the enforcement notice to that place ~~[shall]~~ will be effective service upon all violators named in the enforcement notice that may be served at the place the enforcement notice has been delivered. The physical posting of a copy of the enforcement notice pursuant to subdivision (2) will be effective service upon all violators named in the enforcement notice."
- (d) *Contents of the notice of violation.* Whenever the director seeks enforcement pursuant to subsection (a), the director shall serve, pursuant to subsection (c), a notice of violation to the persons responsible for the violation. In addition to any other information or requirements deemed appropriate by the director, the notice of violation must include the following information:
- (1) ~~[Date]~~ The date of the notice of violation;
 - (2) The name of the person noticed;
 - (3) The address or location of the violation;
 - (4) The specific ordinance, rule, or condition that has been violated;
 - (5) A concise description of the violation;
 - (6) A statement of the actions that are necessary to correct the violation;
 - (7) A requirement that the violator correct the violation by a specified date;



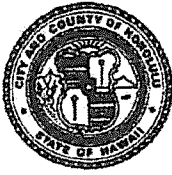
HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

- (8) A statement of the penalties that will be imposed if the violation is not corrected by the deadline for correction established pursuant to subdivision (7); and
 - (9) A requirement that the violator send a written notice to the director reporting the correction of the violation when the violator believes the violation has been corrected.
- (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]~~ shall serve, pursuant to subsection (c), a notice of order to the persons responsible for the violation imposing penalties for failure to correct [a] the 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;
 - (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



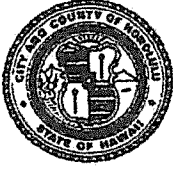
HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

- (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) The order must advise the ~~[person]~~ persons responsible for the violation that the order will become final 30 days after the date ~~[of its mailing or delivery.]~~ the order was served on the persons responsible for the violation. The order must also advise that the director's action may be appealed to the zoning board of appeals.
- (f) *Effect of the notice of order—right to appeal.* The provisions of the notice of order issued by the director under this section will become final 30 days after the date ~~[of the mailing or delivery of]~~ the order~~[-]~~ is served on the persons responsible for the violation pursuant to subsection (c). The ~~[person]~~ persons responsible for the violation may appeal the notice of order to the zoning board of appeals as provided in Charter § 6-1516 and § 21-1.40; provided that an appeal to the zoning board of appeals will not stay any provision of the notice of order. The appeal must be received in writing on or before the date on which the order becomes final.
- (g) *Judicial enforcement of the notice of order.* The director may institute a civil action in any court of competent jurisdiction for the enforcement of any notice of order ~~[issued pursuant to this section.]~~ served on the persons responsible for the violation pursuant to subsection (c). Where ~~[the]~~ a civil action has been instituted to enforce the civil fine imposed by ~~[said]~~ the notice of order, the director need only show that the notice of violation and the notice of order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.
- (h) Notwithstanding any other provision to the contrary, in addition to daily civil fines, the director may impose a fine in an amount equal to the total sum received by the owner, operator, or proprietor of a bed and breakfast home or transient vacation unit from any impermissible rental activity during the period in which the owner, operator, or proprietor was subject to daily fines.
- (i) Nothing in this section ~~[shall preclude]~~ precludes the director from seeking any other remedy available by law."



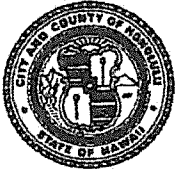
HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 3. 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.



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

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 ____.

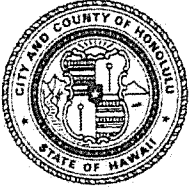
RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:

Land Use Ordinance Amendment; Administrative Enforcement; Service of Enforcement Notices; Notice of Order; Notices of Violation

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

Exhibit 2



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

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO ADMINISTRATIVE ENFORCEMENT.

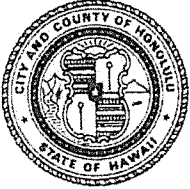
BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the administrative enforcement provisions for violation of the standards and requirements of the Land Use Ordinance.

SECTION 2. Section 21-2.150-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"21 -2.1 50-2 Administrative enforcement.

- (a) *Enforcement authority.* In lieu of or in addition to seeking criminal enforcement pursuant to § 21-2.150-1, the director may ~~[seek enforcement against]~~ issue a notice of violation or notice of order (enforcement order) to any person violating this chapter, the rules adopted by the director to administer this chapter, and the conditions of any permits or approvals granted under this chapter by issuing a written notice of violation and notice of order pursuant to this section.
- (b) *Liability.* If the director determines that more than one person is ~~[liable]~~ responsible for a violation, the director may issue one enforcement ~~[notice]~~ order to all persons responsible ~~[persons]~~ for the violation or separate enforcement ~~[notices]~~ orders to ~~[persons or groups of persons]~~ each person that ~~[are]~~ is responsible for the violation. ~~[Each]~~ When the director issues one enforcement order to more than one person, each person identified in the enforcement order will be responsible for complying with the requirements of the order, provided that the persons named in the order will be jointly and severally liable for any civil fines imposed by the enforcement order. When the director chooses to issue separate enforcement orders to persons responsible for a violation, each person receiving an enforcement order will be independently liable for the full extent of the [violation and responsible for complying with the enforcement notice] civil fines imposed by the enforcement order issued to them.
- (c) *Service of enforcement notices issued by the director.*
- (1) The director may serve an enforcement ~~[notice]~~ order issued pursuant to this section by registered or certified mail, with return receipt requested, ~~[addressed to the last known address of each violator identified in the~~



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

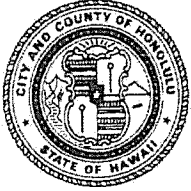
ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

~~enforcement action,~~] or by delivering a copy of the enforcement notice to the violator in person.

- (2) The director also may serve an enforcement ~~[notice]~~ order issued pursuant to this section by leaving a copy of the enforcement ~~[notice]~~ order with a person of suitable age and discretion at the violator's place of residence, or place of employment ~~[, or usual place of business, or by physically posting a copy of the enforcement notice in a prominent location on the property, in conspicuous manner that is likely to be discovered provided that due diligence was used in attempting to serve the person personally or by or certified mail].~~
- (3) If the director is not able to serve the enforcement ~~[notice]~~ order by any of the methods described in subdivisions (1) and (2), the director may serve the enforcement notice on ~~[one or more violators]~~ a violator by publishing a copy of the enforcement order once each week for two consecutive weeks in a daily or weekly publication that is in general circulation within the city or by posting a copy of the enforcement order in a conspicuous place on the property that is related to the enforcement order. Service under this paragraph will be effective as to all persons named in the enforcement order and effective upon posting, or, in the case of publication, upon the completion of the last publication required by this paragraph.
- (4) Where one or more violators identified in an enforcement notice have the same mailing address, place of residence, place of employment, or usual place of business, the delivery of one copy of the enforcement notice to that place ~~[shall]~~ will be effective service upon all violators named in the enforcement notice that may be served at the place the enforcement notice has been delivered.
- (d) *Contents of the notice of violation.* Whenever the director seeks enforcement pursuant to subsection (a), the director shall serve, pursuant to subsection (c), a notice of violation to the persons responsible for the violation. In addition to any other information or requirements deemed appropriate by the director, the notice of violation must include the following information:
- (1) ~~[Date]~~ The date of the notice of violation;
- (2) The name of the person noticed;



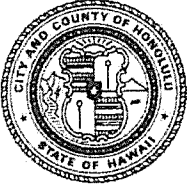
HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

- (3) The address or location of the violation;
 - (4) The specific ordinance, rule, or condition that has been violated;
 - (5) A concise description of the violation;
 - (6) A statement of the actions that are necessary to correct the violation;
 - (7) A requirement that the violator correct the violation by a specified date;
 - ~~[(8) A statement of the penalties that will be imposed if the violation is not corrected by the deadline for correction established pursuant to subdivision (6);] and~~
 - ~~[(9)]~~ (8) A requirement that the violator send a written notice to the director reporting the correction of the violation when the violator believes the violation has been corrected.
- (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, pursuant to subsection (c), a notice of order to the persons responsible for the violation imposing penalties for failure to correct [a] the 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;
 - (C) Appear before the Department at a specified date and time and show cause as to why the person should not be required to correct the violation or pay any fine specified in the order;



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

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

~~[(G)]~~ (D) 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)]~~ (E) 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 ~~[(G)]~~ (D), in the manner and at the time and place specified in the order.

- (3) Notwithstanding the civil fines specified in subdivision (2) ~~[(G)-and]~~ (D) and (E), 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), and (C), 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

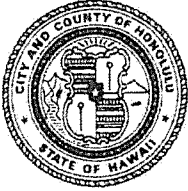
(B) Pay a civil fine not to exceed \$10,000 per day for each day in which the violation persists beyond the date specified in paragraph (A) in the manner and at the time and place specified in the order.

- (4) Notwithstanding the civil fines specified in subdivision (2) ~~[(G)-and]~~ (D) and (E), 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.

- (5) The order must advise the ~~[person]~~ persons responsible for the violation that the order will become final 30 days after ~~[the date of its mailing or delivery]~~ service. The order must also advise that the director's action may be appealed to the zoning board of appeals.



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

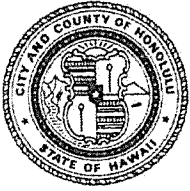
ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

- (f) *Effect of the notice of order—right to appeal.* The provisions of the notice of order issued by the director under this section will become final 30 days after the date ~~[of the mailing or delivery of]~~ the order is served on the persons responsible for the violation pursuant to subsection (c). The ~~[person]~~ persons responsible for the violation may appeal the notice of order to the zoning board of appeals as provided in Charter § 6-1 516 and § 21-1.40; provided that an appeal to the zoning board of appeals will not stay any provision of the notice of order other than the deadline to pay any fines imposed by the notice of order. The appeal must be received in writing on or before the date on which the order becomes final.
- (g) *Judicial enforcement of the notice of order.* The director may institute a civil action in any court of competent jurisdiction for the enforcement of any part of this chapter or any notice of violation or notice of order [issued pursuant to this section] served on the persons responsible for the violation pursuant to subsection (c). Where ~~[the]~~ a civil action has been instituted to enforce the requirement to pay any civil fine imposed by [said] a notice of order after the opportunity to appeal the notice of order has expired or been exhausted, the director need only show that the notice of violation and the notice of order were served in compliance with subsection (c), that a civil fine was imposed, the total amount of the civil fine imposed, and that the fine imposed has not been paid.
- (h) Notwithstanding any other provision to the contrary, in addition to daily civil fines, the director may impose a fine in an amount equal to the total sum received by the owner, operator, or proprietor of a bed and breakfast home or transient vacation unit from any impermissible rental activity during the period in which the owner, operator, or proprietor was subject to daily fines.
- (i) Nothing in this section ~~[shall preclude]~~ precludes the director from seeking any other remedy available by law."

SECTION 3. 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.



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

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

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