



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

ORDINANCE _____
BILL **33 (2025)**

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



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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;



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- (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



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- (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."



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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.



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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tony Wai

DATE OF INTRODUCTION:

MAR 27 2025

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

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purposes only and is not legislation or evidence of legislative intent.*