HONOLULU CITY COUNCIL

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

ORDINANCE _____

BILL 34 (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 -2.1 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~~

~~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;

(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;

[~~(C)~~] (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 [~~(C)~~] (D), 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) 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) [~~(C) 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.

(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 34 (2025)

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

(br)

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