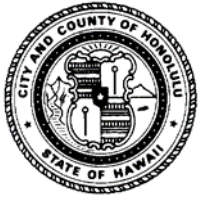


SUMMARY OF PROPOSED COMMITTEE DRAFT:
BILL 33 (2025), CD1
RELATING TO ADMINISTRATIVE ENFORCEMENT.

The PROPOSED CD2 makes the following amendments:

- A. In SECTION 2 of the bill, deletes ROH § 21-2.150-2(d)(6), which requires that the notice of violation include a statement of the actions that are necessary to correct the violation. Renumbers subsequent subdivisions in subsection (d).
- B. Adds a new SECTION 6 to the bill to amend ROH § 32-5.4 to make conforming amendments relating to references to ROH § 21-2.150-2(e)(2)(D) and 21-2.150-2(e)(2)(E). Renumbers subsequent bill SECTIONS.
- C. In renumbered SECTION 8 of the bill, which provides that the ordinance takes effect upon its approval, adds that the amendments made to ROH § 21-2.150-2(e) in SECTION 2 of the ordinance supersede the amendments made to ROH § 21-2.150-2(e) in SECTION 11 of Ordinance 25-2, which are effective on September 30, 2025.
- D. Makes miscellaneous technical and nonsubstantive amendments.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
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ORDINANCE _____

BILL **33 (2025), CD2**
PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO ADMINISTRATIVE ENFORCEMENT.

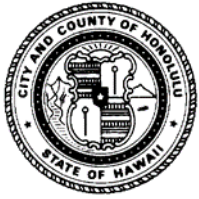
BE IT ORDAINED by the People of the City and County of Honolulu:

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]~~ issue a notice of violation or notice of order to any person violating this chapter, the rules adopted by the director to administer this chapter, [and] or 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 to all ~~[responsible]~~ persons responsible for the violation, or separate enforcement notices to ~~[persons or groups of persons that are]~~ each person responsible for the violation. ~~[Each person]~~ If the director issues one enforcement notice to more than one person responsible for a violation, each person identified in the enforcement notice is responsible for complying with the requirements of the enforcement notice, and will be jointly and severally liable for any fines imposed in a notice of order. If the director issues separate enforcement notices to more than one person responsible for a violation, each person receiving an enforcement notice is responsible for complying with the requirements of the enforcement notice, and will be independently liable for the full extent of [the violation and responsible for complying with the enforcement notice.] any fines imposed in a notice of order.
- (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,



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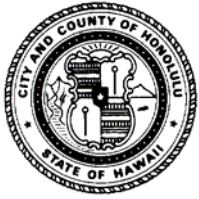
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BILL **33 (2025), CD2**

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~~[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 issued pursuant to this section by leaving a copy of the enforcement notice 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 that is the subject of the enforcement notice, in a 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~~. Service by the physical posting of a copy of the enforcement notice is effective as to all persons named in the enforcement notice upon posting.
- (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. Service by publication is effective as to all persons named in the enforcement notice upon the completion of the last publication required under this subdivision.
- (4) Where one or more violators identified in an enforcement notice have the same mailing address, place of residence, or place of employment, ~~[or usual place of business,]~~ the delivery of one copy of the enforcement notice to that place ~~[shall be]~~ is 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;



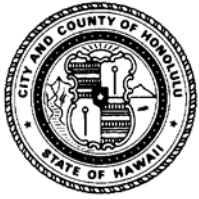
HONOLULU CITY COUNCIL
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A BILL FOR AN ORDINANCE

- (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)~~(6) A requirement that the violator correct the violation by a specified date; and
 - ~~[(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)~~(7) 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]~~ 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;



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(C) Appear before the department at a specified date and time to present evidence as to why the person should not be required to correct a violation or pay a fine specified in the notice of 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);]~~ (2)(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);]~~ (2)(A), (B), and (C), the order may require a person to do any or all of the following:

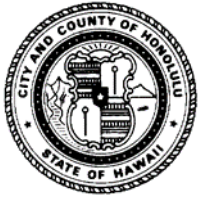
(A) Pay a civil fine not to exceed \$10,000 in the manner, at the place, and before the date specified in the order; and

(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);]~~ (2)(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);]~~ (2)(A), (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 \$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.



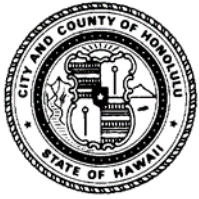
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A BILL FOR AN ORDINANCE

- (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.]~~ 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~~[-]~~, except for 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 order issued pursuant to this section. Where the]~~ this chapter or any notice of violation or notice of order served on the persons responsible for the violation pursuant to subsection (c). After the opportunity to appeal a notice of order has expired or been exhausted, if the director institutes a civil action ~~[has been instituted]~~ to enforce the requirement to pay a civil fine imposed by [said] a notice of order, the director need only show that the notice of violation and the notice of order were served~~[-that]~~ 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."



A BILL FOR AN ORDINANCE

SECTION 3. Section 21-2A.40, Revised Ordinances of Honolulu 2021, is amended to read as follows:

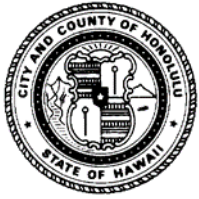
"§ 21-2A.40 Penalties.

If the director determines that a hosting platform is violating any provision of this article, notwithstanding the civil fines specified in [~~§§ 21-2.150-2(e)(2)(C) and 21-2.150-2(e)(2)(D);~~] § 21-2.150-2(e)(2)(D) and 21-2.150-2(e)(2)(E), the violator is subject to a civil fine of not less than \$1,000 and not more than \$10,000 for each day that the violation continues."

SECTION 4. Section 32-1.6, Revised Ordinances of Honolulu 2021 ("Violation—Penalty"), is amended by amending subsection (a) to read as follows:

(a) If the director of planning and permitting determines that the use of the affordable rental housing project is abandoned; or that an owner, or the heir, successor, or assign of the owner is violating Article 2, the violator will be subject to the administrative enforcement provisions of § 21-2.150-2; provided that in addition to the civil fines specified in [~~§§ 21-2.150-2(e)(2)(C) and 21-2.150-2(e)(2)(D);~~] § 21-2.150-2(e)(2)(D) and 21-2.150-2(e)(2)(E), the violator will be subject to penalties equal to the following amounts:

- (1) The differences in the amount of taxes that were paid and those that would have been due but for the exemption for affordable rental housing units pursuant to § 8-10.33(b)(4);
- (2) The differences in the amount of taxes that were paid and those that would have been due but for the exemption for qualifying construction work pursuant to § 8-10.34(a)(2);
- (3) The amount of wastewater system facility charges waived for affordable rental housing units pursuant to § 43-10.8(a)(4);
- (4) The amount of plan review and building permit fees waived for the affordable rental housing units pursuant to § 18-6.5(i); and
- (5) The value of the park dedication requirements waived for the affordable rental housing units pursuant to § 22-7.3(j)(4);



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together with a penalty in the form of interest at 10 percent per annum on the amounts imposed under subdivisions (1), (2), (3), (4), and (5), from the dates that the respective payments would have been due, but for the exemption or waiver."

SECTION 5. Section 32-4.4, Revised Ordinances of Honolulu 2021 ("Penalty"), is amended by amending subsection (b) to read as follows:

"(b) If the director of planning and permitting determines at any time that:

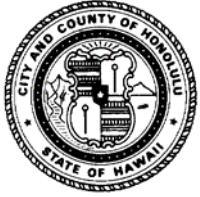
- (1) The affordable rental housing project fails to satisfy any of the requirements of this chapter; or
- (2) The use of the affordable rental housing project is abandoned prior to the expiration of the required affordability period;

the owner of the affordable rental housing project will be subject to the administrative enforcement provisions in § 21-2.150-2; provided that in addition to the civil fines specified in [~~§ 21-2.150-2(e)(2)(C) and § 21-2.150-2(e)(2)(D);~~] § 21-2.150-2(e)(2)(D) and 21-2.150-2(e)(2)(E), and the penalty amounts specified in § 32-1.6(a), the owner will be subject to a penalty equal to the total post-construction grant amount the owner received from the city, together with a penalty in the form of interest at 10 percent per annum, from the date the post-construction grant moneys were paid to the owner. Any post-construction grant amounts not yet paid will be forfeited."

SECTION 6. Section 32-5.4, Revised Ordinances of Honolulu 2021 ("Penalty"), as enacted by Ordinance 25-19, is amended by amending subsection (b) to read as follows:

"(b) If the director of planning and permitting determines at any time that:

- (1) The affordable rental housing project fails to satisfy any of the requirements of this chapter; or
- (2) The use of the affordable rental housing project is abandoned prior to the expiration of the required affordability period;



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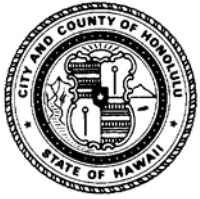
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the owner will be subject to the administrative enforcement provisions in § 21-2.150-2; provided that in addition to the civil fines specified in ~~[§ 21-2.150-2(e)(2)(C) and 21-2.150-2(e)(2)(D),]~~ § 21-2.150-2(e)(2)(D) and 21-2.150-2(e)(2)(E), and the penalty amounts specified in § 32-1.6(a), the owner will be subject to a penalty equal to the total pre-construction subsidy amount the owner received from the city, together with a penalty in the form of interest at 10 percent per annum, from the date the pre-construction subsidy moneys were paid to the owner. Any pre-construction subsidy amounts not yet paid will be forfeited."

SECTION 7. 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 8. This ordinance takes effect upon its approval; provided that the amendments made in SECTION 2 of this ordinance to § 21-2.150-2(e), Revised Ordinances of Honolulu 2021 ("ROH"), supersede the amendments made to ROH § 21-2.150-2(e) in SECTION 11 of Ordinance 25-2, which are effective on September 30, 2025.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

March 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; Department of Planning and Permitting ("DPP"); Service of Enforcement Notices; Notice of Order; Notice of Violation

Description:

Requires that if one enforcement notice is issued by the DPP Director to more than one person responsible for a violation, those persons are responsible for compliance and are jointly and severally liable for any fines imposed in a notice of order. Requires that if more than one enforcement notice is issued by the DPP Director to more than one person responsible for a violation, each person is responsible for compliance and any fines imposed by a notice of order. Provides, among other things, that service is effective as to all persons named in an enforcement notice issued by the DPP Director upon the completion of the last required publication of the enforcement notice in a daily or weekly publication that is in general circulation within the city; and by the physical posting of a copy of an enforcement notice in a prominent location on the property that is the subject of the enforcement notice. Deletes requirement that the notice of violation include a statement of the actions that are necessary to correct the violation. Updates the contents required in a notice of violation and notice of order. Provides that an appeal to the Zoning Board of Appeals does not stay any provision of the notice of order, except the deadline to pay any fines, and that the appeal must be received in writing on or before the date on which the order becomes final. Provides that amendments to § 21-2.150-2(e) supersede amendments made by Ordinance 25-2 to § 21-2.150-2(e).

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