

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

ORDINANCE **24-13**

BILL **52 (2023), CD1**

A BILL FOR AN ORDINANCE

RELATING TO LARGE DWELLINGS.

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

SECTION 1. The City Council finds that the proliferation of large detached dwellings in residential districts continues to be a problem for our communities, and the current penalty amounts imposed for Land Use Ordinance ("LUO") violations of up to a \$5,000 initial fine and up to \$5,000 per day for each day the violation persists, are a negligible cost of doing business for developers of large detached dwellings.

The Department of Planning and Permitting expends a considerable amount of time and incurs extensive costs to administratively enforce LUO violation provisions relating to large detached dwellings, including but not limited to audit functions, revocation of building permits, and defending building permit revocations before the Building Board of Appeals.

The purpose of this ordinance is to provide a more effective deterrent by increasing the penalty for persons that construct or convert a structure in violation of the LUO development standards and requirements for large detached dwellings.

SECTION 2. Section 21-2.150-2, Revised Ordinances of Honolulu 2021 ("Administrative enforcement"), is amended by amending subsection (e) to read as follows:

- "(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 a notice of order imposing penalties for failure to correct a 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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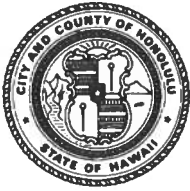
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- (C) Pay a civil fine not to exceed \$5,000 in the manner, at the place, and before the date specified in the order; and
 - (D) Pay a civil fine not to exceed \$5,000 per day for each day in which the violation persists beyond the date specified in 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
 - (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), 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.
- ~~[(4)]~~(5) The order must advise the person that the order will become final 30 days after the date of its mailing or delivery. The order must also advise that the director's action may be appealed to the zoning board of appeals."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance



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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.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 31, 2023
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
BRAD T. SAITO

APPROVED this 25th day of June, 2024.

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 52 (2023), CD1

Introduced: 08/31/23 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

Title: RELATING TO LARGE DWELLINGS.

Voting Legend: * = Aye w/Reservations

08/31/23	INTRO	Introduced.
09/06/23	CCL	Passed first reading. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
10/18/23	ZON	Extension of time reported out for adoption. CR-294 5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
11/01/23	CCL	Committee report adopted. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
01/10/24	ZON	Extension of time reported out for adoption. CR-11(24) 4 AYES: CORDERO, KIA'ĀINA, SAY, WEYER 1 ABSENT: DOS SANTOS-TAM
01/24/24	CCL	Committee report adopted. 8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS, WEYER 1 ABSENT: TUPOLA
05/01/24	ZON	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-129(24) 5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
05/01/24	ZON	Extension of time reported out for adoption. CR-129(24) 5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
05/03/24	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
05/15/24	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 8 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER 1 ABSENT: CORDERO
05/22/24	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.

05/22/24 ZON

Reported out for passage on third reading.

CR-173(24)

4 AYES: CORDERO, DOS SANTOS-TAM, SAY, WEYER

1 ABSENT: KIA'ĀINA

06/05/24 CCL

Committee report adopted and Bill passed third reading.

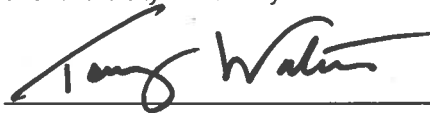
8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS,
WEYER

1 ABSENT: OKIMOTO

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER