



A BILL FOR AN ORDINANCE

RELATING TO THE HOUSING CODE.

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 Housing Code, ROH Chapter 27, to further protect the health, safety, and welfare of the general public.

SECTION 2. Section 27-2.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 27-2.1 Definitions.

For the purpose of this code, all terms, phrases, words and their derivatives have the meanings respectively ascribed to them in this article. Terms that are not defined in this article have the meanings ascribed to them in the building code or Chapter 21, as appropriate under the context in which such terms are used. Where terms are not defined by this article, the building code, or Chapter 21, they have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Building" means any structure, or portion thereof, which is used, or designed or intended to be used for lawful human habitation and includes any appurtenances belonging thereto or usually enjoyed therewith. The term includes, without limiting the generality of the foregoing, any structure mounted on wheels or otherwise, such as a trailer, wagon or powered vehicle which is parked and stationary and used for living purposes. The term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

"Building code" means the building code of the City and County of Honolulu, as amended.

"Building official" means the director of the department of planning and permitting, or the director's duly authorized representative or agent.

"Ceiling height" means the clear vertical distance from the finished floor to the finished ceiling.

"Chapter 21" means the Land Use Ordinance of the city.



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"Family" is as defined in Chapter 21.

"Hot water" means water at a temperature of not less than 110 degrees Fahrenheit.

"Human habitation" means the use or occupancy of a property or structure as a dwelling, place of residence, abode, hotel, or place of overnight accommodation. The presence of a kitchen, bathroom, personal hygienic products, toiletries, shower, personal mail, bed, couch or other domestic furnishings in a structure creates a rebuttable presumption that it is used for human habitation. However, the term does not apply to tents or temporary structures that are used for permitted camping activities.

"Kitchen" is as defined in Chapter 21.

"Nuisance" means any public or private nuisance as defined by this code located on property governed by this code.

"Nuisance in fact" means an otherwise lawful use or condition on property that unreasonably interferes with the quiet enjoyment of private property or the use of public property for its intended purposes.

"Person" means any natural person, corporation, limited liability company, partnership, limited partnership, registered business entity, trust, firm, joint venture, association, club, organization or other entity, and may include any officer, agent, servant, or employee thereof that is responsible for the use or condition of any property governed by this code.

"Private nuisance" means a nuisance in fact that does not affect the health, safety, or welfare of the general public.

"Property" means real property that is used or intended to be used for human habitation or residential purposes. The term also includes real property that is located within [thirty] 30 feet of real property that is used or intended to be used for human habitation or residential purposes, and includes all improvements on and appurtenances to real property governed by this code. Where appropriate, property also refers to personal property that is located on real property that is governed by this code.

"Public nuisance" means any unsafe or unsanitary use or condition on real property that harms or threatens to harm the health, safety, or welfare of the general public and includes, without limitation, the following uses and conditions:



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- (1) Any use or condition of real property that creates a fire hazard, as determined by the fire chief or the fire chief's duly authorized representative or agent pursuant to an enforcement order or declaratory ruling;
- (2) Any use or condition of real property that is determined to be detrimental to the public health, safety or welfare by the director of the state department of health, or the director's duly authorized representative or agent pursuant to an enforcement order or declaratory ruling;
- (3) Any structure that is determined to be a substandard building by the building official pursuant to an enforcement order or a declaratory ruling;
- (4) Uncultivated, flammable weeds in excess of 18 inches in height located within 30 feet of any building [in]:
 - (A) In the apartment, apartment mixed use, or residential zoning districts; or
 - (B) In a housing project developed in another zoning district pursuant to exemptions authorized by state law;
- (5) Items or materials that may impede, interfere with, or obstruct entry or exit points to a building or driveway;
- (6) Accumulations of leaves, needles, vines or other dead vegetation on the roof of any building;
- (7) Dead trees or deadwood overhanging the roof of any building;
- (8) Any substance, item, material, building, place or structure which emits or causes offensive, disagreeable or nauseous odor detectable from a public place;
- (9) Stagnant ponds or pools of water;
- (10) An infestation of insects, vermin or rodents found in the country, residential, apartment, or apartment mixed use zoning district, or in a housing project developed in another zoning district pursuant to exemptions authorized by state law;



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- (11) The human habitation of structures or vehicles that are not designed or intended for living, sleeping, cooking or dining;
- (12) The occupancy or habitation of a building in excess of permitted occupancy limits;
- (13) The storage of accumulated personal property covering 30 percent or more of any required yard unless fully enclosed in a lawful structure;
- (14) Abandoned, inoperable, or unused iceboxes or refrigerators unless the door, opening or lid thereof is closed and secured by a lock or restraint;
- (15) One or more junked vehicles, defined as an inoperable vehicle that is at least three years old and subject to extensive damages, including but not limited to: a broken or missing window, broken or missing wheels or tires, or broken or missing motor or transmission; and
- (16) Any building or structure which presents a reasonable risk of harm to its occupants or the public by reason of hazardous, dilapidated, or improper wiring, weather protection, plumbing or mechanical equipment, as defined by this code.

"Public place" means a place, structure, or area open and accessible to the general public and includes all city roads, courts, malls, and paved areas unless otherwise indicated by signage.

"Responsible person" or "responsible persons" means any property owner, tenant, or person with an interest in real property governed by this code and also includes all persons with an interest in or right to use or possess personal property governed by this code.

"Rooming house" means a lodging house.

"Service room" means any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms.

"Structure" means anything above existing grade constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having a fixed location on the ground. The term "structure" includes the term "building" as defined in this code.



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"Substandard building" means any building or portion thereof that is determined to be an unsafe building in accordance with the building code or that endangers the life, limb, health, property, safety or welfare of the public or its occupants due to one or more violations of this code.

"Superficial floor area" means the net floor area within the enclosing walls of a room in which the ceiling height is not less than five feet, excluding built-in equipment such as wardrobes, cabinets, kitchen units or fixtures.

"Used" means used or designed or intended to be used.

"Vent shaft" means a court used only to ventilate or light a water closet, bath, toilet, utility room or other service room.

"Window" means a fixed or operable glazed opening or a shuttered opening using transparent[,] or translucent materials.

"Yard" is as defined in Chapter 21."

SECTION 3. Ordinance material to be repealed is bracketed. New 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 bracketed material, or the underscoring.



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SECTION 4. This ordinance takes effect 30 days after its approval.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

AUG 8 2016

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu