

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 768-8041
DEPT. WEB SITE: www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



DAVID K. TANQUE
DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

April 15, 2009

The Honorable Ken Ito, Chair
and Members of the Committee on Water,
Land, & Ocean Resources
State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ito and Members:

**Subject: House Concurrent Resolution 204
and House Resolution 166
Related to City and County of Honolulu
to Increase Fines for Multiple Violations
of County Properties and Public Health
Ordinances**

The Department of Planning and Permitting appreciates the concerns reflected in proposed Resolution HCR 204 and House Resolution 166 regarding cases where owners of properties do not properly maintain the property creating a nuisance and/or health hazard. However, the Resolutions are unnecessary as the county already has ordinances in place to address these issues.

Specifically, within our enforcement ordinances, when the condition of a property is determined to be in violation of one or more of the City's codes, a Notice of Violation (NOV) is issued. The NOV affords the owner "due process" time to correct the violation. If corrective action is not completed during the time allowed, the NOV is referred for the issuance of a Notice of Order (NOO). As part of the NOO, civil fines are assessed. The civil fine includes an initial fine, assessed immediately, and daily fines, which are assessed until the date of correction. The civil fine schedule for violations ranges from \$50 to \$1,000. The amount of the fine assessed generally starts at the lower end of the schedule; however, these fines are increased if the violation is one or more of the following:

The Honorable Ken Ito, Chair
and Members of the Committee on Water,
Land, & Ocean Resources
State House of Representatives
Re: House Concurrent Resolution 204 and
House Resolution 166
April 15, 2009
Page 2

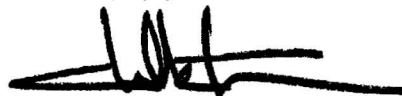
1) recurring; 2) egregious in nature; 3) a threat to health and safety; or 4) a source of financial gains for the violator.

In addition to County enforcement action against code violations of this nature, the State, Department of Health (DOH) also has an enforcement responsibility, which is exercised when property owners create a situation which is perceived as a threat to the health and safety. Enforcement against rodent vectors is an example of DOH enforcement.

Finally, regarding the reference in these Resolutions that there are 24 properties, owned by one individual, where the properties were allowed to become littered and overgrown with weeds, for most, if not all, of these properties, NOVs and NOOs, with civil fines, have been issued to the owner, which reinforces that the land use and housing codes are specific and the enforcement actions are direct and deliberate

Thank you for the opportunity to testify.

Sincerely yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT: jmf
hcr204-mft.doc

Mrs. Larry Doheny



April 10, 2009

RE: HR 166 and HCR 204

Dear Legislators:

A Japanese billionaire is trashing the residential neighborhood of Kahala. Please pass these resolutions that request the City and County of Honolulu to raise fines when an owner of several properties in one neighborhood amasses many citations.

Mahalo,

Mrs. Larry Doheny
Mrs. Larry Doheny
(Josh Doheny)

John and Lucinda Pyles
4721 Kahala Ave
Honolulu, HI 96816
732-6262, kahalalwp@aol.com

April 13, 2009

Water, Land and Ocean Resources Committee
Representative Ken Ito, Chair
Representative Sharon Har, Vice Chair
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ito, Vice Chair Har and Water, Land, Ocean Resource Committee members,

RE: Testimony in support of HR 166 and HCR 204 requesting the City and County of Honolulu to increase fines for multiple violations of county property and public health ordinances.

As a 35 year resident of Kahala and as a member of the Waialae-Kahala Neighborhood Board my husband and I, as well as others, are very upset and concerned over the lack of maintenance on some residential properties in our neighborhood. One individual has purchased over 24 properties on Kahala Avenue alone. Upon closing this person has ceased maintenance on almost all properties resulting in severe over growth, stagnant water features and multiple properties that are now a blight in the neighborhood. He has, in several instances, partially torn down walls leaving jagged rock and rebar exposed. In several cases swimming pools have been filled with yard debris and then a layer of top soil. Large limbs from trees and palm fronds have been left where they fell for more than a year. The mounds of rubbish are breeding grounds for rodents and fire hazards. The homes are unoccupied and falling into greater and greater disrepair creating an invitation to vagrants who neighbors report seeing entering properties. There have been several and repeated notices of various violations issued by the City, presently about 18 outstanding, but these apparently have little or no impact on the property owner. In the past, City inspectors say he has eventually responded only to ignore the property again and repeat the cycle. There are stories from realtors who say they have had sales fall out of escrow when adjacent property sold to Mr. Kawamoto. People like this should not have the ability to adversely impact a neighborhood and property values without the people having some effective recourse to protect and preserve their homes and community.

It should be incumbent on the City to assess sufficiently significant fines expeditiously to encourage property maintenance. Hopefully such fines would be less likely to be ignored by egregiously derelict property owners, who clearly have no disregard for their neighbors, community or the law.

We hope that you will support HR166 and HCR 204. Thank you for your consideration.

Yours truly,
John and Lucinda Pyles

Cc Rep. Barbara Marumoto, Rep. Lyla Berg and Councilmember Charles Djou
Enclosure: January 2009 list of C&C, DPP Notice of Violations and Pictures

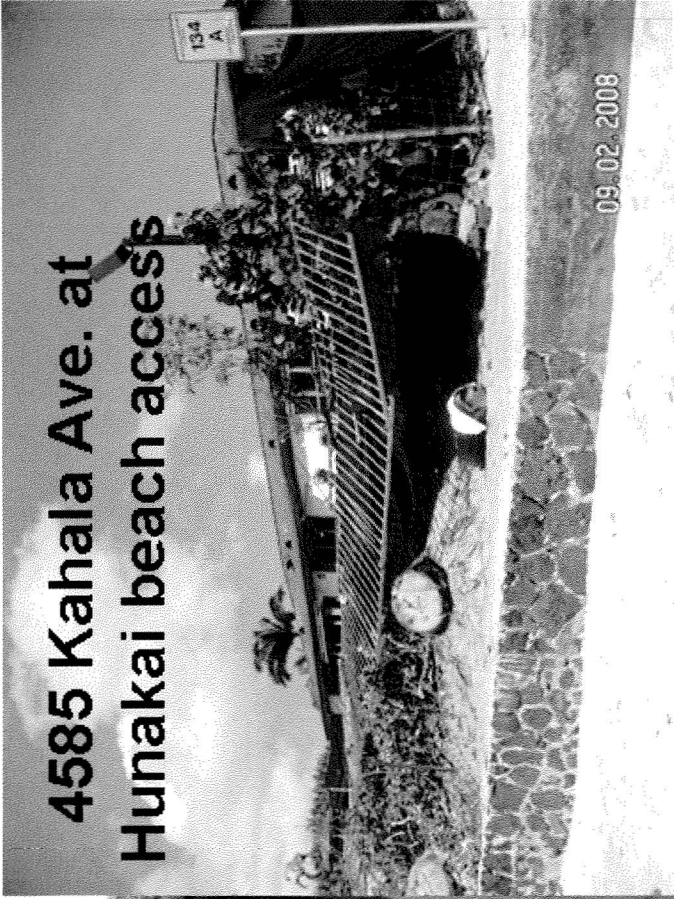
Enclosure: Lucinda Pyles testimony

KAWAMOTO KAHALA AVENUE PROPERTIES

January 2009, City and County of Honolulu, Dept. of Planning & Permitting
 Notice of Violations (NOV)

St #	Street	TMK	Comment	January 2009 DPP Inspection results
4332	Kahala Ave.	35 013 011	at Aukai	2009/NOV-01-050
4337	Kahala Ave.	35 002 039	* Hawaiian families house sitting	No Violation / Occpied Property
4398	Kahala Ave.	35 013 001	* Hawaiian families house sitting	No Violation / Occpied Property
4432	Kahala Ave.	35 003 019	pool filled in, rubbish	2009/NOV-01-050
4439	Kahala Ave.	35 003 007	rubbish, pool (?), next toWF Coastal vacant lots	2009/NOV-01-053
4465	Kahala Ave.	35 003 003	next to James' home	2009/NOO-007
4469	Kahala Ave.	35 003 002	next to Weiman home	2009/NOO-314
4578	Kahala Ave.	35 004 013	* Hawaiian families house sitting	No Violation / Occupied Property
4581	Kahala Ave.	35 004 001	fence, wall, rubbish, next to Hunakai access	2008/NOV-09-102&106, 2009/NOV-01-055
4607	Kahala Ave.	35 005 016	rubbish, deteriorating structure	2009/NOV-01_057
4631-33	Kahala Ave.	35 005 013		2008/NON-09-100 (Shoreline)
4633	Kahala Ave.	35 005 022	street side of 4631	No Violation
4635	Kahala Ave.	35 005 011	rubbish, next to C. Johnson	2009/NOV-01-054
4744	Kahala Ave.	35 007 010	weeds, rubbish	200-/NOV-01-017
4758	Kahala Ave.	35 007 009	weeds, rubbish	2009/NOV-01-019
4766	Kahala Ave.	35 005 016	rubbish (TENIR LLC)	2009/NOV-01-059
4767	Kahala Ave.	35 006 009	rubbish, pool	2009/NOV-01-063
4806	Kahala Ave.	35 007 007	pool debris w/ top soil, stagnant jacuzzi	Water Feature less than 18 inches
4823	Kahala Ave.	35 059 008	vacant	Second Tier Vacant Lot
4834	Kahala Ave.	35 007 003		No Violation
4837	Kahala Ave.	35 059 006	construction	2009/NOV-01-058
4845	Kahala Ave.	35 059 028		2009/NOV-01-060
4851	Kahala Ave.	34 059 026		2009/NOV-01-061

**4585 Kahala Ave. at
Hunakai beach access**

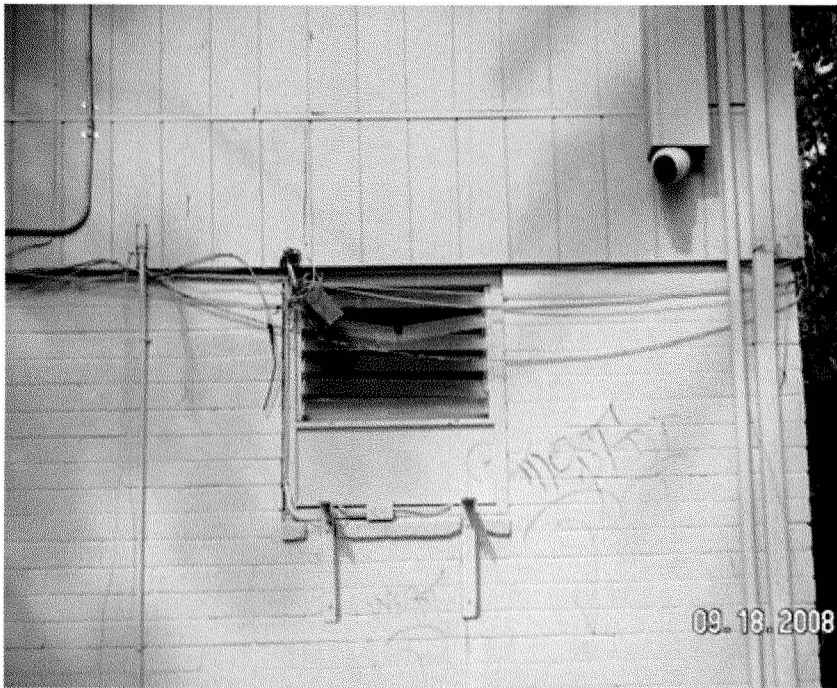




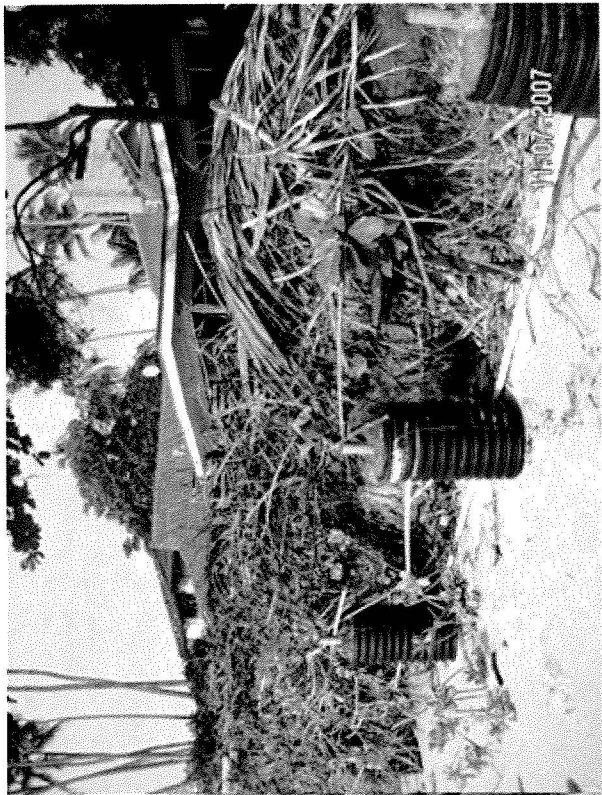
**4585 Kahala Ave at
Hunakai beach
access.**

**Pool citations
issued.**



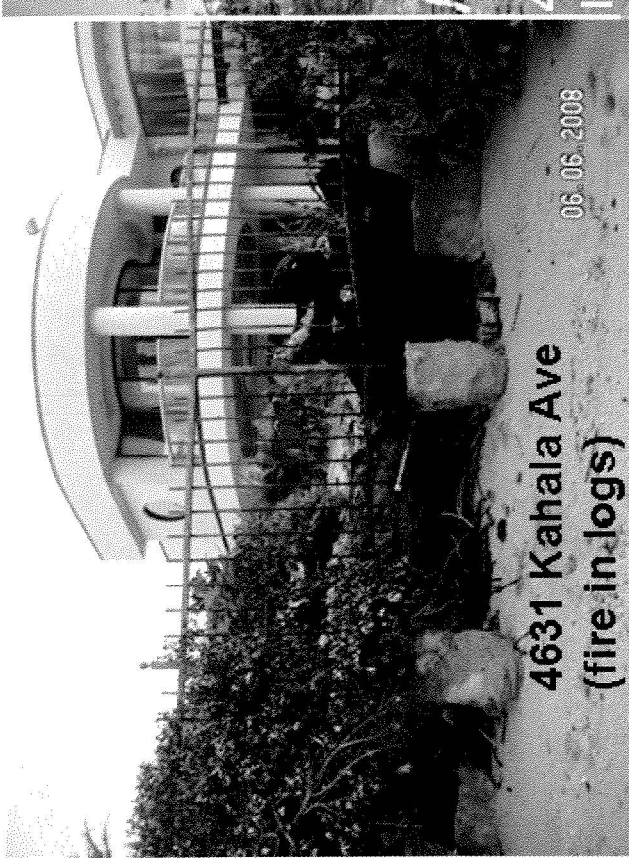


**4607 Kahala Ave. at Hunakai beach access.
Broken windows, rubbish, disrepair, graffiti
on walls.**



4607 Kahala Ave at Hunakai access





4631 Kahala Ave
(fire in logs)



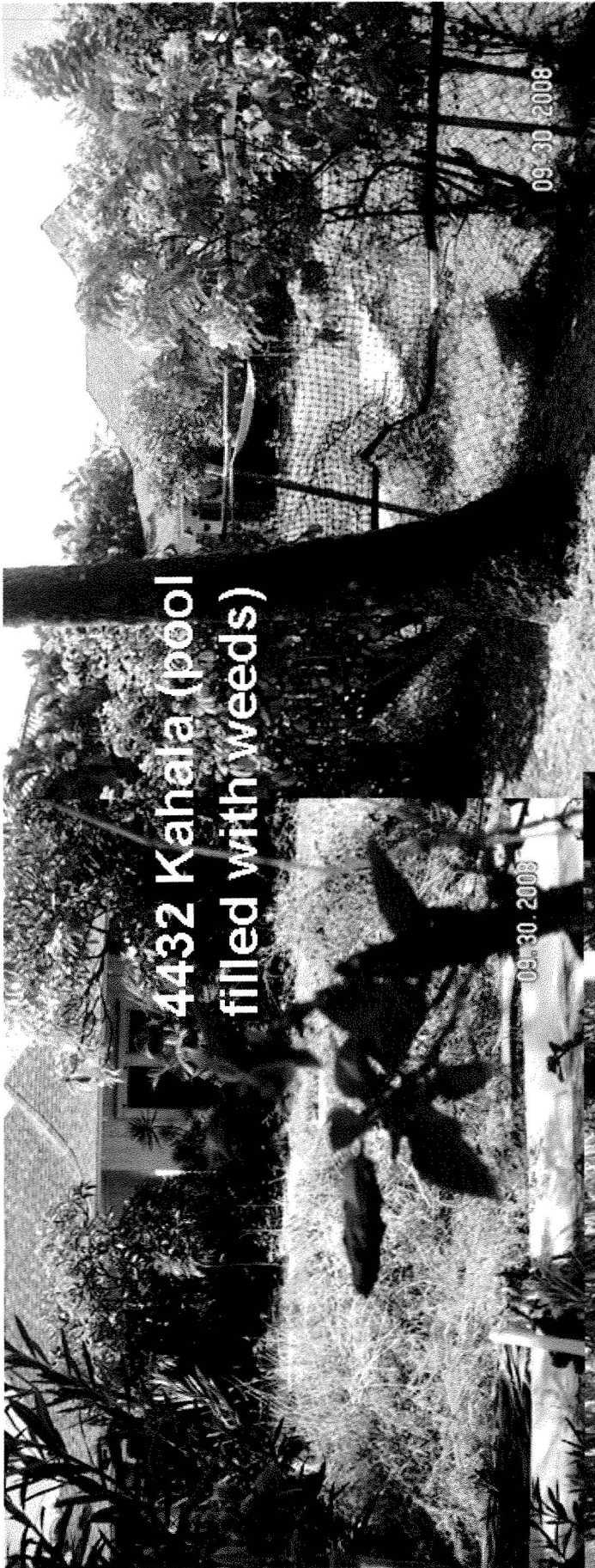
Logs a drift up and down beach.



4837 Kahala Ave. (St. front
left like this indefinitely)



4766 Kahala



**4432 Kahala (pool
filled with weeds)**

09.30.2008

09.30.2008



**4439 Kahala piles of
rubbish left indefinitely**

09.30.2008

09.30.2008



**4332
Kahala
at
Aukaj**

09.30.2008



**4439 Kahala
Rubbish left
more than a
month**

09.30.2008



4465 Kahala

09.30.2008



09.30.2008



4631 Kahala Ave

