

Certification and Licensure Requirements for Lodging and Tenement Facilities in Hawaii

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Report No. 10, 1992

Legislative Reference Bureau
State Capitol
Honolulu, Hawaii

FOREWORD

This report on the certification and licensure requirements for lodging and tenement facilities in Hawaii is submitted pursuant to House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, adopted during the Regular Session of 1992.

The Bureau wishes to thank the many individuals who contributed their time and assistance toward the development of this report. In particular, the Bureau would like to express its gratitude to Robert K. Wales, Licensing Investigator, Division of Motor Vehicles and Licensing, Department of Finance, City and County of Honolulu; and Gary Hirokane, Housing Sanitarian, Sanitation Branch, State Department of Health.

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December 1992

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Chapter 1

INTRODUCTION

House Resolution No. 338

House Resolution No. 338 (See Appendix A), and Senate Resolution No. 117, S.D. 1, were adopted by the House of Representatives and the Senate respectively during the 1992 Regular Session of the Legislature.¹ The Resolutions request the Legislative Reference Bureau to consult with the state Department of Health, the state Department of Human Services, and the Mayors of each county to address the "administrative concerns and inequities which have arisen" as a result of the State's licensure requirements for residential facilities providing "rentals for three or more unrelated people". The Resolutions cite Chapter 445, Hawaii Revised Statutes, which requires the counties and certain state agencies to regulate and carry out the licensure of various businesses and occupations, including rental businesses engaged in the operation of "lodging or tenement houses, group homes, group residences, group living arrangements, and rooming houses". As noted in the Resolutions, any dwelling containing nine rooming units or less in which space is let to three or more unrelated people falls under the regulatory scope of the law. The Resolutions recite an array of problems and concerns experienced by the owners and operators of these facilities as a result of the requirements of the law.

Discussion of the Issue

Although they appear to be permanent fixtures in the landscape of many cities of the nation, facilities that provide accommodations to groups of unrelated people are among the most difficult residential uses to regulate and classify. Tenement houses, lodgings, dormitories, communal households, group homes, half-way houses, and group residences are some of the terms used to describe the diverse array of residential uses that enable groups of unrelated individuals to reside voluntarily in shared households. Equally diverse and difficult to categorize are the clientele generally drawn to live in households comprised of unrelated individuals. Students attending college, transient vacationers, recovering substance abusers, religious groups, ailing or elderly individuals, and individuals subsisting on limited incomes represent a cross section of individuals often choosing or compelled to live in these facilities.

Often perceived in small towns and neighborhoods as symptoms as well as causes of urban decay, dwellings designed for nontraditional households invariably incite controversy among community members faced with the problem of balancing the desire to maintain neighborhood uniformity and the need to provide housing. Housing codes, zoning ordinances, health and safety standards, licensure requirements, and density restrictions directly reflect the issues confronted and the role assumed by state and local jurisdictions in the management and control of these uses. The fundamental question raised time and again

in many areas of the country is whether the regulatory standards enacted by state and local jurisdictions are unfair and excessive, and whether these facilities deserve the same freedom from regulatory oversight enjoyed by dwellings occupied by traditional families. House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, raise these and other questions in the context of the programs administered by the counties and the state Department of Health in the State of Hawaii.

Defining the Problem

In order to develop a clear understanding of the concerns expressed in the Resolution, it is extremely important that the basic issues discussed in H.R. No. 338 and S.R. No. 117, S.D. 1, be identified at the outset of this undertaking. The Resolutions raise these concerns in the form of claims and assertions that the law, as currently written and administered, is unclear, causes confusion and unfairness, and is excessively broad in scope. Taken directly out of the text of both Resolutions, the following points of concern will serve as the basis for defining the problem and guiding the focus of this report. These points include:

- (1) The claim that "the original purpose of Chapter 445 was to regulate group homes, halfway houses, and other similar arrangements--not regulate residential real estate rentals";
- (2) The claim that "although not the intent of its enactment, Chapter 445 also regulates long-term rentals";
- (3) The claim that the law "has become a burden on singles who are forced to live in lodgings that do not meet the standards required by Chapter 445, i.e., areas that are not serviced by wastewater systems approved by the Department of Health";
- (4) The claim that "families may rent a lodging despite not meeting the standards required by Chapter 445";
- (5) The claim that the law conflicts with state and federal fair housing laws and creates a dilemma for landlords based on the understanding that "both the state and Federal Fair Housing Standards forbid a landlord from questioning the familial status of prospective renters";
- (6) The claim that the law is unfair because it authorizes state and county agents and the police to enter and inspect a licensed lodging at any time; and
- (7) The claim that the law causes confusion with respect to "how the operation of adult residential care home facilities and group lodgings for 3 or more unrelated

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persons are distinguished from the other in terms of operations as residential real estate rentals".

Clarifying Terms

Although the term "residential real estate rental" is neither used nor defined under Chapter 445, Hawaii Revised Statutes, the Resolutions are clearly aimed at addressing the problems purportedly experienced by the owners and operators of these facilities. In light of its usage in the Resolutions, and in view of the contrasts made to other residential uses which facilitate group living or provide assorted health-related services (i.e., half-way houses, adult residential care homes, etc.), it can be surmised that the term "residential real estate rentals" refers to private homes that offer rental space to three or more unrelated tenants, generally on a long-term basis.

Indeed, state and county agents agree that although "residential real estate rentals" are not recognized separately under the law, private homes that admit three or more unrelated renters are the most prevalent type of group living arrangement subject to licensure under the law. The Resolutions imply that the regulatory impediments placed on the owners of these rentals are unfair, cause discrimination and confusion, and interfere with the housing market's ability to provide affordable rental housing. The implication is that "residential real estate rentals" do not present the problems typically associated with facilities such as "halfway houses", and should, therefore, be exempt from the requirements of the law.

Defining The Focus of the Study

As directed, the state agencies and county jurisdictions identified in H.R. No. 338 and S.R. No. 117, S.D. 1, were notified, in writing, of the passage of the Resolution and their involvement in the study. Prompt responses from the Department of Health, the Department of Human Services, the City and County of Honolulu, and the County of Kauai were received.² Replies from the counties of Maui and Hawaii were not received by the Bureau.

Preliminary meetings with the respondents identified above resulted in the development of a clearer focus for the study. As noted earlier, the State's licensure requirements for lodging and tenement facilities apply equally to the four counties of the State. According to several agencies, however, the problems and issues discussed in the Resolutions appear to allude directly to concerns encountered by state and county agents in the course of licensing and inspecting certain lodging facilities on the island of Oahu. In addition, because the regulatory methods of the four counties appear to vary markedly from one jurisdiction to the next, a determination was made to place a greater emphasis on reviewing the program, data, and licensing methods of the City and County of Honolulu.

Report Overview

This report has been divided into six chapters. Chapter 2 provides an historical analysis of Part III, Chapter 445, Hawaii Revised Statutes, which relates to the certification and licensure of lodging and tenement facilities in Hawaii. Chapter 3 reviews the certification and licensure programs of the state Department of Health and the City and County of Honolulu. Chapter 4 reviews the fair housing laws of the State and the federal government. Chapter 5 reviews several landmark cases dealing with the validity of laws that limit the number of unrelated people permitted to reside in a single household. Chapter 6 presents the findings and the conclusion of the report.

ENDNOTES

1. The Resolutions are virtually identical to each other.
2. After consulting with an agent of the Department of Human Services, it was determined that the agency's involvement in the matter of licensing lodging and tenement facilities under Chapter 445, Hawaii Revised Statutes, was extremely limited. Although the department is mandated to investigate reports of unfair or deceptive acts committed by rooming house operators against their tenants (i.e., confiscating a tenant's food stamps or refusing to refund a tenant's deposit), the duty to certify, license, and monitor the compliance of tenement houses under section 445-95, is placed directly upon the counties and the Department of Health. Because the Resolution seeks to resolve questions pertaining to the regulatory aspects of lodging and tenement facilities rather than issues concerning the rights of tenants, the Department of Human Service's involvement in the report was determined to be unnecessary.

Chapter 2

LEGISLATIVE HISTORY OF CHAPTER 445 HAWAII REVISED STATUTES

Introduction

As noted in Chapter 1 of this report, House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, make various claims and assertions with respect to the original intent, purpose, and scope of Chapter 445, Hawaii Revised Statutes. Primarily, the Resolutions claim that "the original purpose of Chapter 445 was to regulate group homes, halfway houses, and other similar arrangements--not regulate residential real estate rentals". In addition, the Resolutions imply that the scope of law, as enacted, was also limited to rental facilities providing tenant accommodations on a short-term basis. The Resolutions claim that "although not the intent of its enactment, Chapter 445 also regulates long-term rentals".

The Resolutions also raise questions over the propriety of section 445-95(5), the provision in the law that permits the police and authorized agents to inspect the premises of a licensed facility at any time. The Resolutions imply that because section 445-95(5) is targeted exclusively at licensed facilities containing three or more unrelated people, the provision may be unfair.

The implication that the Chapter 445 inadvertently allows the State and the counties to certify, license, and inspect residential dwellings beyond the actual contemplation of the Legislature, compels an examination of the statute and its legislative history. This chapter will review the history of the Chapter 445 by highlighting the important enactments relative to the certification and licensure of lodging and tenement facilities.

Legislative History of Chapter 445, Hawaii Revised Statutes

Chapter III, An Act to Provide for the Sanitary Condition of Dwelling Houses, Kingdom of Hawaii, Laws of 1880

The first law to regulate the operation of dwelling houses for "lodgers or contract laborers" was passed by the Legislative Assembly of the Hawaiian Islands during its 1880 Session and was approved by King Kalaukaua on August 9, 1880.¹ The purpose of the enactment was clearly enumerated in its introductory clause:

WHEREAS, on account of the over-crowding of persons in certain localities, it is expedient to provide for the sanitary condition of dwelling-houses and their surroundings, therefore...

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The 1880 law required every house or tenement used as a dwelling for "lodgers or contract laborers" to be kept in "good repair" by its owner.² The law also required all areas adjacent to each dwelling to be maintained in a sanitary condition. Additionally, each lodging was required to include a "closet or privy" for "every six adults".³

Although formal procedures for the licensure of lodging facilities were not established, the law required the owners and keepers of dwelling-houses and lodgings to "give free access to such house or any part thereof to the Board of Health or its agents" whenever requested.⁴ To ensure compliance, the law required any owner or keeper found guilty of keeping a "dwelling-house, stream, or thoroughfare in so filthy a state as to be a nuisance or injurious to health" to be punished by a fine of not more than three dollars or sentenced to hard labor for a term of not more than thirty days.⁵

Chapter XXXVII, An Act to Regulate the Licensing of Lodging and Tenement Houses in the District of Kona, Island of Oahu, Laws of 1890

Not until the enactment of Chapter 37 of the Laws of 1890, were formal procedures for the issuance of licenses established.⁶ The effect of the law, however, appears to have been limited to lodgings and tenement houses located in the "District of Kona" on the island of Oahu.⁷ The law authorized the "Minister of Interior" to issue an annually renewable license to any person at a fee of two dollars, provided that the person possessed a certificate issued by the Board of Health attesting to the sanitary condition of the premises.⁸

In addition to reiterating the requirements for sanitation under the 1880 enactment, several new conditions for licensure were established under the law. The new conditions included prohibitions against excessive noise and permitting the entrance of prostitutes on the premises.⁹ The law also authorized "Officers of the Police" along with "Agents of the Board of Health" to "have free access" to enter any lodging or tenement house to inspect its premises for compliance with the law.¹⁰ The maximum penalty for the operating an unlicensed boarding house was set at \$50 or imprisonment for not more than 30 days.¹¹

Act 64, An Act to Amend, Add to and Consolidate the Laws Relating to Certain Licenses, Laws of the Republic of Hawaii 1896

In 1896, Sanford Dole, President of the Republic of Hawaii, approved the enactment of several significant amendments to the lodging and tenement houses law.¹² Among the most significant revisions the elimination of the geographical reference limiting the scope of the licensure requirement to "the Kona District of the Island of Oahu".¹³ Apparently, the Legislature, as well as the Administration, perceived the need to enforce the law equally throughout the entire Republic.

A second important amendment to the law was the addition of a new section which exempted "private families" from the requirements of the law.¹⁴

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Section 73. Nothing in this Act contained shall be construed to prevent a private family from incidentally taking not more than three boarders or lodgers without taking out a license hereunder.

Clearly, the new section was added to exempt "private families" taking in less than four tenants from the requirements of the law. Other new provisions under the 1896 enactment included: a prohibition against "gaming" on the premises of any facility; a prohibition against the sale of intoxicating liquor in any facility; and new requirements and license fees for the operation of hotels and restaurants.¹⁵

Act 38, An Act Relating to Certain Licenses, Laws of the Republic of Hawaii 1898

Two significant amendments to the lodging and tenement facilities law were enacted during the legislative session of 1898.¹⁶ The first amendment involved the inclusion of an additional executive agency in the review and approval process for licenses. Essentially, the new amendment authorized the "Executive Council" to approve or deny any applicant's request for a license on the basis of whether or not the council found that the facility would be suitable in the area identified by the applicant.¹⁷

The second amendment pertained to the 1896 exemption established for private families operating rental facilities. The amendment increased, from three to seven, the number of boarders permissible in private unlicensed dwellings.¹⁸

Chapter 121, Revised Laws of Hawaii 1915

By 1915, all references to the Executive Council and its power to restrict the issuance of licenses appear to have been deleted from the law.¹⁹ No other administrative agency under the new Territory was assigned similar powers or duties.

One significant change that appeared under the 1915 law is the reassignment of the duty to issue licenses from the Minister of the Interior to the "treasurer of any county or city and county of the Territory of Hawaii".²⁰ While the duty of issuing licenses was transferred to the counties, the Board of Health maintained its responsibility to inspect all "housing proposed to be used for such purposes".²¹ The law required the Board to present the county treasurer "a certificate setting forth that an agent of the board has examined the house".²²

Although the law appears to have been recodified with each republication of the laws of the Territory and the State between 1915 and 1968, no significant changes with respect to the basic requirements of the law appear to have been enacted. In 1968, the provisions of the law relating to lodgings, tenement houses, hotels, boardinghouses, and restaurants were codified as sections 445-91 to 445-97, Hawaii Revised Statutes.²³

Act 149, Session Laws of Hawaii 1986

In 1986, H.B. No. 1829 was passed by the Legislature and approved by the Governor as Act 149, Session Laws of Hawaii 1986, incorporating several important changes into Chapter 445, Hawaii Revised Statutes.²⁴ According to the proponents of the 1986 measure, the changes proposed in the bill were needed to address the problems emerging as a result of the unregulated operation of boarding-style rentals in many neighborhoods of the State. Concern was expressed with regard to rentals exempt under section 445-97, Hawaii Revised Statutes.²⁵

To address the concerns expressed, H.B. No. 1829 proposed the enactment of a new section containing the definitions of various terms used frequently in the chapter. Included in the new section was the definition of the term "lodging or tenement house":²⁶

"Lodging or tenement house" means any building or portion thereof containing no more than nine rooming units, in which space is let by the owner or operator to three or more unrelated persons.

In addition to proposing the section containing the new definitions, the bill also sought to repeal section 445-97, which exempted private families taking in not more than seven boarders from the requirements of the law.

Testimony presented to the Senate Committee on Government Operations by the Department of Health explained that the purpose of the measure was to require housing facilities with "three or more unrelated adult boarders to be licensed by the county in which they functioned".²⁷ The Department further testified that the licensure requirement would "assure communities that such facilities will be run in an orderly manner consistent with basic health and community standards".²⁸

Reiterating some of the statements made by the Department of Health in its testimony, the Senate Committee on Government Operations explained that the purpose of the bill was to "strengthen and clarify the laws regulating lodging or tenement houses, hotels, boardinghouses, and restaurants."²⁹ According to the committee report, the law failed to fully address those "lodging or tenement houses that operate in violation of certain health regulations." The committee report outlined the problem as follows:³⁰

First, Chapter 445 does not define 'lodging or tenement houses', and second, Section 445-97 exempts houses owned by a private family taking in seven boarders or less from the licensure requirements under Chapter 445. Therefore, it appears that under certain conditions, some lodging or tenement houses are outside of the regulatory jurisdictions of the DOH (Department of Health) or the appropriate county licensing agency as provided under Chapter

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445. This bill resolves this problem by repealing the exemption for private homes provided under Section 445-97.

Upon its enactment, Act 149, Session Laws of Hawaii 1986, introduced two new regulatory concepts to the law: the concept of regulating living arrangements on the basis of the familial relationship between tenants; and the concept of categorizing dwellings on the basis of the number of rooming units they contained.

Act 333, Session Laws of Hawaii 1987

In 1987, the state Administration introduced a measure to define more clearly the types of facilities which would require county licensure. According to the state Department of Health the bill would provide the counties and the State leverage for some control over lodging and tenement facilities. The measure serving as the vehicle for the changes proposed in 1987 was S.B. No. 1729.

As the agency in charge of inspecting and certifying lodgings and tenement facilities at the state level, the state Department of Health presented testimony in support of the bill to the various committees in charge of reviewing the bill. In its testimony before the Senate Committee on Health the Department expressed its concern over the situation:³¹

Landlords frequently rent their property to unrelated individuals. Some of these individuals have not the self-discipline nor life-style compatible with a tranquil and secure neighborhood. In certain instances they have, by their rowdy and disruptive behavior, caused disturbance of the peace.

Testimony in support of the bill was also presented by the City and County of Honolulu.³² The City and County recommended an assortment of technical amendments to further clarify the intent of the bill.

Testimony from the John Howard Association of Hawaii and several other service organizations, however, expressed several specific concerns with respect to the bill.³³ The reservations expressed by these organizations generally dealt with the effect of the law on facilities that provided health care, homeless assistance, or convalescent services. The John Howard Association opposed the idea of broadly defining the types of facilities subject to licensure under the law. The Association suggested that:³⁴

Rather than confining the licensing control to the situation as a problem, the statute as amended would appear to burden homeowners, the counties, and the Department of Health with licensing all situations where a dwelling is rented to three or more unrelated persons, including private homes rented to college students or working adults and to residential treatment facilities already

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monitored by State and/or local government. We recommend narrowing of this extremely broad language defining group living that requires licensing.

The Association recommended that appropriate language be added to the bill to exempt facilities that were already adequately monitored--such as the residential facilities operated under the Association's "Liliha House program" through contracts with the state corrections program and the federal Bureau of Prisons.³⁵

Following the passage of the measure by the House of Representatives, S.B. No. 1729, as amended, was reported to a Committee on Conference. The conference committee report clearly enumerated the intent and purpose of the bill:³⁶

The purpose of this bill is to control the rental of private residences to groups of unsupervised or unrelated individuals by more clearly defining the types of facilities that require county licensure.

Although various technical changes were negotiated by the Committee during conference proceedings, the purpose of the final draft of the bill remained unaltered. Senate Bill No. 1729, S.D. 1, H.D. 2, C.D. 1, was enacted as Act 333, Session Laws of Hawaii, 1987.

To further clarify the law and reinforce the powers of the counties, Act 333 added three new sections to Chapter 46, (powers and duties of the counties), Hawaii Revised Statutes. The new sections under Chapter 46 included provisions to: define new terms,³⁷ require cooperation between state departments,³⁸ and authorize the counties to conduct group home inspections without warrants under certain conditions.³⁹

Concern over the effect of group living arrangements on the security of neighborhoods prompted the introduction of the amendments which reinforced the power of the counties to inspect lodging and tenement facilities. Upon recommending passage of the bill, the Senate Committee on Health reported that:⁴⁰

Landlords frequently rent their property to unrelated individuals. Some of these individuals do not have the self-discipline nor life-style compatible with a tranquil and secure neighborhood. In certain instances they have caused great disturbances of the peace, but by the time police respond the evidence has dissipated, or else the police are constrained by civil rights concerns.

The House Committee on Housing and Community Development justified including even more stringent provisions into the bill by reporting that:⁴¹

Your Committee finds that currently the counties can inspect such facilities for building code violations, but are not empowered to investigate other types of complaints. As a result there is a lack of control over the operations of these facilities once a license has been issued. To address such concerns and to further strengthen the county's inspection powers, your Committee has amended the bill as follows:

- (1) Authorized the counties to inspect lodging or tenement houses, group homes, group residences, group living arrangements, hotels, boardinghouses, and restaurants to ensure that these facilities are properly licensed and in compliance with the conditions specified in their county licenses by providing that: (1) a county may conduct an administrative inspection of a facility with a warrant issued by a judge upon a showing of probable cause that a person is operating without a license or the conditions of a license has been violated, or (2) a county may inspect a facility without a warrant under certain conditions, including consent by the facility owner, operator, or agent or in situations presenting imminent danger to health or safety;...

The amendments to Part III of Chapter 445 under Act 333 included amendments that: expanded the types of group living facilities subject to licensure,⁴² clarified the requirements for certification,⁴³ and expanded the penalties for obstructing inspections.⁴⁴ The final amendments also included a provision to exempt facilities owned or operated by a government or non-profit agency from the requirements of the law.⁴⁵

Act 313, Session Laws of Hawaii 1988

While it is generally accurate to suggest that the focus of Part III of Chapter 445 and most of the amendments enacted prior to 1988 centered on controlling the influence group living facilities may impose upon their surrounding environment, the amendments of 1988 were aimed specifically at establishing a new regulatory responsibility for the State.⁴⁶ In an effort to curb the exploitation of elderly and disabled rooming house tenants by unscrupulous group home operators, Act 313, Session Laws of Hawaii 1988, empowered the Department of Human Services to examine and investigate the affairs of any person or organization engaged in the rooming house business. Act 313 details the purpose of the law as follows:⁴⁷

The legislature finds that the rooming house population of this State is largely composed of elderly or disabled persons, many of whom are recipients of public assistance. Their physical or mental disabilities, coupled with their economic status, renders them particularly susceptible to exploitation. The purpose of

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this Act is to regulate trade practices in the rooming house business, and to prohibit those practices which the legislature finds to be unfair, deceptive, or contrary to public policy.

Act 313 expanded the types of facilities subject to the requirements of the law by including the term "rooming house" among those identified on the list.⁴⁸ The Act also added several new sections under Chapter 445 with respect to: the definition and prohibition of unfair or deceptive acts,⁴⁹ the powers of the Director of Human Services,⁵⁰ suits by individuals and the State,⁵¹ and the penalties for unfair and deceptive practices.⁵²

The Regular Session of 1991

Although the legislative session of 1991 resulted in no further amendments to Chapter 445, a legal opinion rendered by the state Attorney General in March of 1991 led to the release of a determination directly relevant to an important concern expressed in H.R. No. 338 and S.R. No. 117, S.D. 1. In response to a legislative request submitted on behalf of the owner of a lodging facility licensed under the City and County of Honolulu, the State Attorney General issued a legal opinion (See Appendix B) on the constitutionality of section 445-95(5)-the section of the law which authorizes the police and agents of the State and the counties to inspect the premises of any licensed facility at any time. According to the facts stated in the opinion, the owner of the facility apparently viewed inspections of this nature to be an invasion of the owner's privacy.⁵³

In determining that section 445-95(5) is not unconstitutional, the Attorney General noted that living arrangements such as lodging and tenement facilities are generally regulated under a State's police powers and that, out of necessity, this type of regulation often "interferes to some extent" with private rights.⁵⁴ However, the memorandum addresses the issue of intrusion by citing a ruling affirming the lawful exercise of police power on the premise that the authority is necessary in order to "protect the personal and property rights of others, and advance the best interests of society."⁵⁵ The memorandum notes that although the validity of section 445-95(5) has never been tested in the courts of the State, "cases from other jurisdictions establish that the licensing, regulation, and inspection of boarding, lodging, and tenement houses are valid, constitutional exercises of the state's police power because they bear a reasonable relation to the important purpose of protecting the health of occupants."⁵⁶ The Attorney General concluded that the powers exercised under section 445-95(5) are "reasonable and have a real and substantial relation to protecting the health and safety of guests", and are therefore valid exercises of police power.⁵⁷

The Regular Session of 1992

During the Regular Session of 1992, several bills focused on increasing the number of unrelated tenants permissible in unlicensed lodging facilities or exempting private residences from the law were introduced and reviewed in public hearings. House Resolution No. 338 and

Senate Resolution No. 117, S.D. 1, which call for this study, appear to be the direct result of public hearings held on these bills.

H.B. No. 2849 in particular seems to have generated controversy in a hearing held by the House Committee on Intergovernmental Relations. In effect, the bill proposed to increase the number of unrelated boarders permissible in unlicensed facilities operated by private families from three to seven. The bill proposed to add a new section to Part III of Chapter 445--the same section that was repealed by the Legislature in 1986. The proposed section read as follows:⁵⁸

§445- Private boarders and lodgers, exemption. Nothing in this chapter shall prevent a private family from taking in not more than seven boarders or lodgers without obtaining a license as required under this part.

H.B. No. 2849 was referred to the House Committee on Intergovernmental Relations and International Affairs and was reviewed by the committee during a public hearing held on February 6, 1992. Testimony in opposition to the measure was presented by the state Department of Health. The Department noted that the bill would essentially reverse the action taken by the Legislature in 1986. The Department testified that:⁵⁹

We believe that homes with more than three unrelated adult boarders or lodgers should be subject to County standards of sanitation, building codes and behavior standards of the neighborhood, as well as the unfair practices act. To not require this until seven unrelated adults are living together may cause unnecessary problems. Because of this, and the repeal of a similar provision in 1986, we recommend that H.B. No. 2849 not be adopted.

Committee records show that testimony was also presented by Vacation Inns International, Inc. of Oahu's North Shore.⁶⁰ The testimony discussed several issues such as the possibility that the law was discriminatory and unconstitutional, and the fact that the law exposes licensed facilities to state and county inspections at any time without notice. The testimony stressed the need to amend section 445-90, but was critical of the approach taken by the bill.

Testimony in support of the bill was also presented by several local realtors' associations.⁶¹ The information presented by these organizations appears to have provided the basis for the claims and assertions made in H.R. No. 338 and S.R. No. 117, S.D. 1. In fact, the Resolutions literally reiterate the text of the testimony presented by the Honolulu Board of Realtors. The following is an excerpt of the testimony presented by the Honolulu Board of Realtors:⁶²

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Presently, three, four or five unrelated individuals cannot rent a house together in many areas not served by sewers or septic tanks. If a home does not have a DOH (Department of Health) approved wastewater disposal system, a county license for a lodging for three or more unrelated people will not be approved. If a family of five applies to rent that same home, a county license is not necessary and the home does not have to meet DOH standards.

As we understand it, the original purpose of Chapter 445 was to place some controls on group homes, halfway houses and other similar living arrangements. Adult residential care homes are regulated under Chapter 321 and are better controlled than in prior years.

While the intent of Chapter 445 is good, it has become a burden for singles who want to live in areas which are not serviced by wastewater systems that comply with current DOH standards. Chapter 445 creates a further dilemma in that both State and Federal Fair Housing Statutes forbid a landlord from questioning the familial status of prospective renters. Chapter 445 also permits enforcing agents to gain access to dwellings at any time in order to administer this chapter.

In line with the recommendation made by the Department of Health, H.B. No. 2849 was held by the House Committee on Intergovernmental Relations and International Affairs.

House Resolution No. 338 and Senate Resolution No. 117, S.D. 1

As noted above, both Resolutions appear to be the direct result of the public hearings held on H.B. No. 2949. The Resolutions request the Legislative Reference Bureau to consult with various state and county agencies to resolve the "administrative concerns and inequities" that have allegedly arisen as a result of the requirements of Chapter 445. Records of the House Committee on Housing show that testimony in support of the Resolution was presented by the state Department of Health and the Honolulu Board of Realtors.⁶³

Chapter 445, Hawaii Revised Statutes

Appendix C exhibits the full text of Part III, Chapter 445, Hawaii Revised Statutes, as amended, following the adjournment of the Regular Session of 1992.

ENDNOTES

1. 1880 Laws of the Kingdom of Hawaii, Chapter III.

LEGISLATIVE HISTORY OF CHAPTER 445

2. Id. at §1.
3. Id. at §2.
4. Id. at §3.
5. Id. at §5.
6. 1890 Laws of the Kingdom of Hawaii, Chapter 37.
7. Id. at §1.
8. Id. at §2.
9. Id.
10. Id.
11. Id. at §3.
12. 1896 Laws of the Republic of Hawaii, Act 64.
13. Id.
14. Id. at §73.
15. Id. at §71.
16. 1898 Laws of the Republic of Hawaii, Act 38.
17. Id. at §70.
18. Id. at §73.
19. Revised Laws of Hawaii, Chapter 121 (1915).
20. Id. at §121-1963.
21. Id. at §121-2046.
22. Id.
23. Haw. Rev. Stat., Chapter 445.
24. 1986 Haw. Sess. Laws, Act 149.
25. Senate Stand. Comm. Rep. No. 773-86
26. Haw. Rev. Stat., §445-90.
27. Testimony of state Department of Health before the Senate Committee on Government Operations, March 13, 1986.

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28. Id.
29. Senate Stand Comm. Rep. No. 773-86.
30. Id.
31. Testimony of state Department of Health before the Senate Committee on Health, February 23, 1987.
32. Testimony before the House Committee on Housing and Community Development, City and County of Honolulu, March 27, 1987.
33. Testimony before the House Committee on Housing and Community Development, John Howard Association of Hawaii, March 24, 1987. Other organizations that testified include the Hawaii Centers For Independent Living, the Federal Commission on the Handicapped, the State Planning Council on Developmental Disabilities, and the Catholic Charities of the Diocese of Honolulu.
34. Id.
35. Id.
36. Senate Conf. Comm. Rep. No. 16-87.
37. Haw. Rev. Stat. at §46-15.6
38. Id. at §46-15.5.
39. Id. at 46-15.4.
40. Senate Stand. Comm. Rep. No. 305-87.
41. House Stand. Com. Rep. No. 857-87.
42. Haw. Rev. Stat. at §445-90.
43. Id. at §445-94.
44. Id. at §445-96.
45. Id. at §445-90.5.
46. 1988 Haw. Sess. Laws, Act 313.
47. Id. at §1.
48. Haw. Rev. Stat. at §445-90
49. Id. at §445-95.1
50. Id. at §445-95.3.
51. Id. at §445-95.6 and §445-95.5
52. Id. at §445-95.4.

LEGISLATIVE HISTORY OF CHAPTER 445

53. Memorandum from the Department of the Attorney General to Representative Alex Santiago, March 14, 1991, at 2.
54. Id. at 3.
55. Id.
56. Id. at 4.
57. Id.
58. House Bill No. 2849, 16th Legislature 1992.
59. Testimony before the House Committee on Intergovernmental Affairs and International Relations, State Department of Health, February 6, 1992.
60. Testimony before the House Committee on Intergovernmental Affairs and International Relations, Vacation Inns International, Inc., February 6, 1992.
61. Including the Hawaii Association of Relators and the Honolulu Board of Realtors.
62. Testimony before the House Committee on Intergovernmental Affairs and International Relations, Honolulu Board of Realtors, February 6, 1992.
63. Testimony before the House Committee on Housing, State Department of Health and the Honolulu Board of Realtors, March 25, 1992.

Chapter 3

THE CERTIFICATION AND LICENSURE PROGRAMS OF THE STATE DEPARTMENT OF HEALTH AND THE CITY AND COUNTY OF HONOLULU

Introduction

House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, raise two concerns with respect to the regulatory requirements imposed on lodging and tenement facilities. The Resolutions allege that the law "has become a burden on singles who are forced to live in lodgings that do not meet the standards required by Chapter 445, i.e., areas that are not serviced by wastewater systems approved by the Department of Health". The statement refers to the Department's past policy of requiring dwellings in unsewered areas to upgrade their sewage treatment systems (i.e., from cesspools to individual wastewater systems) as a condition of certification. If the dwelling failed to convert to the standards specified by the Department, certification would be denied. The statement alleges that Department's policy limits the number of licensed lodgings available to single renters seeking group housing.

The second concern raised by the Resolutions involves the distinction between facilities regulated under Chapter 445 and facilities regulated as adult residential care homes. The Resolutions claim that the law causes confusion with respect to "how the operation of adult residential care home facilities and group lodgings for 3 or more unrelated persons are distinguished from the other in terms of operations as residential real estate rentals". The statement suggests that the regulatory standards for adult residential care facilities and lodging facilities are unclear and confusing to operators.

This chapter will focus on the regulatory programs administered by the state Department of Health and the City and County of Honolulu. Brief descriptions of the programs carried out by the counties of Kauai, Maui, and Hawaii will also be included.

The Inspection and Certification Program of The Department of Health

Chapter 445, Hawaii Revised Statutes, establishes a two-tiered process for the certification and licensure of lodging and tenement facilities in the State. Under section 445-94, prospective licensees are first required to secure certificates of inspection from the Department of Health to verify the status of the facility as a habitable dwelling. The certificate must then be presented to the county Director of Finance as a condition of licensure.

Sanitary inspections for lodging and tenement facilities, hotels, and boardinghouses are performed by the Sanitation Branch of the Department of Health. Currently, one

sanitarian is assigned to inspect all cases involving hotels, boarding houses, lodgings and tenement facilities, group living arrangements, and group homes on the island of Oahu.¹

In accordance with the law, certificates for lodging and tenement facilities are furnished free of charge.² Certificates are required to verify: proof of inspection; the location of the use; the fitness and condition of the premises; the existence of plans and facilities to ensure proper ventilation, drainage, and sewage disposal; and that the business would not pose a threat to the health and safety of the public.³ The recipient of any certificate is also required to submit to a binding agreement to keep the building and its premises in a sanitary condition.⁴ Appendix D is a copy of the certificates issued by the Department of Health. Certificates issued by the Department of Health must be renewed on an annual basis, prior to end of the state fiscal year.

The Policy on Upgrading Wastewater Capacity

As stated above, among the concerns expressed in the Resolutions is a concern that relates to the Department of Health's former policy of requiring sewage treatment upgrades at the point of a change in the usage of a dwelling or in response to complaints of cesspool overflows. Prior to November 1991, the Department carried out a policy of requiring dwellings seeking certification as a group facility in unsewered areas to upgrade their cesspool systems to individual wastewater systems as a condition of certification.⁵ According to the Department, the policy was developed to ensure the sewage treatment system's ability to handle the increased load of sewage generally expected from dwellings increasing their occupancy.⁶ Cesspools taxed beyond their limits often create public health problems for the occupants of the dwelling as well as the community.

Under the policy, unsewered dwellings containing three or more unrelated occupants would not be certified as a habitable dwelling if the Department determined that the existing system was inadequate. Certification would be granted when the cesspool was converted to the system recommended by the Department.⁷

Following a challenge to the Department's policy in 1991, however, the practice of requiring sewage system upgrades was discontinued.⁸ A memorandum from the Sanitation Branch to a departmental administrator explained the change in policy as follows:⁹

Both (testimonies presented in a legislative hearing) generally state that dwellings not served by sewers or an approved Department of Health individual wastewater system will not be approved as a rental for three or more unrelated people. While this was an earlier interpretation of the Department of Health Administrative Rules Chapter 62 (Wastewater Systems) [Chapter 11-62, Hawaii Administrative Rules (Department of Health)], a further review of Hawaii Revised Statutes Section 445-94 changed

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our position to base the approval on the sanitary condition of the dwelling. An approved individual wastewater system will only be required if the owner of the dwelling does not meet the requirements of Chapter 62 when applying for a building permit, or if complaints of an overflowing cesspool are verified.

According to the Housing Sanitarian of the Department of Health, the policy of requiring sewage disposal system upgrades as a condition of certification has not been exercised since November 1991.

Adult Residential Care Facilities

The term "adult residential care home" ("ARCH") is defined in section 321-15.1, Hawaii Revised Statutes, as "any facility providing twenty-four-hour living accommodations, for a fee, to adults unrelated to the family, who require at least minimal assistance in the activities of daily living, but do not need the services of an intermediate care facility". The law requires these facilities to be licensed and regulated by the state Department of Health.¹⁰ The Department's Hospital and Medical Facilities Branch inspects the facilities to ensure compliance. In terms of the administrative procedures of the State, therefore, any facility that provides "at least minimal assistance" to its boarders for a fee is regulated and licensed under a separate program of the Department of Health.

Appendix E is a chart developed by the City and County of Honolulu in 1987 in an attempt to sort out the standards and the various licenses required by the state Department of Health and the City and County for the various types of group living facilities that currently operate in the State. Note that the chart begins by identifying the requirements for facilities containing "two roomers" that provide "no care". The chart notes that dwellings in this category are exempt from the licensure requirements of Chapter 445, Hawaii Revised Statutes. The chart then proceeds to identify the state and county requirements and restrictions which correspond to the various other group-rental/care-giving housing arrangements confronted on occasion by inspectors in the field.

Page 61 sets out the requirements for facilities that provide care services. Note that the chart indicates that facilities that provide "care" are subject, exclusively, to the licensing requirements of the Hospital and Medical Facilities Branch of the Department of Health as an ARCH. The Honolulu Department of Finance, which is responsible for issuing licenses to "non-care" facilities containing three or more unrelated boarders, is not responsible for the issuance of licenses to adult residential care homes.

The Licensure Program of the City and County of Honolulu

Business licensing of facilities under Chapter 445, Hawaii Revised Statutes, on Oahu is carried out by the Special Services Branch within the Motor Vehicles and Licensing Division of the City and County of Honolulu Department of Finance.¹¹ Currently, the branch is staffed by a single licensing investigator.¹²

Although the law makes it the affirmative duty of the owner or a facility to obtain a license to operate, it is not the general practice of the City and County to actively seek out and issue citations to unlicensed operations.¹³ Instead, most inspections are initiated as the result of complaints filed with the inspector's office of the Special Services Branch, the police, the city Building Department, or the Department of Health.¹⁴ Inspections are also conducted at the time of the annual renewal of a license--the annual fee for a license is \$10. Business licenses of the City and County expire at the close of each fiscal year (July 1-June 30).¹⁵ The procedures followed by the City and County of Honolulu in performing investigations are detailed in the following paragraphs. The sample notices, citations, and forms in the appendices which correspond to the respective steps in the process were prepared by the Licensing Inspector of the City and County for display in this report.

- (1) After discovery of an unlicensed operation, a business license notification form is issued to the owner or operator of the business establishment (See Appendix F);
- (2) After a reasonable period, generally not less than 30 days after the business license notification form was issued, a final notice letter is issued to the owner or operator of the business establishment (See Appendix G);
- (3) After a reasonable time, generally not less than 30 days after the final notice letter was issued, a letter of inquiry is sent to the Sanitation Division of the state Department of Health and to the City and County Building Department (See Appendices H and I), see also Appendix J which is the form used by the Building Department to transmit recommendations to the Department of Finance;
- (4) If the responses received from the Department of Health and the Building Department report no effort on the part of the owner or operator of the business establishment to comply with the license requirement, an Administrative Inspection Warrant is obtained and executed (See Appendix K);
- (5) If evidence is seized during the execution of the Administrative Inspection Warrant, which proves beyond a reasonable doubt that the owner or operator of the business establishment is in violation of the licensing laws, a Complaint & Summons citation is issued (See Appendix L).

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As noted previously, the general policy of the City and County of Honolulu is to respond to applications for licensure or to complaints received from the boarders or the neighbors of a facility rather than to actively seek out unlicensed operations. Indeed, seeking out all the unlicensed facilities on the island of Oahu would prove to be a monumental task for the single investigator in charge of implementing the program for the City. In addition, without "probable cause" to investigate a complaint, inspections of this nature may be difficult to justify.¹⁶ Appendix M is a roster of all facilities licensed by the City and County of Honolulu under Chapter 445, including hotels. The facilities that most closely parallel the type of facilities referred to as "residential real estate rentals" in the Resolutions are categorized as "group home residence or group living arrangements" beginning on page 87 of the report. The number of licensed "group living arrangements" operating on Oahu is twenty-nine.

Although there is no reliable method of estimating the number of unlicensed group living arrangements currently operating on Oahu, it is safe to suggest that the number is quite substantial. Non-care-giving residential facilities that take in three or more unrelated renters should account for the largest category of facilities subject to Chapter 445 licensure on the island.¹⁷ Lack of awareness of the licensure requirement on the part of landlords is the major reason many group living arrangements continue to operate unlicensed.¹⁸

The Licensure Programs of the Counties of Kauai, Maui, and Hawaii

Regulating businesses under Chapter 445, Hawaii Revised Statutes, does not appear to be a high priority in the counties of Hawaii, Maui, and Kauai.

On Maui, the county Motor Vehicle and Business Licensing Division is the program in charge of issuing various business licenses. According to the program, however, lodging and tenement facility operators rarely, if ever, submit applications to license their operations.¹⁹ In fact, an agent in the program could not ever recall issuing a license to such a facility on Maui.²⁰

On June 30, 1989, the Hawaii County Administration declared lodgings, tenements, hotels, boardinghouses, restaurants and various other business operations operating in the County of Hawaii to be exempt from the licensure requirements of Chapter 445 (See Appendix N). The declaration was subsequently adopted into law by the Hawaii County Council as Article 4, Section 6-30 of the Hawaii County Code (See Appendix O).

Likewise, the County of Kauai, on February 4, 1988, passed a similar ordinance exempting these and other operations from the licensure requirements of the law (See Appendix P).

ENDNOTES

1. Interviews with Gary Hirokane, Housing Sanitarian, State Department of Health, Sanitation Branch, August 19 and November 20, 1992 (Hereinafter referred to as Hirokane interviews).

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2. Haw. Rev. Stat. at §322-42.
3. Id.
4. Id.
5. Hirokane interviews.
6. Id.
7. Id.
8. Id.
9. Memorandum from Gary Hirokane, Housing Sanitarian, Department of Health, to Dr. Elisabeth Anderson, Chief of the Health Quality Assurance Division, Department of Health, March 4, 1992.
10. Haw. Rev. Stat. at §321-15.6.
11. Interview with Robert K. Wales, Licensing Investigator, Division of Motor Vehicles and Licensing, Department of Finance, City and County of Honolulu, August 1992.
12. Id.
13. Id.
14. Id.
15. Id.
16. Id.
17. Id.
18. Id.
19. Telephone interview with Phil Domingo of the Motor Vehicle and Business Licensing Division of the Maui Department of Finance, November 23, 1992.
20. Id.

Chapter 4

STATE AND FEDERAL FAIR HOUSING LAWS

Introduction

House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, suggest that Hawaii's law relating to lodging and tenement houses encourages housing discrimination by making the standards, requirements, and applicability of the law contingent upon the familial status of the tenants occupying a lodging. The requirements placed on owners and operators of lodging and tenement facilities, according to the Resolutions, create a disincentive for landlords to enter into rental agreements with groups of three or more unrelated individuals. The Resolutions point out that the requirements of the law do not apply to dwelling units rented to families. The Resolutions also question the fairness of the law and illustrate the dilemma it creates for landlords by raising the question: "how do landlords know that they are actually renting to families when both the state and federal Fair Housing Standards forbid a landlord from questioning the familial status of prospective renters?"

The issue of housing discrimination and the claim that Chapter 445 forces landlords to engage in practices that violate the standards of the fair housing laws of the State and the federal government, compels a review of these laws. This chapter will also review the background of the fair housing provisions developed to prohibit familial and marital status discrimination in real property transactions.

The Federal Fair Housing Amendments Act of 1988

On March 12, 1989, the Federal Fair Housing Amendments Act of 1988¹ extended the fair housing provisions of the Civil Rights Act of 1968² to persons of handicapped status and families with children. The 1988 amendments also broadened the scope of the discriminatory acts prohibited under law, broadened the remedies available to victims of discrimination, established conformity and certification requirements for the fair housing laws of the states, and enhanced the Department of Housing and Urban Development's power and authority to carry out the law.

Prior to the enactment of the 1988 amendments, the discriminatory practices of the Civil Rights Act of 1968 included the failure or refusal to negotiate, sell, or rent housing to a person on the basis of the person's race, color, sex, religion, or national origin.³ Other prohibited acts included advertising housing in a manner that indicated preference, or discriminating in the terms and conditions of the rental or sale of a dwelling.⁴ Despite these restrictions and safeguards, testimony before Congress in 1987 reported that the practice of housing discrimination toward Hispanics and African Americans continued to prevail.⁵ Witnesses also pointed to an alarming increase in the number of homeless families in the

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United States, attributing this increase, in part, to discrimination against families with children by the owners of rental housing.⁶

While the 1988 amendments resulted in many notable improvements to the Federal Fair Housing law, the only aspect of the new amendments that appears to bear any relevance to the claims and issues raised in H.R. No. 338 and S.R. No. 117, S.D. 1, involves the addition of "familial status" to the list of "protected classes" identified under the federal law.

As noted earlier, testimony before Congress in 1987 reported that families with children were widely underrepresented in the national rental housing market. While this statistic is affected by many factors, studies indicated that many families were simply being locked out of otherwise adequate housing by discriminatory practices aimed at excluding children.⁷ Regulations setting the minimum age of tenants, singles only restrictions, and rules limiting the number of children permissible in each household are only a few examples of the types practices exercised by landlords to wilfully exclude families with children. While various interest groups, including the Justice Department under the Reagan Administration,⁸ opposed the effort to recognize families with children as a protected class, Congress passed the 1988 amendments by an overwhelming margin.⁹

The addition of familial status to the list of "protected classes" under the law dramatically extended the scope of the Federal Fair Housing Law. No other federal civil rights statute prohibits discrimination based on familial status.¹⁰ Section 5(k) of the Federal Fair Housing Amendments Act defines "familial status" as follows:

"Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with-

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Because of the recognition of families with children as a protected class, the remedies and safeguards previously afforded to victims of racial, sexual, religious, national, and color-based discrimination were made available to families with children. Categories of housing exempt from the law include certain communities designed and built specifically to meet the needs of the elderly and certain state and federal projects developed exclusively for elders. In

addition, it is also important to note that the law specifically recognizes the authority of state and local jurisdictions to apply and enforce all reasonable restrictions to limit the maximum number of occupants permissible in a single dwelling.

Chapter 515, Hawaii Revised Statutes

Chapter 515, Hawaii Revised Statutes, relating to discrimination in real property transactions has been patterned after, and amended from time to time, to ensure conformance with the requirements of, the federal Fair Housing Law. In 1992, the state law was further amended to comply with the most recent amendments enacted by Congress.¹¹

Hawaii's law, like the federal law identifies discrete bases or factors upon which decisions regarding the sale or rental of housing may not be premised. Known as "protected classes" under the federal law, the factors identified under the State's law include: race, sex, color, religion, marital status, familial status, ancestry, handicapped status, age, and HIV (human immunodeficiency virus) infection. The refusal to rent or sell housing to any individual or family on the basis of the foregoing factors may constitute a violation of the law.

Like the federal law, Hawaii's law defines the term "familial status" in terms of the relationship that must exist between a parent or a guardian and a minor or a child. Section 515-2, Hawaii Revised Statutes, defines "familial status" as follows:

"Familial status" means the status of: a parent having legal custody of and domiciled with a minor child or children, a person who is domiciled with a minor child or children and who has written or unwritten permission from the legal parent, a person who is pregnant, or any person who is in the process of securing legal custody of a minor child or children.

Unlike the federal law, Hawaii's law includes "marital status" as an additional protected classification. Although "marital status" is not defined under the law, it is prudent to assume that the term was included to prohibit acts of discrimination against two adults, married or otherwise, who desire to rent or purchase a home. Conceivably, the protection could also be extended an individual who is denied housing on the basis of his or her status as a married or an unmarried individual. The recourse available to any person or couple aggrieved under the law is to a file complaint with the state Civil Rights Commission based on marital status discrimination.

ENDNOTES

1. Public Law No. 100-430, 102 Stat. 1619, codified at 42 U.S.C. 3601 et seq.
2. Public Law No. 90-284, 42 U.S.C. 3601-3619.

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3. The National Conference of State Legislatures, State, Federal Issue Brief: The Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, March 1989, at 2.
4. Id.
5. Id., at page 1.
6. Bilott, Robert, A., "The Fair Housing Amendments Act of 1988: A Promising First Step Toward the Elimination of Familial Homelessness?", 50 Ohio State Law Journal 1277 (1989), at 1277.
7. Id.
8. United States Department of Justice, Statement submitted to the House Committee on the Judiciary, May 7, 1987, 67 Congressional Digest at 171.
9. NCSL, supra note 3.
10. Department of Justice statement, supra note 8.
11. 1992 Haw. Sess. Laws, Act 171.

Chapter 5

THE VALIDITY OF LAWS THAT LIMIT THE SIZE OF VOLUNTARY HOUSEHOLDS

Introduction

House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, note that while dwellings rented to groups of unrelated people require certification and licensure under Chapter 445, Hawaii Revised Statutes, dwellings rented to families are entirely exempt from the requirements of the law. The Resolutions illustrate the disparate burden placed on licensed facilities occupied by unrelated tenants by noting that "families may rent a lodging despite not meeting the standards required by Chapter 445". Although the Resolutions do not make an attempt to challenge the validity of the law, the Resolutions imply that the regulatory impediments placed on the owners and operators of lodging and tenement facilities may be unfair.

Most of the legal problems encountered by "voluntary families" living in single households stem from legislation which differentiate them from traditional families. Disparate treatment under the law frequently gives rise to questions over the legitimacy of these statutes. Among the rights purportedly offended under these laws are the rights to privacy, freedom of association, due process, and equal protection.¹ Resistance to these laws has resulted in a profusion of litigation, with challenges focused on the constitutionality of the ordinance or its application in specific instances.² At the center of the controversy is the authority of the state to exercise and delegate reasonable police powers to achieve permissible state objectives.

The Concept of Regulating Uses

Ever since the legitimization of zoning in the 1926 landmark ruling of the United States Supreme Court in Village of Euclid v. Ambler Realty Company, 272 U.S. 365 (1926), state and local jurisdictions have enacted a plethora of laws, ordinances, codes, and other regulatory safeguards in an effort to more closely control the layout and development of uses in the urban community. Formerly considered to be an unwarranted invasion on the rights of property, zoning ordinances are now viewed as a proper exercise of the state's police power.³ Such practical matters as increased traffic, noise, criminal activity, the availability of public services, and the incompatibility of competing uses influenced the Supreme Court to sanction the use of this power by governmental jurisdictions. Generally, zoning and other land use regulations delineate permissible uses; segregate incompatible uses into separate land use districts; and establish building, design, and other parameters.

While the term "exclusionary zoning" is generally used to describe policies that unfairly segregate or restrict the distribution of certain urban uses (i.e., low-income housing, minority-owned businesses, etc.), the term has also been used to refer to policies which prohibit the use of certain types of residential dwellings by households comprised of unrelated individuals. Opponents of these policies frequently charge that these laws constitute nothing more than invidious devices of the state to maintain social control over the makeup of urban communities. A point is often made of the fact that the impact of the law appears to be disproportionately greater on persons of limited means.⁴

Regulations that limit the size and composition of "voluntary families" by defining "family" on the basis of legally-acknowledged criterion (i.e., blood, marriage, or adoption) have been challenged in state and federal courts across the country, often on the basis of claims that they violate certain fundamental state or federal constitutional principles, or both. Challenges to such ordinances in the past have variously contended that:⁵ they violate a person's right to privacy; they interfere with a person's right to travel; they interfere with a person's right to associate and settle within a state; they are discriminatory; they are actually an effort to bar people who are uncongenial to the present residents; social homogeneity is not a legitimate interest of government; the restriction of those whom the neighbors do not like infringes upon the person's rights to privacy; it is no rightful concern to the community whether tenants are married or unmarried; and they are directly opposed to the nation's experience as an open, egalitarian, and integrated society.

Following the 1974 landmark ruling of the United States Supreme Court in Belle Terre v. Boraas, 416 U.S. 1 (1973), the legal precedent for lower court decisions appears to have been established. An Annotation published by American Law Reports in 1982 concludes that:⁶

Since the Supreme Court's decision in the landmark case of Belle Terre v. Boraas, it has been established that zoning ordinances having the effect of restricting the number of unrelated persons who may live together in a residential zone are not violative of Fourteenth Amendment equal protection, and do not impermissibly affect associational interests, provided that the zoning ordinance bears a rational relationship to a permissible state objective.

It is important to note, however, that while the effect of the U.S. Supreme Court's ruling on lower court decisions is irrefutable, several state courts, applying their own state constitutions, have explicitly rejected Belle Terre as an obstruction to rulings to the contrary.⁷ The Annotation illustrates the difficulty of drawing general conclusions on the rulings of state courts.⁸

Certain states appear to have taken the view that zoning ordinances limiting the number of unrelated persons who may reside together in a single residential unit are not contrary to the

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state and federal constitutions. In some jurisdictions which have taken this view, zoning ordinances have been characterized as social and economic legislation, which has been held not to violate equal protection so long as the legislative classification was reasonable and not arbitrary, and so long as it bore a rational relationship to a permissible state objectives.

Other states, however, have taken the view that such zoning ordinances are contrary to the state constitution by invalidly distinguishing between groups of related persons and groups of unrelated persons, a legislative classification which has been held not to be sufficiently related to permissible state objectives.

Nonetheless, because of the landmark rulings in cases such as Euclid v. Ambler Realty and Belle Terre v. Boraas, there exists a very strong presumption in favor of the validity of these laws, with the burden of proof on the challenging party to prove, beyond a reasonable doubt, that they are invalid. The rational basis test applied to determine the validity of an ordinance generally involves a two-part test: (1) The ordinance must have been enacted in furtherance of a legitimate governmental purpose; and (2) There must be a reasonable relation between the end sought to be achieved by the ordinance and the means used to achieve the end. An analysis published in the South Dakota Law Review summarizes the issue as follows:⁹

One who challenges a zoning ordinance has the burden of proving that it is outside of the contemplation of the enabling statute or that it is in violation of some constitutional right. There is a strong presumption in favor of the validity of a zoning ordinance. The challenging party must not only show that property could reasonably be classified otherwise, but in addition must show that the legislative classification is clearly unreasonable. A zoning classification may be upheld if any conceivable state of facts would render the legislative decision reasonable. Of course, if the required unreasonableness is established, the zoning ordinance will be declared invalid and judicial review is available to determine if a legislative body has exceeded its authority.

The cases presented in this chapter represent examples of federal as well as state court rulings; they by no means represent all of the cases that have addressed the issue.¹⁰ The section on federal cases will include two landmark federal rulings that appear to be relied upon most consistently for most lower court decisions. Also included in the section on federal rulings is a third case that appears to be the most recent action brought before a federal court with respect to the issue.

The section on state rulings contains four cases that illustrate the disparate rulings issued by state courts, based primarily on state constitutional considerations. Two cases represent state court rulings that have left the ordinances intact;¹¹ and two cases represent state court rulings that have declared the ordinances invalid.¹²

It is important to clarify, at this juncture, that the cases reviewed in this chapter generally involve disputes over ordinances that set strict limits on the number of unrelated individuals allowed to live in a single dwelling. Chapter 445, Hawaii Revised Statutes, merely requires the owner of a lodging to acquire an operator's license--it does not set a limit on the number of unrelated people permitted to live in licensed facilities. The land use ordinances of the counties establish maximum occupancy limits for dwellings based on applicable factors. Nonetheless, many of the issues and arguments discussed in the following cases bear a direct relationship to the issues and concerns brought out in H.R. No. 338 and S.R. No. 117, S.D. 1.

Federal Cases Affirming Constitutionality

Village of Belle Terre v. Boraas 416 U.S. 1 (1973)

In Village of Belle Terre v. Boraas,¹³ six unrelated students attending a university in Belle Terre, New York, moved into a large house in a nearby district zoned exclusively for single family residential uses. The definition of "family" in the Belle Terre ordinance excluded more than two unrelated persons in single dwellings situated in the single family residential district, effectively classifying the students as illegal residents. After the owner of the house was cited for violating the ordinance, action was commenced by the owner and three tenants in District Court seeking injunctive relief and a declaratory judgment to invalidate the ordinance as unconstitutional. In denying the relief requested, the District Court ruled that the ordinance represented "a lawful exercise of a legally protectable affirmative interest in a family made up of married parents and children". The Court described the ordinance as "simply another of the countless protections with which the state surrounds the traditional family".

On appeal, the United States Court of Appeals for the Second Circuit reversed the decision of the District Court. The ruling determined that the language of the ordinance was overly broad and dismissed the District Court's ruling that protecting the family was a legitimate objective of zoning. The Court of Appeals ruling was then appealed to the United States Supreme Court.

Contrary to the view held by the Court of Appeals, the United States Supreme Court determined that it was well within the state's power to "lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people".¹⁴ In recognizing the interest of the state in preserving the values of the community, the Court observed that:¹⁵

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The regimes of boarding homes, fraternity houses, and the like present urban problems. More people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds.

In ruling that the ordinance restricting the definition "family" to not more than two unrelated people was reasonable and not arbitrary the Supreme Court wrote:¹⁶

It is said...that if two unmarried people can constitute a 'family,' there is no reason why three or four may not. But every line drawn by a legislature leaves some out that might well have been included. That exercise of discretion, however, is a legislative, not a judicial, function.

While it realized fully the economic effects of zoning restrictions on the value of private property, the Court, invoking the decision rendered in Euclid v. Ambler Realty, nonetheless concluded that:

A zoning ordinance usually has an impact on the value of the property which it regulates. Here we are a step closer to the impact of the ordinance on the value of the lessor's property. He has not only lost six tenants and acquired only two in their place; it is obvious that the scale of rental values rides on what we decide today.¹⁷

But in spite of the fact that the precise impact of the ordinance sustained in Euclid on a given piece of property was not known, the Court, considering the matter a controversy in the realm of city planning, sustained the ordinance.¹⁸

In April 1974, the United States Supreme Court reversed the Court of Appeals ruling, thus upholding the constitutionality of the Belle Terre ordinance.

Palo Alto Tenants Union v. Morgan (1970, ND Cal) 321 F. Supp 908, aff'd (CA9 Cal) 487 F.2d 883, cert. den. 417 U.S. 910, 41 L. Ed. 2d 214 94 S. Ct. 2608

In Palo Alto Tenants Union v. Morgan,¹⁹ a suit seeking to invalidate Palo Alto's "single-family residential/R-1" ordinance as unconstitutional was filed by the "Palo Alto Tenants Union", an unincorporated association comprised of members of several "communal living groups". The suit sought a declaratory judgment by the court and asked the court to enjoin the Palo Alto City Manager, George Morgan, from "harrassing" the plaintiffs under the guise of enforcing the City's zoning ordinances.²⁰

THE VALIDITY OF LAWS THAT LIMIT THE SIZE OF VOLUNTARY HOUSEHOLDS

The Palo Alto Municipal Code defined a family as "one person living alone, or two or more persons related by blood, marriage, or legal adoption, or a group not exceeding four persons living as a single housekeeping unit." The plaintiffs argued that since the ordinance permitted traditional families--often containing in excess of four members--to live in R-1 areas, any restriction on the number of unrelated persons allowed to live in a single household was "arbitrary, unreasonable and a violation of the plaintiffs' rights of free association and equal protection of laws".²¹

The federal District Court of the Northern District of California rejected the plaintiffs arguments, ruling that "[t]he Court is not convinced that [the] plaintiffs have demonstrated infringement of their constitutional right of freedom of association".²² Moreover, the Court made it clear that the state had a clear and legitimate interest in preserving the integrity of stable, traditional familial units. Accordingly, the Court concluded that the classifications used by the state to define traditional family households were not unreasonable and did not violate the Equal Protection Clause of the United States Constitution. The Court noted that:²³

[T]here is a long recognized value in the traditional family relationship which does not attach to the 'voluntary family'. The traditional family is an institution reinforced by biological and legal ties which are difficult, or impossible, to sunder. It plays a role in educating and nourishing the young which, far from being 'voluntary', is often compulsory. Finally, it has been a means, for uncounted millennia, of satisfying the deepest emotional and physical needs of human beings. The communal living groups represented by plaintiffs share few of the above characteristics. They are voluntary, with fluctuating memberships who have no legal obligations of support or cohabitation. They are in no way subject the State's vast body of domestic relations law. They do not have the biological links which characterize most families. Emotional ties between commune members may exist, but this is true of members of many groups. Plaintiffs are unquestionably sincere in seeking to devise and test new life-styles, but the communes they have formed are legally indistinguishable from such traditional living groups as religious communities and residence clubs. The right to form such groups may be constitutionally protected, but the right to insist that these groups live under the same roof, in any part of the city they choose, is not.

The plaintiffs also argued that if the size of households consisting of unrelated persons could be limited to four members, the size of traditional families in R-1 areas should also be held to the same limit. In ruling that the size limit imposed on voluntary families was reasonable and not arbitrary, the Court wrote that:

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Zoning laws may properly control population density within given neighborhoods, and this consideration alone might justify an ordinance limiting the number of unrelated persons living in R-1 structures. It is argued that some traditional families have more than four members, and that 'equality' would demand a prohibition of their living together in a single R-1 residence. But given the State's clear interest in preserving the integrity of the biological/and or legal family, and given the fact that the average size of even the traditional family is less than four members, the Court sees no arbitrariness in limiting the number of unrelated persons living in an R-1 dwelling, while not so limiting the size of the traditional family in such dwellings.

Finally, the Court noted the economic rationale offered for the zoning ordinance by the City of Palo Alto in testimony presented during oral argument:²⁴

Many older neighborhoods have large, once distinguished town houses which are not owner occupied. Often owners find it more profitable to rent these dwellings, not to single families, but to large groups of unrelated persons with independent sources of income. Such groups are able to pay, collectively, far more in rent than can traditional families with one, or at best two wage earners. Thus the rent structure of a whole neighborhood may be affected by opening R-1 zones to large, unrelated groups. As the rent and property value structure of the neighborhood is changed, single families move out, and the character of the area is altered. Zoning laws, within limits not relevant here, can take account of these economic factors, and this too might provide a rational basis for the classification herein questioned.

The District Court ruling was upheld by the United States Court of Appeals for the Ninth Circuit in November 1973. Further appeal was denied by the United States Supreme Court in May 1974.

Elliott v. City of Athens 90 F.2d 975 (1991) WL 338125

In Elliott v. City of Athens,²⁵ the plaintiffs John D. Elliott, and others, brought action for declaratory and injunctive relief against the City of Athens, Georgia, on the grounds that the City's refusal to permit the construction of a group home for recovering alcoholics on a parcel of land zoned for single family homes violated the Federal Fair Housing Act and the plaintiff's rights of due process and equal protection.

In this case, the manager of the proposed group home planned to purchase a single lot from the landowner, John D. Elliott, to establish an alcohol abuse treatment home for

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twelve resident patients and at least one resident staff member. However, because the household profile of the proposed use fit the Athens definition of a "boarding house" and because the area was zoned entirely for single family homes, it was determined that the property would need to be rezoned. The sale of the property to the manager of the proposed facility was contingent on City's approval of the landowner's rezoning request. In order to carry out the sale, the landowner approached the Planning Department of the City of Athens to change the property to "multi-family residential" zoning.

Under the Athens RS-10/single family residential district ordinance, households in single family dwellings are limited to:²⁶

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over four persons.

While the Planning Department determined that the facility would not significantly affect the delivery and availability of municipal services in the area, the department nonetheless rejected the applicant's request on the grounds that the change would "set a negative precedent for the neighborhood and would constitute spot zoning."²⁷

The plaintiffs brought action in the United States District Court for the Middle District of Georgia alleging that the ordinance violated the Federal Fair Housing Amendments Act of 1988 as well as their rights of substantive due process and equal protection. Specifically, the plaintiffs alleged that as a result of the City's ruling, "handicapped persons" were being denied the opportunity to reside in single-family neighborhoods in Athens.

Following a bench trial, the District Court entered a judgment that the plaintiff's had not established a prima facie case of discriminatory effect, and that the Athens ordinance, like all other city ordinances that set reasonable occupancy limits for dwellings, fell under an exemption included by Congress in the Fair Housing Amendments Act of 1988. The District Court ruled that the occupancy limit established by the City was reasonable and therefore, exempt under 42 U.S.C. §3607(b)(1) of the Federal Fair Housing Amendments Act of 1988, which reads as follows:

Nothing in this title limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

As to the question of whether the occupancy limit chosen by the City was arbitrary, the District Court recalled testimony presented by an Athens city planner which noted that:²⁸

[F]our unrelated persons is the limit used in the vast majority of counties and municipalities. The City of Athens chose the number

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four by rounding up the 1960 census figure for average household size.

In its conclusion, the District Court ruled that the ordinance was reasonable and therefore did not violate the Fair Housing Act or the plaintiff's due process and equal protection rights under the constitutions of the United States or the State of Georgia.

The District Court ruling was appealed by the plaintiffs to the United States Court of Appeals for the Eleventh Circuit. In May 1992, the Court of Appeals affirmed the District Court's ruling.

State Cases Affirming Constitutionality

People v. Skidmore 69 Misc. 2d 320 N.Y.S.2d 881 (1971)

In People v. Skidmore, a zoning ordinance defining "family" as a group of no more than five unrelated people in a single dwelling was ruled by the court to be constitutional. Barred from forming a household in a house situated in an area zoned for single family homes, the residents, two unrelated adults along with their children, argued that the ordinance discriminated against the poor by preventing them from meeting their rental payments through the aggregation of their resources. Without elaborating, the court ruled that the zoning restrictions were reasonable.

Marsland v. International Society for Krishna Consciousness 66 Hawaii 119, 657 P.2d 1035 (1983)

On November 20, 1978, the Prosecuting Attorney of the City and County of Honolulu filed an action for injunctive relief and a declaratory judgment in the state Circuit Court to enjoin the International Society for Krishna Consciousness (ISKCON) from utilizing the premises of 51 Coelho Way, Honolulu, as a residence for more than five unrelated people. The residence in question consisted of a two story residential building along with several other structures such as a guest house and a maid's quarters. The owner of the property allowed the society and its members to use the premises as a temple for the sum of \$1.00 per year. The property was zoned "R-3" under the Comprehensive Zoning Code (CZC) of the City and County of Honolulu.

Ordinance No. 3234 of the Honolulu CZC allowed the use of the R-3 structure as a church. Nonetheless, the City argued, that whenever a church is also used as a residential dwelling, the CZC restriction limiting occupation to not more than five unrelated people should be applied. According to testimony before the court, the premises, at one period or another, may have been used as a residence for as many as thirty unrelated people.

The action for injunctive relief and declaratory judgment was filed in Circuit Court after the District Court of the First Circuit ruled against the City's action to charge ISKCON with a violation of the CZC. The District Court ruled that ISKCON was not guilty of the alleged violation, holding that the structure was a church and the CZC "rule-of-five" did not apply. In its ruling, the Circuit Court agreed that the structure was a church, but nonetheless ruled that the rule-of-five applied to the occupants in the structure.

Seeking to interpose the doctrines of double jeopardy, res judicata, and collateral estoppel, the Circuit Court ruling was appealed by ISKCON to the Hawaii Supreme Court. ISKCON argued that inasmuch as the District Court had entered a final judgment of acquittal in its favor on the charge of violating the CZC rule-of-five, the issue of whether or not, on essentially the same facts, ISKCON was in violation of the ordinance, could not be relitigated in a second action in the same or a different court. The Supreme Court ruled that the District Court had erred in its interpretation and application of the provisions of the CZC. The Court ruled against applying the doctrine of res judicata and held that the injunction against ISKCON was simply an order to enjoin ISKCON from further violating the provisions of the CZC. The ruling allowed ISKCON to continue to use the structure as a church, but prohibited the group from using it as a residence for more than five unrelated people.

On September 3, 1983, the United States Supreme Court, declaring the absence of a "substantial federal question", refused to hear arguments that the Honolulu CZC violated the religious freedom rights of ISKCON, thus leaving the Hawaii Supreme Court ruling intact.

State Cases Resulting in Rulings of Unconstitutionality

Hopkins v. Zoning Hearing Board 423 A.2d 1082 (1980 Pa Cmwlth)

In Hopkins v. Zoning Hearing Board, the court ruled that an ordinance limiting unrelated tenants of a single family home to not more than two to be unconstitutional as applied to a dwelling used to provide care and housing for three unrelated mentally retarded children. The court ruled that there was no rational relationship between the restrictive definition of "family" and the state interest in preserving the character of the neighborhood, particularly because the proposed use would not involve problems dissimilar from those that would be caused by a family with related children. The court ruled that the group in the case was more equivalent to a biological family, rather than a group of unrelated individuals all of whom chose to associate for voluntary reasons.

McMinn v. Oyster Bay 66 N.Y.2d 544, 498 N.Y.S.2d 128, 488 N.E.2d 1240 (1985)

In McMinn v. Oyster Bay,²⁹ the owners and the four unrelated tenants of a four bedroom house in the Town of Oyster Bay on Long Island, New York, commenced action in the Supreme Court of Nassau County for a declaratory judgment that a zoning ordinance which restricted the use of the house to either the members of a family who are related by

"blood, marriage or adoption", or two unrelated tenants "both of whom are 62 years of age or older", was in violation of the equal protection clause of the New York State Constitution.

The zoning ordinances of the Town of Oyster Bay established a number of use districts, including a "D Residence" district, in which single family homes are permitted as of right, but "rooming" or "boarding houses" are only allowed if so sanctioned by the Town Board following a public hearing. The house owned by Robert McMinn was located in a D Residence district. Shortly after renting the house to four unrelated male adults, the owner of the structure was charged with a violation of the ordinance in Nassau County District Court. Subsequently, the owners and tenants of the house commenced action for injunctive relief in the Nassau County Supreme Court. The Supreme Court declared the ordinance invalid and held that the minimum age requirement established at 62 for unrelated occupants violated the state constitutional guarantee of equal protection. The Appellate Division affirmed and modified the ruling. The Town of Oyster Bay appealed the decision to the New York Court of Appeals.

In its decision, the Court of Appeals recognized the legitimacy of the local legislature's objective to preserve the character of the neighborhood, control density, reduce traffic, and prevent noise. However the Court found the ordinance flawed. The Court ruled that:³⁰

[T]he definition of family employed here is both fatally overinclusive in prohibiting, for example, a young unmarried couple from occupying a four-bedroom house who do not threaten the purposes of the ordinance, and underinclusive in failing to prohibit occupancy of a two-bedroom home by 10 or 12 persons who are related in only the most distant manner and who might well be expected to present serious overcrowding and traffic problems.

Special note was made of the minimum age requirement imposed on unrelated occupants in a D residence dwelling. The Court ruled that the requirement which restricted unrelated tenants to not more than two persons, both of whom are 62 years of age or older, violated the state constitutional guarantee against deprivation of property without due process. Rationalizing its departure from the ruling in Belle Terre, the Court noted that:³¹

Because the ordinance challenged in this case contains age limitations making it more restrictive than the Belle Terre ordinance and because the [United States] Supreme Court did not state in either Belle Terre or Moore v. East Cleveland, what definition of family is minimally necessary to survive Federal due process scrutiny, those decisions are not determinative of whether the ordinance before us would withstand Federal constitutional analysis.

While the limit set on the number of unrelated occupants allowed in each household was held to be constitutional by the court, the condition that required the occupants to be 62 years of age or older was ruled to be unreasonable. The Court of Appeals affirmed the Appellate Division's ruling and declared the ordinance unconstitutional on December 26, 1985.

ENDNOTES

1. Chapman, Beth Anne, The Constitutional Implications of a Restrictive Definition of Family in Zoning Ordinances, 17 South Dakota Law Review 201, (1972), at 203.
2. Id.
3. Id.
4. See generally, Smith, James A., Burning the House to Roast the Pig: Unrelated Individuals and Single Family Zoning's Blood Relation Criterion, 58 Cornell Law Review, (1972), at 138-165.

See also, Shor, Jonathan, All in the Family: Legal Problems of Communes, Harvard Civil Rights-Civil Liberties Review, Volume 7, 1972, at 393-431.
5. 416 U.S. 1 at 7 (1973).
6. 12 ALR 4th at 240.
7. Id. at 241.
8. Id. at 240.
9. Chapman, supra, note 1 at 206.
10. For an extensive review of related cases, see Exclusionary Zoning: Restrictive Definitions of Family, An Annotated Bibliography, CPL Bibliography No. 31, April 1980, Chicago, Illinois.

See also, 12 ALR 4th 239, supra not 6.
11. Other rulings in which validity was upheld include: Missionaries of Our Lady of La Salette v. Whitefish Bay (1954) 267 Wis. 609, 66 N.W.2d 627.; Kellog v. Joint Council of Women's Auxilliaries Welfare Ass'n (1954, Mo.) 265 S.W.2d 374; Browndale International, Ltd. v. Board of Adjustment (1973) 60 Wis. 2d 182, 208 N.W.2d 121, cert. den. 416 U.S. 936, 40 L. Ed. 2d 286, 94 S. Ct. 1933; Durham v. White Enterprises, Inc. (1975) 115 N.H. 645, 348 A.2d 706; Association for Educational Development v. Hayward (1976, Mo.) 533 S.W.2d 579; Owens v. Zoning Hearing Board (1983) 79 Pa. Cmwlth. 229, 468 A.2d 1195; Macon Assoc. for Retarded Citizens v. Macon-Bibb County Planning and Zoning Comm. (1984) 252 Ga. 484, 314 S.E.2d 218, app. dismd. (US) 83 L. Ed. 2d 8, 105 S. Ct. 57; People v. Multari (1987) 135 Misc. 2d 913, 517 N.Y.S.2d 374, app. den. 70 N.Y.2d 877, 523 N.Y.S.2d 504, 518 N.E.2d 15; and Hayward v. Gaston (1988, Del. Sup.) 542 A.2d 760.
12. Other rulings in which the ordinance was declared wholly or partially invalid: Larson v. Mayor & Council of Spring Lake Heights (1968) 99 N.J. Super. 365, 240 A.2d 31; Gabe Collins Realty, Inc. v. Margate City (1970) 112 N.J. Super. 341, 271 A.2d 430; White Plains v. Ferraioli (1974) 34 N.Y.2d 300, 357 N.Y.S.2d 449, 313 N.E.2d 756, 71 A.L.R.3d 687; Holy Name Hospital v. Montroy (1977) 153 N.J. Super. 181, 379

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A.2d 299; Moore v. East Cleveland (1977) 431 U.S. 494, 52 L. Ed. 2d 531, 97 S. Ct. 1932; State v. Baker (1979) 81 NJ 99, 405 A2d 368.; Santa Barbara v. Adamson (1980) 27 Cal. 3d. 123, 164 Cal. Rptr. 539, 610 P.2d 436, 12 A.L.R.4th 219; Hopkins v. Zoning Hearing Board (1980, Pa. Cmwlth.) 423 A.2d 1082; Children's Home of Easton v. Easton (1980) 53 Pa. Cmwlth. 216, 417 A.2d 830; Chula Vista v. Pagard (1981, 4th Dist) 115 Cal App 3d 785, 171 Cal Rptr 738; Charter Township of Delta v. Dinolfo (1984) 419 Mich. 253, 351 N.W.2d 831; Baer v. Brookhaven (1989) 73 N.Y.2d 942, 540 N.Y.S.2d 234, 537 N.E.2d 619.

13. Village of Belle Terre v. Boraas 416 U.S. 1 (1973).
14. Id. at 9.
15. Id.
16. Id. at 8.
17. Id. at 9.
18. Id.
19. 321 F. Supp 908.
20. Id.
21. Id.
22. Id.
23. Id. at 909.
24. Id.
25. 960 F.2d 975.
26. Id. at 976.
27. Id.
28. Id.
29. McMinn v. Oyster Bay 66 N.Y.2d 544, 498 N.Y.S.2d 128, 488 N.E.2d 1240 (1985)
30. Id. at 1243.
31. Id. at 1244.

Chapter 6

FINDINGS AND RECOMMENDATIONS

House Resolution No. 338 and Senate Resolution No. 117, S.D. 1, (1992), request the Legislative Reference Bureau to consult with the state Department of Health, the state Department of Human Services, and the Mayors of each county to address the "administrative concerns and inequities which have arisen" as a result of the State's licensure requirements for lodging and tenement facilities as defined in Chapter 445, Hawaii Revised Statutes. The Resolutions raise seven major concerns with respect to the requirements and restrictions imposed on these facilities. This chapter presents the findings and the recommendations of the Bureau. The following is a discussion of the report's findings on a chapter by chapter basis.

History of Part III, Chapter 445, Hawaii Revised Statutes

Chapter 2 reviews the history of Part III, Chapter 445, Hawaii Revised Statutes, and analyzes the claims that:

The "original purpose of Chapter 445 was to regulate group homes, halfway houses, and other similar arrangements--not regulate residential real estate rentals";

"[A]lthough not the intent of its enactment, Chapter 445 also regulates long-term rentals"; and

The law is unfair because it authorizes state and county agents and the police to enter and inspect a licensed lodging at any time.

Chapter 2 describes the development and evolution of the State's requirements for the certification and licensure of lodging and tenement facilities. Throughout the long history of the law, the provisions of Chapter 445, Hawaii Revised Statutes, have been revised and amended from time to time to resolve new problems and address relevant issues. Over the years, various new concepts have been incorporated into the regulatory mechanisms of the law, including the concept of regulating residential uses on the basis of the familial status of its tenants and the concept of categorizing and licensing these residences on the basis of the number of bedroom units they contained. In response to administrative as well as legislative concern over the potential for households containing unrelated tenants to have a disruptive effect on the tranquility of residential neighborhoods, the Legislature approved the passage of several amendments aimed at reinforcing the effect of the law on residential uses that cater to renters of this nature. Contrary to the claim made in the Resolutions, it appears that the

regulatory requirements currently imposed upon that category of dwellings colloquially referred to as "residential real estate rentals", were the direct result of legislation specifically designed and deliberately enacted to bring these dwellings into the scope of the law.

Throughout the history of Part III of Chapter 445, the uses exempt from the licensure requirements of the law have clearly been articulated in separate provisions set aside for exemptions. These uses include facilities operated by non-profit organizations and residential dwellings containing fewer than three unrelated people. Never in the history of the law has the Legislature established separate requirements for lodging facilities built for long-term or short-term occupancy. In the absence of evidence to support the claim that "long-term rentals" are indeed exempt from the requirements of the law, the only plausible conclusion that can be drawn is that they are not.

As noted in chapter 2, the original purpose of the law was to protect the health and safety of laborers forced to live in over-crowded conditions on the island of Oahu. The concept of allowing authorized agents to inspect the premises of any licensed lodging facility to protect the health and safety of tenants as well as the surrounding community was devised by the Legislative Assembly of the Kingdom of Hawaii during the first enactment of the law in 1880. In 1987, the Legislature reinforced the powers and duties of the State and the counties to perform inspections under section 445-95(5). In 1991, the state Attorney General released a legal opinion affirming the constitutionality of section 445-95(5) based on the view that these inspections constitute a valid and reasonable exercise of the State's power to protect the health and safety of guests.

Certification and Licensure Programs and Standards

Chapter 3 reviews the certification and licensure programs of the state Department of Health and the City and County of Honolulu. The chapter reviews the claims that:

The law "has become a burden on singles who are forced to live in lodgings that do not meet the standards required by Chapter 445, i.e., areas that are not serviced by wastewater systems approved by the Department of Health"; and

The law causes confusion with respect to "how the operation of adult residential care home facilities and group lodgings for 3 or more unrelated persons are distinguished for the other in terms of operations as residential real estate rentals".

As noted in the chapter, prior to November 1991, the Department of Health enforced a policy of requiring dwellings in unsewered areas to upgrade their cesspools to individual wastewater systems upon certification as a group facility. Upon finding that the Department lacked the full authority to require these improvements as a condition of certification,

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however, the practice of requiring sewage system upgrades was discontinued. Inspections now focus directly on the sanitary condition of the facility.

The maze of terms, standards, and regulatory requirements at the state and the county level contributes to the complexity of the law. Upon examining the broad array of uses regulated under the law, however, it is clearly apparent that the complexity of the law is a direct reflection of the complexity of the commercial activities it regulates. Adult residential care homes include group facilities that provide care on a twenty-four hour basis for a fee. Conceivably, this broadly defined term encompasses most of the different types of facilities that provide care or assistance to adult boarders. To simplify the process, these facilities are licensed and regulated exclusively by the Hospital and Medical Facilities Branch of the Department of Health.

Because adult residential care homes belong to a special sub-category of the facilities regulated under Chapter 445, any attempt to further clarify the distinctions between these uses--if at all necessary--should focus on clarifying the provisions of the adult residential care facilities law rather than Chapter 445. In any case, questions regarding the proper classification of any particular facility can be easily answered by contacting the regulators in charge of licensing these facilities.

State and Federal Fair Housing Standards

Chapter 4 reviews the fair housing laws of the State and the federal government and analyzes the claim that:

The law conflicts with state and federal fair housing laws and creates a dilemma for landlords based on the belief that "both the state and Federal Fair Housing Standards forbid a landlord from questioning the familial status of prospective renters";

While discrimination on the basis of "familial status" is indeed a violation of state and federal fair housing standards, the applicability of the term as well as the remedies available to victims of this form of discrimination appear to be limited strictly and exclusively to families with children. The housing rights affirmed for families with children, like the rights affirmed for all the other "protected classes" listed under state and federal law, were recognized and reinforced by Congress on the basis of nationally observed patterns of discrimination directed against renters and buyers hindered in their efforts to find housing because of these particular attributes. Groups of three or more unrelated individuals do not appear to fall within or meet the characteristics of any of the "protected classes" identified under the state or the federal laws.

Also discussed in chapter 4 was the issue of marital status protection. Currently in Hawaii, marital relationships are legally permitted between two people of the opposite sex.

Because marriages between three or more people are not allowed, it is difficult to identify credible scenarios, routine or hypothetical, wherein the requirements of Chapter 445 would conflict with the State's prohibition against marital status discrimination in housing.

The discriminatory acts prohibited under the fair housing laws of the State and the federal government are explicitly outlined in the statutory provisions of the respective laws. However, aside from identifying those acts that overtly result in the rejection of families or individuals who would otherwise be fully qualified to rent or purchase the property, the laws do not delve into such details as the kinds of questions that may or may not be asked by the seller or landlord during the sale or rental of a dwelling unit. Because the laws are devoid of provisions which forbid landlords from questioning the familial status of prospective renters with respect to the issue of having more than a certain number of unrelated adults, it does not appear that such an act, in and of itself, constitutes a violation of the law. Moreover, agents of the Hawaii office of the federal Department of Housing and Urban Development as well as the state Civil Rights Commission could not identify provisions in either the state or the federal law which would prohibit inquiries into the familial status of prospective renters.

Constitutionality of Chapter 445

Chapter 5 addresses the concern expressed in H.R. No. 338 and S.R. No. 117, S.D. 1, that the burdens placed on the owners of lodging facilities may be unfair. The Resolutions contrast the standards enforced against dwellings rented to families and dwellings rented to groups of unrelated people by noting that:

Families may rent the lodging despite not meeting the standards required by Chapter 445

Although the validity of any particular law must ultimately be determined in the appropriate courts of law on a case by case basis, the landmark rulings reviewed in chapter 5 illustrate the strong presumption held by the courts in favor of the validity of laws passed by state and local legislatures to protect the welfare of the public. Ever since the legitimization of zoning by the United States Supreme Court in Euclid v. Ambler Realty, the courts have scrutinized and evaluated nearly every aspect of governmental dominion over the free use of private property. The United States Supreme Court in Belle Terre v. Boraas affirmed the validity of laws that limit the number of unrelated persons permitted to dwell in a single household. The Court ruled that the ordinance in question did not violate the tenants' rights of equal protection and did not impermissibly affect their associational interests. The state Supreme Court has also upheld the validity of the limit established by the City and County of Honolulu for the number of unrelated persons permitted to share a single dwelling. Because of such rulings there exists a very strong presumption in favor of the validity of these laws, with the burden of proof falling on the challenging party to demonstrate that the provisions of the law are violative of state or federal constitutional principles.

Conclusion

The role of lodging and tenement facilities in meeting the housing needs of a particular segment of the rental community has long been recognized by the Legislature. The law regulating these facilities was initially passed to protect the surrounding community as well as improve the conditions of boarders living in these facilities. The law, as it is currently enforced, is used as a mechanism to respond to public complaints and maintain the public health and housing standards developed by the State and the counties over the years.

With the rising rate of homelessness and the growing demand for housing throughout the State, lodging and other group living facilities may play a more prominent role in Hawaii's rental housing market in the future. Under such a scenario, the regulatory powers and duties of the State and the counties under Chapter 445, Hawaii Revised Statutes, are likely to become even more critical to the orderly development and operation lodging and tenement facilities throughout the State.

HOUSE RESOLUTION

REQUESTING A REVIEW OF COUNTY STANDARDS REGARDING RENTALS FOR
THREE OR MORE UNRELATED PEOPLE.

WHEREAS, Chapter 445, Hawaii Revised Statutes (Chapter 445), requires Counties to license any lodging containing no more than nine rooming units in which space is let by the owner to three or more unrelated persons; and

WHEREAS, these lodgings are statutorily referred to as "lodging or tenement houses", "group homes", "group residences", "group living arrangements", or "rooming houses"; and

WHEREAS, the original purpose of Chapter 445 was to regulate the operation of group homes, halfway houses, and other similar housing arrangements--not regulate residential real estate rentals; and

WHEREAS, while the intent of Chapter 445 is good, it has become a burden for singles who are forced to live in lodgings that do not meet the standards required by Chapter 445, i.e., areas that are not serviced by wastewater systems approved by the Department of Health (DOH); and

WHEREAS, in direct contrast, families may rent the lodging despite not meeting the standards required by Chapter 445; and

WHEREAS, as a result, Chapter 445 may encourage housing discrimination by permitting certain lodgings to be rented to families and not a group of unrelated individuals; and

WHEREAS, moreover, there is confusion as to how Chapter 445 can be fairly applied--how do landlords know that they are actually renting to families when both the state and Federal Fair Housing Standards forbid a landlord from questioning the familial status of prospective renters or when the City and County of Honolulu Land Use Ordinance defines family as no more than five unrelated persons; and

WHEREAS, because Chapter 445 requires that any three unrelated adults renting a house must get a county license, Chapter 445 also authorizes the police, county agencies, agents

of the licensing department, and the DOH to inspect that house at anytime; and

WHEREAS, although also not the intent of its enactment, Chapter 445 also regulates long-term rentals which places an additional burden on an already tight housing market; and

WHEREAS, to worsen matters, there is some confusion regarding how the operation of adult residential care home facilities and group lodgings for 3 or more unrelated persons are distinguished from the other in terms of operations as residential real estate rentals; now, therefore,

BE IT RESOLVED by the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, that the Legislative Reference Bureau, working in conjunction with the Department of Health, the Department of Human Services, and the county Mayors is requested to identify, address, and resolve administrative concerns and inequities which have arisen regarding rentals for three or more unrelated persons; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau submit a report with findings and recommendations, with proposed legislation, if appropriate, to the Legislature at least twenty days before the convening of the 1993 Regular Session; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Legislative Reference Bureau, the Director of Health, the Director of Human Services, and the Mayors of the City and County of Honolulu, the County of Hawaii, Maui and Kauai.

OFFERED BY:

Nicholas C. Rios

Appendix B

JOHN WAIHEE
GOVERNOR



WARREN PRICE, III
ATTORNEY GENERAL

CORINNE K. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII

DEPARTMENT OF THE ATTORNEY GENERAL

425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 548-4740
FAX (808) 548-1900

March 14, 1991

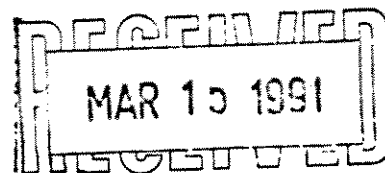
The Honorable Alex Santiago
Representative, Fourteenth District
The Sixteenth Legislature
State of Hawaii
State Capitol, Room 322
Honolulu, Hawaii 96813

Dear Representative Santiago:

Re: Constitutionality of Section 445-95, Hawaii Revised
Statutes

This responds to your memorandum of February 20, 1991, in which you ask our legal opinion on whether section 445-95, Hawaii Revised Statutes ("HRS"), is constitutional to the extent that it allows the police and agents of various state and county departments to inspect private homes licensed under chapter 445 for compliance with applicable health, zoning, and building laws. After reviewing the statute and its legislative history, along with relevant case law, we have identified no constitutional problems in the application of section 445-95 to the situation you describe.

According to your request, one of your constituents operates a vacation rental out of her home. Your legislative aide explained in a subsequent telephone conversation that your constituent lives in the home and rents out three bedrooms. She serves no meals to her guests. This arrangement appears to fit the definition of "lodging or tenement house" or "rooming house" found in section 445-90: "any building or portion thereof containing no more than nine rooming units, in which space is let by the owner or operator to three or more unrelated persons." Section 445-90, HRS (Supp. 1990).



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Chapter 445 requires operators of arrangements such as that of your constituent to be licensed by the county. Section 445-12. Before receiving a license the operator must obtain, first, a certificate from the department of health to assure that the premises "are in good sanitary condition," section 445-94(a), and, second, clearance from the county to assure that the arrangement complies with applicable building and zoning codes, section 445-94(b). Your constituent is concerned about the access for inspection that is imposed as a condition on the license by section 445-95. That section reads in pertinent part as follows:

§445-95 Conditions of license. A lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, license shall be issued upon the following express conditions, which shall be incorporatd in the license:

. . . .

- (5) The police, agents of the licensing department, agents of the state department of health and agents of the appropriate county agencies responsible for compliance with the county's building and zoning codes shall at all times have access for purposes of inspection to enforce or administer this chapter and other applicable laws or rules

Your constituent considers this condition to be an invasion of privacy.

Initially, we note that, according to the legislative history of chapter 445, its licensing requirements are intended to apply to operations in private homes. Until 1986 the chapter contained an exemption for private families who housed up to seven boarders in their homes, but in 1986 that exemption was repealed. As the Senate Committee on Government Operations explained,

Presently, lodging or tenement houses, hotels, boardinghouses, and restaurants are licensed and regulated under Chapter 445, Hawaii Revised Statutes. This chapter, however does not adequately address problems faced by the Department of Health (DOH), regarding some lodging or tenement houses that

The Honorable Alex Santiago
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operate in violation of certain health regulations. Your Committee finds that this is possible because of two deficiencies in the law.

First, Chapter 445, does not define "lodging or tenement houses", and second, Section 445-97 exempts houses owned by a private family taking in seven boarders or less from the licensure requirements under Chapter 445. Therefore, it appears that under certain conditions, some lodging or tenement houses are outside of the regulatory jurisdictions of the DOH or the appropriate county licensing agency as provided under Chapter 445.

This bill resolves this problem by repealing the exemption for private homes provided under Section 445-97, and adding a definition of "lodging or tenement house" to Chapter 445

S. Stand. Comm. Rep. No. 773-86, 13th Leg., 1986 Reg. Sess., Haw. S.J. 1146 (1986).

In general, living arrangements such as these are regulated under a state's police powers. See, e.g., Savage v. District of Columbia, 54 A.2d 562 (D.C. 1947); McBrierty v. Baltimore, 219 Md. 223, 148 A.2d 408 (1959). This type of regulation, by necessity, interferes to some extent with private rights:

A distinguishing characteristic of the police power is that it is a reasonable preference of public over private interests. The lawful exercise of the police power necessarily interferes in some respects with the liberty of the citizen, such as his right to move about as he pleases, or his right to follow in his own way any lawful occupation, or his right in the use of his property. This interference is justified solely on the ground and only to the extent that it is required in order to protect the personal and property rights of others, and advance the best interests of society. Indeed, all businesses and occupations and all movements and activities of the citizen in public relations are carried on subject to the reasonable exercise of the police power. Obviously individual freedom must yield to the enforcement of just regulations for the public good.

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Appropriate and reasonable legislation or regulation is sanctioned, where it has for its object the promotion of the public safety, health, convenience and general welfare, or the prevention of fraud and immorality.

6A E. McQuillin, The Law of Municipal Corporations §24.05 (3d ed. 1988).

The question is thus the extent to which the State's police power may constitutionally interfere with an individual's rights. The Hawaii Supreme Court has held that, generally, the police power may be exercised subject only to the requirements that "the law shall not be unreasonable, arbitrary or capricious, and that the means selected shall have a real and substantial relation to the object sought to be obtained." W.H. Greenwell, Ltd., v. Department of Land and Natural Resources, 50 Haw. 207, 209, 436 P.2d 527 (1968) (citations omitted). We have found no Hawaii cases that address the validity of state regulation of lodging or rooming houses, but cases from other jurisdictions establish that the licensing, regulation, and inspection of boarding, lodging, and tenement houses are valid, constitutional exercises of the state's police power because they bear a reasonable relation to the important purpose of protecting the health of occupants. Savage v. District of Columbia, 54 A.2d at 565; McBriety v. Baltimore, 148 A.2d at 414.15. The State's power specifically to inspect licensed operations of this type has also been upheld as bearing a reasonable relationship to the common good. Southport v. Ross, 109 N.Y.S.2d 196 (Supr. Ct. 1951); Belleville Chamber of Commerce v. Belleville, 51 N.J. 153, 238 A.2d 181 (1968); McBriety v. Baltimore, 148 A.2d at 414. Given the principles enunciated in Greenwell, we believe that Hawaii courts would agree that these regulatory activities are reasonable and have a real and substantial relation to protecting the health and safety of guests, and are therefore valid exercises of the police power.

Of course, your constituent's point is that the licensed activity occurs in her home, and she wishes to be free of any sort of governmental intrusion there. Nonetheless, regulation and inspection appear to be warranted in this situation since the same public interest--protection of the health and safety of guests--is at stake here as in any other housing rental situation. See, e.g., Savage v. District of Columbia, 54 A.2d at 565 (taking roomers in a private home is a business, and

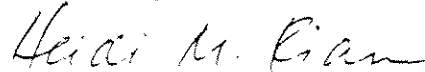
The Honorable Alex Santiago
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Page 5

providing health regulations in this situation is reasonable). And, as the Commonwealth Court of Pennsylvania pointed out in Greenacres Apartments, Inc., v. Bristol Township, 85 Pa. Commw. 572, 462 A.2d 1356, 1360 (1984), privacy rights in property rented out to the public are questionable at best.

Since we believe that the application of chapter 445 to this situation is constitutional, there is no need to address your second question regarding what might be done to alleviate any potential constitutional problems.

We hope our comments are useful to you. Please feel free to contact us if you have further questions in this area.

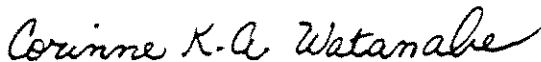
Very truly yours,



Heidi M. Rian
Deputy Attorney General

HMR:kn
2651R

APPROVED:



Corinne K. A. Watanabe
Acting Attorney General

Appendix C

CHAPTER 445 COUNTY LICENSES

PART III. LODGING OR TENEMENT HOUSES, HOTELS, AND BOARDINGHOUSES

Note

Sections 445-91 to 96 designated and amended as Part III by L 1990, c 164, §28.

Revision Note

In the designation of new parts by L 1990, c 164, §§445-90 and 90.5 are unaccounted for. The revisor classified these sections to this part.

§445-90 Definitions. When used in this chapter, unless the context requires otherwise:

“Boardinghouse” means a building or buildings having at least three rooms for the accommodation of six or more unrelated persons and in which the owner or operator furnishes at least one meal per day as part of the accommodations.

“Hotel” means any building or portion thereof or buildings containing more than nine rooming units, in which space is let by the owner or operator to six or more unrelated persons.

“Lodging or tenement house”, “group home”, “group residence”, “group living arrangement”, or “rooming house” means any building or portion thereof containing no more than nine rooming units, in which space is let by the owner or operator to three or more unrelated persons.

“Noisy or disorderly conduct” has the same meaning as defined in chapter 711.

“Restaurant” means a building in which the principal business is the furnishing of meals for pay. [L 1986, c 149, §1; am L 1987, c 333, §3; am L 1988, c 313, §2]

[§445-90.5] **Exemption.** A facility owned or used by a government agency or by a nonprofit agency which is registered with the department of commerce and consumer affairs and providing services by contract for a government agency, shall be exempt from this chapter. [L 1987, c 333, §2]

§445-91 REPEALED. L 1987, c 333, §8.

§445-92 Fee. The annual fee for a license to keep a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse shall be \$10. [L 1896, c 64, §69; am L 1911, c 18, §1; am L 1915, c 71, §1; RL 1925, §2053; am L 1932 2d, c 66, §8; RL 1935, §2475; RL 1945, §7078; RL 1955, §155-59; HRS §445-92; am L 1986, c 149, §2; am L 1987, c 333, §4]

§445-93 Fee, restaurant; restrictions. (a) The annual fee for a license to keep a restaurant shall be \$10; provided that in the case of religious, charitable, and educational institutions not regularly engaged in such business the fee for the license shall be \$1.

(b) No bedrooms or sleeping accommodations for hire shall be allowed on the premises of the restaurant. [L 1915, c 71, §2; RL 1925, §2054; am L 1932 2d, c 66, §9; RL 1935, §2476; RL 1945, §7079; am L 1953, c 168, §1; RL 1955, §155-60; HRS §445-93; am L 1986, c 149, §3]

§445-94 Certificates. (a) No license shall be issued for a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, until the applicant secures from the department of health and presents to the treasurer a certificate setting forth that an agent of the department has examined the building or buildings, with a description sufficient to identify and locate the same, and that the same are in good sanitary condition.

(b) No initial license shall be issued for a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, until the applicant secures a clearance from the appropriate county agency responsible for ensuring compliance with county building and zoning codes and presents to the treasurer a certificate setting forth that an agent of the agency has examined the building or buildings, proposed to be used for such purposes, with a description sufficient to identify and locate the same; and that the same are in compliance with the building and zoning codes. [L 1896, c 64, §70; am L 1898, c 38, §1; RL 1925, §2055; RL 1935, §2477; RL 1945, §7080; RL 1955, §155-61; am L Sp 1959 2d, c 1, §19; HRS §445-94; am L 1986, c 149, §4; am L 1987, c 333, §5; am L 1988, c 162, §1; am L 1990, c 164, §16]

§445-95 Conditions of license. A lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, license shall be issued upon the following express conditions, which shall be incorporated in the license:

- (1) The licensee shall not permit noisy or disorderly conduct in the building or buildings;
- (2) No person engaging in acts of prostitution shall be allowed to reside therein or resort thereto;
- (3) No intoxicating liquor or other intoxicating substance shall be furnished or sold therein, except as authorized by law;
- (4) The building or buildings and premises licensed shall be kept in good sanitary condition, in accordance with law and with the orders of the agent of the department of health;
- (5) The police, agents of the licensing department, agents of the state department of health and agents of the appropriate county agencies responsible for compliance with the county's building and zoning codes shall at all times have access for purposes of inspection to enforce or administer this chapter and other applicable laws or rules;
- (6) No gaming shall be allowed;
- (7) The licensee, if a lodging or tenement house, group home, group residence, group living arrangement, or boardinghouse shall keep records identifying its tenants, lodgers, or boarders; and
- (8) No facility shall deliver or purport to deliver health care services or treatment unless it is licensed, certified, or contracted for by the State or other governmental agencies to do so. [L 1896, c 64, §71; RL 1925, §2056; RL 1935, §2478; RL 1945, §7081; RL 1955, §155-62; am L Sp 1959 2d, c 1, §19; HRS §445-95; am L 1986, c 149, §5; am L 1987, c 333, §6; am L 1990, c 164, §17]

[§445-95.1] Unfair or deceptive practices prohibited. (a) No person shall engage in this State in any act or practice which is prohibited in section 445-95.2 or which is defined in that section as, or determined under that section to be, an unfair or deceptive act or practice in the rooming house business.

(b) Any facility owned or used by a government agency or by a nonprofit agency which is registered with the department of commerce and consumer affairs and providing services by contract for a government agency, shall be exempt from this section.

(c) The department of human services shall enforce the provisions of this section and shall refer to other state and county agencies any violations enforced by those other governmental agencies. [L 1988, c 313, pt of §3]

[§445-95.2] Unfair and deceptive practices defined. The following are defined as unfair or deceptive practices in the rooming house business:

- (1) Requiring, seeking, or encouraging any resident or prospective resident to execute a power of attorney in which the resident or prospective resident names the rooming house, its owner, or any of its agents or employees as attorney-in-fact;
- (2) Making any representation that the rooming house offers medical care, rehabilitation, or therapeutic benefits of any type;
- (3) Negotiating public assistance checks payable to a resident;
- (4) Refusing to refund any deposit as provided in sections 521-44(c) and 521-66;
- (5) Refusing to give any resident a partial rent refund in accordance with section 521-66;
- (6) Encouraging, soliciting, or requiring any resident or prospective resident to consent to the release of information concerning the resident or

prospective resident which is maintained by any government agency and otherwise confidential;

- (7) Encouraging, soliciting, or requiring a resident or prospective resident to:
 - (A) Turn over food stamps to the rooming house, its agents, or employees; or
 - (B) Permit authorization to purchase (ATP) food stamp cards to be negotiated by the rooming house, its agents, or employees;
- (8) Limiting, hindering, or restricting access of residents who are food stamp recipients to foodstuffs, food containers, refrigerators, or other food storage facilities;
- (9) Encouraging, soliciting, or requiring any resident or prospective resident to apply for or receive food stamps if the rooming house has meal service;
- (10) Accepting food stamps as payment for or in reduction of rent;
- (11) Charging different rents for similar accommodations based on the amount of a resident's public assistance benefits;
- (12) Encouraging, soliciting, or requiring any resident or prospective resident to have public assistance benefits mailed to the rooming house, its owner, or its agents or employees; and
- (13) Denying any prospective resident or evicting any resident from living accommodations solely on the basis of age or disability. [L 1988, c 313, pt of §3]

[§445-95.3] Powers of the director. The director of the department of human services may examine and investigate the affairs of every person, partnership, corporation, or other organization engaged in the rooming house business in this State in order to determine whether any unfair or deceptive practice prohibited by section 445-95.1 has been committed. [L 1988, c 313, pt of §3]

[§445-95.4] Penalty. Any person, firm, company, association, or corporation committing any unfair or deceptive practice as defined in section 445-95.2 shall be fined \$500 for each violation. [L 1988, c 313, pt of §3]

[§445-95.5] Suits by the State. The director of the department of human services, by and through the attorney general, may bring an action on behalf of the State to enjoin any violation of section 445-95.2, to enjoin any person, partnership, corporation or other organization who has violated section 445-95.2 from continuing to engage in the rooming house business, to collect the penalties provided by section 445-95.4, or to recover any damages sustained by any person injured by a violation of section 445-95.2. In any such action, the State shall also be entitled to recover the costs of suit together with reasonable attorneys' fees. [L 1988, c 313, pt of §3]

[§445-95.6] Suits by individuals. Any person injured by a violation of section 445-95.2 has a private right of action and may bring a civil action to recover three times the person's actual damages or \$1,000 for each violation, whichever sum is greater. Any person bringing such an action shall also be entitled to recover the person's costs together with reasonable attorneys' fees. [L 1988, c 313, pt of §3]

[§445-95.7] Jurisdiction, venue. An action under section 445-95.5 or 445-95.6 shall be brought in the district court and division in which the rooming house is located. [L 1988, c 313, pt of §3]

§445-96 Penalty. (a) Any person who keeps a lodging or tenement house, group home, group residence, group living arrangement, hotel, or boardinghouse, without a license shall be fined in accordance with section 445-12.

(b) Any person holding a license under this chapter who violates or fails to observe any of the requirements or conditions of this chapter or of the license, shall be fined not less than \$100 nor more than \$1,000 per day of violation for each violation and the court may cancel the license.

(c) Any person who intentionally or knowingly obstructs or interferes with the progress of any authorized inspection pursuant to this chapter shall be guilty of a misdemeanor. [L 1896, c 64, §72; RL 1925, §2057; RL 1935, §2479; RL 1945, §7082; RL 1955, §155-63; HRS §445-96; am imp L 1984, c 90, §1; am L 1986, c 149, §6; am L 1987, c 333, §7; am L 1990, c 164, §18]

§445-97 REPEALED. L 1986, c 149, §7.

Appendix D

STATE OF HAWAII DEPARTMENT OF HEALTH	ENVIRONMENTAL HEALTH SERVICES DIVISION SANITATION BRANCH
CERTIFICATE for: HABITABLE BUILDING Date Valid: _____	
I, the undersigned, Agent of the Department of Health, certify that an inspection was made at the following establishment and location: _____	

and that the establishment was found to be in a fit and sanitary condition in accordance with State Statutes and Administrative Rules of the Department of Health.	
Date Issued _____	Agent of the Department of Health _____

0050L
12/2/87

Appendix E

STATE AND COUNTY REQUIREMENTS COVERING GROUP LIVING ARRANGEMENTS

	DLU - LUO		DOH	FINANCE	BUILDING	FIRE	BWS	DPW	
			HOSPITAL AND MEDICAL FACILITIES	SANITATION • Health • Cesspools	• Business	• Housing, Building Inspection	• Fire Inspection	• Water	• Sewers
0-2 roomers unrelated and family - no care	Accessory to family	No license	No require- ment unless if on cesspool	No license	• H.C. Inspection • B.C. Inspection • Group R Dwelling standards	None	*	None	
3 roomers unrelated and family - no care	Accessory to family	No license	No require- ment - limit 4 lodging units	• Group home • License regulations • Sanitation clearance	• H.C. Inspection/ Finance • Group R Dwelling standards	None	*	None	
3-5 unrelated - no care	Family	No license	No require- ment unless cesspool	Group home license must list tenants	• Group R Dwelling standards • H.C. Inspection/ Finance	None	*	None	

Notes:

- * No involvement unless in No-Pass zone and inadequate public systems.
- "/DLU" - Inspection requested by Department of Land Utilization
- "/DOH" - Inspection requested by State Department of Health
- "/Finance" - Inspection requested by Finance Department
- "H.C." - Housing Code
- "B.C." - Building Code

STATE AND COUNTY REQUIREMENTS COVERING
GROUP LIVING ARRANGEMENTS

DLU - LUO	DOH	FINANCE	BUILDING	FIRE	BWS	DPW
	HOSPITAL AND MEDICAL FACILITIES	SANITATION				
		• Business	• Housing, Building Inspection	• Fire Inspection	• Water	• Sewers
6-8 unrelated and manager - no care	No license	Sanitation clearance	License required	H.C. Inspection/Finance	• * Wants to be notified	None (?)
	• Boarding facility			• No require-ment		
	• Not allowed in residential districts			• Wants to be notified		
	• Allowed in Apt., AMX, BMX-3 and BMX-4					
6 or more unrelated with meal - no care	No license	Sanitation clearance	Boarding license	H.C. Inspection/DLU	• * Wants to be notified	None
	• Boarding facility			None		
	• Not allowed in residential districts					
	• Allowed in Apt., AMX, BMX-3 and BMX-4					
9 or more - no care	No license	Inspection	License required	H.C. Inspection/DLU	Inspection	Inspection
	• Boarding facility					
	• Not allowed in residential districts					
	• Allowed in Apt., AMX, BMX-3 and BMX-4					

Notes:

- * No involvement unless in No-Pass zone and inadequate public systems.
- Inspection requested by Department of Land Utilization
 - Inspection requested by State Department of Health
 - Housing Code
 - Building Code

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12/2/87

STATE AND COUNTY REQUIREMENTS COVERING
GROUP LIVING ARRANGEMENTS

	DLU - LUO	HOSPITAL AND MEDICAL FACILITIES	DOH SANITATION • Health • Cesspools	FINANCE • Business	BUILDING • Housing, Building Inspection	FIRE • Fire Inspection	BWS • Water	DPW • Sewers
10 or more - no care	<ul style="list-style-type: none"> • Boarding facility • Not allowed in residential districts • Allowed in Apt., AMX, BMX-3 and BMX-4 	No license	Inspection	License required	Inspection	Inspection	Inspection	Inspection

Notes:

- * No involvement unless in No-Pass zone and inadequate public systems.
- "/DLU" - Inspection requested by Department of Land Utilization
- "/DOH" - Inspection requested by State Department of Health
- "/Finance" - Inspection requested by Finance Department
- "H.C." - Housing Code
- "B.C." - Building Code

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12/2/87

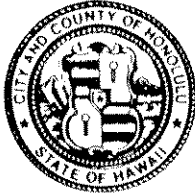
STATE AND COUNTY REQUIREMENTS COVERING
GROUP LIVING ARRANGEMENTS

	DLU - LUO	DOH HOSPITAL AND MEDICAL FACILITIES	SANITATION • Health • Cesspools	FINANCE • Business	BUILDING • Housing, Building Inspection	FIRE • Fire Inspection	BWS • Water	DPW • Sewers
1-5 unrelated and staff or home operator with care	Family	• License: ARCH Special treatment ICF-MR	• Inspection: Sanitation Cesspools	No license	• Group R Dwelling standards • H.C., B.C. Inspection	Inspection/ DOH	• * • Wants to be notified • \$ fee per room	None (?)
6-8 unrelated and staff or home operator with care	Family	• License: ARCH Special treatment ICF-MR	• Sanitation clearance	No license	• Inspection required • Group I standards	Inspection/ DOH/Bldg.	• * • Wants to be notified • Fee charge	None
9 or more - with care	Group living facility CUP 2	License	Sanitation clearance	None	• Inspection required • Group I standards	Inspection/ DOH/Bldg.	Inspection	Inspection required

Notes:

- * No involvement unless in No-Pass zone and inadequate public systems.
- "/DLU" - Inspection requested by Department of Land Utilization
- "/DOH" - Inspection requested by State Department of Health
- "/Finance" - Inspection requested by Finance Department
- "H.C." - Housing Code
- "B.C." - Building Code

Appendix F



CITY AND COUNTY OF HONOLULU
DEPARTMENT OF FINANCE
DIVISION OF MOTOR VEHICLES & LICENSING

P.O. Box 30310
Honolulu, Hawaii 96820-0310

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

BUSINESS LICENSE NOTIFICATION

COPY

NAME OF BUSINESS DOE'S ROOMING HOUSE ADDRESS: 1313 LUCKY AVENUE

OWNER or OFFICER: JOHN & JANE DOE, ET AL Tel. # 328-7448

Our records indicate that you: (X) have no license () have not renewed your license for the operation of:

1. ROOMING HOUSE 2. _____ 3. _____
4. _____ 5. _____ 6. _____

The license is a requirement of Section: 445-92 (X) Hawaii Revised Statutes
() C&C Revised Ordinances

To obtain your license, the following clearances checked below are required:

- ☒ Certificate of Inspection from the STATE DEPARTMENT of HEALTH
☐ Certificate of Inspection from the Building Department, City and County of Honolulu
☒ Other: CERTIFICATE OF CLEARANCE, BUILDING DEPARTMENT

If you require information regarding this matter, please call 973-2810.

FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS MAY RESULT IN PROSECUTION

INFORMATION: FINES TO \$500 PER DAY - 445-96/12
HAWAII REVISED STATUTES

Robert A. Williams
Licensing Investigator
DATED: 8-24-92

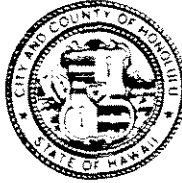
COPY

Appendix G

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU

DIVISION OF MOTOR VEHICLES AND LICENSING
1455 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96814

FRANK F. FASI
MAYOR



RUSSELL W. MIYAKE
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

August 24, 1992

Doe's Rooming House
1313 Lucky Avenue
Honolulu, Hawaii 96814

COPY

To Whom It May Concern:

A Business License Notification was served on August 24, 1992, informing the owner or operator of your business establishment that our records indicate that you have no license for the operation of a Rooming House.

This notification also informed the owner or operator that this license was a requirement of Section 445-92 Hawaii Revised Statutes and that failure to comply may result in prosecution which could involve fines of up to \$500 per day for each day of unlicensed operation pursuant to Section 445-96/12, Hawaii Revised Statutes.

As of this date there has been no response to the Business License Notification. This will be our final notice. If you have any questions concerning this matter, please telephone the Business License Branch at 973-2810.

Sincerely,

ROBERT K. WALES
Licensing Investigator

ACKNOWLEDGEMENT OF RECEIPT:

COPY

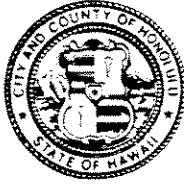
Signature: _____

Date: _____

Appendix H

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU

DIVISION OF MOTOR VEHICLES AND LICENSING
1455 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96814



FRANK F. FASI
MAYOR

RUSSELL W. MIYAKE
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

August 24, 1991

State Of Hawaii
Department of Health
Sanitation Division
541 Ala Moana Boulevard
Honolulu, Hawaii 96814

COPY

Dear Sir:

A Business License Notification, form DF-L-155 was issued to:

Doe's Rooming House
1313 Lucky Avenue
Honolulu, Hawaii 96814

informing the owner or operator that our records indicate that they have no license for the operation of a Rooming House and that this license is a requirement of Section 445-92, Hawaii Revised Statutes.

The following information is needed in determining what action is to be taken at this time:

1. Has this business establishment obtained a Certificate Of Inspection? YES _____ NO _____
2. Has this business establishment requested an inspection to obtain a Certificate Of Inspection? YES _____ NO _____
3. Was a Certificate Of Inspection denied to this business establishment? YES _____ NO _____
If "YES," Why? _____

Signature of person providing information: _____
Date: _____

Thank You Very Much

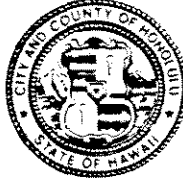
ROBERT K. WALES
Licensing Investigator

Appendix I

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU

DIVISION OF MOTOR VEHICLES AND LICENSING
1455 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96814

FRANK F. FASI
MAYOR



RUSSELL W. MIYAKE
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

August 24, 1992

City & County Of Honolulu
Building Department
Existing Building Section
650 South King Street
Honolulu, Hawaii 96814

COPY

Dear Sir:

A Business License Notification, form DF-L-155, was issued to:

Doe's Rooming House
1313 Lucky Avenue
Honolulu, Hawaii 96814

informing the owner or operator that our records indicate that they have no license for the operation of a Rooming House and that this license is a requirement of Section 445-92, Hawaii Revised Statutes.

The following information is needed in determining what action is to be taken at this time:

1. Has this business establishment obtained a Clearance Certificate? YES _____ NO _____
2. Has this business establishment requested an inspection to obtain a Clearance Certificate? YES _____ NO _____
3. Was a Clearance Certificate denied to this business establishment? YES _____ NO _____ If "YES"

Why? _____

Signature of person providing information

_____ Title: _____

Date: _____

Thank You Very Much

ROBERT K. WALES
Licensing Investigator

Appendix J

BUILDING DEPARTMENT
Building Safety Division
City and County of Honolulu

TO: Department of Finance
Division of Motor Vehicles and Licenses
Special Services Branch

SUBJECT: Building Department's Recommendation on Issuance of Business License

Owner of Business: _____

Name of Business: _____

Business Address: _____

Tax Map Key: _____

- ☒ Boardinghouse - *(Three or more rooms for the accommodation of six or more unrelated persons in which the owner or operator furnishes at least one meal per day as part of the accommodations)
- ☐ Hotel - *(Any building or portion thereof or buildings containing more than nine rooming units, in which space is let by the owner or operator to six or more unrelated persons)
- ☐ Lodging or tenement house, group home, group residence or group living arrangement - *(Any building or portion thereof containing no more than nine rooming units, in which space is let by the owner or operator to three or more unrelated persons)
- ☐ Restaurant - *(Any building or portion thereof in which the principal business is the furnishing of meals for pay)

The above premises was inspected on _____ and

Zoning Code violations were ☒ not found.

☐ found

Therefore it is ☒ recommended that the Business License requested
☐ not recommended
be issued.

REMARKS:

1. Roomers, up to 3, provided the dwelling unit is occupied by a family composed of persons related by blood, adoption or marriage, and is not used as a group living facility.
2. In lieu of a family and three roomers, a dwelling unit may be occupied by no more than 5 unrelated persons.

Building Inspector

Date

*Definition from Section 445-90 HPS.

COPY

STATE OF HAWAII

STATE OF HAWAII)
) SS. MVL-92-000
CITY AND COUNTY OF HONOLULU)

COPY

C-1-1

ADMINISTRATIVE INSPECTION WARRANT - PAGE 2

The property is located on the Diamond Head (East) side of Lucky Avenue where the corner of Lucky Avenue turns from the Makai (South) to Mauka (North) in direction, and then runs Diamond Head (East) in direction. This is also the intersection of Lucky Avenue and Money Lane. Money Lane is an extension of Lucky Avenue that runs in the Diamond Head (East) to Ewa (West) direction.

The Building on the property is described as a three (3) story structure of hollow tile construction and is beige in color. There are two (2) stairways, one (1) on the Mauka (North) end of the building and one (1) on the Makai (South) end of the building.

The building contains twelve (12) units. There are four (4) units on the ground floor which are numbered, "1", "2", "3", and "4". There are four (4) units on the second floor which are numbered, "5", "6", "7", and "8", and there are four (4) units on the third floor which are numbered, "9", "10", "11", and "12".

There are two (2) silver colored mailboxes which are located between units 1 and 2. There is a wooden fence approximately five feet (5') in height which extends from the Makai (South) end of the premises to the Mauka (North) end of the premises. This fence partially obstructs the view of the first floor.

And to seize the following property:

1. Log books, rent receipts, record books showing the collection of rent and or other business activities, opened and/or unopened mail which would tend to identify tenants who reside in the buildings, keys used by tenants to gain access to the buildings, property of tenants which would establish residency in the buildings, articles of personal property tending to establish the identity of persons who are tenants of the buildings, and rent, advertising and other business transaction receipts, materials, or records.
2. Articles of personal property tending to establish the identity of the owner, operator, or agent in charge of the premises, consisting in part, but not limited to utility company receipts, rent receipts, mortgage payment receipts, cancelled mail envelopes, and keys.

using such reasonable force as appropriate in conducting the inspection authorized by this warrant.

pursuant to Section 46-15.4, Hawaii Revised Statutes, and Rule 41 of the Hawaii Rules of Penal Procedure, and if you find same, or any part thereof, to bring it forthwith before me, in the District Court of the First Circuit, City and County of Honolulu, State of Hawaii, or retain such property in your custody subject to the order of this court pursuant to Rule 41 of the Hawaii Rules of Penal Procedure.

COPY

COPY

ADMINISTRATIVE INSPECTION WARRANT - PAGE 3

This warrant may be served and the inspection made only during the daylight business hours between 8:00 a.m. and 5:00 p.m.

GIVEN UNDER MY HAND, and dated this ____ day of _____,
19____, at _____, City and County of Honolulu, State
of Hawaii.

JUDGE OF THE ABOVE ENTITLED COURT
STATE OF HAWAII

COPY

Appendix L

COMPLAINT & SUMMONS							
TRAFFIC	CRIMINAL	DIST.	BEAT	CENSUS	CARV	HAZ. MAT.	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	66	1	9	9	9
in the DISTRICT COURT OF THE FIRST CIRCUIT. City and County of Honolulu, State of Hawaii, vs. _____ (State)							
Operator's Lic. No. _____							
That Name <u>DOE'S ROOMING HOUSE</u>							
Current Address <u>1313 WICKY AVENUE</u>							
City, State & Zip <u>HONOLULU HAWAII 96813</u>							
Wt. _____	Hgt. _____	Sex _____	Date of Birth _____	Age _____	Complexion _____		
If Juvenile <input type="checkbox"/>		Father _____		Mother _____			
Parent or Guardian's name _____		COPY		Phone _____			
Place of Employment or School _____							
(If member of Armed Forces, fill in this section)							
Branch & Serial Number _____				Rank _____			
on/or about this <u>24TH</u> day of <u>AUGUST</u> 19 <u>92</u> at about <u>08:00</u> Hrs.							
did operate a Motor Vehicle. Lic. plate No. _____							
Make of Vehicle _____ Type _____ Color _____ Yr. _____							
on a public street, or in a public park, to wit: _____							
did then and there and thereby commit the offense of:							
Violation <u>OPERATE A ROOMING HOUSE WITHOUT A LICENSE PER 445-92</u> Section <u>445-96 HRS</u>							
<input type="checkbox"/> No Driver's License <input type="checkbox"/> Traffic Light <input type="checkbox"/> Stop Sign <input type="checkbox"/> Crossing Solid Line <input type="checkbox"/> No left Turn <input type="checkbox"/> Equipment and Miscellaneous violation <input type="checkbox"/> Speeding _____ mph in _____ zone							
Accident <input type="checkbox"/> Minor <input type="checkbox"/> Major Report No. _____							
Date of Issue <u>08-29-92</u> Time <u>08:30</u> Hrs.							
<u>Robert K. Walis</u> Complainant						<u>2567 SP</u> Badge No.	
The undersigned alleges that the person named above committed the offense herein above set forth.							
<u>Robert K. Walis</u> Complainant						<u>2567 SP</u> Badge No.	
Subscribed & Sworn to before me this _____							
Signed _____							
HONOLULU POLICE DEPT. - CITY & COUNTY OF HONOLULU							
District Court of <u>HONOLULU</u>				Court Room No. <u>7C</u>		<input type="checkbox"/> Juvenile <input type="checkbox"/> Equipment & Misc. Violation	
MOTORIST'S COURT APPEARANCE DATE - THIS IS NOT A TRIAL DATE. SEE REVERSE SIDE OF THIS CITATION IF YOU DESIRE A TRIAL.							
<u>24TH</u> day of <u>AUGUST</u> 19 <u>92</u> at <u>8:30</u> AM							
POLICE DEPT. COPY							

Appendix M

DEPARTMENT OF FINANCE DIVISION OF LICENSE		BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92				FARLO7 PAGE 1						
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DUE DATE	PAYMENT AMOUNT	LAST DATE	MO	REG	STATUS RENEW	LICENSE NUMBER	VALIDATE NUMBER
A08200	AKEPO-MADONNA APARTMENTS HOTEL OR BOARDING HOUSE 955 AKEPO LN HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0051574	01738
					ISLAND WEST INVEST CORP 96817	2						
A08201	AKEPO-MADONNA APARTMENTS HOTEL OR BOARDING HOUSE 607 N KING ST HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0051575	01739
					ISLAND WEST INVEST CORP 96817	2						
A09150	ALA MOANA HOTEL HOTEL OR BOARDING HOUSE 410 ATKINSON DR HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0054078	00331
					AZABU CORPORATION 96814	2						
A09451	ALA WAI KING APARTMENT AND HOTEL HOTEL OR BOARDING HOUSE 2007 ALA WAI BLVD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/02/92	12		R	0059300	08937
					NEW YORK DIAMOND INC 96815	2						
A09500	*ALA WAI TERRACE HOTEL OR BOARDING HOUSE 1547 ALA WAI BLVD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0049273	01498
					OUTRIGGER HOTELS HAWAII 96815	1						
A21200	ALOHA PUNAWAI HOTEL OR BOARDING HOUSE 305 SARATOGA RD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0059131	03484
					LEE MARIE LAURE 96815							
A59195	ALOHA SURF HOTEL HOTEL OR BOARDING HOUSE 444 KANEKAPOLEI ST HONOLULU HI	27	1	50.00	06/30/93	50.00	07/02/92	12		N	0064060	06805
					SOUTHERN CROSS USA INC 96815	2						
A63000	AMBASSADOR HOTEL HOTEL OR BOARDING HOUSE 2040 KUHIO AVE HONOLULU	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0000337	02449
					TROPICAL ENTERPRISES LTD 96815							
B06700	BAYVIEW APARTMENT HOTEL HOTEL OR BOARDING HOUSE 44 707 PUAMOHALA ST KANEHOE HI	27	1	50.00	06/30/93	50.00	07/06/92	12		R	0034587	07215
					PEINE INC 96744	2						
B09800	BEST WESTERN - THE PLAZA HOTEL AIRPORT HOTEL OR BOARDING HOUSE 3253 NO NIMITZ HWY HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0043749	06320
					NIMITZ PARTNERS 96819	1						
B10500	BIG SURF CONDO/APTS HOTEL OR BOARDING HOUSE 1690 ALA MOANA BLVD HONOLULU HI	27	1	50.00	06/30/92		08/12/91	12			0054399	00000
					AQAO BIG SURF CONDO 96814							
B19800	THE BREAKERS HOTEL HOTEL OR BOARDING HOUSE 250 BEACHWALK HON HI	27	1	50.00	06/30/93	50.00	07/01/92	12		R	0025898	04066
					URASENKE INTL INC 96815	2						

DEPARTMENT OF FINANCE DIVISION OF LICENSE			BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92					FABLO7 PAGE 2			
ALPHA CODE	TRADE NAME		BUS CODE	NO UNIT	-----ANNUAL----- FEE DUE DATE	-----PAYMENT----- AMOUNT LAST DATE	MO	REC	RENEW	LICENSE NUMBER	VALIDATE NUMBER
C50400	*CITY VILLA HOTEL OR BOARDING HOUSE 1022 KEKAULIKE ST	HONOLULU HI	27	1	50.00 06/30/93 LAU AND LAU PAROPERTIES I 96817	50.00 07/02/92	12		R	0060472	06790
C61800	THE COCONUT PLAZA HOTEL OR BOARDING HOUSE 450 LEWERS ST	HONOLULU	27	1	50.00 06/30/93 WAIKIKI HOLIDAY ASSOC DAO 96815	50.00 07/30/92	12		R	0009354	08045
C63000	COLONY SURF HOTEL HOTEL OR BOARDING HOUSE 2895 KALAKAUA AVE	HONOLULU	27	1	50.00 06/30/93 COLONY SURF DEVELOPMENT C 96815	50.00 07/01/92	12		R	0001400	01591
C66200	CONTINENTAL SURF HOTEL HOTEL OR BOARDING HOUSE 2426 KUHIO AVE	HONOLULU HI	27	1	50.00 06/30/93 K V R INC 96815	50.00 07/01/92	12		R	0059965	00779
C68000	CORAL REEF HOTEL HOTEL OR BOARDING HOUSE 2299 KUHIO AVE	HONOLULU HI	27	1	50.00 06/30/93 TATIBOUET ANDRE S ETAL 96815	50.00 08/06/92	12		R	0028603	08277
C69500	*CORNER VILLA HOTEL OR BOARDING HOUSE 1816 A S KING ST	HONOLULU HI	27	1	50.00 06/30/93 NISHI ATSUGU/TOKUDA AMY S 96826	50.00 07/08/92	12		N	0064177	07532
D44600	DIAMOND HEAD BEACH HOTEL HOTEL OR BOARDING HOUSE 2947 KALAKAUA AVE	HONOLULU HI	27	1	50.00 06/30/93 SPORTS SHINKO 96815	50.00 07/24/92	12		N	0064345	07944
D45500	DIAMOND HEAD VIEW HOTEL HOTEL OR BOARDING HOUSE 230 MAKEE RD	HONOLULU HI	27	1	50.00 06/30/93 NAGASAWA HOUSING CORP 96815	50.00 07/01/92	12		R	0054302	00570
D75001	DRIFTWOOD HOTEL HOTEL OR BOARDING HOUSE 1696 ALA MOANA BLVD	HONOLULU	27	1	50.00 06/30/92 CORPORATION 96815	07/01/91	12			0001729	00000
E88800	EWA HOTEL WAIKIKI HOTEL OR BOARDING HOUSE 2555 CARTWRIGHT RD	HONOLULU HI	27	1	50.00 06/30/93 EWA INTERNATIONAL INC 96815	50.00 07/01/92	12		R	0054101	03506
E89505	*EWA KAI APT HOTEL HOTEL OR BOARDING HOUSE 91 919 KUHINA ST	EWA BEACH HI	27	1	50.00 06/30/93 HASEKO EWA INC 96706	50.00 08/10/92	12		R	0062362	08369
FO0700	FAIRWAY VILLA RESORT HOTEL OR BOARDING HOUSE 2345 ALA WAI BLVD	HONOLULU HI	27	1	50.00 06/30/93 OTAKA INC 96815	50.00 07/01/92	12		R	0054135	02459

DEPARTMENT OF FINANCE DIVISION OF LICENSE		BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92		FARLOT								
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DUE DATE	AMOUNT	PAYMENT LAST DATE	MO	RENEW DATE	LICENSE NUMBER	VALIDATE NUMBER	PAGE
F05900	FERNHURST YMCA RESIDENCE HOTEL OR BOARDING HOUSE 1566 WILDER AVE HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0039229	02937	3
G45600	GOLDEN WALL HOTEL HOTEL OR BOARDING HOUSE 1162 SMITH ST HONOLULU	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0002399	07112	
H06500	HALE PUA DORMITORY HOTEL OR BOARDING HOUSE 2734 S KING ST HONOLULU HI	27	1	50.00	06/30/93	50.00	07/14/92	12	R	0053955	07742	
H06600	HALE PUA NUI HOTEL HOTEL OR BOARDING HOUSE 228 BEACHWALK HONOLULU HI	27	1	50.00	06/30/93	50.00	07/02/92	12	R	0053400	06596	
H07100	HALE WAIKIKI APT HOTEL HOTEL OR BOARDING HOUSE 2410 KOA AVE HONOLULU	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0002583	02800	
H07650	HALEKULANI HOTEL OR BOARDING HOUSE 2199 KALIA RD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0042281	04733	
H13100	HARBOR ARMS APARTMENT HOTEL HOTEL OR BOARDING HOUSE 98 130 LIPOA PL ATEA HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0054731	01378	
H13250	HARBOR SHORES APARTMENT INC HOTEL OR BOARDING HOUSE 98145 LIPOA PL ATEA	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0002888	03162	
H23000	HAWAII DYNASTY HOTEL HOTEL OR BOARDING HOUSE 1830 ALA MOANA BLVD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	N	0064038	06444	
H23000	HAWAII DYNASTY HOTEL HOTEL OR BOARDING HOUSE 1830 ALA MOANA BLVD HONOLULU HI	27	1	50.00	06/30/92	50.00	07/01/91	12	D	0026283	00000	
H23905	HAWAII PRINCE HOTEL WAIKIKI HOTEL OR BOARDING HOUSE 100 HOLOMOANA ST HONOLULU HI	27	1	50.00	06/30/93	50.00	07/20/92	12	R	0061142	07836	
H31400	HAWAIIAN HORIZON APARTMENT HOTEL HOTEL OR BOARDING HOUSE 98135 LIPOA PL ATEA	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0003151	04127	

DEPARTMENT OF FINANCE DIVISION OF LICENSE			BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92					FABLO7 PAGE 4		
ALPHA CODE	TRADE NAME		BUS CODE	NO UNIT	----ANNUAL----- FEE DUE DATE	-----PAYMENT----- AMOUNT LAST DATE	MO	--STATUS-- REC RENEW	LICENSE NUMBER	VALIDATE NUMBER
H32100	HAWAIIAN KING HOTEL INC HOTEL OR BOARDING HOUSE 417 NOHONANI ST	HONOLULU	27 SAME 96815	1	50.00 06/30/92	07/01/91	12		0003118	00000
H32200	HAWAIIAN MONARCH HOTEL THE HOTEL OR BOARDING HOUSE 444 NIU ST	HON HI	27 HAWN MONARCH HOTEL INC 96815	1	50.00 06/30/93	50.00 07/23/92	12	R	0030444	07916
H32400	HAWAIIAN REGENT HOTEL HOTEL OR BOARDING HOUSE 2552 KALAKAUA AVE	HONOLULU HI	27 OTAKA LIMITED PARTNERSHIP 96815	1	50.00 06/30/93	50.00 07/06/92	12	R	0058160	07109
H33301	HAWAIIANA HOTEL HOTEL OR BOARDING HOUSE 260 BEACHWALK	HONOLULU HI	27 HAWAIIANA HOTEL CORP 96815	1	50.00 06/30/93	50.00 07/01/92	12	R	0062087	04439
H38451	HELEMANO VILLAGE BLDG 1A HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058595	00000
H38452	HELEMANO VILLAGE BLDG 1B HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058596	00000
H38453	HELEMANO VILLAGE BLDG 1C HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058597	00000
H38454	HELEMANO VILLAGE BLDG 2A HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058598	00000
H38455	HELEMANO VILLAGE BLDG 2B HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058599	00000
H38456	HELEMANO VILLAGE BLDG 2C HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058600	00000
H38457	HELEMANO VILLAGE BLDG 3A HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058601	00000
H38458	HELEMANO VILLAGE BLDG 3B HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAIHAWA HI	27 OPPORTUNITIES FOR THE RET 96786	1	50.00 06/30/92	07/08/91	12	D	0058602	00000

DEPARTMENT OF FINANCE DIVISION OF LICENSE			BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92			FARLO7				
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DATE DUE	AMOUNT LAST DATE	STATUS REC	LICENSE RENEW NUMBER	VALIDATE NUMBER	PAGE
H38459	HELEMANO VILLAGE BLDG 3C HOTEL OR BOARDING HOUSE 64 1510 KAMEHAMEHA HWY	WAHIAWA HI	27	1	50.00 06/30/92	07/08/91	12 D	0058603	00000	5
H47000	HILTON HAWAIIAN VILLAGE HOTEL OR BOARDING HOUSE 2005 KALIA RD	HON HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0027306	02708	
H53901	HOLIDAY INN AIRPORT HOTEL OR BOARDING HOUSE 3401 N NIMITZ HWY	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0051616	06323	
H53970	HAWAIIAN WAIKIKI BEACH HOTEL HOTEL OR BOARDING HOUSE 2570 KALAKAUA	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/06/92	12 R	0051104	07136	
H54100	HOLIDAY ISLE HOTEL HOTEL OR BOARDING HOUSE 270 LEWERS RD	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0046982	02834	
H54400	HOLIDAY SURF APT HOTEL HOTEL OR BOARDING HOUSE 2303 ALA WAI BLVD	HONOLULU	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0003448	00274	
H58010	HONOLULU PRINCE HOTEL HOTEL OR BOARDING HOUSE 415 NAHUA ST	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0053653	02508	
H60700	HOTEL MIRAMAR HAWAII HOTEL OR BOARDING HOUSE 2345 KUHIO AVE	HON HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0015818	00147	
H76704	HYATT REGENCY WAIKIKI HOTEL OR BOARDING HOUSE 2424 KALAKAUA AVE	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/14/92	12 R	0052085	07728	
I04610	ILIKAI HOTEL HOTEL OR BOARDING HOUSE 1777 ALA MOANA BLVD 223	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0052718	01583	
I04613	ILIKAI HOTEL -YACHT HARBOR HOTEL OR BOARDING HOUSE 1777 ALA MOANA BLVD 223	HONOLULU HI	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0052721	01584	
I05100	ILIMA HOTEL HOTEL OR BOARDING HOUSE 445 NOHONANI ST	HONOLULU	27	1	50.00 06/30/93	50.00 07/01/92	12 R	0003655	00704	

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I06700	IMPERIAL HAWAII RESORT HOTEL OR BOARDING HOUSE 205 LEWERS ST	HON HI	27 SAME 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0038320	03441
I10002	INN ON THE PARK HOTEL OR BOARDING HOUSE 1920 ALA MOANA BLVD	HONOLULU HI	27 MARUKO HI INC 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0057621	04784
I11100	INTERCLUB HOSTEL WAIKIKI HOTEL OR BOARDING HOUSE 2412 PRINCE EDWARD ST	HONOLULU HI	27 ECKERT PETER & PETTEGROVE 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0061369	00489
I15700	ISLAND COLONY HOTEL HOTEL OR BOARDING HOUSE 445 SEASIDE AVE	HONOLULU HI	27 ISLAND COLONY PARTNERS 96815	1	50.00 06/30/93	50.00 07/20/92	12		R	0034000	07826
J19800	JULIANA TOWER HOTEL OR BOARDING HOUSE 98 139 KANUKU ST	AIEA HI	27 PEINE INC 96701	1	50.00 06/30/93	50.00 07/10/92	12		R	0033544	07631
K03800	KAHALA HILTON HOTEL CO INC HOTEL OR BOARDING HOUSE 5000 KAHALA AVE	HONOLULU HI	27 SAME 96816	1	50.00 06/30/93	50.00 07/01/92	12		R	0003970	04236
K05200	KAI ALOHA LTD HOTEL OR BOARDING HOUSE 235 SARATOGA RD	HONOLULU	27 SAME 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0003992	03535
K10502	KAM HAROLD HOTEL OR BOARDING HOUSE 1219 RYCROFT ST	HONOLULU HI	27 SAME 96814	1	50.00 06/30/93	50.00 07/02/92	12		N	0064099	06966
K24200	KAULANA KAI RESORT AT WAIKIKI HOTEL OR BOARDING HOUSE 2425 KUHIO AVE	HONOLULU HI	27 KAULANA KAI 96815	1	50.00 06/30/93	50.00 07/06/92	12		R	0044530	07135
K81100	KUHIO BANYAN HOTEL HOTEL OR BOARDING HOUSE 2310 KUHIO AVE	HONOLULU HI	27 CORAL BEACH INC 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0055146	02125
K81501	THE KUHIO SUITES HOTEL OR BOARDING HOUSE 2240 KUHIO AVE	HONOLULU HI	27 B W T INC 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0062365	03157
K82000	KUHIO SURF CLUB HOTEL OR BOARDING HOUSE 2170 KUHIO AVE	HON HI	27 KUHIO SURF MANAGEMENT COR 96815	1	50.00 06/30/93	50.00 07/06/92	12		R	0030942	07221

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K82200	KIHILO VILLAGE RESORT	27	1	50.00	06/30/93	50.00	07/01/92	12	001048
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	001048
	2463 KUHILO AVE	96815							
L06300	LANILOA HOTEL	27	1	50.00	08/30/93	50.00	07/01/92	12	0025961
	HOTEL OR BOARDING HOUSE	27	1	50.00	08/30/93	50.00	07/01/92	12	0025961
	55 109 LANILOA ST	96762							
L10200	LAUULA APARTMENT HOTEL	27	1	50.00	06/30/93	50.00	07/01/92	12	0004842
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	0004842
	2517 ALA MAI BLVD	96815							
L16100	LEALEA HALE	27	1	50.00	08/30/93	50.00	07/08/92	12	0031099
	HOTEL OR BOARDING HOUSE	27	1	50.00	08/30/93	50.00	07/08/92	12	0031099
	2423 CLEGGHORN ST	96815							
L39250	LUM YIP KEE II BUILDING (HOTEL ST)	27	1	50.00	06/30/93	50.00	07/01/92	12	0060233
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	0060233
	133 A HOTEL ST	96817							
M06401	MAKAHA RESORT	27	1	50.00	06/30/93	50.00	07/01/92	12	0031020
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	0031020
	MAKAHA VALLEY RD	96792							
M06350	MALIA HOTEL	27	1	50.00	06/30/93	50.00	07/01/92	12	0056178
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	0056178
	2211 KUHILO AVENUE	96815							
M08600	MALIHINI LODGE & HOTEL	27	1	50.00	08/30/93	50.00	07/01/92	12	0006338
	HOTEL OR BOARDING HOUSE	27	1	50.00	08/30/93	50.00	07/01/92	12	0006338
	210 BEACHWALK	96815							
M08601	MALIHINI LODGE & HOTEL	27	1	50.00	06/30/93	50.00	07/01/92	12	0005339
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	0005339
	217 SARATOGA RD	96815							
M12900	MARINE SURF WALKIHI HOTEL	27	1	50.00	08/30/93	50.00	07/01/92	12	0017609
	HOTEL OR BOARDING HOUSE	27	1	50.00	08/30/93	50.00	07/01/92	12	0017609
	364 SEASIDE AVE	96815							
M4100	MOANA HOTEL	27	1	50.00	06/30/93	50.00	07/01/92	12	0044447
	HOTEL OR BOARDING HOUSE	27	1	50.00	06/30/93	50.00	07/01/92	12	0044447
	2365 KALAKAUA AVE	96815							
N19800	NAKAMURA HOTEL	27	1	50.00	08/30/93	50.00	07/02/92	12	0005934
	HOTEL OR BOARDING HOUSE	27	1	50.00	08/30/93	50.00	07/02/92	12	0005934
	1140 S KING ST	96814							

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N31900	NEW GROVE HOTEL HOTEL OR BOARDING HOUSE 1631 NUUANU AVE HON HI	27	1	50.00	06/30/92	1	07/01/91	12	0027859	00000
N33200	THE NEW OTANI KATMANA BEACH HOTEL HOTEL OR BOARDING HOUSE 2863 KALAKAUA AVE HONOLULU	27	1	50.00	06/30/93	50.00	07/02/92	12	R 0004011	08710
N62400	NITHAU APARTMENT HOTEL LTD HOTEL OR BOARDING HOUSE 247 BEACHWALK AVE HONOLULU	27	1	50.00	06/30/92		07/05/91	12	0006128	00000
N88000	NUUANU HALE HOTEL HOTEL OR BOARDING HOUSE 1327 NUUANU AVE HONOLULU HI	27	1	50.00	06/30/93	50.00	07/06/92	12	R 0006208	07145
027700	*OUTRIGGER CORAL SEAS HOTEL HOTEL OR BOARDING HOUSE 250 LEWERS ST HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0049263	04577
028000	*OUTRIGGER EAST HOTEL HOTEL OR BOARDING HOUSE 150 KATULANI AVE HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0049261	04578
028300	*OUTRIGGER EDGEWATER HOTEL HOTEL OR BOARDING HOUSE 2168 KALIA RD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0049266	04579
028402	*OUTRIGGER HOBSON HOTEL HOTEL OR BOARDING HOUSE 343 HOBSON LN HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0057143	04580
028702	*OUTRIGGER MAILE COURT HOTEL HOTEL OR BOARDING HOUSE 2058 KUHIU AVE HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0059900	04581
029200	*OUTRIGGER PRINCE KUHIU HOTEL HOTEL OR BOARDING HOUSE 2500 KUHIU AVE HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0049270	04576
029250	*OUTRIGGER REEF HOTEL HOTEL OR BOARDING HOUSE 2169 KALIA RD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0049264	04582
029252	*OUTRIGGER REEF LANAIS HOTEL OR BOARDING HOUSE 225 SARATOGA RD HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R 0049268	04583

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029257	*OUTRIGGER REEF TOWERS HOTEL OR BOARDING HOUSE 227 LEWERS RD	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0049265	04584
	HONOLULU HI										
029300	*OUTRIGGER ROYAL ISLANDER HOTEL HOTEL OR BOARDING HOUSE 2164 KALIA RD	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0053467	04585
	HONOLULU HI										
029600	*OUTRIGGER SURF HOTEL HOTEL OR BOARDING HOUSE 2280 KUHIO AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0049269	04586
	HONOLULU HI										
029700	*OUTRIGGER VILLAGE HOTEL HOTEL OR BOARDING HOUSE 240 LEWERS ST	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0049267	04587
	HONOLULU HI										
029800	*OUTRIGGER WAIKIKI HOTEL HOTEL OR BOARDING HOUSE 2335 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0049260	04588
	HONOLULU HI										
029802	*OUTRIGGER WAIKIKI SURF EAST HOTEL OR BOARDING HOUSE 422 ROYAL HAWAIIAN AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0057076	04589
	HONOLULU HI										
029803	*OUTRIGGER WAIKIKI SURF MAIN HOTEL OR BOARDING HOUSE 2200 KUHIO AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0057077	04575
	HONOLULU HI										
029806	*OUTRIGGER WAIKIKI SURF WEST HOTEL OR BOARDING HOUSE 412 LEWERS ST	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0059898	04590
	HONOLULU HI										
029810	*OUTRIGGER WAIKIKI TOWER HOTEL OR BOARDING HOUSE 200 LEWERS ST	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0049259	04592
	HONOLULU HI										
030200	*OUTRIGGER WEST HOTEL HOTEL OR BOARDING HOUSE 2330 KUHIO AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0049262	04591
	HONOLULU HI										
P01300	PACIFIC BEACH HOTEL HOTEL OR BOARDING HOUSE 2490 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0015413	01700
	HON HI										
P02601	PACIFIC INTERNATIONAL HOTEL HOTEL OR BOARDING HOUSE 2509 ALA WAI BLVD	27	1	50.00	06/30/93	50.00	07/02/92	12	R	0025855	06759
	HON HI										

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P02900	PACIFIC MARINA INN HOTEL OR BOARDING HOUSE 2628 WAIWAI LP	HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0056080	03558
P03100	PACIFIC MONARCH HOTEL OR BOARDING HOUSE 142 ULUNU AVE	HONOLULU HI	27	1	50.00	06/30/93	50.00	08/10/92	12	R	0031977	08341
P04550	PAGODA HOTEL HOTEL OR BOARDING HOUSE 1525 RYCROFT ST	HONOLULU	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0006712	02303
P04551	PAGODA TERRACE HOTEL OR BOARDING HOUSE 1550 RYCROFT ST	HONOLULU	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0000812	02302
P11550	PARK PLAZA WAIKIKI HOTEL HOTEL OR BOARDING HOUSE 1956 ALA MOANA BLVD	HONOLULU HI	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0063606	07394
P13000	PARKSHORE HOTEL HOTEL OR BOARDING HOUSE 2586 KALAKAUA AVE	HON HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0016388	02660
P14500	*PAT'S AT PUNALUU HOTEL OR BOARDING HOUSE 53 567 KAMEHAMEHA HWY	HAUULA HI	27	1	50.00	06/30/92	07/01/91	12		0060361	00000	
P19100	PEPERTREE APARTMENT HOTEL HOTEL OR BOARDING HOUSE 98 150 LIPUA PL	AIEA HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0021832	01596
P34100	*PIIKOI ARMS APARTMENT HOTEL OR BOARDING HOUSE 1107 PIKIOI ST	HONOLULU HI	27	1	50.00	06/30/93	50.00	07/09/92	12	R	0059896	07571
P39801	POLYNESIAN HOSTEL HOTEL OR BOARDING HOUSE 1946 ALA MOANA	HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	N	0064048	06493
P44200	PRINCESS KATULANI HOTEL HOTEL OR BOARDING HOUSE 120 KATULANI AVE	HONOLULU HI	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0044455	03211
Q02103	OCEAN RESORT HOTEL WAIKIKI HOTEL OR BOARDING HOUSE 175 PADAKALANI AVE	HONOLULU HI	27	1	50.00	06/30/93	50.00	07/02/92	12	R	0059420	06728

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002203	QUEEN KAPILANI HOTEL HOTEL OR BOARDING HOUSE 150 KAPAHULU AVE	27	1	50.00	06/30/93	50.00	07/02/92	12	R	0059421	06752
001850	RAINBOW TERRACE HOTEL OR BOARDING HOUSE 232 KALII ST	27	1	50.00	06/30/93	54.17	07/01/92	13	N	0063734	02254
007301	RIVERSIDE TERRACE HOTEL OR BOARDING HOUSE 145 N HOTEL ST	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0063405	07340
070000	ROYAL GROVE HOTEL HOTEL OR BOARDING HOUSE 151 ULUKU AVE	27	1	50.00	06/30/93	50.00	07/02/92	12	R	0039416	06620
072000	ROYAL HAWAIIAN HOTEL HOTEL OR BOARDING HOUSE 2259 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0044453	03209
006800	SAT GRAND HOTEL WAIKIKI HOTEL OR BOARDING HOUSE 440 OLOHANA ST	27	1	50.00	06/30/92	07/02/91	12		0059228	00000	
009500	SCHOFIELD SANDS MOTOR LODGE HOTEL OR BOARDING HOUSE 961 WILKINA DR	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0052067	04104
517020	SHERATON WAIKIKI HOTEL HOTEL OR BOARDING HOUSE 2255 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0044451	03210
520400	SHINSHU KYOKAI MISSION HOTEL OR BOARDING HOUSE 1641 S BERETANIA ST	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0007901	00958
523400	SIGNATURE WAIKIKI HOTEL HOTEL OR BOARDING HOUSE 2045 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/10/92	12	R	0059551	07629
574600	SURFRIDER HOTEL HOTEL OR BOARDING HOUSE 2353 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0044449	03208
T17800	3 4 2 SEASIDE HOTEL HOTEL OR BOARDING HOUSE 342 SEASIDE AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0059707	03227

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T25155	TOMMYS HOTEL HOTEL OR BOARDING HOUSE 1625 STILLMAN LANE HONOLULU	27 SAME 96817	1	50.00 06/30/93	50.00 07/01/92	12		R	0006463	02491
T28401	TOWN INN HOTEL OR BOARDING HOUSE 250 N BERETANIA ST HONOLULU HI	27 K GREEN CORP 96817	1	50.00 06/30/93	50.00 07/02/92 2	12		N	0064066	06812
T45300	TSUHA LILIANE HOTEL OR BOARDING HOUSE 2323 ROSE ST HON HI	27 SAME 96819	1	50.00 06/30/92	07/01/91	12			0033983	00000
T68010	TURTLE BAY HILTON & COUNTRY CLUB HOTEL OR BOARDING HOUSE 57 091 KAM HWY KAHUKU HI	27 KUILIMA RESORTS CO 96731	1	50.00 06/30/93	50.00 07/01/92 2	12		R	0054598	02282
U00300	U S PACIFIC INC HOTEL OR BOARDING HOUSE 2240 KUHO AVE HONOLULU HI	27 SAME 96815	1	50.00 06/30/93	50.00 07/01/92 2	12		R	0060630	01058
U50000	UNIVERSITY INN HOTEL OR BOARDING HOUSE 2065 LANIHULI DR HON HI	27 WRIGHT LARRY D 96822	1	50.00 06/30/93	50.00 07/01/92	12		R	0019103	02907
W02000	WAHIAWA HOTEL HOTEL OR BOARDING HOUSE 251 LEHUA ST WAHIAWA	27 PARK BETTY O N 96786	1	50.00 06/30/93	50.00 07/01/92	12		R	0009204	00969
W12700	*WAIKIKI ALA WAI TOWER HOTEL OR BOARDING HOUSE 1700 ALA MOANA BLVD HONOLULU HI	27 WAIKIKI WESTBURY LTD PART 96815	1	50.00 06/30/93	50.00 07/01/92 1	12		R	0062884	04573
W13700	WAIKIKI BEACH TOWER HOTEL OR BOARDING HOUSE 2470 KALAKAUA AVE HONOLULU HI	27 WAIKIKI BEACH TWR RESORT 96815	1	50.00 06/30/93	50.00 07/02/92 2	12		R	0045661	06758
W13750	WAIKIKI BEACHCOMBER HOTEL HOTEL OR BOARDING HOUSE 2300 KALAKAUA AVE HONOLULU HI	27 AZABU USA WAIKIKI CO LTD 96815	1	50.00 06/30/93	50.00 07/01/92	12		R	0009336	03473
W13800	*WAIKIKI BREEZE HOTEL OR BOARDING HOUSE 2287 ALA WAI BLVD HONOLULU HI	27 BRY DEK-T COMPANY 96815	1	50.00 06/30/93	50.00 07/15/92 1	12		R	0055650	07755
W14000	WAIKIKI CIRCLE HOTEL HOTEL OR BOARDING HOUSE 2464 KALAKAUA AVE HONOLULU	27 CHUN EMMA K CORP 96815	1	50.00 06/30/93	50.00 08/10/92	12		R	0009345	08342

DEPARTMENT OF FINANCE DIVISION OF LICENSE		BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92										FABLO7
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DUE DATE	AMOUNT	PAYMENT LAST DATE	MO	RENEW DATE	LICENSE NUMBER	VALIDATE NUMBER	PAGE 13
W14500	WAIKIKI GATEWAY HOTEL HOTEL OR BOARDING HOUSE 2070 KALAKAUA AVE	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0053127	07122	
	HONOLULU HI											
W14700	WAIKIKI GRAND HOTEL HOTEL OR BOARDING HOUSE 134 KAPAHULU AVE	27	1	50.00	06/30/93	50.00	08/03/92	12	R	0059940	08134	
	HONOLULU HI											
W14800	WAIKIKI HANA HOTEL HOTEL OR BOARDING HOUSE 2424 KOA AVE	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0048092	07176	
	HONOLULU HI											
W14900	WAIKIKI HOSTEL/INTERCLUB HOTEL OR BOARDING HOUSE 2413 KUHIO AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0060093	00490	
	HONOLULU HI											
W15000	WAIKIKI JOY HOTEL HOTEL OR BOARDING HOUSE 320 LEWERS ST	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0055198	03474	
	HONOLULU HI											
W15500	WAIKIKI PARC HOTEL HOTEL OR BOARDING HOUSE 2233 HELUMOA RD	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0053397	04042	
	HONOLULU HI											
W15600	WAIKIKI PARKSIDE HOTEL HOTEL OR BOARDING HOUSE 1850 ALA MOANA BLVD	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0056031	07169	
	HONOLULU HI											
W15800	WAIKIKI PRINCE HOTEL HOTEL OR BOARDING HOUSE 2431 PRINCE EDWARD	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0009370	02106	
	HONOLULU											
W16000	WAIKIKI RESORT HOTEL HOTEL OR BOARDING HOUSE 2460 KOA AVE	27	1	50.00	06/30/93	50.00	08/11/92	12	R	0009371	08380	
	HONOLULU											
W16100	WAIKIKI ROYAL HOTEL HOTEL OR BOARDING HOUSE 255 BEACH WALK	27	1	50.00	06/30/93	50.00	07/10/92	12	R	0056312	07623	
	HONOLULU HI											
W16200	WAIKIKI SAND VILLA HOTEL HOTEL OR BOARDING HOUSE 2375 ALA WAI BLVD	27	1	50.00	06/30/93	50.00	07/06/92	12	R	0054491	07121	
	HONOLULU HI											
W16500	WAIKIKI SUNSET HOTEL HOTEL OR BOARDING HOUSE 229 PAOAKALANI AVE	27	1	50.00	06/30/93	50.00	07/01/92	12	R	0040934	01013	
	HONOLULU HI											

FORM 11-92 (REV)

DEPARTMENT OF FINANCE DIVISION OF LICENSE				BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92				FABLO7 PAGE 14			
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	----ANNUAL----- FEE DUE DATE	-----PAYMENT----- AMOUNT LAST DATE	MO	REC	STATUS- RENEW	LICENSE NUMBER	VALIDATE NUMBER	
W17000	WAIKIKI SURFSIDE HOTEL HOTEL OR BOARDING HOUSE 2452 KALAKAUA AVE HON HI	27	1	50.00 06/30/93 HOTEL CORP OF THE PACIFIC 96815	50.00 07/02/92	12		R	0017935	06734	
W17300	WAIKIKIAN HOTEL HOTEL OR BOARDING HOUSE 1811 ALA MOANA BLVD HON HI	27	1	50.00 06/30/93 TATIBOUET A & SAUNDERS W 96815	50.00 07/01/92	12		R	0029038	00406	
W21600	WALTON CHAE K DBA CHAE K HOTEL OR BOARDING HOUSE 729 KINAU ST HONOLULU HI	27	1	50.00 06/30/93 SAME 96813	50.00 07/01/92	12		R	0055405	04836	
W25400	WHITE SAND WAIKIKI RESORT CLUB HOTEL OR BOARDING HOUSE 431 MOHONANI ST HON HI	27	1	50.00 06/30/93 SCOTTISH INNS OF AMERICA 96815	50.00 07/01/92	12		R	0033592	01222	
W28500	WINDWARD MARINE RESORT HOTEL OR BOARDING HOUSE 47 O39 LIHIKAI DR KANEHOE HI	27	1	50.00 06/30/93 WINDWARD MARINE RESORT IN 96744	50.00 07/23/92	12		R	0047593	07919	
Y18000	YOUNG MENS CHRISTIAN ASSN OF HON HOTEL OR BOARDING HOUSE 401 ATKINSON DR HONOLULU	27	1	50.00 06/30/93 SAME 96814	50.00 07/06/92	12		R	0009836	07220	
Y18001	YOUNG MENS CHRISTIAN ASSN OF HON HOTEL OR BOARDING HOUSE 1441 PALI HIWAY HONOLULU	27	1	50.00 06/30/93 SAME 96813	50.00 07/01/92	12		R	0009837	03480	
RECORDS PROCESSED 163				OVERALL TOTAL		7,254.17					

DEPARTMENT OF FINANCE DIVISION OF LICENSE		BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE		FARLOT								
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DUE DATE	PAYMENT AMOUNT	LAST DATE	MO	REC	STATUS- RENEW	LICENSE NUMBER	VALIDATE NUMBER
08/13/92												
A08000	AKAU THELMA DBA STUDENTS HOUSE LODGING HOUSE 2323 SEAVIEW AVE HONOLULU HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0055718	01650	
A08001	AKAU THELMA DBA HONOLULU INTL YOUTH HOSTEL LODGING HOUSE 2323 A SEAVIEW AVE HONOLULU HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0055719	01651	
C09600	CANTERBURY HOUSE LODGING HOUSE 2324 METCALF ST HONOLULU HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0060271	01214	
G11800	*CASH KAZUKO I LODGING HOUSE 1226 KINAU ST HON HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0031447	04877	
C45900	CHUNG APARTMENTS LODGING HOUSE 1542 KEEAUMOKU ST HONOLULU HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0055180	00814	
D37650	DEL MONTE CORPORATION DORMITORY LODGING HOUSE 92 1770 KUNIA RD KUNIA HI	33	1	10.00	08/30/93	10.00	07/01/92	12	R	0063172	02795	
D51200	DINWIDDIE BETTI LODGING HOUSE 1408 KALANITIKI ST HONOLULU HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0055599	02043	
E48000	EDMUNDS HOTEL & APARTMENTS LODGING HOUSE 2411 ALA WAI BLVD HONOLULU	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0001812	00591	
F20500	FOD YING CHEE LODGING HOUSE 1026 KEKAULIKE ST HONOLULU	33	1	10.00	06/30/93	10.00	07/06/92	12	R	0000156	07284	
G39730	*GINALEX LODGE LODGING HOUSE 2463 KUHIO AVE TWR 1 1002 HONOLULU HI	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0063605	01183	
H05700	HALE ALOHA A V H HOSTEL LODGING HOUSE 2417 PRINCE EDWARD ST HONOLULU HI	33	1	10.00	06/30/93	10.83	07/01/92	13	N	0063705	01667	
H32450	*HAWAIIAN SEASIDE HOSTEL INC LODGING OR TENEMENT HOUSE 1946 ALA MOANA BLVD 308 HONOLULU HI	33	1	10.00	06/30/92	2	04/29/92	12		0063603	00000	

DEPARTMENT OF FINANCE DIVISION OF LICENSE			BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE				FABLO7			
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DATE DUE	PAYMENT AMOUNT	LAST DATE	STATUS MO	RENEW NUMBER	VALIDATE NUMBER
H59700	HONANEA LODGING HOUSE LODGING HOUSE 2244 HOONANEA ST	33	1	10.00	06/30/93	10.00	07/06/92	12	R	0018073
		MIYASATO EDWARD								07358
K26000	KAWANO LODGING HOUSE LODGING HOUSE 2975 A KOALI RD	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0055185
		KAWANO YOSHIO								04986
K25100	KAWANO ROOMING HOUSE LODGING HOUSE 935 COOLIDGE ST	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0004328
		HARRIET ROBERTS								04987
M11001	MANDA VALLEY INN LODGING HOUSE 2001 VANCOUVER DR	33	1	10.00	08/30/93	10.00	07/01/92	12	R	0062088
		HAWAIIANA HOTEL								03549
N19300	NAKAMOTO SHIGEICHI LODGING HOUSE 1295 S BERETANIA ST	33	1	10.00	06/30/93	10.00	07/06/92	12	R	0031108
		SAME								07144
N90001	NUUANU ONSEN LODGING HOUSE 87 LAIMI RD	33	1	10.00	08/30/93	10.00	08/03/92	12	R	0006210
		NUUANU ONSEN INC								08132
O26300	*OTANI N MRS LODGING HOUSE 1088 S BERETANIA ST	33	1	10.00	06/30/93	10.00	07/06/92	12	R	0010616
		SAME								07270
P37900	POLYNESIAN BACKPACKERS LODGING HOUSE 1946 ALA MOANA BLVD	33	1	10.00	08/30/92	11/27/91	12	D	0062885	00000
		DANG KHOA								
S06050	*SANDYS HOSTEL LODGING 1946 ALA MOANA BLVD 206	33	1	10.00	06/30/93	10.00	07/06/92	12	R	0063129
		FOR LIFE INC								07126
S07400	SATO ROOMING LODGING HOUSE 1806 ALGAROBA ST	33	1	10.00	08/30/93	10.00	07/01/92	12	R	0007510
		SATO SAMUEL I								00956
S36300	STEVENS THOMAS D LODGING HOUSE 47 643 HUI ULILI ST	33	1	10.00	06/30/93	10.00	07/01/92	12	R	0053826
		SAME								00767
RECORDS PROCESSED 23						OVERALL TOTAL		210.83		

FORM 1 (04-88) 98765

DEPARTMENT OF FINANCE DIVISION OF LICENSE		BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92				FABLO7 PAGE 18				
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	-----ANNUAL----- FEE DUE DATE	-----PAYMENT----- AMOUNT LAST DATE	MO	REC	---STATUS--- RENEW	LICENSE NUMBER	VALIDATE NUMBER
K38057	KIM & DON'S ISLAND HOSTEL GROUP HOME RES OR LIVING ARRANGEMENT 1946 ALA MOANA 107 HONOLULU HI	36	1	10.00 06/30/93 HOUCK DONALD 96815	10.00 07/13/92	12		N	0064232	07692
L05850	LAND M ESTEBAN GROUP HOME RES OR GROUP LIVING ARRANGEMENT 373 KILANI AVE WAHIAWA HI	38	1	10.00 06/30/93 ESTEBAN FLORENCIO & MEDIN 96786	10.00 07/01/92	12		R	0063558	04891
L27990	*LIM MAX S H & LILY GROUP HOME 59 777 KAM HWY HALEIWA HI	36	1	10.00 06/30/92 SAME 96712	08/15/91	12			0057959	00000
L31600	LOO CHOW BUILDING GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 1161 MAUNAKEA ST HONOLULU HI	38	1	10.00 06/30/93 CHOW FABIAN & KATHERINE 96817	10.00 07/01/92	12		R	0062005	03548
M24700	MEE-LEE DENIS GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 1750 KALAKAUA AVE 2602 HONOLULU HI	36	1	10.00 06/30/92 SAME 96826	07/12/91	12			0055245	00000
									LT 5 UNRELATED PERS	
M24701	MEE-LEE DENIS GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 1750 KALAKAUA AVE 2903 HONOLULU HI	36	1	10.00 06/30/92 SAME 96826	07/12/91	12			0055246	00000
									LT 5 UNRELATED PERS	
M24702	*MEE-LEE DENIS GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 339 A OLOMANA ST KAILUA HI	36	1	10.00 06/30/92 SAME 96734	07/12/91	12			0055247	00000
									LT 5 UNRELATED PERS	
P02750	*PACIFIC ISLES MANAGEMENT GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 1415 PENSACOLA ST HONOLULU HI	38	1	10.00 06/30/93 TAI ROY 96822	10.00 07/08/92	12		R	0058949	07338
P17000	PEARL SHELTER GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 1213 KUOKOA LP PEARL CITY HI	36	1	10.00 06/30/93 AIDA PEBENITO 96782	10.00 07/08/92	12		R	0053914	07564
									LT 5 UNRELATED PERS	
S20100	*SHINNO NATSUKO GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 3003 HERMAN ST HONOLULU HI	38	1	10.00 06/30/93 SHINNO SHIGERU & NATSUKO 96816	10.00 07/01/92	12		R	0059768	02766
T23100	TOLENTINO CONCEPCION GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 99 950 HALAWA DR AIEA HI	36	1	10.00 06/30/93 SAME 96701	10.00 07/02/92	12		R	0059148	06730
VO0113	*VACATION INNS INTERNATIONAL INC GROUP HOME RES OR GROUP LIVING ARRANGEMENT 59 752 KAMEHAMEHA HWY HALEIWA HI	36	1	10.00 06/30/93 SAME 96712	10.00 07/01/92	12		R	0063080	02378

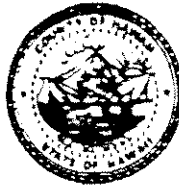
DEPARTMENT OF FINANCE DIVISION OF LICENSE		BUSINESS LICENSE SELECTIVE BUSINESS CODE BY BUSINESS CODE 08/13/92		FABLO7							
ALPHA CODE	TRADE NAME	BUS CODE	NO UNIT	ANNUAL FEE	DUE DATE	PAYMENT AMOUNT	LAST DATE	STATUS MD REC	LICENSE RENEW	VALIDATE NUMBER	PAGE 19
V00114	*VACATION INNS INTERNATIONAL INC GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 59 754 KAMEHAMEHA HWY HALEIWA HI	36	1	10.00	06/30/93	10.00	07/01/92	12	R	0063081	02377
V00200	*VACATION INNS INTERNATIONAL INC GROUP HOME RESIDENCE OR GROUP LIVING ARRANGEMENT 59 788 KAMEHAMEHA HWY HALEIWA HI	36	1	10.00	06/30/93	10.00	07/01/92	12	R	0061180	02375
V00201	*VACATION INNS INTERNATIONAL INC GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 59 784 KAM HWY HALEIWA HI	36	1	10.00	06/30/93	10.00	07/01/92	12	R	0063053	02376
V00202	*VACATION INNS INTERNATIONAL INC GROUP HOME RESIDENCE OR LIVING ARRANGEMENT 59 775 KAM HWY HALEIWA HI	36	1	10.00	06/30/93	10.00	07/01/92	12	R	0063054	02374
Y05950	*YAP TRUST GROUP HOME RESIDENCE OR GROUP LIVING 3742 HARDING AVE HONOLULU HI	36	1	10.00	06/30/93	10.00	08/11/92	12	R	0063126	08373
RECORDS PROCESSED 29				OVERALL TOTAL		250.00					

Appendix N

SENT BY:DOH ENVIRONMENTAL HLTH: 5- 1-91 : 12:32 :

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RECEIVED APR 12 1989

Bernard K Akana
Mayor

Barry T Mizuno
Director of Finance

COUNTY OF HAWAII
DEPARTMENT OF FINANCE
25 Aupuni Street
Hilo, Hawaii 96720

April 12, 1989

Department of Health
State of Hawaii
P. O. Box 228
Kealahou, HI 96750

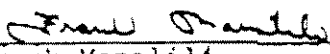
Mayor Akana has signed an ordinance eliminating certain county business licenses effective June 30, 1989.

The business activities no longer needing county licenses are:

- Sale of beef or pork
- Manufacture of food products
- Operation of a laundry
- Keeping a lodging or tenement house, hotel, boarding house or restaurant
- Production, processing, preparation of milk
- Sale of tobacco, cigars and cigarettes
- Carrying of freight and baggage
- Carrying of passengers

All other legal requirements for the above activities remain unchanged.

Please contact the Treasury Division at 961-8351 if you have any questions.


Frank Manalili
Treasurer

Appendix O

Sec. 6-29—6-30

Article 4. Miscellaneous Business Licenses.

Section 6-29. County business licenses. The director of finance shall issue County licenses to businesses as required by Chapter 445 of the Hawaii Revised Statutes, as amended, except as provided in section 6-30 of this article. (1989, Ord. No. 89-41, sec. 2.)

Section 6-30. Elimination of business licenses. The following businesses are not required to obtain an annual County license or to pay an annual County license fee:

- (1) The sale of beef or pork.
- (2) The manufacture of food products.
- (3) The operation of a laundry.
- (4) The keeping of a lodging or tenement house, hotel, boarding house or restaurant.
- (5) The production, processing or preparation of milk.
- (6) The sale of tobacco, cigars, and cigarettes.
- (7) The carrying of freight and baggage.
- (8) The carrying of passengers. (1989, Ord. No. 89-41, sec. 2.)

Appendix P

ARTICLE 4. COUNTY BUSINESS LICENSES

Sec. 23-4.1 County Business Licenses.

The Director of Finance shall issue county licenses to businesses as required by Chapter 445, Hawaii Revised Statutes, as amended, except as provided in Section 23-4.2 of this Article.

Sec. 23-4.2 Elimination Of Business Licenses.

The following businesses are not required to obtain an annual county license or to pay an annual county license fee:

(1) The sale of beef or pork. (Sec. 445-61, Hawaii Revised Statutes)

(2) The auction of goods, wares, and merchandise or other property. (Sec. 445-21, Hawaii Revised Statutes)

(3) The manufacture of food products. (Sec. 445-71, Hawaii Revised Statutes)

(4) The operation of a laundry, etc. (Sec. 445-81, Hawaii Revised Statutes)

(5) The keeping of a lodging or tenement house, hotel, boarding house or restaurant. (Sec. 445-91, 445-92, and 445-93, Hawaii Revised Statutes)

(6) The production, processing or preparation of milk. (Sec. 445-101, Hawaii Revised Statutes)

(7) The sale of poisonous drugs, household remedies, etc. (Sec. 445-151, Hawaii Revised Statutes)

(8) The soliciting of orders or offering to sell or take orders for goods, wares, merchandise or service for immediate or future delivery in return for money. (Sec. 445-185, Hawaii Revised Statutes)

(9) The providing of bail bond or surety for compensation. (Sec. 445-201, Hawaii Revised Statutes)

(10) The carrying of freight and baggage. (Sec. 445-221, Hawaii Revised Statutes)

(11) The carrying of passengers. (Sec. 445-222, Hawaii Revised Statutes) (Ord. No. 535, February 4, 1988)

