
A BILL FOR AN ACT

RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. After natural disasters occur, commercial and
2 industrial facilities are often damaged. The owners of these
3 structures often do not rebuild or make the necessary repairs,
4 so the facility is left abandoned. Over time they become
5 dilapidated, unsafe, and an eyesore for passers-by.

6 The State must be authorized to clear debris and condemn
7 derelict and dangerous buildings following natural disasters.
8 Unless the State has the ability to clear these dangerous
9 abandoned properties and make them safe, citizens will be
10 threatened by the hazardous conditions.

11 The purpose of this Act is to establish civil penalties for
12 property owners who fail to make a reasonable effort to
13 remediate dangerous building conditions. This Act authorizes
14 counties to place a lien on the property for costs incurred for
15 condemnation and demolition or remediation of the dangerous
16 building condition.



1 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 **"§46- Damaged facilities; dangerous conditions;**
5 **condemnation; penalties.** (a) The owner of a building or other
6 facility formerly used for commercial or industrial purposes,
7 which:

- 8 (1) Has not been used for commercial or industrial
9 purposes for at least two years;
10 (2) Has been damaged by a natural disaster, such as a
11 hurricane, tidal wave, volcanic eruption, or
12 earthquake, to such an extent that the facilities pose
13 a danger to the public health, safety, or welfare; and
14 (3) Is larger than five thousand square feet;
15 shall make a reasonable effort to repair the damage and correct
16 the dangerous condition so that the public health, safety, or
17 welfare is not endangered.

18 (b) The county in which a building or other facility that
19 meets the requirements of subsection (a) is located shall notify
20 the owner of the property in writing of the dangerous condition.
21 If the owner fails to make a reasonable effort to remediate the
22 dangerous condition within ninety days following notification by



1 the county, the county may declare the site dangerous and
2 condemn the property pursuant to section 101-13 and demolish or
3 remediate the facilities. The property owner shall be liable
4 for all costs related to the condemnation action and any
5 demolition or remediation activity pursuant to this section.

6 (c) Any property owner who fails to make a reasonable
7 effort to remediate a dangerous property condition within ninety
8 days following written notice from the county pursuant to
9 subsection (b) shall pay a civil fine to the county not to
10 exceed \$1,000 per day, beginning with the ninety-first day
11 following notification and ending when the property is condemned
12 and demolished or remediated by the county or remediated by the
13 owner. The county may place a lien on the property to secure
14 payment for the fine and for costs incurred for the condemnation
15 and demolition or remediation of the property."

16 SECTION 3. Section 101-13, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§101-13 Exercise of power by county.** Whenever any county
19 deems it advisable or necessary to exercise the right of eminent
20 domain in the furtherance of any governmental power, or as
21 provided under section 46- _____, the proceedings may be instituted
22 as provided in section 101-14 after the governing authority,

1 such as the [(-)county council, or other governing board in the
2 case of an independent board having control of its own funds(+)],
3 of the county has authorized such suit by resolution duly
4 passed, or adopted and approved, as the case may be. The
5 resolution, in the case of the city and county of Honolulu or an
6 independent board thereof, shall, after its introduction, be
7 published in a daily newspaper with the eyes and noes, once,
8 [(-)Sundays and legal holidays excepted(+)], at least three days
9 before final action upon it, and in the case of any other county
10 or an independent board thereof, be published in a newspaper
11 with the eyes and noes, at least one day, [(-)Sundays and legal
12 holidays excepted(+)], before final action upon it."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

Report Title:

Abandoned Facilities; Dangerous Conditions; Condemnation

Description:

Establishes civil penalties for property owners who fail to make a reasonable effort at remediation. Authorizes counties to condemn and demolish abandoned facilities damaged due to a natural disaster and place a lien on the property for costs incurred. (SD1)

