

STAND. COM. REP. NO.

2401

Honolulu, Hawaii

FOB 17

, 2006

RE: S.B. No. 2760
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Intergovernmental Affairs, to which was referred S.B. No. 2760 entitled:

"A BILL FOR AN ACT RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION,"

begs leave to report as follows:

The purpose of this measure is to establish civil penalties for property owners who fail to make reasonable efforts at remediation of, and to authorize counties to condemn and demolish, facilities abandoned due to a natural disaster, and to place a lien on the property for costs incurred.

No testimony was submitted on this measure.

Your Committee finds that owners of commercial and industrial facilities do not always rebuild or repair damaged structures after a natural disaster. Dangerous property conditions should not be allowed to persist, to the detriment of the community. This measure establishes a civil penalty for property owners who fail to make a reasonable effort to remediate dangerous property conditions. It also enables a county to place a lien on the property for costs incurred for condemning, demolishing, or remediating the dangerous condition.

Upon further consideration, your Committee amended this measure to:




- (1) Clarify that a property owner shall make a reasonable effort to repair the damage and correct the dangerous condition;
- (2) Provide that the county shall notify the property owner in writing of the dangerous condition;
- (3) Clarify that the property shall be condemned before the county can demolish the facilities;
- (4) Add that the county has the discretion to demolish or remediate the dangerous condition;
- (5) Clarify that the civil fine shall accrue until the property is condemned and demolished or remediated by the county or remediated by the owner; and
- (6) Make technical, non-substantive amendments for clarity and style.

Your Committee respectfully requests the Committee on Judiciary and Hawaiian Affairs to consider whether to expand the scope of the civil fine from properties damaged by natural disaster to include property owners who fail to repair a dangerous property condition in general.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2760, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2760, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Intergovernmental
Affairs,



DAVID Y. IGE, Chair



