

JAN 19 2007

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. Property owners who fail to make reasonable
2 efforts to repair dangerous conditions on their properties
3 present unnecessary risks to others. In addition to having
4 their properties become an eyesore for passers-by, the presence
5 of these hazardous property conditions leaves citizens at
6 considerable risk of personal injury.

7 In the years following hurricanes and natural disasters
8 some property owners either are uninsured or choose to use
9 insurance proceeds in ways other than repairing their
10 structures. To the detriment of the communities on Kauai some
11 hotels have sat for over ten years unrepaired, and in a
12 dangerous condition.

13 The purpose of this Act is to grant counties the power to
14 establish civil penalties for property owners who fail to repair
15 dangerous property conditions. This Act also authorizes
16 counties to place a lien on the property for costs incurred for
17 condemnation, demolition, or remediation of the property.



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 to such an extent that the facility
11 poses a danger to the public health, safety, or
12 welfare; and

13 (3) Is larger than five thousand square feet; shall make a
14 reasonable effort to repair the damaged facility and
15 correct the dangerous condition to ensure that the
16 public health, safety, or welfare is not endangered.

17 (b) The county in which a building or other facility that
18 meets the requirements of subsection (a) is located shall notify
19 the owner of the property of the dangerous condition. If the
20 owner fails to make the necessary repairs within ninety days of
21 receiving notification from the county, the county may declare
22 the property dangerous and:



- 1 (1) Condemn the property pursuant to section 101-13; or
- 2 (2) Demolish the facilities, at the county's discretion.
- 3 The property owner shall be liable for all reasonable costs
- 4 incurred by the county under this section.

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



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

13 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Abandoned Facilities; Dangerous Conditions; Condemnation

Description:

Establishes civil penalties for property owners who fail to make reasonable efforts to repair properties left in a dangerous condition. Authorizes counties to place a lien on the property for costs incurred.

