

JAN 22 2010

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# A BILL FOR AN ACT

RELATING TO REAL PROPERTY BLIGHT.

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

1           SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§663- Liability for maintenance of property nuisance.

5           (a) A person may be held personally liable in damages for  
6 injury or trespass, whether direct or indirect, including the  
7 diminution of property valuation, to the person or property of  
8 another person proximately caused by the maintenance of a  
9 property nuisance.

10           (b) If a person engages in conduct that constitutes the  
11 maintenance of a property nuisance involving three or more  
12 separate properties within a one mile radius from a claim  
13 arising pursuant to this section and judgment is entered for the  
14 person asserting the claim, the person shall be awarded a sum  
15 equal to threefold damages sustained by the person.

16           (c) For purposes of this section, a person maintains a  
17 property nuisance by owning, leasing, occupying, or having  
18 charge, possession, or control of any property and maintaining



1 that property in a manner that any one or more of the following  
2 conditions or activities is allowed to exist or continue:

3 (1) The keeping, storage, depositing, or accumulation on  
4 improved or unimproved real property of any personal  
5 property that is within the view of persons on  
6 adjacent or nearby real property or public highway  
7 when the personal property constitutes visual blight,  
8 reduces the aesthetic appearance of the neighborhood,  
9 is offensive to the senses, or is detrimental to  
10 nearby property or property values. Personal property  
11 includes:

12 (A) Abandoned, wrecked, or dismantled motor vehicles  
13 or unseaworthy boats or vessels;

14 (B) Automotive parts and equipment, appliances, and  
15 furniture; and

16 (C) Containers, packing materials, scrap metal, wood,  
17 building materials, concrete masonry units,  
18 litter, garbage, junk, rubbish, and debris.

19 Wood and building materials being used, or to be used,  
20 for a project of repair or renovation and for which an  
21 active building permit is in effect may be stored for  
22 as long as is necessary to complete the project



1 expeditiously. Upon expiration or cancellation of the  
2 building permit, wood and hauling materials for the  
3 project shall be immediately removed;

4 (2) The keeping, storage, deposit, or accumulation of  
5 dirt, sand, gravel, concrete, or other similar  
6 materials that constitute visual blight or reduce the  
7 aesthetic appearance of the neighborhood or are  
8 offensive to the senses or are detrimental to nearby  
9 property or property values;

10 (3) The operation of a junk yard or automobile dismantling  
11 yard, except as a permitted use in an industrial zone;

12 (4) The permitting of standing or stagnant water to  
13 accumulate, allowing vermin and insects to live,  
14 breed, and multiply;

15 (5) Any dangerous, unsightly, or blighted condition that  
16 is detrimental to the health, safety, or welfare of  
17 the public;

18 (6) The maintenance of the exterior of any vacant or  
19 unoccupied building or the interior of any building  
20 that is readily visible from any public highway or  
21 adjacent parcel of property in a state of  
22 unsightliness so as to constitute a blighted condition



1 detrimental to the property values in the neighborhood  
2 or otherwise detrimental to the public welfare;

3 (7) The attraction of and provision of a place of  
4 temporary abode for vagrants, interlopers, or  
5 trespassers;

6 (8) Any illegal activity occurring on the property that is  
7 detrimental to the life, health, safety, and welfare  
8 of the residents, neighbors, or public. For purposes  
9 of this paragraph, illegal activity is defined as any  
10 violation of state or federal law, rules or  
11 regulations, or county ordinances or rules; and

12 (9) Any condition recognized in law or in equity as  
13 constituting a public nuisance."

14 SECTION 2. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

Property; Nuisance

**Description:**

Creates a cause of action against a person maintaining a property nuisance for injury or damage to the person or property of another person. Defines "maintains a property nuisance."

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

