
A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

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

1 SECTION 1. Chapter 520, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . LIABILITY TO NEIGHBORING LANDOWNERS**

5 **§520-A Duty to maintain premises.** (a) A landowner owes a
6 duty of care to properly maintain the landowner premises to
7 preserve the property values of adjacent land belonging to a
8 neighboring landowner.

9 (b) Actions constituting a breach of subsection (a) shall
10 include:

11 (1) Failing to keep all visible areas on the premises in a
12 clean, safe, and habitable condition, except for
13 reasonable wear and tear;

14 (2) Failing to provide and maintain appropriate
15 receptacles for the removal of normal amounts of
16 rubbish and garbage, and arrange for the frequent
17 removal of such waste materials from public view;



1 (3) Allowing any part of the premises within public view
2 to retain visible damage amounting to \$ or more
3 for more than two weeks;

4 (4) Allowing the premises to remain in a condition that
5 renders the land uninhabitable or poses an imminent
6 threat to the health or safety of those neighboring
7 landowners or their tenants or lessees; or

8 (5) Allowing the premises to remain in a state of
9 noncompliance with any applicable building and housing
10 laws materially affecting health and safety for more
11 than two weeks.

12 Proof that a landowner has received a written notice from
13 the department of health or other state or county agency of a
14 condition on the premises which constitutes a health or safety
15 violation, shall constitute prima facie evidence of a breach.

16 **§520-B Neighbor's Remedy.** (a) If a landowner breaches the
17 duty established under section 520-A, any neighboring landowner
18 may file a complaint in district court to recover damages
19 arising from decreased property values adjacent land belonging
20 to the neighboring landowners; provided that the amount of the
21 alleged damages is at least \$1000; provided further that the
22 neighboring owner shall first notify the owner of the land of



1 the breach. The notice shall specify the date by which the
2 owner of land is required to remedy the breach; provided that at
3 least thirty days notice shall be given to the owner of land to
4 remedy the breach.

5 (b) If the breach complained of continues or recurs after
6 the deadline specified in the notice, the neighboring landowner
7 may file an action in district court.

8 (c) Written notice sent to the owner of land's last known
9 address by certified mail, postage prepaid, and return receipt
10 requested shall be deemed sufficient notice. If the owner of
11 land cannot be determined, notice shall be given in a daily or
12 weekly publication of general circulation in the county where
13 the legal action will be taken.

14 (d) For the purposes of this part "neighboring landowner"
15 means the owner of any land situated adjacent to and within one
16 hundred feet of the land upon which the alleged breach of the
17 duty to maintain the premises occurred."

18 SECTION 2. In codifying the new sections added by section
19 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 26 2011



Report Title:

Landowner's Liability; Neighbor's Remedy

Description:

Establishes a cause of action for neighbors owning land within one hundred feet of land that has not been properly maintained by its owner.

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