
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, "maintenance of a
17 property nuisance" means 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) Keeping, storing, depositing, or accumulating on
4 improved or unimproved real property 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 building materials for the
3 project shall be immediately removed;

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

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

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

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

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



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

(7) Attracting and providing a place of temporary abode for vagrants, interlopers, or trespassers;

(8) Creating, permitting, or maintaining any illegal activity on the property that is detrimental to the life, health, safety, and welfare of the residents, neighbors, or public. For purposes of this paragraph, "illegal activity" means any violation of state or federal law, rules, or regulations, or county ordinances or rules; and

(9) Creating, permitting, or maintaining any condition recognized in law or in equity as constituting a public nuisance."

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:

Barbara Marumoto
[Signature] *[Signature]*

JAN 21 2011



Report Title:

Real Property; Nuisance

Description:

Creates a cause of action against any person who maintains a property nuisance that causes injury or damage to the person or property of another person.

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

