
A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§46- Abandoned real property; includes properties
5 subject to foreclosure. (a) Any county may enact ordinances
6 for the protection and safeguarding of abandoned real property,
7 including the imposition of registration, maintenance, and
8 security requirements upon the owner of the property.

9 (b) Ordinances relating to the registration of abandoned
10 real property shall be limited to properties that are subject to
11 a foreclosure proceeding.

12 (c) Ordinances relating to maintenance shall ensure that
13 owners shall be responsible for maintaining their abandoned real
14 properties in accordance with relevant sanitary codes, building
15 codes, and ordinances relating to external or visible
16 maintenance, including a requirement for owners to perform
17 monthly inspections on the property for the duration of the
18 abandonment.



1 (d) Ordinances relating to security shall ensure that
2 owners shall be responsible for maintaining their property in a
3 secure manner so as not to be accessible to unauthorized
4 persons, including but not limited to, the following:

5 (1) The closure and locking of windows, doors, gates, and
6 other openings;

7 (2) The securing of broken windows by reglazing or
8 replacement; and

9 (3) The closure or filling of any excavations or swimming
10 pools.

11 (e) Adherence to the ordinances enacted pursuant to this
12 section shall not relieve owners of the obligation to pay real
13 property taxes on the property or of any applicable obligations
14 set forth elsewhere within any covenants, conditions,
15 restrictions, or homeowner's association bylaws.

16 (f) For the purposes of this section, unless the context
17 indicates otherwise:

18 "Abandoned real property" or "property" means real property
19 that is vacant, under a current notice of default, and is the
20 subject of foreclosure action or proceeding; and:



1 (1) Is the subject of a foreclosure sale where the title
2 was retained by the mortgagee involved in the
3 foreclosure; or

4 (2) Has been transferred under a deed in lieu of
5 foreclosure or sale to the mortgagee.

6 "Owner" means any person, entity, or service company, who
7 alone or severally with others:

8 (1) Has legal or equitable title to any real property,
9 vacant or otherwise;

10 (2) Has care, charge, or control of any real property in
11 any capacity, including as agent, executor,
12 administrator, trustee, or guardian of the estate of
13 the holder of legal title;

14 (3) Is a mortgagee in possession of real property; or

15 (4) Is an agent, trustee, or other person appointed by the
16 courts and vested with possession or control of any
17 real property.

18 "Vacant" means real property that is not legally occupied
19 for more than thirty days."

20 SECTION 2. New statutory material is underscored.



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

2 INTRODUCED BY: ~~_____~~

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Report Title:

Real Property; County Ordinances

Description:

Authorizes the counties to enact ordinances to safeguard and protect abandoned properties, including properties held in foreclosure.

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