
A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

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 boats or vessels;

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

16 (C) Containers, packing materials, scrap metal, wood,
17 building materials, concrete masonry units,
18 litter, garbage, junk, rubbish, and debris;
19 provided that wood and building materials being
20 used, or to be used, for a project of repair or
21 renovation and for which an active building
22 permit is in effect may be stored for as long as



1 is necessary to complete the project
2 expeditiously. Upon expiration or cancellation
3 of the building permit, wood and building
4 materials for the project shall be immediately
5 removed; and

6 (D) Any photograph, drawing, sculpture, or similar
7 visual representation of any person of the age of
8 puberty or older that constitutes an offense of
9 displaying indecent matter under section 712-
10 1211;

11 (2) Keeping, storing, depositing, or accumulating dirt,
12 sand, gravel, concrete, or other similar materials
13 that constitute visual blight, reduce the aesthetic
14 appearance of the neighborhood, are offensive to the
15 senses, or are detrimental to nearby property or
16 property values;

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

19 (4) Permitting standing or stagnant water to accumulate,
20 allowing vermin and insects to live, breed, and
21 multiply;



- 1 (5) Creating, permitting, or maintaining any dangerous,
2 unsightly, or blighted condition that is detrimental
3 to the health, safety, or welfare of the public;
- 4 (6) Maintaining the exterior of any vacant or unoccupied
5 building, or the interior of any building that is
6 readily visible from any public highway or adjacent
7 parcel of property, in a state of unsightliness so as
8 to constitute a blighted condition detrimental to the
9 property values in the neighborhood or otherwise
10 detrimental to the public welfare;
- 11 (7) Attracting and providing a place of temporary abode
12 for vagrants, interlopers, or trespassers;
- 13 (8) Creating, permitting, or maintaining any illegal
14 activity on the property that is detrimental to the
15 life, health, safety, and welfare of the residents,
16 neighbors, or public. For purposes of this paragraph,
17 "illegal activity" means any violation of state or
18 federal law, rules, or regulations, or county
19 ordinances or rules; and
- 20 (9) Creating, permitting, or maintaining any condition
21 recognized in law or in equity as constituting a
22 public nuisance."

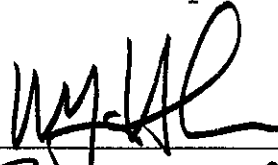



1 SECTION 2. New statutory material is underscored.

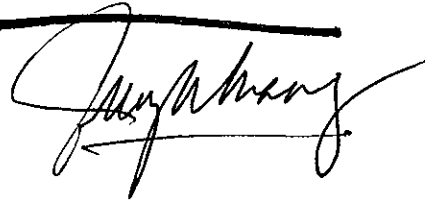
2 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:







JAN 25 2012



H.B. NO. 2852

Report Title:

Landowner Liability; 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.

