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# 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 another person or the  
8 property of the other person proximately caused by the  
9 maintenance of a residentially zoned property nuisance.

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

17           (c) For purposes of this section, "maintenance of a  
18 property nuisance" means owning, leasing, occupying, or having



1 charge, possession, or control of any property and maintaining  
2 that property in a manner in which any one or more of the  
3 following conditions or activities is allowed to exist or  
4 continue:

5 (1) Keeping, storing, depositing, or accumulating on  
6 improved or unimproved real property any personal  
7 property that is within the view of persons on  
8 adjacent or nearby real property or public highway  
9 when the personal property reduces the value of other  
10 properties in the neighborhood or is otherwise  
11 detrimental to nearby property. Personal property  
12 includes:

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

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

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

20 (D) Any material that constitutes an offense of  
21 displaying indecent matter under section 712-  
22 1211;



- 1        (2) Keeping, storing, depositing, or accumulating dirt,  
2        sand, gravel, concrete, or other similar materials  
3        that reduce the aesthetic appearance of the  
4        neighborhood, are offensive to the senses, or are  
5        detrimental to nearby property or property values;
- 6        (3) Operating a junk yard or automobile dismantling yard,  
7        except as a permitted use;
- 8        (4) Permitting standing or stagnant water to accumulate,  
9        allowing vermin and insects to live and breed;
- 10       (5) Creating, permitting, or maintaining any dangerous or  
11       unsightly condition that is detrimental to the health,  
12       safety, or welfare of the public;
- 13       (6) Maintaining the exterior of any vacant or unoccupied  
14       building, or the interior of any building that is  
15       readily visible from any public highway or adjacent  
16       parcel of property, in a state of disrepair  
17       detrimental to the property values in the neighborhood  
18       or otherwise detrimental to the public welfare;
- 19       (7) Attracting and providing a place of temporary abode  
20       for vagrants, interlopers, or trespassers;
- 21       (8) Creating, permitting, or maintaining any illegal  
22       activity on the property that is detrimental to the



1 life, health, safety, and welfare of the residents,  
2 neighbors, or public. For purposes of this paragraph,  
3 "illegal activity" means any violation of state or  
4 federal law, rules, or regulations, or county  
5 ordinances or rules; and

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

9 (d) Nothing in this section shall be deemed to create  
10 liability:

11 (1) If the defendant's property or properties are not  
12 zoned exclusively for residential use;

13 (2) If the defendant's property use is a permitted non-  
14 conforming use;

15 (3) For any public use or public works;

16 (4) For any publicly funded project;

17 (5) For agricultural use;

18 (6) For vacant property that has never been built on that  
19 is in a predominantly natural state; and

20 (7) For construction and demolition activity pursuant to a  
21 permit, law, ordinance, regulation, or an emergency  
22 and for the presence of equipment and material for a



1           reasonable time after that construction and demolition  
2           activity has ceased."

3           SECTION 2. . New statutory material is underscored.

4           SECTION 3. This Act shall take effect on January 7, 2059.



**Report Title:**

Landowner Liability; Property Nuisance; Residential Property

**Description:**

Creates a cause of action against any person who maintains a property nuisance on residential property that causes injury or damage to the person or property of another person. Provides for exceptions. Effective January 7, 2059. (HB2852 HD1)

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

