

JAN 20 2012

S.B. NO. 2496

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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 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:

*[Handwritten Signature]*



# S.B. NO. 2496

**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.*

