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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 residential property and



1 maintaining that property in a manner that any one or more of  
2 the following conditions or activities is allowed to exist or  
3 continue:

4 (1) Keeping, storing, depositing, or accumulating on  
5 improved or unimproved real property any personal  
6 property that constitutes visual blight. Personal  
7 property includes:

8 (A) Abandoned, wrecked, or dismantled motor vehicles  
9 or boats or vessels;

10 (B) Automotive parts and equipment, appliances, and  
11 furniture;

12 (C) Containers, packing materials, scrap metal, wood,  
13 building materials, concrete masonry units,  
14 litter, garbage, junk, rubbish, and debris;  
15 provided that wood and building materials being  
16 used, or to be used, for a project of repair or  
17 renovation and for which an active building  
18 permit is in effect may be stored for as long as  
19 is necessary to complete the project  
20 expeditiously. Upon expiration or cancellation  
21 of the building permit, wood and building



- 1           materials for the project shall be immediately  
2           removed; and
- 3           (D) Any photograph, drawing, sculpture, or similar  
4           visual representation of any person of the age of  
5           puberty or older that constitutes an offense of  
6           displaying indecent matter under section 712-  
7           1211;
- 8           (2) Keeping, storing, depositing, or accumulating dirt,  
9           sand, gravel, concrete, or other similar materials  
10           that constitute visual blight;
- 11           (3) Operating a junk yard or automobile dismantling yard,  
12           except as a permitted use in an industrial zone;
- 13           (4) Permitting standing or stagnant water to accumulate,  
14           allowing vermin and insects to live, breed, and  
15           multiply;
- 16           (5) Creating, permitting, or maintaining any dangerous,  
17           unsightly, or blighted condition that constitutes  
18           visual blight;
- 19           (6) Attracting and providing a place of temporary abode  
20           for vagrants, interlopers, or trespassers; and



1        (7) Creating, permitting, or maintaining any condition  
2                    recognized in law or in equity as constituting a  
3                    public nuisance.

4        (d) For purposes of this section, "visual blight" means  
5        any unreasonable or unlawful condition, or use of premises or of  
6        a building exterior or interior that by reason of its appearance  
7        as viewed at ground level from the public right-of-way or from  
8        the neighboring premises, is detrimental to the surrounding  
9        areas and the property of others, or is detrimental to the  
10       health, safety, and welfare of individuals residing within that  
11       community."

12       SECTION 2. New statutory material is underscored.

13       SECTION 3. This Act shall take effect on July 1, 2050.



**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. Specifies conditions that constitute maintaining a property nuisance. Effective on 07/01/50. (SD1)

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

