

JAN 21 2011

S.B. NO. 842

A BILL FOR AN ACT

RELATING TO REAL PROPERTY BLIGHT.

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, that person shall be awarded a sum
15 equal to threefold damages sustained by the person.

16 (c) For purposes of this section, a person maintains a
17 property nuisance by 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) The keeping, storage, depositing, or accumulation on
4 improved or unimproved real property of 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 unseaworthy boats or vessels;

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

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

19 Wood and building materials being used, or to be used,
20 for a project of repair or renovation and for which an
21 active building permit is in effect may be stored for
22 as long as necessary to complete the project



1 expeditiously. Upon expiration or cancellation of the
2 building permit, wood and hauling materials for the
3 project shall be immediately removed;

4 (2) The keeping, storage, deposit, or accumulation of
5 dirt, sand, gravel, concrete, or other similar
6 materials that constitute visual blight or reduce the
7 aesthetic appearance of the neighborhood or are
8 offensive to the senses or are detrimental to nearby
9 property or property values;

10 (3) The operation of a junk yard or automobile dismantling
11 yard, except as a permitted use in an industrial zone;

12 (4) The permitting of standing or stagnant water to
13 accumulate, allowing vermin and insects to live,
14 breed, and multiply;

15 (5) Any dangerous, unsightly, or blighted condition that
16 is detrimental to the health, safety, or welfare of
17 the public;

18 (6) The maintenance of the exterior of any vacant or
19 unoccupied building or the interior of any building
20 that is readily visible from any public highway or
21 adjacent parcel of property in a state of
22 unsightliness so as to constitute a blighted condition



detrimental to the property values in the neighborhood
or otherwise detrimental to the public welfare;

(7) The attraction of and provision of a place of
temporary abode for vagrants, interlopers, or
trespassers;

(8) Any illegal activity occurring on the property that is
detrimental to the life, health, safety, and welfare
of the residents, neighbors, or public. For purposes
of this paragraph, illegal activity is defined as any
violation of state or federal law, rules or
regulations, or county ordinances or rules; and

(9) Any condition recognized in law or in equity as
constituting a public nuisance."

SECTION 2. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun before its effective date.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

Michelle Solani

INTRODUCED BY:

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Report Title:

Property; Nuisance

Description:

Creates a cause of action against a person maintaining a property nuisance for injury or damage to the person or property of another person. Defines "maintains a property nuisance."

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