

STAND. COM. REP. NO.

2516

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2495

S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2495 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to create a  
misdemeanor offense for and specify conditions that constitute  
maintaining a property nuisance.

Your Committee received testimony in support of this measure  
from six private individuals. Testimony in opposition to this  
measure was submitted by the Office of the Public Defender, the  
Department of Environmental Services of the City and County of  
Honolulu, and Insurance Auto Auctions. Comments were received by  
the Department of the Attorney General, the Department of Design  
and Construction of the City and County of Honolulu, and the  
Honolulu Authority for Rapid Transportation.

Your Committee finds that this measure provides an effective  
mechanism to protect residential neighborhoods from individual  
investors who purchase large blocks of property for the purpose of  
blighting the neighborhood. This practice is called "block  
busting" with the goal of lowering the overall property values to  
make it easier for the investor to buy the rest of the surrounding  
properties in the neighborhood at a lower price.

Your Committee notes the concerns that the language in this  
measure may be overly broad, vague, or subjective and fails to



take into account various lawful permitted or zoning activities that may be subject to this measure. Furthermore, testimony indicated that visual blight is subject to a broad interpretation that may be too subjective to effectively prosecute. As a result, your Committee encourages stakeholders to discuss these matters and develop language to streamline this measure.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the conditions or activities that constitute the offense of maintaining a property nuisance;
- (2) Adding a definition for "visual blight" to provide further clarity;
- (3) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2495, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2495, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



