STAND. COM. REP. NO. 2516

Honolulu, Hawaii

MAR 0 1 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

2012-1374 SSCR SMA.doc

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,

CLAYTON HEE, Chair

## The Senate Twenty-Sixth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Date: /		
SB 2495	JDL		2/24/12		
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)		V			
SHIMABUKURO, Maile (VC)					
GABBARD, Mike					<u></u>
IHARA, Jr., Les					
SLOM, Sam		V			
				· · · · · · · · · · · · · · · · · · ·	
			<del></del> ·		
				<u> </u>	<u> </u>
				···	
	<u> </u>	·			<u> </u>
					1
				-	
TOTAL	•	3	/	0	/
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes