

SB2496

**DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU**

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DIRECTOR

CHRIS TAKASHIGE, P.E.
DEPUTY DIRECTOR

January 31, 2012

The Honorable Clayton Hee, Chair
and Members
Committee on Judiciary and Labor
State Capitol
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: Senate Bill No. 2496, Relating to Landowner Liability

The Department of Design and Construction (DDC) respectfully offers the following comments on SB 2496. The bill proposes to assign liability for direct and indirect damages caused by maintenance of a property nuisance. The term, "maintenance of a property nuisance" is defined in the bill by defining a broad spectrum of conditions, including storage of certain construction materials.

DDC has no objection to the general intent of the bill. However, it is strongly recommended that all government construction and maintenance activities, and conditions related to such activities, be exempted from the offense of maintaining a property nuisance.


As written, the offense of maintaining a property nuisance could potentially apply to conditions related to activities at City construction projects. It is noted that §663-___ (c)(1)(C) exempts storage of construction materials for a construction project with an active building permit. However, many City construction projects do not require a building permit, so a contractor's staging area for road work or utility work, for instance, could potentially be prosecuted as an offense under this bill.

Also, normal operations at many City baseyards, although not operated by DDC, could potentially constitute offenses under this bill.

For these reasons, we respectfully recommend that SB 2496 be amended to exempt conditions related to government construction, maintenance, and operational activities from the offense of maintaining a property nuisance.

Thank you for the opportunity to testify.

Very truly yours,


Lori M. K. Kahikina, P.E.
Director

To: Committee on Judiciary and Labor

Chair Sen. Clayton Hee, Vice Chair Sen. Maile Shimabukuro

I write in favor SB 2496. As a homeowner, and concerned community member and a member of Neighborhood Board #3 I see first hand that governance such as this is needed.

F.M. Scotty Anderson
2435 Aha Aina Place
Honolulu, Hi 96821
808-306-5697

Jeff & Karen
716 Uili Street
Honolulu, Hawaii 96816

January 31, 2010

The Honorable Clayton Hee, Chairman
Committee on Judiciary and Labor
The Senate
The Twenty-Sixth Legislature Regular Session of 2012

Dear Senator Hee and Committee Members,

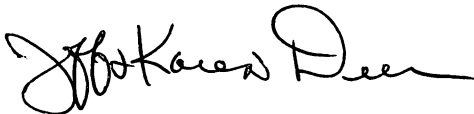
RE Testimony in Support of S.B. 2495 Relating to the Penal Code
& S.B. 2496 Relating to Landowner Liability

Please be advised that we wish to testify in support of S.B. 2495 and 2496 as they are designed to address and correct matters of grave concern to us regarding our neighborhood.

As you already know many neglected properties in our neighborhood have blighted the district and are in stark contrast to the valued and well maintained home properties in Kahala. In fact, some properties are so dreadful that if one did not know better, they'd think these properties were abandoned and marked for demolition, just as one would find in an economically devastated city urban renewal project.

Both bills promote improved homeowner and property values; not only for our neighborhood, but all in Hawaii.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff & Karen Deer". The signature is fluid and cursive, with the first name "Jeff" being particularly prominent.

Jeff & Karen Deer

hee6 - Dinna

From: Sherrie Seki [sherrieseki@gmail.com]
Sent: Wednesday, February 01, 2012 7:22 AM
To: hee3 - Keiki; hee2 - Nahelani; hee6 - Dinna
Subject: Fwd:

Testimony for thursday.

----- Forwarded message -----

From: Sen. Clayton Hee <senhee@capitol.hawaii.gov>
Date: Wed, Feb 1, 2012 at 6:38 AM
Subject: RE:
To: Nina Reppun Carney <ulala@hawaii.rr.com>, "Sen. Maile Shimabukuro" <senshimabukuro@capitol.hawaii.gov>
Cc: "Sen. Mike Gabbard" <sengabbard@capitol.hawaii.gov>, "Sen. Sam Slom" <senslom@capitol.hawaii.gov>, "Sen. Les Ihara, Jr." <senihara@capitol.hawaii.gov>, "Rep. Barbara Marumoto" <repmarumoto@capitol.hawaii.gov>, "sherrieseki@gmail.com" <sherrieseki@gmail.com>

Thank you for your email. The testimonies shall be forwarded to Committee Clerk Sherrie Seki. Please contact Ms. Seki directly for further communications. Aloha.

clayton hee

From: Nina Reppun Carney [ulala@hawaii.rr.com]
Sent: Tuesday, January 31, 2012 5:35 PM
To: Sen. Clayton Hee; Sen. Maile Shimabukuro
Cc: Sen. Mike Gabbard; Sen. Sam Slom; Sen. Les Ihara, Jr.; Rep. Barbara Marumoto
Subject:

Dear Senators,

Please accept my testimony in support of S.B. 2495 and S.B. 2496 which are scheduled to be heard by JDL on Thursday, February 2nd at 9:30am in conference room 016.

SB 2495<http://www.capitol.hawaii.gov/session2012/Bills/SB2495_.pdf> RELATING TO THE PENAL CODE.

Establishes the offense of maintaining a property nuisance as a misdemeanor. Specifies conditions that constitute maintaining a property nuisance.

SB 2496<http://www.capitol.hawaii.gov/session2012/Bills/SB2496_.pdf> RELATING TO LANDOWNER LIABILITY.

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.

Aloha,

Nina Reppun Carney, President

Kahala Community Association

president@kahalacommunity.org<<mailto:president@kahalacommunity.org>>

734-8108

Fax to Rep Barbara Marumoto 586 6311

1/30/12

In Support of SB2495 and SB2496

We have lived in Waialae Kahala for over fifty years. In recent years there has been an increase in home owners or renters who fail to maintain their property in a presentable manner or use the property to repair or work on vehicles or boats in their front yards for extended periods of time – month after month. We certainly support SB2495 and 2496.

Doris and Merle Crow 752 Onaha Street

DC

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: sjfhawaii@gmail.com
Subject: Testimony for SB2496 on 2/2/2012 9:30:00 AM
Date: Wednesday, February 01, 2012 7:06:44 AM

Testimony for JDL 2/2/2012 9:30:00 AM SB2496

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Stan Fichtman
Organization: Individual
E-mail: sjfhawaii@gmail.com
Submitted on: 2/1/2012

Comments:

I would like to state my strong support for SB 2496, relate to enhancing the penal code to include liability sanctions against home and land owners who do not maintain their properties or neglect their properties.

My background on this issue includes being a life-long Hawaii resident whom has both lived next to a property described in this bill as well as addressing various concerns in the Kahala neighborhoods on nuisance properties. In both cases, current law at both the County and State levels are ineffective in helping persuade landowners that their properties need to be cleaned up "or else". Typically landowners, knowing the current laws have very little bite, flaunt the rules and continue to maintain properties poorly which affect the whole neighborhood, not just the affected property.

Bills like this, upon passage, will give all landowners comfort in knowing that their neighbor can be punished for poorly maintaining their property. This in turn will give confidence to both current landowners and future homeowners that their property value will not be adversely affected by home or land owners who intentionally let their properties deteriorate.

Thank you for this opportunity to present testimony in support of SB 2496.