
A BILL FOR AN ACT

RELATING TO PROPERTY NUISANCE.

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 a residentially
5 zoned property nuisance. (a) A person may be held personally
6 liable in damages for injury or trespass, whether direct or
7 indirect, including the diminution of property valuation, to
8 another person or the property of the other person proximately
9 caused by the maintenance of a residentially zoned property
10 nuisance.

11 (b) For purposes of this section, "maintenance of a
12 residentially zoned property nuisance" means a person who owns,
13 leases, occupies, or has charge, possession, or control of any
14 residentially zoned property that is found in violation of
15 chapter 46, 107 (part II), 152, 205, 321, or 322, or of any rule
16 or county ordinance authorized under chapter 46, 107 (part II),
17 152, 205, 321, or 322 three or more times within three years of
18 the first violation.



1 (c) Nothing in this section shall be deemed to create
2 liability:

3 (1) If the defendant's property is not zoned exclusively
4 for residential use;

5 (2) If the defendant's property use is a permitted non-
6 conforming use;

7 (3) For any public use or public works;

8 (4) For any publicly funded project;

9 (5) For agricultural use;

10 (6) For vacant property that has never been built on that
11 is in a predominantly natural state; and

12 (7) For construction and demolition activity pursuant to a
13 permit, law, ordinance, regulation, or an emergency
14 and for the presence of equipment and material for a
15 reasonable time after that construction and demolition
16 activity has ceased."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Basil Kepner

[Signature]
Linda Chizama
Kal Rhoads



H.B. NO. 1106

Report Title:

Civil Liability; Property Nuisance; Residential Property

Description:

Creates a private right of action against any person who maintains a residentially zoned property that is found in violation of a state law or rule, or county ordinance three or more times within three years, and that causes injury or damage to the person or property of another person. Provides for exceptions.

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