

JAN 22 2021

A BILL FOR AN ACT

RELATING TO ATTACHMENT OF REAL PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that it has not increased
2 the real property exemption amount from attachment or execution
3 since 1978, and since that time inflation has risen by three
4 hundred per cent. Therefore, the purpose of this Act is to
5 increase the exemption amount up to current valuation standards.

6 SECTION 2. Section 651-92, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§651-92 Real property exempt.** (a) Real property shall
9 be exempt from attachment or execution as follows:

10 (1) An interest in one parcel of real property in the
11 State of Hawaii, of a fair market value not exceeding
12 ~~[\$30,000,]~~ \$90,000, owned by the defendant who is
13 either the head of a family or an individual sixty-
14 five years of age or older.

15 (2) An interest in one parcel of real property in the
16 State of Hawaii, of a fair market value not exceeding



1 ~~[\$20,000,]~~ \$60,000, owned by the defendant who is a
2 person.

3 The fair market value of the interest exempted in paragraph (1)
4 or (2) shall be determined by appraisal and shall be an interest
5 which is over and above all liens and encumbrances on the real
6 property recorded prior to the lien under which attachment or
7 execution is to be made. Not more than one exemption shall be
8 claimed on any one parcel of real property even though more than
9 one person residing on such real property may otherwise be
10 entitled to an exemption.

11 Any claim of exemption under this section made before
12 ~~[May 27, 1976,]~~ _____, 2021, shall be deemed to be amended
13 on ~~[May 27, 1976,]~~ _____, 2021, by increasing the exemption
14 to the amount permitted by this section on ~~[May 27, 1976,]~~
15 _____, 2021, to the extent that such increase does not
16 impair or defeat the right of any creditor who has executed upon
17 the real property prior to ~~[May 27, 1976.]~~ _____, 2021.

18 (b) No exemption authorized under this section shall apply
19 to process arising from:

20 (1) A lien as provided by section 507-42;



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- 1 (2) A lien or security interest created by a mortgage,
2 security agreement, or other security instrument;
3 (3) A tax lien in the name of the federal or state
4 government;
5 (4) An improvement district lien of any county of the
6 State; or
7 (5) A lien or encumbrance recorded against the real
8 property prior to the acquisition of interest in and
9 commencement of residence on such real property."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2021.

13
INTRODUCED BY: _____

Kal Abush



S.B. NO. 190

Report Title:

Real Property; Exemption; Attachment; Execution.

Description:

Increases the real property exemption amount for attachment or execution.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

