

STAND. COM. REP. NO.

1077

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 875
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 875 entitled:

"A BILL FOR AN ACT RELATING TO THE COUNTIES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize counties, after adoption of an ordinance, to sell private property after all notices, orders, and appeal proceedings are exhausted and to use those revenues to pay unpaid civil fines related to that property.

Your Committee received testimony in support of this measure from the Department of Planning and Permitting of the City and County of Honolulu and one member of the Honolulu City Council. Your Committee received testimony in opposition to this measure from four individuals. Your Committee received comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that currently, the counties must go through an arduous process to enforce violations of land use ordinances and building codes. The counties must issue a notice of violation, allow time for the violator to cure, then if the violator fails to comply, impose a civil fine. Once the fine accrues to a certain amount, the counties may place a lien on the property. However, if the violator continues to be noncompliant, eventually the county will pursue a judicial foreclosure, which is



a lengthy and costly process. This measure will provide the counties with a more viable, efficient, and effective method to collect liens on properties for civil fines.

Your Committee has amended this measure by adding language that requires the counties to sell property at not less than the market value of similarly situated properties and that all revenues received from the sale that exceed the amount of the unpaid civil fines be refunded to the property owner.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 875, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 875, S.D. 1.

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



KARL RHOADS, Chair



