

JAN 15 2025

A BILL FOR AN ACT

RELATING TO ATTACHMENT AND EXECUTION 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 by amending subsection (a) to read as follows:

8 "(a) Real property shall be exempt from attachment or
9 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[~~-~~]; or

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~~] before the lien under which
7 attachment or execution is to be made. Not more than one
8 exemption shall be claimed on any one parcel of real property
9 even though more than one person residing on [~~such~~] the real
10 property may otherwise be entitled to an exemption.

11 Any claim of exemption under this section made before
12 [~~May 27, 1976,~~ January 1, 2026, shall be deemed to be amended
13 on [~~May 27, 1976,~~ January 1, 2026, by increasing the exemption
14 to the amount permitted by this section on [~~May 27, 1976,~~
15 January 1, 2026, to the extent that [~~such~~] the 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,~~ January 1, 2026."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 4. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

Karl Rhoads



S.B. NO. 115

Report Title:

Real Property; Exemption; Attachment; Execution

Description:

Increases the real property exemption amount for attachment or execution.

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