

A Bill for an Act Relating to Assistance to Displaced Persons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 111, Hawaii Revised Statutes, is amended in the following particulars:

1. By amending section 111-3 to read:

“Sec. 111-3 Relocation payments. (a) Except as provided in subsection (f) below, if any state agency displaces persons described herein, it shall make fair and reasonable relocation payments to such displaced persons as required by this chapter.

(b) A relocation payment to a displaced person shall be for his or its actual and reasonable moving expenses.

(c) Optional payments (dwelling). Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (b) of this section may receive: (1) a moving expense allowance determined according to a schedule established by the state agency involved not to exceed \$200; and (2) a dislocation allowance in the amount of \$100.

(d) Optional payments (business and farm operations). Any displaced person who moves or discontinues his business or farm operations who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section may receive a fixed relocation pay-

ment in an amount equal to the average annual net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the state agency involved is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage; and (2) it is not part of a commercial enterprise having at least one other establishment, not being acquired by the state agency which is engaged in the same or similar business.

(e) In lieu of the payments authorized by subsections (b), (c), and (d), the state agency may at its option and at its expense undertake to move as applicable the personal effects or business or farm operation to the site to which the displaced person is to be relocated.

(f) If any state agency displaces any person as a result of zoning code enforcement, that person shall be entitled to benefits under this section unless the displaced person is in any way responsible for the violation. The state agency shall have the right to recover from the party responsible for a zoning code violation any monies paid out under HRS, Chapter 111."

2. By adding a new section to be numbered and to read:

"Sec. 111- Reimbursement procedure. (a) The state agency shall make a written demand for the amount due under this chapter from any person responsible for a zoning violation. Such amount shall be recoverable by the state agency in the same manner as a debt due.

(b) If the owner of real property from which persons are forced to move because of zoning code enforcement is the person responsible for the zoning violation, and he fails to pay the state agency within sixty days after written demand, the state agency may claim a lien against the real property from which persons are displaced. This lien shall be in addition to any other remedy the state agency may have. Such lien may be foreclosed in the same manner as liens for real property taxes and in accordance with sections 246-55 to 246-61.

(c) Payments in accordance with this section to the state agency by the party responsible for the zoning violation shall not relieve the party from complying with the notices ordering compliance with codes issued by the state agency."

3. By amending section 111-12 to read:

"Sec. 111-12 Appeals. Any person aggrieved by a state agency's determination concerning eligibility for an amount of relocation payments authorized by this chapter or by a determination that the party is responsible for a zoning code violation may appeal such determination to the circuit court of the circuit in which the displaced person or party then resides. The appeal shall be made pursuant to the Administrative Procedure Act set forth in chapter 91."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

*Edited accordingly.

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

(Approved May 10, 1973.)