

ACT 162

H.B. NO. 1158

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

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

SECTION 1. Section 111-1, Hawaii Revised Statutes, is amended to read as follows:

**“§111-1 Findings and declaration of legislative purpose.** The legislature hereby finds and declares that it is in the public interest that persons lawfully residing on or lawfully occupying real property and displaced by any action undertaken by any state or county governmental agency should be compensated for such displacement under certain circumstances. The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of owners, tenants, other persons, and business concerns lawfully residing on or lawfully occupying real property and displaced by the acquisition of real property for public or other purposes in the public interest, and by building, zoning, [and other similar] and housing code enforcement activities], or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision].”

SECTION 2. Section 111-2, Hawaii Revised Statutes, is amended by amending the definition of “displaced person” to read as follows:

““Displaced person” means any person who is lawfully residing on or lawfully occupying real property and is required to move from any real property on or after June 25, 1970, as a result of the acquisition or imminence of acquisition of such real property, in whole or in part, by a state agency or who moves from such real property as a result of the acquisition or imminence of acquisition by such state agency of other real property on which such person is lawfully conducting a business or farm operation. “Displaced person” also includes the foregoing movements from real property by any person lawfully residing on or lawfully occupying real property who is required to move from any real property as a result of [a governmental program of voluntary rehabilitation or building, zoning, and other similar] code enforcement activities. “Displaced person” as defined in this chapter shall not include a tenant upon or occupier of state land under a revocable permit which is issued or renewed on or after June 7, 1974, provided that those persons who are issued revocable permits on state land which they had previously occupied as lawful tenants or lawful occupiers of private land which is subsequently acquired by the State, by virtue of which

acquisition the revocable permits are issued immediately upon acquisition, shall be entitled to assistance as displaced persons upon displacement at the termination of the revocable permits. "Displaced persons" as defined in this chapter shall also not include a squatter or trespasser upon state land or any person unlawfully residing on or unlawfully occupying any real property."

SECTION 3. Section 111-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Code" means the housing, building, and zoning codes of the counties."

SECTION 4. Section 111-3, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(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 moneys paid out under [HRS.] chapter 111."

SECTION 5. Section 111-8.5, Hawaii Revised Statutes, is amended to read as follows:

**"[§111-8.5]] 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] code 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] code violation, and the owner 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] code violation shall not relieve the party from complying with the notices ordering compliance with codes issued by the state agency."

SECTION 6. Section 111-12, Hawaii Revised Statutes, is amended to read as follows:

**"§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 7. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 5, 1987.)