

A Bill for an Act Relating to Manner of Service.

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

SECTION 1. The legislature finds that many residential subdivisions are experiencing problems with real property owned by nonresidents of the State, including unpaid homeowner fees, overgrown trees, invasive species, and squatters. In many cases, the nonresident owners cannot be located and the county cannot act on behalf of neighboring property owners without providing notice to the owner of the offending property.

The purpose of this Act is to authorize service on nonresident property owners through a summons mailed to the mailing address on record with the real property tax office in the county in which the offending property is located.

SECTION 2. Chapter 634, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§634- Service in cases involving real property. (a) Notwithstanding any other provision of law, in an action the principal subject matter of which is real property owned by a defendant who is not a resident of the State, service of summons may be made upon the defendant by sending the summons and complaint by certified, registered, or express mail, postage prepaid, with return receipt requested to the address of the defendant on file with the real property assessment office of the county in which the real property is located. The plaintiff or the plaintiff’s attorney shall file an affidavit showing that the summons and complaint were sent by certified, registered, or express mail, and the return receipt signed by the defendant shall be filed with the affidavit. The service shall be complete upon the delivery of the summons and complaint to the defendant in the event that the defendant does not sign and return the receipt, or shall be deemed complete upon the date the return receipt was signed by the defendant in the event that the defendant signs and returns the receipt within thirty days of delivery, whichever date is later.

(b) As used in this section, “real property owned by a defendant who is not a resident of the State” means real property for which the address on file with the real property assessment office of the county in which the property is located is an address that is not in this State.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2018.

(Approved June 29, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.