
A BILL FOR AN ACT

RELATING TO FRESHWATER WATERWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's beaches and
2 oceans are full of robust and diverse life. The legislature
3 further finds that much of the State's recreation and economic
4 resources are based around the ocean.

5 The legislature also finds that during Hawaii's rainy
6 season, it is common for bays or beaches to be affected by
7 natural runoff from freshwater waterways. Although this runoff
8 occurs naturally, it has also become more common for human-made
9 waste to find its way to streams and washed out to the ocean via
10 these freshwater waterways.

11 In addition, the legislature finds that during recent
12 years, the homelessness crisis in the State has resulted in
13 encampments developing in, on, or immediately around freshwater
14 waterways that lead to the ocean. Intentionally or
15 unintentionally, these encampments have added to the human-made
16 waste in Hawaii's freshwater waterways. Furthermore, it has
17 become increasingly common for first responders to rescue



1 individuals who reside in, on, or immediately around these
2 freshwater waterways.

3 Therefore, the purpose of this Act is to help protect
4 Hawaii's natural environment and help protect human life by
5 prohibiting residing in, on, or within fifty feet of a
6 freshwater waterway and authorizing law enforcement agencies to
7 enforce the prohibition.

8 SECTION 2. The Hawaii Revised Statutes is amended by
9 adding a new chapter to title 12, subtitle 6, to be
10 appropriately designated and to read as follows:

11 **"CHAPTER**

12 **VACATING OF FRESHWATER WATERWAYS**

13 **§ -1 Definitions.** As used in this chapter:

14 "Freshwater waterway" includes a river, stream, or drainage
15 canal.

16 "Order to vacate" means an order issued by a state or
17 county law enforcement agency to vacate any area in, on, or
18 within fifty feet of a freshwater waterway.

19 **§ -2 Residence; prohibited.** Unless otherwise allowed by
20 law, including section -3, no individual shall reside in, on,
21 or within fifty feet of a freshwater waterway.



1 § -3 **Applicability.** This chapter shall not be construed
2 to apply to:

3 (1) A lawful owner or renter of real property within fifty
4 feet of a freshwater waterway; or

5 (2) Any other individual who lawfully occupies real
6 property within fifty feet of a freshwater waterway.

7 § -4 **Enforcement.** (a) The conservation and resources
8 enforcement program shall collaborate with state and county law
9 enforcement agencies, including county police departments, to
10 enforce this chapter.

11 (b) In enforcing this chapter, law enforcement agencies
12 shall:

13 (1) Not be required to provide any advance notice prior to
14 issuing an order to vacate;

15 (2) Issue oral orders to vacate;

16 (3) Allow individuals up to forty-five minutes to remove
17 any personal property;

18 (4) Immediately remove and dispose of any personal
19 property if the owner of the property is not present
20 or available at the time an order to vacate is issued;



1 provided that any property removed shall not be held
2 for future retrieval by its owner;

3 (5) Issue warnings for a first offense and issue citations
4 for any subsequent offense;

5 (6) Arrest and fine individuals who have violated this
6 chapter more than times; and

7 (7) Strive to contact public and private agencies,
8 entities, and organizations that assist homeless
9 individuals before enforcing this chapter in a
10 particular location.

11 § -5 **Personal property; relocation.** (a) All personal
12 property that is removed from a freshwater waterway shall be
13 moved over fifty feet from the edge of the freshwater waterway.

14 (b) If a wall, berm, or other similar structure borders
15 the freshwater waterway, all personal property that is removed
16 from the freshwater waterway shall be moved over fifty feet from
17 the edge of the wall, berm, or structure.

18 (c) No property that is removed from a freshwater waterway
19 shall be moved on to private real property without the consent
20 of the owner of the private real property.



1 § -6 **Community complaints.** Complaints from the
2 community regarding individuals residing in, on, or within fifty
3 feet of a freshwater waterway shall:

4 (1) Be made primarily to county police departments; and

5 (2) Also be accepted directly by the department of land
6 and natural resources.

7 § -7 **Rules.** The department of land and natural
8 resources shall adopt rules pursuant to chapter 91 to implement
9 this chapter."

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2025-2026 and
13 the same sum or so much thereof as may be necessary for fiscal
14 year 2026-2027 for any new program or increase in the level of
15 service required by the counties pursuant to this Act, as the
16 State's share in the cost under article VIII, section 5, of the
17 Hawaii State Constitution.

18 The sums appropriated shall be expended by the counties for
19 the purposes of this Act.



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. This Act shall take effect on July 1, 2025.

5

INTRODUCED BY:



JAN 17 2025



H.B. NO. 536

Report Title:

Freshwater Waterways; Prohibition Against Residing; DOCARE; Law Enforcement Agencies; Counties; Appropriation

Description:

Prohibits residing in, on, or within fifty feet of a freshwater waterway. Authorizes state and local law enforcement agencies, including the Department of Land and Natural Resources' Conservation and Resources Enforcement Program and county police, to enforce the prohibition.

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