
A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

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

1 SECTION 1. Chapter 101, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§101- Right of reacquisition under certain
5 circumstances. (a) When five years have elapsed after a taking
6 pursuant to this chapter and real property taken under the power
7 of eminent domain is not used for the purpose stated in the
8 condemnation resolution or other legislation or declaration
9 authorizing the condemnation, or if the real property ceases to
10 be used for the purpose stated in the condemnation resolution or
11 other legislation or declaration authorizing the condemnation,
12 the plaintiff may offer the property for sale to the defendant
13 in the condemnation action as provided in this section.

14 (b) To offer the property for sale to the defendant under
15 subsection (a), the plaintiff shall notify the defendant in
16 writing of the current appraised value of the real property and
17 of the defendant's right to purchase the real property within



1 sixty days of the date the notice is served, at a price equal
2 to:

- 3 (1) The current appraised value of the real property; or
- 4 (2) The compensation paid to the defendant at the time the
5 property was acquired by the plaintiff, plus any
6 cleanup or environmental remediation costs or other
7 amounts expended by the plaintiff to improve the
8 property after the date the plaintiff obtained title,
9 whichever is less."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun, before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2112.



Report Title:

Eminent Domain

Description:

Authorizes plaintiff to offer to resell property to defendant for current appraised value or condemnation price plus cost of environmental remediation or cleanup or other improvements if property taken in eminent domain is not used for the purpose for which it was condemned for five years. (HB1590 HD3)

