
A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

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 part I to be appropriately
3 designated and to read as follows:
4 "§101- Right of eminent domain by adjacent landowners.
5 (a) Upon request by the owner of land adjacent to a privately
6 owned highway, waterway, or watercourse, the State shall
7 initiate condemnation proceedings for a public purpose pursuant
8 to section 101-2, unless the State makes a written determination
9 that a county is the more appropriate jurisdiction to initiate
10 condemnation proceedings on the private property. For the
11 purposes of this section "private property" means a privately
12 owned highway, waterway, or water course.
13 (b) If the State declines to exercise its power of eminent
14 domain to condemn the private property pursuant to subsection
15 (a), then the county in which the private property is located
16 shall initiate condemnation proceedings pursuant to section 101-
17 14.



1 (c) In fixing the compensation to be paid for condemnation
2 of the property, the amount shall be calculated using the
3 methods for valuation under section 101-23; provided that if no
4 real property taxes were paid in the ten years preceding
5 initiation of the condemnation action and the private property
6 owner can be located, the condemnation price shall be \$10.

7 (d) Following an exercise of condemnation under this
8 section, the State or the county that initiated the proceeding
9 shall be required to repair obvious defects on the condemned
10 property not less than two years after condemnation. Beginning
11 two years after condemnation, the State or county that initiated
12 the proceeding shall be legally responsible for any damage to an
13 adjacent landowner's property and any injury caused by negligent
14 maintenance; provided that failure by the State or county to
15 bring the condemned property into compliance with state laws or
16 county ordinances regulating the maintenance of property shall
17 not constitute evidence of negligence in any subsequent civil
18 action."

19 SECTION 2. Section 46-62, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§46-62 Eminent domain; proceedings according to chapter**
22 **101. (a) The proceedings to be taken on behalf of the county**



Report Title:

Eminent Domain; Condemnation by Adjacent Property Owners

Description:

Requires the State or, alternatively, the counties, to initiate eminent domain proceedings against private property owners upon request of an adjacent property owner.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

