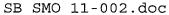
A BILL FOR AN ACT

RELATING TO REAL PROPERTY BLIGHT.

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

- 1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
- 2 amended by adding a new section to be appropriately designated
- 3 and to read as follows:
- 4 "§663- Liability for maintenance of property nuisance.
- 5 (a) A person may be held personally liable in damages for
- 6 injury or trespass, whether direct or indirect, including the
- 7 diminution of property valuation, to the person or property of
- 8 another person proximately caused by the maintenance of a
- 9 property nuisance.
- 10 (b) If a person engages in conduct that constitutes the
- 11 maintenance of a property nuisance involving three or more
- 12 separate properties within a one mile radius from a claim
- 13 arising pursuant to this section and judgment is entered for the
- 14 person asserting the claim, that person shall be awarded a sum
- 15 equal to threefold damages sustained by the person.
- 16 (c) For purposes of this section, a person maintains a
- 17 property nuisance by owning, leasing, occupying, or having
- charge, possession, or control of any property and maintaining





1	that prope	rty in a manner that any one or more of the following
2	conditions	or activities is allowed to exist or continue:
3	(1)	The keeping, storage, depositing, or accumulation on
4		improved or unimproved real property of any personal
5		property that is within the view of persons on
6		adjacent or nearby real property or public highway
7		when the personal property constitutes visual blight,
8		reduces the aesthetic appearance of the neighborhood,
9		is offensive to the senses, or is detrimental to
10		nearby property or property values. Personal property
11		includes:
12		(A) Abandoned, wrecked, or dismantled motor vehicles
13		or unseaworthy boats or vessels;
14		(B) Automotive parts and equipment, appliances, and
15		furniture; and
16		(C) Containers, packing materials, scrap metal, wood,
17		building materials, concrete masonry units,
18		litter, garbage, junk, rubbish, and debris.
19		Wood and building materials being used, or to be used,
20		for a project of repair or renovation and for which ar
21		active building permit is in effect may be stored for
22		as long as necessary to complete the project

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1		expeditiously. Upon expiration or cancellation of the
2		building permit, wood and hauling materials for the
3		project shall be immediately removed;
4	(2)	The keeping, storage, deposit, or accumulation of
. 5		dirt, sand, gravel, concrete, or other similar
6		materials that constitute visual blight or reduce the
7		aesthetic appearance of the neighborhood or are
8		offensive to the senses or are detrimental to nearby
9		property or property values;
10	(3)	The operation of a junk yard or automobile dismantling
11		yard, except as a permitted use in an industrial zone;
12	(4)	The permitting of standing or stagnant water to
13		accumulate, allowing vermin and insects to live,
14	~	breed, and multiply;
15	(5)	Any dangerous, unsightly, or blighted condition that
16		is detrimental to the health, safety, or welfare of
17		the public;
18	(6)	The maintenance of the exterior of any vacant or
19	3	unoccupied building or the interior of any building
20		that is readily visible from any public highway or
21		adjacent parcel of property in a state of
22		unsightliness so as to constitute a blighted condition

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1		detrimental to the property values in the neighborhood	
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2		or otherwise detrimental to the public welfare;	
3	(7)	The attraction of and provision of a place of	
4		temporary abode for vagrants, interlopers, or	
5		trespassers;	
6	(8)	Any illegal activity occurring on the property that is	
7		detrimental to the life, health, safety, and welfare	
8		of the residents, neighbors, or public. For purposes	
9		of this paragraph, illegal activity is defined as any	
10		violation of state or federal law, rules or	
11		regulations, or county ordinances or rules; and	
12	(9)	Any condition recognized in law or in equity as	
13		constituting a public nuisance."	
14	SECTION 2. This Act does not affect rights and duties that		
15	matured, penalties that were incurred, and proceedings that were		
16	begun before its effective date.		
17	SECTION 3. New statutory material is underscored.		
18	SECTION 4. This Act shall take effect upon its approval.		
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Report Title:

Property; Nuisance

Description:

Creates a cause of action against a person maintaining a property nuisance for injury or damage to the person or property of another person. Defines "maintains a property nuisance."

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