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# A BILL FOR AN ACT

RELATING TO ATTACHMENT AND EXECUTION OF REAL PROPERTY.

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

1           SECTION 1. The legislature finds that it has not increased  
2 the real property exemption amount from attachment or execution  
3 since 1978, and since that time inflation has risen by three  
4 hundred per cent. Therefore, the purpose of this Act is to  
5 increase the exemption amount up to current valuation standards.

6           SECTION 2. Section 651-92, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8           "(a) Real property shall be exempt from attachment or  
9 execution as follows:

10           (1) An interest in one parcel of real property in the  
11 State of Hawaii, of a fair market value not exceeding  
12 [~~\$30,000,~~] \$90,000, owned by the defendant who is  
13 either the head of a family or an individual sixty-  
14 five years of age or older.

15           (2) An interest in one parcel of real property in the  
16 State of Hawaii, of a fair market value not exceeding



1           ~~[\$20,000,]~~ \$60,000, owned by the defendant who is a  
2           person.

3 The fair market value of the interest exempted in paragraph (1)  
4 or (2) shall be determined by appraisal and shall be an interest  
5 which is over and above all liens and encumbrances on the real  
6 property recorded prior to the lien under which attachment or  
7 execution is to be made. Not more than one exemption shall be  
8 claimed on any one parcel of real property even though more than  
9 one person residing on such real property may otherwise be  
10 entitled to an exemption.

11           Any claim of exemption under this section made before  
12 ~~[May 27, 1976,]~~ January 1, 2024, shall be deemed to be amended  
13 on ~~[May 27, 1976,]~~ January 1, 2024, by increasing the exemption  
14 to the amount permitted by this section on ~~[May 27, 1976,]~~  
15 January 1, 2024, to the extent that such increase does not  
16 impair or defeat the right of any creditor who has executed upon  
17 the real property prior to ~~[May 27, 1976.]~~ January 1, 2024."

18           SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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1 SECTION 4. This Act shall take effect on July 1, 2023.

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**Report Title:**

Real Property; Exemption; Attachment; Execution

**Description:**

Increases the real property exemption amount for attachment or execution. (SD1)

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

