

STAND. COM. REP. NO.

271

Honolulu, Hawaii

FEB 10 , 2023

RE: H.B. No. 538  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 538 entitled:

"A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize county planning or permitting agencies to enter privately owned residential real property, under certain conditions, to address violations of county zoning ordinances, rules, or regulations; and
- (2) Specify that a property owner who fails to remedy a zoning violation be fined at least \$1,000 per day, subject to a lien if the total fines exceed \$5,000, and subject to foreclosure proceedings if the lien is not satisfied within thirty days and remediation is not commenced.

Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS, Rental By Owner Awareness Association, and two individuals.

Your Committee finds that there are owners of real property who are unwilling or unable to fulfill their obligation to

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maintain their premises in accordance with zoning requirements. This measure provides the counties with a mechanism to penalize property owners that are in violation of zoning requirements.

Your Committee has amended this measure by:

- (1) Deleting language that would have authorized county planning or permitting agencies to enter privately owned residential real property, under certain conditions, to address violations of county zoning ordinances, rules, or regulations;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 538, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 538, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-second Legislature

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**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

<b>Bill/Resolution No.:</b> <span style="font-size: 1.5em; font-weight: bold;">HB 538</span>	<b>Committee Referral:</b> <span style="font-size: 1.5em; font-weight: bold;">JHA, FIN</span>	<b>Date:</b> <span style="font-size: 1.5em; font-weight: bold;">02/07/2023</span>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	/			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru		/		
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
<b>TOTAL (10)</b>	<b>9</b>	<b>1</b>	<b>—</b>	<b>—</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				