

---

---

# A BILL FOR AN ACT

RELATING TO FRESHWATER WATERWAYS.

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

1           SECTION 1. The legislature finds that Hawaii's beaches and  
2 oceans are full of robust and diverse life. The legislature  
3 further finds that much of the State's recreation and economic  
4 resources are based around the ocean.

5           The legislature also finds that during Hawaii's rainy  
6 season, it is common for bays or beaches to be affected by  
7 natural runoff from freshwater waterways. Although this runoff  
8 occurs naturally, it has also become more common for human-made  
9 waste to find its way to streams and washed out to the ocean via  
10 these freshwater waterways.

11           In addition, the legislature finds that during recent  
12 years, the homelessness crisis in the State has resulted in  
13 encampments developing in, on, or immediately around freshwater  
14 waterways that lead to the ocean. Intentionally or  
15 unintentionally, these encampments have added to the human-made  
16 waste in Hawaii's freshwater waterways. Furthermore, it has  
17 become increasingly common for first responders to rescue



1 individuals who reside in, on, or immediately around these  
2 freshwater waterways.

3 Therefore, the purpose of this Act is to help protect  
4 Hawaii's natural environment and help protect human life by  
5 prohibiting residing in, on, or within fifty feet of a  
6 freshwater waterway and authorizing law enforcement agencies to  
7 enforce the prohibition.

8 SECTION 2. The Hawaii Revised Statutes is amended by  
9 adding a new chapter to title 12, subtitle 6, to be  
10 appropriately designated and to read as follows:

11 **"CHAPTER**

12 **VACATING OF FRESHWATER WATERWAYS**

13 **§ -1 Definitions.** As used in this chapter:

14 "Freshwater waterway" includes a river, stream, or drainage  
15 canal.

16 "Order to vacate" means an order issued by a state or  
17 county law enforcement agency to vacate any area in, on, or  
18 within fifty feet of a freshwater waterway.

19 **§ -2 Residence; prohibited.** Unless otherwise allowed by  
20 law, including section -3, no individual shall reside in, on,  
21 or within fifty feet of a freshwater waterway.



1       §   **-3 Applicability.** This chapter shall not be construed  
2 to apply to:

3       (1) A lawful owner or renter of real property within fifty  
4 feet of a freshwater waterway; or

5       (2) Any other individual who lawfully occupies real  
6 property within fifty feet of a freshwater waterway.

7       §   **-4 Enforcement.** (a) The conservation and resources  
8 enforcement program shall collaborate with state and county law  
9 enforcement agencies, including county police departments, to  
10 enforce this chapter.

11       (b) In enforcing this chapter, law enforcement agencies  
12 shall:

13       (1) Not be required to provide any advance notice prior to  
14 issuing an order to vacate;

15       (2) Issue oral orders to vacate;

16       (3) Allow individuals up to forty-five minutes to remove  
17 any personal property;

18       (4) Immediately remove and dispose of any personal  
19 property if the owner of the property is not present  
20 or available at the time an order to vacate is issued;



1 provided that any property removed shall not be held  
2 for future retrieval by its owner;

3 (5) Issue warnings for a first offense and issue citations  
4 for any subsequent offense;

5 (6) Arrest and fine individuals who have violated this  
6 chapter more than times; and

7 (7) Strive to contact public and private agencies,  
8 entities, and organizations that assist homeless  
9 individuals before enforcing this chapter in a  
10 particular location.

11 § -5 **Personal property; relocation.** (a) All personal  
12 property that is removed from a freshwater waterway shall be  
13 moved over fifty feet from the edge of the freshwater waterway.

14 (b) If a wall, berm, or other similar structure borders  
15 the freshwater waterway, all personal property that is removed  
16 from the freshwater waterway shall be moved over fifty feet from  
17 the edge of the wall, berm, or structure.

18 (c) No property that is removed from a freshwater waterway  
19 shall be moved on to private real property without the consent  
20 of the owner of the private real property.



1           §   -6 **Community complaints.** Complaints from the  
2 community regarding individuals residing in, on, or within fifty  
3 feet of a freshwater waterway shall:

- 4           (1) Be made primarily to county police departments; and
- 5           (2) Also be accepted directly by the department of land  
6           and natural resources.

7           §   -7 **Rules.** The department of land and natural  
8 resources shall adopt rules pursuant to chapter 91 to implement  
9 this chapter."

10           SECTION 3. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$                    or so  
12 much thereof as may be necessary for fiscal year 2025-2026 and  
13 the same sum or so much thereof as may be necessary for fiscal  
14 year 2026-2027 for any new program or increase in the level of  
15 service required by the counties pursuant to this Act, as the  
16 State's share in the cost under article VIII, section 5, of the  
17 Hawaii State Constitution.

18           The sums appropriated shall be expended by the counties for  
19 the purposes of this Act.



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 5. This Act shall take effect on July 1, 2025.

5

INTRODUCED BY:



JAN 17 2025



# H.B. NO. 536

**Report Title:**

Freshwater Waterways; Prohibition Against Residing; DOCARE; Law Enforcement Agencies; Counties; Appropriation

**Description:**

Prohibits residing in, on, or within fifty feet of a freshwater waterway. Authorizes state and local law enforcement agencies, including the Department of Land and Natural Resources' Conservation and Resources Enforcement Program and county police, to enforce the prohibition.

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

