
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 651-91, Hawaii Revised Statutes, is
7 amended by amending the definition of "head of a family" to read
8 as follows:

9 ""Head of a family" includes within its meaning:

10 (1) [~~A man and woman~~] Two individuals when married, except
11 as provided in section 651-93;

12 (2) Every individual who is residing on the real property
13 and who has under that individual's care or
14 maintenance, either:

15 (A) That individual's minor child, or minor
16 grandchild, or the minor child of that
17 individual's deceased [~~wife or husband;~~] spouse;



- 1 (B) A minor [~~brother or sister,~~] sibling or the minor
- 2 child of a deceased [~~brother or sister,~~] sibling;
- 3 (C) A [~~father, mother, grandfather, or grandmother,~~
- 4 parent or grandparent;
- 5 (D) The [~~father, mother, grandfather, or grandmother]~~
- 6 parent or grandparent of a deceased [~~husband or~~
- 7 ~~wife,~~] spouse; or
- 8 (E) An unmarried [~~brother, sister,~~] sibling or any
- 9 other of the relatives mentioned in this
- 10 paragraph who have attained the age of majority;
- 11 and

12 (3) Head of household as defined in section 2(b) of the
13 Internal Revenue Code of 1954, as amended."

14 SECTION 3. Section 651-92, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

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

- 18 (1) An interest in one parcel of real property in the
- 19 State of Hawaii, of a fair market value not exceeding
- 20 [~~\$30,000,~~] \$90,000, owned by the defendant who is



1 either the head of a family or an individual sixty-
2 five years of age or older~~[+]~~; or

3 (2) An interest in one parcel of real property in the
4 State of Hawaii, of a fair market value not exceeding
5 ~~[\$20,000,]~~ \$90,000, owned by the defendant who is a
6 person.

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

15 Any claim of exemption under this section made before
16 ~~[May 27, 1976,]~~ January 1, 2026, shall be deemed to be amended
17 on ~~[May 27, 1976,]~~ January 1, 2026, by increasing the exemption
18 to the amount permitted by this section on ~~[May 27, 1976,]~~
19 January 1, 2026, to the extent that ~~[such]~~ the increase does not
20 impair or defeat the right of any creditor who has executed upon
21 the real property prior to ~~[May 27, 1976.]~~ January 1, 2026."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



S.B. NO. 115
S.D. 1

Report Title:

Real Property; Exemption; Attachment; Execution

Description:

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

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