
A BILL FOR AN ACT

RELATING TO PROPERTY MAINTENANCE.

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

1 SECTION 1. The legislature finds that neglected properties
2 create environmental and public safety hazards, including
3 serving as breeding grounds for invasive species, raising the
4 risk of wildfires, and adversely affecting surrounding
5 communities. Addressing property neglect is essential to
6 protect Hawaii's ecosystems, mitigate wildfire risks, and
7 maintain the quality of life for residents.

8 Therefore, the purpose of this Act is to require owners or
9 lessees of real property to maintain their property and
10 establish penalties for failure to do so.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 **"CHAPTER**

15 **REAL PROPERTY MAINTENANCE**

16 § -1 **Real property maintenance; requirements.**

17 Notwithstanding any law to the contrary, it shall be the



responsibility of any owner or lessee of real property to ensure that their real property is regularly maintained to prevent:

(1) The proliferation of invasive species, including but not limited to plants, shrubs, grasses, or other vegetation that are known to spread aggressively and threaten native ecosystems and are already listed as noxious, restricted, or prohibited species by county, state, or federal authorities;

(2) Conditions that raise the risk of wildfires, such as excessive accumulation of dry vegetation, debris, or other combustible materials; and

(3) Public safety hazards, including overgrowth of vegetation that obstructs pathways, roads, or access for emergency responders.

§ -2 Penalties. (a) Any owner or lessee of real property whose property has been determined by the applicable state or county agency to pose environmental or public safety risks as set forth in section -1 shall be issued a written notice of violation specifying the necessary corrective actions to be completed within a reasonable time limit, not to exceed thirty days.



1 (b) Failure to comply within the time limit pursuant to
2 subsection (a) shall result in:

3 (1) A civil fine of no less than \$1,000 and no more than
4 \$10,000 per violation;

5 (2) An additional fine of \$100 per day for continued
6 noncompliance by the owner or lessee of the real
7 property beyond the initial notice period; and

8 (3) Requiring the reimbursement of costs incurred by the
9 State or county for remediation efforts undertaken due
10 to noncompliance by the owner or lessee of the real
11 property.

12 (c) The penalties shall be levied against the owner or
13 lessee of the real property, as applicable.

14 § -3 **Exceptions.** Exceptions may be granted by the State
15 or a county for:

16 (1) Real property that is under active restoration,
17 conservation, or agricultural management plans
18 approved by the State or county; or

19 (2) Circumstances deemed beyond the reasonable control of
20 the owner or lessee of the real property, as
21 determined by the applicable state or county agency.



1 § -4 **Procedures for implementation of chapter.** (a) The
2 department of agriculture shall adopt rules pursuant to chapter
3 91 to implement this chapter, including procedures for
4 inspection, enforcement, appeals, and the collection of fines
5 related to the proliferation of invasive species.

6 (b) The office of the state fire marshal shall adopt rules
7 pursuant to chapter 91 to implement this chapter, including
8 procedures for inspection, enforcement, appeals, and the
9 collection of fines related to wildfire prevention and reduction
10 of other public safety hazards; provided that the office of the
11 state fire marshal may delegate the inspection, enforcement,
12 appeal, and collection of fines to the respective county fire
13 departments.

14 (c) Each county shall adopt ordinances to implement this
15 chapter, including procedures for inspection, enforcement,
16 appeals, and the collection of fines.

17 § -5 **Fines; purposes.** (a) Any state or county agency
18 that takes an enforcement action pursuant to this chapter shall
19 collect any applicable fines.

20 (b) Any fines collected pursuant to this chapter shall be
21 expended by the applicable agency under subsection (a) for:



- 1 (1) Invasive species control projects;
- 2 (2) Wildfire prevention and response initiatives; or
- 3 (3) Community education and outreach on real property
- 4 maintenance and environmental safety.

5 **§ -6 Other responsibilities and requirements.** Nothing
6 in this chapter shall be construed to release any owner or
7 lessee of real property from any other responsibility or
8 requirement to maintain their real property pursuant to law,
9 including section 339-5."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Real Property Maintenance; Neglect; Fines; Enforcement; State;
Counties

Description:

Requires owners or lessees of real property to maintain their property and establish penalties for failure to do so. Allows for exceptions. Requires DOA to establish rules for the enforcement and collection of fines for violations relating to the proliferation of invasive species. Requires the Office of the State Fire Marshal to adopt rules for the enforcement and collection of fines for violations relating to the prevention of wildfires and other public safety hazards. Effective 7/1/3000.
(HD1)

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

