
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 sustain a rich and diverse ecosystem and serve as a
3 foundation of the State's culture, recreation, and economy.
4 Because of the State is an archipelago, the health of the
5 State's marine environment is inextricably linked to the
6 condition of its inland waterways.

7 The legislature also finds that during Hawaii's rainy
8 season, it is common for bays or beaches to be affected by
9 natural runoff from freshwater waterways. Although this runoff
10 occurs naturally, in recent years the volume of human-made waste
11 finding its way to streams and being washed out to the ocean via
12 these freshwater waterways has significantly increased.
13 Encampments established in, on, or immediately around freshwater
14 waterways and drainage channels that lead to the ocean have
15 added to the human-made waste in Hawaii's freshwater waterways,
16 degrading marine habitats and diminishing public health and
17 safety. Furthermore, it has become increasingly common for



1 first responders to rescue individuals who reside in, on, or
2 immediately around these freshwater waterways, placing both the
3 individuals and the first responders at serious risk.

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

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

12 "CHAPTER

13 VACATING OF FRESHWATER WATERWAYS

14 § -1 Definitions. As used in this chapter:

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

17 "Law enforcement agency" means any county police
18 department, the department of law enforcement, and the division
19 of conservation and resources enforcement of the department of
20 land and natural resources.



1 "Law enforcement officer" means a sheriff, deputy sheriff,
2 police officer, or an enforcement officer within a law
3 enforcement agency.

4 "Order to vacate" means an order issued by a law
5 enforcement agency to vacate any area in, on, or within fifty
6 feet of a freshwater waterway.

7 § -2 **Residence; prohibited.** Unless otherwise allowed by
8 law, including section -3, no individual shall reside in, on,
9 or within fifty feet of a freshwater waterway or within fifty
10 feet of any wall, berm, or similar structure lining a freshwater
11 waterway.

12 § -3 **Applicability.** This chapter shall not be construed
13 to apply to:

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

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

18 § -4 **Violations; warning; citation; timeline.** (a) A
19 law enforcement officer shall address any violation of this
20 chapter as follows:



(1) For a first violation, the law enforcement officer shall issue an oral order to vacate, which shall include the following:

(A) Notice that the individual is unlawfully residing within fifty feet of a freshwater waterway or a wall, berm, or similar structure lining the freshwater waterway;

(B) Instructions to the individual to remove the individual's self and the individual's personal property from the area; and

(C) Notice that failure to take significant steps to vacate the area within six hours will result in a citation;

(2) For a second violation within six hours of the first violation, a citation shall be issued if the individual:

(A) Remains in the prohibited area; or

(B) Has vacated the area but has left personal property behind; and



1 (3) For a third violation within six hours of a second
2 violation, a citation shall be issued if the
3 individual:

4 (A) Remains in the prohibited area; or

5 (B) Has vacated the area but has left personal
6 property behind.

7 (b) If an individual remains in the prohibited area more
8 than six hours after the issuance of a second citation, the law
9 enforcement officer shall initiate the county's established
10 homeless encampment clearance protocol.

11 (c) When conducting a homeless encampment clearance
12 pursuant to subsection (b), the law enforcement officer shall
13 make reasonable efforts to notify and coordinate with local
14 homeless outreach agencies, including the statewide office on
15 homelessness and housing solutions and any similar county
16 offices or departments tasked with assisting individuals
17 experiencing homelessness, to provide support, services, and
18 resources to affected individuals.

19 (d) A citation issued pursuant to this section shall be in
20 addition to any other penalty or enforcement action authorized
21 by any other applicable law or ordinance.



1 § -5 **Enforcement.** In enforcing this chapter, law
2 enforcement agencies shall:

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

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

7 (3) 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 § -6 **Persons and personal property; relocation.** (a)

12 All persons or personal property that is removed from a
13 freshwater waterway shall be moved over fifty feet from the edge
14 of the freshwater waterway.

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

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



1 § -7 **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 § -8 **Rules.** The department of land and natural
8 resources shall adopt rules pursuant to chapter 91 to implement
9 this chapter.

10 § -9 **Relationship to other laws.** Nothing in this
11 chapter shall be construed to preempt any other law or ordinance
12 that prohibits entry into, occupancy of, or residing within
13 freshwater waterways or other protected areas."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. This Act shall take effect upon its approval.

18
INTRODUCED BY:



JAN 23 2026



H.B. NO. 1956

Report Title:

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

Description:

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

