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# A BILL FOR AN ACT

RELATING TO RESIDENTIAL REAL PROPERTY.

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

1       SECTION 1. The legislature finds that owners of real  
2 property have certain responsibilities. The legislature also  
3 finds that some property owners are unwilling or unable to  
4 fulfill these basic obligations.

5       Accordingly, the purpose of this Act is to specify that a  
6 property owner who receives a notice of violation of any county  
7 zoning ordinance, rule, or regulation and fails to remediate the  
8 violation, to the county planning or permitting agency's  
9 satisfaction and within the agency's specified time frame, shall  
10 be fined a minimum of \$1,000 per day, subject to a lien if the  
11 fines exceed \$20,000, and subject to foreclosure proceedings if  
12 the property owner does not satisfy the lien and commence  
13 remediation of the violation within thirty days of notice.

14       SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
15 by adding a new section to part I to be appropriately designated  
16 and to read as follows:



1        "§46-        Penalties for unaddressed zoning violations.    (a)

2    The penalties for a violation of any county zoning ordinance,  
3    rule, or regulation shall be as follows:

4        (1)    An owner of real property who fails to remediate all  
5        conditions that gave rise to issuance of the notice of  
6        violation, to the county planning or permitting  
7        agency's satisfaction and within the agency's  
8        specified time frame, shall be assessed by the agency  
9        a fine of no less than \$1,000 for each day the  
10       violation persists;

11       (2)    If fines assessed to the owner of real property exceed  
12       \$20,000, then the notice of violation shall constitute  
13       a lien upon the real property within thirty days; and

14       (3)    If within thirty days of receiving notice of the lien,  
15       the owner of real property fails to:

16       (A)    Satisfy the lien specified in paragraph (2); and

17       (B)    Commence and diligently conduct remediation of

18       all conditions that gave rise to issuance of the

19       notice of violation, to the county planning or

20       permitting agency's satisfaction,



1           then the applicable county planning or permitting  
2           agency shall commence foreclosure proceedings,  
3           judicial or nonjudicial, on the real property without  
4           delay.

5           (b) If the applicable county planning or permitting agency  
6           fails to commence foreclosure proceedings pursuant to subsection  
7           (a) (3) within thirty days, then the attorney general shall  
8           commence foreclosure proceedings without delay; provided that  
9           any moneys recovered from the proceedings shall be remitted to  
10           the applicable county; provided further that twenty per cent of  
11           the fines assessed shall be deposited into the general fund, but  
12           no attorney's fees shall be recovered.

13           (c) The attorney general shall publish cases that meet the  
14           criteria for foreclosure under subsection (a) (3) and for which  
15           neither the applicable county planning or permitting agency nor  
16           the attorney general has commenced foreclosure proceedings  
17           within sixty days.

18           If neither the applicable county planning or permitting  
19           agency nor the attorney general commences foreclosure  
20           proceedings within sixty days, a private entity may commence  
21           foreclosure proceedings, judicial or nonjudicial, on the real



1 property and shall be reimbursed in an amount of twenty per cent  
2 of the fines assessed, but shall not recover attorney's fees.

3 The private entity shall provide notice to the attorney general,  
4 in writing, of the private entity's interest in taking a case.

5 The private entity shall only commence foreclosure proceedings  
6 after the attorney general has consented and assigned the case  
7 to the private entity.

8 The attorney general shall adopt rules pursuant to chapter  
9 91 to effectuate this subsection, including rules to verify  
10 available cases and the consent and assignment process."

11 SECTION 3. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 4. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 5. New statutory material is underscored.

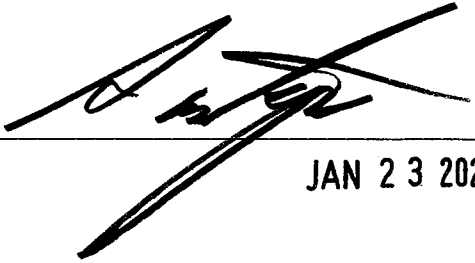
21 SECTION 6. This Act shall take effect upon its approval.



H.B. NO. 1990

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INTRODUCED BY:



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JAN 23 2026



# H.B. NO. 1990

**Report Title:**

Residential Real Property; Counties; Zoning Violations;  
Penalties; Fines; Liens; Foreclosure; Attorney General

**Description:**

Establishes penalties for an owner of real property's failure to remediate zoning violations, including fines and liens. Permits a county planning or permitting agency or the Attorney General, or a private entity under certain circumstances, to commence foreclosure proceedings if the owner fails to satisfy certain conditions.

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

