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

5 Accordingly, the purpose of this Act is to specify that:

6 (1) A property owner who receives a notice of violation of
7 any county zoning ordinance, rule, or regulation and
8 fails to remediate the violation to the satisfaction
9 of the county planning or permitting agency and within
10 the agency's specified time frame, shall be fined a
11 minimum of \$1,000 per day and subject to a lien if the
12 fines exceed \$20,000; and

13 (2) If the property owner does not satisfy the notice of
14 violation and commence remediation of the violation
15 within thirty days of notice, the applicable county
16 planning or permitting agency shall record the notice
17 of violation as a lien on the property with the bureau



1 of conveyances, which shall refer the matter to the
2 applicable county corporation counsel to foreclose the
3 property within thirty days after the agency records
4 the notice of violation, subject to certain
5 conditions.

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

9 **"§46- Penalties for unaddressed residential real**
10 **property zoning violations; appeal; review.** (a) The penalties
11 for a violation of any county zoning ordinance, rule, or
12 regulation shall be as follows:

13 (1) An owner of residential real property who fails to
14 remediate all conditions that gave rise to the
15 issuance of a notice of violation, to the satisfaction
16 of the county planning or permitting agency and within
17 the agency's specified time frame, shall be assessed
18 by the agency a fine of no less than \$1,000 for each
19 day the violation persists;

20 (2) If fines assessed to the owner of residential real
21 property exceed \$20,000, then the notice of violation



1 shall constitute a lien upon the residential real
2 property; and

3 (3) If, within thirty days of receiving notice of
4 violation, the owner of residential real property
5 fails to:

6 (A) Satisfy the notice of violation specified in
7 paragraph (1); and

8 (B) Commence and diligently conduct remediation of
9 all conditions that gave rise to the issuance of
10 the notice of violation, to the satisfaction of
11 the county planning or permitting agency,

12 then the applicable county planning or permitting
13 agency shall record the notice of violation with the
14 bureau of conveyances without delay. The notice of
15 violation shall identify the owner, violation, and
16 amount of the fine owed and unpaid. The recorded
17 notice of violation shall be deemed a lien on land
18 registered in the land court under chapter 501.

19 (b) Within thirty days after the applicable county
20 planning or permitting agency files the notice of violation at
21 the bureau of conveyances, the bureau of conveyances shall refer



1 the matter to the applicable county corporation counsel to
2 foreclose the property pursuant to part IA or part II of chapter
3 667; provided that the county shall sell the property at no less
4 than the market value of similar properties; provided further
5 that revenues received from the sale that exceed the amount of
6 any liens, penalties, and costs to the county for related
7 actions, shall be refunded to the property owner.

8 (c) A property owner subject to penalties or fines under
9 subsection (a) or foreclosure under subsection (b) may appeal
10 the underlying notice of violation and assessment of penalties,
11 finer, or the foreclosure. Upon appeal by the property owner,
12 the notice of violation and penalties and fines assessed under
13 subsection (a), or foreclosure under subsection (b) shall be
14 subject to a de novo review by the applicable district or
15 circuit court."

16 SECTION 3. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



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. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Counties; Bureau of Conveyances; Residential Real Property;
Zoning Violations; Penalties; Fines; Liens; Foreclosure

Description:

Establishes penalties, including fines and liens, for an owner of residential real property's failure to remediate zoning violations. Requires, under certain conditions, county planning or permitting agencies to record the notice of violation as a lien on the property with the Bureau of Conveyances. Requires referral to the applicable county corporation counsel for foreclosure, subject to certain conditions, if the owner fails to satisfy certain conditions. Requires the applicable district or circuit court to hold a de novo review of penalties assessed for unaddressed residential real property zoning violations, including foreclosure, upon appeal by the affected residential real property owner. Effective 7/1/3000. (SD2)

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