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

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



1 SECTION 5. New statutory material is underscored.

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



Report Title:

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

Description:

Establishes penalties, including fines and liens, for an owner of real property's failure to remediate zoning violations. Permits a county planning or permitting agency or the Attorney General to commence foreclosure proceedings if the owner fails to satisfy certain conditions. Effective 7/1/3000. (HD1)

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