
A BILL FOR AN ACT

RELATING TO ATTACHMENT AND EXECUTION OF REAL PROPERTY.

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

1 SECTION 1. The legislature finds that it has not increased
2 the real property exemption amount from attachment or execution
3 since 1978, and since that time, consumer prices have increased
4 by almost four hundred per cent. This inflation over
5 forty-eight years means that prices today are approximately five
6 times higher than they were in 1978, according to the Bureau of
7 Labor Statistics consumer price index. Therefore, the purpose
8 of this Act is to increase the exemption amount up to current
9 valuation standards.

10 SECTION 2. Section 651-91, Hawaii Revised Statutes, is
11 amended by amending the definition of "head of a family" to read
12 as follows:

13 ""Head of a family" includes within its meaning:

14 (1) [~~A man and woman~~] Two individuals when married, except
15 as provided in section 651-93;



1 (2) Every individual who is residing on the real property
2 and who has under that individual's care or
3 maintenance, either:

4 (A) That individual's minor child, or minor
5 grandchild, or the minor child of that
6 individual's deceased [~~wife or husband,~~] spouse;

7 (B) A minor [~~brother or sister,~~] sibling or the minor
8 child of a deceased [~~brother or sister,~~] sibling;

9 (C) A [~~father, mother, grandfather, or grandmother,~~]
10 parent or grandparent;

11 (D) The [~~father, mother, grandfather, or grandmother~~]
12 parent or grandparent of a deceased [~~husband or~~
13 ~~wife,~~] spouse; or

14 (E) An unmarried [~~brother, sister,~~] sibling or any
15 other of the relatives mentioned in this
16 paragraph who have attained the age of majority;
17 and

18 (3) Head of household as defined in section 2(b) of the
19 Internal Revenue Code of 1954, as amended."

20 SECTION 3. Section 651-92, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Real property shall be exempt from attachment or
2 execution as follows:

3 (1) An interest in one parcel of real property in the
4 State of Hawaii, of a fair market value not exceeding
5 [~~\$30,000,~~] \$150,000, owned by the defendant who is
6 either the head of a family or an individual
7 sixty-five years of age or older~~[+]~~; or

8 (2) An interest in one parcel of real property in the
9 State of Hawaii, of a fair market value not exceeding
10 [~~\$20,000,~~] \$150,000, owned by the defendant who is a
11 person.

12 The fair market value of the interest exempted in paragraph (1)
13 or (2) shall be determined by appraisal and shall be an interest
14 which is over and above all liens and encumbrances on the real
15 property recorded [~~prior to~~] before the lien under which
16 attachment or execution is to be made. Not more than one
17 exemption shall be claimed on any one parcel of real property
18 even though more than one person residing on [~~such~~] the real
19 property may otherwise be entitled to an exemption.

20 Any claim of exemption under this section made before
21 May 27, 1976, shall be deemed to be amended on May 27, 1976, by



1 increasing the exemption to the amount permitted by this section
2 on May 27, 1976, to the extent that [~~such~~] the increase does not
3 impair or defeat the right of any creditor who has executed upon
4 the real property [~~prior to~~] before May 27, 1976."

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2026.



S.B. NO. 2444
S.D. 1

Report Title:

Real Property; Exemption; Attachment; Execution

Description:

Increases the real property exemption amount for attachment or execution. (SD1)

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