
A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Liability for maintenance of property nuisance.

5 (a) A person may be held personally liable in damages for
6 injury or trespass, whether direct or indirect, including the
7 diminution of property valuation, to another person or the
8 property of the other person proximately caused by the
9 maintenance of a residentially zoned property nuisance.

10 (b) If a person engages in conduct that constitutes the
11 maintenance of a property nuisance involving three or more
12 residentially zoned separate properties within a one mile radius
13 from a claim arising pursuant to this section and judgment is
14 entered for the person who is asserting the claim under this
15 section, the person shall be awarded a sum equal to threefold
16 damages sustained by that person.

17 (c) For purposes of this section, "maintenance of a
18 property nuisance" means owning, leasing, occupying, or having



1 charge, possession, or control of any property and maintaining
2 that property in a manner in which any one or more of the
3 following conditions or activities is allowed to exist or
4 continue:

5 (1) Keeping, storing, depositing, or accumulating on
6 improved or unimproved real property any personal
7 property that constitutes visual blight. Personal
8 property includes:

9 (A) Abandoned, wrecked, or dismantled motor vehicles
10 or boats or vessels;

11 (B) Automotive parts and equipment, appliances, and
12 furniture;

13 (C) Containers, packing materials, scrap metal, wood,
14 building materials, concrete masonry units,
15 litter, garbage, junk, rubbish, and debris; and

16 (D) Any material that constitutes an offense of
17 displaying indecent matter under section 712-
18 1211;

19 (2) Keeping, storing, depositing, or accumulating dirt,
20 sand, gravel, concrete, or other similar materials
21 that constitute visual blight;



- 1 (3) Operating a junk yard or automobile dismantling yard,
2 except as a permitted use;
- 3 (4) Permitting standing or stagnant water to accumulate,
4 allowing vermin and insects to live, breed, and
5 multiply;
- 6 (5) Creating, permitting, or maintaining any dangerous or
7 unsightly condition that constitutes visual blight;
- 8 (6) Attracting and providing a place of temporary abode
9 for vagrants, interlopers, or trespassers; and
- 10 (7) Creating, permitting, or maintaining any condition
11 recognized in law or in equity as constituting a
12 public nuisance.
- 13 (d) Nothing in this section shall be deemed to create
14 liability:
- 15 (1) If the defendant's property or properties are not
16 zoned exclusively for residential use;
- 17 (2) If the defendant's property use is a permitted non-
18 conforming use;
- 19 (3) For any public use or public works;
- 20 (4) For any publicly funded project;
- 21 (5) For agricultural use;



1 (6) For vacant property that has never been built on that
2 is in a predominantly natural state; and

3 (7) For construction and demolition activity pursuant to a
4 permit, law, ordinance, regulation, or an emergency
5 and for the presence of equipment and material for a
6 reasonable time after that construction and demolition
7 activity has ceased.

8 (e) For purposes of this section, "visual blight" means
9 any unreasonable or unlawful condition, or use of premises or of
10 a building exterior or interior that by reason of its appearance
11 as viewed at ground level from the public right-of-way or from
12 the neighboring premises, is detrimental to:

13 (1) The surrounding areas and the valuation of the
14 property of another; or

15 (2) The health, safety, and welfare of individuals
16 residing within that community."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on January 7, 2059.



Report Title:

Landowner Liability; Property Nuisance; Residential Property

Description:

Creates a cause of action against any person who maintains a property nuisance on residential property that causes injury or damage to the person or property of another person. Specifies conditions that constitute maintaining a property nuisance. Provides for exceptions. Effective 01/07/59. (SD1)

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