

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2852
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2852, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create a cause of action against any person who maintains a property nuisance that causes injury or damage to another person or property of another;
- (2) Specify the conditions that constitute a property nuisance; and
- (3) Provide exceptions for certain uses, conditions, or activities on the property.

Your Committee received testimony in support of this measure from one individual. Kamehameha Schools submitted comments.

Your Committee finds that this measure provides an effective mechanism to protect residential neighborhoods from individual investors who purchase large blocks of property for the purpose of blighting the neighborhood. This practice is called "block busting" with the goal of lowering the overall property values to make it easier for the investor to buy the rest of the surrounding properties in the neighborhood at a lower price.



Your Committee has amended this measure by:

- (1) Clarifying the conditions or activities that constitute a property nuisance;
- (2) Adding a definition for "visual blight" to provide further clarity; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2852, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2852, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 2852, HD 1	Committee Referral: JDL	Date: 3/28/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes