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# A BILL FOR AN ACT

RELATING TO MANNER OF SERVICE.

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

1           SECTION 1. The legislature finds that many residential  
2 subdivisions are experiencing problems with real property owned  
3 by nonresidents of the State, including unpaid homeowner fees,  
4 overgrown trees, invasive species, and squatters. In many  
5 cases, the nonresident owners cannot be located and the county  
6 cannot act on behalf of neighboring property owners without  
7 providing notice to the owner of the offending property.

8           The purpose of this Act is to authorize service on  
9 nonresident property owners through a summons mailed to the  
10 mailing address on record with the real property tax office in  
11 the county in which the offending property is located.

12           SECTION 2. Chapter 634, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§634-    Service in cases involving real property. (a)  
16 Notwithstanding any other provision of law, in an action the  
17 principal subject matter of which is real property owned by a



1 defendant who is not a resident of the State, service of summons  
2 may be made upon the defendant by sending the summons and  
3 complaint by certified, registered, or express mail, postage  
4 prepaid, with return receipt requested to the address of the  
5 defendant on file with the real property assessment office of  
6 the county in which the real property is located. The plaintiff  
7 or the plaintiff's attorney shall file an affidavit showing that  
8 the summons and complaint were sent by certified, registered, or  
9 express mail, and the return receipt signed by the defendant  
10 shall be filed with the affidavit. The service shall be  
11 complete upon the delivery of the summons and complaint to the  
12 defendant in the event that the defendant does not sign and  
13 return the receipt, or shall be deemed complete upon the date  
14 the return receipt was signed by the defendant in the event that  
15 the defendant signs and returns the receipt within thirty days  
16 of delivery, whichever date is later.

17 (b) As used in this section, "real property owned by a  
18 defendant who is not a resident of the State" means real  
19 property for which the address on file with the real property  
20 assessment office of the county in which the property is located  
21 is an address that is not in this State."



1 SECTION 3. 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 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2035.



**Report Title:**

Real Property; Service of Summons; Nonresident

**Description:**

Authorizes service on nonresident property owners for actions involving the property owned by the nonresident through a summons mailed to the mailing address on record with the real property tax office in the county in which the property is located. Effective 7/1/2035. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

