
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, such as the reasonable
3 maintenance of their premises and refraining from using the
4 premises for unlawful activities. The legislature also finds
5 that some property owners are unwilling or unable to fulfill
6 these basic obligations. As a result, properties are not
7 maintained in a safe and sanitary condition, or are the site of
8 ongoing zoning violations. Examples of properties that are not
9 reasonably maintained include those having accumulated trash,
10 dilapidated structures, or unauthorized persons occupying the
11 premises.

12 The legislature further finds that it is a matter of
13 statewide concern when a real property owner fails to maintain
14 premises in a safe and sanitary condition or engages in
15 unpermitted uses of the property. The failure of the real
16 property owner to act in a timely manner to address hazardous or



1 illegal conditions jeopardizes the health and safety of
2 neighboring residents and the larger community.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Authorize county police and planning or permitting
5 agencies to enter privately owned residential real
6 property, under certain specified conditions, to
7 address imminent threats to health and safety or
8 violations of county zoning laws; and
- 9 (2) Specify that a property owner who receives a notice of
10 violation and fails to remediate the violation within
11 the county planning or permitting agency's specified
12 time frame shall be fined a minimum of \$5,000 per day
13 and subject to foreclosure proceedings if the fine is
14 not paid within ninety days.

15 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
16 by adding a new section to part I to be appropriately designated
17 and to read as follows:

18 **"§46- Authority to enter private property; imminent**
19 **threat; zoning violation; penalties.** (a) Notwithstanding
20 **chapter 322, an officer of a county police department or county**
21 **planning or permitting agency may enter privately owned**



H.B. NO. 529

1 residential real property, without the consent or cooperation of
2 the owner or occupant of the real property, for the purpose of
3 investigating any condition on the premises that the officer
4 reasonably believes may:

5 (1) Pose an imminent threat:

6 (A) Of illness, disease, or injury; or

7 (B) To health or safety; or

8 (2) Constitute a violation of any county zoning ordinance,
9 rule, or regulation that:

10 (A) Has been adopted in accordance with section 46-4;

11 and

12 (B) Applies to residentially zoned real property.

13 (b) Upon confirmation that the condition specified in
14 subsection (a) exists, the applicable county police department
15 or county planning or permitting agency shall arrest, or issue a
16 citation or notice of violation to, each responsible party, as
17 appropriate; provided that:

18 (1) If the applicable county planning or permitting agency
19 issues a notice of violation to the owner of the real
20 property under this subsection, the owner of the real
21 property shall remediate the condition that gave rise



H.B. NO. 529

1 to the notice of violation, to the agency's
2 satisfaction, within the agency's specified time
3 frame;

4 (2) An owner of real property who fails to remediate the
5 condition within the applicable county planning or
6 permitting agency's specified time frame, as provided
7 in paragraph (1), shall be assessed by the agency a
8 fine of not less than \$5,000 for each day the
9 violation persists; and

10 (3) If the owner of real property fails to pay the
11 assessed fine specified in paragraph (2) within ninety
12 days of receiving notice of the fine assessment, the
13 applicable county planning or permitting agency shall
14 commence foreclosure proceedings on the real property
15 without delay.

16 (c) The applicable county police department or county
17 planning or permitting agency may request assistance from the
18 department of health for any health-related condition on the
19 real property that is beyond the expertise of the county police
20 department or county planning or permitting agency.



H.B. NO. 529

1 (d) For the purposes of this section, a condition that may
2 pose an imminent threat of illness, disease, or injury, or
3 imminent threat to health or safety, includes:

- 4 (1) An unreasonable amount of accumulated trash;
5 (2) One or more dilapidated structures that may attract or
6 house insects, vermin, or other pests;
7 (3) Occupation by one or more unauthorized persons when
8 the property is not in a habitable condition or is not
9 equipped with proper sanitary facilities; and
10 (4) Any nuisance described in section 322-1."


11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY:



JAN 22 2021



H.B. NO. 529

Report Title:

Residential Real Property; Private Owner; Health and Safety;
Imminent Threat; Zoning Violation

Description:

Authorizes county police and planning or permitting agencies to enter privately owned residential real property, under certain specified conditions, to address imminent threats to health and safety or violations of county zoning laws. Specifies that a property owner who receives a notice of violation and fails to remediate the violation within the county planning or permitting agency's specified time frame shall be fined a minimum of \$5,000 per day and subject to foreclosure proceedings if the fine is not paid within 90 days.

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

