'26JUN29 PM 3:53 CITY CLERK

IN REPLY REFER TO: TPAR-COR-00960

HART
HONOLULU AUTHORITY for RAPID TRANSPORTATION

Lori M.K. Kahikina, P.E.
Executive Director and CEO | Po'o Ho'okō a Kahu Luna Nui Ho'okō

Mike O'Keefe
Deputy Executive Director and COO | Hope Po'o Ho'okō a Kahu Luna Ho'oponopono

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SENT VIA EMAIL

June 25, 2026

The Honorable Tommy Waters, Chair
and Members of the Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

Subject: Relating to Notice Requirements for Proposed Condemnation Actions

Attached for your review and appropriate action is a bill relating to the notice requirements for proposed condemnation actions set forth in ROH Section 2-39.2.

The proposed bill would amend ROH Section 2-39.2 to clarify that its requirements apply only to executive agencies of the City and do not apply to the Honolulu Authority for Rapid Transportation (HART), which is a semi-autonomous agency. This clarification is being proposed in response to a recent ruling made by the First Circuit Court of the State of Hawaii in the matter City and County of Honolulu v. Servco Pacific Inc., et al., 1CCV-25-0001450 (SRN).

We respectfully request that the bill be introduced at your earliest convenience. Please contact me at 808-748-6159 if you have any questions.

Very truly yours,

Lori M.K. Kahikina, P.E.
Executive Director and CEO

Enclosure

cc: HART Board of Directors
Mr. Krishna Jayaram, Managing Director Designate
Office of the City Clerk

DEPT. COM. 442(26)

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO CONDEMNATION.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to clarify notice requirements for proposed condemnation actions.

The City Council finds that Section 2-39.2, Revised Ordinances of Honolulu 2021, was enacted to apply to the Mayor and executive agencies, and not to semi-autonomous agencies such as the Honolulu Authority for Rapid Transportation . The City Council further finds this interpretation supported by the current wording of the ordinance. However, the City Council finds it necessary to reinforce this interpretation in response to a recent ruling by the First Circuit Court of the State of Hawaii in the matter *City and County of Honolulu v. Servco Pacific Inc. et al,* 1CCV-25-0001450 (SRN). The ruling applied Section 2-39.2 to condemnation actions brought by the Honolulu Authority for Rapid Transportation (HART), contrary to the long-standing understanding, intent and practices of the City Council, the City Administration, and HART.

Accordingly, this ordinance is intended to clarify what has always been the intent and effect of Section 2-39.2. Because this ordinance is a clarification of existing law rather than a substantive change in law, and to prevent misinterpretation of Section 2-39.2, this ordinance shall be given a retroactive effective date of October 21, 2016, the effective date of Ordinance 16-29, which recodified existing notice requirements at Section 2-39.2, ROH.

SECTION 2. Section 2-39.2, Revised Ordinances of Honolulu, is amended to read as follows:

Sec. 2-39.2 Notice of proposed condemnation action.

Whenever [~~the city~~] an executive agency proposes to acquire real property by means of the right and power of eminent domain, the [~~city~~] executive agency shall mail a notice to every owner and lessee of record of the property whenever the council is being requested to authorize condemnation of the property. The notice shall be mailed to the owners' and lessees' last known addresses no later than the date a request is transmitted to the council for authorization, pursuant to HRS § 101-13, to institute condemnation proceedings against the owners and claimants of the property sought to be condemned. This section shall not apply to condemnation proceedings proposed by the Honolulu Authority for Rapid Transportation, as it is not an executive agency.

A BILL FOR AN ORDINANCE

SECTION 3. Effective date. This ordinance is declaratory of existing law and shall apply retroactively to October 21, 2016.

INTRODUCED BY:

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DATE OF INTRODUCTION: _____

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_____ _____

Honolulu, Hawai'i Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ____.

_____

RICK BLANGIARDI, Mayor
City and County of Honolulu