HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 48 (2026)

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.

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

INTRODUCED BY:

Tommy Waters (br)

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DATE OF INTRODUCTION: _____

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JUN 30 2026 _____
Honolulu, Hawai'i Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ____.

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RICK BLANGIARDI, Mayor
City and County of Honolulu