SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 48 (2026)
RELATING TO CONDEMNATION.

The PROPOSED CD1 makes the following amendments:

A. Adds a new SECTION 3 to include the Revisor's clause in light of the Ramseyering in SECTION 2 of the bill.

Renumbers the subsequent SECTION of the bill.

B. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **48 (2026), CD1**

PROPOSED

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

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

SECTION 2. Section 2-39.2, Revised Ordinances of Honolulu 2021, is amended to read as follows.

"**§ 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~~] must 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 does not apply to condemnation proceedings

proposed by the Honolulu Authority for Rapid Transportation, as it is not an executive agency."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

A BILL FOR AN ORDINANCE

SECTION 4. Effective date. This ordinance is declaratory of existing law and shall apply retroactively to October 21, 2016.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 30, 2026
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

Report Title:
City Administration; Notice; Condemnation Actions; Honolulu Authority for Rapid Transportation ("HART"); Ordinance 16-29

Description:
Amends ROH Section 2-39.2 to clarify that the section applies to executive agencies and does not apply to HART. Applies retroactively to October 21, 2016 (the effective date of Ordinance 16-29).

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