

JAN 19 2007

A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

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

1 SECTION 1. Chapter 180C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§180C- Hazard abatement. (a) Whenever the department
5 of land and natural resources determines that any potential
6 rock, soil, or other slope movement is or will become a hazard
7 to life and limb, endangers property, or adversely affects the
8 safety, use, or stability of public lands, the department shall:

9 (1) Notify the owner of the real property upon which the
10 hazard exists, or other agent in control of the real
11 property, in writing; or

12 (2) If the hazard exists on public lands, notify the
13 owners of any real property adjoining the public
14 lands, in writing.

15 (b) An owner who receives written notice pursuant to
16 subsection (a) (1) shall take immediate measures to mitigate the



1 hazard within a reasonable period of time as determined by the
2 department or permit the department to mitigate the hazard.

3 (c) If an owner fails to mitigate a hazard pursuant to
4 subsection (b), the department may obtain a warrant and enter
5 the property to mitigate the hazard.

6 (d) If the department mitigates the hazard pursuant to
7 subsections (b) or (c), the owner shall be liable for all costs
8 associated with mitigating the hazard, including administrative
9 costs and attorney's fees.

10 (e) The department may set, charge, and collect
11 administrative fines and bring legal action to recover
12 administrative fines, fees, and costs, including attorney's fees
13 and costs, and payment for the cost to mitigate any hazard
14 resulting from a violation of subsection (b).

15 (f) The department shall adopt rules pursuant to chapter
16 91 necessary for the purpose of this section."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Franzanne Chun Oakland*



Report Title:

Real Property; Soil Erosion and Sediment Control

Description:

Permits the department of land and natural resources to obtain a warrant and enter privately owned real property to mitigate hazards posed by potential rock, soil, or other slope movement, and to charge the owner for the cost of mitigating the hazard.

