

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1713
A BILL RELATING TO HAZARDS

PRESENTATION TO THE

COMMITTEE ON JUDICIARY

BY

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

February 10, 2009

Chair Karamatsu and Committee Members:

I am Bob Lee, Director of Civil Defense, State Department of Defense. I am providing written testimony supporting the intent of House Bill 1713.

We are concerned; however, that the preamble of the proposed bill could be interpreted to mean the state will assume the financial responsibility of mitigating these hazards. The bill, if moved forward, should make it very clear that any action taken is at the complete discretion of the Governor.

We are also concerned that the bill lacks provisions for the reimbursement of government costs to mitigate a hazard. When a property owner is responsible for dangerous conditions, various provisions allow the government to step in and remove the dangerous conditions or public nuisances and charge the property owner. (See HRS 128-8(2) and Chapter 322). We suggest the following be added as a subsection to the proposed new section in Chapter 128:

(d) Should the landowner fail to mitigate the dangerous condition after having been given notice of the Governor's intention to enter the property to mitigate the hazardous situation, the Governor may recover by appropriate proceedings the expenses incurred in the mitigation of the hazardous situation and in such cases, any and all costs incurred by the Governor or any state or county agency engaged in mitigation efforts under this section, shall be valid claims.

Finally, Section 3 of the bill is not needed as it does not change the current understanding and interpretation of the law and the relationship of Chapters 127 and 128.

Thank you for the opportunity to provide testimony that supports the intent of this measure.

February 8, 2009

To: Honorable Representative Karamatsu

RE: Support House Bill 1713, Relating to Hazards

Dear Representative Karamatsu;

I am unable to attend the February 10, 2009, meeting to present my support of House Bill 1713 but want my voice to be counted. I live next to Mr. Kawamoto's conservation land in Kahaluu and am very concerned about the condition of the trees next to my property and the ramifications to my property when they eventually snap and fall. They are heavily laden with vines. A few branches have already snapped but haven't fallen all the way as the vines are still holding them up. The last windstorm snapped a whole tree but we were fortunate that the tree fell along side the property line and did no damage.

I am also having a problem with water runoff and erosion of land along the property line. This is causing foundation problems for my home. Five years ago I had to redo my home's foundation at a major expense and for which I wasn't financially prepared for. I thought everything was fine but recently discovered that I need more work done. My house has been here for 30 years and it's only been the last few years that this has been an issue.

Everyone is aware of Mr. Kawamoto's lack of concern for his properties and the fact that no one is able to find him to address the issues. Eventually a major accident will occur due to his lack of concern. When it does, whom will we go to for help and compensation? Will it cause us to lose our homes because we can't afford to repair them or because we are injured and unable to work? Can we look to the City, County or State for help & assistance since we have made you aware of the problem and potential liabilities?

Many neighbors are unaware of this bill. I've have been trying to get word out but I just found out about it a few days myself. Most of us are unable to take off of work, do not know who to relay our concerns to about the problem or think we are on our own to just keep our fingers crossed hoping that nothing will happen.

Please allow this bill to pass, as it is desperately needed.

Thank you for listening.
Deborah Isaacs, Owner
47-321 Mawaena St.
Kaneohe, HI 96744
808-239-4298

karamatsu3-Leanne

From: Dale Hebel [dalehebel@hotmail.com]
Sent: Sunday, February 08, 2009 3:26 PM
To: JUDtestimony
Cc: Susan Hebel; Dale Hebel
Subject: HB 1713

Dale & Susan Hebel

47-156 Iuiu St.
Kaneohe, HI 96744
Phone (808) 239-9108
Fax (808) 239-9108
Dalehebel@hotmail.com
Suehebel@yahoo.com
RE: Support House Bill 1713 Regarding Hazards

February 8, 2009
To: Honorable Representative Karamatsu
Judiciary Committee
State Capitol Building

Aloha,

We are property owners at 47-156 Iuiu St. Kaneohe, HI. Above our property there are 2 large Monkey Pod type trees with branches that overhang our property, the trees are situated on property owned by Genshiro Kawamoto. These trees are very large and sit on the edge of a steep precipice, overlooking the rear of our property. This area is experiencing erosion due to rain runoff from Kawamoto's property. Over the years this has exposed the tree's roots and it is apparent that a safety issue has developed. If one or more of these trees falls in the direction of our property it would certainly cause considerable damage and possibly bodily injury or death.

Periodically, we receive very high south winds (upwards of 80 mph), caused by storms and enhanced by the mountain effect. These winds are potentially the most dangerous since it blows towards properties that line the hill, however any strong winds could pose a threat coupled with heavy rain.

We have tried to contact Mr. Kawamoto since 2004 with no success. He is a "non-responsive" property owner. Further he prohibits access onto his property thereby limiting action by property owners.

Our concerns cover three primary areas:

- trimming of overhanging branches (minimum action)
- possible removal of the trees
- maintenance of drainage swale on Kawamoto's property to reduce runoff onto downhill properties

These trees have become a safety issue and therefore we support HB 1713 introduced by Representative Jessica Wooley to address this dangerous situation. We are not the only ones in this position. There are other residents, in the area, that would benefit from passage of this bill. For many (especially on fixed incomes), do not the monetary means to address this problem so help would be greatly appreciated.

At this time we do not know if we will be able to attend your meeting. However, we want to be on record that we support HB 1713.

We appreciate the opportunity to comment on HB1713 and look forward to a favorable decision to provide

protection for Hawaii residents.

Mahalo,

Dale & Susan Hebel

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karamatsu3-Leanne

From: grpang2009 [grpang2009@gmail.com]
Sent: Sunday, February 08, 2009 11:53 PM
To: JUDtestimony
Cc: Rep. Jessica Wooley
Subject: House Bill 1713 Support
Attachments: Tree1.jpg; Tree2.jpg; Tree3.jpg; ATT00001.txt

HI,

My Name is Gregory Pang and I am sending this email for my father, Richard Pang who lives at 47-112 Kam Hwy, Kaneohe.

This is in regards to the safety hazards on lands where private landowners (in this case Mr. Kawamoto) cannot be contacted and has large trees and branches over hanging my fathers backyard (enclosed are some pictures of the hazard). There is a large branch that has broken and is hanging held up by vines into my fathers back yard. We have tried to pull it down but was unsuccessful at doing it. As you can see it is slowly rotting away and will eventually fall into the yard and maybe his roof. The tree(s) is on his property and there is a safety issue about branches and possibly the tree falling on his house.

He is 85 years old and is on a fixed income and cannot afford to have tree trimmers come and cut the tree branches over hanging the property. A family down the street had the tree trimmers come and trim the trees for a cost of over 10K and tried to send the bill to Mr. Kawamoto but was not able to get a response.







ATT00001.txt

As you can see from the photographs the branch is at least 40 ft plus above the yard. We support the house bill 1713 relating to hazards proposed by Rep. Jessica Wooley as a possible solution to this problem.

This problem is not only about my father's backyard it is a common problem on many properties bordering Mr. Kawamoto's property in the area. After going to the Neighborhood Board we have found that it is a problem that has been going on for years and many other property owners are in the same situation and need a solution to this safety issue.

I was given a direction on resolving this problem but the city (Donivan Dela Cruze's office stated that it was not city property and DLNR stated that it was not state property and we had to resolve it with the landowner (Mr. Kawamoto) who was impossible to find a contact for him or his representative. This is where I met and talked to Rep Jessica Wooley who is proposing this bill to help many people with similar safety issues with adjacent property owners that cannot be contacted or are unresponsive.

This tree issue has been in the news paper and 6 o'clock news on 2 tv stations, this is a safety issue with large trees and even large rocks breaking and falling onto the roofs of houses - not like the more cosmetic problems that people are having with the Kawamoto properties at other neighborhoods.

I will try to be at the hearing on Tuesday if I can but please do not kill this bill as there seems to be many large landowners who are very hard to get in contact with to remedy property safety problems.

If you need more pictures or information please feel free to email me or contact me at work at 956-0914 or cell at 375-8669. My parents number is 239-8401.

thanks you
Gregory Pang
Richard and Laura Pang

FROM: ALLEN LAMBERT
A7-1AY IULU ST.
KANEOHE, HI 96744

TO: JUDICIARY COMMITTEE
(ROOM 301)

RE: TESTIMONY IN FAVOR OF HB 1713
TO BE HELD ON FEB. 14, 2009
AT 7:00PM

SIR: DURING THE PAST SEVERAL YEARS I HAVE BEEN
UN SUCCESSFUL IN COMMUNICATING WITH MR GENEHARD
KAWANOTO REGARDING SAFETY ISSUES THAT ARE
ORIGINATING FROM HIS PROPERTY. AS A NEIGHBOR THERE
ARE AT LEAST TWO ISSUES THAT EXIST AT THIS TIME.

ENCROACHING AND FALLING TREES THAT POSE A THREAT TO MY
FAMILY AND HOME: TWO LARGE TREES ON HIS PROPERTY
POSE A THREAT TO US — AN INVESTIGATION WILL PROVE THEY
ARE A HAZARD.

FLOODING AND RUNOFFS — OLD EASEMENTS, SWALES AND
CULVERTS ON HIS PROPERTY HAVE NEVER BEEN MAINTAINED AND
CREATED ANXIOUS MOMENTS FOR ME AND MY FAMILY.

IN CLOSING, I CAN SAFELY SAY THAT MOST OR ALL NEIGHBORS
WHO LIVE MAUKA ON IULU ST AND MAKAI TO HIS PROPERTY ARE
AFFECTED IN THESE TWO MAJOR WAYS. WE NEED YOUR
SUPPORT. PLEASE SUPPORT AND PASS HB 1713.

THANK YOU

Allen Lambert