



The REALTOR® Building  
1136 12<sup>th</sup> Avenue, Suite 220  
Honolulu, Hawaii 96816

Phone: (808) 733-7060  
Fax: (808) 737-4977  
Neighbor Islands: (888) 737-9070  
Email: har@hawaii Realtors.com

February 10, 2012

**The Honorable Clift Tsuji, Chair**  
House Committee on Agriculture  
State Capitol, Room 312  
Honolulu, Hawaii 96813

**RE: H.B. 518, Relating to Access to Real Property**

**HEARING: Friday, February 10, 2012, at 9:00 a.m.**

Aloha Chair Tsuji, Vice-Chair Hashem, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,500 members. HAR **supports** H.B. 518, which requires a seller to disclose in writing to a buyer the existence, if any, of legal or traditional public access that burdens the residential or agricultural real property being sold.

Pursuant to HRS Chapter 508D, a seller of residential real property is obligated to fully and accurately disclose in writing to a buyer all "material facts" concerning the property. Material facts are defined under HRS 508D-1 as "any fact, defect, or condition, past or present, that would be expected to measurably affect the value to a reasonable person of the residential real property being offered for sale." HAR believes that the proposal in H.B. 518 to require disclosure of known public access ways is consistent with the existing requirement to disclose all material facts, as part of the mandatory seller disclosures.

**If the Committee is inclined to pass H.B. 518, HAR respectfully suggests amending the effective date of this measure to November 1, 2012, to allow adequate time to update the Seller's Real Property Disclosure Statement.**

Mahalo for the opportunity to testify.



## hashem3 - Casey

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 09, 2012 12:13 AM  
**To:** AGRtestimony  
**Cc:** lizbylou@yahoo.com  
**Subject:** Testimony for HB518 on 2/10/2012 9:00:00 AM  
**Attachments:** HB518 Ag committee.pdf

Testimony for AGR 2/10/2012 9:00:00 AM HB518

Conference room: 312  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Elizabeth Kahikili Logsdon  
Organization: Individual  
E-mail: [lizbylou@yahoo.com](mailto:lizbylou@yahoo.com)  
Submitted on: 2/9/2012

Comments:  
From: Elizabeth Kahikili Logsdon  
Honolulu, Hawaii

To:  
COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair  
Rep. Mark J. Hashem, Vice Chair

Committee Members

Regarding

House Bill 518

Being heard on  
February 10, 2012 at 9:00 am

Aloha Committee Members,

This is a bill about communication. HB518 provides information and the opportunity for Real Estate buyers to make an informed decision on their property purchase. If the property has known traditional or common access then the buyer can chose to purchase or not purchase a certain parcel. Currently this information is not required and can create ill will in our communities among new land owners and the community. It is really very simple. I urge your support and passage of HB 518.

Mahalo for your consideration,  
Elizabeth Kahikili Logsdon  
Honolulu, Hawaii

To: COMMITTEE ON HOUSING  
Rep. Rida T.R. Cabanilla, Chair  
Rep. Ken Ito, Vice Chair  
Committee Members  
Regarding  
House Bill 518  
Being heard on  
February 10, 2012

From: Rosemarie Quintal  
PO BOX 114  
Honolulu, HI 96728  
[prayerirose@mail.com](mailto:prayerirose@mail.com)

Aloha Hawaii Housing Legislative Committee:

House Bill 518 should provide more legal clarity to both homeowners and home purchases about what any easements of right of access are. Despite notice from Gaspar Aspacio concerning his right of access to the river below his home at 28-1730 Puako St., sellers sold the property below his home. Buyers constructed a home across the river below his home and graded the side of the river abutting Gaspar Aspacio's property (who is now deceased). In the 1980's Gaspar was in his mid-70's. The property owners related to his stepdaughter Marilyn Desa claimed he should not be going down to the river any more at his age. Now the property next door, the Crivello's property is falling into the gulch through heavy erosion. I was living on Oahu at the time and I do not know how much of the bank was cut.

In this situation, cutting off access to the river below by steeply grading the riverbank also cut off any means of escape should there be an earthquake and the power lines fall into the street.

Common law right of access easements are not stated on deeds as far as I know. This is one way this bill needs further discussion and amendment.

Another property situation affecting Honolulu and Papaikou that cuts off some of the Hawaii Constitutional goal of self-sufficiency is the homestead rights destroyed in the past decade or so by subdivision laws that over extended themselves onto streets like the mauka side of Puako Street where everyone enjoyed raising animals for consumption including rabbits, goats, pigs and even one cow. Had those home stead rights been recorded on deeds Puako Street home owners and their heirs would still be able at least to raise chickens for their own eggs.

Mahalo for your attention to my letter:  
Rosemarie Quintal