
A BILL FOR AN ACT

RELATING TO REAL ESTATE DISCLOSURE.

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

1 SECTION 1. Section 508D-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§508D-15 Notification required; ambiguity.** (a) When
4 residential real property lies:

5 (1) Within the boundaries of a special flood hazard area
6 as officially designated on Flood Insurance
7 Administration maps promulgated by the United States
8 Department of Housing and Urban Development for the
9 purposes of determining eligibility for emergency
10 flood insurance programs;

11 (2) Within the boundaries of the noise exposure area shown
12 on maps prepared by the department of transportation
13 in accordance with Federal Aviation Regulation Part
14 150-Airport Noise Compatibility Planning (14 [~~Code of~~
15 ~~Federal Regulations Part~~] C.F.R. part 150) for any
16 public airport;



(3) Within the boundaries of the Air Installation Compatibility Use Zone of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities; or

(4) Within the anticipated inundation areas designated on the department of defense's emergency management tsunami inundation maps;

subject to the availability of maps that designate the four areas by tax map key (zone, section, parcel), the seller shall include such material fact information in the disclosure statement provided to the buyer subject to this chapter. Each county shall provide, where available, maps of its jurisdiction detailing the four designated areas specified in this subsection. The maps shall identify the properties situated within the four designated areas by tax map key number (zone, section, parcel) and shall be of a size sufficient to provide information necessary to serve the purposes of this section. Each county shall provide legible copies of the maps and may charge a reasonable copying fee.

(b) When it is questionable whether residential real property lies within any of the designated areas referred to in



1 subsection (a) due to the inherent ambiguity of boundary lines
2 drawn on maps of large scale, the ambiguity shall be construed
3 in favor of the seller; provided that a good faith effort has
4 been made to determine the applicability of subsection (a) to
5 the subject real property.

6 (c) Except as required under subsections (a) and (b), and
7 as required under section 508D-3.5, the seller shall have no
8 duty to examine any public record when preparing a disclosure
9 statement.

10 (d) Notwithstanding subsection (a) to the contrary, the
11 seller shall disclose:

12 (1) The presence of all albizia trees on the residential
13 real property for sale; and

14 (2) Any albizia trees that are not located on the
15 residential real property for sale, but are clearly
16 visible from anywhere on that property,

17 in the disclosure statement provided to the buyer subject to
18 this chapter. The disclosure statement shall contain
19 information concerning the risks of albizia trees, including the
20 fact that the fallen branches and debris from albizia trees may
21 pose a substantial threat to infrastructure and individuals due



1 to the shallow roots, brittle wood, and weak structure of these
2 fast growing trees. Any ambiguity arising from this subsection
3 shall be construed in favor of the seller; provided that a good
4 faith effort has been made to determine the applicability of
5 this subsection."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.
9



Report Title:

Real Estate Disclosure; Albizia Trees

Description:

Requires disclosure of albizia trees in a disclosure statement as part of the sale or transfer of real estate assets. (SD1)

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