

STAND. COM. REP. NO.

2599

Honolulu, Hawaii

MAR 01 2018

RE: S.B. No. 815  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred S.B. No. 815, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL ESTATE DISCLOSURE,"

begs leave to report as follows:

The purpose and intent of this measure is to require disclosure of albizia trees in a disclosure statement as part of the sale or transfer of residential real property.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Councilmember Eileen O'Hara, Hawai'i County Council; Oahu County Committee, Legislative Priorities Committee of the Democratic Party of Hawai'i; Animal Rights Hawai'i; and one individual. Your Committee received comments on this measure from the Hawai'i Association of REALTORS.

Your Committee finds that albizia trees pose a substantial threat to infrastructure and individuals due to the potential hazard of falling tree limbs and debris. Due to their extreme height, albizia trees also pose a threat to the properties on which these trees are rooted and to adjacent properties where branches and other debris may fall during high wind events. Accordingly, this measure provides buyers with additional material facts relating to a residential real property for sale by requiring the disclosure of the presence of albizia trees.




However, your Committee has heard the concerns raised by the Department of Land and Natural Resources regarding the real property disclosure required by this measure of any trees visible from a property, as the visual line of sight to an albizia tree is not indicative of whether or not that tree is a hazard. The Department testified that an objective standard for the definition of a hazard albizia tree may be more appropriate, and noted that one such definition has been adopted by the Hawaii Invasive Species Council in its "Strategic Plan for the Control and Management of Albizia in Hawaii." Your Committee agrees with these concerns and concludes amendments to this measure are necessary.

Your Committee has amended this measure by:

- (1) Clarifying that the disclosure statement shall include the presence of any hazard albizia trees on neighboring properties, rather than the presence of any albizia trees clearly visible from anywhere on the seller's property; and
- (2) Inserting a definition of "hazard albizia tree".

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 815, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 815, S.D. 2.

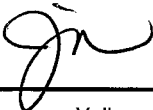
Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,

  
\_\_\_\_\_  
ROSALYN J. BAKER, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 815, SD 1	WTL, CPH	2/26/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TOKUDA, Jill N. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes