

JAN 18 2019

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 C.F.R.
15 part 150), for any public airport;

16 (3) Within the boundaries of the Air Installation
17 Compatible Use Zone of any Air Force, Army, Navy, or



1 Marine Corps airport as officially designated by
2 military authorities; or
3 (4) Within the anticipated inundation areas designated on
4 the department of defense's emergency management
5 tsunami inundation maps,
6 subject to the availability of maps that designate the four
7 areas by tax map key (zone, section, parcel), the seller shall
8 include the material fact information in the disclosure
9 statement provided to the buyer subject to this chapter. Each
10 county shall provide, where available, maps of its jurisdiction
11 detailing the four designated areas specified in this
12 subsection. The maps shall identify the properties situated
13 within the four designated areas by tax map key number (zone,
14 section, parcel) and shall be of a size sufficient to provide
15 information necessary to serve the purposes of this section.
16 Each county shall provide legible copies of the maps and may
17 charge a reasonable copying fee.

18 (b) When it is questionable whether residential real
19 property lies within any of the designated areas referred to in
20 subsection (a) due to the inherent ambiguity of boundary lines
21 drawn on maps of large scale, the ambiguity shall be construed



1 in favor of the seller; provided that a good faith effort has
2 been made to determine the applicability of subsection (a) to
3 the subject real property.

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

8 (d) Notwithstanding subsection (a) to the contrary, the
9 seller shall disclose:

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

12 (2) The presence of any hazard albizia trees on
13 neighboring properties,

14 in the disclosure statement provided to the buyer subject to
15 this chapter. The disclosure statement shall contain
16 information concerning the risks of albizia trees, including the
17 fact that the fallen branches and debris from albizia trees may
18 pose a substantial threat to infrastructure and individuals due
19 to the shallow roots, brittle wood, and weak structure of these
20 fast growing trees. Any ambiguity arising from this subsection
21 shall be construed in favor of the seller; provided that a good



1 faith effort has been made to determine the applicability of
2 this subsection.

3 For purposes of this subsection, "hazard albizia tree"
4 means any albizia tree that is greater than eight feet in
5 height, is growing within a distance of 1.5 times its height
6 from roads, structures, power lines, hiking trails, areas of
7 congregation, or anything of value, and will impact the
8 aforementioned property upon the tree's collapse."

9 SECTION 2. New statutory material is underscored.

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

11

INTRODUCED BY:

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S.B. NO. 443

Report Title:

Real Estate Disclosure; Albizia Trees; Hazard Albizia Trees

Description:

Requires disclosure of albizia trees and associated risks in a disclosure statement as part of the sale or transfer of residential real property.

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