
A BILL FOR AN ACT

RELATING TO LITTLE FIRE ANTS.

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

1 SECTION 1. The legislature finds that the *Wasmannia*
2 *auropunctata*, commonly known as the little fire ant, threatens
3 native biodiversity, alters tropical ecosystems, impairs human
4 health, diminishes agricultural and horticultural productivity,
5 and ranks among one of the world's worst invasive species.
6 Hawaii's tropical climate is ideally suited for the
7 establishment and growth of the little fire ant, and since they
8 were first discovered in the State on the island of Hawaii in
9 1999, they have since been found on the islands of Hawaii,
10 Kauai, Lanai, Maui, and Oahu. Little fire ants can invade
11 agricultural areas and nurseries, as well as yards and homes.
12 These pests have a painful sting that can cause long-lasting
13 itchy rashes or welts. Their bites also irritate, and sometimes
14 blind, household pets and livestock. The legislature further
15 finds that little fire ants nurture other invasive pests, such
16 as aphids, mealy bugs, soft scale insects, and whiteflies; and



1 have also been known to kill hatchlings of ground-nesting birds
2 and sea turtles.

3 The legislature recognizes that although there are
4 individuals who have gone to extreme lengths to limit the spread
5 of little fire ants, there are others who do not take reasonable
6 steps to prevent little fire ant infestations, nor do they have
7 any responsibility to treat their property once it has been
8 infested, thereby leading to the infestation of little fire ants
9 on surrounding properties. The legislature further recognizes
10 that, if action is not taken, little fire ants will continue to
11 spread, reach critical numbers, and significantly disrupt and
12 economically damage the State. The legislature finds that it is
13 more than likely that over half of the private properties on
14 Hawaii Island are currently infested with little fire ants,
15 without their owners' knowledge.

16 The legislature also finds that chapter 508D, Hawaii
17 Revised Statutes, requires a written disclosure statement
18 prepared by the seller, or at the seller's direction, that
19 purports to fully and accurately disclose all material facts
20 relating to residential real property being offered for sale.
21 The legislature believes that a little ant infestation is a



1 material fact, as defined under existing law, that could
2 measurably affect the value of residential real property being
3 offered for sale. Requiring disclosure of little fire ant
4 infestations can also help raise awareness of the changes posed
5 by little fire ants and provide prospective buyers with
6 information to help anticipate any future mitigation costs.

7 Accordingly, the purpose of this Act is to require the
8 disclosure of any little fire ant infestations as part of the
9 sale of residential real property.

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

12 **"§508D-15 Notification required; ambiguity.** (a) When
13 residential real property lies within:

14 (1) The boundaries of a special flood hazard area as
15 officially designated on flood maps promulgated by the
16 National Flood Insurance Program of the Federal
17 Emergency Management Agency for the purposes of
18 determining eligibility for emergency flood insurance
19 programs;

20 (2) The boundaries of the noise exposure area shown on
21 maps prepared by the department of transportation in



1 accordance with Federal Aviation Regulation part 150,
2 Airport Noise Compatibility Planning (14 C.F.R. part
3 150), for any public airport;

4 (3) The boundaries of the Air Installation Compatible Use
5 Zone of any Air Force, Army, Navy, or Marine Corps
6 airport as officially designated by military
7 authorities;

8 (4) The anticipated inundation areas designated on the
9 department of defense's emergency management tsunami
10 inundation maps; or

11 (5) The sea level rise exposure area as designated by the
12 Hawaii climate change mitigation and adaptation
13 commission or its successor,

14 subject to the availability of maps that designate the five
15 areas by tax map key (zone, section, parcel), the seller shall
16 include the material fact information in the disclosure
17 statement provided to the buyer subject to this chapter. Each
18 county shall provide, where available, maps of its jurisdiction
19 detailing the five designated areas specified in this
20 subsection. The maps shall identify the properties situated
21 within the five designated areas by tax map key number (zone,



1 section, parcel) and shall be of a size sufficient to provide
2 information necessary to serve the purposes of this section.
3 Each county shall provide legible copies of the maps and may
4 charge a reasonable copying fee.

5 (b) When residential real property lies adjacent to the
6 shoreline, the seller shall disclose all permitted and
7 unpermitted erosion control structures on the parcel, expiration
8 dates of any permitted structures, any notices of alleged
9 violation associated with the parcel, and any fines for expired
10 permits or unpermitted structures associated with the parcel.

11 (c) When it is questionable whether residential real
12 property lies within any of the designated areas referred to in
13 subsection (a) due to the inherent ambiguity of boundary lines
14 drawn on maps of large scale, the ambiguity shall be construed
15 in favor of the seller; provided that a good faith effort has
16 been made to determine the applicability of subsection (a) to
17 the subject real property.

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



1 (e) Notwithstanding subsection (a) to the contrary, the
2 seller shall disclose in the disclosure statement provided to
3 the buyer subject to this chapter whether the real property has
4 had any infestation of little fire ants, and if there was a
5 treatment made to a prior infestation, the date and who provided
6 the treatment. Any ambiguity arising from this subsection shall
7 be construed in favor of the seller; provided that a good faith
8 effort has been made to determine the applicability of this
9 subsection.

10 For purposes of this subsection, "little fire ant" means
11 living ants of the species *Wasmannia auropunctata*."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Little Fire Ants; Mandatory Seller Disclosure; Real Property Transactions

Description:

Requires the disclosure of any little fire ant infestation as part of any sale of residential real property. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

