

STAND. COM. REP. NO.

2693

Honolulu, Hawaii

FEB 16 2024

RE: S.B. No. 2078
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Housing, to which was referred S.B. No. 2078 entitled:

"A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a landowner from bringing a private cause of action against a contractor, developer, or owner of affordable housing for trespass in instances where a temporary construction crane or other construction machinery intrudes into the landowner's airspace during construction, repair, or maintenance of affordable housing; provided that the conduct does not materially interfere with the landowner's actual use of the landowner's premises.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Hawaii is currently undergoing a housing crisis. As necessary housing is constructed and new projects are undertaken, the area in which the construction occurs can become congested, which may include the use of construction cranes in high-density areas. This measure allows developers some



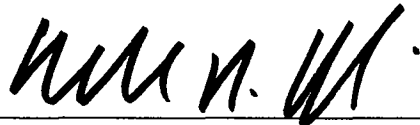
leeway when constructing affordable housing projects to protect against certain trespass claims.

Your Committee has amended this measure by:

- (1) Clarifying that the limits to liability granted by this measure shall apply only to conduct that occurs not less than twenty-five feet above the airspace of a neighboring landowner's premises;
- (2) Inserting a definition for "temporarily" to mean the duration of the construction; provided the project is being constructed in good faith;
- (3) Clarifying the trespass liability protections apply both when a crane is and is not in use; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2078, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2078, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Housing,



STANLEY CHANG, Chair



