

JAN 24 2024

A BILL FOR AN ACT

RELATING TO HAZARD MITIGATION.

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

1 SECTION 1. Section 127A-18, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§127A-18 Mitigation of hazardous situations.** (a) Even
4 in the absence of an emergency or disaster, the governor or
5 mayor of the county in which the private property is located may
6 authorize designated state or county employees, agents,
7 contractors, or representatives to enter private property at
8 reasonable times to mitigate situations deemed by the governor
9 or mayor to be hazardous to the health and safety of the
10 public[+], threatening to public or private property, or both;
11 provided that this section shall be applicable only to the
12 following actions:
13 (1) Cutting, trimming, or removing dangerous trees or
14 branches that pose a hazard [~~to other properties~~];
15 (2) Stabilizing or removing unstable rock and soil
16 hazards;



1 (3) Cleaning streams and waterways to mitigate or prevent
2 flooding~~[7-0#]~~;

3 (4) Cutting, trimming, or removing grasses, shrubbery, and
4 any other natural or man-made materials that may pose
5 a fire hazard; or

6 ~~[(4)]~~ (5) ~~[Additional]~~ Addressing natural hazards;
7 provided further that at least ten days' written notice shall be
8 provided to the landowner and to the occupier of the private
9 property of the governor's or mayor's intention to authorize
10 designated state or county employees, agents, contractors, or
11 representatives to enter the property to mitigate the hazardous
12 situation; provided further that the landowner or occupier shall
13 be given a reasonable opportunity to mitigate the hazardous
14 situation without assistance of the State or county before
15 designated state or county employees, agents, contractors, or
16 representatives may enter the property.

17 (b) Written notice sent to the landowner's last known
18 address by certified mail, postage prepaid, return receipt
19 requested, shall be deemed sufficient notice. If land ownership
20 cannot be determined, notice shall be given once in a daily or



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1 weekly publication of general circulation in the county in which
2 any action or proposed action will be taken.

3 (c) If entry is refused, the governor or mayor may apply
4 to the district court in the circuit in which the property is
5 located for a warrant to enter the premises. The district court
6 may issue a warrant directing the chief of the appropriate
7 county police to assist the governor or mayor in gaining entry
8 onto the premises during regular working hours or at other
9 reasonable times.

10 (d) The governor or mayor may seek recovery and
11 reimbursement, by appropriate proceedings, of all costs and
12 expenses incurred in the mitigation of a hazardous situation
13 under this section, and any costs and expenses imposed against
14 any landowner shall be a lien upon the landowner's property.

15 (e) This section shall take effect only upon authorization
16 and funding for personnel to administer the program."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on July 1, 2024.



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INTRODUCED BY: *Mania R. George*



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Report Title:

Counties; Natural Hazards; Private Property; Right of Way

Description:

Extends the right to enter private property and remove or stabilize natural hazards that are at risk of harming the public or other properties to the county in which the private property is located and that county's respective mayor.

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

