

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

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DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON FINANCE

**MONDAY, FEBRUARY 24, 2025
2:00 PM
CONFERENCE ROOM 308 & VIDEOCONFERENCE**

**HOUSE BILL NO. 175, HD1
RELATING TO PROPERTY MAINTENANCE**

Chair Yamashita, Vice Chair Takenouchi and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 175, HD1 relating to property maintenance. This measure requires owners or lessees of real property to maintain their property and establish penalties for failure to do so. Allows for exceptions. Requires DOA to establish rules for the enforcement and collection of fines for violations relating to the proliferation of invasive species. Requires the Office of the State Fire Marshall to adopt rules for the enforcement and collection of fines for violations relating to the prevention of wildfires and other public safety hazards. Effective 7/1/3000.

The Department of Agriculture (Department) offers comments relating to the invasive species components of this measure and defers to the Office of the State Fire Marshall regarding wildfire prevention and other public safety hazards as this is not under the Department's jurisdiction.

The Department believes that invasive species are everyone's problem and that the best way to deal with them is to involve everyone to the greatest extent possible, not just those that own real property. While this measure seeks to find an avenue to



effectuate this, the Department believes that there are some concerns that need to be addressed. There is no definition of “invasive species”, nor is there any way to determine which species would require maintenance to prevent their proliferation. As such, depending on the species resource cited, any species that is documented as invasive, such as strawberry guava (*Psidium cattleianum*), small Indian mongoose (*Herpestes javanicus*), Mozambique tilapia (*Oreochromis mossambicus*), banana plants infested with banana bunchy top virus, giant African snail (*Achatina fulica*), Tahitian prawn (*Macrobrachium lar*), big-headed ant (*Pheidole megacephala*), African tulip tree (*Spathodea campanulata*), or feral pig (*Sus scrofa*) would appear to trigger this provision or incur fines. There are other species such as water-spinach aka ong choy (*Ipomoea aquatica*) which is grown for food, or kikuyu grass (*Pennisetum clandestinum*) which is used for rangeland feed for cattle, would clearly be covered under this measure as both species are listed as noxious weeds by the U.S. Department of Agriculture.

It is also unclear if this measure seeks to require maintenance for plant species that any state or county authority that designates as “noxious, restricted, or prohibited”, or if it is intended to be limited just to the respective jurisdictions in Hawai‘i. It should be noted the Department considers the plant species in HAR 4-70 as restricted plants with additional requirements such as permits to prevent the entry of pests associated with these species. As such, it would appear that this measure would also trigger the maintenance requirements for grasses in the family Poaceae, passionfruit, or plants in the family Myrtaceae, as many of these species are “known to spread aggressively and threaten native ecosystems”.

As invasive species control actions often require efforts over the course of years, the thirty day time limit realistically would do very little to address many of the issues around invasive species, particularly where they are widespread or there are little or no real effective mitigation measures. It would also require the Department to consistently monitor each of these sites over said duration to ensure compliance particularly as it relates to invasive plants as these plants often have seeds that are able to germinate months or years later, reinfesting an area. The time limit could also have the unintended

consequence of rushed efforts that give the appearance of control but actually spread the invasive species. This would be particularly notable for species that are able to spread by wind or water and care is not taken to properly manage propagative parts during removal.

While this measure seeks to address the issue of invasive species that are widespread in the State by providing for exceptions, the use of “active restoration, conservation, or agricultural management plans approved by the State or county” does not appear to address this issue. As previously noted, the specific invasive species that are intended to be covered under this measure are not listed and it is unclear how an active restoration, conservation, or agricultural management plan could be approved to address a specific invasive species and grant the exception from the maintenance requirements and subsequent fines. Additionally, restoration, conservation, or agricultural management plans are often effectuated over many years on very large properties, and if exceptions are granted and an invasive species is on this property, there would be no requirement to act and could allow the species to proliferate. This could also have unintended consequences to properties that are bordering one with an exception as they could perpetually be infested from their neighbor but would be required to conduct maintenance if they could not obtain, or were not eligible for, a restoration, conservation, or agricultural management plan.

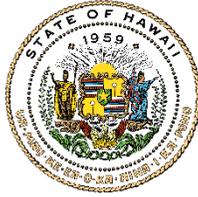
The measure also enables the State or county to exempt under “circumstances deemed beyond the reasonable control”, but there is no definition of what could be considered reasonable. For example, it could be deemed reasonable that every property owner who has a little fire ant infestation be required to treat their property annually. While the State or county could define the specific circumstances where the threshold of what is beyond reasonable, this could have the unintended effect of incentivizing spread of an invasive species to get to this threshold quicker, subsequently exempting the owner or lessee from the maintenance requirements.

The Department is concerned that the inspection requirements contained in this measure could be a violation of the fourth amendment. As this measure encompasses any owner or lessee of real property, most of which would be private landowners, this measure would seem to enable warrantless inspections of private property. Additionally, even if this issue is resolved, to reasonably inspect all these properties without additional staffing cannot occur. The Department cannot make an estimation on the staffing needs to effectuate this measure as it is unclear which species are covered.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
FINANCE

Monday, February 24, 2025
2:00 PM

State Capitol, Conference Room 308 and Via Videoconference

In consideration of
HOUSE BILL 175, HOUSE DRAFT 1
RELATING TO PROPERTY MAINTENANCE.

House Bill 175, House Draft 1 requires owners or lessees of real property to maintain their property and establish penalties for failure to do so; allows for exceptions; requires the Department of Agriculture (HDOA) to establish rules for the enforcement and collection of fines for violations relating to the proliferation of invasive species; and requires the Office of the State Fire Marshal to adopt rules for the enforcement and collection of fines for violations relating to the prevention of wildfires and other public safety hazards. **The Department of Land and Natural Resources (Department) supports this measure.**

The North American Invasive Species Management Association estimates that about one-quarter of Hawai'i's land area (about one million acres) is covered in flammable invasive grasses and shrubs and is at a higher risk of wildfire than 16 western states. Analysis from 2020 suggests that 94.4% of Hawai'i homes are vulnerable to wildfires because their communities are within or adjacent to invasive and flammable grasses. Additionally, invasive grasses played a role in the devastating Lahaina fire, which resulted in an increased statewide focus on wildfire prevention and control efforts. The Department supports this effort to reduce the proliferation of invasive and flammable grass.

The bill addresses environmental and public safety hazards that neglected properties create, including serving as breeding grounds for invasive species, raising the risk of wildfires, and adversely affecting surrounding communities. Addressing property neglect is essential to protect Hawai'i's ecosystems, mitigate wildfire risks, and maintain the quality of life for residents. The Department supports this effort to require owners to maintain their property with the imposition of penalties.

Mahalo for the opportunity to provide testimony in support of this measure.



"Advancing the Commercial Real Estate Industry through Education, Networking and Advocacy"

To: Hawaii State Legislature
House Committee on Finance
Date: February 24, 2025
Time: 2:00PM
Place: VIA VIDEOCONFERENCE or Conference Room 308
RE: Testimony with **comments**, HB175 HD1, Relating to Property Maintenance

Aloha Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee,

We are the Building Owners and Managers Association of Hawai'i (BOMA Hawai'i) testifying with **comments** on HB175 HD1, Relating to Property Maintenance. This bill addresses the maintenance of real property to mitigate environmental and public safety risks by establishing requirements for property owners and lessees to prevent the proliferation of invasive species, reduce wildfire hazards, ensure public safety through proper property maintenance, outline penalties for noncompliance, and provide exceptions for certain circumstances.

The proposed legislation highlights concerns regarding property neglect and its broader impact on ecosystems, wildfire prevention, and community well-being. By outlining enforcement mechanisms, fines, and implementation procedures, HB175 HD1 aims to encourage responsible property maintenance. The bill also allows for exceptions in cases of active restoration, conservation efforts, or conditions beyond an owner's reasonable control.

BOMA Hawai'i is a non-profit trade association dedicated to advancing the commercial real estate industry through education, networking and advocacy. Please consider BOMA Hawai'i as a resource to the legislature.

Thank you for the opportunity to testify on this measure.

Sincerely,

Jamie Barboza
BOMA Hawai'i Government Affairs Committee Chair



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON FINANCE
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 308
Monday, February 24, 2025 AT 2:00 P.M.**

To The Honorable Representative Kyle T. Yamashita, Chair
The Honorable Representative Jenna Takenouchi, Vice Chair
Members of the Committee on Finance

SUPPORT HB175 HD1 RELATING TO PROPERTY MAINTENANCE

The Maui Chamber of Commerce **SUPPORTS HB175 HD1** which requires owners, lessees, or managers of real property to maintain their property and establish penalties for failure to do so.

The Chamber was initially concerned about the potential impact on businesses and residents due to the proposed penalties for violations in the new section of HRS. Many residents and businesses may not be fully aware of the complexities of fire protection or invasive species laws. Therefore, we recommended strengthening the bill by adding language that would allow owners, occupants, or other responsible parties a reasonable period (at the county's discretion) to address the issue.

The current amended version, which gives a 30-day window for compliance, is an improvement over the previous version of the bill. We also support the language that recognizes property owners who are actively working to remediate the issue. Additionally, we fully support the increase in fines and daily assessments for those who refuse to comply.

Furthermore, we strongly support the inclusion of educational initiatives to ensure that both public and private property owners are informed and able to maintain their properties in a safe manner. We request that this committee add language requiring these educational initiatives.

For these reasons, we **SUPPORT HB175 HD1** and request consideration for our amendment.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



Testimony of **Lahaina Strong**
Before the House Committee on
Finance

In Consideration of House Bill No. 175 HD 1
RELATING TO PROPERTY MAINTENANCE

To Chair Yamashita, Vice Chair Takenouchi and the honorable members of the committees,

We are writing on behalf of Lāhainā Strong, an organization deeply rooted in our community's resilience and advocacy. Originally formed in 2018 following the Hurricane Lane fire in Lahaina and revitalized after the devastating fires of August 8, 2023, Lahaina Strong has become the largest grassroots, Lahaina-based community organization, with over 35,000 supporters. Our mission is to amplify local voices and champion community-driven solutions, which are more critical than ever as we continue rebuilding and recovering.

Lāhainā Strong, stands in **support of House Bill 175 HD 1**, which requires owners or lessees of real property to maintain their property and establish penalties for failure to do so. Lahaina's wildfire tragedy showed us how dangerous neglected properties can be. Overgrown lots filled with dry brush and invasive plants created fuel for the fire, endangering entire communities. Property owners must be held accountable for maintaining their land—not just for aesthetics, but for public safety and the protection of lives. For our community to feel safe returning and rebuilding, this bill is absolutely necessary—not just for our safety, but to prevent another disaster.

Lāhainā Strong urges your **support for HB175 HD1** to ensure stronger fire prevention measures, proactive enforcement, and a safer future for our communities.

Mahalo for your attention to this critical matter.

Sincerely,

Lāhainā Strong

TO: Members of the Committee on Finance

FROM: Natalie Iwasa
[REDACTED]

HEARING: 2 p.m. Monday, February 24, 2025

SUBJECT: HB175, HD1, Real Property Maintenance - **COMMENTS**

Aloha Chair Yamashita and Committee Members,

Thank you for this opportunity to provide testimony on HB175, HD1, which would require real property owners or lessees to maintain their property or face penalties and requires rules for related enforcement and fine collection.

While I understand the concerns about wild fires and the need for property owners to maintain their properties, I am concerned about responsibilities laid out in this bill.

The bill states in part: “. . . that their real property is regularly maintained to prevent . . . proliferation of invasive species” Some invasive species are extremely difficult to get rid of or even control, e.g., haole koa. (We have tried to eradicate haole koa on the hillside behind the house we live in to no avail.)

In addition, most people do not even know which species of grasses or other vegetation are invasive.

What is “regular” maintenance” It seems the definition would depend on what is on the real property, e.g., just yard grass or something else.

What is “reasonable control”? Is this going to be defined to apply to all situations? Or will it be on a case-by-case basis, which opens itself to discrimination?

Please discuss these issues thoroughly. There is already enough pressure on many people just to make ends meet, and this would add to it.

HB-175-HD-1

Submitted on: 2/24/2025 12:08:02 PM

Testimony for FIN on 2/24/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Takenouchi and Members of the Committee,

I am writing in support of House Bill 175 HD1, which holds property owners accountable for maintenance and strengthens the State Fire Marshal's role in prevention. Lahaina's wildfire tragedy showed us how dangerous neglected properties can be. Overgrown properties with dry brush and invasive plants are a fire hazard, endangering entire communities. Requiring owners to keep their land clear isn't just about appearance it's about saving lives.

Our fire departments are stretched thin--proactive enforcement is critical. We can't wait for another disaster to act. We urge your support for HB175 HD1 to help safeguard our community from further devastation.

Mahalo for your time and commitment to Lahaina's recovery.

Sincerely,

Keala Fung, Honolulu