

Testimony for HB951 on 2/2/2009 9:00:00 AM

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Sent: Monday, February 02, 2009 7:32 AM

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Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO 2/2/2009 9:00:00 AM HB951

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: David W. Hall

Organization: Individual

Address: HI

Phone:

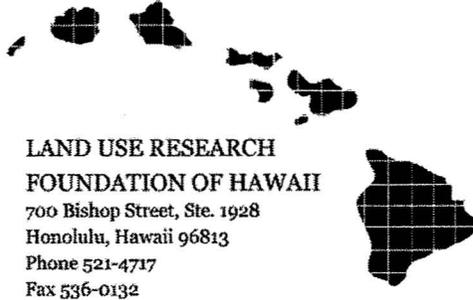
E-mail: [REDACTED]

Submitted on: 2/2/2009

Comments:

I oppose this bill as it relieves a landowner of the responsibility of knowing the conditions on his, her or its land and being responsible to take measures to correct those conditions which pose dangers to others.

LATE TESTIMONY



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February 2, 2009

**House Committee on Water, Land & Ocean Resources
Hearing Date: Monday, February 2, 2009, 9:00 a.m. in CR 325**

Testimony in Support of HB 951. Relating to Landowner Liability

Honorable Representative Chair Ken Ito, Vice Chair Sharon Har
and Members House Committee on Water, Land & Ocean Resources:

My name is David Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable and rational land use planning, legislation and regulation.

We appreciate the opportunity to provide our testimony **in support of H.B. No. 951,**
and offer comments.

HB 951 proposes to amend Chapter 663 HRS by adding a new part which provides that landowners of unimproved land shall not be liable for any damage, injury, or harm to persons or properties outside the boundaries of their land, caused by any naturally occurring land failure originating on the unimproved land. Unimproved land is defined an "any land upon which there is no improvement, construction of any structure, building, facility, or alteration of the land by grading, dredging, or mining that would cause a permanent change in the land area on which it occurs and that would change the basic natural conditions that exist of the land."

This bill would also allow the landowners the limited reasonable use of their natural lands, without losing this protection. The bill defines "natural condition of land," as including the following: minor improvements such as the installation of maintenance or utility poles and signage; or minor alterations undertaken for the preservation or prudent management of the unimproved land, such as the installation or maintenance of fences, trails or pathways; or maintenance activities, such as forest plantings and weed, brush, rock, boulder or tree removal; or the removal or securing of rocks or boulders undertaken to reduce the risk to downslope properties.

LURF supports HB951, which is intended to provide a level of protection to landowners from “acts of god” events. It would provide some legal certainty with respect to the legal duties and obligations of landowners arising from the inherent risks of land failures caused by natural conditions on unimproved lands, where the landowner has not created or increased the risk of harm by artificial improvements or alterations to the land.

Thank you for the opportunity to express our views on this matter.