



STANLEY CHANG

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LATE TESTIMONY

CITY COUNCIL

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TESTIMONY OF STANLEY CHANG
MEMBER, HONOLULU CITY COUNCIL

ON

H.B. NO. 2852, RELATING TO LANDOWNER LIABILITY

Committee on Judiciary

Thursday, February 16, 2012 at 2:40 P.M.

Conference Room 325

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

Thank you for this opportunity to submit testimony in support of H.B. No. 2852, relating to landowner liability. My testimony is submitted in my capacity as the representative of District 4 to the Honolulu City Council.

H.B. No. 2852 assigns liability to the homeowner for the maintenance of property nuisance, otherwise known as a blighted property. Furthermore the bill extensively defines "property nuisance," allowing for enforcement.

My office frequently receives concerns from constituents in neighborhoods as diverse as Waikiki, Hawaii Kai, Kahala, and Diamond Head regarding blighted properties, which diminish the quality of life of nearby residents by attracting vermin, graffiti, trespassers, and other safety and welfare issues. While the City and County enforces existing laws through the Department of Permitting and Planning, often resulting in large fines, these fines may not be enough to result in full restoration of the safe, peaceful, residential character of the affected community.

For the reason stated above, I am in support of H.B. No. 2852 and ask for your favorable support.

Again, thank you for this opportunity to submit testimony.

With regards,

A large, stylized handwritten signature in black ink, appearing to read "St Chang".

STANLEY CHANG
Member, Honolulu City Council



LATE TESTIMONY

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**Thursday, February 16, 2012
2:40 pm
Conference Room 325**

House Committee on Judiciary

**Testimony on HB 2852
RELATING TO LANDOWNER LIABILITY**

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee,

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

We offer the following comments on HB 2852 that would authorize persons to be held personally liable in damages for injury or trespass if they maintain a "property nuisance."

HFBF understands the frustration of some urban residential property owners who may be helpless to control the diminution in their home's value because of the irresponsibility or neglect of a neighboring property owner in addressing aesthetic and safety concerns on his property.

We are concerned however, about how this proposed law would be interpreted in its application to farms, ranches, and our agricultural processing facilities. The terms and concepts used in the bill are very subjective. What might be considered unsightly in Kahala, may be considered normal and acceptable in Ka'u or Kahuku.

Additionally, farming requires use and storage of materials such as soil, fertilizers, fencing, trucks, trailers, etc. Many of our farmers do not have the time or budget to build elaborate and aesthetically pleasing storage facilities or buy new tractors to replace their older, rusty ones. Equipment may be stored on the farm but within view of public roadways. Farm vehicles may be used only during harvesting season or when the need for it arises.

We respectfully suggest that if you move this bill out of committee, you consider restricting the application of this law to urban residential areas only, or that you **explicitly exempt agriculture**. HFBF would be pleased to work with you to ensure that Hawaii's food producers and other growers of agricultural products are not put out of business by this new law.

Thank you for this opportunity to comment. I can be reached at (808) 848-2074.