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# A BILL FOR AN ACT

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RELATING TO PRIVATE PROPERTY.

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

1       SECTION 1. The legislature finds that albizia trees are an  
2       invasive species that are prone to breaking and falling during  
3       high winds and tropical storms. Fallen albizia trees caused  
4       power outages and other structural damage on the island of  
5       Hawaii during tropical storm Iselle in 2014. Albizia trees fell  
6       over highways, roads, and driveways in such large numbers during  
7       that storm that many people were left trapped in their homes and  
8       rescue personnel were prevented from reaching them or, in some  
9       cases, returning to their base of operations.

10       The legislature further finds that albizia trees located on  
11       private properties often create hazardous conditions for  
12       adjacent properties and that the development of these hazardous  
13       conditions should be prevented wherever possible. Albizia trees  
14       have been successfully eradicated on many properties, but some  
15       property owners have been unresponsive to inquiries from owners  
16       of adjacent properties.



1       The legislature therefore finds that property owners should  
2       have the authority to enter adjacent properties to eradicate  
3       albizia trees to prevent or address hazardous conditions,  
4       subject to certain conditions.

5       SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
6       amended by adding a new section to be appropriately designated  
7       and to read as follows:

8       "§708-       Eradication of albizia trees on private  
9       property. (a) An owner of real property or the owner's agent  
10      shall be authorized to enter vacant real property that is  
11      privately owned and directly adjacent to the entering owner's  
12      property to eradicate one or more albizia trees located on the  
13      adjacent property; provided that that the entering owner:

14      (1) Reasonably believes that the albizia trees on the  
15      adjacent property:

16      (A) Create a condition that could become hazardous to  
17      the entering owner's property or persons  
18      thereupon if left untreated;

19      (B) May be felled and removed or otherwise treated  
20      according to current established methods without



1 damaging any structure, utility pole, or utility  
2 line; and

3 (2) Has unsuccessfully made two or more reasonable  
4 attempts within the previous thirty days to contact  
5 the owner of record of the adjacent property via  
6 telephone or registered mail.

7 (b) It shall be a defense to citation or prosecution under  
8 sections 708-814, 708-815, 708-820, 708-821, 708-822, 708-823,  
9 and 708-823.5 that the entering property owner or agent entered  
10 an adjacent property for the purposes of and in compliance with  
11 this section.

12 (c) As used in this section:

13 "Vacant" means improved or unimproved but having no  
14 reasonable indication of use or maintenance for one year or  
15 more.

16 "Albizia tree" means any tree of the species *Falcataria*  
17 *moluccana* or *Albizia chinensis*."

18 SECTION 3. Section 708-816, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§708-816 Defense to trespass. It is a defense to**  
21 **prosecution for trespass as a violation of sections 708-814 and**



1 708-815 that the defendant entered upon and passed along or over  
2 established and well-defined roadways, pathways, or trails  
3 leading to public beaches over government lands, whether or not  
4 under lease to private persons[-], or for the purposes of and in  
5 compliance with section 708- ."

SECTION 4. This Act does not affect rights and duties that  
matured, penalties that were incurred, and proceedings that were  
begun before its effective date.

9           SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

**11** SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

Per E. Pyle  
S. J. P. P. P.



# S.B. NO. 843

**Report Title:**

Private property; Albizia trees; Eradication; Safety

**Description:**

Authorizes a property owner or agent to enter adjacent property under certain conditions to eradicate albizia trees before they become hazardous. Provides defense to criminal prosecution.

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

