

Honolulu, Hawaii

FEB 05 2018

RE: S.B. No. 815
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 815 entitled:

"A BILL FOR AN ACT RELATING TO REAL ESTATE DISCLOSURE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a seller of residential real property to disclose the presence of all albizia trees rooted within one hundred fifty feet of the residential real property in a disclosure statement; and
- (2) Require any ambiguity that arises from the disclosure of the presence of albizia trees to be construed in the favor of the seller, provided that a good faith effort was made by the seller.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and two individuals.

Your Committee finds that albizia trees pose a substantial threat to infrastructure and individuals due to the potential hazard of falling tree limbs and debris. Due to their extreme height, albizia trees pose a threat to not only the properties on which these trees are rooted, but also to adjacent properties



where branches and other debris may fall during high wind events. This measure will assist in providing buyers additional material facts relating to the residential real property for sale by requiring the disclosure of the presence of albizia trees.

Your Committee notes that due to the fast growth rate of albizia trees, the presence of rooted albizia trees within one hundred fifty feet of the residential real property may be difficult to determine and accurately disclose, especially if the tree is a sapling.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required the disclosure of the presence of all albizia trees rooted within one hundred fifty feet of the residential real property and inserting language that requires the seller to disclose the presence of all albizia trees located on the real property for sale and all albizia trees that are not located on the real property for sale, but are clearly visible from anywhere on that property;
- (2) Requiring that disclosure statements include additional information regarding the risks of albizia trees; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 815, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 815, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



KARL RHOADS, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 815	Committee Referral: WTL, CPH	Date: 1/26/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	X			
GABBARD, Mike (VC)				X
INOUE, Lorraine R.				X
RIVIERE, Gil	X			
THIELEN, Laura H.	X			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

***Only one measure per Record of Votes**