STAND. COM. REP. NO. 2693

Honolulu, Hawaii

FEB 1 6 2024

RE: S.B. No. 2078 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Housing, to which was referred S.B. No. 2078 entitled:

"A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a landowner from bringing a private cause of action against a contractor, developer, or owner of affordable housing for trespass in instances where a temporary construction crane or other construction machinery intrudes into the landowner's airspace during construction, repair, or maintenance of affordable housing; provided that the conduct does not materially interfere with the landowner's actual use of the landowner's premises.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Hawaii is currently undergoing a housing crisis. As necessary housing is constructed and new projects are undertaken, the area in which the construction occurs can become congested, which may include the use of construction cranes in high-density areas. This measure allows developers some



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leeway when constructing affordable housing projects to protect against certain trespass claims.

Your Committee has amended this measure by:

- Clarifying that the limits to liability granted by this measure shall apply only to conduct that occurs not less than twenty-five feet above the airspace of a neighboring landowner's premises;
- (2) Inserting a definition for "temporarily" to mean the duration of the construction; provided the project is being constructed in good faith;
- (3) Clarifying the trespass liability protections apply both when a crane is and is not in use; and
- (4) 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 Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2078, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2078, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Housing,

STANLEY CHANG, Chair



The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Housing HOU

Bill / Resolution No.:*	Committee Referral: Date:		te:		
5132078	HOV, JDC 02-08-24				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
CHANG, Stanley (C)					
HASHIMOTO, Troy N. (VC)					
AQUINO, Henry J.C.		V			
KANUHA, Dru Mamo		\checkmark			
AWA, Brenton				\checkmark	
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TOTAL		4	Ø	l	S-
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only <u>one</u> measure per Record of Votes