

JAN 21 2026

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## A BILL FOR AN ACT

RELATING TO NUISANCE.

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

1 SECTION 1. The legislature finds that the proliferation of  
2 feral and free-ranging chickens in residential and urban  
3 communities across the State is a nuisance that disrupts  
4 residents living in these areas. The legislature further finds  
5 that although chickens were once limited to rural environs,  
6 unchecked feeding and harboring of these animals by some  
7 residents have led to significant property damage, neighborhood  
8 disputes, and the spread of nuisance conditions that erode the  
9 health, safety, and quiet enjoyment of the State's communities.  
10 The legislature further finds that abundant feral chicken  
11 populations tend to coalesce into feral colonies and produce  
12 negative impacts similar to those of feral ungulates, including  
13 goats, sheep, and pigs, and felids. The legislature believes  
14 that such colonies have grown exponentially, creating a wide  
15 range of problems for farmers, ranchers, property owners, and  
16 users of transportation infrastructure, among many others. Akin  
17 to other organisms that are not endemic to the State, these



1 feral populations have disrupted native ecosystems that evolved  
2 for millions of years without these species present.

3 The legislature also finds that state law establishes  
4 liability when domesticated animals, such as dogs or livestock,  
5 cause injury or trespass upon the property of others.

6 Specifically, owners of livestock are held strictly liable when  
7 their animals enter another's land and cause damage, and owner  
8 of dogs are held strictly liable when their dogs bite or injure  
9 another person. While chickens, ungulates, and felids can and  
10 do cause similar damage to gardens, landscaping, and private  
11 property, there is currently no comparable statute addressing  
12 the damage caused by these animals that are intentionally kept,  
13 harbored, or fed by individuals.

14 The legislature believes that when undomesticated chickens,  
15 ungulates, and felids are deliberately fed or harbored, they  
16 become effectively domesticated animals stewarded by the  
17 individual providing food and shelter. In these circumstances,  
18 the legislature finds that it is appropriate to hold these  
19 individuals legally responsible for the resulting harm. The  
20 legislature also finds that establishing liability for damage  
21 caused by chickens, ungulates, and felids that is aligned with



1 existing liability for damage caused by other domesticated  
2 animals will provide homeowners with clear remedies to protect  
3 their property and quality of life.

4 Accordingly, the purpose of this Act is to:

5 (1) Establish strict liability for individuals who keep,  
6 harbor, or feed chickens, ungulates, or felids in a  
7 manner that results in the animals damaging the  
8 property of another individual; and  
9 (2) Require the Hawaii invasive species council to conduct  
10 a study to determine whether the harm to property  
11 caused by feral chickens amounts to classification of  
12 feral chicken as an invasive species.

13 SECTION 2. Chapter 663, Hawaii Revised Statutes, is  
14 amended by adding a new section to part I to be appropriately  
15 designated and to read as follows:

16 "**§663- Liability for damage caused by chickens;**  
17 **ungulates; felids; penalty.** (a) If any chicken, ungulate, or  
18 felid while on private property without the consent of the owner  
19 of that property causes:

20 (1) **Damage to the property; or**



1                   (2) Any loss of use or enjoyment of the property, the  
2                   person who keeps, feeds, or harbors the chicken,  
3                   ungulate, or felid shall be liable in damages to the  
4                   person injured for the value of the property injured  
5                   or destroyed. The person who keeps, feeds, or harbors  
6                   the chicken, unguale, or felid shall confine or  
7                   destroy the chicken, unguale, or felid and if that  
8                   person neglects or refuses to do so, that person, in  
9                   the event of any further damage being done to the  
10                   property of any person by the chicken, unguale, or  
11                   felid in addition to paying the person injured for  
12                   damage, shall pay the costs of the trial and it shall  
13                   be lawful for any other person to destroy the chicken,  
14                   unguale, or felid.

15                   (b) Liability under this section shall be strict liability  
16                   and shall not require proof of negligence.

17                   (c) In addition to damages a prevailing party may seek  
18                   injunctive relief to enjoin the defendant from continuing to  
19                   feed or harbor chickens, unguale, or felids in a manner that  
20                   causes trespass or property damage.

21                   (d) This section shall not apply to:



1       (1) A licensed poultry or pork producer that is in  
2       compliance with state and county laws; and  
3       (2) The incidental feeding of chickens, ungulates, or  
4       felids in agricultural or rural areas where no  
5       nuisance or property damage is demonstrated."

6       SECTION 3. (a) The Hawaii invasive species council shall  
7       conduct a study to determine whether the harm to property cause  
8       by feral chickens amounts to classification of feral chicken as  
9       an invasive species.

10       (b) The Hawaii invasive species council shall submit a  
11       report of its findings and recommendations, including any  
12       proposed legislation, to the legislature no later than twenty  
13       days prior to the convening of the regular session of 2027.

14       SECTION 4. New statutory material is underscored.

15       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Mark W. Retter



# S.B. NO. 2166

**Report Title:**

Property Damage; Chickens; Ungulates; Felids; Liability; Penalty; Study

**Description:**

Establishes liability for any individual who keeps, feeds, or harbors chickens, ungulates, or felids that cause damage to the private property of another individual. Requires the Hawaii Invasive Species Council to conduct a study to determine whether feral chickens should be classified as an invasive species.

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