
A BILL FOR AN ACT

RELATING TO REAL ESTATE DISCLOSURE.

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

1 SECTION 1. Section 508D-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§508D-15 Notification required; ambiguity.** (a) When
4 residential real property lies:

- 5 (1) Within the boundaries of a special flood hazard area
6 as officially designated on Flood Insurance
7 Administration maps promulgated by the United States
8 Department of Housing and Urban Development for the
9 purposes of determining eligibility for emergency
10 flood insurance programs;
- 11 (2) Within the boundaries of the noise exposure area shown
12 on maps prepared by the department of transportation
13 in accordance with Federal Aviation Regulation Part
14 150-Airport Noise Compatibility Planning (14 [~~Code of~~
15 ~~Federal Regulations Part~~] C.F.R. part 150) for any
16 public airport;



1 (3) Within the boundaries of the Air Installation
2 Compatibility Use Zone of any Air Force, Army, Navy,
3 or Marine Corps airport as officially designated by
4 military authorities; or

5 (4) Within the anticipated inundation areas designated on
6 the department of defense's emergency management
7 tsunami inundation maps;

8 subject to the availability of maps that designate the four
9 areas by tax map key (zone, section, parcel), the seller shall
10 include such material fact information in the disclosure
11 statement provided to the buyer subject to this chapter. Each
12 county shall provide, where available, maps of its jurisdiction
13 detailing the four designated areas specified in this
14 subsection. The maps shall identify the properties situated
15 within the four designated areas by tax map key number (zone,
16 section, parcel) and shall be of a size sufficient to provide
17 information necessary to serve the purposes of this section.
18 Each county shall provide legible copies of the maps and may
19 charge a reasonable copying fee.

20 (b) When it is questionable whether residential real
21 property lies within any of the designated areas referred to in



1 subsection (a) due to the inherent ambiguity of boundary lines
2 drawn on maps of large scale, the ambiguity shall be construed
3 in favor of the seller; provided that a good faith effort has
4 been made to determine the applicability of subsection (a) to
5 the subject real property.

6 (c) Except as required under subsections (a) and (b), and
7 as required under section 508D-3.5, the seller shall have no
8 duty to examine any public record when preparing a disclosure
9 statement.

10 (d) Notwithstanding subsection (a) to the contrary, the
11 seller shall disclose:

12 (1) The presence of all albizia trees on the residential
13 real property for sale; and

14 (2) The presence of any hazard albizia trees on
15 neighboring properties,

16 in the disclosure statement provided to the buyer subject to
17 this chapter. The disclosure statement shall contain
18 information concerning the risks of albizia trees, including the
19 fact that the fallen branches and debris from albizia trees may
20 pose a substantial threat to infrastructure and individuals due
21 to the shallow roots, brittle wood, and weak structure of these



1 fast growing trees. Any ambiguity arising from this subsection
2 shall be construed in favor of the seller; provided that a good
3 faith effort has been made to determine the applicability of
4 this subsection.

5 For purposes of this subsection, "hazard albizia tree"
6 means any albizia tree whose height is greater than eight feet,
7 and is growing within a distance of less than 1.5 times its
8 height from roads, structures, power lines, hiking trails, areas
9 of congregation, or anything of value, and whose failure will
10 impact the aforementioned."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

14



Report Title:

Real Estate Disclosure; Albizia Trees; Hazard Albizia Trees

Description:

Requires disclosure of albizia trees and associated risks in a disclosure statement as part of the sale or transfer of residential real property. (SD2)

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