

# Hawaii Reporter

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## **Boulders Don't Care Who Is Liable When They Roll Down Hawaii Kai Mountains and Into People and Property**

By Rep. Gene Ward, R-Hawaii Kai, 3/13/2009 9:37:28 AM



The House passed HD951 HD1, Relating to Landowner Liability, which would relieve landowners of liability as long as they had not altered the terrain and the land remained in its natural state.

I voted a resounding "No" on Tuesday to absolving large landowners of liability from damage cause by dislodged boulders from their properties.

On the contrary, landowners must proactively assess their property and conduct hazard abatement actions to remove or correct any natural condition that may pose a threat of safety.

The Legislature should kill HB951 HD1, otherwise if this measure becomes law, it would discourage cooperation of property owners in undertaking such measures to enhance safety.

I encourage all people in Hawaii who live near or on the down-slope of a mountainous region to read this bill and contact their legislators.

A few weeks ago on Ahukini Street in Hawaii Kai, residents experienced a 4 am giant rock slide on the ewa side of Koko Crater and they're still having problems sleeping at night.

During the "Flood of '88" Ward personally experienced a 12 foot boulder rolling towards his house in Hahaione Valley and striking a neighbor's bedroom.

I believe the lesson here is this: if you own a swimming pool, you're liable for whatever happens; and if you're fortunate enough to own a mountain, the same liability must apply.

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