

Frequently Asked Questions on Act 76 (HRS 127A-18) Mitigation of Hazardous Situations

What does Act 76 cover?

Act 76 (Chapter 127A, Section 18 of the Hawaii Revised Statutes) allows for state employees, at the direction of the Governor, to enter private property in non-disaster times to mitigate specific hazardous situations. The hazards covered under Act 76 are: Cutting, trimming or removing dangerous trees or branches that pose a hazard to other properties; Stabilizing or removing unstable rock and soil hazards; or, Cleaning streams and waterways to mitigate or prevent flooding or other hazards. Property owners must be given at least 10 days' notice and an opportunity to correct the issue.

What is a “Hazardous Situation” (for the purposes of Act 76)?

For the purposes of Act 76 a “Hazardous Situation” is defined as an imminent threat to a currently-built inhabited dwelling structure.

Will Act 76 help me get my own trees cut down?

No, Act 76 does not absolve homeowners of their responsibility to maintain their own property. If you believe a situation exists on your property that could become a hazard to others, consider contacting a reputable contractor to remedy the situation and review your insurance coverage.

What should I do to prepare to make an Act 76 complaint?

The complainant should attempt to resolve the hazardous situation with the property owner before contacting the Hawaii Emergency Management Agency. If the property owner cannot be reached or refuses to come to an arrangement, the complainant should take pictures showing the scale of the hazard, relation to the inhabited structure, and properly document and fully explain how the conditions constitute a hazardous situation.

What happens when an Act 76 complaint is made?

An action officer reviews the complaint and follows up with the complainant. In some cases, research may be needed to determine the responsible owner(s) and their contact information. A site visit to determine the level of the threat may take place. If it appears that a hazardous situation exists, a letter is sent asking the responsible owner to appropriate action. If the responsible owner does not resolve the situation, the action officer will place the hazard on the pending action list. The tree will then be evaluated by a trained arborist, and if determined to be hazardous, may be scheduled for mitigative measures (trimming or removal), subject to available funding. Specific cases may also be referred to the state Attorney General for further action or enforcement.