

Vegetation Bill Dies as Lawmakers Warn Liens Could Put Property Owners at Risk

The measure would have required owners to maintain roadside vegetation and allowed \$1,500 liens plus corrective costs to be added to tax bills, drawing warnings that it shifted government work onto residents and could threaten property ownership.

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A bill that sought to make private property owners responsible for clearing roadside vegetation encroaching on public roads and utility lines failed in committee on Wednesday, after lawmakers and testifiers raised concerns about safety, environmental harm, green waste disposal, shifting government responsibility, and a proposed \$1,500 lien for noncompliance. Although sponsor Senator Kenneth Gittens offered to workshop and resubmit the measure, most committee members declined to hold it for revision, effectively ending the legislation in its current form.

Bill 36-0074, titled the “Virgin Islands Roadside Property Maintenance and Vegetation Act,” was heard before the Committee on Housing, Transportation, and Telecommunications. The proposal was intended to address overgrown roadside vegetation on private property that extends into public roadways and utility lines.

Introducing the measure, Senator Gittens said the legislation “affirms a fundamental principle that property ownership carries responsibility. The maintenance of private property, including vegetation that affects public rights of way, should not fall upon the taxpayers at large.”

Under the bill, property owners would have been required to “maintain vegetation along roadways adjacent to their property.” The measure also would have granted enforcement powers to the Department of Public Works and imposed penalties for noncompliance by attaching liens to property tax bills. Gittens argued that the legislation “does not seek to unfairly burden our residents” and includes exceptions for “financial hardship and extraordinary circumstances.”

Still, much of the opposition centered on language that several speakers said appeared to require private citizens to cut vegetation along public roadways and near utility lines. That issue surfaced throughout nearly every testimony, despite Gittens saying in his opening remarks that the bill “does not in any way, shape or form, suggest that private property owners should undertake the dangerous task of cutting or trimming vegetation that is directly entangled with utility.” He said that work should remain the responsibility of trained professionals.

Lemuel Lavinier, WAPA’s chief operating officer for electric systems, stressed that “vegetation near power lines is not routine yardwork,” and urged lawmakers to include a “clearance zone” in the legislation. He said the zone should extend 15 feet below and on either side of power lines and should be accessible only by trained professionals. Lavinier warned that “property owners may attempt to comply with the bill without realizing that vegetation removal near energized power lines requires specialized handling.”

That concern was echoed by Greg Guannel, director of the Caribbean Green Technology Center at the University of the Virgin Islands, who said private citizens are “neither trained nor legally equipped to work near high voltage lines or critical water lines.” Stephen Adams, president of viNGN, also cautioned that the bill “presents potential risks to our network” if untrained property owners “accidentally damag[e] our cable and other infrastructure components by improperly clearing vegetation.”

Environmental concerns also emerged during testimony. Guannel, along with Jozette Walker of the Department of Planning and Natural Resources, warned that residents could unintentionally remove endangered tree species or disturb root systems in ways that contribute to erosion. Walker asked that the bill specify that “roadside vegetation maintenance be performed using tools and methods that do not result in significant soil disturbance.”

Another issue involved green waste disposal, especially on St. Thomas, where the Bovoni Landfill does not currently accept green waste. Public Works Commissioner Derek Gabriel suggested using a special fund that would allow DPW and the Waste Management Authority to work together on “managed drop-off sites” for storing or processing vegetation. Hannibal Ware, executive director of the Waste Management Authority, agreed that “without an accessible pathway for green waste disposal, there is a heightened risk of unintended consequences, such as illegal dumping,” which he said would “undermine the very goals this legislation is trying to achieve.”

Several speakers and lawmakers also objected to the proposed penalty structure. The bill stated that “a lien of \$1,500.00, plus any costs incurred by the Department of Public Works for corrective actions, shall be added to the property tax bill of the non-compliant owner.” Walker suggested replacing that approach with a graduated enforcement structure, including “a series of citations,” and said corrective action should begin with a “15 or 30-day notice, followed by a citation.”

Senator Kurt Vialet added that many of the worst-maintained properties belong to owners who live outside the territory. “Those are the properties that are really in bad condition because they don't live here,” he said, while indicating he was willing to continue working toward a solution.

Committee members voiced strong objections as the discussion unfolded. Senator Ray Fonseca called the proposal “deeply flawed” and said the \$1,500 lien was a “major penalty” that could “quickly escalate to a property tax delinquency, ultimately risking one losing the property.” He described the legislation as a “fundamental misallocation of responsibility and potential.”

“We need to assure that persons and the government isn't taking advantage of our property owners with certain requirements,” Senator Carla Joseph said. Senator Dwayne DeGraff also pushed back sharply, saying, “A lien of \$1,500 plus cost? Come on, I ain't going to support that.” While he agreed that owners should maintain their own properties, he argued that vegetation extending into public roadways should not become a private obligation. “People are paying through taxes to fund these things,” DeGraff said. “We taking responsibility from the government...to punish the people?”

In the end, a motion to hold the bill for revision failed. Only Senators Blyden and Vialet voted in the affirmative. Senators Fonseca, DeGraff, and Carla Joseph voted no, while Senators Clifford Joseph and Marise James were absent. With that vote, the bill died in committee despite Gittens's pledge to rework and reintroduce it.