STAND. COM. REP. NO. 45



Honolulu, Hawaii

APR 07

, 2021

RE: S.B. No. 474 S.D. 1 H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 474, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS,"

begs leave to report as follows:

The purpose of this measure is to require that mandatory seller disclosures in real property transactions include whether a residential real property is within the sea level rise exposure area as designated by the Hawaii Climate Change Mitigation and Adaptation Commission or its successor.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Climate Change Mitigation and Adaptation Commission; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Hawai'i Association of REALTORS; Hawai'i Reef and Ocean Coalition; Sierra Club of Hawai'i; Imua Alliance; Hawai'i Shore and Beach Preservation Association; Surfrider Foundation, Hawai'i Region; and one individual.

Your Committee finds that the Hawaii Climate Change Mitigation and Adaptation Commission, established by Act 32, Session Laws of Hawaii 2017, is the coordinating body for policies on climate change mitigation and adaptation for the State. The



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Hawaii Climate Change Mitigation and Adaptation Commission agreed to five priority recommendations for countering the impacts of sea level rise, including supporting legislation requiring disclosure for private property and public offerings located in areas with potential exposure to sea level rise.

Your Committee further finds that disclosing sea level rise vulnerabilities with the sale of a vulnerable coastal property will support informed decision making by buyers and government agencies. The value of property lying within the boundaries of a sea level rise exposure area will likely be affected over time, and thus is a material fact that should be disclosed by a seller in a real property transaction.

Your Committee has amended this measure by changing its effective date to January 1, 2050, to encourage further discussion.

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As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 474, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 474, S.D. 1, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

RON NING JOHANSON, Chair

State of Hawaii

House of Representatives The Thirty-first Legislature

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: SB 474 SD I HD I	Committee Referral: WAL,	Date:	4/1/21	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  □ Pass, unamended (as is) ☑ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)				
2. KITAGAWA, Lisa (VC)			and the second second	
3. AQUINO, Henry J.C.				
4. HAR, Sharon E.				
5. HASHEM, Mark J.				
5. HASHEM, Mark J.				
6. KONG, Sam Satoru	ing <u>in 296 Air an 1966</u> Bird Bird Bird an an <u>197</u> Bird an 1967 Anna an 1978 Anna an 1979 Anna an 19	<u> III. kai miti Situ tu ang kati pr</u>		
7. MIZUNO, John M.	$\checkmark$			
8. MORIKAWA, Dee				
9. ONISHI, Richard H.K.				
10. TARNAS, David A.				
11. MATSUMOTO, Lauren		deo <u>nanatia, per</u>	<u>ner geräftige oppla</u> t	
TOTAL (11)	10	0	0	
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				