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# A BILL FOR AN ACT

RELATING TO DISASTER RECOVERY.

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

1       SECTION 1.   Section 205A-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§205A-21 Findings and purposes.**   The legislature finds  
4 that~~[7]~~ special controls on developments within an area along  
5 the shoreline are necessary to avoid permanent losses of  
6 valuable resources and the foreclosure of management options,  
7 and to ensure that adequate access is provided, by dedication or  
8 other means, to public owned or used beaches, recreation areas,  
9 and natural reserves ~~[is provided]~~. The legislature finds and  
10 declares that it is the ~~[state]~~ State's policy to preserve,  
11 protect, and where possible, to restore the natural resources of  
12 the coastal zone of Hawaii.

13       The legislature further finds that the wildfires of  
14 August 8, 2023, devastated Lahaina's heritage, economy, and  
15 sense of place, and has deeply affected housing, business, jobs,  
16 and treasured resources. If the area is not rebuilt in a  
17 deliberate, coordinated, and expeditious manner, the area may



1 languish in the long term and affect the well-being of the land,  
2 people, and economy. However, the legislature recognizes that  
3 there is an opportunity to rebuild Lahaina by preserving and  
4 reintroducing its valued resources in a manner that reflects the  
5 values and priorities of its residents and businesses, and  
6 addresses future challenges, including climate change and  
7 affordable housing."

8 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is  
9 amended by amending the definition of "development" to read as  
10 follows:

11 ""Development":

12 (1) Means any of the uses, activities, or operations on  
13 land or in or under water within a special management  
14 area that are included below:

15 (A) Placement or erection of any solid material or  
16 any gaseous, liquid, solid, or thermal waste;

17 (B) Grading, removing, dredging, mining, or  
18 extraction of any materials;

19 (C) Change in the density or intensity of use of  
20 land, including but not limited to the division  
21 or subdivision of land;



(D) Change in the intensity of use of water, ecology related thereto, or of access thereto; and

(E) Construction, reconstruction, or alteration of the size of any structure; and

(2) Does not include the following:

(A) Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area; is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion; and is not part of a larger development;

(B) Repair or maintenance of roads and highways within existing rights-of-way;

(C) Routine maintenance dredging of existing streams, channels, and drainage ways;

(D) Repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;



- 1           (E)   Zoning variances, except for height, density,  
2                   parking, and shoreline setback;
- 3           (F)   Repair, maintenance, or interior alterations to  
4                   existing structures;
- 5           (G)   Demolition or removal of structures, except those  
6                   structures located on any historic site as  
7                   designated in national or state registers;
- 8           (H)   Use of any land for the purpose of cultivating,  
9                   planting, growing, and harvesting plants, crops,  
10                  trees, and other agricultural, horticultural, or  
11                  forestry products or animal husbandry, or  
12                  aquaculture or mariculture of plants or animals,  
13                  or other agricultural purposes, including all  
14                  traditional fishpond and traditional agricultural  
15                  practices;
- 16          (I)   Transfer of title to land;
- 17          (J)   Creation or termination of easements, covenants,  
18                  or other rights in structures or land;
- 19          (K)   Subdivision of land into lots greater than twenty  
20                  acres in size;



- 1           (L) Subdivision of a parcel of land into four or  
2           fewer parcels when no associated construction  
3           activities are proposed; provided that any land  
4           that is so subdivided shall not thereafter  
5           qualify for this exception with respect to any  
6           subsequent subdivision of any of the resulting  
7           parcels;
- 8           (M) Installation of underground utility lines and  
9           appurtenant aboveground fixtures less than four  
10          feet in height along existing corridors;
- 11          (N) Structural and nonstructural improvements to  
12          existing single-family residences, where  
13          otherwise permissible;
- 14          (O) Nonstructural improvements to existing commercial  
15          or noncommercial structures;
- 16          (P) Construction, installation, maintenance, repair,  
17          and replacement of emergency management warning  
18          or signal devices and sirens;
- 19          (Q) Installation, maintenance, repair, and  
20          replacement of public pedestrian and bicycle  
21          facilities, including sidewalks, paths, bikeways,



1 crosswalks, stairs, ramps, traffic control  
2 barriers, signs, signals, and associated  
3 improvements;

4 (R) Trash removal or invasive vegetation removal or  
5 control, including incidental ground disturbance,  
6 excluding the use of herbicides;

7 (S) Installation of fencing, including associated  
8 improvements and incidental structures, for  
9 invasive species control or preservation of  
10 native habitats on conservation land;

11 (T) Installation, maintenance, repair, and  
12 replacement of lighting, fixtures, and equipment  
13 to establish compliance with current standards at  
14 existing public facilities;

15 (U) Installation, maintenance, repair, and  
16 replacement of security measures, including  
17 fencing, to existing public facilities; ~~and~~

18 (V) Hawaiian traditional and customary practices,  
19 including work conducted by traditional means  
20 near, in, or related to loko i`a, traditional  
21 Hawaiian fishponds; and



1        (W) Reconstruction of all or a portion of a structure  
2        in the Lahaina national historic landmark  
3        district; provided that:

4        (i) The structure was destroyed by a wildfire on  
5        August 8, 2023;

6        (ii) Reconstruction commences on or before August  
7        8, 2028; and

8        (iii) The reconstructed structure is no larger  
9        than the structure that existed, or, in the  
10       case of partial construction, the structure  
11       that was permitted, as of August 8, 2023;

12       provided that whenever the authority finds that any  
13       excluded use, activity, or operation may have a  
14       cumulative impact, or a significant environmental or  
15       ecological effect on a special management area, that  
16       use, activity, or operation shall be defined as  
17       "development" for the purpose of this part."

18       SECTION 3. This Act does not affect rights and duties that  
19       matured, penalties that were incurred, and proceedings that were  
20       begun before its effective date.



1       SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Elle Cochran

JAN 23 2025





# H.B. NO. 1503

**Report Title:**

Coastal Zone Management; Lahaina; Reconstruction

**Description:**

Excludes from the definition of "development" for purposes of coastal zone management restrictions, the reconstruction, under certain circumstances, of structures destroyed in the August 8, 2023, wildfires in Lahaina, Maui.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

