

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**Monday, February 3, 2020  
1:15pm  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 2670  
RELATING TO REAL PROPERTY TRANSACTIONS**

Senate Bill 2670 proposes to require property purchase statement to be executed by the purchaser or transferee to include identification of vulnerable coastal property lying within a sea level rise exposure area designated by the Hawaii Climate Change Mitigation and Adaptation Commission. **The Department of Land and Natural Resources (Department) support this measure.**

It is the mission of the Department to manage public lands and ocean resources, including beaches throughout the State. The Department is very much at the forefront of addressing impacts related to coastal erosion and beach loss in Hawaii. Beaches are central to our culture and economy, yet our beaches are being lost at alarming rates due natural processes and human impacts, threatening alongshore public access and upland development.

Coastal properties are vulnerable to erosion (i.e., shoreline recession and land loss) and flooding from high waves, storms and tsunamis. The Department believes that it is critical that buyers understand the hazards and risks they are assuming in purchasing oceanfront property, in the spirit of transparency and disclosure and to support informed decision making by buyers and government agencies.

Thank you for the opportunity to comment on this measure.



**STATE OF HAWAII**  
**HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION**  
**COMMISSION**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of**  
**Anukriti Hittle**  
**Coordinator, Hawaii Climate Change Mitigation and Adaptation Commission**

**Before the Senate Committee on**  
**WATER and LAND**

**Monday, February 3, 2020**  
**1:15 PM**  
**State Capitol, Conference Room 229**

**In support of**  
**SENATE BILL 2670**  
**RELATING TO REAL PROPERTY TRANSACTIONS**

Senate Bill 2670 proposes to require property purchase statement to be executed by the purchaser or transferee to include identification of vulnerable coastal property lying within a sea level rise exposure area designated by the Hawaii Climate Change Mitigation and Adaptation Commission. **On behalf of the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) I offer the following comments in support of this measure.**

The Hawaii Climate Change Mitigation and Adaptation Commission “recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, climate-neutral, culturally responsible strategies for climate change adaptation and mitigation in a manner that is clean, equitable and resilient.” The Commission, established by Act 32 SLH 2017 to uphold the United States’ pledges under the Paris Agreement, is the coordinating body for policies on climate change mitigation and adaptation for the state. It is a high-level multi-jurisdictional body that guides the priorities of the state’s climate response. Co-chaired by DLNR and Office of Planning, it consists of 20 members—chairs of four legislative committees, and executive department heads at the county and state levels.

In December 2017, the Commission accepted the *Hawaii Sea Level Rise Report* and accompanying *Hawaii Sea Level Rise Viewer*. The Report and Viewer provide maps of a Sea Level Rise Exposure Area (SLR-XA) incorporating models of passive flooding, shoreline erosion, and annual high wave run-up with 3.2 feet of sea level rise. These map layers are available for download in a variety of formats from the Viewer as well as the Hawaii Statewide GIS Program website.

**Recent science summarized in the Report and Viewer points to a likelihood of three feet or more of sea level rise in the second half of this century - within the expected lifespan of most**

**Co-Chairs:**  
Chair, DLNR  
Director, Office of Planning

**Commissioners:**  
Chair, Senate AEN  
Chair, Senate WTL  
Chair, House EEP  
Chair, House WTH  
Chairperson, HTA  
Chairperson, DOA  
CEO, OHA  
Chairperson, DHHL  
Director, DBEDT  
Director, DOT  
Director, DOH  
Chairperson, DOE  
Director, C+C DPP  
Director, Maui DP  
Director, Hawai'i DP  
Director, Kaua'i DP  
The Adjutant General  
Manager, CZM

**existing and new development.** It is critical that sea level rise vulnerabilities are disclosed with the sale of a vulnerable coastal property to support informed decision making by buyers and government agencies.

At its September 2018 meeting, the Climate Commission agreed to five priority recommendations for countering impacts of sea level rise, **including supporting legislation for disclosure for private property and public offerings in areas with potential exposure to sea level rise.** This measure acts on this priority recommendation, and is a crucial component of Hawaii's adaptation to sea level rise impacts on coastal property.

Thank you for the opportunity to comment in support of this measure.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON WATER AND LAND

February 3, 2020 1:15 PM Room 229

### In **SUPPORT** of **SB2670**: Relating to Real Property Transactions

---

Aloha Chair Kahele, Vice Chair Keith-Agaran, and members of the committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports SB2670** Relating to Real Property Transactions.

Sea level rise is already occurring and affecting coastal properties, such as those in Hau'ula on O'ahu. As Section 1 of the bill details, shorelines will migrate inland over time as the sea level rise continues to rise. Revision of Chapter 508-D requiring mandatory disclosure of material facts affecting property values is urgently needed, including provisions to require disclosures by purchasers as well as sellers of vulnerable coastal properties. SB2670 provides the amendments required to do so.

The State of Hawaii's Climate Mitigation and Adaptation Commission has identified support for legislation requiring disclosure for private property and public offerings located in areas with potential exposure to sea level rise as a high priority for the 2020 legislative session. Senate Bills SB2670 and SB2671 require such disclosures.

Although purchasers may be aware the properties they purchased were within the sea level rise exposure area, they may not fully appreciate the ramifications of that fact which may emerge some time in the future. Purchasers may erroneously assume that governmental agencies will intervene to protect their properties or allow them to take protective actions discouraged or prohibited by state policies. SB2670 requires the filing of vulnerable coastal property statements with the Bureau of Conveyances whereby purchasers of properties in the sea level exposure area acknowledge in writing their awareness of the risks to those properties and the limitations which may affect the values of such properties.

Thank you very much for this opportunity to provide testimony in **support of SB2670**.

Mahalo,

Dave Raney

Co-Chair Sierra Club Climate Adaptation and Restoration Team

February 4, 2020

**The Honorable Kaiali'i Kahele, Chair**  
Senate Committee on Water and Land  
State Capitol, Room 229  
Honolulu, HI 96813

**RE: S.B. 2670, Relating to Real Property Transactions**

**HEARING: Monday, February 3, 2020, at 1:15 p.m.**

Aloha Chair Kahele, Vice Chair Keith-Agaran and Members of the Committee,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **opposes** S.B. 2670 which requires a vulnerable coastal property purchaser statement to be executed by the purchaser or transferee with the sale or transfer of vulnerable coastal real estate.

Under Hawai'i Revised Statutes §508-D, the law imposes a broad obligation upon sellers of residential property to disclose all material facts that are within the knowledge or control of the seller. However, this measure places an unreasonable burden upon sellers because the typical seller does not have the capacity or ability to know whether their property has been designated a, "vulnerable coastal property" as officially designated by the Hawai'i Climate Mitigation and Adaptation Commission or its successor.

Additionally, this measure requires a notarized statement and recordation of the Statement at the Bureau of Conveyances. This will add to the administrative burden upon the parties in a real estate transaction, Escrow and the Bureau of Conveyances.

HAR has also created an Oceanfront Property Addendum which discloses pertinent information specific to the ownership of oceanfront property. It is HAR's industry practice to create forms that exceed what is called for via laws, rules and regulation. As such, this measure seems unnecessary.

Mahalo for the opportunity to testify.

**LATE**

**SB-2670**

Submitted on: 2/2/2020 9:06:07 PM

Testimony for WTL on 2/3/2020 1:15:00 PM

| <b>Submitted By</b> | <b>Organization</b>           | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|-------------------------------|---------------------------|---------------------------|
| Alexandra Kahn      | Testifying for Surfrider Oahu | Support                   | No                        |

Comments:

**SB-2670**

Submitted on: 2/3/2020 11:34:53 AM

Testimony for WTL on 2/3/2020 1:15:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Susan Douglas       | Individual          | Support                   | No                        |

Comments:

**SB-2670**

Submitted on: 2/3/2020 12:35:19 PM

Testimony for WTL on 2/3/2020 1:15:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Best        | Individual          | Support                   | No                        |

Comments:



**SB-2670**

Submitted on: 2/3/2020 12:47:54 PM

Testimony for WTL on 2/3/2020 1:15:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| John NAYLOR         | Individual          | Support                   | No                        |

Comments: