

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

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

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

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

**Wednesday, February 3, 2021  
1:00 PM  
State Capitol, Via Videoconference**

**In consideration of  
SENATE BILL 474  
RELATING TO REAL PROPERTY TRANSACTIONS**

Senate Bill 474 proposes to require that mandatory seller disclosures in real property transactions include indication that a residential real property lies within the sea level rise exposure area. The Department of Land and Natural Resources (Department) supports the measure and offers the following comments.

Senate Bill 474 proposes to amend Chapter 508D Hawaii Revised Statutes, to add a new provision that requires a seller of residential real property to disclose whether a residential property is located within a sea level rise vulnerability area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission or its successor.

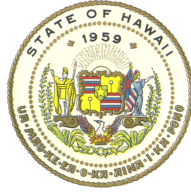
As you know, it is the mission of the Department to manage public lands and ocean resources, including beaches throughout the State. The Department is very much at the forefront of addressing impacts related to coastal erosion and beach loss in Hawaii. Beaches are central to our culture and economy, 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.

In December 2017, the Commission accepted the Hawaii Sea Level Rise Report and accompanying Hawaii Sea Level Rise Viewer. Along with the Report, a newly issued guidance (Guidance for Using the Sea Level Rise Exposure Area in Local Planning and Permitting Decisions, Oct 2020) and updated 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. The Viewer also includes a property address and property tax map (TMK map) search tool.

Finally, we note that there are other measures circulating in the legislature regarding disclosure of coastal hazards and sea level rise exposure in real estate transactions. The Department supports these measures as they are currently written but would be happy to work with stakeholders to develop consensus on one common measure moving forward.

Thank you for this important legislation and 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**

**Wednesday, February 3, 2021  
1:00pm  
State Capitol, Conference Room 229**

**In support of  
SENATE BILL 474  
RELATING TO REAL PROPERTY TRANSACTIONS**

Senate Bill 474 proposes to require that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area, effective 1/1/2022. **On behalf of the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) I support this measure, and offer the following comments.**

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.

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.

In December 2017, the Commission accepted the *Hawaii Sea Level Rise Report* and accompanying *Hawaii Sea Level Rise Viewer*. Along with the Report, a newly issued guidance (*Guidance for Using the Sea Level Rise Exposure Area in Local Planning and Permitting Decisions*, Oct 2020)

**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, DHHH  
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

and updated 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. The Viewer also includes a property address and property tax map (TMK map) search tool.

Recent science summarized in the Report, Guidance 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 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, and this measure captures that such disclosure is essential.

State and county Commission member agencies are experiencing intense pressure from beachfront landowners facing imminent erosion threats. It is critical that buyers understand the risks they are assuming in purchasing oceanfront property. This measure will help to ensure transparency and shared understanding of these risks among buyers, sellers, and government permitting and regulatory agencies.

The Commission also provided testimony in support of Senate Bill 473 Relating to Real Property Transactions, which proposes to require a vulnerable coastal property purchase statement to be executed by the purchaser or transferee with the sale or transfer of vulnerable coastal real estate.

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



**SENATE COMMITTEE ON WATER AND LAND**

Joint Hearing Wednesday, February 3, 2021 1:00 PM Conference Room 229

**IN SUPPORT SB 474** Relating to Real Property Transactions

Chair Inouye, Co-Chair Keith-Agaran, and Committee Members:

The HAWAI'I REEF AND OCEAN COALITION –HIROC– was formed in 2017 by coral reef scientists, educators, local Hawai'i environmental organizations, elected officials, and others to address a crisis facing Hawaii's coral reefs and ocean. We are currently asking the Legislature to pass a handful of very important bills to save our coral reefs – they are bills relating to sunscreens, cesspools, plastic marine debris, climate and sea level rise

We support passage of SB 474 Relating to Real Property Transactions.

This bill requires that sellers of properties within the Sea Level Rise Exposure Area (SLR-XA) complete and file a Sellers Disclosure Statement to notify potential purchasers of the risks facing such properties. We find this requirement to be prudent, given the inevitability of sea level rise and the associated impacts.

Thank you for the opportunity to testify on this important bill.

Dave Raney

On behalf of the Hawai'i Reef Ocean Coalition

February 3, 2021

**The Honorable Lorraine R. Inouye, Chair**  
Senate Committee on Water and Land  
Via Videoconference

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

I am Mary Begier, Chair of the Business and Transaction Subcommittee of the Government Affairs Committee, 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 **supports** Senate Bill 474 which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area.

As an industry, we have been proactive on the issue of climate change. To that end, we have created an Oceanfront Property Addendum and have included the following language within the disclosure section on our Purchase Contract:

**“Climate Changes and Natural Hazards.** Climate changes (including sea level rise) could affect properties in Hawaii, particularly those at the shoreline and in coastal areas. All properties in Hawaii are also subject to natural hazards such as: hurricanes, storms, earthquakes, tsunami, floods, landslides, etc. Buyer is advised to consult experts of Buyer’s choice regarding any questions concerning the effects of climate changes and natural hazards that may affect the Property. For more information, visit the Hawaii Climate Adaptation Portal ([climateadaptation.hawaii.gov](http://climateadaptation.hawaii.gov)).”

HAR has worked with stakeholders in the interim, including reviewing the Hawai'i sea level rise viewer with TMK features.

If the Committee is inclined to pass this measure, we would respectfully request an effective date of May 1, 2022. This would allow us to update our Purchase Contract, Seller’s Real Property Disclosure Statement and Oceanfront Property Addendum. Additionally, this would allow us time to train our members on the process, including the sea level rise viewer.

Mahalo for the opportunity to testify.



## SB 474, RELATING TO REAL PROPERTY TRANSACTIONS

FEBRUARY 3, 2021 · SENATE WATER AND LAND  
COMMITTEE · CHAIR SEN. LORRAINE R. INOUE

**POSITION:** Support.

**RATIONALE:** Imua Alliance supports SB 474, relating to real property transactions, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area.

According to a report produced by the Hawai'i Climate Change Mitigation and Adaptation Commission, global sea levels could rise more than three feet by 2100, with more recent projections showing this occurring as early as 2060. In turn, over the next 30 to 70 years, approximately 6,500 structures and 19,800 people statewide will be exposed to chronic flooding.

Additionally, an estimated \$19 billion in economic loss would result from chronic flooding of land and structures located in exposure areas. Finally, approximately 38 miles of coastal roads and 550 cultural sites would be chronically flooded, on top of the 13 miles of beaches that have already been lost on Kaua'i, O'ahu, and Maui to erosion fronting shoreline armoring, like seawalls.

Furthermore, according to research conducted by Michael B. Gerrard from Columbia Law School, modern-day slavery tends to increase after natural disasters or conflicts where large numbers of people are displaced from their homes. In the decades to come, says Gerrard, **climate change will very likely lead to a significant increase in the number of people who are displaced and, thus vulnerable, to human trafficking.** While the Paris Climate Agreement of 2015

established objectives to limit global temperature increases and several international agreements are aimed at combating modern-day slavery, it is highly uncertain whether they will be adequate to cope with the scale of the problem that is likely to occur as a result of climate change.

As we work to reduce carbon emissions and stave off the worst consequences of climate change, we must begin preparing for the adverse impact of sea level rise on our shores. We are now quantifying the speed at which we must act. We cannot continue to develop the 25,800-acre statewide sea level rise exposure area—one-third of which is designated for urban use—without risking massive structural damage and, potentially, great loss of life.

Therefore, our state should take steps to protect Hawai'i's coastal areas, including by requiring sellers of residential properties lying within sea level rise exposure areas to disclose to buyers that such properties may be at risk of damage or destruction from climate change. **Doing so may make it easier for our state to implement additional policies that are necessary to deal with the impending climate crisis, like shoreline retreat.** For the sake of our keiki, we cannot afford to wait to solidify strategies to preserve our island home for generations to come.

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**





# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON WATER AND LAND

February 3, 2020 1:00 PM Room 229

In **SUPPORT** of **SB474**: Relating to Real Property Transactions

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Aloha Chair Inouye, Vice Chair Keith-Agaran, and Committee Members

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **supports SB 474**. This bill requires that sellers of properties within the Sea Level Rise Exposure Area (SLR-XA), as determined by the state Climate Adaptation and Mitigation Commission, include this information in their seller disclosure document.

Existing law (Chapter 508-D), requires disclosure of material facts that are expected to measurably affect the value of the property being sold. Inclusion within the Sea Level Rise Exposure Area qualifies as such a material fact, as this would mean a parcel is subject to possible risks of sea level rise, storm surge, and king tide flooding.

SB 474 provides a single, government-certified source for determining whether or not a parcel is deemed to be vulnerable to the risks of sea level rise exposure, similar to the manner in which the statute specifies use of the federal flood insurance maps as the standard for disclosure of flood risks. Sellers or realtors would search the Sea Level Rise Viewer ([HawaiiSeaLevelRiseViewer.org](http://HawaiiSeaLevelRiseViewer.org)) by Tax Map Key to determine whether a parcel is within the SLR-XA, providing a convenient and accessible data source for seller disclosure.

Over 20,000 Hawai'i residents will be displaced and in need of new homes due to the loss of homes and apartment buildings vulnerable to sea level rise. The value of projected flooded structures, combined with the land value of the 25,800 acres projected to be flooded, amounts to over \$19 billion across the State.<sup>1</sup> Mandatory sea level rise disclosure is a common sense solution and low hanging fruit to begin to address these impacts.

Thank you very much for this opportunity to provide testimony in **support of SB 473**.

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<sup>1</sup> Hawai'i Climate Change Mitigation and Adaptation Commission. 2017. [Hawai'i Sea Level Rise Vulnerability and Adaptation Report](#). Prepared by Tetra Tech, Inc. and the State of Hawai'i Department of Land and Natural Resources, Office of Conservation and Coastal Lands, under the State of Hawai'i Department of Land and Natural Resources Contract No: 64064.



## Environmental Caucus of The Democratic Party of Hawai'i

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Wednesday, February 3, 2021  
Senate Bill 474  
Testifying in Support

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land:

The Environmental Caucus of the Democratic Party of Hawaii stands in support of SB 474 as it requires that mandatory seller disclosures in real property transactions include an indication that a residential real property lies within the sea level rise exposure area.

The Environmental Caucus supports this bill because we believe it is the fairest and most proactive way to eliminate the proliferation of both legal and illegal sea walls in our state.

Homes located too close to the shoreline have been under threat for a number of years and the current climate crisis virtually assures us that the situation can only get worse. With our beaches under duress already, the last things we need are more sea walls which cause so much damage to our beaches. Laws and fines have not stopped homeowners from doing what they feel they must do to protect their homes, and unscrupulous real estate agents have not stopped selling these vulnerable properties to gullible clients. Sadly, people who can afford beach front property usually are not concerned about paying the minute fines currently being charged. Neither they nor the real estate industry seem to care about our state's beaches either.

If the state is not prepared to forbid selling of beachfront properties as dangerous to people and the environment, then this bill is an ethical option. It will force sellers to be honest and force potential buyers to recognize the dangers of buying vulnerable properties. Without this new law, the State and many homeowners will continue to be at odds and our beaches will experience even more aggressive erosion.

For these reasons, we urge you to vote favorably on this bill as it requires that mandatory seller disclosures in real property transactions also include an indication that a residential real property lies within the sea level rise exposure area.

Mahalo for the opportunity to testify,

/s/ **Martha Randolph**

Martha Randolph

State Central Committee Representative for the Environmental Caucus  
Democratic Party of Hawai'i

**SB-474**

Submitted on: 2/1/2021 10:21:20 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Natalie Wohner	Individual	Support	No

Comments:

I am in support of SB474!

**SB-474**

Submitted on: 2/1/2021 11:39:41 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Amato	Individual	Support	No

Comments:

I am writing in support of Bill **SB474**. As a new home owner in Palolo, Oahu, I was shocked that there was not more transparency in the real estate market regarding sea level rise and climate change issues. I know this could make buyers more wary of coastal properties but people need to be aware of this impending issue. It is not political, it is just science. Thank you.

**SB-474**

Submitted on: 2/2/2021 8:38:27 AM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Benyshek	Individual	Support	No

## Comments:

Aloha, I am writing to SUPPORT bill SB474, which states a sea level rise disclosure requiring sellers to disclose sea level rise threats to residential properties in sea level rise exposure areas. This bill will protect and prepare homeowners from the hazards of sea level rise. Thank you for your time and consideration.

**LATE**

**SB-474**

Submitted on: 2/2/2021 6:47:01 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I'm writing in support of SB474. I believe that it should be mandatory that sellers should have disclosure in real estate transactions within the sea level rise exposure area.

Please support.

me ke aloha 'Ä• ina,

Nanea Lo

**LATE**

**SB-474**

Submitted on: 2/2/2021 9:36:51 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren Blickley	Individual	Support	No

Comments:

This bill will help make residential property buyers in Hawaii aware of the risks of purchasing property in the sea level rise exposure area. Disclosures are already mandatory in flood zones and should be mandatory for sea level rise exposure zones. This bill is science-based and is a good first step towards more comprehensively addressing our shoreline erosion and sea level rise issues in Hawaii.

February 3, 2021  
**SENATE WATER AND LAND COMMITTEE**  
In **SUPPORT** of **SB474**: Relating to Real Property Transactions

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Aloha Chair Inouye, Vice Chair Keith-Agaran, and Committee Members,

The Surfrider Foundation would like to offer this testimony in support of SB474.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters across the Hawaiian Islands, which represent thousands of members and volunteers.

### **Our Beaches Need Protection**

Coastlines and sandy beaches across Hawai'i face imminent and increasing threat from coastal hazards such as climate change, rising sea levels and coastal erosion. These coastal hazards threaten the public trust beach areas and billions of dollars of public and private property. In 2017, the [Hawai'i Sea Level Rise Vulnerability and Adaptation Report](#) (SLR report) estimated that 6,500 structures will be chronically flooded, 28 miles of coastline will become impassible, and 20,000 residents will be displaced with a 3.2 meter rise in sea level.

Additionally, according to a recent [study](#), we are at imminent risk of losing 40% of Hawai'i's sandy beaches and proactive management is necessary to preserve and protect these public trust lands. These sobering statistics, along with increased shoreline hardening structures and resultant beach loss, illustrate the need to take action. Mandating sea level rise disclosure statements at the point of sale for real estate transactions is both an important and pragmatic action to take.

### **This bill should be passed because:**

- Disclosure is already required in flood and tsunami zones and the real estate industry is equipped to adopt an additional disclosure statement into their transactional paperwork.
- The [Sea Level Rise Exposure Area Map \(SLR-XA\)](#) is publicly available online.
  - Recent updates in the last year now make it possible to identify properties in the Sea Level Rise Exposure Area down to a specific TMK.
  - Using SLR-XA is more comprehensive than "beachfront" as it takes into account the combined impacts of SLR (e.g. flooding and coastal erosion).
- It won't cost the State any money. The economic impacts of inaction are in the millions to billions of dollars which will be a severe blow to the State over time. Taking action now saves the State money.
- Previous iterations of this bill had a wide consensus of support.
- It is a low hanging fruit to take a small but important step forward to protect our coastlines.
- It will allow residential property buyers in Hawaii to make informed decisions about the risks of purchasing coastal properties and potentially relieve the State of future liability for those decisions.
- It offers a science-based solution to the problem of sea level rise and coastal erosion.
- The State of Hawai'i is required by law to protect public trust lands, which include beaches and coastlines.

Thank you for your consideration of our testimony **in support of SB474**.

Mahalo,  
Doorae Shin



O'ahu Chapter Coordinator  
Surfrider Foundation

**LATE**

**SB-474**

Submitted on: 2/3/2021 10:32:17 AM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Dinner	Individual	Support	No

Comments:

This will eliminate the excuse of ignorance when homes are flooded because of sea level rise.

**LATE**

**SB-474**

Submitted on: 2/3/2021 10:44:36 AM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Leveen	Individual	Support	No

Comments:

I support this bill wholeheartedly.

**LATE**

**SB-474**

Submitted on: 2/3/2021 12:27:37 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Diaz	Individual	Support	No

Comments:

**RE: [SB474](#): RELATING TO REAL PROPERTY TRANSACTIONS.**

**I STRONGLY SUPPORT SB474:**

RE: Sea level rise disclosure- sellers should be required to disclose sea level rise threats to residential properties in sea level rise exposure area

**Lisa Diaz**

**76-223 Haoa st**

**Kailua Kona, HI 96740**

**LATE**

**SB-474**

Submitted on: 2/3/2021 2:23:27 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judith Jennet	Individual	Support	No

Comments:

Support

**LATE**

**SB-474**

Submitted on: 2/3/2021 4:04:55 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

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

Comments:

I support SB474

**LATE**

**SB-474**

Submitted on: 2/3/2021 8:59:00 PM

Testimony for WTL on 2/3/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kiana Otsuka	Individual	Support	No

Comments:

Aloha,

My name is Kiana Otsuka, and I am writing in strong support of SB 474. It is important that coastal property purchasers are informed about what they are getting into. The idea is that it will help educate them on the risks of buying property that could erode/flood and that it is not legal for them to build sea walls along beaches in Hawaii.

Thank you for the opportunity to submit testimony.

Mahalo,

Kiana Otsuka