

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO REAL PROPERTY TRANSACTIONS.

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

1           SECTION 1. The legislature finds that coastal properties  
2 are vulnerable to hazards like coastal erosion and flooding from  
3 tsunamis, storms, and high waves, which are exacerbated by sea  
4 level rise and man-made interruptions to natural sand supply.

5           Attorney general opinion no. 17-1, dated December 11, 2017,  
6 states that when the shoreline migrates landward, or mauka, due  
7 to erosion or sea level rise, the dividing line between public  
8 and private ownership also migrates mauka, with a reduction in  
9 the area under private ownership. When shorelines undergo  
10 landward retreat, building setbacks, property value, and  
11 insurance availability can be adversely impacted. Structures  
12 once on private property may become located on state property,  
13 and the State may require removal of those structures or  
14 purchase of easements to allow the structures to remain in  
15 place.

16           The legislature further finds that obtaining a permit to  
17 repair or install shoreline protection structures such as



1 seawalls, revetments, geotextile sandbags, or groins may be  
2 difficult due to federal and state coastal zone management  
3 policies, which protect coastal natural resources and shoreline  
4 public access, and discourage coastal hardening.

5       The purpose of this Act is to require a vulnerable coastal  
6 property purchaser statement with the sale or transfer of  
7 vulnerable coastal real property to ensure that new property  
8 owners understand the risks posed by sea level rise and other  
9 special hazards, permitting requirements, and limitations that  
10 may affect vulnerable coastal property.

11       SECTION 2. Chapter 508D, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14       "§508D- Vulnerable coastal property purchaser statement.

15       (a) Every sale or transfer of vulnerable coastal property shall  
16 include a vulnerable coastal property purchaser statement  
17 executed by the purchaser or transferee.

18       (b) Every vulnerable coastal property purchaser statement  
19 shall include acknowledgment by the purchaser or transferee  
20 that:



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- 1        (1) The coastal property is at risk of losing area if the  
2        shoreline retreats inland due to erosion, sea level  
3        rise, or permitting requirements;
- 4        (2) Maps showing historic coastal erosion, flood insurance  
5        zones, and sea level rise exposure areas exist to  
6        inform the public of risks;
- 7        (3) Shoreline certifications and setbacks are determined  
8        pursuant to chapter 205A, and the location of the  
9        certified shoreline and setback may be affected by  
10       inland migration of the upper reach of the wash of the  
11       waves;
- 12       (4) Obtaining permits to repair or install shoreline  
13       protection structures may be difficult due to state  
14       and federal coastal zone management policies  
15       discouraging coastal hardening;
- 16       (5) Beaches are public trust resources that governmental  
17       agencies have a responsibility to protect;
- 18       (6) The public enjoys a right of access to Hawaii's  
19       shorelines, including the right of transit along the  
20       shorelines, pursuant to section 115-4, and this right  
21       of transit can be threatened by shoreline protection



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1           structures that reduce the width of beaches as sea  
 2           level rise occurs; and  
 3       (7) The department of land and natural resources may  
 4           require a landowner to remove encroaching vegetation  
 5           if a landowner's human-induced, enhanced, or  
 6           unmaintained vegetation interferes with or encroaches  
 7           on a beach transit corridor pursuant to section  
 8           115-10.

9       (c) All vulnerable coastal property purchaser statements  
 10 shall be notarized and recorded in the bureau of conveyances.

11       (d) For purposes of this section, "vulnerable coastal  
 12 property" means real property within a sea level rise exposure  
 13 area as officially designated by the Hawaii climate change  
 14 mitigation and adaptation commission."

15       SECTION 3. New statutory material is underscored.

16       SECTION 4. This Act shall take effect on January 1, 2021.

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INTRODUCED BY:

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# S.B. NO. 2670

**Report Title:**

Vulnerable Coastal Property Purchaser Statement; Sale or Transfer; Sea Level Rise

**Description:**

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.

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