

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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
CONSUMER PROTECTION & COMMERCE

Thursday, February 13, 2020
2:00pm
State Capitol, Conference Room 329

In consideration of
HOUSE BILL 1878
RELATING TO REAL PROPERTY TRANSACTIONS

House Bill 1878 proposes to require seller disclosure in real property transactions to identify property within the sea level rise exposure area officially designated by the relevant county. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comments.**

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.

As a point of clarification, we are not aware of the counties having designated any sea level rise exposure areas. Such areas were designated by the State of Hawaii Climate Change Mitigation and Adaptation Commission in 2018. Moreover, measure HB1878 reads "Until these maps are made available, current county climate maps shall be accepted." The Department is unsure what maps are being referred to in the measure.

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 House Committee on
CONSUMER PROTECTION & COMMERCE
Thursday, February 13, 2020
2:00pm
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 1878
RELATING TO REAL PROPERTY TRANSACTIONS**

House Bill 1878 proposes to require seller disclosure in real property transactions to identify property within the sea level rise exposure area officially designated by the relevant county. **On behalf of the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) I support the intent of 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*. 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

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

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 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.

Clarification of what maps are being referred to in the phrase “[u]ntil these maps are made available, current county climate maps shall be accepted” would be useful, and I defer to recommendations suggested by the departments and offices directly involved with this work, such as OCCL-DLNR on the details.

Thank you for the opportunity to offer comments on this measure.



Michael P. Victorino
Mayor

Sananda K. Baz
Managing Director

Kay Fukumoto
Economic Development Director

**COUNTY OF MAUI
OFFICE OF ECONOMIC DEVELOPMENT**

2200 MAIN STREET
ONE MAIN PLAZA, SUITE 305
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

February 12, 2020

TESTIMONY OF KAY FUKUMOTO
ECONOMIC DEVELOPMENT DIRECTOR
COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Thursday, February 13, 2020, 2:00 pm
Conference Room 329

HB1878 RELATING TO REAL PROPERTY TRANSACTIONS

Honorable Roy M. Takumi, Chair
Honorable Linda Ichiyama, Vice Chair
Honorable Members of the House Committee on Consumer Protection & Commerce

Dear Chair Takumi and Members of the Committee:

The County of Maui Office of Economic Development supports the intent of HB1878, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the statewide sea level rise exposure area.

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission adopted the Hawai'i Sea Level Rise Vulnerability and Adaptation Report. This work produced the statewide sea level rise exposure area (SLR-XA) and was made publically available on-line at www.hawaii.sealevelriseviewer.org. The County of Maui as well as the other three counties all hold seats on the Hawai'i Climate Change Mitigation and Adaptation Commission. In September 2018, the Hawai'i Climate Change Mitigation and Adaptation Commission provided high-priority recommendations for the legislature to increase climate resilience in the state, including a specific recommendation to ensure mandatory real estate disclosure in the sea level rise exposure area.

February 12, 2020
Page 2

The County of Maui Office of Economic Development supports the education and extension of this critical information. However, to ensure statewide consistency and conformity, it is recommended to base this disclosure on the official state adopted SLR-XA map. We offer the following proposed amendment to HB1878 to ensure that Section 508D-15 Hawai'i Revised Statutes instead reads, "(5) Within the sea level rise exposure area as officially designated by the Hawaii climate change mitigation and adaptation commission or its successor."

Additionally, we are uncertain what is meant in HB1878 by, "Until these maps are made available, current county climate maps shall be accepted." We are unfamiliar with what "county climate maps" this bill is referring to. We believe that disclosure should be based on the state produced and adopted SLR-XA maps mentioned above which our county also uses as a reference.

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

Sincerely,

A handwritten signature in cursive script that reads "Kay Fukumoto".

Kay Fukumoto
Economic Development Director



OFFICE OF ECONOMIC DEVELOPMENT
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Testimony of Ben Sullivan
Energy & Sustainability Coordinator, Office of Economic Development

Before the
House Committee on Consumer Protection and Commerce
February 13, 2020; 2:00 pm
Conference Room 329

In consideration of
House Bill 1878 Relating to Real Property Transactions

Honorable Chair Takumi, Vice Chair Ichiyama, and Members of the committee,

The County of Kauai supports the intent of HB1878, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties that are within the statewide sea level rise exposure area, and offers comments.

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission adopted the Hawai'i Sea Level Rise Vulnerability and Adaptation Report. This work produced the statewide sea level rise exposure area (SLR-XA) and was made publically available on-line at www.hawaiisealevelriseviewer.org. The County of Kauai as well as the other three counties all hold seats on the Hawai'i Climate Change Mitigation and Adaptation Commission. In September 2018, the Hawai'i Climate Change Mitigation and Adaptation Commission provided high-priority recommendations for the legislature to increase climate resilience in the state, including a specific recommendation to ensure mandatory real estate disclosure in the sea level rise exposure area.

The County of Kauai supports the dissemination of this critical information. However, to ensure statewide consistency and conformity, we recommended basing this disclosure on the official state adopted SLR-XA map. We offer the following proposed amendment to HB1878 to ensure that Section 508D-15 Hawai'i Revised Statutes instead reads, "(5) Within the sea level rise exposure area as officially designated by the Hawaii climate change mitigation and adaptation commission or its successor."

Additionally, we are uncertain what is meant in HB1878 by, "Until these maps are made available, current county climate maps shall be accepted." We are unfamiliar with what "county climate maps" this may be in reference to and believe that disclosure should be based on the state produced and adopted SLR-XA maps mentioned above which our county also uses as a reference.

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



OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

CITY AND COUNTY OF HONOLULU

925 DILLINGHAM BOULEVARD, SUITE 257 • HONOLULU, HAWAII 96817
PHONE: (808) 768-2277 • EMAIL: resilientoahu@honolulu.gov • INTERNET: www.resilientoahu.org



KIRK CALDWELL
MAYOR

JOSHUA W. STANBRO
EXECUTIVE DIRECTOR &
CHIEF RESILIENCE OFFICER

THURSDAY, FEBRUARY 13, 2020 2:00 PM

STATE OF HAWAII
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**TESTIMONY ON HOUSE BILL 1878
RELATING TO REAL PROPERTY TRANSACTIONS**

BY,

JOSHUA STANBRO
EXECUTIVE DIRECTOR AND CHIEF RESILIENCE OFFICER
OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

Dear Chair Takumi and Members of the Committee:

The City and County of Honolulu (City) Office of Climate Change, Sustainability and Resiliency (Resilience Office) **supports the intent** of HB1878, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the statewide sea level rise exposure area.

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission adopted the *Hawai'i Sea Level Rise Vulnerability and Adaptation Report*. This work produced the statewide sea level rise exposure area (SLR-XA) and was made publically available on-line at www.hawaiisealevelriseviewer.org. The City and County of Honolulu as well as the other three counties all hold seats on the Hawai'i Climate Change Mitigation and Adaptation Commission. In September 2018, the Hawai'i Climate Change Mitigation and Adaptation Commission provided high-priority recommendations for the legislature to increase climate resilience in the state, including a specific recommendation to ensure mandatory real estate disclosure in the sea level rise exposure area.

The City and County of Honolulu's Resilience Office supports the education and extension of this critical information. However, to ensure statewide consistency and

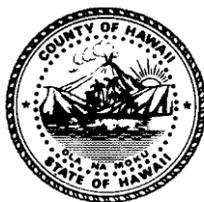
Chair Takumi
HB 1878
February 13, 2020 2:00 PM
Page 2

conformity, it is recommended to base this disclosure on the official state adopted SLR-XA map. We offer the following proposed amendment to HB1878 to ensure that Section 508D-15 Hawai'i Revised Statutes instead reads, "(5) Within the sea level rise exposure area as officially designated by the Hawaii climate change mitigation and adaptation commission or its successor."

Additionally, we are uncertain what is meant in HB1878 by, "Until these maps are made available, current county climate maps shall be accepted." We are unfamiliar with what "county climate maps" this may be in reference to and believe that disclosure should be based on the state produced and adopted SLR-XA maps mentioned above which our county also uses as a reference.

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

Harry Kim
Mayor



Diane L. Ley
Director

Riley Saito
Deputy Director

County of Hawai'i

DEPARTMENT OF RESEARCH AND DEVELOPMENT

25 Aupuni Street, Room 1301 • Hilo, Hawai'i 96720-4252
(808) 961-8366 • Fax (808) 935-1205
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THURSDAY, FEBRUARY 13, 2020 2:00 PM

STATE OF HAWAII
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TESTIMONY ON HOUSE BILL 1878
REALTING TO REAL PROPERTY TRANSACTIONS

BY
DIANE L. LEY
DIRECTOR
DEPARTMENT OF RESEARCH AND DEVELOPMENT

Dear Chair Takumi and Members of the Committee:

The County of Hawai'i **supports the intent** of HB1878, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the statewide sea level rise exposure area.

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission adopted the *Hawai'i Sea Level Rise Vulnerability and Adaptation Report*. This work produced the statewide sea level rise exposure area (SLR-XA). To ensure statewide consistency and conformity, it is recommended to base this proposed disclosure on the official state adopted SLR-XA map. We offer the following proposed amendment to HB1878 to ensure that Section 508D-15 Hawai'i Revised Statutes instead reads, "(5) Within the sea level rise exposure area as officially designated by the Hawaii climate change mitigation and adaptation commission or its successor."

Additionally, we are uncertain what is meant in HB1878 by, "Until these maps are made available, current county climate maps shall be accepted." County of Hawai'i does not have or utilize "county climate maps." Therefore, the proposed disclosure should be based on the state produced and adopted SLR-XA maps mentioned above which our county also uses as a reference.

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

Hawai'i County is an Equal Opportunity Provider and Employer

HB-1878

Submitted on: 2/11/2020 12:25:55 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Hawaii Youth Climate Coalition	Support	No

Comments:



HB 1878, RELATING TO REAL PROPERTY TRANSACTIONS

FEBRUARY 13, 2020 · HOUSE COMMERCE AND
CONSUMER PROTECTION COMMITTEE · CHAIR
SEN. ROY M. TAKUMI

POSITION: Support.

RATIONALE: IMUAlliance supports HB 1878, 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 as designated by the relevant county.

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.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

February 13, 2020 2:00 PM Room 329

In **SUPPORT** of **HB1878**: Relating to Real Property Transactions

Aloha Chair Takumi, Vice Chair Ichiyama, and members of the committees.

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **supports the intent of HB1878** Relating to Real Property Transactions. We have reservations with the proposed language of the bill, however, which we will discuss in our comments.

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. The Commission also recommends use of the sea level rise exposure area (SLR-XA) maps approved at the state level by state and county agencies for climate change mitigation and adaptation planning purposes.

HB1878 would grant counties the authority to use their own maps, rather than adopting the maps approved by the Commission. We recommend amendment of HB1878 to read "Within the sea level rise exposure area as officially designated by the State of Hawaii Climate Mitigation Adaptation Commission or its successor."

Thank you very much for this opportunity to provide testimony on **HB1878**.

Mahalo,

Dave Raney
Co-Chair
Sierra Club Climate Adaptation and Restoration Team

February 13, 2020

The Honorable Roy M. Takumi, Chair

House Committee on Consumer Protection & Commerce
State Capitol, Room 329
Honolulu, HI 96813

RE: H.B. 1653, Relating to Real Property Transactions

HEARING: Thursday, February 13, 2020, at 2:00 p.m.

Aloha Chair Takumi, Vice Chair Ichiyama 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 **provides comments on** H.B. 1878 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 designated by the relevant county.

If the Committee is inclined to pass the measure, HAR respectfully requests an effective date of November 1. This will allow our Standard Forms Committee to make changes to the Seller's Real Property Disclosure Statement and educate our members on the changes.

Mahalo for the opportunity to testify.

HB-1878

Submitted on: 2/11/2020 3:33:33 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Support	No

Comments:

I strong support HB1878 which sellers to disclose to buyers if the home being sold is in a sea level rise exposure area. This is a common sense measure to help address the loss in property value Hawai'i faces due to sea level rise and ensures that buyers understand the risks of purchasing a home in sea level rise areas. I strongly support this bill.

HB-1878

Submitted on: 2/11/2020 3:40:02 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Geyer	Individual	Support	Yes

Comments:

Thank you for supporting this measure which will help ensure awareness of the risks of owning a property that is in danger of being impacted by sea level rise in the near future.

This will help potential buyers as well as the state as we deal with the concept of "managed retreat" due to climate change.

HB-1878

Submitted on: 2/11/2020 4:46:05 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Reeser	Individual	Support	No

Comments:

Please support HB1878. Sea level rise disclosure is a common sense solution to help address the \$20 billion that Hawai'i faces in estimated private property loss due to sea level rise and ensures that buyers understand the risks of purchasing a home in sea level rise areas. It is also an important first step towards managed retreat, which is a long-term solution to strategically move away from the coastline to adapt to sea level rise and other coastal impacts. We can't kick this problem down the road any longer. Mahalo.

HB-1878

Submitted on: 2/11/2020 6:38:28 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

HB-1878

Submitted on: 2/12/2020 9:13:37 AM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Ware	Individual	Support	No

Comments:

Dear Commitee Chair and Members,

i am in strong support of this bill. I live on the Big Island and rising sea levels will cause huge problems and financial losses if not addressed now.

Sincerely,

Diane Ware, Volcano HI

HB-1878

Submitted on: 2/12/2020 10:02:06 AM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Whittingham	Individual	Support	No

Comments:

I support HB 1878 to require sellers to inform buyers of the property location in regards to sea level rise. Sea level rise is happening and will continue to occur throughout the years due to climate change and Hawai'i is going to feel the effects. Buyers have the right to know that the property is in a threatened area. Hawai'i needs to create more solutions to sea level rise before residents have millions of dollars in property damage. This is a very important bill to inform buyers of potential risks and to hopefully implement infrastructure to combat the damaging effects of sea level rise. Please support HB 1878 to help our residents become knowledgeable of risks before buying property.

HB-1878

Submitted on: 2/12/2020 10:02:10 AM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I am a life long resident of Hawai'i on O'ahu. I am writing to say I'm in strong support of this bill. I want to secure a bright, equitable climate future now.

It is important that sellers be required to disclose to buyers that their home is in a sea level rise exposure area especially with climate change happening swiftly here in Hawai'i and the Pacific. Seller disclosure is already required for homes in flooding and tsunami zones. Sea level rise disclosure is a common sense solution to help address the \$20 billion that Hawai'i faces in estimated private property loss due to sea level rise and ensures that buyers understand the risks of purchasing a home in sea level rise areas. It is also an important first step towards managed retreat, which is a long-term solution to strategically move away from the coastline to adapt to sea level rise and other coastal impacts.

Please support this bill.

me ke aloha 'Ä• ina,

Nanea Lo