

MAR 12 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU
TO USE ALL AUTHORITY GRANTED BY THE STATE CONSTITUTION AND
COUNTY CHARTER TO ENSURE MEANINGFUL ACCESS IN PERPETUITY TO
PUBLIC BEACHES IN KAILUA, WAIMANALO, AND HAWAII KAI.

1 WHEREAS, Hawaii's beaches are among the most precious of
2 natural resources, central to the economy and sense of place in
3 communities around the State, and critical in importance to
4 local families and their way of life; and

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6 WHEREAS, the Constitution of the State of Hawaii protects
7 and ensures public access to all beaches throughout the State,
8 and both state law and county ordinance require public beach
9 access and transit at reasonable intervals; and

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11 WHEREAS, only a privileged few can afford to live on
12 beachfront properties, leaving the overwhelming majority of
13 Hawaii's families without beach access unless provided by law or
14 government intervention; and

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16 WHEREAS, increasing numbers of beachfront homes are being
17 purchased as investment properties; rentals; and second or third
18 vacation homes by owners who live out-of-state, off-site, or
19 only part-time, or by those just moving to Hawaii without an
20 appreciation for the State's culture and long history of
21 ensuring beach access for everyone; and

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23 WHEREAS, there have been increasing reports of illegal
24 gates, fencing, and overgrown vegetation across traditional
25 beach accesses long accessible to the community; and

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27 WHEREAS, beachfront property owners in some communities
28 have a history of planting vegetation to block public access
29 that has prompted the State to change the law to enable
30 meaningful enforcement and establish stiffer penalties for the
31 illegal practice; and



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2 WHEREAS, on one occasion, a beachfront property owner
3 installed a gate to block public beach access, prompting a
4 lawsuit and resulting in the City and County of Honolulu
5 condemning the property to ensure public beach access; and
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7 WHEREAS, certain property owners have sought to lock a gate
8 blocking public beach access through an area that has been a
9 regular thoroughfare for the public for generations; and
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11 WHEREAS, regardless of the legal ramifications of
12 intentionally blocking public access to the State's beaches,
13 such actions clearly and unequivocally run counter to the public
14 interest, disadvantage local residents that cannot afford to
15 live on beachfront property, and undermine the spirit of aloha
16 on which the Hawaii's community was built; now, therefore,
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18 BE IT RESOLVED by the Senate of the Thirty-first
19 Legislature of the State of Hawaii, Regular Session of 2021, the
20 House of Representatives concurring, that the State of Hawaii
21 and City and County of Honolulu are requested to use all
22 authority granted by the state constitution and county charter
23 to ensure meaningful access in perpetuity to public beaches in
24 Kailua, Waimanalo, and Hawaii Kai; and
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26 BE IT FURTHER RESOLVED that the Department of Land and
27 Natural Resources and the Honolulu Department of Planning and
28 Permitting are requested to utilize the authority given to them
29 from the Legislature to take action against violators of chapter
30 115 and section 205A, Hawaii Revised Statutes, to the fullest
31 extent permitted; and
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33 BE IT FURTHER RESOLVED that the Attorney General and
34 Corporation Council of the City and County of Honolulu are
35 requested to pursue any legal action as may be necessary to
36 ensure meaningful access to public beaches; and
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38 BE IT FURTHER RESOLVED that should it become necessary, the
39 State and the City and County of Honolulu are requested to
40 exercise the power of eminent domain to protect the public
41 interest and ensure meaningful access in perpetuity to public
42 beaches in Kailua, Waimanalo, and Hawaii Kai; and



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2 BE IT FURTHER RESOLVED that certified copies of this
3 Concurrent Resolution be transmitted to the Governor, Attorney
4 General, Chairperson of the Board of Land and Natural Resources,
5 Mayor of the City and County of Honolulu, Corporation Counsel of
6 the City and County of Honolulu, and Director of the Honolulu
7 Department of Planning and Permitting.
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OFFERED BY: _____

