

MAR 12 2021

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# SENATE 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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33           WHEREAS, on one occasion, a beachfront property owner  
34 installed a gate to block public beach access, prompting a



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



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1 the City and County of Honolulu, Corporation Counsel of the City  
2 and County of Honolulu, and Director of the Honolulu Department  
3 of Planning and Permitting.

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OFFERED BY:                     *Car*                    

