

JAN 22 2021

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 recognizes that climate change
2 is an actuality, and it is a priority issue for the State.
3 Climate change poses immediate and long-term threats to Hawaii's
4 economy, sustainability, security, and way of life. Sea level
5 rise is an immediate consequence of climate change. The Hawaii
6 Sea Level Rise Vulnerability and Adaptation Report, adopted by
7 the Hawaii climate change mitigation and adaptation commission,
8 provided a statewide assessment of vulnerability of 3.2 feet of
9 sea level rise in this century. A 2017 report by the national
10 Oceanic and Atmospheric Administration finds that, based on
11 peer-reviewed scientific research, sea levels will rise 3.2 feet
12 in Hawaii before the end of the century an "intermediate"
13 scenario and as early as 2060 in an "extreme" scenario.

14 The legislature further finds that a property's
15 vulnerability to sea level rise, as identified by the Hawaii Sea
16 Level Rise Vulnerability and Adaptation Report and the
17 corresponding sea level rise exposure area map data available in



1 the Hawaii sea level rise viewer and county mapping tools, is a
2 material fact for the purpose of mandatory seller disclosures in
3 sales of residential real property. The Hawaii sea level rise
4 viewer includes a tax map key parcel map layer and search
5 function that allows users to locate a property of concern.
6 Chapter 508D, Hawaii Revised Statutes, requires that all
7 residential property sales include a written disclosure
8 statement prepared by or for the seller that fully and
9 accurately discloses all material facts about the property. A
10 "material fact" is defined in the chapter as "any fact, defect,
11 or condition, past or present, that would be expected to
12 measurably affect the value to a reasonable person of the
13 residential real property being offered for sale." The
14 legislature finds that sea level rise, or an ongoing
15 vulnerability to it, may be expected to measurably affect the
16 value of residential real property.

17 Accordingly, the purpose of this Act is to require that
18 mandatory seller disclosures in residential real property
19 transactions identify property within the sea level rise
20 exposure area, as officially designated by the Hawaii climate
21 change mitigation and adaptation commission or its successor.



1 SECTION 2. Section 508D-15, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) When residential real property lies:

4 (1) Within the boundaries of a special flood hazard area
5 as officially designated on Flood Insurance
6 Administration maps promulgated by the United States
7 Department of Housing and Urban Development for the
8 purposes of determining eligibility for emergency
9 flood insurance programs;

10 (2) Within the boundaries of the noise exposure area shown
11 on maps prepared by the department of transportation
12 in accordance with Federal Aviation Regulation part
13 150, Airport Noise Compatibility Planning (14 C.F.R.
14 part 150), for any public airport;

15 (3) Within the boundaries of the Air Installation
16 Compatible Use Zone of any Air Force, Army, Navy, or
17 Marine Corps airport as officially designated by
18 military authorities; ~~[or]~~

19 (4) Within the anticipated inundation areas designated on
20 the department of defense's emergency management
21 tsunami inundation maps~~[]~~; or



1 (5) Within the sea level rise exposure area, as officially
2 designated by the Hawaii climate change mitigation and
3 adaptation commission or its successor,
4 subject to the availability of maps that designate the [~~four~~]
5 five areas by tax map key (zone, section, parcel), the seller
6 shall include the material fact information in the disclosure
7 statement provided to the buyer subject to this chapter. Each
8 county shall provide, where available, maps of its jurisdiction
9 detailing the [~~four~~] five designated areas specified in this
10 subsection. The maps shall identify the properties situated
11 within the [~~four~~] five designated areas by tax map key number
12 (zone, section, parcel) and shall be of a size sufficient to
13 provide information necessary to serve the purposes of this
14 section. Each county shall provide legible copies of the maps
15 and may charge a reasonable copying fee."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

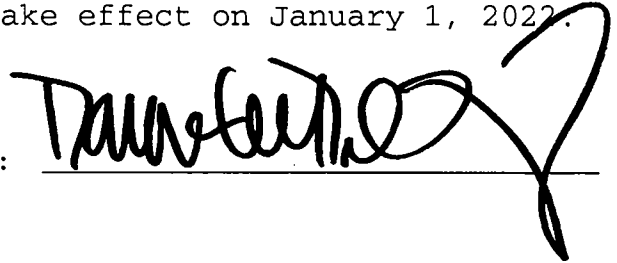


S.B. NO. 230

1 SECTION 5. This Act shall take effect on January 1, 2022.

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INTRODUCED BY: _____

A large, stylized handwritten signature in black ink is written over the horizontal line of the 'INTRODUCED BY:' field. The signature is cursive and appears to be 'Thomson'.

S.B. NO. 230

Report Title:

Real Estate Transactions; Mandatory Seller Disclosures; Sea Level Rise Exposure Area

Description:

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 Hawaii climate change mitigation and adaptation commission or its successor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

