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# A BILL FOR AN ACT

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RELATING TO DEVELOPMENT RIGHTS.

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

1       SECTION 1. The legislature finds that climate change is  
2   real. Rising sea levels throughout the State will erode  
3   beaches, damage habitat and ecological processes, and cause  
4   saline intrusion into freshwater ecosystems and groundwater,  
5   flooding or inundation of low-lying areas, and damage to private  
6   and public property and infrastructure.

7       The purpose of this Act is to expand the authority of the  
8   counties to regulate the transfer of development rights to help  
9   address areas at risk of sea level rise, coastal erosion, storm  
10   surge, or flooding; thereby moving development away from at-risk  
11   areas to areas appropriate for development.

12       SECTION 2. Section 46-163, Hawaii Revised Statutes, is  
13   amended to read as follows:

14       " **[+]§46-163[+]**   **Conditions for the transfer of development**  
15   **rights.** In addition to any existing power, duty, and authority  
16   of the counties to regulate land uses by planning or zoning, the  
17   counties are hereby authorized to transfer and regulate the



1 transfer of development rights, subject to the conditions set  
2 forth under this part, as well as planning laws, zoning laws,  
3 and any other conditions as the legislative body of each county  
4 deems necessary and appropriate. The purpose of providing for  
5 transfer of development rights shall be to:

6 (1) Protect the natural, scenic, and agricultural  
7 qualities of open lands;

8 (2) Enhance sites and areas of special character or  
9 special historical, cultural, aesthetic, or economic  
10 interest or value; ~~and~~

11 (3) Protect lands at risk from sea level rise, coastal  
12 erosion, storm surge, or flooding; and

13 ~~[-3-]~~ (4) Enable and encourage flexibility of design and  
14 careful management of land in recognition of land as a  
15 basic and valuable natural resource."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



H.B. NO. 1436

1       SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

*RCM*

By Request

JAN 18 2022



# H.B. NO. 1436

**Report Title:**

City and County of Honolulu Mayor's Package; Development Rights;  
Sea Level Rise

**Description:**

Expands the authority of the counties to transfer development rights to address areas at risk of sea level rise, coastal erosion, storm surge, or flooding.

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

