

---

---

# 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 real and a priority issue for the State. Climate change  
3 poses immediate and long-term threats to Hawaii's economy,  
4 sustainability, security, and way of life. Sea level rise is an  
5 especially pressing 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 this century. Sea level rise projections in a  
10 2017 report by the National Oceanic and Atmospheric  
11 Administration found that based on peer-reviewed scientific  
12 research, sea levels will rise 3.2 feet in Hawaii before the end  
13 of the century in an intermediate scenario and as early as 2060  
14 in an extreme scenario.

15           The legislature finds that a property's vulnerability to  
16 sea level rise, as identified by the Hawaii sea level rise  
17 vulnerability and adaptation report and its sea level rise



1 exposure area map data available in the Hawaii sea level rise  
2 viewer and county mapping tools, or their successors, is a  
3 material fact for the purposes of mandatory seller disclosures  
4 in residential property sales. The Hawaii sea level rise viewer  
5 includes a tax map key parcel map layer and search function that  
6 allows users to locate a property of concern. Chapter 508D,  
7 Hawaii Revised Statutes, requires that all residential property  
8 sales include a written disclosure statement prepared by or for  
9 the seller that fully and accurately discloses all material  
10 facts about the property. A material fact is defined in the  
11 chapter as "any fact, defect, or condition, past or present,  
12 that would be expected to measurably affect the value to a  
13 reasonable person of the residential real property being offered  
14 for sale." Sea level rise, or an ongoing vulnerability to it,  
15 can be expected to measurably affect the value of residential  
16 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 designated by the Hawaii climate change  
21 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~~] flood  
8 maps promulgated by the National Flood Insurance  
9 Program of the Federal Emergency Management Agency for  
10 the purposes of determining eligibility for emergency  
11 flood insurance programs;

12 (2) Within the boundaries of the noise exposure area shown  
13 on maps prepared by the department of transportation  
14 in accordance with Federal Aviation Regulation  
15 part 150, Airport Noise Compatibility Planning  
16 (14 C.F.R. part 150), for any public airport;

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



1 (4) Within the anticipated inundation areas designated on  
2 the department of defense's emergency management  
3 tsunami inundation maps~~[7]~~; or

4 (5) Within the sea level rise exposure area as designated  
5 by the Hawaii climate change mitigation and adaptation  
6 commission or its successor,

7 subject to the availability of maps that designate the [~~four~~]  
8 five areas by tax map key (zone, section, parcel), the seller  
9 shall include the material fact information in the disclosure  
10 statement provided to the buyer subject to this chapter. Each  
11 county shall provide, where available, maps of its jurisdiction  
12 detailing the [~~four~~] five designated areas specified in this  
13 subsection. The maps shall identify the properties situated  
14 within the [~~four~~] five designated areas by tax map key number  
15 (zone, section, parcel) and shall be of a size sufficient to  
16 provide information necessary to serve the purposes of this  
17 section. Each county shall provide legible copies of the maps  
18 and may charge a reasonable copying fee."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

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

**Description:**

Requires sellers to disclose whether the real property lies within the sea level rise exposure area designated by the Hawaii climate change mitigation and adaptation commission or its successor. Effective 1/1/2050. (HD2)

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

