

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 finds that coastal properties
2 are vulnerable to hazards like coastal erosion and flooding from
3 tsunamis, storms, and high waves, which are exacerbated by sea
4 level rise and man-made interruptions to natural sand supply.

5 Attorney general opinion no. 17-1, dated December 11, 2017,
6 states that when the shoreline migrates landward or mauka due to
7 erosion or sea level rise, the dividing line between public and
8 private ownership also migrates mauka, with a reduction in the
9 area under private ownership. When shorelines undergo landward
10 retreat, building setbacks, property value, and insurance
11 availability can be adversely impacted. Structures once on
12 private property may become located on state property, and the
13 State may require removal of those structures or purchase of
14 easements to allow the structures to remain in place.

15 The legislature further finds that obtaining a permit to
16 repair or install shoreline protection structures such as
17 seawalls, revetments, geotextile sandbags, or groins may be



1 difficult due to federal and state coastal zone management
2 policies, which protect coastal natural resources and shoreline
3 public access and discourage coastal hardening.

4 The purpose of this Act is to require that a vulnerable
5 coastal property purchaser statement be provided as a condition
6 of the sale or transfer of any vulnerable coastal real property
7 to ensure that new property owners understand the risks posed by
8 sea level rise and other special hazards, permitting
9 requirements, and limitations that may affect vulnerable coastal
10 property.

11 SECTION 2. Chapter 508D, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "508D- Vulnerable coastal property purchaser statement.

15 (a) Every sale or transfer of vulnerable coastal property shall
16 include a vulnerable coastal property purchaser statement
17 executed by the purchaser or transferee.

18 (b) Every vulnerable coastal property purchaser statement
19 shall include acknowledgment by the purchaser or transferee
20 that:



S.B. NO. 473

- 1 (1) The coastal property is at risk of losing area if the
2 shoreline retreats inland due to erosion, sea level
3 rise, or permitting requirements;
- 4 (2) Maps showing historic coastal erosion, flood insurance
5 zones, and sea level rise exposure areas exist to
6 inform the public of risks;
- 7 (3) Shoreline certifications and setbacks are determined
8 pursuant to chapter 205A, and the location of the
9 certified shoreline and setback may be affected by
10 inland migration of the upper reach of the wash of the
11 waves;
- 12 (4) Obtaining permits to repair or install shoreline
13 protection structures may be difficult due to state
14 and federal coastal zone management policies
15 discouraging coastal hardening;
- 16 (5) Beaches are public trust resources that governmental
17 agencies have a responsibility to protect;
- 18 (6) The public enjoys a right of access to the State's
19 shorelines, including the right of transit along the
20 shorelines, pursuant to section 115-4, and this right
21 of transit can be threatened by shoreline protection



S.B. NO. 473

1 structures that reduce the width of beaches as sea
 2 level rise occurs; and
 3 (7) The department of land and natural resources may
 4 require a landowner to remove encroaching vegetation
 5 if a landowner's human-induced, enhanced, or
 6 unmaintained vegetation interferes with or encroaches
 7 on a beach transit corridor pursuant to section
 8 115-10.

9 (c) All vulnerable coastal property purchaser statements
 10 shall be notarized and recorded in the bureau of conveyances.

11 (d) For purposes of this section, "vulnerable coastal
 12 property" means real property within a sea level rise exposure
 13 area as officially designated by the Hawaii climate change
 14 mitigation and adaptation commission."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on January 1, 2022.

17

INTRODUCED BY:




S.B. NO. 473

Report Title:

Vulnerable Coastal Property Purchaser Statement; Sale or Transfer; Sea Level Rise

Description:

Requires a vulnerable coastal property purchaser statement to be executed by the purchaser or transferee with the sale or transfer of vulnerable coastal real estate. Requires filing of statement with Bureau of Conveyances.

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

