

STAND. COM. REP. NO. 1076

Honolulu, Hawaii
, 2023

MAR 03

RE: H.B. No. 1091
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1091, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY DISCLOSURES
WITHIN SHORELINE AREAS,"

begs leave to report as follows:

The purpose of this measure is to further strengthen purchaser protections by requiring disclosure of permitted and unpermitted erosion control structures on parcels of land adjacent to the shoreline before real estate transactions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawai'i Climate Change Mitigation and Adaptation Commission; Office of Planning and Sustainable Development; University of Hawaii Sea Grant College Program; University of Hawaii Climate Resilience Collaborative; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Surfrider Foundation; and one individual. Your Committee received comments on this measure from the Hawai'i Association of REALTORS.

Your Committee finds that this measure will support informed consent and actual notice to all parties of a real estate transaction regarding the location of the shoreline and result in

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the removal of harmful and dangerous unpermitted erosion control structures from state lands.

Your Committee has amended this measure by:

- (1) Clarifying that the seller must disclose all permitted and unpermitted erosion control structures on state land seaward and adjacent to the parcel;
- (2) Requiring the seller to disclose the annual coastal erosion rate for the zoning lot as determined by historical analysis and shown on the county databases for historical erosion rates, when publicly available; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that historical erosion rates are currently available from the City and County of Honolulu and counties of Kauai and Maui at the following web addresses where they are applied in planning and permitting and, in the case of Kauai and Maui, for calculated erosion rate-based shoreline construction setbacks:

Honolulu:

cchnl.maps.arcgis.com/apps/View/index.html?appid=6694193a396f40fb87f78e98fbad7d73

Kauai:

www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback

kuaigis.maps.arcgis.com/apps/webappviewer/index.html?id=ce0eb348f1ec4682affba1321ca5c9e6

Maui:

<http://www.mauicounty.gov/865/Maui-Shoreline-Erosion-Atlas>



Your Committee respectfully requests that the effective date for this measure be changed to November 1, 2023, to allow proper implementation.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1091, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1091, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 1091, HD1	Committee Referral: WAL, JHA	Date: 2/23/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny				✓
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani		✓		
TOTAL (10)	8	1	—	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: small;">_____</div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				