

STAND. COM. REP. NO.

1221

Honolulu, Hawaii

MAR 21 2023

RE: H.B. No. 1091
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 1091, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require the disclosure of all existing permitted and unpermitted erosion control structures on the parcel, or on state land seaward and adjacent to the parcel, along with the annual coastal erosion rate for the zoning lot in real estate transactions when residential real property lies adjacent to the shoreline.

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

Your Committee finds that through Act 179, Session Laws of Hawaii 2021, the Legislature recognized the existential threat of



sea level rise to real property and required that a seller disclose when residential real property lies within a sea level rise exposure area in residential real property transactions. However, your Committee finds that additional disclosures for shoreline properties are necessary to provide purchasers with adequate notice of how quickly the coast is eroding near the property and whether erosion control structures have been built or erected on the parcel, or on state land seaward and adjacent to the parcel. Therefore, this measure accordingly updates the notification requirements under section 508D-15, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Removing the proposed requirement for a seller to disclose all permitted and unpermitted erosion control structures on state land seaward and adjacent to a parcel;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1091, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1091, H.D. 2, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUÉ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1091, HD2	WTL, CPN	3/15/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	ϕ	ϕ	ϕ
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes