

STAND. COM. REP. NO.

786

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1389
S.D. 2

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

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1389, S.D. 1, 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 mandatory disclosure of all existing permitted and unpermitted shoreline erosion control structures and the annual coastal erosion rates for shoreline properties in real estate transactions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Planning and Sustainable Development, Hawai'i Climate Change Mitigation and Adaptation Commission, and Surfrider Foundation. Your Committee received comments on this measure from the Hawai'i Association of REALTORS.

Your Committee finds that as sea level rise continues to accelerate, the State must maintain a constant and ongoing effort to adopt policies and programs to support adaptation to a changing world and climate. Some shoreline property owners maintain erosion control structures or seawalls, a number of which are either unpermitted, or remain in place under expired permits beyond their allotted authorization. Accordingly, these



structures present an enforcement challenge for the Department of Land and Natural Resources when a shoreline property changes ownership. This measure will help remove harmful and dangerous unpermitted erosion control structures from state lands to improve access to public trust resources and provide greater accountability for private property owners for the removal of unpermitted encroachments.

Your Committee has amended this measure by:

- (1) Inserting language recommended by the Department of Land and Natural Resources, which specifies that erosion rates need only be disclosed when they are publicly available; and
- (2) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1389, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1389, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



JARRETT KEOHOKALO, Chair



