
A BILL FOR AN ACT

RELATING TO DISASTER RECOVERY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that special controls on
2 developments within an area along the shoreline are necessary to
3 avoid permanent losses of valuable resources and the foreclosure
4 of management options, and to ensure adequate access, by
5 dedication or other means, to public owned or used beaches,
6 recreation areas, and natural reserves. The legislature further
7 finds that it is state policy to preserve, protect, and where
8 possible, restore the natural resources of the coastal zones of
9 the State. The legislature further finds that the 2023 Maui
10 wildfires devastated Lahaina's heritage, economy, and sense of
11 place, and has deeply affected housing, businesses, jobs, and
12 treasured resources. If the area is not rebuilt in a
13 deliberate, coordinated, and expeditious manner, the area may
14 languish in the long term, further affecting the well-being of
15 the land, the people, and the economy. However, there is an
16 opportunity to rebuild Lahaina and the other parts of Maui that
17 the wildfires destroyed, as recognized in the Presidential



1 Disaster Declaration, by preserving and reintroducing its valued
2 resources in a manner that reflects the values and priorities of
3 its residents and businesses, and addressing future challenges,
4 including climate change and affordable housing.

5 Accordingly, the purpose of this Act is to facilitate
6 recovery efforts on Maui and other disaster-affected areas by
7 exempting the reconstruction of any lawfully constructed
8 structure destroyed in a disaster proclaimed by the governor to
9 constitute a state of emergency or a disaster declared pursuant
10 to federal law from the requirements of a special management
11 area minor permit or a special management area use permit under
12 certain conditions.

13 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
14 amended by amending the definition of "development" to read as
15 follows:

16 ""Development":

17 (1) Means any of the uses, activities, or operations on
18 land or in or under water within a special management
19 area that are included below:

20 (A) Placement or erection of any solid material or
21 any gaseous, liquid, solid, or thermal waste;



- 1 (B) Grading, removing, dredging, mining, or
- 2 extraction of any materials;
- 3 (C) Change in the density or intensity of use of
- 4 land, including but not limited to the division
- 5 or subdivision of land;
- 6 (D) Change in the intensity of use of water, ecology
- 7 related thereto, or of access thereto; and
- 8 (E) Construction, reconstruction, or alteration of
- 9 the size of any structure; and
- 10 (2) Does not include the following:
- 11 (A) Construction or reconstruction of a single-family
- 12 residence that is less than seven thousand five
- 13 hundred square feet of floor area; is not
- 14 situated on a shoreline parcel or a parcel that
- 15 is impacted by waves, storm surges, high tide, or
- 16 shoreline erosion; and is not part of a larger
- 17 development;
- 18 (B) Repair or maintenance of roads and highways
- 19 within existing rights-of-way;
- 20 (C) Routine maintenance dredging of existing streams,
- 21 channels, and drainage ways;



- 1 (D) Repair and maintenance of underground utility
- 2 lines, including but not limited to water, sewer,
- 3 power, and telephone and minor appurtenant
- 4 structures [~~such as~~] including pad mounted
- 5 transformers and sewer pump stations;
- 6 (E) Zoning variances, except for height, density,
- 7 parking, and shoreline setback;
- 8 (F) Repair, maintenance, or interior alterations to
- 9 existing structures;
- 10 (G) Demolition or removal of structures, except those
- 11 structures located on any historic site as
- 12 designated in national or state registers;
- 13 (H) Use of any land for the purpose of cultivating,
- 14 planting, growing, and harvesting plants, crops,
- 15 trees, and other agricultural, horticultural, or
- 16 forestry products or animal husbandry, or
- 17 aquaculture or mariculture of plants or animals,
- 18 or other agricultural purposes, including all
- 19 traditional fishpond and traditional agricultural
- 20 practices;
- 21 (I) Transfer of title to land;



- 1 (J) Creation or termination of easements, covenants,
2 or other rights in structures or land;
- 3 (K) Subdivision of land into lots greater than twenty
4 acres in size;
- 5 (L) Subdivision of a parcel of land into four or
6 fewer parcels when no associated construction
7 activities are proposed; provided that any land
8 that is so subdivided shall not thereafter
9 qualify for this exception with respect to any
10 subsequent subdivision of any of the resulting
11 parcels;
- 12 (M) Installation of underground utility lines and
13 appurtenant aboveground fixtures less than four
14 feet in height along existing corridors;
- 15 (N) Structural and nonstructural improvements to
16 existing single-family residences, where
17 otherwise permissible;
- 18 (O) Nonstructural improvements to existing commercial
19 or noncommercial structures;



- 1 (U) Installation, maintenance, repair, and
- 2 replacement of security measures, including
- 3 fencing, to existing public facilities; ~~and~~
- 4 (V) Hawaiian traditional and customary practices,
- 5 including work conducted by traditional means
- 6 near, in, or related to loko i'a, traditional
- 7 Hawaiian fishponds; and
- 8 (W) Reconstruction of any lawfully constructed
- 9 structure that was damaged or destroyed in a
- 10 disaster proclaimed by the governor to constitute
- 11 a state of emergency pursuant to chapter 127A, or
- 12 a disaster declared pursuant to federal law;
- 13 provided that:
- 14 (i) The structure is not situated on a shoreline
- 15 parcel or a parcel that is impacted by
- 16 waves, storm surges, high tide, or shoreline
- 17 erosion;
- 18 (ii) Reconstruction commences within five years
- 19 from the date that the proclamation is
- 20 issued; and



1 (iii) The reconstructed structure is similar to
2 its original footprint or overall dimensions
3 that were existing or permitted and in
4 compliance with the requirements of
5 floodplain management standards;

6 provided that whenever the authority finds that any
7 excluded use, activity, or operation may have a
8 cumulative impact, or a significant environmental or
9 ecological effect on a special management area, that
10 use, activity, or operation shall be defined as
11 "development" for the purpose of this part."

12 SECTION 3. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Reconstruction; Development; Special Management Areas; Disaster Recovery; Wildfire Recovery

Description:

Exempts reconstruction of any lawfully constructed structure that was damaged or destroyed in a disaster proclaimed by the Governor to constitute a state of emergency or a disaster declared pursuant to federal law from the requirements of a special management area minor permit or a special management area use permit under certain conditions. Effective 7/1/3000.
(HD1)

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