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# 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 that adequate access, by  
5 dedication or other means, to public owned or used beaches,  
6 recreation areas, and natural reserves is provided. The  
7 legislature further finds that it is state policy to preserve,  
8 protect, and where possible, to restore the natural resources of  
9 the coastal zones of the State. The legislature further finds  
10 that the 2023 Maui wildfires devastated Lahaina's heritage,  
11 economy, and sense of place, and has deeply affected housing,  
12 businesses, jobs, and treasured resources. If the area is not  
13 rebuilt in a deliberate, coordinated, and expeditious manner,  
14 the area may languish in the long term, further affecting the  
15 well-being of the land, the people, and the economy. However,  
16 there is an opportunity to rebuild Lahaina and the other parts  
17 of Maui that the wildfires destroyed as recognized in the



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

6 Accordingly, the purpose of this Act is to facilitate  
7 recovery efforts on Maui by exempting certain reconstructions of  
8 all or a portion of a structure in the Lahaina National Historic  
9 Landmark District that was destroyed by wildfire on August 8,  
10 2023, from the requirement of a special management area minor  
11 permit or a special management area use permit.

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

15 ""Development":

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

19 (A) Placement or erection of any solid material or  
20 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 (P) Construction, installation, maintenance, repair,  
2 and replacement of emergency management warning  
3 or signal devices and sirens;
- 4 (Q) Installation, maintenance, repair, and  
5 replacement of public pedestrian and bicycle  
6 facilities, including sidewalks, paths, bikeways,  
7 crosswalks, stairs, ramps, traffic control  
8 barriers, signs, signals, and associated  
9 improvements;
- 10 (R) Trash removal or invasive vegetation removal or  
11 control, including incidental ground disturbance,  
12 excluding the use of herbicides;
- 13 (S) Installation of fencing, including associated  
14 improvements and incidental structures, for  
15 invasive species control or preservation of  
16 native habitats on conservation land;
- 17 (T) Installation, maintenance, repair, and  
18 replacement of lighting, fixtures, and equipment  
19 to establish compliance with current standards at  
20 existing public facilities;



- 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 all or a portion of a structure  
9 in the Lahaina National Historic Landmark  
10 District that was destroyed by wildfire on  
11 August 8, 2023, that is not situated on a  
12 shoreline parcel and commences on or before  
13 August 8, 2028; provided that the reconstructed  
14 structure is not greater in size than what was  
15 existing or permitted, in the case of partial  
16 construction, immediately before August 8, 2023;  
17 provided that whenever the authority finds that any  
18 excluded use, activity, or operation may have a  
19 cumulative impact, or a significant environmental or  
20 ecological effect on a special management area, that



1 use, activity, or operation shall be defined as  
2 "development" for the purpose of this part."

3 SECTION 3. If any provision of this Act, or the  
4 application thereof to any person or circumstance, is held  
5 invalid, the invalidity does not affect other provisions or  
6 applications of the Act that can be given effect without the  
7 invalid provision or application, and to this end the provisions  
8 of this Act are severable.

9 SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2025.



**Report Title:**

Maui County; Lahaina National Historic Landmark District;  
Reconstruction; Special Management Areas; Disaster Recovery;  
Wildfire Recovery

**Description:**

Exempts certain reconstructions of all or a portion of a structure in the Lahaina National Historic Landmark District that was destroyed by wildfire on 8/8/2023, from the requirements of a special management area minor permit or a special management area use permit. (SD1)

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