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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 and other disaster-affected areas by  
 8 exempting the reconstruction of any lawfully constructed  
 9 structure destroyed in a disaster caused by wildfire, hurricane,  
 10 flooding, tsunami, or earthquake proclaimed by the Governor to  
 11 constitute to a state of emergency from the requirements of a  
 12 special management area minor permit or a special management  
 13 area use permit under certain conditions.

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

17 ""Development":

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



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



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



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



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



1 to establish compliance with current standards at  
2 existing public facilities;

3 (U) Installation, maintenance, repair, and  
4 replacement of security measures, including  
5 fencing, to existing public facilities; ~~and~~

6 (V) Hawaiian traditional and customary practices,  
7 including work conducted by traditional means  
8 near, in, or related to loko i'a, traditional  
9 Hawaiian fishponds; and

10 (W) Reconstruction of any lawfully constructed  
11 structure that was damaged or destroyed in a  
12 disaster caused by wildfire, hurricane, flooding,  
13 tsunami, or earthquake proclaimed by the governor  
14 to constitute a state of emergency pursuant to  
15 chapter 127A; provided that:

16 (i) The structure is not situated on a shoreline  
17 parcel or a parcel that is impacted by  
18 waves, storm surges, high tide, or shoreline  
19 erosion;



1           (ii) Reconstruction commences within five years  
2                   from the date that the proclamation is  
3                   issued; and

4           (iii) The reconstructed structure shall be similar  
5                   to its original footprint or overall  
6                   dimensions that were existing or permitted  
7                   and in compliance with the requirements of  
8                   floodplain management standards;

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

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



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



**Report Title:**

Reconstruction; Special Management Areas; Disaster Recovery;  
Wildfire Recovery

**Description:**

Exempts reconstructions of any lawfully constructed structure that was damaged or destroyed in a disaster proclaimed by the Governor to constitute a state of emergency from the requirements of a special management area minor permit or a special management area use permit under certain conditions.  
(SD2)

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