
A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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

1 SECTION 1. The legislature finds that accelerating coastal
2 erosion, sea level rise, storm intensity, and high-energy wave
3 events pose significant and increasing threats to structures
4 along vulnerable shorelines in the State. These threats can
5 create immediate and foreseeable hazards to public health and
6 safety, including the risk of sudden structural failure,
7 dangerous debris falling onto public beaches, exposure of
8 wastewater infrastructure, and obstruction of lateral beach
9 access relied upon by public and emergency responders.

10 The legislature further finds that the members of the
11 public who use public beaches for recreation are often highly
12 aware of the condition of structures along the shoreline that
13 are imminently threatened and can provide valuable insights to
14 regulatory agencies to help avoid catastrophic collapse. The
15 legislature believes that proactive assessment and remedial
16 action by agencies and structure owners can best minimize and
17 prevent the dangers to health and safety from, and the economic



1 costs of, the collapse of imminently threatened beach
2 structures.

3 Accordingly, the purpose of this Act is to establish a
4 process for the public, state and county agencies, and owners of
5 beach structures to identify, assess, and mitigate risk in
6 advance of the collapse of structures that may endanger public
7 health, safety, and welfare, and damage public beaches.

8 SECTION 2. Chapter 205A, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 **"§205A- Imminently threatened beach structure; petition;**

12 **determination.** (a) Any person may submit a petition to the
13 department of land and natural resources requesting a review of
14 the integrity of a beach structure that appears imminently
15 threatened. The petition shall include:

- 16 (1) The applicable tax map key;
- 17 (2) The description and documentation of any hazardous
18 conditions; and
- 19 (3) Any other relevant information.
- 20 (b) The department of land and natural resources shall:



1 (1) Acknowledge in writing the receipt of any petition
2 submitted pursuant to subsection (a);

3 (2) Notify in writing the owner of the beach structure
4 concerning the submission of the petition; and

5 (3) Initiate a review of the integrity of the beach
6 structure within thirty days of receipt of the
7 petition.

8 (c) Each review of the integrity of a beach structure
9 shall be completed within one hundred twenty days of the receipt
10 of the petition. A copy of the review shall be distributed to
11 the petitioner and owner of the beach structure, and maintained
12 by the department of land and natural resources.

13 (d) If the department of land and natural resources
14 determines that a beach structure is imminently threatened, the
15 department shall recommend that the county agency order the
16 owner of the imminently threatened beach structure to, as
17 necessary:

18 (1) Remove or demolish any portion of the beach structure
19 that poses a risk to public health, safety, welfare,
20 or the public beach;



1 (2) Secure, remove, or remediate exposed wastewater or
2 other infrastructure;

3 (3) Implement temporary safety measures to protect the
4 public health, safety, and welfare, where immediate
5 removal is not feasible; and

6 (4) Provide a long-term plan for how to prevent further
7 danger from any remaining portion of the beach
8 structure.

9 (e) For the purposes of this section:

10 "Beach structure" includes but is not limited to a
11 building, a foundation, walls, seawalls, decks, cesspools or
12 septic systems, plumbing systems, or electrical systems, any
13 portion of which is within the boundaries of a public beach.

14 "Imminently threatened" means likely to be undermined, be
15 destabilized, or collapse onto the beach within two years due to
16 past, ongoing, or projected coastal hazards."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2050.

19



S.B. NO. 3033
S.D. 1

Report Title:

DLNR; Coastal Zone Management; Imminently Threatened Beach Structures; Beach Structure Owners; Petition; Review

Description:

Allows public petition to the Department of Land and Natural Resources for review of the integrity of beach structures. Requires the Department to recommend the applicable county agency to order the owner of any beach structure determined to be imminently threatened to resolve, mitigate, and plan for the harmful effects of the beach structure. Effective 7/1/2050.
(SD1)

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