

---

---

# A BILL FOR AN ACT

RELATING TO THE LAND COURT.

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

1           SECTION 1. Section 501-33, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§501-33 Accretion to land.** An applicant for registration  
4 of land by accretion shall prove by a preponderance of the  
5 evidence that the accretion is natural and permanent; provided  
6 that no applicant other than the State shall register land  
7 accreted along the ocean, except that a private property owner  
8 whose eroded land has been restored by accretion may file an  
9 accretion claim to regain title to the restored portion[-]; and  
10 provided further that the accreted land did not result from the  
11 private property owner planting and maintaining or otherwise  
12 encouraging vegetation on the seaward boundary of the property  
13 affected.

14           The applicant shall supply the office of environmental  
15 quality control with notice of the application, for publication  
16 in the office's periodic bulletin in compliance with section  
17 343-3(c)(4). The application shall not be approved unless the

1 office of environmental quality control has published notice in  
2 the office's periodic bulletin.

3 As used in this section, "permanent" means that the  
4 accretion has been in existence for at least twenty years. The  
5 accreted portion of the land shall be state land except as  
6 otherwise provided in this section and shall be considered  
7 within the conservation district. Prohibited uses are governed  
8 by section 183-45."

9 SECTION 2. Section 669-1, Hawaii Revised Statutes, is  
10 amended by amending subsection (e) to read as follows:

11 "(e) Action may be brought by any person to quiet title to  
12 land by accretion; provided that no action shall be brought by  
13 any person other than the State to quiet title to land accreted  
14 along the ocean, except that a private property owner whose  
15 eroded land has been restored by accretion may also bring such  
16 an action for the restored portion. The person bringing the  
17 action shall prove by a preponderance of the evidence that the  
18 accretion is natural and permanent [-] and did not result from  
19 the private property owner planting and maintaining or otherwise  
20 encouraging vegetation on the seaward boundary of the property  
21 affected. The person bringing the action shall supply the  
22 office of environmental quality control with notice of the

1 action for publication in the office's periodic bulletin in  
2 compliance with section 343-3(c)(4). The quiet title action  
3 shall not be decided by the court unless the office of  
4 environmental quality control has properly published notice of  
5 the action in the office's periodic bulletin.

6 As used in this section, "permanent" means that the  
7 accretion has been in existence for at least twenty years. The  
8 accreted portion of land shall be state land except as otherwise  
9 provided in this section and shall be considered within the  
10 conservation district. Prohibited uses are governed by section  
11 183-45."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

SB3094 ,SD1

**Report Title:**

Land Court; Accreted Lands

**Description:**

Provides that a landowner may not file claim for accreted lands caused by landowner's planting and maintaining vegetation on the seaward boundary of the property affected. (SD1)

