

STAND. COM. REP. NO.

1011

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 1340

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Judiciary and Commerce, Consumer Protection, and Health, to which was referred S.B. No. 1340, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to require that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within a two-foot sea level rise exposure area, subject to the availability of county maps designating the areas by tax map key.

Your Committees received testimony in support of this measure from the Office of Planning, Environmental Caucus of the Democratic Party of Hawai'i, Hawai'i Reef and Ocean Coalition, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, and three individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committees received comments on this measure from the Department of Land and Natural Resources and Building Industry Association of Hawaii.

Your Committees find that Act 32, Session Laws of Hawaii 2017, established the Hawaii Climate Change Mitigation and Adaptation Commission and directed the Commission to, as a first step, focus on and develop sea level rise vulnerability and

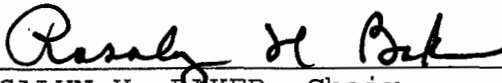


adaptation reports. Your Committees further find that the Commission's report has identified areas that are susceptible to sea level rise impacts based on a 3.2-foot increase in sea level projected to occur by mid-century or earlier. Your Committees additionally find that chapter 508D, Hawaii Revised Statutes, requires a written disclosure statement prepared by the seller, or at the seller's discretion, that purports to fully and accurately disclose all material facts relating to residential real property being offered for sale. Your Committees also find that the value of property lying within the boundaries of a sea level rise exposure area is likely to be affected over time, which is a material fact that should be included in mandatory seller disclosure statements in real property transactions.

Your Committees have amended this measure by requiring disclosure when property lies within the sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission even if the property is outside of the two-foot sea level rise exposure area.

As affirmed by the records of votes of the members of your Committees on Judiciary and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1340, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1340, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Commerce, Consumer Protection,
and Health,



ROSALYN H. BAKER, Chair

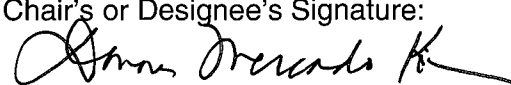


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1340, SD1	Committee Referral: WTL, JDC/CPH	Date: 2/27/18^{1/2}		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
WAKAI, Glenn (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* SB 1340, SDI	Committee Referral: WTL, JDC/CPH	Date: 2/27/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	X			
CHANG, Stanley (VC)				X
KEOHOKALOLE, Jarrett	X			
NISHIHARA, Clarence K.				X
RUDERMAN, Russell E.				X
THIELEN, Laura H.	X			
FEVELLA, Kurt	X			
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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