



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE COMMITTEE ON WATER AND LAND

February 8, 2019 1:20 p.m. Room 229

LATE

In SUPPORT of SB 1339: Relating to Real Property Transactions

Aloha Chair Kahele, Vice Chair Keith-Agaran, and committee members,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports passage** of SB 1339, Relating to Real Property Transactions. We note also that the Hawaii Climate Change Mitigation and Adaptation Commission's statement of priorities for 2019 includes a recommendation to require mandatory disclosure for private properties and public offerings in areas with potential exposure to sea level rise.¹

Climate Change impacts, especially sea level rise, create a new type of coastal hazard affecting coastal properties now and increasingly in the future. Our statutes must be updated accordingly.

Act 32 (2017) established the Hawaii Climate Change Mitigation and Adaptation Commission and directed the commission to develop a sea level rise vulnerability and adaptation report² showing areas at risk under sea level rise. The commission completed its report in December 2017 and submitted it to the legislature in 2018. It includes identification, with maps at tax map key detail, of 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. These areas are designated as sea level rise exposure areas (SLR-XA), shown in the Hawaii Sea Level Rise Vulnerability and Adaptation Report, and can be viewed online using the Hawaii Sea Level Rise Viewer.³

SB1339 provides important measures for informing purchasers of properties within sea level rise exposure areas of the risks associated with such properties, especially as the sea level rises over time. These risks include possible restrictions on protective structures such as seawalls and revetments in an era where state and county policies discourage coastal armoring, especially those affecting beaches and public access.

¹ Hawai'i Climate Change Mitigation and Adaptation Commission Report to the Thirtieth Legislature, State of Hawai'i, 2019 Regular Session. Page 2.

² Hawai'i Climate Change Mitigation and Adaptation Commission. 2017. Hawai'i Sea Level Rise Vulnerability and Adaptation Report. Prepared by Tetra Tech, Inc. and the State of Hawai'i Department of Land and Natural Resources, Office of Conservation and Coastal Lands, under the State of Hawai'i Department of Land and Natural Resources Contract No: 64064.

https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report_-January-2018.pdf

³ <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>

It is also important that such purchasers are aware before making a purchase that a property they are considering for purchase lies within a sea level rise exposure area. SB1340 will require sellers to provide such notification and is a necessary companion to SB 1339. The combination of these bills is needed now to start the conversation about which properties are in the exposure area, to acknowledge potential impacts of sea level rise, and to protect buyers, sellers, and governmental agencies as the rising seas become more apparent in future years.

In summary, we support passage of both SB1339 and SB1340 and urge their passage.

Mahalo,

A handwritten signature in cursive script that reads "Jodi Malinoski".

Jodi Malinoski, Policy Advocate

SB-1339

Submitted on: 2/8/2019 12:19:15 PM

Testimony for WTL on 2/8/2019 1:20:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Testifying for Surfrider Foundation	Support	No

Comments:

Dear Chair Kahele, Vice Chair Keith-Agaran and Committee Members,

Surfrider's Hawaii Chapters support this bill to address the issues of climate change (CC) and sea level rise (SLR) by making a vulnerable coastal property statement and making sure that potential buyers are aware of the dangers before purchasing these properties. Mahalo for your consideration and support of this important bill.

Aloha, Stuart Coleman, Hawaii Manager

Surfrider Foundation Hawaii, 2927 Hibiscus Pl., Hon., HI 96815



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February 8, 2019 1:20 p.m. Room 229

LATE

In SUPPORT of SB1339: Relating to Real Property Transactions

Aloha Chair Kahele, Vice Chair Keith-Agaran, and committee members,

The HAWAI‘I REEF AND OCEAN COALITION –HIROC– was formed in 2017 by coral reef scientists, educators, local Hawai‘i environmental organizations, elected officials, and others to address a crisis facing Hawai‘i’s coral reefs and ocean, including those related to sea level rise.

HIROC strongly supports SB1339.

Sea level rise creates a new type of coastal hazard affecting coastal properties now, and increasingly in the future. Many of our existing statutes related to coastal properties assume a fixed sea level. Our statutes must be updated to incorporate consideration of the impacts of sea level rise, including those which may affect the value of coastal properties over time as the sea level rises and encroaches on such properties.

SB1339 requires that purchasers of coastal properties within sea level rise exposure areas are of aware of and acknowledge in a written disclosure statement, the long-term risks associated with these properties, which may include restrictions on the ability of property owners to obtain permits for shoreline protection structures such as seawalls and revetments.

It is also important that such purchasers are aware in the first place that a property they are considering for purchase lies within a sea level rise exposure area. SB1340 will require sellers to provide such notification and is a necessary companion to SB1339.

In summary, we support both SB1339 and SB1340 and urge their passage.

Mahalo for the opportunity to provide this testimony.

Kimiko LaHaela Walter on behalf of the Hawai‘i Reef and Ocean Coalition.

SB-1339

Submitted on: 2/7/2019 10:57:25 PM

Testimony for WTL on 2/8/2019 1:20:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Chatterson	Individual	Support	No

Comments:

LATE

From: [Rob Weltman](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Thursday, February 7, 2019 10:03:16 PM

Aloha Chair Kahele, Vice Chair Keith-Agaran, and members of the Water and Land Committee,

I am writing in strong support of SB 1339 and SB 1340, two bills that would require mandatory purchaser and seller disclosures for real estate transactions that include properties within sea level rise exposure areas. Written disclosure statements of properties within officially designated hazard areas, including tsunami zones and federal flood insurance maps, are already required when properties are offered for sale. SB 1339 and SB 1340 expands mandatory disclosures to include sea level rise exposure areas, as officially designated by the Hawaii climate change mitigation and adaptation commission.

Climate change creates a new type of hazard affecting coastal properties now and increasingly in the future. Mandatory disclosures are needed now to start the conversation about which properties are in the exposure area, to acknowledge potential impacts of sea level rise, and to protect buyers, sellers, and governmental agencies as the rising seas become more apparent in future years.

Thank you for the opportunity to testify in support of SB 1339 (mandatory purchaser disclosure bill) and SB 1340 (mandatory seller disclosure bill).

Mahalo,
Rob

Rob Weltman

rw@worldspot.com

From: [Nichola Drance](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8
Date: Friday, February 8, 2019 7:59:09 AM



Aloha Chair Kahele, Vice Chair Keith-Agaran, and members of the Water and Land Committee,

I am writing in strong support of SB 1339 and SB 1340, two bills that would require mandatory purchaser and seller disclosures for real estate transactions that include properties within sea level rise exposure areas. Written disclosure statements of properties within officially designated hazard areas, including tsunami zones and federal flood insurance maps, are already required when properties are offered for sale. SB 1339 and SB 1340 expands mandatory disclosures to include sea level rise exposure areas, as officially designated by the Hawaii climate change mitigation and adaptation commission.

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Thank you for the opportunity to testify in support of SB 1339 (mandatory purchaser disclosure bill) and SB 1340 (mandatory seller disclosure bill).

Mahalo,

Nichola Drance

nick@themaumiracle.org

LATE

From: [Curen Ohama](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Thursday, February 7, 2019 11:21:30 PM

Aloha Chair Kahele, Vice Chair Keith-Agaran, and members of the Water and Land Committee,

I am writing in strong support of SB 1339 and SB 1340, two bills that would require mandatory purchaser and seller disclosures for real estate transactions that include properties within sea level rise exposure areas. Written disclosure statements of properties within officially designated hazard areas, including tsunami zones and federal flood insurance maps, are already required when properties are offered for sale. SB 1339 and SB 1340 expands mandatory disclosures to include sea level rise exposure areas, as officially designated by the Hawaii climate change mitigation and adaptation commission.

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Thank you for the opportunity to testify in support of SB 1339 (mandatory purchaser disclosure bill) and SB 1340 (mandatory seller disclosure bill).

Mahalo, Curen Ohama

Curen Ohama

curenmohama@gmail.com