



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

In **SUPPORT** of **SB 1340**: 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 1340**, Relating to Real Property Transactions.

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 report¹ 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.²

HRS Chapter 508D requires a written disclosure statement prepared by the seller, or at the seller's direction, that purports to fully and accurately disclose all material facts relating to residential real property being offered for sale. A "material fact" is defined under section 508D-1 as "any fact, defect, or condition, past or present, that would be expected to measurably affect the value to a reasonable person of the residential real property being offered for sale."

The value of a property lying within the boundaries of a sea level rise exposure area likely will be affected over time as the sea level rises. This is a material fact that should be included in mandatory seller disclosure statements in real property transactions.

SB 1340 adds sea level rise exposure areas as officially designated by the Hawaii climate change mitigation and adaptation commission to the existing list of mandatory disclosures. Disclosure of properties within officially designated hazard areas, including tsunami zones and federal flood insurance maps, are already required.

¹ 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

² <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>

This bill is an important companion to SB1339, and we urge passage of both bills.

Mahalo,

A handwritten signature in black ink that reads "Jodi Malinoski". The signature is written in a cursive, flowing style.

Jodi Malinoski, Policy Advocate



LATE

SENATE COMMITTEE ON WATER AND LAND

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

In SUPPORT of SB1340: 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 SB1340

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, heard previously, 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. SB1340 provides for such notification.

It is also very important that sellers disclose properties within a sea level rise exposure area. This will help inform decisions by potential purchasers of such properties, before rather than after, the fact of their purchase.

SB1340 is a very important companion to SB1339, and we urge both to be passed.

Mahalo for the opportunity to testify,

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

We note that SB1339, also on today's agenda, will amend Chapter 508D, Hawaii Revised Statutes, to add disclosure of properties within sea level rise exposure areas as a material fact to be included in a written disclosure statement prepared by the seller or the seller's agent. This will provide potential purchasers of such properties advance warning of risks from sea level rise.

It also important to assure 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. HB1340 provides for such notification.

SB-1340

Submitted on: 2/8/2019 12:22:34 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,

Along with SB1339, Surfrider's Hawaii Chapters support this bill to address the issues of climate change (CC) and sea level rise (SLR) by making sure that potential buyers are aware of the dangers before purchasing coastal properties that are vulnerable to sea level rise and inundations from storm events. To simplify this process, I would suggest consolidating the language of SB1339 and SB1340 into one bill. Mahalo for your consideration and support of this important legislation.

Aloha, Stuart Coleman, Hawaii Manager

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

From: [Nathan Yuen Yuen](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 2:23:01 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,

Nathan Yuen Yuen

808nateyuen@gmail.com

From: [Lorna Holmes](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 4:42:01 PM

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

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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,

Lorna Holmes

lholmes@hillsdale.edu

From: [Barbara Barry](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 10:56:32 PM

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

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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,

Barbara Barry

gardenmeister@msn.com

From: [David Mulinix](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 8:19:30 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,

Dave Mulinix
Our Revolution Hawaii

David Mulinix

dave.mulinix@juno.com

<https://events.jotform.com/email/5550000555/?ref=4253295674884304883&res=SierraClub_HI&eventID=90367053808157>

From: [Laura Ramirez](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 11:21:28 PM

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

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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,

Laura Ramirez

lauraramirez87@hotmail.com

From: [Lurline Bettencourt](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 11:20:26 PM

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

I live in the home my grandfather built across the street from the beach on Kauai. 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,

Lurline Bettencourt

lurline94510@yahoo.com

From: [Melia Leslie](#)
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 12:29:55 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,

Melia Leslie

milolii12@yahoo.com

From: [Patricia Blair](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 3:06:26 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,

Patricia Blair

patricia Blair@msn.com

From: [Shannon Rivera](#)
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 7:45:14 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,

Shannon Rivera

snrivera@hawaii.edu

From: [Trinette Furtado](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Wednesday, February 6, 2019 10:56:08 PM

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

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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,

Trinette Furtado

Peles808Grrl@gmail.com

SB-1340

Submitted on: 2/7/2019 10:57:32 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:

SB-1340

Submitted on: 2/8/2019 10:13:46 AM

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

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	Individual	Support	No

Comments:

I support SB 1340 Relating to Real Property Transaction. It is in line with the quotation, "Buyer beware". Here the burden of fair notification will be part of the transaction. Mahalo.

Arvid T. Youngquist

SD14, Voter & Resident

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
Date: Thursday, February 7, 2019 10:03:16 PM

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

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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,
Rob

Rob Weltman

rw@worldspot.com

From: [Nichola Drance](#)
To: [WTL Testimony](#)
Subject: Testimony in support of SB1339 & SB1340 - WTL on Friday, 2/8/19 @ 1:20 PM in Room 229
Date: Friday, February 8, 2019 7:59:09 AM

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

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Mahalo,

Nichola Drance

nick@themaumiracle.org

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

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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