

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 1340
S.D. 1

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

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 1340 entitled:

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

begs 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 sea level rise exposure area, subject to the availability of county maps designating the areas by tax map key.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS. Your Committee received comments on this measure from the Office of Planning and Chamber of Commerce Hawaii.

Your Committee finds that oceanfront property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise. Your Committee also finds that in December 2017, the Hawaii Climate Change Mitigation and Adaptation Commission accepted the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). The first recommendation of the



SLR Report is to recognize the SLR-XA (Sea Level Rise Vulnerability Area) as a statewide vulnerability zone. The SLR-XA demonstrates the extent of the potential exposure of land and structures to flooding and erosion with an increase of 0.5, 1.1, 2.0, and 3.2 feet of sea level rise throughout the State. Your Committee believes that sea level rise is a concern for all real property owners, not only oceanfront property owners. This measure requires seller disclosures in real estate transactions in such areas to enable property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the property.

Your Committee has amended this measure by:

- (1) Clarifying that the mandatory seller disclosures are required for real estate within a two-foot sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1340, S.D. 1, and be referred to your Committees on Judiciary and Commerce, Consumer Protection, and Health.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,




KAIULANI KAHALE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1340	Committee Referral: WTL JDC/CPH	Date: 2/18/2019		
<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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	3	0	0	2
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