

STAND. COM. REP. NO.

3276

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2381  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2381, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SHORELINE SETBACKS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish required shoreline setbacks of not less than forty feet inland from the shoreline and an altitude of at least two meters above sea level.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Department of Land and Natural Resources, Office of Planning, and County of Hawai'i Planning Department.

Your Committee finds that coastal real property in the State is vulnerable to coastal erosion and flooding from tsunamis, storms, and high waves: hazards that are being exacerbated by sea level rise and climate change. Your Committee further finds that numerous court decisions have affirmed that privately-owned oceanfront land is lost when shorelines undergo landward retreat, thus making oceanfront properties smaller. Since oceanfront properties experience landward retreat, building setbacks need to be adjusted to respond to this new geographic landscape. This



measure, therefore, establishes greater shoreline setback requirements.

Your Committee notes that the requisite shoreline setback should be established at forty feet inland of the high-water mark and an altitude of at least two meters above the shoreline. Your Committee understands that such a setback requirement could create a parcel of land that is safe for building yet surrounded by setback areas. Your Committee believes this to be acceptable with the appropriately designed infrastructure.

Accordingly, your Committee has amended this measure by specifying that the setback established along shorelines are not less than an altitude of at least two meters above the shoreline, rather than sea level.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2381, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2381, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



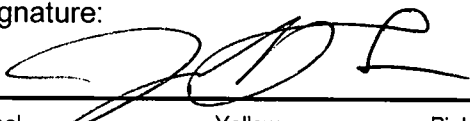
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:* <b>SB 2381 SDI</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b>2/24/2020</b>		
<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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt		/		
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; font-family: cursive;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes