



STATE OF HAWAII  
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION  
COMMISSION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
Anukriti Hittle  
Coordinator, Hawaii Climate Change Mitigation and Adaptation Commission**

**Before the Senate Committees on  
AGRICULTURE AND ENVIRONMENT  
and  
WATER AND LAND**

**Monday, March 16, 2020  
1:15PM  
State Capitol, Conference Room 224**

**In Support of  
HOUSE BILL 1878, HOUSE DRAFT 1  
RELATING TO REAL PROPERTY TRANSACTIONS**

House Bill 1878, House Draft 1 proposes to require seller disclosure in real property transactions to identify property within the sea level rise exposure area officially designated by the Hawaii climate change mitigation and adaptation commission or its successor. **On behalf of the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) I support this measure.**

The Hawaii Climate Change Mitigation and Adaptation Commission “recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, climate-neutral, culturally responsible strategies for climate change adaptation and mitigation in a manner that is clean, equitable and resilient.” The Commission, established by Act 32 Session Laws of Hawaii 2017 to uphold the United States’ pledges under the Paris Agreement, is the coordinating body for policies on climate change mitigation and adaptation for the state. It is a high-level multi-jurisdictional body that guides the priorities of the state’s climate response. Co-chaired by the Department of Land and Natural Resources and Office of Planning, it consists of 20 members—chairs of four legislative committees, and executive department heads at the county and state levels.

At its September 2018 meeting, the Climate Commission agreed to five priority recommendations for countering impacts of sea level rise, **including supporting legislation for disclosure for private property and public offerings in areas with potential exposure to sea level rise.** This measure acts on this priority recommendation, and is a crucial component of Hawaii’s adaptation to sea level rise impacts on coastal property.

**Co-Chairs:**  
Chair, DLNR  
Director, Office of Planning

**Commissioners:**  
Chair, Senate AEN  
Chair, Senate WTL  
Chair, House EEP  
Chair, House WTH  
Chairperson, HTA  
Chairperson, DOA  
CEO, OHA  
Chairperson, DHHL  
Director, DBEDT  
Director, DOT  
Director, DOH  
Chairperson, DOE  
Director, C+C DPP  
Director, Maui DP  
Director, Hawai'i DP  
Director, Kaua'i DP  
The Adjutant General  
Manager, CZM

In December 2017, the Commission accepted the *Hawaii Sea Level Rise Report* and accompanying *Hawaii Sea Level Rise Viewer*. The Report and Viewer provide maps of a Sea Level Rise Exposure Area (SLR-XA) incorporating models of passive flooding, shoreline erosion, and annual high wave run-up with 3.2 feet of sea level rise. These map layers are available for download in a variety of formats from the Viewer as well as the Hawaii Statewide GIS Program website.

Recent science summarized in the Report and Viewer points to a likelihood of three feet or more of sea level rise in the second half of this century - within the expected lifespan of most existing and new development. It is critical that sea level rise vulnerabilities are disclosed with the sale of a vulnerable coastal property to support informed decision making by buyers and government agencies, and this measure captures that such disclosure is essential

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committees on  
AGRICULTURE AND ENVIRONMENT  
and  
WATER AND LAND**

**Monday, March 16, 2020  
1:15pm  
State Capitol, Conference Room 224**

**In consideration of  
HOUSE BILL 1878, HOUSE DRAFT 1  
RELATING TO REAL PROPERTY TRANSACTIONS**

House Bill 1878, House Draft 1 proposes to require seller disclosure in real property transactions to identify property within the sea level rise exposure area officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission of its successor. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

It is the mission of the Department to manage public lands and ocean resources, including beaches throughout the State. The Department is very much at the forefront of addressing impacts related to coastal erosion and beach loss in Hawaii. Beaches are central to our culture and economy, yet our beaches are being lost at alarming rates due natural processes and human impacts, threatening alongshore public access and upland development. The Department feels strongly that some of these issues can be managed more effectively if property transactions require mandatory disclosure of coastal hazards within areas susceptible to coastal hazards.

Many properties not directly located on the coastline are as vulnerable to sea level rise impacts as their coastal shorefront neighbors because of passive flooding, king tides, or wave inundation. Mandatory real estate disclosure would at least inform and educate prospective buyers of risk. The Department believes that it is critical that buyers understand the hazards and risks they are assuming in purchasing oceanfront property, in the spirit of transparency and disclosure and to support informed decision making by buyers and government agencies.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



OFFICE OF ECONOMIC DEVELOPMENT  
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Testimony of Ben Sullivan  
Energy & Sustainability Coordinator, Office of Economic Development

Before the  
Senate Committee on Agriculture and Environment  
Senate Committee on Water and Land  
March 16, 2020; 1:15 pm  
Conference Room 224

In consideration of  
House Bill 1878 HD1 Relating to Real Property Transactions

Honorable Chair Gabbard, Chair Kahele, and Members of the committees,

The County of Kauai **supports** HB1878 HD1, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties that are within the statewide sea level rise exposure area.

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission adopted the Hawai'i Sea Level Rise Vulnerability and Adaptation Report. This work produced the statewide sea level rise exposure area (SLR-XA) and was made publically available on-line at [www.hawaiisealevelriseviewer.org](http://www.hawaiisealevelriseviewer.org).

The County of Kauai as well as the other three counties all hold seats on the Hawai'i Climate Change Mitigation and Adaptation Commission. In September 2018, the Hawai'i Climate Change Mitigation and Adaptation Commission provided high-priority recommendations for the legislature to increase climate resilience in the state, including a specific recommendation to ensure mandatory real estate disclosure in the sea level rise exposure area.

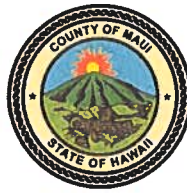
The County of Kauai supports the dissemination of this critical information and thanks you for the opportunity to testify in support of this measure.



**Michael P. Victorino**  
Mayor

**Sananda K. Baz**  
Managing Director

**Kay Fukumoto**  
Economic Development Director



**COUNTY OF MAUI**  
**OFFICE OF ECONOMIC DEVELOPMENT**

2200 MAIN STREET  
ONE MAIN PLAZA, SUITE 305  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

March 15, 2020

TESTIMONY OF KAY FUKUMOTO  
ECONOMIC DEVELOPMENT DIRECTOR  
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND  
WATER AND LAND

Monday, March 16, 2020 at 1:15PM  
Conference Room 224

**HB1878 HD1 REAL PROPERTY TRANSACTIONS**

Honorable Chair Mike Gabbard and Vice Chair Russell E. Ruderman  
Honorable Chair Kaiali'i Kahele and Vice Chair Gilbert S. C. Keith-Agaran  
Honorable Committee Members

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The County of Maui **supports the intent** of **HB1878 HD1**, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the statewide sea level rise exposure area.

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission adopted the Hawai'i Sea Level Rise Vulnerability and Adaptation Report. This work produced the statewide sea level rise exposure area (SLR-XA) and was made publicly available on-line at [www.hawaiiisealevelriseviewer.org](http://www.hawaiiisealevelriseviewer.org). The County of Maui, as well as the other three counties, all hold seats on the Hawai'i Climate Change Mitigation and Adaptation Commission. In September 2018, the Hawai'i Climate Change Mitigation and Adaptation Commission provided high-priority recommendations for the legislature to increase climate resilience in the state, including a specific recommendation to ensure mandatory real estate disclosure in the sea level rise exposure area.

Thank you for the opportunity to testify in **support** of this measure.

Sincerely,

Kay Fukumoto  
Economic Development Director

**HB-1878-HD-1**

Submitted on: 3/9/2020 12:10:00 PM

Testimony for AEN on 3/16/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dyson Chee	Testifying for Hawaii Youth Climate Coalition	Support	No

Comments:



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada  
Nelson Ho • Summer Starr

Wednesday, March 11, 2020

Relating to Real Property Transactions  
Testifying in Support with amendment

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports with amendments HB1878, HD1 Relating to Real Property Transactions**, which requires mandatory seller disclosure in all real estate transactions to include identification of residential real properties lying within the sea level rise exposure zone.

Climate change and sea level rise are affecting Hawaii's coastlines more and more with each passing year, creating new hazards for more properties than ever before. Even though a property isn't currently in a vulnerable location, disclosure that the property is in the exposure zone and has the potential to become vulnerable is necessary. Transparency is necessary so that buyers are aware of the risks and hazards they could be forced to deal with.

For all these reasons, we urge you to vote in favor of this measure and pass it out of Committee with a clean effective date.

Mahalo for the opportunity,  
Gary Hooser  
Executive Director  
Pono Hawai'i Initiative



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

### SENATE COMMITTEE ON WATER AND LAND

March 16, 2020      1:15 PM      Room 224

#### In **SUPPORT** of **HB1878 HD1**: Relating to Real Property Transactions

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Aloha Co-Chairs Gabbard and Kahele, Co-Vice Chairs Rudermand and Keith-Agaran, and members of the committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports HB1878 HD1** Relating to Real Property Transactions.

The State of Hawaii's Climate Mitigation and Adaptation Commission has identified support for legislation requiring disclosure for private property and public offerings located in areas with potential exposure to sea level rise as a high priority for the 2020 legislative session.

Chapter 508D currently requires a written disclosure statement provided 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. This clearly must include disclosure of properties exposed to sea level rise and related threats. The burden of determining whether a given coastal property, especially parcels that are inland from the coast but still vulnerable to sea level exposure in the future, however, is currently left to the seller and the seller's real estate agent, with no clear standard to follow.

HB 1878 HD1 provides a single, governmentally certified, source for determining whether or not a parcel is deemed to be vulnerable to the risks of sea level rise exposure, similar to the manner in which the statute specifies use of the federal flood insurance maps as the standard for disclosure of flood risks.

The bill requires each county to provide sea level rise exposure maps at the tax map key (zone, section, parcel) level of detail, making it possible to determine whether or not any given parcel requires a seller's disclosure statement, and relieving property owners and realtors of the burden of trying to make such determinations from a variety of possible sources of sea level rise projections.

In conclusion, we strongly support passage of HB1878 HD1 and urge its passage.



Thank you very much for this opportunity to provide testimony in **support of HB1878 HD1**.

Mahalo,

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

Dave Raney  
Co-Chair  
Sierra Club Climate Adaptation and Restoration Team

**HB-1878-HD-1**

Submitted on: 3/13/2020 12:42:32 PM

Testimony for AEN on 3/16/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Climate Protector	Testifying for Climate Protectors Coalition	Support	No

Comments:

March 16, 2020

**The Honorable Mike Gabbard, Chair**  
Senate Committee on Agriculture and Environment

**The Honorable Kaiuli'i Kahele, Chair**  
Senate Committee on Water and Land  
State Capitol, Room 224  
Honolulu, HI 96813

**RE: H.B. 1878, HD1, Relating to Real Property Transactions**

**HEARING: Monday, March 16, 2020, at 1:15 p.m.**

Aloha Chair Gabbard, Chair Kahele, and Members of the Joint Committees,

I am Ken Hiraki, Director of Government Affairs, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **provides comments on** House Bill 1878, HD1, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area as designated by the Hawaii Climate Change Mitigation and Adaptation Commission or its successor.

HAR respectfully requests amendments to page 3 to reflect the original version of H.B. 1878.

- Lines 10-12 to: "(5) Within the sea level rise exposure area as officially designated by the relevant county."
- Line 13-20: Refer to five instead of four tax map keys.

HAR believes having the tax map keys will provide clarity to sellers in identifying whether there properties are within a sea level rise exposure area.

Additionally, if the Committee is inclined to pass the measure, HAR respectfully requests an effective date of November 1<sup>st</sup> for Part XI. This will allow our Standard Forms Committee to make changes to the Seller's Real Property Disclosure Statement and educate our members on the changes.

Mahalo for the opportunity to testify.



## HB 1878, HD1, RELATING TO REAL PROPERTY TRANSACTIONS

MARCH 16, 2020 · SENATE WATER AND LAND  
COMMITTEE AND SENATE AGRICULTURE AND  
ENVIRONMENT COMMITTEE · CHAIRS SEN. KAIALI'I  
KAHELE AND SEN. MIKE GABBARD

**POSITION:** Support.

**RATIONALE:** IMUAlliance supports HB 1878, HD1, relating to real property transactions, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area as designated by the Hawaii climate change mitigation and adaptation commission or its successor.

According to a report produced by the Hawai'i Climate Change Mitigation and Adaptation Commission, global sea levels could rise more than three feet by 2100, with more recent projections showing this occurring as early as 2060. In turn, over the next 30 to 70 years, approximately 6,500 structures and 19,800 people statewide will be exposed to chronic flooding.

Additionally, an estimated \$19 billion in economic loss would result from chronic flooding of land and structures located in exposure areas. Finally, approximately 38 miles of coastal roads and 550 cultural sites would be chronically flooded, on top of the 13 miles of beaches that have already been lost on Kaua'i, O'ahu, and Maui to erosion fronting shoreline armoring, like seawalls.

Furthermore, according to research conducted by Michael B. Gerrard from Columbia Law School, modern-day slavery tends to increase after natural disasters or conflicts where large numbers of people are displaced from their homes. In the decades to come, says Gerrard, **climate change**

**will very likely lead to a significant increase in the number of people who are displaced and, thus vulnerable, to human trafficking.** While the Paris Climate Agreement of 2015 established objectives to limit global temperature increases and several international agreements are aimed at combating modern-day slavery, it is highly uncertain whether they will be adequate to cope with the scale of the problem that is likely to occur as a result of climate change.

As we work to reduce carbon emissions and stave off the worst consequences of climate change, we must begin preparing for the adverse impact of sea level rise on our shores. We are now quantifying the speed at which we must act. We cannot continue to develop the 25,800-acre statewide sea level rise exposure area—one-third of which is designated for urban use—without risking massive structural damage and, potentially, great loss of life.

Therefore, our state should take steps to protect Hawai'i's coastal areas, including by requiring sellers of residential properties lying within sea level rise exposure areas to disclose to buyers that such properties may be at risk of damage or destruction from climate change. **Doing so may make it easier for our state to implement additional policies that are necessary to deal with the impending climate crisis, like shoreline retreat.** For the sake of our keiki, we cannot afford to wait to solidify strategies to preserve our island home for generations to come.

**HB-1878-HD-1**

Submitted on: 3/9/2020 1:02:44 PM

Testimony for AEN on 3/16/2020 1:15:00 PM

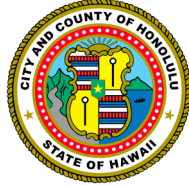
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dwamato	Individual	Support	No

Comments:

OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

**CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 257 • HONOLULU, HAWAII 96817  
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KIRK CALDWELL  
MAYOR

JOSHUA W. STANBRO  
EXECUTIVE DIRECTOR &  
CHIEF RESILIENCE OFFICER

MONDAY, MARCH 16, 2020, 1:15 PM

STATE OF HAWAII  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
SENATE COMMITTEE ON WATER AND LAND

**TESTIMONY ON HOUSE BILL 1878, HD1  
RELATING TO REAL PROPERTY TRANSACTIONS**

BY,

JOSHUA STANBRO  
EXECUTIVE DIRECTOR AND CHIEF RESILIENCE OFFICER  
OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

Dear Chair Gabbard, Chair Kahele and Members of the Committees:

The City and County of Honolulu Office of Climate Change, Sustainability and Resiliency (Resilience Office) **supports** HB1878, HD1, which requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area as designated by the Hawai'i Climate Change Mitigation and Adaptation Commission (Commission).

In December 2017, per Act 83 Session Laws of Hawai'i (SLH) 2014 and Act 32 SLH 2017, the Commission adopted the *Hawai'i Sea Level Rise Vulnerability and Adaptation Report*. This work produced the statewide sea level rise exposure area (SLR-XA) and was made publicly available on-line at [www.hawaiisealevelriseviewer.org](http://www.hawaiisealevelriseviewer.org).

The City and the other three counties all hold seats on the Commission. In September 2018, the Commission provided high-priority recommendations for the legislature to increase climate resilience in the state, including a specific recommendation to ensure mandatory real estate disclosure in the SLR-XA.

Thank you for the opportunity to testify in support of HB1878, HD1.

**HB-1878-HD-1**

Submitted on: 3/13/2020 7:27:16 PM

Testimony for AEN on 3/16/2020 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments: