

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**

**Wednesday, June 24, 2020  
12:30 PM  
State Capitol, Conference Room 229**

**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.

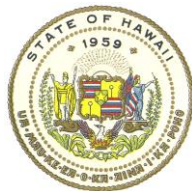
Thank you for the opportunity to comment on this measure.

**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



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**

**Wednesday, June 24, 2020  
12:30 PM  
State Capitol, Conference Room 229**

**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.

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Traci N. T. Fujita, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

June 19, 2020

TO: The Honorable Kaiali‘i Kahele, Chair  
Senate Committee on Water and Land  
The Honorable Mike Gabbard, Chair  
Senate Committee on Agriculture and Environment

FROM: Tamara Paltin, Councilmember for West Maui  
Maui County Council

SUBJECT: **HEARING OF WEDNESDAY, JUNE 24, 2020; IN SUPPORT OF HB 1878  
HD1, RELATING TO REAL PROPERTY TRANSACTIONS**

Thank you for the opportunity to **SUPPORT** on this important measure. The purpose of this bill 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.

The Maui County Council has recently established a Climate Action Resiliency Committee to address many of the challenges that we foresee due to Climate Change, including sea level rise. Therefore, I am providing this support as an individual member of the Maui County Council with the understanding that this is an important issue for Maui County as a whole.

I believe that a mandatory disclosure will better inform potential property owners about the climate-related risks associated with properties within the sea level rise exposure area. Damage to buildings and infrastructure, as well as the financial costs of maintaining and repairing the property need to be part of the assessment that buyers consider as they enter into such an important purchase.

Thank you, once again, for the opportunity to testify and for your consideration.

June 24, 2020

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

**The Honorable Kaiali'i Kahele, Chair**  
Senate Committee on Water and Land

**RE: H.B. 1878, HD1, Relating to Real Property Transactions**  
**HEARING: Wednesday, June 24, 2020, at 12:30 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 9,800 members. HAR **supports the intent of this measure but is opposed to** House Bill 1878, HD1, as currently drafted.

It is our position that official government designation maps should properly be provided by a permanent official government entity, such as the counties, and not an appointed temporary commission or non-department level body. HAR respectfully requests that the current language on Page 3, lines 10-12 be deleted and replaced with the following language requiring each relevant county to designate such exposure areas:

- Insert page 3, lines 10-12 to: "(5) Within the sea level rise exposure area as officially designated by the relevant county."

Additionally, HAR would note that as presently designated, the SLR-XA maps are broadly color coded with vague boundary lines and property details, which creates uncertainty in determining which properties are subject to disclosure placing homeowners at unnecessary legal risk for non-compliance.

As such, HAR requests an amendment to page 4 by deleting the current HD1 language referencing SLR-XA maps and instead clarifying that each relevant county designate affected properties by tax map key:

- Delete page 4, Lines 4-5: ~~"Until these maps are made available, State produced and adopted SLR-XA maps shall be accepted."~~

Finally, 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.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

### SENATE COMMITTEE ON WATER AND LAND

June 24, 2020      12:30 PM      Room 229

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

---

Dear Chair Gabbard, Chair Kahele, and members of the committees,

On behalf of our 27,000 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.

We support language in the HD1 to authorize the Hawai'i Climate Change Mitigation and Adaptation Commission to officially designate "sea level rise exposure areas" and utilize the State's SLR-XA maps as the basis of producing county exposure maps at the tax map key level of detail. All counties currently serve on the State's Climate Commission and consistency is key to relieve property owners and realtors of the burden of trying to make such determinations from a variety of possible sources of sea level rise projections.

We started the 2020 legislative session with seven various sea level rise disclosure bills and are pleased that mandatory disclosure, a common sense solution and "low hanging fruit" to address the unavoidable impacts of sea level rise, is being reconsidered during the June reconvening. The Sierra Club strongly **supports HB1878 HD1 and encourages its adoption.**



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer •  
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 is not 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 essential 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

**HB-1878-HD-1**

Submitted on: 6/23/2020 10:35:06 AM

Testimony for AEN on 6/24/2020 12:30:00 PM

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

Comments:





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

JUNE 24, 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: 6/21/2020 3:05:33 PM

Testimony for AEN on 6/24/2020 12:30:00 PM

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

Comments:

Aloha Chair Gabbard, Chair Kahele, and members of the AEN and WTL Committees,

I support HB1878 to require sea level rise disclosure for real estate transactions, with an amendment to use the "3.2 SLR-XA" maps to determine which areas are impacted. Seller disclosure is already required for homes in flooding and tsunami zones and sea level rise disclosure is a common sense solution to help buyers better understand and prepare for the impacts of sea level rise.

Thank you,

Dezireen Austin

**HB-1878-HD-1**

Submitted on: 6/22/2020 6:34:05 AM

Testimony for AEN on 6/24/2020 12:30:00 PM

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

Comments:

**HB-1878-HD-1**

Submitted on: 6/22/2020 7:50:33 AM

Testimony for AEN on 6/24/2020 12:30:00 PM

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

Comments:

**From:** [Debbie Ward](#)  
**To:** [AEN Testimony](#)  
**Subject:** Testimony in support of HB1878- sea level rise disclosure bill  
**Date:** Monday, June 22, 2020 3:36:32 AM

---

Aloha Chair Gabbard, Chair Kahele, and members of the AEN and WTL Committees,

I support HB1878 to require sea level rise disclosure for real estate transactions, with an amendment to use the “3.2 SLR-XA” maps to determine which areas are impacted. Seller disclosure is already required for homes in flooding and tsunami zones and sea level rise disclosure is a common sense solution to help buyers better understand and prepare for the impacts of sea level rise.

Thank you,  
Deborah Ward

**From:** [Anna Chua](#)  
**To:** [AEN Testimony](#)  
**Subject:** Testimony in support of HB1878- sea level rise disclosure bill  
**Date:** Sunday, June 21, 2020 10:55:51 PM

---

Aloha Chair Gabbard, Chair Kahele, and members of the AEN and WTL Committees,

I support HB1878 to require sea level rise disclosure for real estate transactions, with an amendment to use the “3.2 SLR-XA” maps to determine which areas are impacted. Seller disclosure is already required for homes in flooding and tsunami zones and sea level rise disclosure is a common sense solution to help buyers better understand and prepare for the impacts of sea level rise.

Thank you,  
Anna Chua

**From:** [mdeycaza](#)  
**To:** [AEN Testimony](#)  
**Subject:** Testimony in support of HB1878- sea level rise disclosure bill  
**Date:** Sunday, June 21, 2020 12:15:10 AM

---

Aloha Chair Gabbard, Chair Kahele, and members of the AEN and WTL Committees,

I support HB1878 to require sea level rise disclosure for real estate transactions, with an amendment to use the “3.2 SLR-XA” maps to determine which areas are impacted. Seller disclosure is already required for homes in flooding and tsunami zones and sea level rise disclosure is a common sense solution to help buyers better understand and prepare for the impacts of sea level rise.

Thank you, Michael deYcaza