

JAN 22 2021

A BILL FOR AN ACT

RELATING TO SHORELINE SETBACKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that real property in the
2 State is often vulnerable to hazards such as coastal erosion and
3 flooding from tsunamis, storms, and high waves. These hazards
4 can be exacerbated by sea level rise and human-caused
5 interruptions to natural sand supply. In Hawai'i, all beaches
6 are prone to seasonal or episodic erosion from high waves and
7 storms. In addition, chronic erosion affects seventy per cent
8 of the beaches on O'ahu, Maui, and Kaua'i.

9 The legislature further finds that numerous court decisions
10 have affirmed that privately-owned oceanfront land is lost when
11 shorelines undergo landward retreat and oceanfront properties
12 become smaller. Since oceanfront properties experience landward
13 retreat, building setbacks need to be adjusted to respond to
14 this new geographic landscape.

15 Accordingly, the purpose of this Act is to establish
16 greater shoreline setback requirements.



SECTION 2. Section 205A-43, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Setbacks along shorelines are established of not less than ~~[twenty feet and not more than]~~ forty feet inland from the shoreline~~[-]~~, and an altitude of at least two meters above the shoreline. The department shall adopt rules pursuant to chapter 91, and shall enforce the shoreline setbacks and rules pertaining thereto."

SECTION 3. Section 205A-44, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Except as provided in this section, structures are prohibited in the shoreline area without a variance pursuant to this part. Structures in the shoreline area shall not need a variance if:

(1) They were completed prior to ~~[June 22, 1970;]~~
January 1, 2020;

(2) They received either a building permit, board approval, or shoreline setback variance prior to June 16, 1989;

(3) They are outside the shoreline area when they receive either a building permit or board approval;



1 (4) They are necessary for or ancillary to continuation of
2 existing agriculture or aquaculture in the shoreline
3 area on June 16, 1989;

4 (5) They are minor structures permitted under rules
5 adopted by the department which do not affect beach
6 processes or artificially fix the shoreline and do not
7 interfere with public access or public views to and
8 along the shoreline; or

9 (6) Work being done consists of maintenance, repair,
10 reconstruction, and minor additions or alterations of
11 legal boating, maritime, or watersports recreational
12 facilities, which are publicly owned, and which result
13 in little or no interference with natural shoreline
14 processes;

15 provided that permitted structures may be repaired, but shall
16 not be enlarged within the shoreline area without a variance."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 299

1 SECTION 6. This Act shall take effect on July 1, 2021.

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INTRODUCED BY:

Karl Rhoads



S.B. NO. 299

Report Title:

Shoreline Setbacks

Description:

Increases shoreline setback requirements.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

