

STAND. COM. REP. NO. 3485

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1436
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Water and Land and Government Operations,
to which was referred H.B. No. 1436, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DEVELOPMENT RIGHTS,"

beg leave to report as follows:

The purpose and intent of this measure is to expand the
authority of the counties to transfer development rights to
address areas at risk of sea level rise, coastal erosion, storm
surge, or flooding.

Your Committees received testimony in support of this measure
from the Office of Planning and Sustainable Development; one
member from the Maui County Council; City and County of Honolulu
Department of Planning and Permitting; City and County of Honolulu
Office of Climate Change, Sustainability, and Resiliency.

Your Committees find that all governmental entities must
proactively plan, coordinate, and act to adapt to climate change
and sea level rise to ensure the State's sustainable and resilient
future. Your Committees note that an existing mechanism to
transfer development rights currently assists the City and County
of Honolulu Department of Planning and Permitting with the
preservation of historic properties. Accordingly, expanding the
authority of the counties to regulate the transfer of development
rights could help the counties better manage vulnerable coastal,



low-lying, and other areas that are at-risk from the effects of sea level rise, coastal erosion, storm surge, or flooding.

According to testimony received from the City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency, this measure would not only provide an economically feasible option for property owners to mitigate risk and relocate from existing and increasingly hazardous location, but will also facilitate growth in areas that are more appropriate for development.

Your Committees have amended this measure by:

(1) Clarifying:

- (A) That a purpose of the comprehensive planning program is to protect from development lands that are vulnerable to impacts and hazards associated with sea level rise, coastal erosion, storm surge, or flooding; and
- (B) Language related to the transfer of development rights from lands vulnerable or adversely affected by sea level rise, coastal erosion, storm surge, or flooding;

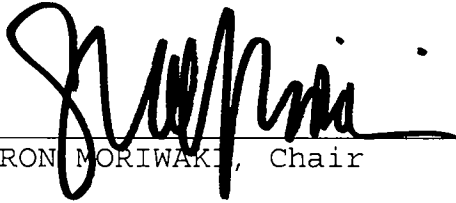
(2) Inserting an effective date of July 1, 2022; and

(3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1436, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1436, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Government Operations,



SHARON MORIWAKI, Chair



LORRAINE R. INOUE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* HB1436, HD1	Committee Referral: WTL/GVO, WAM	Date: 3/22/22
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt				✓
TOTAL	3			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Bennette E. Misalucha

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***Only one measure per Record of Votes**

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* HB1436, HD1	Committee Referral: WTL/GVO, WAM	Date: 03/22/22
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHANG, Stanley	/			
GABBARD, Mike	/			
FEVELLA, Kurt				/
TOTAL	4			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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