

**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <https://planning.hawaii.gov/>

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning and Sustainable Development  
before the  
**HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE**  
Friday, February 25, 2022  
1:00 PM  
State Capitol, Conference Room 329  
Via Videoconference

in consideration of  
**HB 1436, HD1**  
**RELATING TO DEVELOPMENT RIGHTS.**

Chair Johanson, Vice Chair Kitagawa, and Members of the House Committee on Consumer Protection and Commerce.

The Office of Planning and Sustainable Development (OPSD) **supports** HB 1436, HD1. This measure would authorize the counties to employ transfer of development rights (TDR)—a voluntary tool—to protect lands at risk from sea level rise, coastal erosion, storm surge, or flooding, and direct development away from lands subject to natural hazards associated with sea level rise and storm events.

OPSD appreciates the amendments made in HD1, which strengthen the purpose of the expanded use of TDR. However, we offer and recommend the following amendments to maintain the bill’s original focus on lands impacted by sea level rise, coastal erosion, storm surge, or flooding:

1. Page 2, lines 9-12, amend to read as follows:  
“(3) Protect from development lands that are vulnerable to impacts and hazards associated with sea level rise, coastal erosion, storm surge, or flooding.”
2. Page 2, line 21 to page 3, line 5, amend to read as follows:  
“...development. The legislature further finds that the transfer of development rights from lands vulnerable to or adversely affected by sea level rise, coastal erosion, storm surge, or flooding to areas that are not at risk from these hazards would reduce property losses and result in long-term economic and fiscal benefits to communities and government. The legislature further...”

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  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



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

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

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

February 24, 2022

TO: Honorable Aaron Ling Johanson, Chair  
House Committee on Consumer Protection and Commerce

FROM: Alice L. Lee  
Council Chair

DATE: February 24, 2022

SUBJECT: **SUPPORT FOR HB 1436, HD1, RELATING TO DEVELOPMENT RIGHTS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to give counties authority to use the transfer of development rights to protect lands at risk from sea-level rise, coastal erosion, storm surge, or flooding.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I SUPPORT this measure for the following reasons:

1. Rising sea levels continue to pose a threat throughout the State, eroding beaches and damaging habitat, ecological processes, and public property.
2. This measure authorizes counties to use the transfer of development rights to help protect areas at risk of sea-level rise, coastal erosion, storm surge, or flooding, allowing the counties to direct development away from at-risk coastal areas.
3. The authority granted by this measure would help the County of Maui fulfill the General Plan's directive to "restrict development in areas that are prone to natural hazards, disasters, or sea-level rise."

For the foregoing reasons, I **SUPPORT** this measure.

**HB-1436-HD-1**

Submitted on: 2/23/2022 5:20:50 PM

Testimony for CPC on 2/25/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

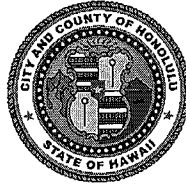
More Bull Shit the people are going to have to pay for!!

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.dpp.org](http://www.honolulu.dpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

RICK BLANGIARDI  
MAYOR



DEAN UCHIDA  
DIRECTOR  
DAWN TAKEUCHI APUNA  
DEPUTY DIRECTOR  
EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

February 25, 2022

**LATE**

The Honorable Aaron Ling Johanson, Chair  
and Members of the Committee on Consumer  
Protection and Commerce  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Johanson and Committee Members:

**Subject: House Bill No. 1436, HD 1  
Relating to Development Rights**

The Department of Planning and Permitting (DPP) supports House Bill No. 1436, HD 1, which expands the authority of the counties to transfer development rights to address areas at risk of sea level rise, coastal erosion, storm surge or flooding.

The City and County of Honolulu believes that this Bill would strengthen our ability to protect lands that are vulnerable to impacts and hazards caused by climate change. We are eager to expand our existing transfer of development rights (TDR) option in our zoning code to include a more proactive approach to the impacts of climate change.

Our existing TDR mechanism assists with the preservation of historic properties, but we believe the zoning code could do more to help people and property stay out of harm's way. The addition of explicit language pertaining to the use of TDR in response to climate change will strengthen our statutory authority to regulate land uses.

For the reasons stated above, we ask that House Bill No. 1436, HD 1, be passed out of your Committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida  
Director

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11<sup>th</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-2277 • EMAIL: [resilientoahu@honolulu.gov](mailto:resilientoahu@honolulu.gov) • INTERNET: [www.resilientoahu.org](http://www.resilientoahu.org)



RICK BLANGIARDI  
MAYOR

MATTHEW GONSER, AICP, CFM  
EXECUTIVE DIRECTOR &  
CHIEF RESILIENCE OFFICER

FRIDAY, FEBRUARY 25, 2022, 1:00 P.M.

STATE OF HAWAII  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TESTIMONY ON HOUSE BILL 1436, HD1  
RELATING TO DEVELOPMENT RIGHTS

**LATE**

BY,

MATTHEW GONSER  
EXECUTIVE DIRECTOR AND CHIEF RESILIENCE OFFICER  
OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

Dear Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The City and County of Honolulu (“City”) Office of Climate Change, Sustainability and Resiliency (CCSR) **supports HB1436, HD1**, which expands the authority of the counties to transfer development rights (TDR) to address areas at risk of sea level rise, coastal erosion, storm surge, or flooding.

Sea level rise (SLR) alone is a serious climate change hazard that may profoundly affect our economy, environment, and communities. The State Sea Level Rise Vulnerability and Adaptation Report (2018) notes that within the 3.2-foot sea level rise exposure area (SLR-XA), structural and land loss on O’ahu alone could amount to \$12.9 billion, flood 3,800 structures, displace 13,300 residents, and wash out 17.7 miles of major roads. Of the 9,400 acres of land on O’ahu within the 3.2-ft SLR-XA, over half is designated for urban land uses, making O’ahu the most vulnerable of the islands.

CCSR supports a suite of adaptation strategies that includes regulatory tools, market-based tools, planning tools, and spending tools. Like mandatory seller-disclosure of property within the SLR-XA as passed by the Legislature in 2021 and effective May 1, 2022, TDR is a market-based tool, and one that helps accomplish multiple goals at once. First, it provides an economically feasible option for property owners to mitigate risk and relocate from existing and increasingly hazardous locations, such as along the shoreline. Second, it supports City and state goals of facilitating growth and in-fill development in targeted areas such as near transit.

Chair Johanson and Vice Chair Kitagawa  
HB1436, HD1  
Friday, February 25  
Page 2

Thank you for the opportunity to testify in support of HB1436, HD1.