



GOV. MSG. NO. 1324

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 5, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2023, the following bill was signed into law:

SB1417 SD1 HD1 CD1

RELATING TO CLIMATE CHANGE.
ACT 221

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 5 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 1417
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

1 SECTION 1. The legislature finds that climate change and
2 sea level rise pose significant, dangerous, and imminent threats
3 to the State's social and economic well-being, public safety,
4 nature and environment, cultural resources, property,
5 infrastructure, and government functions and will likely have a
6 disproportionate impact on low-income and otherwise vulnerable
7 communities. A 2017 report by the National Oceanic and
8 Atmospheric Administration projected that 3.2 feet of global
9 mean sea level rise will occur by 2100 in an intermediate
10 scenario and could occur as early as the 2060s in an extreme
11 scenario.

12 The climate change adaptation priority guidelines of the
13 Hawaii State Planning Act, codified under chapter 226, Hawaii
14 Revised Statutes, direct the State to prepare for the impacts of
15 climate change. Additionally, section 226-109(8), Hawaii
16 Revised Statutes, fosters cross-jurisdictional collaboration
17 between county, state, and federal agencies and partnerships
18 between government and private entities and other



1 nongovernmental entities, including nonprofit entities, to
2 address climate change. Also, section 225M-9, Hawaii Revised
3 Statutes, requires the office of planning and sustainable
4 development to work with state agencies to identify existing and
5 planned facilities, including critical infrastructure, that are
6 vulnerable to sea level rise, flooding impacts, and natural
7 hazards, utilizing projections and map data from the most recent
8 update of the Hawaii sea level rise vulnerability and adaptation
9 report, the state hazard mitigation plan, and other pertinent
10 data and scientific reports to aid in this planning.

11 The legislature recognizes that the Hawaii community
12 development authority plans, coordinates, and implements new
13 infrastructure and development projects in the Kaka'ako and
14 Kalaeloa community development districts on Oahu. Additionally,
15 the Kaka'ako community development district will be threatened by
16 the effects of climate change, including sea level rise, king
17 tides, and heavy rainfall, and the lack of drainage
18 infrastructure in the Kalaeloa community development district
19 makes it vulnerable to heavy rainfall and other effects of
20 climate change. As such, the legislature further finds that it
21 is in the State's long-term interest and would serve the highest



1 needs and aspirations of Hawaii's people to ensure that
2 development in the Kaka'ako and Kalaeloa community development
3 districts accounts and plans for the impacts of climate change.

4 Furthermore, it is in the long-term interest of the State
5 to also consider climate resiliency in the development of these
6 communities, which considers strategies to reduce the
7 vulnerability from climate-related shocks, such as hurricanes
8 and drought, and improves the ability to recover from these
9 disasters.

10 The purpose of this Act is to require the Hawaii community
11 development authority to consider the impacts of climate change,
12 sea level rise, and climate-resilient development in the design
13 and siting of buildings in the Kaka'ako and Kalaeloa community
14 development districts.

15 SECTION 2. Section 206E-33, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§206E-33 Kakaako community development district;
18 development guidance policies. The following shall be the
19 development guidance policies generally governing the
20 authority's action in the Kakaako community development
21 district:



1 (1) Development shall result in a community which permits
2 an appropriate land mixture of residential,
3 commercial, industrial, and other uses. In view of
4 the innovative nature of the mixed use approach, urban
5 design policies should be established to provide
6 guidelines for the public and private sectors in the
7 proper development of this district; while the
8 authority's development responsibilities apply only to
9 the area within the district, the authority may engage
10 in any studies or coordinative activities permitted in
11 this chapter which affect areas lying outside the
12 district, where the authority in its discretion
13 decides that those activities are necessary to
14 implement the intent of this chapter. The studies or
15 coordinative activities shall be limited to facility
16 systems, resident and industrial relocation, and other
17 activities with the counties and appropriate state
18 agencies. The authority may engage in construction
19 activities outside of the district; provided that such
20 construction relates to infrastructure development or
21 residential or business relocation activities;



1 provided further, notwithstanding section 206E-7, that
2 such construction shall comply with the general plan,
3 development plan, ordinances, and rules of the county
4 in which the district is located;

5 (2) Existing and future industrial uses shall be permitted
6 and encouraged in appropriate locations within the
7 district. No plan or implementation strategy shall
8 prevent continued activity or redevelopment of
9 industrial and commercial uses which meet reasonable
10 performance standards;

11 (3) Activities shall be located so as to provide primary
12 reliance on public transportation and pedestrian
13 facilities for internal circulation within the
14 district or designated subareas;

15 (4) Major view planes, view corridors, and other
16 environmental elements such as natural light and
17 prevailing winds, shall be preserved through necessary
18 regulation and design review; provided that no portion
19 of any building or structure in the Kakaako Mauka area
20 shall exceed four hundred eighteen feet in height;



- 1 (5) Redevelopment of the district shall be compatible with
2 plans and special districts established for the Hawaii
3 Capital District, and other areas surrounding the
4 Kakaako district;
- 5 (6) Historic sites and culturally significant facilities,
6 settings, or locations shall be preserved;
- 7 (7) Land use activities within the district, where
8 compatible, shall to the greatest possible extent be
9 mixed horizontally, that is, within blocks or other
10 land areas, and vertically, as integral units of
11 multi-purpose structures;
- 12 (8) Residential development may require a mixture of
13 densities, building types, and configurations in
14 accordance with appropriate urban design guidelines;
15 integration both vertically and horizontally of
16 residents of varying incomes, ages, and family groups;
17 and an increased supply of housing for residents of
18 low- or moderate-income may be required as a condition
19 of redevelopment in residential use. Residential
20 development shall provide necessary community
21 facilities, such as open space, parks, community



1 meeting places, child care centers, and other
2 services, within and adjacent to residential
3 development; [~~and~~]

4 (9) Public facilities within the district shall be
5 planned, located, and developed so as to support the
6 redevelopment policies for the district established by
7 this chapter and plans and rules adopted pursuant to
8 it [~~-~~]; and

9 (10) Development shall consider the impacts of climate
10 change, sea level rise, and climate-resilient
11 development in the design and siting of buildings."

12 SECTION 3. Section 206E-194, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[~~f~~]**\$206E-194[~~t~~]** Kalaeloa community development district;
15 **development guidance policies.** The following development
16 guidance policies shall generally govern the authority's actions
17 in the Kalaeloa community development district:

18 (1) Development shall be in accordance with the community
19 reuse plan, except as it conflicts with the Hawaii
20 State Constitution and the Hawaii Revised Statutes, as
21 they relate to the department of Hawaiian home lands;



- 1 (2) With the approval of the governor and concurrence of
2 the Navy, and in accordance with state law governing
3 lands owned by the department of Hawaiian home lands,
4 the authority, upon the concurrence of a majority of
5 its voting members, may modify and make changes to the
6 reuse plan to respond to changing conditions; provided
7 that prior to amending the reuse plan the authority
8 shall conduct a public hearing to inform the public of
9 the proposed changes and receive public input;
- 10 (3) Development shall seek to promote economic development
11 and employment opportunities by fostering diverse land
12 uses and encouraging private sector investments that
13 utilize the opportunities presented by the receipt of
14 property from the base closure consistent with the
15 needs of the public;
- 16 (4) The authority may engage in planning, design, and
17 construction activities within and outside of the
18 district; provided that activities outside of the
19 district shall relate to infrastructure development,
20 area-wide drainage improvements, roadways realignments
21 and improvements, business and industrial relocation,



1 and other activities the authority deems necessary to
2 carry out redevelopment of the district and implement
3 this chapter. Studies or coordinating activities may
4 be undertaken by the authority in conjunction with the
5 county and appropriate state agencies and may address
6 facility systems, industrial relocation, and other
7 activities;

8 (5) Planning, replanning, rehabilitation, development,
9 redevelopment, and other preparation for reuse of
10 Barbers Point Naval Air Station under this chapter are
11 public uses and purposes for which public money may be
12 spent and private property acquired;

13 (6) Hawaiian archaeological, historic, and cultural sites
14 shall be preserved and protected. Endangered species
15 of flora and fauna and significant military facilities
16 shall be preserved to the extent feasible;

17 (7) Land use and redevelopment activities within the
18 district shall be coordinated with and to the extent
19 possible complement existing county and state
20 policies, plans, and programs affecting the district;

21 [and]



- 1 (8) Public facilities within the district shall be
2 planned, located, and developed to support the
3 redevelopment policies established by this chapter for
4 the district, the reuse plan approved by the governor,
5 and rules adopted pursuant to this chapter[+]; and
6 (9) Development shall consider the impacts of climate
7 change, sea level rise, and climate-resilient
8 development in the design and siting of buildings."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 5th day of July, 2023



GOVERNOR OF THE STATE OF HAWAII

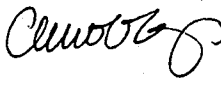


THE SENATE OF THE STATE OF HAWAI‘I

Date: May 4, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 1417, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives