



GOV. MSG. NO. 1374

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 6, 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 6, 2023, the following bill was signed into law:

HB1091 HD2 SD2 CD1

RELATING TO REAL PROPERTY
DISCLOSURES WITHIN SHORELINE
AREAS.
ACT 231

Sincerely,

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

on JUL 6 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 1091
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO REAL PROPERTY DISCLOSURES WITHIN SHORELINE AREAS.

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

1 SECTION 1. As reflected in Act 32, Session Laws of Hawaii
2 2017 (Act 32), the legislature recognizes that not only is
3 climate change real, but it is also the overriding challenge of
4 the twenty-first century and one of the priority issues of the
5 legislature. Climate change poses immediate and long-term
6 threats to the State's economy, sustainability, security, and
7 residents' way of life.

8 The legislature recognized the existential threat of sea
9 level rise to real property and amended section 508D-15, Hawaii
10 Revised Statutes, to require mandatory seller disclosures in
11 real property transactions to indicate that a parcel of
12 residential real property lies within the sea level rise
13 exposure area. Research published by the Intergovernmental
14 Panel on Climate Change and the National Aeronautics and Space
15 Administration shows that sea levels in Hawaii will continue to
16 rise, but sea level rise has no detectable effect on valuations
17 or sales data on real property. The lack of a sea level rise



1 discount indicates that purchasers may be underprepared for the
2 future challenges and implications of sea level rise and the
3 ancillary effects of coastal erosion, future flooding,
4 inundation, and storm surges.

5 The purpose of this Act is to further strengthen purchaser
6 protections by requiring the disclosure of all permitted and
7 unpermitted erosion control structures on the parcel in real
8 estate transactions when residential real property lies adjacent
9 to the shoreline.

10 SECTION 2. Section 508D-15, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§508D-15 Notification required; ambiguity.** (a) When
13 residential real property lies[+] within:

14 (1) [~~Within the~~] The boundaries of a special flood hazard
15 area as officially designated on flood maps
16 promulgated by the National Flood Insurance Program of
17 the Federal Emergency Management Agency for the
18 purposes of determining eligibility for emergency
19 flood insurance programs;

20 (2) [~~Within the~~] The boundaries of the noise exposure area
21 shown on maps prepared by the department of



1 transportation in accordance with Federal Aviation
2 Regulation part 150, Airport Noise Compatibility
3 Planning (14 C.F.R. part 150), for any public airport;

4 (3) [~~Within the~~] The boundaries of the Air Installation
5 Compatible Use Zone of any Air Force, Army, Navy, or
6 Marine Corps airport as officially designated by
7 military authorities;

8 (4) [~~Within the~~] The anticipated inundation areas
9 designated on the department of defense's emergency
10 management tsunami inundation maps; or

11 (5) [~~Within the~~] The sea level rise exposure area as
12 designated by the Hawaii climate change mitigation and
13 adaptation commission or its successor,

14 subject to the availability of maps that designate the five
15 areas by tax map key (zone, section, parcel), the seller shall
16 include the material fact information in the disclosure
17 statement provided to the buyer subject to this chapter. Each
18 county shall provide, where available, maps of its jurisdiction
19 detailing the five designated areas specified in this
20 subsection. The maps shall identify the properties situated
21 within the five designated areas by tax map key number (zone,



1 section, parcel) and shall be of a size sufficient to provide
2 information necessary to serve the purposes of this section.
3 Each county shall provide legible copies of the maps and may
4 charge a reasonable copying fee.

5 (b) When residential real property lies adjacent to the
6 shoreline, the seller shall disclose all permitted and
7 unpermitted erosion control structures on the parcel, expiration
8 dates of any permitted structures, any notices of alleged
9 violation associated with the parcel, and any fines for expired
10 permits or unpermitted structures associated with the parcel.

11 ~~[-(b)-]~~ (c) When it is questionable whether residential real
12 property lies within any of the designated areas referred to in
13 subsection (a) due to the inherent ambiguity of boundary lines
14 drawn on maps of large scale, the ambiguity shall be construed
15 in favor of the seller; provided that a good faith effort has
16 been made to determine the applicability of subsection (a) to
17 the subject real property.

18 ~~[-(c)-]~~ (d) Except as required under subsections (a) ~~[and]~~,
19 (b), and (c) and ~~[as required under]~~ section 508D-3.5, the
20 seller shall have no duty to examine any public record when
21 preparing a disclosure statement."

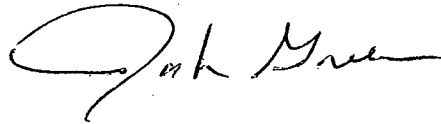


1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 5. This Act shall take effect on November 1, 2023.

APPROVED this 6th day of July , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 1091, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 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

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 2, 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