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# 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. The legislature finds that climate change poses  
6 immediate and long-term threats to the State's economy,  
7 sustainability, security, and its residents' way of life.

8           Through Act 179, Session Laws of Hawaii 2021, the  
9 legislature recognized the existential threat of sea level rise  
10 to real property and amended section 508D-15, Hawaii Revised  
11 Statutes, to require mandatory seller disclosures in real  
12 property transactions to indicate that a residential real  
13 property lies within the sea level rise exposure area. The  
14 legislature further finds that research published by the  
15 Intergovernmental Panel on Climate Change and the National  
16 Aeronautics and Space Administration shows that sea levels in  
17 Hawaii will continue to rise yet sea level rise has no



1 detectable effect on valuations or sales data on real property.  
 2 The lack of a sea level rise discount indicates that purchasers  
 3 may be underprepared for the future challenges and implications  
 4 of sea level rise and the ancillary effects of coastal erosion,  
 5 future flooding, inundation, and storm surges.

6 The purpose of this Act is to further strengthen purchaser  
 7 protection by clearly outlining the impacts of climate change by  
 8 requiring disclosures for real estate transactions involving  
 9 oceanfront property of:

- 10 (1) All permitted and unpermitted erosion control  
 11 structures on the parcel or on state land adjacent to  
 12 the parcel; and
- 13 (2) The annual coastal erosion rates for the zoning lot.

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

16 "**§508D-15 Notification required; ambiguity.** (a) When  
 17 residential real property lies:

- 18 (1) Within the boundaries of a special flood hazard area  
 19 as officially designated on flood maps promulgated by  
 20 the National Flood Insurance Program of the Federal  
 21 Emergency Management Agency for the purposes of



1 determining eligibility for emergency flood insurance  
2 programs;

3 (2) Within the boundaries of the noise exposure area shown  
4 on maps prepared by the department of transportation  
5 in accordance with Federal Aviation Regulation part  
6 150, Airport Noise Compatibility Planning (14 C.F.R.  
7 part 150), for any public airport;

8 (3) Within the boundaries of the Air Installation  
9 Compatible Use Zone of any Air Force, Army, Navy, or  
10 Marine Corps airport as officially designated by  
11 military authorities;

12 (4) Within the anticipated inundation areas designated on  
13 the department of defense's emergency management  
14 tsunami inundation maps; or

15 (5) Within the sea level rise exposure area as designated  
16 by the Hawaii climate change mitigation and adaptation  
17 commission or its successor,

18 subject to the availability of maps that designate the five  
19 areas by tax map key (zone, section, parcel), the seller shall  
20 include the material fact information in the disclosure  
21 statement provided to the buyer subject to this chapter. Each



1 county shall provide, where available, maps of its jurisdiction  
2 detailing the five designated areas specified in this  
3 subsection. The maps shall identify the properties situated  
4 within the five designated areas by tax map key number (zone,  
5 section, parcel) and shall be of a size sufficient to provide  
6 information necessary to serve the purposes of this section.  
7 Each county shall provide legible copies of the maps and may  
8 charge a reasonable copying fee.

9 (b) When residential real property lies adjacent to the  
10 shoreline, the seller shall disclose all permitted and  
11 unpermitted erosion control structures on the parcel or on state  
12 land adjacent to the parcel, including expiration dates of  
13 permitted structures and any notices of alleged violations and  
14 finances for expired permits or unpermitted structures. The seller  
15 shall disclose the annual coastal erosion rates for the zoning  
16 lot as determined by historical analysis and shown on the  
17 official county databases for historical erosion rates.

18 ~~(b)~~ (c) When it is questionable whether residential real  
19 property lies within any of the designated areas referred to in  
20 subsection (a) due to the inherent ambiguity of boundary lines  
21 drawn on maps of large scale, the ambiguity shall be construed



1 in favor of the seller; provided that a good faith effort has  
2 been made to determine the applicability of subsection (a) to  
3 the subject real property.

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

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

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

13 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Residential Real Property Transactions; Mandatory Seller  
Disclosures; Sea Level Rise Exposure Area

**Description:**

Requires mandatory disclosure of all existing permitted and unpermitted shoreline erosion control structures and the annual coastal erosion rates for shoreline properties in real estate transactions. Effective 7/1/2050. (SD1)

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

