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# A BILL FOR AN ACT

RELATING TO DISASTER RECOVERY.

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

1       SECTION 1. The legislature finds that special controls on  
2 developments within an area along the shoreline are necessary to  
3 avoid permanent losses of valuable resources and the foreclosure  
4 of management options, and to ensure adequate access, by  
5 dedication or other means, to public owned or used beaches,  
6 recreation areas, and natural reserves. The legislature further  
7 finds that it is state policy to preserve, protect, and where  
8 possible, restore the natural resources of the coastal zones of  
9 the State. The legislature further finds that the 2023 Maui  
10 wildfires devastated Lahaina's heritage, economy, and sense of  
11 place, and has deeply affected housing, businesses, jobs, and  
12 treasured resources. If the area is not rebuilt in a  
13 deliberate, coordinated, and expeditious manner, the area may  
14 languish in the long term, further affecting the well-being of  
15 the land, the people, and the economy. However, there is an  
16 opportunity to rebuild Lahaina and the other parts of Maui that  
17 the wildfires destroyed, as recognized in the Presidential



1 Disaster Declaration, by preserving and reintroducing its valued  
2 resources in a manner that reflects the values and priorities of  
3 its residents and businesses, and addressing future challenges,  
4 including climate change and affordable housing.

5 Accordingly, the purpose of this Act is to facilitate  
6 recovery efforts on Maui and other disaster-affected areas by  
7 exempting the reconstruction of any lawfully constructed  
8 structure destroyed in a disaster proclaimed by the governor to  
9 constitute a state of emergency or a disaster declared pursuant  
10 to federal law from the requirements of a special management  
11 area minor permit or a special management area use permit under  
12 certain conditions.

13 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is  
14 amended by amending the definition of "development" to read as  
15 follows:

16 ""Development":

17 (1) Means any of the uses, activities, or operations on  
18 land or in or under water within a special management  
19 area that are included below:

20 (A) Placement or erection of any solid material or  
21 any gaseous, liquid, solid, or thermal waste;



- 1 (B) Grading, removing, dredging, mining, or  
2 extraction of any materials;
- 3 (C) Change in the density or intensity of use of  
4 land, including but not limited to the division  
5 or subdivision of land;
- 6 (D) Change in the intensity of use of water, ecology  
7 related thereto, or of access thereto; and
- 8 (E) Construction, reconstruction, or alteration of  
9 the size of any structure; and
- 10 (2) Does not include the following:
- 11 (A) Construction or reconstruction of a single-family  
12 residence that is less than seven thousand five  
13 hundred square feet of floor area; is not  
14 situated on a shoreline parcel or a parcel that  
15 is impacted by waves, storm surges, high tide, or  
16 shoreline erosion; and is not part of a larger  
17 development;
- 18 (B) Repair or maintenance of roads and highways  
19 within existing rights-of-way;
- 20 (C) Routine maintenance dredging of existing streams,  
21 channels, and drainage ways;



- 1 (D) Repair and maintenance of underground utility  
2 lines, including but not limited to water, sewer,  
3 power, and telephone and minor appurtenant  
4 structures [~~such as~~] including pad mounted  
5 transformers and sewer pump stations;
- 6 (E) Zoning variances, except for height, density,  
7 parking, and shoreline setback;
- 8 (F) Repair, maintenance, or interior alterations to  
9 existing structures;
- 10 (G) Demolition or removal of structures, except those  
11 structures located on any historic site as  
12 designated in national or state registers;
- 13 (H) Use of any land for the purpose of cultivating,  
14 planting, growing, and harvesting plants, crops,  
15 trees, and other agricultural, horticultural, or  
16 forestry products or animal husbandry, or  
17 aquaculture or mariculture of plants or animals,  
18 or other agricultural purposes, including all  
19 traditional fishpond and traditional agricultural  
20 practices;
- 21 (I) Transfer of title to land;



- 1           (J) Creation or termination of easements, covenants,  
2           or other rights in structures or land;
- 3           (K) Subdivision of land into lots greater than twenty  
4           acres in size;
- 5           (L) Subdivision of a parcel of land into four or  
6           fewer parcels when no associated construction  
7           activities are proposed; provided that any land  
8           that is so subdivided shall not thereafter  
9           qualify for this exception with respect to any  
10          subsequent subdivision of any of the resulting  
11          parcels;
- 12          (M) Installation of underground utility lines and  
13          appurtenant aboveground fixtures less than four  
14          feet in height along existing corridors;
- 15          (N) Structural and nonstructural improvements to  
16          existing single-family residences, where  
17          otherwise permissible;
- 18          (O) Nonstructural improvements to existing commercial  
19          or noncommercial structures;



- 1 (P) Construction, installation, maintenance, repair,  
2 and replacement of emergency management warning  
3 or signal devices and sirens;
- 4 (Q) Installation, maintenance, repair, and  
5 replacement of public pedestrian and bicycle  
6 facilities, including sidewalks, paths, bikeways,  
7 crosswalks, stairs, ramps, traffic control  
8 barriers, signs, signals, and associated  
9 improvements;
- 10 (R) Trash removal or invasive vegetation removal or  
11 control, including incidental ground disturbance,  
12 excluding the use of herbicides;
- 13 (S) Installation of fencing, including associated  
14 improvements and incidental structures, for  
15 invasive species control or preservation of  
16 native habitats on conservation land;
- 17 (T) Installation, maintenance, repair, and  
18 replacement of lighting, fixtures, and equipment  
19 to establish compliance with current standards at  
20 existing public facilities;



1 (U) Installation, maintenance, repair, and  
2 replacement of security measures, including  
3 fencing, to existing public facilities; ~~[and]~~

4 (V) Hawaiian traditional and customary practices,  
5 including work conducted by traditional means  
6 near, in, or related to loko i'a, traditional  
7 Hawaiian fishponds; and

8 (W) Reconstruction of any lawfully constructed  
9 structure that was damaged or destroyed in a  
10 disaster proclaimed by the governor to constitute  
11 a state of emergency pursuant to chapter 127A, or  
12 a disaster declared pursuant to federal law;  
13 provided that:

14 (i) The structure is not situated on a shoreline  
15 parcel or a parcel that is impacted by  
16 waves, storm surges, high tide, or shoreline  
17 erosion;

18 (ii) Reconstruction commences within six years  
19 from the date that the proclamation is  
20 issued; and



1           (iii) The reconstructed structure is similar to  
2           its original footprint or overall dimensions  
3           that were existing or permitted and in  
4           compliance with the requirements of  
5           floodplain management standards;

6           provided that whenever the authority finds that any  
7           excluded use, activity, or operation may have a  
8           cumulative impact, or a significant environmental or  
9           ecological effect on a special management area, that  
10          use, activity, or operation shall be defined as  
11          "development" for the purpose of this part."

12          SECTION 3. If any provision of this Act, or the  
13          application thereof to any person or circumstance, is held  
14          invalid, the invalidity does not affect other provisions or  
15          applications of the Act that can be given effect without the  
16          invalid provision or application, and to this end the provisions  
17          of this Act are severable.

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

20          SECTION 5. This Act shall take effect upon its approval  
21          and shall be repealed on July 1, 2028; provided that section





1 205A-22, Hawaii Revised Statutes, shall be reenacted in the form  
2 in which it read on the day before the effective date of this  
3 Act.



**Report Title:**

Reconstruction; Development; Special Management Areas; Disaster Recovery; Wildfire Recovery

**Description:**

Exempts reconstruction of any lawfully constructed structure that was damaged or destroyed in a disaster proclaimed by the Governor to constitute a state of emergency or a disaster declared pursuant to federal law from the requirements of a special management area minor permit or a special management area use permit under certain conditions. Sunsets 7/1/2028.  
(CD1)

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