
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 beaches, recreation areas,
6 and natural reserves. The legislature further finds that it is
7 state policy to preserve, protect, and where possible, restore
8 the natural resources of the coastal zones of the State. The
9 legislature further finds that the 2023 Maui wildfires
10 devastated Lahaina's heritage, economy, and sense of place, and
11 has deeply affected housing, businesses, jobs, and treasured
12 resources. If the area is not rebuilt in a deliberate,
13 coordinated, and expeditious manner, the area may languish in
14 the long term, further affecting the well-being of the land, the
15 people, and the economy. However, there is an opportunity to
16 rebuild Lahaina and the other parts of Maui that the wildfires
17 destroyed, as recognized in the Presidential Disaster



1 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 special management area
11 minor permits certain conditions.

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

15 ""Development":

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

19 (A) Placement or erection of any solid material or
20 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 pad mounted transformers and
5 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) Reconstruction commences within five years
15 from the date that the proclamation is
16 issued; and
- 17 (ii) The reconstructed structure is similar to
18 its original footprint or overall dimensions
19 that were existing or permitted and in
20 compliance with the requirements of
21 floodplain management standards;



1 provided that whenever the authority finds that any
2 excluded use, activity, or operation may have a
3 cumulative impact, or a significant environmental or
4 ecological effect on a special management area, that
5 use, activity, or operation shall be defined as
6 "development" for the purpose of this part."

7 SECTION 3. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

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 Statutory material to be repealed is bracketed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

15 SECTION 5. This Act shall take effect on July 1, 3000.



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 special management area permits under certain conditions. Effective 7/1/3000. (HD2)

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