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



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

6 Accordingly, the purpose of this Act is to facilitate  
7 recovery efforts on Maui and other disaster-affected areas by  
8 exempting the reconstruction of any lawfully constructed  
9 structure destroyed in a disaster caused by wildfire, hurricane,  
10 flooding, tsunami, or earthquake proclaimed by the Governor to  
11 constitute to a state of emergency from the requirements of a  
12 special management area minor permit or a special management  
13 area use permit under certain conditions.

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

17 ""Development":

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



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



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



1 traditional fishpond and traditional agricultural  
2 practices;

3 (I) Transfer of title to land;

4 (J) Creation or termination of easements, covenants,  
5 or other rights in structures or land;

6 (K) Subdivision of land into lots greater than twenty  
7 acres in size;

8 (L) Subdivision of a parcel of land into four or  
9 fewer parcels when no associated construction  
10 activities are proposed; provided that any land  
11 that is so subdivided shall not thereafter  
12 qualify for this exception with respect to any  
13 subsequent subdivision of any of the resulting  
14 parcels;

15 (M) Installation of underground utility lines and  
16 appurtenant aboveground fixtures less than four  
17 feet in height along existing corridors;

18 (N) Structural and nonstructural improvements to  
19 existing single-family residences, where  
20 otherwise permissible;



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



1 to establish compliance with current standards at  
2 existing public facilities;

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

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

10 (W) Reconstruction of any lawfully constructed  
11 structure that was damaged or destroyed in a  
12 disaster caused by wildfire, hurricane, flooding,  
13 tsunami, or earthquake proclaimed by the governor  
14 to constitute a state of emergency pursuant to  
15 chapter 127A; provided that:

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



1           (ii) Reconstruction commences within five years  
2           from the date that the proclamation is  
3           issued; and

4           (iii) The reconstructed structure shall be similar  
5           to its original footprint or overall  
6           dimensions that were existing or permitted  
7           and in compliance with the requirements of  
8           floodplain management standards;

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

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





- 1       SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.
- 3       SECTION 5. This Act shall take effect on July 1, 2025.



**Report Title:**

Reconstruction; Special Management Areas; Disaster Recovery;  
Wildfire Recovery

**Description:**

Exempts reconstructions of any lawfully constructed structure that was damaged or destroyed in a disaster proclaimed by the Governor to constitute a state of emergency from the requirements of a special management area minor permit or a special management area use permit under certain conditions.  
(SD2)

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