

ACT 221

S.B. NO. 1417

A Bill for an Act Relating to Climate Change.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that climate change and sea level rise pose significant, dangerous, and imminent threats to the State's social and economic well-being, public safety, nature and environment, cultural resources, property, infrastructure, and government functions and will likely have a disproportionate impact on low-income and otherwise vulnerable communities. A 2017 report by the National Oceanic and Atmospheric Administration projected that 3.2 feet of global mean sea level rise will occur by 2100 in an intermediate scenario and could occur as early as the 2060s in an extreme scenario.

The climate change adaptation priority guidelines of the Hawaii State Planning Act, codified under chapter 226, Hawaii Revised Statutes, direct the State to prepare for the impacts of climate change. Additionally, section 226-109(8), Hawaii Revised Statutes, fosters cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other nongovernmental entities, including nonprofit entities, to address climate change. Also, section 225M-9, Hawaii Revised Statutes, requires the office of planning and sustainable development to work with state agencies to identify existing and planned facilities, including critical infrastructure, that are vulnerable to sea level rise, flooding impacts, and natural hazards, utilizing projections and map data from the most recent update of the Hawaii sea level rise vulnerability and adaptation report, the state hazard mitigation plan, and other pertinent data and scientific reports to aid in this planning.

The legislature recognizes that the Hawaii community development authority plans, coordinates, and implements new infrastructure and development projects in the Kaka'ako and Kalaeloa community development districts on Oahu. Additionally, the Kaka'ako community development district will be threatened by the effects of climate change, including sea level rise, king tides, and heavy rainfall, and the lack of drainage infrastructure in the Kalaeloa community development district makes it vulnerable to heavy rainfall and other effects of climate change. As such, the legislature further finds that it is in the State's long-term interest and would serve the highest needs and aspirations of Hawaii's people to ensure that development in the Kaka'ako and Kalaeloa community development districts accounts and plans for the impacts of climate change.

Furthermore, it is in the long-term interest of the State to also consider climate resiliency in the development of these communities, which considers strategies to reduce the vulnerability from climate-related shocks, such as hurricanes and drought, and improves the ability to recover from these disasters.

The purpose of this Act is to require the Hawaii community development authority to consider the impacts of climate change, sea level rise, and climate-

resilient development in the design and siting of buildings in the Kaka‘ako and Kalaeloa community development districts.

SECTION 2. Section 206E-33, Hawaii Revised Statutes, is amended to read as follows:

“§206E-33 Kakaako community development district; development guidance policies. The following shall be the development guidance policies generally governing the authority’s action in the Kakaako community development district:

- (1) Development shall result in a community which permits an appropriate land mixture of residential, commercial, industrial, and other uses. In view of the innovative nature of the mixed use approach, urban design policies should be established to provide guidelines for the public and private sectors in the proper development of this district; while the authority’s development responsibilities apply only to the area within the district, the authority may engage in any studies or coordinative activities permitted in this chapter which affect areas lying outside the district, where the authority in its discretion decides that those activities are necessary to implement the intent of this chapter. The studies or coordinative activities shall be limited to facility systems, resident and industrial relocation, and other activities with the counties and appropriate state agencies. The authority may engage in construction activities outside of the district; provided that such construction relates to infrastructure development or residential or business relocation activities; provided further, notwithstanding section 206E-7, that such construction shall comply with the general plan, development plan, ordinances, and rules of the county in which the district is located;
- (2) Existing and future industrial uses shall be permitted and encouraged in appropriate locations within the district. No plan or implementation strategy shall prevent continued activity or redevelopment of industrial and commercial uses which meet reasonable performance standards;
- (3) Activities shall be located so as to provide primary reliance on public transportation and pedestrian facilities for internal circulation within the district or designated subareas;
- (4) Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved through necessary regulation and design review; provided that no portion of any building or structure in the Kakaako Mauka area shall exceed four hundred eighteen feet in height;
- (5) Redevelopment of the district shall be compatible with plans and special districts established for the Hawaii Capital District, and other areas surrounding the Kakaako district;
- (6) Historic sites and culturally significant facilities, settings, or locations shall be preserved;
- (7) Land use activities within the district, where compatible, shall to the greatest possible extent be mixed horizontally, that is, within blocks or other land areas, and vertically, as integral units of multi-purpose structures;
- (8) Residential development may require a mixture of densities, building types, and configurations in accordance with appropriate urban design guidelines; integration both vertically and horizontally of residents of varying incomes, ages, and family groups; and an

increased supply of housing for residents of low- or moderate-income may be required as a condition of redevelopment in residential use. Residential development shall provide necessary community facilities, such as open space, parks, community meeting places, child care centers, and other services, within and adjacent to residential development; ~~and~~

- (9) Public facilities within the district shall be planned, located, and developed so as to support the redevelopment policies for the district established by this chapter and plans and rules adopted pursuant to it[-]; ~~and~~
- (10) Development shall consider the impacts of climate change, sea level rise, and climate-resilient development in the design and siting of buildings.”

SECTION 3. Section 206E-194, Hawaii Revised Statutes, is amended to read as follows:

“[H]§206E-194[] Kalaeloa community development district; development guidance policies. The following development guidance policies shall generally govern the authority’s actions in the Kalaeloa community development district:

- (1) Development shall be in accordance with the community reuse plan, except as it conflicts with the Hawaii State Constitution and the Hawaii Revised Statutes, as they relate to the department of Hawaiian home lands;
- (2) With the approval of the governor and concurrence of the Navy, and in accordance with state law governing lands owned by the department of Hawaiian home lands, the authority, upon the concurrence of a majority of its voting members, may modify and make changes to the reuse plan to respond to changing conditions; provided that prior to amending the reuse plan the authority shall conduct a public hearing to inform the public of the proposed changes and receive public input;
- (3) Development shall seek to promote economic development and employment opportunities by fostering diverse land uses and encouraging private sector investments that utilize the opportunities presented by the receipt of property from the base closure consistent with the needs of the public;
- (4) The authority may engage in planning, design, and construction activities within and outside of the district; provided that activities outside of the district shall relate to infrastructure development, area-wide drainage improvements, roadways realignments and improvements, business and industrial relocation, and other activities the authority deems necessary to carry out redevelopment of the district and implement this chapter. Studies or coordinating activities may be undertaken by the authority in conjunction with the county and appropriate state agencies and may address facility systems, industrial relocation, and other activities;
- (5) Planning, replanning, rehabilitation, development, redevelopment, and other preparation for reuse of Barbers Point Naval Air Station under this chapter are public uses and purposes for which public money may be spent and private property acquired;
- (6) Hawaiian archaeological, historic, and cultural sites shall be preserved and protected. Endangered species of flora and fauna and significant military facilities shall be preserved to the extent feasible;

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- (7) Land use and redevelopment activities within the district shall be coordinated with and to the extent possible complement existing county and state policies, plans, and programs affecting the district; ~~[and]~~
- (8) Public facilities within the district shall be planned, located, and developed to support the redevelopment policies established by this chapter for the district, the reuse plan approved by the governor, and rules adopted pursuant to this chapter~~[-]; and~~
- (9) Development shall consider the impacts of climate change, sea level rise, and climate-resilient development in the design and siting of buildings.”

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

SECTION 5. This Act shall take effect upon its approval.

(Approved July 5, 2023.)