



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Judiciary & Hawaiian Affairs
Thursday, February 23, 2023 at 2:00 p.m.

By

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And

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And

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HB 1091 HD1 – RELATING TO REAL PROPERTY DISCLOSURES WITHIN SHORELINE AREAS

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and the Climate Resilience Collaborative (CRC) **support House Bill 1091 HD1** and request that your Committee consider our proposed amendments.

This measure requires disclosure of all existing permitted and unpermitted shoreline erosion control structures on parcels of land adjacent to the shoreline prior to real estate transactions.

The House Committee on Water and Land (WAL) amended this measure to delete the requirement of disclosure of the erosion rate for the property and the current actual setback from the shoreline of all structures on the property. WAL made this amendment because historical shoreline erosion data is not currently available for Hawai'i Island nor Moloka'i. However, historical erosion rates are available from the Counties of Kaua'i, Honolulu, and Maui and are already applied in planning and permitting. Instead of removing the requirement altogether, Hawai'i Sea Grant and CRC recommend this committee insert a caveat into the former requirement that clarifies that it is only applicable where erosion data is available.

In particular, HRS §508-15(b) could read “When residential real property lies within the shoreline area as identified by official tax maps, the seller shall disclose all permitted and unpermitted erosion control structures on the parcel or on state land adjacent to the parcel, including expiration dates of permitted structures and any notices of alleged

violation and fines for expired permits or unpermitted structures; and, where available, shall disclose the annual coastal erosion rate for the zoning lot as determined by historical analysis.”

For these rates, Hawai'i Sea Grant and CRC recommend referencing official county databases for historical shoreline erosion rates rather than the CRC Hawai'i Shoreline Study Map.

Hawai'i Sea Grant's mission is to provide integrated research, extension, and education activities that increase understanding and use of ocean and coastal resources of the Hawaiian and Pacific Islands and support the informed personal, policy, and management decisions that are integral to realizing this vision. Hawai'i Sea Grant is part of a national network of 34 university-based programs associated with the National Oceanic and Atmospheric Administration (NOAA) that promote better understanding, conservation, and use of coastal resources.

CRC is a multi-investigator research project at the University of Hawai'i at Mānoa focused on sea level rise adaptation and climate resilience. CRC is working to update coastal models with more recent projections of sea level rise and to take account of other variables that impact Hawai'i's shorelines.

Hawai'i Sea Grant and CRC would be happy to provide updated sea level rise data and projections to the Committee or any lawmaker upon request.

Hawai'i Sea Grant and the Climate Resilience Collaborative support House Bill 1091 HD1.

Thank you for the opportunity to testify on this measure.