

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committees on  
WATER, LAND & HAWAIIAN AFFAIRS  
and  
ENERGY AND ENVIROMENTAL PROTECTION**

**Wednesday, February 5, 2020  
11:00am  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1878  
RELATING TO REAL PROPERTY TRANSACTIONS**

House Bill 1878 proposes to require seller disclosure in real property transactions to identify property within the sea level rise exposure area officially designated by the relevant county. **The Department of Land and Natural Resources (Department) supports the intent of this measure and offers the following comments.**

It is the mission of the Department to manage public lands and ocean resources, including beaches throughout the State. The Department is very much at the forefront of addressing impacts related to coastal erosion and beach loss in Hawaii. Beaches are central to our culture and economy, yet our beaches are being lost at alarming rates due natural processes and human impacts, threatening alongshore public access and upland development.

Coastal properties are vulnerable to erosion (i.e., shoreline recession and land loss) and flooding from high waves, storms and tsunami. The Department believes that it is critical that buyers understand the hazards and risks they are assuming in purchasing oceanfront property, in the spirit of transparency and disclosure and to support informed decision making by buyers and government agencies.

As a point of clarification, the Department is not aware of the counties having designated any sea level rise exposure areas. Such areas were designated by the State of Hawaii Climate Change Mitigation and Adaptation Commission in 2018. Moreover, House Bill 1878 reads “Until these maps are made available, current county climate maps shall be accepted.” The Department is unsure what maps are being referred to in the measure.

Thank you for the opportunity to comment on this measure.



**STATE OF HAWAII**  
**HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION**  
**COMMISSION**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of**  
**Anukriti Hittle**  
**Coordinator, Hawaii Climate Change Mitigation and Adaptation Commission**

**Before the House Committees on**  
**WATER, LAND and HAWAIIAN AFFAIRS**  
**and**  
**ENERGY AND ENVIRONMENTAL PROTECTION**

**Wednesday, February 5, 2020**  
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**In consideration of**  
**HOUSE BILL 1878**  
**RELATING TO REAL PROPERTY TRANSACTIONS**

House Bill 1878 proposes to require seller disclosure in real property transactions to identify property within the sea level rise exposure area officially designated by the relevant county. **On behalf of the Hawaii Climate Change Mitigation and Adaptation Commission (Commission) I support the intent of this measure, and offer the following comments.**

The Hawaii Climate Change Mitigation and Adaptation Commission “recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, climate-neutral, culturally responsible strategies for climate change adaptation and mitigation in a manner that is clean, equitable and resilient.” The Commission, established by Act 32 SLH 2017 to uphold the United States’ pledges under the Paris Agreement, is the coordinating body for policies on climate change mitigation and adaptation for the state. It is a high-level multi-jurisdictional body that guides the priorities of the state’s climate response. Co-chaired by DLNR and Office of Planning, it consists of 20 members—chairs of four legislative committees, and executive department heads at the county and state levels.

At its September 2018 meeting, the Climate Commission agreed to five priority recommendations for countering impacts of sea level rise, **including supporting legislation for disclosure for private property and public offerings in areas with potential exposure to sea level rise.** This measure acts on this priority recommendation, and is a crucial component of Hawaii’s adaptation to sea level rise impacts on coastal property.

**Co-Chairs:**  
Chair, DLNR  
Director, Office of Planning

**Commissioners:**  
Chair, Senate AEN  
Chair, Senate WTL  
Chair, House EEP  
Chair, House WTH  
Chairperson, HTA  
Chairperson, DOA  
CEO, OHA  
Chairperson, DHHL  
Director, DBEDT  
Director, DOT  
Director, DOH  
Chairperson, DOE  
Director, C+C DPP  
Director, Maui DP  
Director, Hawai'i DP  
Director, Kaua'i DP  
The Adjutant General  
Manager, CZM

In December 2017, the Commission accepted the *Hawaii Sea Level Rise Report* and accompanying *Hawaii Sea Level Rise Viewer*. The Report and Viewer provide maps of a Sea Level Rise Exposure Area (SLR-XA) incorporating models of passive flooding, shoreline erosion, and annual high wave run-up with 3.2 feet of sea level rise. These map layers are available for download in a variety of formats from the Viewer as well as the Hawaii Statewide GIS Program website.

Recent science summarized in the Report and Viewer points to a likelihood of three feet or more of sea level rise in the second half of this century - within the expected lifespan of most existing and new development. It is critical that sea level rise vulnerabilities are disclosed with the sale of a vulnerable coastal property to support informed decision making by buyers and government agencies, and this measure captures that such disclosure is essential.

Clarification of what maps are being referred to in the phrase “[u]ntil these maps are made available, current county climate maps shall be accepted” would be useful.

Thank you for the opportunity to offer comments on this measure.

**HB-1878**

Submitted on: 2/2/2020 9:05:45 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Kahn	Surfrider Oahu	Support	No

Comments:



# SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 5, 2020    1100 AM    Room 325

In **SUPPORT** of **HB1878**: Relating to Real Property Transactions

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Aloha Chair Yamane, Chair Lowen, and members of the committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **supports the intent of HB1878** Relating to Real Property Transactions. We have reservations with the proposed language of the bill, however, which we will discuss in our comments.

The State of Hawaii's Climate Mitigation and Adaptation Commission has identified support for legislation requiring disclosure for private property and public offerings located in areas with potential exposure to sea level rise as a high priority for the 2020 legislative session. The Commission also recommends use of the sea level rise exposure area (SLR-XA) maps approved at the state level by state and county agencies for climate change mitigation and adaptation planning purposes.

HB1878 would grant counties the authority to use their own maps, rather than adopting the maps approved by the Commission. We recommend amendment of HB1878 to read "Within the sea level rise exposure area as officially designated by the State of Hawaii Climate Mitigation Adaptation Commission or its successor."

Thank you very much for this opportunity to provide testimony on **HB1878**.

Mahalo,

Dave Raney  
Co-Chair  
Sierra Club Climate Adaptation and Restoration Team

**HB-1878**

Submitted on: 2/1/2020 7:00:13 AM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

**HB-1878**

Submitted on: 2/1/2020 4:05:56 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	No

Comments:

This seems like a no-brainer?

**HB-1878**

Submitted on: 2/3/2020 11:36:00 AM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Douglas	Individual	Support	No

Comments:



**HB-1878**

Submitted on: 2/3/2020 12:36:18 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Best	Individual	Support	No

Comments:

**HB-1878**

Submitted on: 2/3/2020 12:49:01 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John NAYLOR	Individual	Support	No

Comments:

**HB-1878**

Submitted on: 2/3/2020 4:34:48 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Gelert	Individual	Support	No

Comments:

**HB-1878**

Submitted on: 2/3/2020 4:36:51 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I am a lifelong resident of Hawai'i on O'ahu. I am also a masters student at UH Mānoa in the Department of Urban and Regional Planning. Sea levels could rise over 3.2 feet by the end of the century: costing \$19B in private infrastructure and land loss, displacing nearly 20,000 residents, affecting 550 cultural sites, and disrupting our coastal ecosystems. This bill is common sense and we should require disclosure of properties in the sea level rise exposure area in real estate transactions, as disclosure of other coastal hazards such as flooding and tsunami zones are already required.

Please support this bill.

me ke aloha 'Āina,

Nanea Lo

**HB-1878**

Submitted on: 2/3/2020 5:29:58 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bonnie Marsh	Individual	Support	No

Comments:

PLEASE SUPPORT THIS IMPORTANT BILL.

**HB-1878**

Submitted on: 2/3/2020 7:55:24 PM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ken Stover	Individual	Support	No

Comments:

**HB-1878**

Submitted on: 2/4/2020 11:39:41 AM

Testimony for WLH on 2/5/2020 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Ching	Individual	Support	No

Comments:

Aloha Chairs Yamane and Lowen, Vice Chairs Todd and Wildberger and members of the committees,

I strongly support HB1878. Disclosure is important both to the buyer and seller of real estate in the SLR-XA (sea level rise exposure area). A buyer must be informed if the property is in an area that could be under water in 30 years. Likewise, the seller must disclose this information. If allowed to hide the facts, a seller would be essentially lying about the property -- being in the SLR-XA might be the most important fact about any real estate here in Hawaii.

Please pass HB1878. This is a good start in our process of managed retreat.

Randy Ching

Honolulu