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# A BILL FOR AN ACT

RELATING TO REAL PROPERTY TRANSACTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature recognizes that climate change  
2 is real and a priority issue for the State. It poses immediate  
3 and long-term threats to Hawaii's economy, sustainability,  
4 security, and way of life. Sea level rise is an especially  
5 pressing consequence of climate change, with sea levels  
6 projected to rise up to 3.2 feet in some areas by as early as  
7 2060.

8           The legislature finds that a property's vulnerability to  
9 sea level rise, as identified by county climate maps, is a  
10 material fact for the purposes of mandatory disclosures in  
11 residential property sales. Chapter 508D, Hawaii Revised  
12 Statutes, requires that all residential property sales include a  
13 written disclosure statement prepared by or for the seller that  
14 fully and accurately discloses all material facts about the  
15 property. A "material fact" is defined in the chapter as "any  
16 fact, defect, or condition, past or present, that would be  
17 expected to measurably affect the value to a reasonable person



1 of the residential real property being offered for sale." Sea  
2 level rise, or an ongoing vulnerability to it, can be expected  
3 to measurably affect the value of residential real property.

4 Accordingly, the purpose of this Act is to require that  
5 mandatory seller disclosures in residential real property  
6 transactions identify property within the sea level rise  
7 exposure area as officially designated by the relevant county.

8 SECTION 2. Section 508D-15, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) When residential real property lies:

11 (1) Within the boundaries of a special flood hazard area  
12 as officially designated on Flood Insurance  
13 Administration maps promulgated by the United States  
14 Department of Housing and Urban Development for the  
15 purposes of determining eligibility for emergency  
16 flood insurance programs;

17 (2) Within the boundaries of the noise exposure area shown  
18 on maps prepared by the department of transportation  
19 in accordance with Federal Aviation Regulation part  
20 150, Airport Noise Compatibility Planning (14 C.F.R.  
21 part 150), for any public airport;



1           (3) Within the boundaries of the Air Installation  
2           Compatible Use Zone of any Air Force, Army, Navy, or  
3           Marine Corps airport as officially designated by  
4           military authorities; ~~[or]~~

5           (4) Within the anticipated inundation areas designated on  
6           the department of defense's emergency management  
7           tsunami inundation maps~~[7]~~; or

8           (5) Within the sea level rise exposure area as officially  
9           designated by the relevant county,

10 subject to the availability of maps that designate the ~~[four]~~  
11 five areas by tax map key (zone, section, parcel), the seller  
12 shall include the material fact information in the disclosure  
13 statement provided to the buyer subject to this chapter. Each  
14 county shall provide~~[7, where available,]~~ maps of its  
15 jurisdiction detailing the ~~[four]~~ five designated areas  
16 specified in this subsection. The maps shall identify the  
17 properties situated within the ~~[four]~~ five designated areas by  
18 tax map key number (zone, section, parcel) and shall be of a  
19 size sufficient to provide information necessary to serve the  
20 purposes of this section. Each county shall provide legible  
21 copies of the maps and may charge a reasonable copying fee.



# H.B. NO. 1878

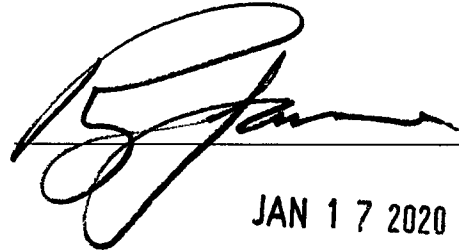
1 Until these maps are made available, current county climate maps  
2 shall be accepted."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on December 31,  
6 2050.

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INTRODUCED BY:



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JAN 17 2020



# H.B. NO.1878

**Report Title:**

Real Estate Transactions; Mandatory Seller Disclosures; Sea Level Rise Exposure Area

**Description:**

Requires that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area as designated by the relevant county. Effective 12/31/2050.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

