
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 Hawaii climate
8 change mitigation and adaptation commission or its successor.

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

11 "(a) When residential real property lies:

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

18 (2) Within the boundaries of the noise exposure area shown
19 on maps prepared by the department of transportation
20 in accordance with Federal Aviation Regulation part



1 150, Airport Noise Compatibility Planning (14 C.F.R.
2 part 150), for any public airport;

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

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

10 (5) Within the sea level rise exposure area as officially
11 designated by the Hawaii climate change mitigation and
12 adaptation commission or its successor; provided that
13 the SLR-XA sea level rise maps are updated to
14 reference current tax map key parcel boundaries and
15 further supported by specific guidance on the use of
16 the SLR-XA for planning and regulatory purposes,
17 subject to the availability of maps that designate the [~~four~~]
18 five areas by tax map key (zone, section, parcel), the seller
19 shall include the material fact information in the disclosure
20 statement provided to the buyer subject to this chapter. Each
21 county shall provide, where available, maps of its jurisdiction



1 detailing the [~~four~~] five designated areas specified in this
2 subsection. The maps shall identify the properties situated
3 within the [~~four~~] five designated areas by tax map key number
4 (zone, section, parcel) and shall be of a size sufficient to
5 provide information necessary to serve the purposes of this
6 section. Each county shall provide legible copies of the maps
7 and may charge a reasonable copying fee."

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 Statutory material to be repealed is bracketed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

10 SECTION 4. This Act, upon its approval, shall take effect
11 on January 1, 2021.



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 Hawaii climate change mitigation and adaptation commission or its successor. Effective upon approval. (SD1)

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

