

JAN 22 2021

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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. As reflected in Act 32, Session Laws of Hawaii  
2 2017 (Act 32), the legislature recognizes that not only is  
3 climate change real, but it is also the overriding challenge of  
4 the twenty-first century and one of the priority issues of the  
5 senate. Climate change poses immediate and long-term threats to  
6 the State's economy, sustainability, security, and its  
7 residents' way of life.

8           Act 32 established the Hawaii climate change mitigation and  
9 adaptation commission (commission) and directed the commission  
10 to, as a first step, focus on and develop sea level rise  
11 vulnerability and adaptation reports that are required to  
12 include:

- 13           (1) Identification of the major areas of sea level rise  
14                 impacts affecting the State and counties through 2050;
- 15           (2) Identification of expected impacts of sea level rise  
16                 based on the latest scientific research for each area  
17                 through 2050;



- 1 (3) Identification of the economic ramifications of sea  
2 level rise;
- 3 (4) Identification of applicable federal laws, policies,  
4 or programs that impact affected areas; and
- 5 (5) Recommendations for planning, management, and  
6 adaptation for hazards associated with increasing sea  
7 level rise.

8 The sea level rise vulnerability and adaptation report  
9 approved by the commission identifies, with maps at tax map key  
10 detail, areas that are susceptible to sea level rise impacts  
11 based on a 3.2-foot increase in sea level projected to occur by  
12 mid-century or earlier. These areas are designated as the sea  
13 level rise exposure area projection, which the commission  
14 recommends be adopted as a sea level rise exposure area overlay  
15 to guide state and county adaptation strategies and standards  
16 for development. Furthermore, the commission's statement  
17 (September 4, 2018) includes a recommendation to require  
18 mandatory disclosure for private properties and public offerings  
19 located in areas with potential exposure to sea level rise. At  
20 a minimum, the seller shall be required to disclose if the



1 property is located in the sea level rise exposure area as  
2 identified in the State's report.

3       The legislature further finds that chapter 508D, Hawaii  
4 Revised Statutes, requires a written disclosure statement  
5 prepared by the seller, or at the seller's direction, that  
6 purports to fully and accurately disclose all material facts  
7 relating to residential real property being offered for sale. A  
8 "material fact" is defined under section 508D-1, Hawaii Revised  
9 Statutes, in pertinent part, to mean "any fact, defect, or  
10 condition, past or present, that would be expected to measurably  
11 affect the value to a reasonable person of the residential real  
12 property being offered for sale." The value of property lying  
13 within the boundaries of a sea level rise exposure area will  
14 likely be affected over time, which the legislature determines  
15 to be a material fact that should be disclosed by the seller in  
16 a real property transaction.

17       The purpose of this Act is to require that mandatory seller  
18 disclosures in real property transactions include indication  
19 that a residential real property lies within the sea level rise  
20 exposure area.



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

3 "(a) When residential real property lies:

4 (1) Within the boundaries of a special flood hazard area  
5 as officially designated on Flood Insurance  
6 Administration maps promulgated by the United States  
7 Department of Housing and Urban Development for the  
8 purposes of determining eligibility for emergency  
9 flood insurance programs;

10 (2) Within the boundaries of the noise exposure area shown  
11 on maps prepared by the department of transportation  
12 in accordance with Federal Aviation Regulation part  
13 150, Airport Noise Compatibility Planning (14 C.F.R.  
14 part 150), for any public airport;

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

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



1        (5) Within the sea level rise exposure area as designated  
2                by the Hawaii climate change mitigation and adaptation  
3                commission or its successor,  
4 subject to the availability of maps that designate the [~~four~~]  
5 five areas by tax map key (zone, section, parcel), the seller  
6 shall include the material fact information in the disclosure  
7 statement provided to the buyer subject to this chapter. Each  
8 county shall provide, where available, maps of its jurisdiction  
9 detailing the [~~four~~] five designated areas specified in this  
10 subsection. The maps shall identify the properties situated  
11 within the [~~four~~] five designated areas by tax map key number  
12 (zone, section, parcel) and shall be of a size sufficient to  
13 provide information necessary to serve the purposes of this  
14 section. Each county shall provide legible copies of the maps  
15 and may charge a reasonable copying fee."

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

18        SECTION 4. This Act shall take effect on January 1, 2022.

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INTRODUCED BY: 



# S.B. NO. 474

**Report Title:**

Residential Real Property 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. Effective 1/1/2022.

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

