Honolulu Board of REALTORS®
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VIRTUAL AGENT FORUM

O‘ahu Shoreline Regulations: What REALTORS® Should Know and Where to Find Reliable Information

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Agenda Topics

1. Coastal changes on Oahu
2. Sea level rise disclosure
3. Shoreline Setbacks
4. Shoreline Management Area (SMA) permitting

Sea Level Rise

Long-term increase in average ocean height influenced by:

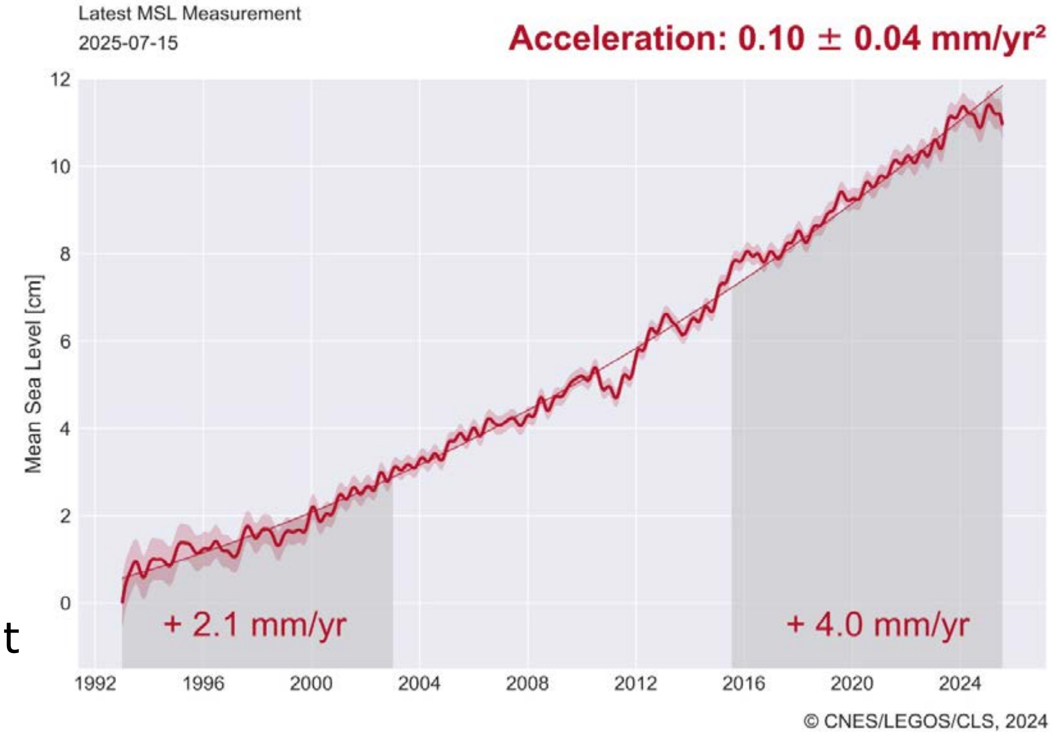
- Thermal expansion
- Melting glaciers & ice sheets

Global average: ~4.7 mm/yr

(2014–2023)

Hawai‘i: ~5 inches since 1970

(rate varies by location as local measurements influenced by land movement & regional ocean conditions)



Sea Level Rise Exposure Area (SLR-XA)

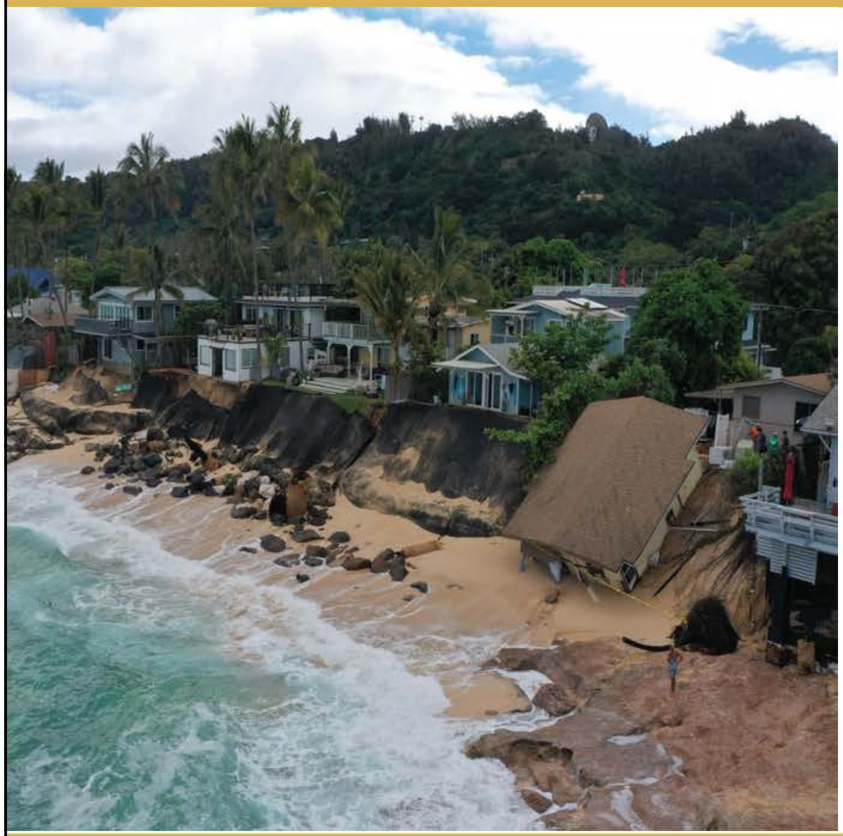


Photo: Sea level rise putting homes at risk.

DISCLOSURE REQUIREMENT

For Residential Real Estate in the Sea Level Rise Exposure Area

The State of Hawai‘i recently enacted a new update to the Mandatory Seller Disclosures in Real Estate Transactions Law in 2021, codified within Hawai‘i Revised Statutes §508D-15, requiring that real estate transactions within the State of Hawai‘i must disclose any risk of sea level rise to the property.

Risks to oceanfront properties from shoreline erosion and coastal flooding are increasing with sea level rise as documented in scientific and government studies around Hawai‘i.

SLR-XA Model

How do I know if my property is at risk?

State of Hawaiʻi Sea Level Rise Viewer is available at: https://www.hawaiisealevelriseviewer.org

From this tool you can identify property risk for 3.2 foot increase in sea level following state and county guidance.

The Sea Level Rise Exposure Area (SLR-XA) is a combined area of risk for:

Passive Flooding

Low-lying coastal plains are especially vulnerable to multiple passive flood sources including but not limited to rising groundwater, backflow through stormwater drainage, and direct overland marine flooding. Groundwater inundation in particular is difficult to manage because it completely saturates the ground and can evade seawalls or bulkheads.

Annual High Wave Flooding

All sides of the Hawaiian Islands are exposed to open-ocean swell. Damage from high wave flooding can be exacerbated over time by continuous exposure to the elements with increased sea level rise, high-velocity impacts from waves, and increased storms, which may result in total failure of structures on the shoreline.

Coastal Erosion

Chronic coastal erosion is a widespread problem in the Hawaiian Islands. Chronic long term erosion leads to permanent shoreline recession and land-loss.

SLR-XA Tool

ABOUT SEA LEVEL RISE VIEWER TOOL

Assessing Properties Impacted by 3.2 Feet Sea Level Rise

Photo: Screenshot of Sea Level Rise Viewer

To identify a property's location relative to a sea level rise exposure area, visit the Hawai'i Sea Level Rise Viewer and enter the street address or Tax Map Key (TMK) number for the property of interest into the upper left box. Note that when using TMKs as an identifier, it must be entered as a nine-digit number excluding any dashes or punctuations. For example, TMK (1) 3-5-004:001 would be entered as 135004001.

Click the box for 3.2 ft under Sea Level Rise Exposure Area on the right side to view the combined footprint of the three risks identified (passive flooding, annual high wave flooding, and coastal erosion).

What exactly do I need to disclose?

Hawai'i Revised Statutes §508D-15 requires a mandatory disclosure for properties within State of Hawai'i's Sea Level Rise Exposure Area, which is up to the and includes the 3.2-feet scenario.

Additional Resources at:

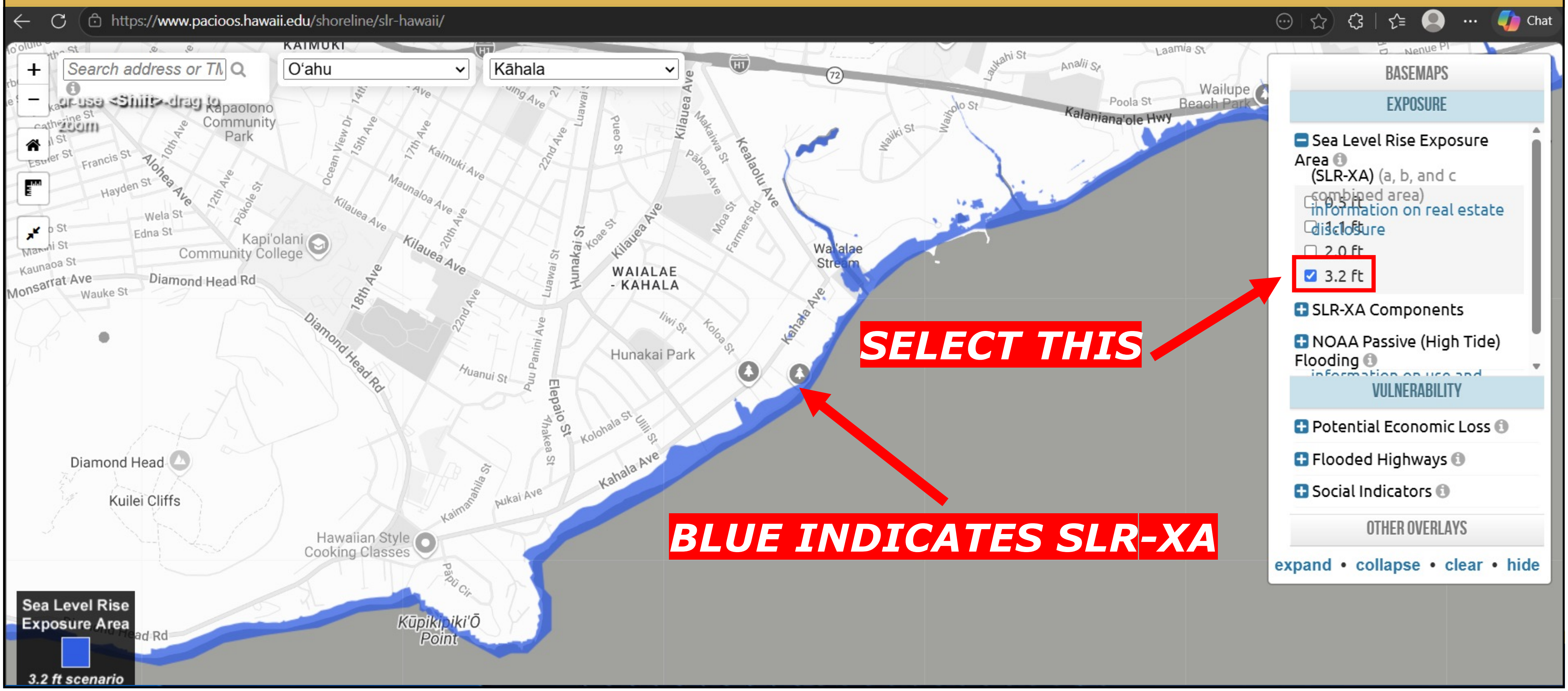
https://climate.hawaii.gov/hi-facts/sea-level-rise/

HAWAI'I CLIMATE COMMISSION

STATE OF HAWAII 1959

Previous Page Photos:
Photo: High-tide flooding in Honokōwai area of West Maui. Photo by Don McLeish
Photo: Severe beach erosion on Oahu. Coastal residents here are at risk from tidal flooding and storm surge. Photo by Dr. Shellie Habel, OCCL
Photo: Water bubbles up from a storm drain in Mapunapuna, an area of Honolulu that frequently floods during the highest tides of the year. Photo by Sea Grant King Tides Project, 2017.

www.pacioos.hawaii.edu



Shoreline Setback

Ordinances 23-3 and 23-4

- Response to predicted sea level rise
- Delineates where development may occur
- Implements more stringent restrictions on structures and activities susceptible to coastal hazards
- Meant to increase regulation of land within shoreline setback and special management area (SMA)

Shoreline & Shoreline Setback

Shoreline
Upper reaches of waves at high tide during season when the highest wash of the waves occurs, *usually evidenced by edge of vegetation growth*

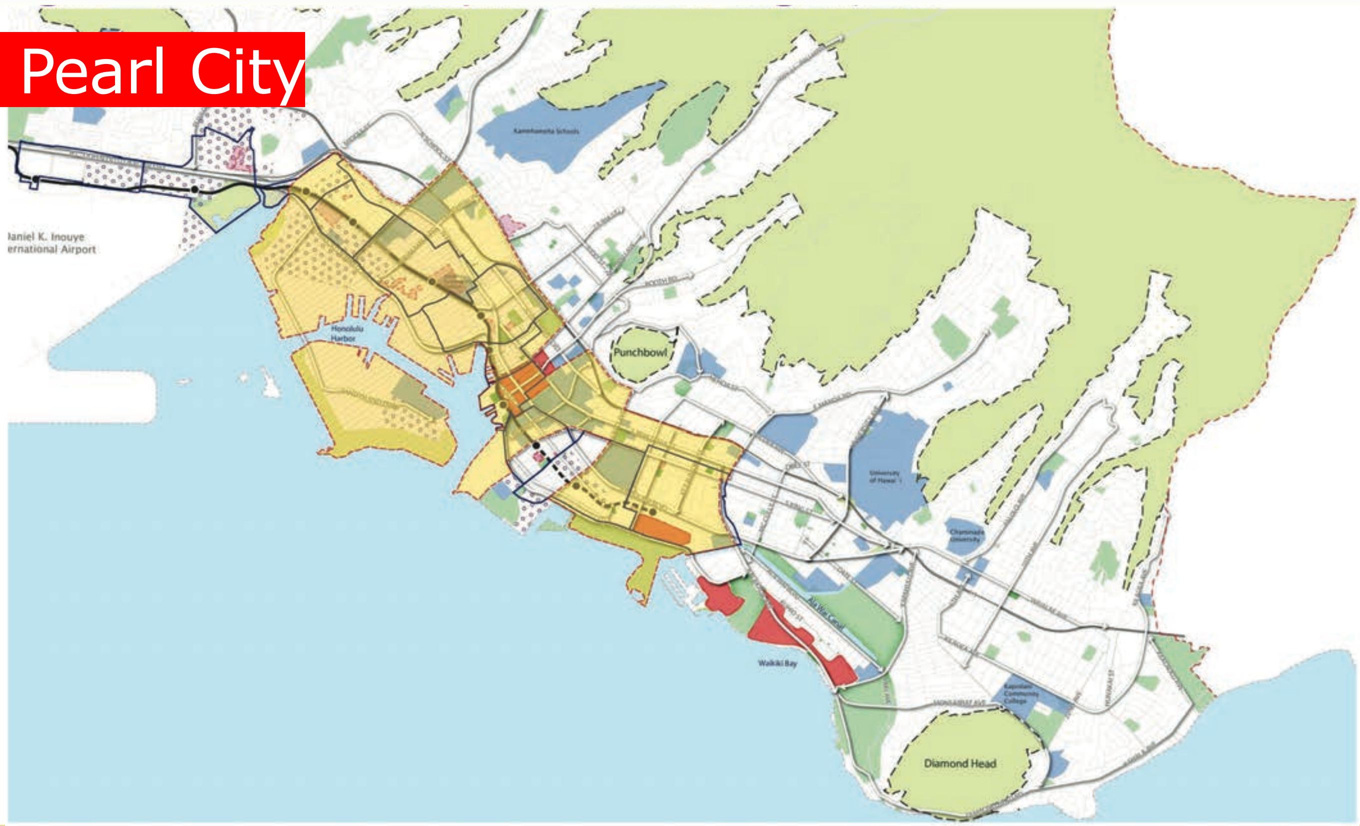
Shoreline Setback Line
60-130 ft mauka (inland) from the shoreline

Ordinance 23-3

1. **Shoreline setback = 60 ft + (70 * annual coastal erosion rate in ft/yr)**
   - *On zoning lots within all development plan and sustainable communities plan areas except **Primary Urban Center Development Plan area**;
   - **Annual erosion rate shown as a negative number on map (red transect lines) but used as a positive number in the equation.
2. **Lots within Primary Urban Center Development Plan area = 60 ft**
3. **Shoreline setback = 60 ft mauka** (inland) from certified shoreline for zoning lots:
   - where historical erosion data not collected for Hawaiʻi shoreline study
   - where historical erosion data show average annual coastal accretion, or
   - where historical erosion data show average annual coastal erosion rate of zero

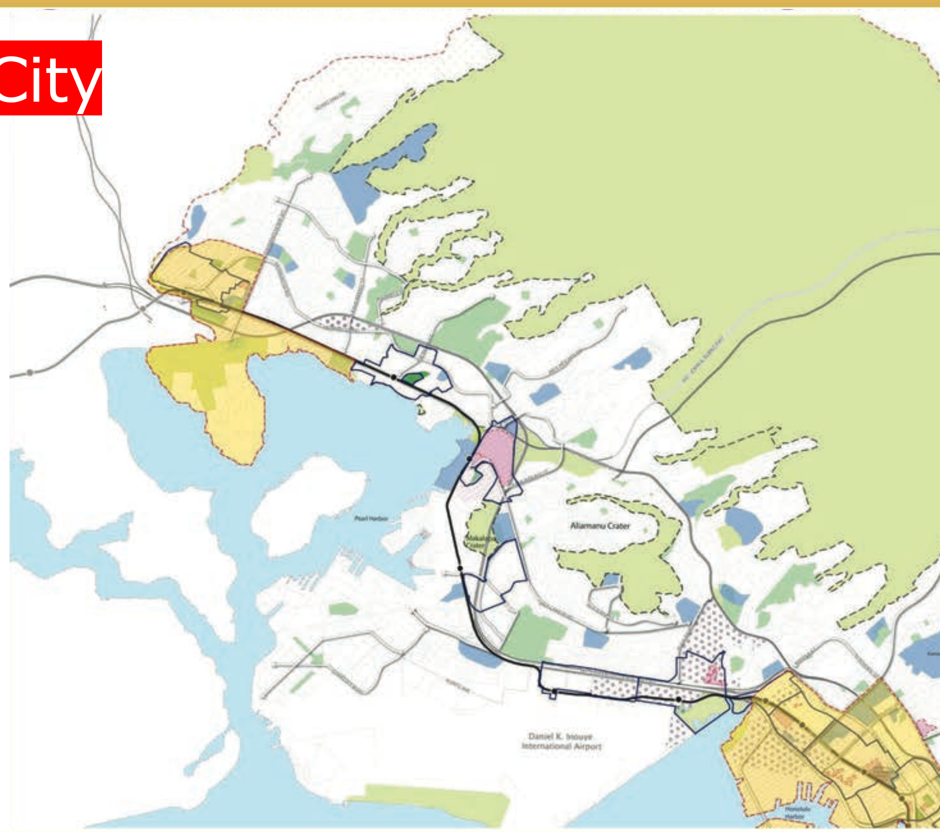
Primary Urban Area: East Boundary

Kāhala to Pearl City



Primary Urban Area: West Boundary

Kāhala to Pearl City



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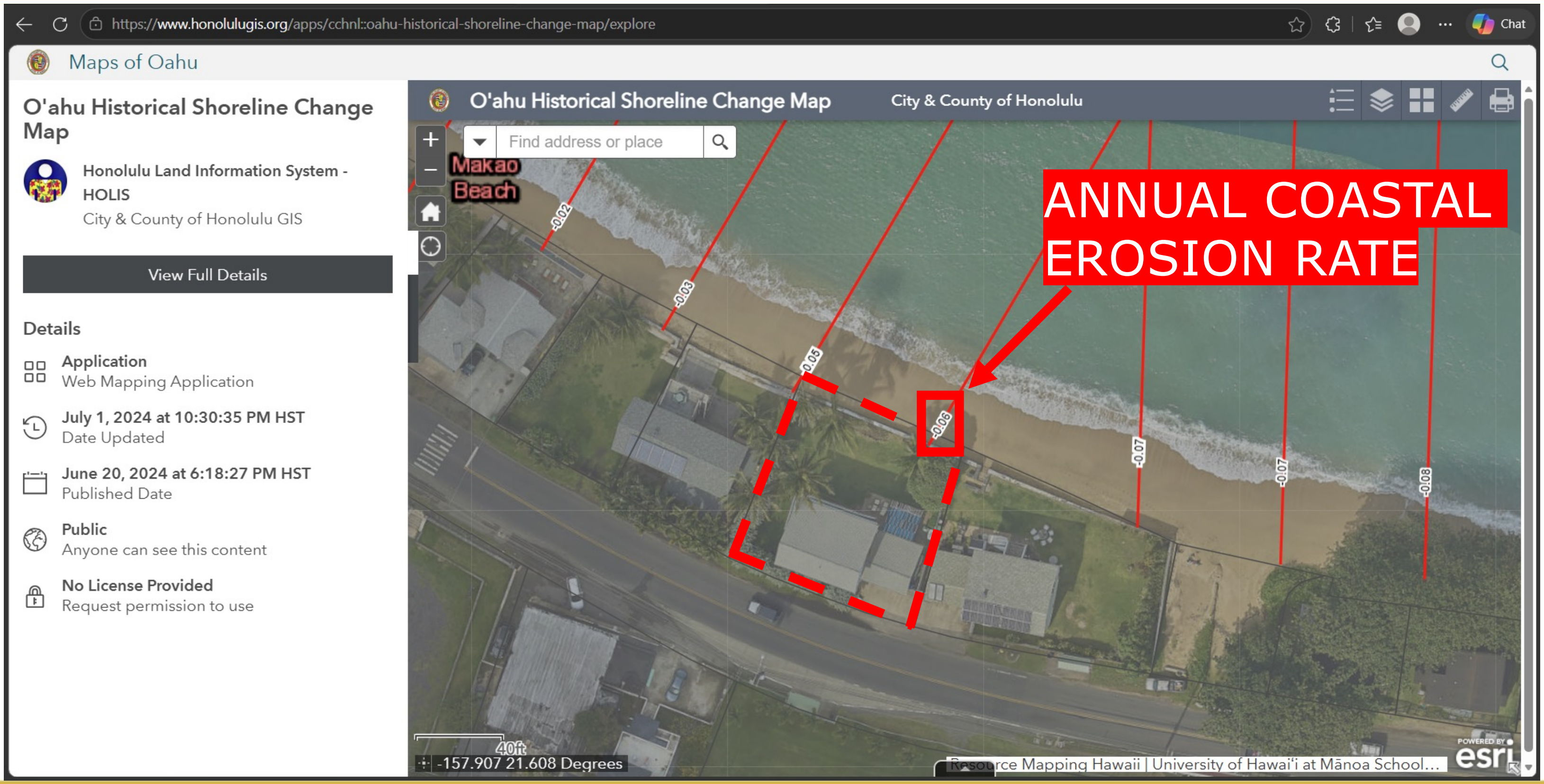
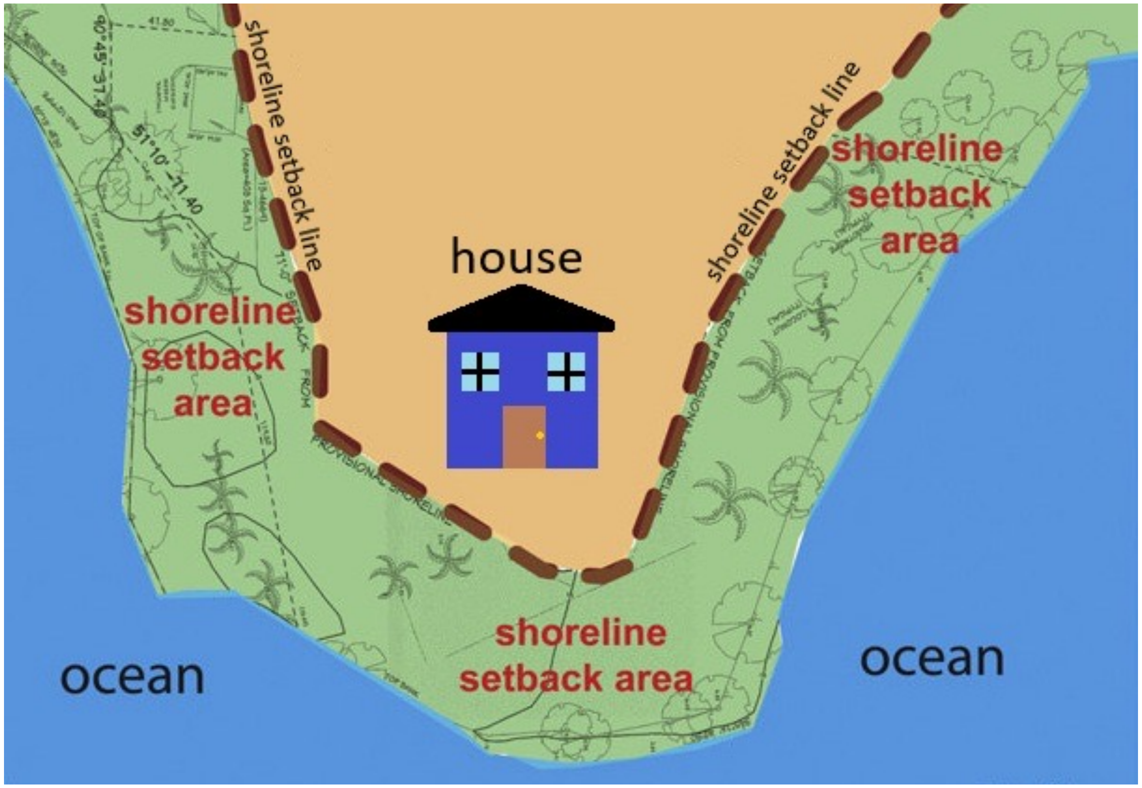


Example: Setback Calculation

1. 60 + (70 x annual coastal erosion rate)
2. 60 + (70 x 0.06)
3. 60 + 4.2
4. Setback = 64.2 ft

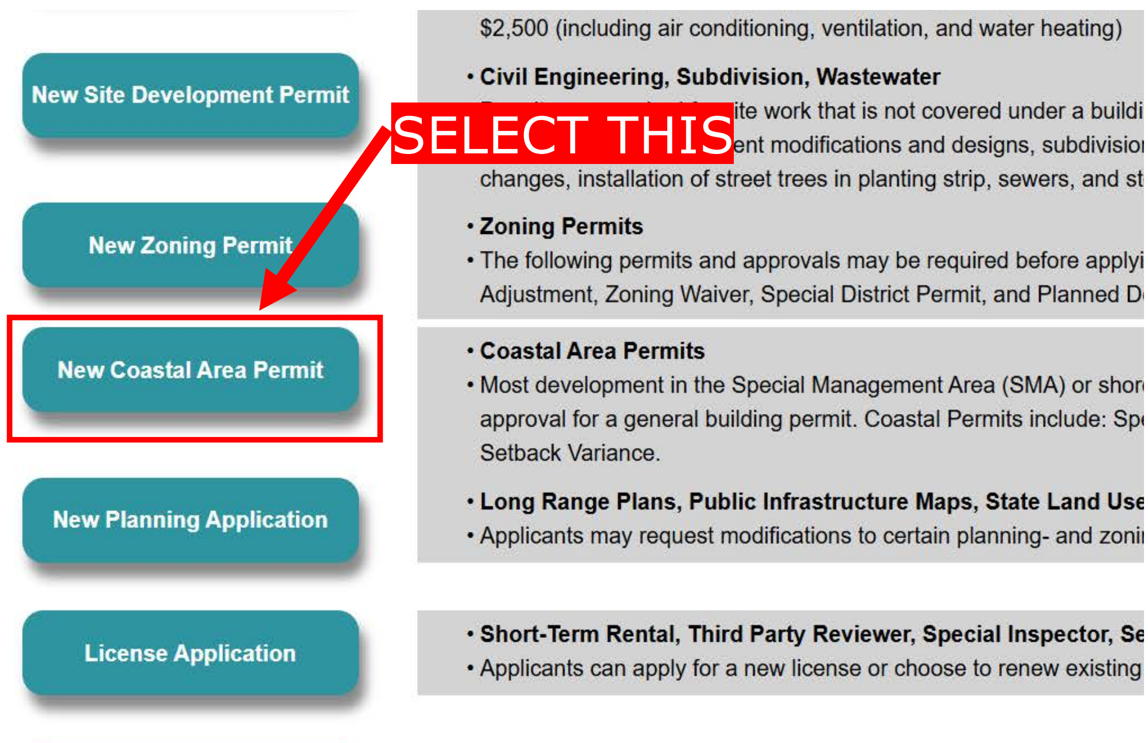
Shoreline Setback Area

All land between shoreline and shoreline setback line



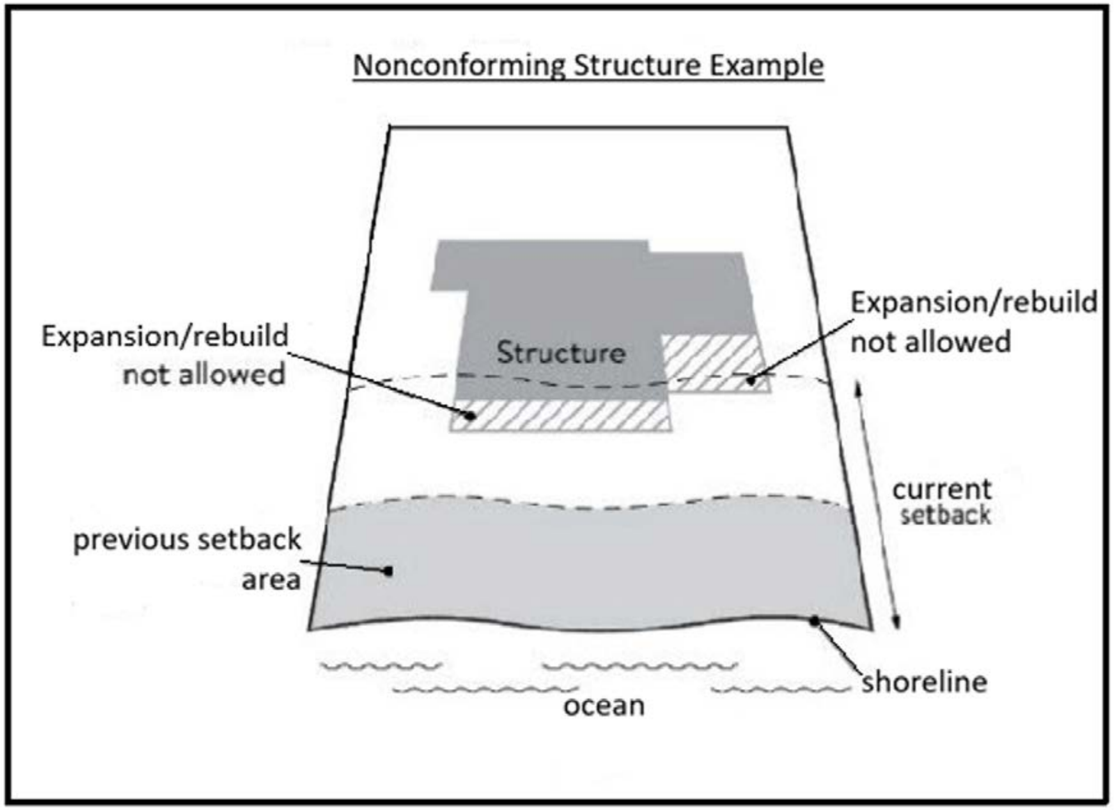
Still Unsure About the Setback?

Submit shoreline setback determination request **under Coastal Permits** in HNL Build



Nonconforming Structures

A previously lawful structure that does not comply with setback requirements



Can I repair a nonconforming structure?

SOMETIMES OKAY

Within a 10-year period:

(1) up to 50% of replacement cost if structure is 40 ft or less from certified shoreline; or

(2) up to 75% of replacement cost if structure is more than 40 ft from certified shoreline but makai of the setback

Can I rebuild a destroyed nonconforming structure?

REBUILDING PROHIBITED

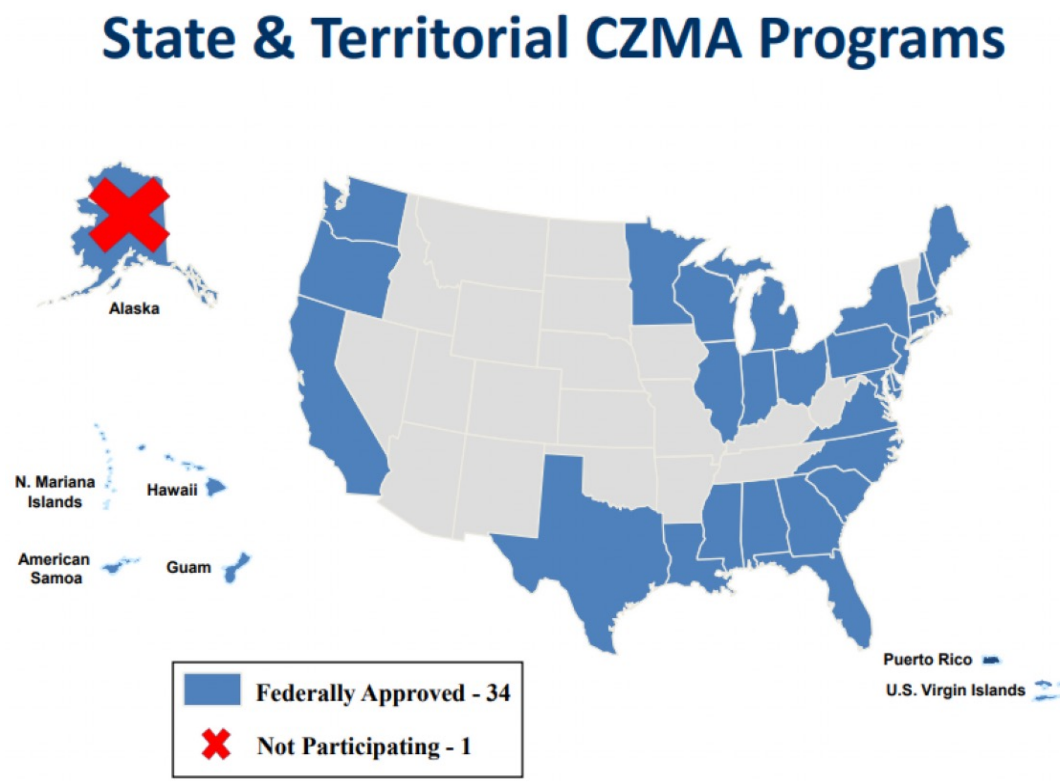
Exception

If buildable area of zoning lot is **reduced to less than 1,500 sq ft**, through DPP application and review, then shoreline setback line may be **adjusted to allow a minimum buildable area of 1,500 sq ft**.

Special Management Areas (SMA)

Coastal Management Act of 1972

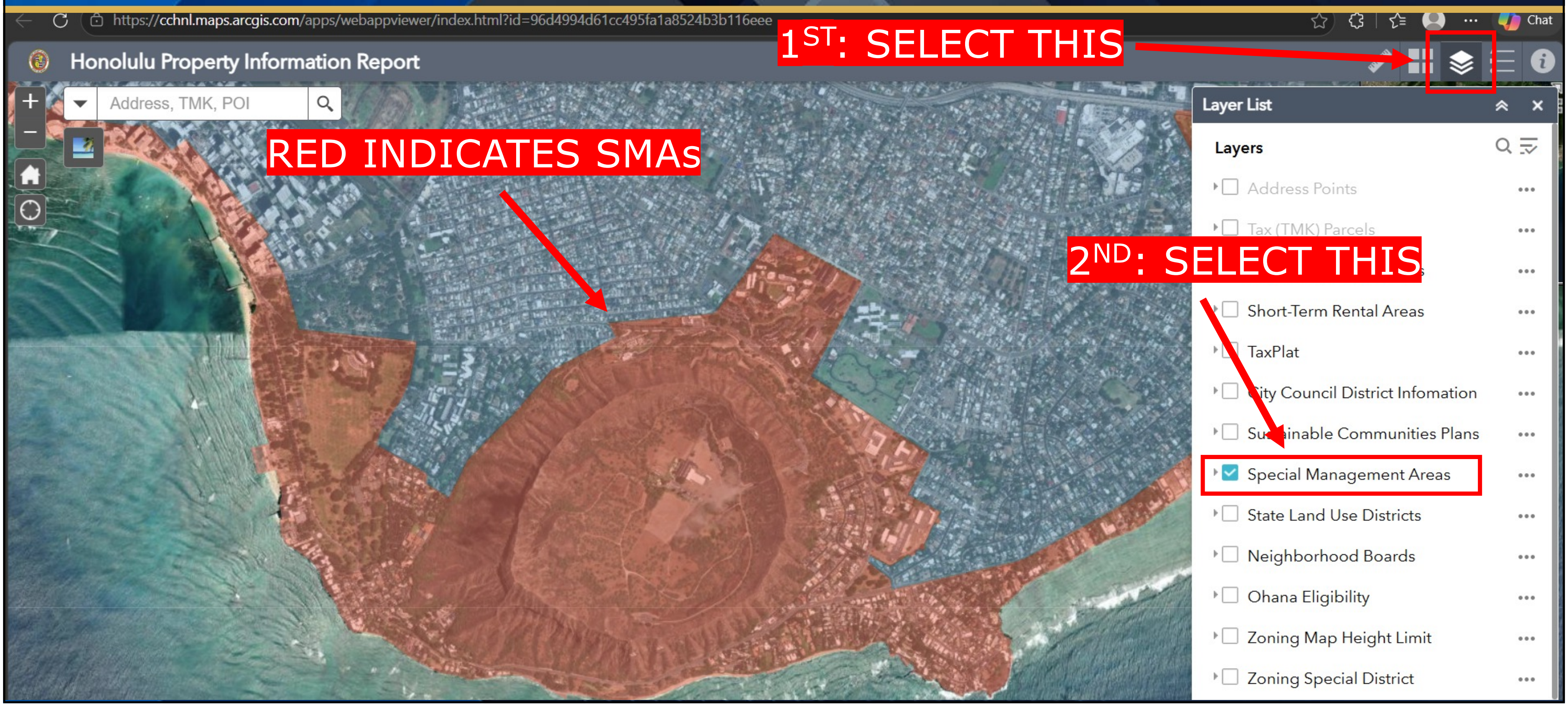
- Established National Coastal Zone Management Program
- Collaboration between federal government and coastal/Great Lakes states and territories
- **Balance protection/restoration** of coastal environments **with responsible community development**.



Special Management Areas (SMA)

- Area extending inland from shoreline established by Honolulu City Council to preserve, protect, and restore coastal zone's natural resources
- Found along coast around Oʻahu
- Many coastal properties fall within an SMA

cchnl.maps.arcgis.com



SMA Permits

Required for ‘**development**’ within an SMA that includes

- construction
- grading
- change in intensity of land use
- certain exemptions apply

SMA Exemptions

- Construction/reconstruction of up to 2 dwellings with **less than 7,500 sq ft of floor area** not situated on shoreline lot, **not within flood zones V or VE**, and **not susceptible to 0.5 ft of sea level rise** as shown on Hawaiʻi Sea Level Rise Viewer
- Additions of minor accessory structures (up to 300 sq ft) to existing dwellings
- Relocating dwelling unit to area less susceptible to coastal hazards
- Repair, maintenance, or interior alterations
- Demolition (unless at a historic site)
- Agricultural uses

SMA Permit Types

Minor SMA Permit	**Major** SMA permit
Development with total valuation **up to $500,000**	Development with total valuation of **more than $500,000**

Valuation

- Estimated cost to replace the structure in kind
- Based on current replacement costs
- In the case of other development, as current fair market value and prevailing wages relevant to proposed development

All submitted estimates shall be prepared and signed by impartial third-party licensed contractor or professional estimator.

Takeaways

1. RECOGNIZE

Is property coastal or shoreline adjacent?

2. RESEARCH

What do public maps and records show?

3. REFER

Does seller/buyer need additional information or professional guidance?

Know the issue. Know the resource. Know who to call.