

# BUYING AND OWNING PROPERTY IN HAWAII

## SHORELINE SETBACKS



The **"shoreline"** under Hawaii law means "the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves." Haw. Rev. Stat. §205A-1. Shoreline Certifications identifying where a shoreline boundary is located as of a certain date may be issued by the Chairperson of the State of Hawaii Department of Land and Natural Resources (DLNR), upon proper application. DLNR Certifications are generally valid for no more than one year.

The shoreline certification is important to determine the area and the development potential of the property. The location of structures and other improvements may need to be adjusted depending upon setback and other requirements.

All ocean-front property in Hawaii is subject to setback requirements which prevent building within the setback area in order to protect life and property from coastal hazards. The **"shoreline setback line"** for a property is a line running inland from the shoreline at a horizontal plane, and is established by State law and applicable County ordinance. Haw. Rev. Stat. § 205A-41. The Counties may require that the shoreline setback line be established at greater distances from the shoreline than established by State law. The **"shoreline area"** generally includes all of the land between the shoreline and the shoreline setback line, and may also include the area between mean sea level and the shoreline. Id. The shoreline area may also include any structure in violation of Hawaii laws and regulations relating to shoreline management.

As a general rule, structures and any development are prohibited in the shoreline area without a variance from applicable government authorities. Prohibited structures include any portion of any building, pavement, road, pipe, flume, utility line, fence, groin, wall or revetment. Haw. Rev. Stat. § 205A-41.

Each County has adopted and administers its own rules regarding shoreline setbacks and variances. Setback lines may be based on average lot depth or erosion rates, and the Counties will require a State DLNR Certified Shoreline before issuing a shoreline setback determination. Generally, the shoreline setback on Maui is, at minimum, 25 feet from the shoreline for properties less than 100 feet in average lot depth or 40 feet from the shoreline for properties greater than 100 feet in "average lot depth", but can be extended further inland based on shoreline erosion rates. The shoreline setback line in Honolulu and Hawaii Counties is generally, at minimum, 40 feet inland from the certified shoreline, but may be adjusted upon application.

A title report will not identify the location of shoreline or setback. However, if a survey provided to escrow or title during the course of a transaction identifies an encroachment into the shoreline area, that encroachment will be shown as an exception on the title insurance commitment (preliminary report) and title policy.

THIS FLYER IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT TO BE RELIED ON FOR ANY REASON. IF YOU HAVE ANY QUESTIONS REGARDING THE LOCATION AND EFFECT OF A SHORELINE BOUNDARY, PLEASE CONSULT WITH A LEGAL OR REAL PROPERTY EXPERT.



**JULIA JONES**

**808.620.3146**

Kapiolani Account Manager

[juljones@firstam.com](mailto:juljones@firstam.com)



**First American**  
All You Need To Know™