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# A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1           SECTION 1. Chapter 342D, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§342D-           Cesspools; mandatory disclosure; guidelines.

5 The department shall develop guidelines to determine the  
6 circumstances under which the disclosure of the existence of a  
7 cesspool, prior to the sale or transfer of the real property  
8 where the cesspool is located, shall be mandatory."

9           SECTION 2. Chapter 508D, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12           "§508D-           Cesspools; material fact; disclosure. If the

13 disclosure of the existence of a cesspool on real property  
14 subject to this chapter is determined to be mandatory under  
15 guidelines developed by the department of health under section  
16 342D-           , the existence of the cesspool shall be considered a



1 material fact and shall be included in a seller's disclosure  
2 statement."

3 SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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# H.B. NO. 489

**Report Title:**

Cesspools; Mandatory Disclosure; Real Property

**Description:**

Requires DOH to develop guidelines for the mandatory disclosure of cesspools on real property.

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

