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# A BILL FOR AN ACT

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RELATING TO CESSPOOLS.

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

SECTION 1. Section 508D-15, Hawaii Revised Statutes, is amended to read as follows:

**"§508D-15 Notification required; ambiguity.** (a) When residential real property lies within:

(1) The boundaries of a special flood hazard area as officially designated on flood maps promulgated by the National Flood Insurance Program of the Federal Emergency Management Agency for the purposes of determining eligibility for emergency flood insurance programs;

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

(3) The boundaries of the Air Installation Compatible Use Zone of any Air Force, Army, Navy, or Marine Corps



1 airport as officially designated by military  
2 authorities;

3 (4) The anticipated inundation areas designated on the  
4 department of defense's emergency management tsunami  
5 inundation maps; or

6 (5) The sea level rise exposure area as designated by the  
7 Hawaii climate change mitigation and adaptation  
8 commission or its successor,

9 subject to the availability of maps that designate the five  
10 areas by tax map key (zone, section, parcel), the seller shall  
11 include the material fact information in the disclosure  
12 statement provided to the buyer subject to this chapter. Each  
13 county shall provide, where available, maps of its jurisdiction  
14 detailing the five designated areas specified in this  
15 subsection. The maps shall identify the properties situated  
16 within the five designated areas by tax map key number (zone,  
17 section, parcel) and shall be of a size sufficient to provide  
18 information necessary to serve the purposes of this section.  
19 Each county shall provide legible copies of the maps and may  
20 charge a reasonable copying fee.



(b) When residential real property lies adjacent to the shoreline, the seller shall disclose all permitted and unpermitted erosion control structures on the parcel, expiration dates of any permitted structures, any notices of alleged violation associated with the parcel, and any fines for expired permits or unpermitted structures associated with the parcel.

(c) Beginning January 1, 2027, when real property contains a wastewater system, the seller shall provide a wastewater system disclosure form, to be developed by the department of health and real estate commission, to the buyer, who shall provide written acknowledgment of the wastewater system disclosure form before the execution of a real estate purchase contract.

Any person who violates this subsection shall be fined no more than \$ ; provided that failure to provide the wastewater system disclosure form to a buyer shall not be deemed a violation of this subsection if the seller makes a good faith examination of relevant department of health and county records and mistakenly concludes that the real property does not contain a wastewater system.



1        [~~(e)~~] (d) When it is questionable whether residential real  
2 property lies within any of the designated areas referred to in  
3 subsection (a) due to the inherent ambiguity of boundary lines  
4 drawn on maps of large scale, the ambiguity shall be construed  
5 in favor of the seller; provided that a good faith effort has  
6 been made to determine the applicability of subsection (a) to  
7 the subject real property.

8        [~~(d)~~] (e) Except as required under subsections (a) [~~, (b)~~],  
9 ~~and (e)~~ to (d) and section 508D-3.5, the seller shall have no  
10 duty to examine any public record when preparing a disclosure  
11 statement."

12        SECTION 2. No later than November 1, 2026, the department  
13 of health and real estate commission shall develop a  
14 standardized wastewater system disclosure form that:

15        (1) Informs a buyer of whether the residential real  
16 property is served by a wastewater system such as a  
17 cesspool, septic system, onsite wastewater treatment  
18 works, or sewer;

19        (2) Informs a buyer of the location of the wastewater  
20 system, if known; and



(3) Includes a statement in no less than fourteen-point font as follows:

"PURSUANT TO SECTION 342D-72, HAWAII REVISED STATUTES, ANY CESSPOOL THAT HAS NOT BEEN GRANTED AN EXEMPTION BY THE DIRECTOR OF HEALTH IS REQUIRED TO BE UPGRADED OR CONVERTED TO A DIRECTOR-APPROVED WASTEWATER SYSTEM OR CONNECTED TO A SEWERAGE SYSTEM BEFORE JANUARY 1, 2050."

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Cesspools; Wastewater System Disclosure Form; Penalties;  
Department of Health; Real Estate Commission

**Description:**

Beginning 1/1/2027, requires sellers to provide buyers with a wastewater system disclosure form before the execution of a real estate purchase contract. Requires the Department of Health and Real Estate Commission to develop a standardized wastewater system disclosure form by 11/1/2026. Establishes penalties. Effective 7/1/3000. (HD1)

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

