
A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

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

3 **"§508D-15 Notification required; ambiguity.** (a) When
4 residential real property lies within:

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

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

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



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

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

19 Each county shall provide legible copies of the maps and may
20 charge a reasonable copying fee.



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



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



"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."

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

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 Statutory material to be repealed is bracketed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

14 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)

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