
A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. The legislature finds that Hawaii continues to
2 face a severe shortage of safe and affordable housing across all
3 islands. As housing costs rise faster than wages, many local
4 families are responding by doubling up and adding bedrooms to
5 existing homes to accommodate multigenerational living, prevent
6 displacement, and keep extended family members together in their
7 communities.

8 The legislature further finds that state and county
9 cesspool conversion and wastewater infrastructure subsidies are
10 appropriately prioritized in department of health priority level
11 1 and 2 areas, where cesspools and other onsite wastewater
12 systems pose the greatest risk to drinking water sources,
13 surface waters, and coastal ecosystems. However, homeowners
14 with cesspools or individual wastewater systems located in
15 priority level 3 areas often lack access to comparable subsidies
16 for conversion or upgrade, even though they face similar housing



1 pressures and may need to add modest bedroom capacity to remain
2 housed in their communities.

3 Since properly designed, sited, and maintained onsite
4 systems in priority level 3 areas may be further away from
5 sensitive environmental assets or areas that may directly affect
6 human well-being, the legislature finds that, to the extent
7 practicable under federal law, these areas should be afforded
8 exemptions from chapter 11-62-06(m), Hawaii Administrative
9 Rules, to add bedrooms or make minor expansions to existing
10 dwellings while meeting applicable state and county
11 environmental and public health standards.

12 Therefore, the purpose of this Act is to align housing and
13 wastewater policy by allowing reasonable bedroom additions in
14 priority level 3 areas, to the extent permitted under federal
15 requirements, without compromising water quality or public
16 health.

17 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§342D- Existing cesspools; additional bedrooms;
21 conditions. (a) Notwithstanding any other law to the contrary,



1 an existing cesspool that lawfully serves a single dwelling unit
2 on a tax map key parcel located within a priority level 3 area
3 may continue to be used to serve that dwelling unit and may also
4 serve additional bedrooms constructed on the same parcel,
5 whether within the existing dwelling unit or in a detached
6 structure, if:

7 (1) The cesspool was in use before August 30, 1991, or
8 approved prior to March 21, 2016;

9 (2) The total number of bedrooms served by the cesspool,
10 including any additional bedrooms authorized pursuant
11 to this section, does not exceed five;

12 (3) The cesspool receives no more than one thousand
13 gallons of wastewater per day, as determined in
14 accordance with rules adopted by the department; and

15 (4) No additional structure that the applicable county
16 land use ordinance classifies as a separate dwelling
17 unit, accessory dwelling unit, ohana dwelling, or
18 other residential dwelling unit is connected to the
19 cesspool.



1 (b) Bedrooms authorized under subsection (a) may be
2 located in a detached structure on the same parcel; provided
3 that the structure:

4 (1) Is not classified by the county as a dwelling unit,
5 accessory dwelling unit, or ohana dwelling; and

6 (2) Does not contain a kitchen, wet bar, or other cooking
7 facilities that would cause the structure to be
8 classified as a dwelling unit under applicable county
9 ordinances.

10 (c) This section shall not be construed to:

11 (1) Authorize the construction of any new cesspool;

12 (2) Extend or modify the deadline for cesspool conversion
13 established in section 342D-72;

14 (3) Limit the authority of the department to require the
15 upgrade or conversion of a cesspool where necessary to
16 protect water quality or human health; or

17 (4) Authorize the operation of a large-capacity cesspool,
18 as that term is used in applicable federal underground
19 injection control regulations.

20 (d) The department:



1 (1) May adopt rules pursuant to chapter 91 to implement
2 this section; and
3 (2) May prohibit the addition of bedrooms under subsection
4 (a) in specific areas where evidence demonstrates that
5 continued cesspool use is impacting water quality or
6 human health.
7 (e) For the purposes of this section, "priority level 3"
8 means an area designated as priority level 3 by the most
9 recently published version of the Hawaii cesspool prioritization
10 tool."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13
INTRODUCED BY:

ZMC

JAN 23 2026



H.B. NO. 1921

Report Title:

Existing Cesspools; Additional Bedrooms; Priority Level 3 Area

Description:

Allows an existing cesspool that lawfully serves a single dwelling unit in a priority level 3 area to continue serving that dwelling unit and additional bedrooms constructed on the same parcel, subject to certain conditions. Authorizes the Department of Health to adopt rules and authorizes the restriction of additional bedrooms where continued cesspool use impacts water quality or human health.

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