

Honolulu, Hawaii

MAR 30 2026RE: H.B. No. 1728
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committees on Energy and Intergovernmental Affairs and Water, Land, Culture and the Arts, to which was referred H.B. No. 1728, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RAINWATER CATCHMENT SYSTEMS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the counties to allow for the installation and operation of rainwater catchment systems for potable and non-potable uses on all properties; and
- (2) Require the counties to regulate and enforce standards for the use of rainwater catchment systems.

Your Committees received testimony in support of this measure from one member of the Kaua'i County Council, Hawai'i Association of REALTORS, Housing Hawai'i's Future, International Association of Plumbing and Mechanical Officials, American Rainwater Catchment Systems Association International, Grassroot Institute of Hawaii, Hawai'i Farmers Union United, and two individuals.

Your Committees received comments on this measure from the Department of Land and Natural Resources.



Your Committees find that limited water infrastructure continues to be a major barrier to housing development across the State. Many properties cannot move forward with otherwise permitted homes because county water systems are at capacity or unable to provide additional service. Authorizing alternative water infrastructure models for both potable and non-potable uses would facilitate housing construction where traditional infrastructure may be unavailable or cost-prohibitive. This measure will promote water resilience and help unlock housing opportunities for local families while reducing the strain on public water systems.

Your Committees note that this measure, as written, would require the counties to both permit and regulate rainwater catchment systems, including establishing standards, enforcement mechanisms, and inspections. Your Committees believe that this may create a structural concern because the county water departments are themselves providers of water services, and asking the same entity to simultaneously act as both the provider and regulator of alternative water systems could create a conflict of interest and may create operational policy challenges. Your Committees further note that it is generally considered best practice that the entity providing a service should not serve as the primary regulator of those services, and therefore, amendments to this measure are necessary to separate these roles and maintain clear oversight, consistent standards, and public confidence in the regulatory process.

Accordingly, your Committees have amended this measure by:

- (1) Replacing language that would have required the counties to permit the installation and operation, regulate, and enforce standards for rainwater catchment systems in chapter 46, Hawaii Revised Statutes (HRS), with language requiring the Department of Health to permit the installation and operation, regulate, and enforce standards for rainwater catchment systems in chapter 321, HRS;
- (2) Requiring the Department of Health to adopt rules pursuant to chapter 91, HRS, in consultation with certain nationally recognized uniform standards to



regulate and enforce standards for rainwater catchment systems;

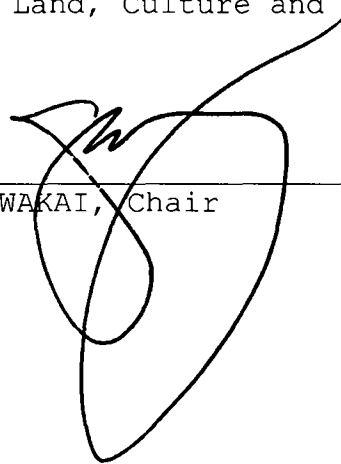
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Intergovernmental Affairs and Water, Land, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1728, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1728, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Energy and Intergovernmental Affairs and Water, Land, Culture and the Arts,



CHRIS LEE, Chair



GLENN WAKAI, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Energy and Intergovernmental Affairs
EIG

Bill / Resolution No.:* HB1728, HD1	Committee Referral: EIG/WLA, JDC	Date: 5/19/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
CHANG, Stanley (VC)	✓			
DECOITE, Lynn	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
FEVELLA, Kurt	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, Culture and the Arts
WLA

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1728 HD1	EIG/WLA, JDC	3/19/2026		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			✓
CHANG, Stanley	✓			
LAMOSAO, Rachele	✓			
DECORTE, Samantha	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

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