

Honolulu, Hawaii

FEB 04 , 2026

RE: H.B. No. 1749
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Energy & Environmental Protection, to which
was referred H.B. No. 1749 entitled:

"A BILL FOR AN ACT RELATING TO CESSPOOLS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of Health to adopt rules to prioritize priority level 1 and priority level 2 cesspools in any efforts undertaken to assist with cesspool upgrade, conversion, and connection and provide guidance to property owners;
- (2) Require and appropriate funds for the Hawai'i Cesspool Prioritization Tool to be updated as determined by the Department of Health;
- (3) Beginning January 1, 2027, require sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract;
- (4) Require the Department of Health and Real Estate Commission to develop a standardized cesspool disclosure form by November 1, 2026; and



(5) Establish penalties.

Your Committee received testimony in support of this measure from the Department of Health; Department of Land and Natural Resources; Office of Planning and Sustainable Development; Surfrider Foundation, Hawai'i Region; Public Access to SunScreens Coalition; Hawai'i Reef and Ocean Coalition; Hawai'i Ocean Legislative Task Force; The Nature Conservancy Hawai'i and Palmyra; WAI: Wastewater Alternatives & Innovations; and three individuals. Your Committee received comments on this measure from the University of Hawai'i Water Resources Research Center; University of Hawai'i Sea Grant College Program; and Hawai'i Association of REALTORS.

Your Committee finds that many property sales executed before January 1, 2050, may include homes that are served by cesspools, which should be disclosed to buyers. This measure ensures that buyers are made aware of the kind of wastewater system servicing a home before signing a real estate purchase contract.

While your Committee acknowledges the need to address the Department of Health's involvement in prioritizing certain cesspools and to ensure that cesspool prioritization data in the Hawai'i Cesspool Prioritization Tool is up to date and accurate, your Committee recognizes that other measures are addressing these issues.

Accordingly, your Committee has amended this measure by:

- (1) Removing the requirement that the Department of Health adopt rules to prioritize certain cesspools and provide guidance to property owners;
- (2) Removing the requirement and appropriation for the Hawai'i Cesspool Prioritization Tool to be updated;
- (3) Changing the name of the cesspool disclosure form to the wastewater system disclosure form and amending the contents of the form;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and



- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1749, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1749, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



NICOLE E. LOWEN, Chair



HSCR 14-26

| Bill/Resolution No.: <div style="font-size: 1.5em; font-family: cursive;">HB 1749</div> | Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">EEP, CPC, FIN</div> | Date: <div style="font-size: 1.5em; font-family: cursive;">1/29/26</div> | | |
|---|--|--|------|-------------------------------------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold </div> <div style="margin-top: 5px;"> <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) </div> | | | | |
| EEP Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. LOWEN, Nicole E. (C) | <input checked="" type="checkbox"/> | | | |
| 2. PERRUSO, Amy A. (VC) | <input checked="" type="checkbox"/> | | | |
| 3. CHUN, Cory M. | | | | <input checked="" type="checkbox"/> |
| 4. KAHALOA, Kirstin | <input checked="" type="checkbox"/> | | | |
| 5. KUSCH, Matthias | <input checked="" type="checkbox"/> | | | |
| 6. QUINLAN, Sean | | | | <input checked="" type="checkbox"/> |
| 7. MATSUMOTO, Lauren | <input checked="" type="checkbox"/> | | | |
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| TOTAL (7) | 5 | | | 2 |
| The recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> <div style="margin-top: 5px;"> If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div> </div> | | | | |
| Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 1.2em; font-family: cursive;">Amy Perruso</div> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |