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Honolulu, Hawaii

FEB 05 , 2026

RE: H.B. No. 1979
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. 1979 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL REVIEW,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Shorten the period for certain judicial proceedings involving environmental assessments and environmental impact statements on actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated; and
- (2) Require judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibit the Supreme Court from awarding attorneys' fees in these judicial proceedings.

Your Committee received testimony in support of this measure from the Hawaii Community Development Authority; Kaua'i Island Utility Cooperative; and five individuals. Your Committee received testimony in opposition to this measure from the Judiciary; 350Hawaii.org; The Outdoor Circle; Truth For the



People; and numerous individuals. Your Committee received comments on this measure from the Office of Planning and Sustainable Development and Earthjustice.

Your Committee finds that promoting affordable housing and clean energy development is a major priority for the State and that judicial proceedings can significantly delay these projects. Your Committee recognizes the need to promote procedural efficiency so that any legal challenges to these projects can be brought and decided in a timely manner. This measure seeks to enhance judicial efficiency by establishing stricter time limits for the initiation of judicial proceedings and expedited appeals processes for cases involving environmental assessments and environmental impact statements for certain affordable housing and clean energy projects.

Your Committee has amended this measure by:

- (1) Specifying that decisions involving these specific actions that are appealed from environmental courts meet one of the grounds for transfer to the Supreme Court, rather than providing the Supreme Court original jurisdiction;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

Your Committee notes the testimony from the Hawaii Community Development Authority recommending an amendment to the definition of "affordable housing project" to include certain ancillary uses and on-site or off-site infrastructure and requests your Committee on Housing to consider these amendments.

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. 1979, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1979, H.D. 1, and be referred to your Committee on Housing.



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



NICOLE E. LOWEN, Chair



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	Committee Referral:	Date:		
HB 1979	EEP, HSG, JHA	2/3/26		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. PERRUSO, Amy A. (VC)	✓			
3. CHUN, Cory M.	✓			
4. KAHALOA, Kirstin	✓			
5. KUSCH, Matthias	✓			
6. QUINLAN, Sean	✓			
7. MATSUMOTO, Lauren	✓			
TOTAL (7)	7			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Amy Perruso</u>				
Distribution: Original (White) – Committee		Duplicate (Yellow) – Chief Clerk's Office	Duplicate (Pink) – HMSO	