
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



1 airport as officially designated by military
2 authorities;

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

6 (5) The sea level rise exposure area as designated by the
7 Hawaii climate change mitigation and adaptation
8 commission or its successor,

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
18 information necessary to serve the purposes of this section.
19 Each county shall provide legible copies of the maps and may
20 charge a reasonable copying fee.



1 (b) When residential real property lies adjacent to the
2 shoreline, the seller shall disclose all permitted and
3 unpermitted erosion control structures on the parcel, expiration
4 dates of any permitted structures, any notices of alleged
5 violation associated with the parcel, and any fines for expired
6 permits or unpermitted structures associated with the parcel.

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

13 Any person who violates this subsection shall be fined no
14 more than \$ _____ ; provided that failure to provide the
15 cesspool disclosure form to a buyer shall not be deemed a
16 violation of this subsection if the seller makes a good faith
17 examination of relevant department of health and county records
18 and mistakenly concludes that the real property does not contain
19 a cesspool.

20 [~~e~~] (d) When it is questionable whether residential real
21 property lies within any of the designated areas referred to in



1 subsection (a) due to the inherent ambiguity of boundary lines
2 drawn on maps of large scale, the ambiguity shall be construed
3 in favor of the seller; provided that a good faith effort has
4 been made to determine the applicability of subsection (a) to
5 the subject real property.

6 [~~(d)~~] (e) Except as required under subsections (a) [~~(b)~~],
7 ~~and (e)]~~ (d) and section 508D-3.5, the seller shall have no
8 duty to examine any public record when preparing a disclosure
9 statement."

10 SECTION 2. No later than November 1, 2026, the department
11 of health and real estate commission shall develop a
12 standardized cesspool disclosure form that:

- 13 (1) Informs a buyer of whether the residential real
14 property is served by a cesspool;
- 15 (2) Informs a buyer of the location of the cesspool, if
16 known, and the priority level as categorized under the
17 Hawaii Cesspool Prioritization Tool developed by the
18 university of Hawaii; and
- 19 (3) Includes a statement in no less than fourteen-point
20 font as follows:



1 "PURSUANT TO SECTION 342D-72, HAWAII REVISED
2 STATUTES, ANY CESSPOOL THAT HAS NOT BEEN GRANTED AN
3 EXEMPTION BY THE DIRECTOR OF HEALTH IS REQUIRED TO BE
4 UPGRADED OR CONVERTED TO A DIRECTOR-APPROVED
5 WASTEWATER SYSTEM OR CONNECTED TO A SEWERAGE SYSTEM
6 BEFORE JANUARY 1, 2050."

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

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Cesspools; Cesspool Disclosure Form; Penalties; DOH; Real Estate Commission

Description:

Beginning 1/1/2027, requires sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract. Requires the Department of Health and Real Estate Commission to develop a standardized cesspool disclosure form by 11/1/2026. Establishes penalties. Effective 7/1/3000.
(HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

