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# 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 many proposed state and  
9 county cesspool conversion and wastewater infrastructure  
10 subsidies appropriately prioritize conversion, upgrade, or  
11 connection in priority level 1 and 2 areas, where cesspools and  
12 other onsite wastewater systems pose the greatest risk to  
13 drinking water sources, surface waters, and coastal ecosystems.  
14 However, homeowners with cesspools or individual wastewater  
15 systems located in priority level 3 areas often lack access to  
16 comparable subsidies for conversion or upgrade, even though they



1 face similar housing pressures and may need to add modest  
2 bedroom capacity to remain 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 or  
2 dwelling unit on a tax map key parcel located within a priority  
3 level 3 area may continue to be used to serve that dwelling or  
4 dwelling unit and may also serve additional bedrooms constructed  
5 on the same parcel and within the existing dwelling or dwelling  
6 unit if:

7 (1) The cesspool was in use before August 30, 1991, or  
8 approved before 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 is connected to the cesspool.

16 (b) Bedrooms authorized under subsection (a) shall be  
17 located only in the one existing dwelling or dwelling unit.

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

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

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



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

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

7       (d) The department may:

8       (1) Adopt rules pursuant to chapter 91 to implement this  
9           section; and

10       (2) Prohibit the addition of bedrooms under subsection (a)  
11           in specific areas where evidence demonstrates that  
12           continued cesspool use is impacting water quality or  
13           human health.

14       (e) For the purposes of this section, "priority level 3"  
15       means an area designated as priority level 3 by the most  
16       recently published version of the Hawaii cesspool prioritization  
17       tool using block spatial resolution rather than default census  
18       tract resolution."

19       SECTION 3. New statutory material is underscored.

20       SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

DOH; Existing Cesspools; Additional Bedrooms; Priority Level 3 Area

**Description:**

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

