

Honolulu, Hawaii

MAR 30 2026

RE: H.B. No. 1749
H.D. 2
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 Agriculture and Environment and Health and Human Services, to which was referred H.B. No. 1749, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CESSPOOLS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Beginning January 1, 2027, require sellers to provide buyers with a cesspool disclosure form before the execution of a real estate purchase contract;
- (2) Require the Department of Health and Real Estate Commission to develop a standardized cesspool disclosure form by November 1, 2026; and
- (3) Establish penalties.

Your Committees received testimony in support of this measure from the Department of Health; Department of Land and Natural Resources; Office of Planning and Sustainable Development; University of Hawai'i Sea Grant College Program; Hawai'i Association of REALTORS; Hawai'i Reef and Ocean Coalition; Wastewater Alternatives & Innovations, Friends of Hanauma Bay; Hawai'i Ocean Legislative Task Force; Climate Change and Health



Working Group; Surfrider Foundation, Hawai'i Region; and Public Access to SunScreens Coalition.

Your Committees received comments on this measure from the Real Estate Commission.

Your Committees find that the State has over eighty-three thousand cesspools that discharge millions of gallons of untreated sewage into the state's groundwater per day. Due to the threat that sewage discharge poses to communities and the environment, it is imperative that homeowners are equipped with the knowledge, funding, and incentives necessary to comply with existing law that requires conversion of non-exempt cesspools and cesspool system upgrades. By requiring full transparency from the State's real estate market, this measure will allow prospective buyers to be fully informed of their potential health and safety risks, obligation for mandatory conversion, and potential financial burden of a given property.

Your Committees acknowledge the concerns raised in testimony that requiring the Department of Health and Real Estate Commission to develop a cesspool disclosure form may create confusion as the Hawai'i Association of REALTORS already produces a required disclosure form for wastewater and cesspools. Therefore, amendments to this measure are necessary to address this concern.

Your Committees have amended this measure by:

- (1) Deleting language that would have required the Department of Health and Real Estate Commission to develop a cesspool disclosure form; and
- (2) 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 Agriculture and Environment and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1749, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1749, H.D. 2, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Health and
Human Services,



JOY A. SAN BUENAVENTURA, Chair

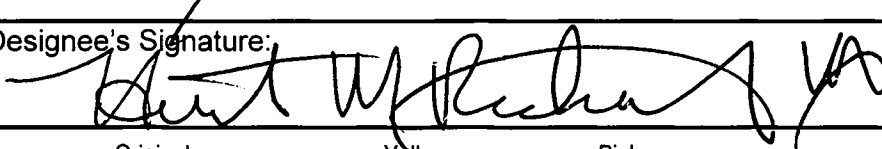


MIKE GABBARD, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i


Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1749, HD2	AEN/HHS, CPN/WAM	3-23-26		
<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
GABBARD, Mike (C)	X			
RICHARDS, III, Herbert M. "Tim" (VC)	X			
DECOITE, Lynn	X			
RHOADS, Karl	X			
AWA, Brenton				X
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		

*Only one measure per Record of Votes

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1749 HD 2	AEN/HHS, CPN/WAM	3/23/2024
<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	
SAN BUENAVENTURA, Joy A. (C)	✓	
MCKELVEY, Angus L.K. (VC)	✓	
KANUHA, Dru Mamo	✓	
KEOHOKALOLE, Jarrett	✓	
FEVELLA, Kurt		✓
TOTAL	4	0
0	0	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Committee	Pink Drafting Agency

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