

Honolulu, Hawaii

FEB 19, 2026

RE: H.B. No. 1979
H.D. 2

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

Madame:

Your Committee on Housing, to which was referred H.B. No. 1979, H.D. 1, 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 by which 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) Specify that appeals from environmental courts that involve actions that propose the use of land for, or construction of, affordable housing or clean energy projects meet one of the grounds for transfer to the Supreme Court and prohibits any court from awarding attorneys' fees in these judicial proceedings.

Your Committee received testimony in support of this measure from the Kaua'i Island Utility Cooperative; Avalon Development Company LLC; and one individual. Your Committee received testimony in opposition to this measure from The Outdoor Circle; 350Hawaii.org; Na Wai Ho'ola Nui La'au Lapa'au Foundation & Truth



for the People; and one individual. Your Committee received comments on this measure from the Office of Planning and Sustainable Development; Hawaii Community Development Authority; and Earth Justice.

Your Committee finds that delays and uncertainty in judicial challenges to environmental determinations create barriers for affordable housing and clean energy projects, which already face tight financing timelines and high development risks. Your Committee further finds that protracted litigation windows can stall or derail projects even after environmental review is completed, increasing costs and limiting the State's ability to meet housing and renewable energy goals. This measure promotes fairness, certainty, and the ability to deliver housing and clean energy projects that serve the public interest.

Your Committee has amended this measure by:

- (1) Inserting a preamble;
- (2) Clarifying the definition of "affordable housing project" to include a housing project with ancillary on-site mixed uses and any necessary on- or off-site infrastructure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes the concern that prohibiting the award of attorneys' fees may be unnecessarily punitive and that prohibiting such awards will not effectively dissuade challenges but may unduly penalize those who have legitimate and successful claims.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1979, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 1979, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Housing,

LAE

LUKE A. EVSLIN, Chair



