

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
FINANCE

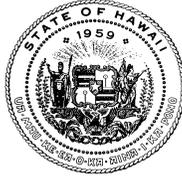
Monday, March 2, 2026
10:00 AM
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 1749, HOUSE DRAFT 2
RELATING TO CESSPOOLS

House Bill 1749, House Draft 2 proposes to require sellers, beginning 1/1/2027, 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; and establishes penalties. **The Department of Land and Natural Resources (Department) supports this bill.**

Hawai'i has over 83,000 cesspools that discharge 52 million gallons of untreated sewage into the groundwater every day. Sewage discharge can adversely impact marine resources by causing increased nutrients in the nearshore environment leading to eutrophication, reduction in coral cover, and decreased marine species diversity. These effects frequently impact coral reef ecosystems, as sewage has been shown to travel quickly from land to sea. Thus, it is imperative to focus on effective management of wastewater to protect aquatic resources in Hawai'i. As such, it is imperative that homeowners are equipped with the knowledge, funding, and incentives necessary to encourage cesspool system upgrades. Requiring real estate sellers to provide buyers with critical information about cesspools on properties is important in providing the necessary knowledge for homeowners to be able to assist in these conversions. Recognizing the effect these actions will have on cesspool conversion efforts to encourage proper prioritization of conversion, the Department supports this measure.

Mahalo for the opportunity to comment on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of HB1749 HD2
RELATING TO CESSPOOLS.

REPRESENTATIVE CHRIS TODD, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date, Time and Room Number: 03/02/2026, 10:00 am, 308

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (“Department”) supports this measure.

3 **Department Testimony:** The Environmental Management Division, Wastewater Branch (EMD-
4 WWB) provides the following testimony on behalf of the Department.

5 The amendments to Hawai'i Revised Statutes, Section 508D-15, support the
6 Department's mission to implement and maintain statewide programs for controlling water
7 pollution. The Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force's
8 Individual Wastewater Systems Permitted Interaction Group recommended expanding public
9 education efforts and strengthening seller disclosure requirements related to cesspool
10 conversions. The Permitted Interaction Group found that improving disclosure and ongoing
11 public education can help reduce unexpected issues for property owners, increase compliance,
12 and support smoother progress toward achieving the 2050 mandate.

13 **Offered Amendments:** None.

14 Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Finance
Monday, March 2, 2026 at 10:00 a.m.

By

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology

and

Tao Yan

Director, Water Resources Research Center,
Department of Civil and Environmental Engineering

and

Vassilis Syrmos, PhD

Provost

University of Hawai'i at Mānoa

HB 1749 HD2 – RELATING TO CESSPOOLS

Chair Todd, Vice Chair Takenouchi, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and Water Resources Research Center (WRRC) support HB 1749 HD2 relating to cesspools.

Cesspools are a significant source of groundwater and nearshore pollution, with over 83,000 cesspools statewide discharging approximately 53 million gallons of untreated sewage into the environment daily. They pose significant health risk to citizens statewide through the leakage of fecal contamination, including those whose properties rely on cesspools for sewage, posing risk of skin infection, higher rates of waterborne illness and unsanitary drinking water. The State has demonstrated a commitment to the conversion of cesspools, with several bills addressing mandatory conversion.

Full transparency in the State's real estate market, as proposed in HB 1749 HD2, 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.

Thank you for the opportunity to testify on this measure.



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON FINANCE
Monday, March 2, 2026, 10 AM
State Capitol, Conference Room 308

in consideration of
HB 1749, HD 2
RELATING TO CESSPOOLS.

Chair Todd, Vice Chair Takenouchi, and Members of the House Committee on Finance.

The Office of Planning and Sustainable Development (OPSD) **supports HB 1749, HD 2**, which beginning 1/1/2027, requires sellers to provide buyers with a wastewater system disclosure form before the execution of a real estate purchase contract; requires the Department of Health and the Real Estate Commission to develop a standardized wastewater system disclosure form by 11/1/2026; and establishes penalties.

OPSD recognizes the critical consumer protection issue addressed by this measure. The current lack of a standardized wastewater system disclosure in real estate transactions creates significant financial risks for homebuyers, who may unknowingly inherit the substantial costs of mandatory conversion. This lack of transparency can make housing unexpectedly more expensive and creates a barrier to informed decision-making in Hawai'i's housing market. Requiring a standardized disclosure form ensures that buyers are fully notified of existing wastewater systems, fostering a more equitable and transparent real estate market while advancing Hawai'i's 2050 cesspool conversion deadline.

For these reasons, the Office of Planning & Sustainable Development respectfully urges the committee to pass HB 1749, HD 2.

Thank you for the opportunity to testify in support of this measure



House Committee on Finance

Testimony on HB 1749 HD 2

Relating to Cesspools

March 2nd, 2026

10:00 AM

Room 308

Testimony of the Hawai'i Climate Change and Health Working Group

**In Support of HB 1749 HD 2
Relating to Cesspools**

Aloha Chair Todd, Vice Chair Takenouchi, and Members of the House Committee on Finance,

The Climate Change and Health Working Group (CCHWG) **supports HB 1749 HD2**, which strengthens transparency around wastewater systems by requiring disclosure of cesspools during real estate transactions and prioritizes the highest-risk cesspools for action in order to protect water quality, public health, and community well-being.

Who We Are and Why This Matters

CCHWG is a cross-sector collaborative committed to strengthening Hawai'i's public health resiliency in response to climate change. Guided by the principles of equity, justice, and aloha, we work across disciplines and communities to research, communicate, and advocate for policies that reduce climate-related health risks, particularly for communities that are disproportionately burdened.

Clean Water Is Foundational to Public and Environmental Health

Clean nearshore waters are essential for both public health and the health of coral reefs and coastal fisheries. Wastewater systems can pollute groundwater and nearshore waters by introducing elevated levels of contaminants such as nitrogen, phosphorus, and pathogens. Cesspools are particularly vulnerable to overflow and leakage due to sea-level rise and coastal erosion, as rising ocean levels can contaminate groundwater and soil. Like many coastal regions, Hawai'i depends on freshwater aquifers that are replenished by rainfall, meaning that changes to the water cycle can affect both the availability and quality of the state's drinking water supply.¹ Low-lying areas are also increasingly at risk of saltwater intrusion into these aquifers due to rising sea levels, further threatening the safety and stability of Hawai'i's drinking water.

The Financial Reality of Statewide Conversion

Across Hawai'i, there are approximately 88,000 cesspools. Using an estimated average conversion cost of \$23,000, the total cost of converting Hawai'i's approximately 88,000 cesspools exceeds two billion dollars. These conversion costs are likely to pose a significant financial burden for many residential property owners, particularly in a state where the cost of living is already among the highest in the nation.² HB 1749 HD2 helps address this challenge by improving transparency for buyers and prioritizing cesspools that pose the greatest risk to public health and the environment, allowing resources and assistance to be more strategically directed.

Direct Public Health Risks from Failing Cesspools

An estimated 43,000 of these cesspools pose a direct risk to public health.³ When cesspools overflow or leak, they expose people to infectious viruses and bacteria that can cause serious illness. Pathogens commonly found in cesspool contamination include hepatitis A, staphylococcus, salmonella, E.coli, and enterococci, which can lead to gastroenteritis, conjunctivitis, diarrhea, and skin infections among swimmers, paddlers, and beachgoers.

Climate Change Intensifies Waterborne Disease Risks

Climate change further exacerbates these challenges. Warmer air and water temperatures promote the growth and persistence of pathogens such as salmonella, shigella, vibrio cholerae, V. vulnificus, V. parahaemolyticus, Naegleria fowleri, Acanthamoeba species, Giardia lamblia, rotavirus, norovirus, cryptosporidium, and legionella.⁴ These conditions increase bacterial blooms and prolong seasons, raising infection risks through water contact.

¹ [Impacts of Climate Change on Honolulu Water Supplies and Planning Strategies for Mitigation](#), Board of Water Supply. 2019.

² [Cesspool Conversion Finance Research Summary Report](#), Hawai'i Department of Health. 2021.

³ [Cesspools in Hawai'i](#), Hawai'i Department of Health. 2026.

⁴ [Waterborne Diseases That Are Sensitive to Climate Variability and Climate Change](#), Jan Semenza & Albert Ko. 2023.

Heavy rainfall and flooding also raise the risk of Cryptosporidium, V.cholera, hepatitis A, Leptospira, staphylococcus, and E.coli through contaminated soil and floodwaters.⁵

Warming Oceans and Harmful Algal Blooms

Warming ocean temperatures also heighten the risk of harmful algal blooms (HABs), which are events where algae and cyanobacteria multiply rapidly and produce toxins that can make people sick.⁶ Health impacts from HAB exposure range from stomach pain, vomiting, diarrhea, fecal headache, and skin or eye irritation, to more serious effects such as neurological symptoms, muscle weakness, respiratory distress, liver and kidney toxicity, and even death.⁷

A Strategic Step Toward Health and Water Protection

HB 1749 HD2 represents an important step toward protecting public health, safeguarding drinking water, and preserving Hawai'i's nearshore ecosystems by ensuring informed real estate transactions and prioritizing the highest-risk cesspools for action.

Mahalo for the opportunity to testify. The climate crisis is a health crisis.

Sincerely,

Elizabeth Kiefer, MD, MPH

The Climate Change & Health Working Group

⁵ [Waterborne Diseases That Are Sensitive to Climate Variability and Climate Change](#), Jan Semenza & Albert Ko. 2023.

⁶ [Harmful Algal Blooms \(HABs\) and Health](#), Hawai'i Department of Health. 2025.

⁷ [Symptoms Caused by Harmful Algal Blooms](#), CDC. 2024

March 2, 2026

The Honorable Chris Todd, Chair

House Committee on Finance
State Capitol, Conference Room 308 & Videoconference

RE: House Bill 1749, HD2, Relating to Cesspools

HEARING: Monday, March 2, 2026, at 10:00 a.m.

Aloha Chair Todd, Vice Chair Takenouchi, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its almost 10,000 members. HAR **supports the intent** and offers amendments on House Bill 1749, HD2, which 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.

HAR develops standard forms utilized by the real estate industry in Hawaii. Our Standard Forms Committee continuously reviews or creates our real estate contracts to ensure the forms are current with industry standards and the law. In a real estate transaction, there are disclosures made in the *Seller's Real Property Disclosure Statement* (SRPDS) form.

Sellers are required to disclose "material facts" that are within the knowledge and control of the seller or observed from visible, accessible areas. As such, we currently include disclosure provisions relating to cesspools in our SPRDS. Additionally, HAR's Standard Forms Committee is in the process of updating its form to better inform buyers of the state law that cesspools need to be converted by 2050. The following is the proposed revision to the SRPDS that is currently undergoing review:

<p>3) What type of waste water/sewage system does the property have? [] None</p> <p>a) [] Public Sewer [] Private Sewer Connected? [] Yes [] No</p> <p style="padding-left: 20px;">If no, is connection currently required? [] Yes [] No</p> <p style="padding-left: 20px;">Is there a separate sewer fee? [] Yes [] No If yes, describe in Section G.</p> <p>[] Individual Sewage Treatment Plant Vendor _____</p> <p>[] Cesspool [] Septic System Location _____</p> <p>Last Pumped _____ How Often? _____</p> <p>Did any cesspool or septic system pumping/overflow generate a report to any governmental agency? [] Yes [] No</p> <p>Was there a fine? [] Yes [] No</p> <p>b) Does the cesspool serve more than one dwelling or living unit (A "dwelling" or "living unit" is defined as having its own kitchen/food preparation area, bathroom and sleeping/living area), including "ohana" units? [] Yes [] No</p> <p>c) [] Abandoned septic or cesspool Location _____ Filled? [] Yes [] No [] NTMK</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>CESSPOOL NOTICE: PURSUANT TO SECTION 342D-72, HAWAII REVISED STATUTES, ANY CESSPOOL THAT HAS NOT BEEN GRANTED AN EXEMPTION BY THE DIRECTOR OF HEALTH IS REQUIRED TO BE UPGRADED OR CONVERTED TO A DIRECTOR-APPROVED WASTEWATER SYSTEM OR CONNECTED TO A SEWERAGE SYSTEM BEFORE JANUARY 1, 2050. CONSULT THE DEPARTMENT OF HEALTH FOR ADDITIONAL GUIDANCE REGARDING CESSPOOL UPGRADE, CONVERSION, AND CONNECTION TIMELINESS AND ANY AVAILABLE FINANCING RESOURCES.</p> </div>
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If the Committee is inclined to pass this measure, we would respectfully request the following amendments:

Page 3, lines 7 -19:

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

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

~~(c) When residential real property contains a cesspool, the seller shall disclose information pursuant to section 342D-72, Hawaii Revised Statutes, about the deadline to convert cesspools to a director-approved wastewater system or connect the property to a sewerage system.~~

Page 4, lines 10 – 20 and Page 5 lines 1-12:

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

~~(1) Informs a buyer of whether the residential real property is served by a cesspool;~~

~~(2) Informs a buyer of the location of the cesspool, if known, and the priority level as categorized under the Hawaii~~

~~Cesspool Prioritization Tool developed by the university of Hawaii; and~~

~~(3) Includes a statement in no less than fourteen-point font as follows:~~

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

SECTION ~~3~~2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION ~~4~~3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION ~~5~~4. This Act shall take effect on July 1, 3000.

Mahalo for the opportunity to testify on this measure.



March 02, 2026

House Committee on Finance
Hawai'i State Legislature

Re: Testimony in **STRONG SUPPORT** of HB1749, Relating to Cesspools
Hearing: Monday, March 2nd, 2026, 10:00AM House Room 308

Aloha Chair Todd, Vice Chair Takenouchi, and Committee Members:

On behalf of the non-profit WAI: Wastewater Alternatives & Innovations (WAI) I am writing in **support** of HB1749.

This bill would require a standardized disclosure form before sale which would help to inform real estate buyers.

Hawaii has more than 83,000 cesspools across the state, discharging 52 million gallons of raw sewage each day into Hawaii's waters. Along with threats to public health and drinking water resources, new research shows that polluted wastewater poses significant harm to coral reefs and the near-shore environment.

WAI is an environmental non-profit dedicated to protecting our water resources by reducing sewage pollution from cesspools. We support more innovative, affordable, and eco-friendly solutions to wastewater management. Better sanitation systems protect public health and valuable natural resources like groundwater, streams, coral reefs and coastal areas. Hawaii is struggling with serious sewage pollution, and the state has a mandate to make sure all cesspools are converted in the next two decades.

HB 1749 takes an **important** and **practical** step by requiring a standardized wastewater system disclosure form before the execution of a real estate purchase contract. Ensuring that buyers clearly understand whether a property is served by a cesspool promotes transparency and informed decision-making. Disclosure also encourages earlier planning for compliance with the State's 2050 cesspool conversion mandate. Clear information at the time of sale is a low-cost policy tool that protects both consumers and Hawai'i's environment.

WAI respectfully submits testimony in **support** of HB1749 and appreciates the Legislature's continued leadership on addressing Hawai'i's wastewater pollution challenges.

Aloha and mahalo for the legislatures continued attention to this issue.

Stuart Coleman,

Jessica Kai Paisley,

Stuart H. Coleman, Executive Director

Jessica Kai Paisley, Program & Legal Specialist

2101 HD1!



To: The Honorable Representative Chris Todd, Chair, the Honorable Jenna Takenouchi, Vice Chair, and Members of the Finance Committee.

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing HB1749 HD2 RELATING TO CESSPOOLS**

Hearing: Monday March 2, 2026 10:00 a.m.

Aloha Chair Todd, Vice Chair Takenouchi, and Members of the Finance Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORTS** HB1749 HD2

This bill would help buyers of real estate by requiring a standardized disclosure form before home sale.

Requiring a standardized disclosure form in real estate transactions that is not buried in closing paperwork promotes transparency and protects both buyers and sellers. It addresses a longstanding gap in property transactions, where buyers may unknowingly inherit costly and environmentally risky liabilities. This measure will foster a more informed real estate market and encourage proactive cesspool remediation.

Please pass this bill to protect buyers and sellers of real estate.

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

HB-1749-HD-2

Submitted on: 3/1/2026 11:06:15 AM

Testimony for FIN on 3/2/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
An Vo	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is An and I'm a public health student on O'ahu. I am a member of Climate Future Forum who shared this bill with me. Please support HB1749 HD2.

Mahalo,
An
Honolulu

HB-1749-HD-2

Submitted on: 2/28/2026 12:47:49 PM

Testimony for FIN on 3/2/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

Given all the issues with cesspools in Hawaii, requiring a disclosure during the sale of a property is something that, frankly, should have been required years ago. Please pass HB1749 to make that a requirement now. To not do so is totally unfair to anybody who purchases a property here.

HB-1749-HD-2

Submitted on: 3/2/2026 7:15:15 AM

Testimony for FIN on 3/2/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Todd and members of the FIN committee:

I'm writing in support of HB1749 HD2.

Mahalo nui,

Paul Bernstein

Honolulu