

**BOARD OF WATER SUPPLY  
KA 'OIHANA WAI  
CITY AND COUNTY OF HONOLULU**

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April 2, 2026

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The Honorable David A. Tarnas, Chair  
and Members  
House Committee on Judiciary and Hawaiian Affairs  
Hawai'i State Capitol, Room 325  
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

Subject: Senate Bill 2398 SD 2, HD 1: Relating to Residential Housing Utilities

The Honolulu Board of Water Supply (BWS) strongly opposes Senate Bill (SB) 2398 Senate Draft (SD) 2, House Draft (HD) 1, in its current form. While BWS supports the Legislature's goal of improving transparency and predictability in residential permitting, the amended HD1 language raises serious concerns, particularly with respect to the administrative and operational cost burdens it would impose to the Board of Water Supply. Implementation would require substantial staff time and resources that are not feasible within existing staffing and resource constraints.

The BWS already provides water availability assessments free of charge and information is available on our BWS website, [boardofwatersupply.com](http://boardofwatersupply.com). Developers, consultants, existing and/or perspective homeowners may submit written inquiries by mail or by email via [contactus@hbws.org](mailto:contactus@hbws.org) to request an assessment of availability of water for proposed developments. BWS typically provides a written response within two (2) weeks of receipt. See attached instructions already on our website.

The scale of analysis contemplated by this bill is not feasible. Currently, BWS serves about 145,000 residentially zoned parcels that contains at minimum one (1) single-family water meter. This number does not include parcels that are not residentially zoned but are still allowed to have residential units, such as A-1 Apartment, A-2 Apartment Medium-density and mixed-use zones. Assuming all 145,000 parcels do not have limitations, and the evaluation of a single parcel is reduced to 1 hour per parcel. With 145,000 parcels, 1 hour per parcel, 8-hour workday, 247 workdays in a year (excluding weekends and 13 holidays a year), the

total time required to complete this full assessment would take **73.4 years**. In practice, such assumptions are unrealistic, as the BWS water system is dynamic and conditions may change daily in response to water demand, infrastructure limitations, and operational factors. Some parcels may take longer than 1 hour to evaluate. Accordingly, BWS would be unable to meet the bill's annual requirement to prepare and annually update system-wide availability determinations.

Water availability assessment are inherently parcel specific and requires an engineering review of zoning, distance and elevation relative to BWS water systems, hydraulic modeling analysis to evaluate source, transmission, and storage capacity, and analysis of fire flow and pressure requirements to ensure adequate fire protection for public health and safety, changes in water system conditions change due to drought, contamination events, equipment failures, or updated standards. Reliance on generalized maps may therefore create inaccurate expectations and expose counties to claims when actual conditions differ from published depictions.

BWS supports the following suggested amendment language to Chapter 54 part II and part III:

**§54-Service availability for residential dwellings.**

- (a) The board of water supply shall publish on its website a map of its service areas and provide a list of service-restricted areas:
  - (1) Parcel-by-parcel information shall not be required, and
  - (2) Utility assets shall not need to be specified.
- (b) The map and list of service-restricted areas shall be published on the website of the board of water supply no later than January 1, 2029, and should be kept reasonably updated.
- (c) The board of water supply may add a disclaimer stating that the map data is preliminary and is not the actual permit determination on water availability.
- (d) For water availability requests concerning residentially zoned parcels of three or fewer units, the board shall respond in writing to complete requests within forty-five (45) days of receipt. Any determination under this subsection (d) shall be valid for ninety (90) days from the date of issuance, unless otherwise specified by the board.

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- (e) The board of water supply may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

Thank you for the opportunity to testify on SB 2398 SD2, HD1.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ernest Y. W. Lau". The signature is fluid and cursive, with a large initial "E" and "L".

ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer



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April 2, 2026

House Committee on Judiciary & Hawaiian Affairs  
Hawai'i State Capitol  
Honolulu, HI 96813

**RE: SUPPORT for SB 2398 SD2 HD1 - RELATING TO RESIDENTIAL HOUSING UTILITIES**

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of SB 2398**, which is an important step toward more responsible and timely housing development by improving transparency around water infrastructure capacity. Access to clear, publicly available information about water service availability helps communities better understand where new homes can realistically be built and where constraints exist.

In the midst of a severe housing shortage and affordability crisis, uncertainty around infrastructure can add unnecessary delays, costs, and risk to housing projects. When builders, homeowners, and permitting agencies lack clear information, projects are often stalled late in the process or redesigned after significant time and money have already been spent. SB 2398 helps address this problem by making water availability information accessible upfront.

By allowing homebuilders to identify parcels where water capacity already exists, this bill helps target housing production to areas that are ready to support growth. This can shorten development timelines, reduce carrying costs, and lower overall project expenses, all of which are critical to producing housing that people can afford. Clear information also allows public agencies to coordinate permitting more efficiently and plan infrastructure investments more strategically. The bill also establishes a process for



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property owners to obtain conditional confirmation of water availability based on these maps. By providing a time-limited assurance that water service will be honored if a permit is submitted promptly, this provision reduces uncertainty and helps prevent costly delays late in the development process.

Transparency and predictability in infrastructure capacity does not weaken protections. Instead, it strengthens planning, accountability, and trust. SB 2398 supports smarter growth by aligning housing development with real-world infrastructure conditions, helping ensure that new homes are built where they make the most sense and can be delivered more quickly to the people who need them most.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. Our members are deeply concerned about Hawai'i's chronic and worsening housing shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'āina out to the mainland or into homelessness every single year.

We ask your support for this bill. Thank you for the opportunity to testify.

Sincerely,  
Damien Waikoloa  
Chapter Lead, Hawai'i YIMBY

Edgardo Díaz Vega  
Chapter Lead, Hawai'i YIMBY

Huey Kwik  
Chapter Lead, Hawai'i YIMBY





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**WRITTEN TESTIMONY  
IN SUPPORT OF S.B. NO. 2398, S.D. 2, H.D. 1 —RELATING TO RESIDENTIAL  
HOUSING UTILITIES**

**DATE:** Wednesday, April 2, 2026

**TIME:** 2:00 p.m.

**COMMITTEE:** House Committee on Judiciary & Hawaiian Affairs

**Chair:** Representative David Tarnas

**Vice Chair:** Representative Mahina Poepoe

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Avalon Development Company strongly supports S.B. No. 2398, S.D. 2, H.D. 1, which requires county boards of water supply to publish generalized, non-binding information regarding the availability of domestic water service for residential development.

As a developer in Hawai'i, we have directly experienced how uncertainty around water service availability undermines project feasibility, extends timelines, and increases financial risk. Too often, projects advance through planning and early permitting stages only to encounter previously undisclosed infrastructure constraints. The result is avoidable delays, escalating costs, and, in some cases, the loss of otherwise viable housing opportunities.

At a time when Hawai'i faces an acute housing shortage, infrastructure uncertainty should not remain an invisible barrier to production. Reliable access to water is fundamental to residential development. Providing high-level reference maps and explanatory analysis—clearly identified as preliminary and non-determinative—will give landowners, developers, lenders, and public agencies the early insight necessary to make informed decisions. Importantly, S.D. 2, H.D. 1 appropriately clarifies that water service limitations may include unfulfilled or incomplete developer-funded improvements, reflecting real-world capacity constraints without requiring parcel-specific determinations.

We acknowledge and appreciate the Honolulu Board of Water Supply's comments on this measure and recognize that the City and County of Honolulu has developed a well-established, accurate, and easily navigable system for assessing water availability. However, our concern is not driven by conditions on O'ahu, but by the lack of publicly available and readily accessible



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information on water availability and system reliability on the neighbor islands. In those counties, the absence of comparable tools creates uncertainty early in the planning process, which this bill seeks to address through statewide baseline transparency.

We also appreciate the Legislature's continued attention to balancing transparency with operational concerns. The use of broad geographic zones, the authorization of disclaimers, and the absence of any reliance, appeal, or entitlement provisions ensure that this measure improves coordination without compromising utility operations or permitting authority.

S.B. No. 2398, S.D. 2, H.D. 1 is a practical, targeted reform that will improve planning certainty, reduce wasted effort, and support the responsible delivery of much-needed housing across the state. For these reasons, Avalon Development Company respectfully urges support for S.B. No. 2398, S.D. 2, H.D. 1.

Respectfully submitted,

**Avalon Development Company LLC**

**SB-2398-HD-1**

Submitted on: 3/31/2026 10:07:59 PM

Testimony for JHA on 4/2/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

BWS already provides water availability assessments free of charge and information is available on the BWS website.