

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

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February 26, 2026

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The Honorable Jarrett Keohokalole, Chair
and Members
Senate Committee on Commerce and Consumer Protection
Hawai'i State Capitol, Room 229
Honolulu, Hawai'i 96813

Dear Chair Keohokalole and Members:

Subject: Senate Bill 2398, SD1: Relating to Residential Housing Utilities

The Honolulu Board of Water Supply (BWS) respectfully opposes Senate Bill (SB) 2398, Senate Draft (SD) 1, which requires county boards of water supply to publicly disclose through its website service connection, availability for residential permitting and construction.

SB 2398, SD1, proposes to add a new section to part II of Chapter 54, Hawai'i Revised Statutes (HRS) requiring all county boards of water supply to reflect the availability of domestic water service for new residential dwelling construction or expansions of existing residential dwellings in residentially zoned areas, and include general descriptions of reference maps to the public on the availability of domestic water service.

BWS already offers free parcel specific water availability assessments that can be used for planning, engineering and financing for new and renovated developments. The case by case evaluations are based on best available information and could be subject to change.

Thank you for the opportunity to provide testimony in opposition to SB 2398, SD 1.

Very truly yours,

ERNEST Y. W. LAU, P.E.
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**WRITTEN TESTIMONY
IN SUPPORT OF S.B. NO. 2398, S.D. 1
RELATING TO RESIDENTIAL HOUSING UTILITIES**

Avalon Development LLC strongly supports S.B. No. 2398, S.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 delay, 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, this measure enhances transparency without creating entitlement rights, appeal mechanisms, or mandates that compromise utility operations.

We also appreciate the Committees' thoughtful amendments addressing concerns raised by county water agencies. The use of broad geographic zones instead of parcel-specific data, the explicit authorization of disclaimers, and the removal of reliance and appeal provisions appropriately balance transparency with operational and liability considerations. These refinements preserve the bill's purpose while minimizing administrative burden.

S.B. No. 2398, S.D. 1 is a practical, targeted reform that will improve coordination between housing development and infrastructure planning. Greater clarity at the outset of a project will reduce speculation, streamline decision-making, and support the responsible delivery of much-needed homes across the state.

For these reasons, Avalon Development LLC respectfully urges continued support of S.B. No. 2398, S.D. 1.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for SB 2398 SD1– Relating Residential Housing Utilities
Senate Committee on Consumer Protections
Thursday, February 26, 2026 at 9:45 AM Conf. Rm. 229 and via Videoconference

Aloha Chair Keohokalole, Vice Chair Fukunaga, and members of the committee;

Mahalo for the opportunity to testify in strong support of SB 2398 SD1 relating to Residential Housing Utilities. Planning for future housing opportunities requires transparent information about our infrastructure capacity.

Requiring county boards of water supply to publicly disclose service connection availability online better allows homeowners, developers, and community stakeholders with timely and essential information to make decisions about building the homes we desperately need without wasting time or money on this issue. These decisions on what or what not to build are critical in also keeping away applications to our county building departments that do not have water availability and unnecessarily clog review and approval times.

We would note from previous public hearing testimony that the need for developer-funded improvements is another factor to consider when understanding service connection availability. We assert developer funding for upgrades and expansion is a critical element toward achieving the capacity needed for housing construction. The public should know which developers have present or past obligations to the counties to meet infrastructure demand. **We would ask that section (a)(2) applicable to Chapter 54 Parts II and III in the SD1 be amended to reflect inclusion of this disclosed information:**

"§54- Service availability for residential dwellings. (a) The board of water supply shall publish on its website reference maps of its service areas that:

(1) Reflect the availability of domestic water service for new residential dwelling construction or expansions of existing residential dwellings in residentially zoned areas;

(2) Include general descriptions of broad geographic zones with any limitations to the availability of domestic water service as a result of source, storage, or distribution deficiency, including the board's present inventory of owed but unfulfilled, non-constructed, or incomplete developer-funded improvements; provided that parcel-by-parcel information shall not be required on the reference maps; and

(3) Include sufficient supporting analysis explaining the deficiency or other limitation in paragraph (2) that disallows a service connection.

(b) The maps shall be published on the website of the board of water supply no later than July 1, 2027, and updated not less than annually thereafter.



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(c) The board of water supply may include a disclaimer that any reference map is preliminary and shall not be the actual permit determination on water availability."



LATE

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February 26, 2026

Senate Committee on Commerce and Consumer Protection

Hawai'i State Capitol

Honolulu, HI 96813

RE: SUPPORT for SB 2398 SD1 - RELATING TO RESIDENTIAL HOUSING UTILITIES

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of SB 2398 SD1**, 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 SD1 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.



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Transparency in infrastructure capacity does not weaken protections. Instead, it strengthens planning, accountability, and trust. SB 2398 SD1 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



SB-2398-SD-1

Submitted on: 2/20/2026 8:10:35 PM

Testimony for CPN on 2/26/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, OPPOSE

2398 SB RELATING TO RESIDENTIAL HOUSING UTILITIES.