

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

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February 5, 2026

The Honorable Stanley Chang, Chair
and Members
Senate Committee on Housing
Hawaii State Capitol, Room 225
Honolulu, Hawaii 96813

The Honorable Glenn Wakai, Chair
and Members
Senate Committee on Energy and Intergovernmental Affairs
Hawaii State Capitol, Room 225
Honolulu, Hawaii 96813

Dear Chair Chang, Chair Wakai and Members:

Subject: Senate Bill 2398: Relating to Residential Housing Utilities

The Honolulu Board of Water Supply (BWS) respectfully opposes Senate Bill (SB) 1923, which requires county boards of water supply to publicly disclose on their websites geographic information systems (GIS) maps identifying the availability of domestic water service for residential permitting and construction.

HB 1923 proposes to add a new section to part II of Chapter 54, Hawaii Revised Statutes (HRS) requiring all county boards of water supply to publish GIS reference maps depicting the availability of domestic water service, including the specificity of any limitations and supporting analysis explaining any deficiency that would disallow a service connection. The bill further provides that any parcel owner who disagrees with the map or analysis may appeal the decision under HRS section 91-9, and that the residential building permit applicants and permitting agencies may rely upon the maps.

Posting generalized GIS information regarding the water system required by SB 2398 is problematic for the following reasons:

- 1. Protection of Critical Infrastructure Information.**

Water systems are designated critical infrastructure. The federal Critical Infrastructure Information Act of 2002 (CII Act) protects from public disclosure “information not customarily in the public domain and related to the security of critical infrastructure or protected systems” According to the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security, water systems are vulnerable to a variety of attacks, including contamination and deadly agents; physical attacks, such as the release of toxic gaseous chemicals; and cyberattacks. Publication of detailed GIS layers depicting system capacities and limitations could expose sensitive information and conflict with federal and state security guidance.

2. Generalized Maps Could Mislead the Public.

Water availability determinations are highly site-specific. Although adequate supply may exist within a service area, individual parcels may be unable to receive service due to fire-flow requirements, minimum water pressure standards, distance from existing mains or hydrants, elevation service limits, or the need for developer-funded improvements. A static map cannot reliably capture these variables and may create false expectations regarding the ability to obtain a water meter.

3. Conversion of Planning Information into Appealable Agency Decisions.

The bill treats each map depiction as an “agency decision” subject to contested case procedures under chapter 91. This would transform planning-level information into quasi-regulatory determinations, requiring formal findings, recordkeeping, and hearings for potentially thousands of parcels – an outcome not contemplated in current water availability processes.

4. Administrative Burden and Fiscal Impact.

Preparing and annually updating system-wide GIS analyses with “sufficient supporting analysis” would divert existing engineering resources required to assess new water availability, which may delay review periods and potentially require the need for new staff and ongoing appropriations. Defending chapter 91 appeals would further divert resources from core mission functions such as system maintenance and development of new water sources.

5. Liability Risk from Statutory Reliance.

Subsection (d) allows permit applicants and agencies to rely on the maps. Water system conditions change due to drought, contamination events, equipment failures, or updated standards. Reliance on generalized maps could expose counties to claims when actual conditions differ from published depictions.

The Honorable Stanley Chang, Chair
The Honorable Glenn Wakai, Chair
and Members
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6. Existing Process Provides More Accurate Information.

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 can account for site-specific conditions. Together with professional review, they can provide a more reliable and responsible method than generalized GIS maps.

For these reasons, BWS respectfully opposes advancing SB 2398.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y. W. Lau', is positioned above the printed name.

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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February 3, 2026

TESTIMONY OF KEITH K. OKAMOTO, MANAGER-CHIEF ENGINEER
DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII

HEARING BEFORE THE SENATE COMMITTEE ON HOUSING AND ENERGY AND
INTERGOVERNMENTAL AFFAIRS

DATE: THURSDAY, FEBRUARY 5, 2026

TIME: 1:00 PM

PLACE: Videoconference, Conference Room 225

SB 2398 - RELATING TO RESIDENTIAL HOUSING UTILITIES

Honorable Chair Chang, Vice-Chair Hashimoto, and committee members,
Honorable Chair Wakai, Vice-Chair Chang, and committee members,

The County of Hawaii, Department of Water Supply (DWS) respectfully submits testimony in **opposition** to Senate Bill (SB) 2398.

DWS operates and maintains 23 public water systems on Hawaii island that provide potable water service to approximately 46,000 accounts. DWS currently has a process to provide information regarding the availability of domestic water service for new residential dwellings in residentially zoned areas upon request.

SB 2398, as currently drafted, has language that is of significant concern to DWS. First, if a parcel owner disagrees with the information on the map, the parcel owner may appeal the decision under HRS 91-9. This would be very burdensome to our Department and Water Board. DWS is already challenged with limited resources (personnel and funding) and this bill would add further workload for DWS's staff. Second, having a parcel owner and permitting agency rely on the online map could result in litigation against DWS, the Water Board, and permitting agency as the water availability information is parcel specific should the map not be 100% accurate.

We thank you for your attention to this matter, and for your dedication and commitment to serving our State.

Please feel free to contact me at (808) 961-8050 or via email at dws@hawaiidws.org with any questions you may have regarding DWS' comments. Thank you for your time and consideration of our testimony on SB 2398.

...Water, Our Most Precious Resource...Ka Wai A Kāne...

The Department of Water Supply is an Equal Opportunity provider and employer.



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February 5, 2026

The Honorable Stanley Chang, Chair

Senate Committee on Housing

The Honorable Glenn Wakai, Chair

Senate Committee on Energy and Intergovernmental Affairs
State Capitol, Conference Room 225 & Videoconference

RE: Senate Bill 2398, Relating to Residential Housing Utilities

HEARING: Thursday, February 5, 2026, at 1:00 p.m.

Aloha Chair Chang, Chair Wakai, and Members of the Joint Committees:

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 over 10,000 members. HAR **supports** Senate Bill 2398, which requires county boards of water supply to publicly disclose through its website service connection availability for residential permitting and construction.

Reliable access to water is one of the most basic requirements for housing, yet uncertainty about water service availability continues to delay or halt residential construction and permitting across the state. This measure promotes transparency by requiring clear, publicly available information on water service availability for residential dwellings, which would help homeowners and builders plan more effectively and with greater certainty.

Mahalo for the opportunity to provide testimony on this measure.





Hawai'i YIMBY
Honolulu, HI 96814
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February 5, 2026

Senate Committee on Housing

Senate Committee on Energy and Intergovernmental Affairs

Hawai'i State Capitol

Honolulu, HI 96813

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

Aloha Chairs Chang & Wakai, Vice Chair Hashimoto, 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.



Hawai'i YIMBY
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Transparency 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

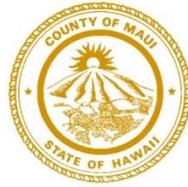
Edgardo Díaz Vega
Chapter Lead, Hawai'i YIMBY

Huey Kwik
Chapter Lead, Hawai'i YIMBY



RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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LATE

TO: Senator Stanley Chang, Chair
Senator Troy N. Hashimoto, Vice Chair
[COMMITTEE ON HOUSING](#)

Senator Glenn Wakai, Chair
Senator Stanley Chang, Vice Chair
[COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS](#)

FROM: Richard T. Bissen, Jr., Mayor
John Stufflebean, P.E.

DATE: February 4, 2026

SUBJECT: **OPPOSITION TO SB 2398: Relating to Residential Housing Utilities**

This measure would require county boards of water supply to publicly disclose through its website service connection availability for residential permitting and construction.

We oppose this bill for the following reasons:

1. The bill requires the agencies to explain any deficiencies that would disallow a service connection. It also allows any parcel owner that disagrees with the map or analysis to appeal the decision under HRS section 91-9, and that the residential building permit applicants and permitting agencies may rely on the maps.
2. Posting GIS information regarding water systems is problematic because they are designated critical infrastructure protected from public disclosure under the federal Critical Infrastructure Act of 2002. Water systems are vulnerable to a variety of attacks including contamination and deadly agents, physical attacks, the release of toxic gaseous chemicals, and cyberattacks according to the Cybersecurity and Infrastructure Security Act.

3. These generalized maps could also mislead the public. Water availability determinations are very site-specific. A static map may create false expectations since, while water supply may be available in a service area, individual parcels may be unable to receive service due to fire-flow requirements, minimum water pressure standards, distance from water mains or hydrants, elevation service limits, and the need for developer-funded improvements.
4. The application of the contested case procedures under Chapter 91 transforms planning level information to regulatory decisions requiring formal findings, recordkeeping, and hearings for potentially thousands of parcels.
5. Diverting limited engineering resources from their existing duties to performing the GIS function and defending chapter 91 appeals would cause delays in many functions including permit review.
6. Allowing permit applicants and agencies to rely on the static maps would expose water agencies to claims when conditions vary from published depictions due to changes in water system conditions due to factors such as drought, contamination events, equipment failures, and updated standards.
7. The current case-by-case evaluation provides more reliable and responsible water reliability assessments than generalized GIS maps.

Thank you for your consideration.