
A BILL FOR AN ACT

RELATING TO RESIDENTIAL REAL PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the department of
2 health and department of business, economic development, and
3 tourism receive approximately \$1,100,000 in annual federal
4 grants through the Coastal Zone Act Reauthorization Amendments
5 of 1990. The legislature further finds that this funding is
6 contingent on the State taking measures to address and minimize
7 polluted runoff, including runoff from on-site sewage
8 facilities.

9 Accordingly, the purpose of this Act is to minimize the
10 polluted runoff created by failing individual wastewater systems
11 in the State by establishing a program to oversee their
12 inspection and repair of individual wastewater systems at the
13 time of an attached property's transfer or sale.

14 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
15 amended by adding a new section to part IV to be appropriately
16 designated and to read as follows:



1 "§342D- Time of transfer individual wastewater system
2 inspection program. (a) There is established within the
3 department the time of transfer individual wastewater system
4 inspection program to oversee the inspection and repair of any
5 individual wastewater system at the time of sale or transfer of
6 ownership of residential real property that is attached to the
7 individual wastewater system.

8 (b) This section shall not apply to:

9 (1) A transfer between joint tenants or tenants in common;

10 (2) A transfer made to a spouse, child, or parent; or

11 (3) A transfer made between spouses resulting from a
12 decree of dissolution of marriage, a decree of legal
13 separation, or a property settlement agreement that is
14 incidental to the decree.

15 (c) Following an inspection, the inspection form and any
16 related reports shall be provided to the department.

17 (d) If an individual wastewater system fails inspection,
18 the system shall be renovated within one year by the current
19 property owner or by the prospective property owner with written
20 agreement, to meet construction standards adopted by the
21 department.



1 (e) The department shall adopt rules pursuant to
2 chapter 91 to implement this section.

3 (f) As used in this section, "individual wastewater
4 system" means facilities, such as septic systems, aerobic
5 treatment units, and cesspools, that are not connected to a
6 sewer and are used and designed to dispose of:

7 (1) No more than one thousand gallons per day of domestic
8 wastewater; or

9 (2) Greater than one thousand gallons per day of domestic
10 wastewater from buildings having highly variable
11 flows."

12 SECTION 3. This Act shall not be applied so as to impair
13 any contract existing as of the effective date of this Act in a
14 manner violative of either the Hawaii State Constitution or
15 Article I, section 10, of the United States Constitution.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Department of Health; Sale or Transfer of Property; Individual Wastewater System Inspection

Description:

Establishes the time of transfer individual wastewater system inspection program to oversee the inspection and repair of any individual wastewater system at the time of sale or transfer of residential real property attached to the wastewater system. Excludes certain sales or transfers. Effective 7/1/2050. (HD1)

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