
A BILL FOR AN ACT

RELATING TO PERMIT APPROVALS.

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

1 SECTION 1. The legislature finds that the automatic
2 approval of a permit by a state or county board or commission
3 may lead to unintended consequences. The county charters and
4 section 92-15, Hawaii Revised Statutes, generally require that a
5 majority of the full membership of a board or commission must
6 vote in favor of an action to make it valid. Sometimes, a board
7 or commission will take a vote that is neither an approval nor a
8 denial because of vacancies or absences or disqualified members
9 on the board or commission. It has been argued that this can
10 create an automatic approval, even when a majority of the
11 members of a board or commission present have voted against a
12 proposal. Where a vote has occurred and less than a majority of
13 the board or commission has approved a proposal, the matter
14 should be continued rather than approved.

15 SECTION 2. Section 91-13.5, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) All [~~such~~] issuing agencies shall take action to
18 grant or deny any application for a business or development-



1 related permit, license, or approval within the established
2 maximum period of time, or the application shall be deemed
3 approved; provided that a delay in granting or denying an
4 application [~~caused by the lack of quorum~~] at a regular meeting
5 of the issuing agency shall not result in approval under this
6 subsection[~~; provided further that any subsequent lack of quorum~~
7 ~~at a regular meeting of the issuing agency that delays the same~~
8 ~~matter shall not give cause for further extension, unless an~~
9 ~~extension is agreed to by all parties.~~] if the delay was caused
10 by the lack of quorum, a tie vote, or a vote with less than a
11 majority of the full membership of the board or commission
12 voting to approve the application."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.



H. B. 2524 H. D. 1

Report Title:

Automatic Permit Approval; Board; Commission

Description:

Provides that the automatic approval of applications for business- or development-related permits, licenses, or approvals will not occur when the board or commission making the review is delayed by a tie vote or a vote with less than a majority of the members of the commission or board present. (HB2524 HD1)

