

JAN 22 2010

A BILL FOR AN ACT

RELATING TO PERMITS AND LICENSES.

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

1 SECTION 1. The legislature finds that the process of
2 reviewing permits, licenses, and approvals for workforce housing
3 and other projects submitted to the State and each county is
4 long and often results in significant delays prior to the start
5 of each project. The legislature envisions that the enactment
6 of certain statutory provisions will help to streamline and
7 enhance the efficiency of the permit and license review and
8 approval process.

9 The purpose of this Act is to streamline portions of the
10 review process for permits, licenses, and approvals to minimize
11 time delays and to expedite the start of construction for
12 workforce housing and other projects which will result in the
13 generation of construction and other related jobs.

14 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
15 by adding a new section to be appropriately designated and to
16 read as follows:

17 "§46- Third-party permit, license, and approval
18 processing review. (a) Each county shall be authorized to



1 provide a third-party with permit, license, and approval
2 processing review powers that are aimed at increasing the
3 efficiency and timeliness of permit, license, or approval
4 applications submitted to the State or respective county for
5 projects of the department of education, the University of
6 Hawaii, the Hawaii housing finance and development corporation,
7 and the Hawaii public housing authority.

8 Specifically, each county shall be authorized to contract
9 with licensed architects and engineers that are qualified by the
10 respective county to certify compliance with various building,
11 electrical, mechanical, plumbing, and structural codes, as well
12 as land use ordinances, in reviewing an application for a
13 permit, license, or approval.

14 (b) Third-party reviewers shall be retained by an owner of
15 the property being reviewed and all fees and costs for third-
16 party review services shall be the responsibility of the owner
17 of the property being reviewed.

18 (c) Third-party reviewers shall conduct their review
19 services for the purpose of certifying that the proposed plans
20 and specifications are in compliance with any applicable
21 federal, state, or county laws, rules, ordinances, and codes.
22 Certifications by third-party reviewers shall be limited to only



1 those areas approved by the State or respective county and those
2 areas in which the third-party reviewer is licensed.

3 (d) Third-party reviewers shall not have the authority to
4 grant any modifications, variances, waivers, exemptions, or
5 other discretionary approvals.

6 (e) An individual or entity that provides third-party
7 review services that are authorized and in accordance with this
8 section shall be immune from liability, except for acts of the
9 third-party reviewer that result from their intentional
10 misconduct, gross negligence, or malfeasance."

11 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§6E-42 Review of proposed projects.** (a) Before any
14 agency or officer of the State or its political subdivisions
15 approves any project involving a permit, license, certificate,
16 land use change, subdivision, or other entitlement for use,
17 which may affect historic property, aviation artifacts, or a
18 burial site, the agency or office shall advise the department
19 and prior to any approval allow the department an opportunity
20 for review and comment on the effect of the proposed project on
21 historic properties, aviation artifacts, or burial sites,



1 consistent with section 6E-43, including those listed in the
2 Hawaii register of historic places.

3 (b) For proposed projects of the department of education,
4 the University of Hawaii, the Hawaii housing finance and
5 development corporation, and the Hawaii public housing
6 authority, the department shall have a maximum of forty-five
7 days to complete a review and comment on the effect of the
8 proposed project on historic properties, aviation artifacts, or
9 burial sites, consistent with section 6E-43, including those
10 listed in the Hawaii register of historic places, beginning from
11 the time the department is advised of the proposed project by an
12 agency or officer of the State or its political subdivisions.
13 If the department fails to complete a review and comment on the
14 effect of a proposed project within forty-five days, then the
15 proposed project shall be deemed to be approved.

16 (c) Projects previously reviewed by the department
17 pursuant to this section and found to have no impact on historic
18 properties, aviation artifacts, or burial sites shall not be
19 subject to subsequent department reviews."

20 ~~[-(b)]~~ (d) The department shall inform the public of any
21 project proposals submitted to it under this section which are



1 not otherwise subject to the requirement of a public hearing or
2 other public notification."

3 SECTION 4. Section 91-13.5, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Unless otherwise provided by law, an agency shall
7 adopt rules that specify a maximum time period to grant or deny
8 a business or development-related permit, license, or approval;
9 provided that the application is not subject to state
10 administered permit programs delegated, authorized, or approved
11 under federal law.

12 For proposed projects of the department of education, the
13 University of Hawaii, the Hawaii housing finance and development
14 corporation, and the Hawaii public housing authority, if an
15 agency does not have a maximum time period to grant or deny a
16 permit, license, or approval adopted by rule pursuant to this
17 section, then the application for permit, license, or approval
18 shall be deemed approved thirty calendar days after a completed
19 application is submitted to the State or respective county
20 agency; provided that the completed application is submitted to
21 the State or respective county on or after January 1, 2011."

22 2. By amending subsections (f) and (g) to read:



1 "(f) This section shall not apply to[+
2 ~~(1) Any~~ any proceedings of the public utilities
3 commission[~~+-or~~
4 ~~(2) Any county or county agency that is exempted by county~~
5 ~~ordinance from this section]~~.

6 (g) For purposes of this section, "application for a
7 business or development-related permit, license, or approval"
8 means any state or county application, petition, permit,
9 license, certificate, or any other form of a request for
10 approval required by law to be obtained prior to the formation,
11 operation, or expansion of a commercial or industrial
12 enterprise, or for any permit, license, certificate, or any form
13 of approval required under sections 46-4, 46-4.2, 46-4.5, 46-5,
14 and chapters 183C, 205, 205A, 340A, 340B, 340E, 340F, 342B,
15 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, and
16 342P[-], and shall include any permit, license, certificate, or
17 other form of approval for county land use, subdivision,
18 grading, grubbing, building, or plan approval."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



S.B. NO. 2580

1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Permit Processing; Approvals; Maximum Time; Application; UH;
DOE; HHFDC; HPHA

Description:

For projects of the department of education, the University of Hawaii, the Hawaii housing finance and development corporation, and the Hawaii public housing authority, establishes a maximum time period that an application for permit, license, or approval shall be deemed granted if not acted upon by the designated agency; and authorizes each county to contract with a third-party reviewer to streamline the processing of applications for those projects. Clarifies that previously approved projects that do not impact historic properties are not subject to subsequent reviews by the department of land and natural resources.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

