
A BILL FOR AN ACT

RELATING TO PERMIT, LICENSE, AND APPROVAL APPLICATION
PROCESSING.

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. For example, statutory provisions that
9 establish a maximum time period for agencies to grant or deny
10 related permits, licenses, and approvals, will expedite the
11 start of construction for workforce housing projects throughout
12 the state and will result in the generation of construction and
13 other related jobs that are badly needed in the economy.

14 Senate Concurrent Resolution No. 132, S.D. 1 (2009),
15 established a task force to determine the economic contributions
16 of the construction industry in Hawaii. As directed in the
17 concurrent resolution, the task force has developed a series of
18 proposals for state actions to preserve and create new jobs in



1 the local construction industry. The intent of this Act is to
2 implement one of the task force's proposals.

3 Accordingly, the purpose of this Act is to streamline
4 portions of the review process for permits, licenses, and
5 approvals to minimize time delays and to expedite the start of
6 construction for workforce housing and other projects that will
7 result in the generation of construction and other related jobs.

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

11 "§46- Third-party permit, license, and approval
12 processing review. (a) Each county may provide a third-party
13 with permit, license, and approval processing review powers to
14 increase the efficiency and timeliness of permit, license, or
15 approval applications submitted to the State or respective
16 county.

17 Specifically, each county may contract with licensed
18 architects and engineers who are qualified by the respective
19 county to certify compliance with various building, electrical,
20 mechanical, plumbing, and structural codes, as well as land use
21 ordinances, by reviewing an application for a permit, license,
22 or approval.



1 (b) Third-party reviewers shall be retained by an owner of
2 the property being reviewed and all fees and costs for third-
3 party review services shall be the responsibility of the owner
4 of the property being reviewed.

5 (c) Third-party reviewers shall conduct their review
6 services for the purpose of certifying that the proposed plans
7 and specifications are in compliance with any applicable
8 federal, state, or county laws, rules, ordinances, and codes.
9 Certifications by third-party reviewers shall be limited to only
10 those areas approved by the State or respective county and those
11 areas in which the third-party reviewer is licensed.

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

15 (e) An individual or entity that provides third-party
16 review services that are authorized and in accordance with this
17 section shall be immune from liability, except for acts of the
18 third-party reviewer that result from the reviewer's intentional
19 misconduct, gross negligence, or malfeasance."

20 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Before any agency or officer of the State or its
2 political subdivisions approves any project involving a permit,
3 license, certificate, land use change, subdivision, or other
4 entitlement for use, which may affect historic property,
5 aviation artifacts, or a burial site, the agency or [office]
6 officer shall advise the department and prior to any approval
7 allow the department an opportunity for review and comment on
8 the effect of the proposed project on historic properties,
9 aviation artifacts, or burial sites, consistent with section 6E-
10 43, including those listed in the Hawaii register of historic
11 places. The department shall have a maximum of sixty days to
12 complete a review and comment, beginning from the time the
13 department is advised of the proposed project by the agency or
14 officer of the State or its political subdivisions. If the
15 department fails to complete a review and comment within sixty
16 days, the proposed project shall be deemed approved. Projects
17 previously reviewed by the department pursuant to this section
18 and found to have no impact on historic properties, aviation
19 artifacts, or burial sites shall not be subject to subsequent
20 department reviews under this section."

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



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

2 "(a) Unless otherwise provided by law, an agency shall
3 adopt rules that specify a maximum time period to grant or deny
4 a business or development-related permit, license, or approval;
5 provided that the application is not subject to state
6 administered permit programs delegated, authorized, or approved
7 under federal law. If an agency has not adopted rules
8 specifying the maximum time period to grant or deny a permit,
9 license, or approval pursuant to this section, the application
10 shall be deemed approved thirty calendar days after a completed
11 application is submitted to the State or respective county
12 agency; provided that the completed application is submitted to
13 the State or respective county on or after January 1, 2011."

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

15 "(f) This section shall not apply to[+

16 ~~(1) Any] any proceedings of the public utilities~~
17 ~~commission [+-or~~

18 ~~(2) Any county or county agency that is exempted by county~~
19 ~~ordinance from this section].~~

20 (g) For purposes of this section, "application for a
21 business or development-related permit, license, or approval"
22 means any state or county application, petition, permit,



1 license, certificate, or any other form of a request for
2 approval required by law to be obtained prior to the formation,
3 operation, or expansion of a commercial or industrial
4 enterprise, or for any permit, license, certificate, or any form
5 of approval required under sections 46-4, 46-4.2, 46-4.5, 46-5,
6 and chapters 183C, 205, 205A, 340A, 340B, 340E, 340F, 342B,
7 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, and
8 342P[-], and shall include any permit, license, certificate, or
9 other form of approval for county land use, subdivision,
10 grading, grubbing, building, or plan approval."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on January 1, 2112.



Report Title:

Construction Task Force; Permit Processing; Maximum Time

Description:

Authorizes counties to contract with a third-party reviewer to streamline construction permit, license, and other application processing; Provides that applications will be deemed approved if Historic Preservation Division fails to review and comment within 60 days, and after 30 days if agencies fail to establish maximum time periods for permit and other application processing. Effective January 1, 2112. (HB2434 HD2)

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

