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# A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

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

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§46-           Agricultural and aquacultural structures; no  
5 building permit required. (a) Notwithstanding any law to the  
6 contrary, no county shall require a building permit for the  
7 construction of low risk nonresidential temporary or permanent  
8 structures used for agricultural or aquacultural operations;  
9 provided that:

10           (1) The tenant agrees to defend, indemnify, and hold  
11 harmless, the State and any of its agencies, officers,  
12 and employees, from and against all liability, loss,  
13 damage, cost and expense, including attorneys' fees  
14 and costs, and all claims, suits, and demands  
15 therefore, arising out of or resulting from the lack  
16 of building permits, and waive any statutory or other  
17 immunity from liability that may be asserted by the  
18 tenant to limit the tenant's obligation to so defend,



1           indemnify, and hold harmless, the State and any of its  
2           agencies, officers, and employees; and

3           (2) Any permanent structure constructed pursuant to this  
4           section shall be designed and engineered according to  
5           the latest version of the International Building Code,  
6           as published by the International Code Council.

7           (b) As used in this section:

8           "Agricultural" means relating to the planting, cultivating,  
9           harvesting, and processing of crops, including those planted,  
10           cultivated, harvested, and processed for food, ornamental,  
11           grazing, or forestry purposes.

12           "Aquacultural" means relating to the propagation,  
13           cultivation, or farming of aquatic plants and animals in  
14           controlled or selected environments for research purposes,  
15           commercial purposes, or stocking purposes, including aquaponics  
16           or any growing of plants or animals with aquaculture effluents.

17           "Low risk" means any structure one thousand five hundred  
18           square feet or smaller.

19           "Temporary structure" means a building that is ancillary to  
20           the agricultural or aquacultural operation and is not designed  
21           to remain permanently in place, such as recycled ocean shipping



1 and cargo containers, modular structures, agricultural cold  
2 frames, and storage sheds."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect on July 1, 2020.



**Report Title:**

Building Permits; Agricultural and Aquacultural Structures

**Description:**

Exempts from county building permit requirements construction of low risk nonresidential and aquacultural structures, under certain conditions. Effective July 1, 2020. (HB1230 HD1)

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

