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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 owner or occupier agrees to defend, indemnify, and  
11           hold harmless the State and any of its agencies,  
12           officers, and employees from and against all  
13           liability, loss, damage, cost, and expense, including  
14           attorneys' fees and costs, and all claims, suits, and  
15           demands arising out of or resulting from the lack of  
16           building permits for any low-risk nonresidential  
17           structure, and waive any statutory or other immunity  
18           from liability that may be asserted by the owner or



1 occupier to limit the owner or occupier's obligation  
2 to so defend, indemnify, and hold harmless the State  
3 and any of its agencies, officers, and employees; and

4 (2) Any permanent structure constructed pursuant to this  
5 section shall be designed and engineered according to  
6 the version of the International Building Code that  
7 has been adopted by the respective county, as  
8 published by the International Code Council.

9 (b) As used in this section:

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

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

19 "Low-risk" means, of a structure, being one thousand five  
20 hundred square feet or smaller.

21 "Temporary structure" means a building that is ancillary to  
22 the agricultural or aquacultural operation and is not designed



1 to remain permanently in place, including recycled ocean  
2 shipping and cargo containers, modular structures, agricultural  
3 cold frames, and storage sheds."

4 SECTION 2. New statutory material is underscored.

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

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**Report Title:**

Building Permits; Agricultural and Aquacultural Structures

**Description:**

Exempts construction of low-risk nonresidential and aquacultural structures from county building permit requirements, under certain conditions. Effective July 1, 2020. (SD1)

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

