
A BILL FOR AN ACT

RELATING TO SUSTAINABLE ALTERNATIVE BUILDING CODE.

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

1 SECTION 1. The legislature finds that populations are
2 increasing while resources are decreasing. The result is a need
3 for more sustainable and environmentally appropriate living.
4 Sustainable and environmentally appropriate living is presently
5 inhibited due to current zoning regulations, building codes, and
6 infrastructure requirements that control and regulate
7 conventional development. Some of the needed solutions for more
8 sustainable development can only be revealed from outside the
9 confines of our existing mechanisms.

10 In July of 2007, the New Mexico legislature passed a bill
11 that greatly promotes sustainable living research and
12 development. The Sustainable Development Test Site Act allows
13 for counties throughout the state to "define a new category of
14 rules" which will apply to approved sustainable development
15 sites. Taos county, for example, has since started to look at
16 how to formulate such rules. Approved sites would be able to
17 conduct sustainable development research that might have
18 otherwise violated ordinances that apply to other types of



1 development. A similar bill is in position to be introduced in
2 Colorado.

3 This Act will allow and encourage privately or otherwise
4 funded sustainable projects within a county to research new low
5 impact ways of living. This Act will create a doorway through
6 the current limitations of traditional codes to support the
7 development of more sustainable methods of living, allowing
8 greater implementation of county and state sustainable living
9 policies.

10 The purpose of this Act is to further the five principles
11 of the Hawaii 2050 sustainability plan created by the Hawaii
12 2050 task force pursuant to Act 8, Special Session Laws of
13 Hawaii 2005, which are integrated philosophies that express the
14 sustainable future of Hawaii. These five principles reflect a
15 deeply-held sense of where Hawaii should be headed and are as
16 follows:

17 (1) Living sustainably is part of our daily practice in
18 Hawaii;

19 (2) Our diversified and globally competitive economy
20 enables us to meaningfully live, work, and play in
21 Hawaii;



1 (3) Our natural resources are responsibly and respectfully
2 used, replenished, and preserved for future
3 generations;

4 (4) Our community is strong, healthy, vibrant, and
5 nurturing and provides safety nets for those in need;
6 and

7 (5) Our kanaka maoli and island cultures and values are
8 thriving and perpetuated.

9 SECTION 2. The Hawaii Revised Statutes is amended by
10 adding a new chapter to be appropriately designated and to read
11 as follows:

12 "CHAPTER

13 SUSTAINABLE LIVING RESEARCH ACT

14 § -1 **Short title.** This chapter shall be known and may
15 be cited as the Sustainable Living Research Act.

16 § -2 **Definitions.** As used in this chapter:

17 "Permittee" means a person who holds a sustainable living
18 research permit.

19 "Planning commission" means a county planning commission.

20 "Planning department" means a county planning department.



1 "Sustainable living" means a live-in environment composed
2 of structures and systems that inherently produce utilities and
3 life-support systems that conserve resources and may include:

4 (1) The provision of on-site energy needs via renewable
5 resources;

6 (2) The provision of water needs while minimizing the
7 withdrawals from ground water and surface water
8 systems in accordance with county and state water law
9 and the rules and policies of the county and state
10 engineers;

11 (3) The provision of sewage treatment needs with minimal
12 discharge;

13 (4) The reuse of materials discarded by modern society;

14 (5) The development of organic foods;

15 (6) The development of renewable fuel; and

16 (7) The development and testing of affordable and
17 sustainable structures.

18 "Sustainable living research" means activities conducted at
19 a sustainable living research site that test ideas, concepts, or
20 inventions designed to lead ultimately to sustainable living.



1 "Sustainable living research permit" means a permit issued
2 by the planning department that designates an area as a
3 sustainable living research site and specifies:

- 4 (1) The sustainable development research that can be
- 5 conducted within the site by the permittee; and
- 6 (2) The county codes, ordinances, rules, or permits that
- 7 are not applicable to the permittee and the research.

8 "Sustainable living research site" means an area that is:

- 9 (1) Between one and fifteen acres in size;
- 10 (2) Subject to a sustainable living research site permit
- 11 issued by the county planning department; and
- 12 (3) Subject to federal laws and regulations.

13 **§ -3 Application for sustainable living research permit;**

14 **evaluation.** (a) A person desiring a sustainable living
15 research permit shall submit an application to the planning
16 department for the county in which the proposed sustainable
17 living research site is located. The application shall include:

- 18 (1) A detailed description of the sustainable living
- 19 research that will be conducted on the sustainable
- 20 living research site, including an explanation of the
- 21 ideas, concepts, and inventions that will be tested;
- 22 (2) A site plan of the sustainable living research site;



- 1 (3) The number of inhabitants and employees that are
2 expected to occupy the sustainable living research
3 site;
- 4 (4) An assessment of the county codes, ordinances, rules,
5 or permits relating to construction or building
6 requirements, occupancy, zoning, or subdivisions that
7 are not practicable for the specific sustainable
8 living research site and that may inhibit the proposed
9 sustainable living research;
- 10 (5) An application fee, if any, set by the planning
11 department;
- 12 (6) Other information as may be required by rules adopted
13 pursuant to section -6 or by rule of the planning
14 commission or ordinance of the county;
- 15 (7) Copies of all required state permits, including the
16 approval of the wastewater treatment and disposal
17 technology on an experimental basis; and
- 18 (8) An affidavit indemnifying the county and state from
19 liabilities relating to the building exemptions.
- 20 (b) Within ten days of receipt of a complete application,
21 the planning department shall forward a copy of the application
22 to the department of health. Upon its receipt of the



1 application, the department of health shall have thirty days to
2 submit comments to the planning department regarding the
3 proposed sustainable living research site and to make a
4 determination as to whether the sustainable living research
5 proposed to be conducted will have a detrimental environmental
6 impact on the proposed sustainable living research site or the
7 surrounding area. During the review of the application, the
8 department of health shall also determine whether it is
9 appropriate to grant the applicant a waiver of its regulations
10 pertaining to compositing toilets and greywater systems,
11 including its regulations pertaining to individual wastewater
12 systems on agricultural land, and to approve an applicant's self
13 designed, innovative, or otherwise not yet approved, systems.
14 The department of health may grant a waiver if it finds that the
15 proposed system will not have a detrimental impact upon human
16 health or environment.

17 § -4 **Application review; decision; permit.** (a)

18 Following the application review, the planning department shall,
19 in writing, make its decision. The planning department shall
20 issue a sustainable living research permit if:

21 (1) The department of health has determined that the
22 sustainable living research proposed to be conducted



1 will not have a detrimental environmental impact on
2 the proposed sustainable living research site or the
3 surrounding area;

4 (2) No existing county codes, ordinances, rules, or
5 permits relating to construction or building
6 requirements, occupancy, zoning, or subdivisions,
7 other than those identified in the application, will
8 be violated by the proposed sustainable living
9 research at the site;

10 (3) The applicant has complied with applicable rules
11 adopted pursuant to section -6 and chapter 91, if
12 any; and

13 (4) The proposed sustainable living research at the site
14 may be beneficial to the development of sustainable
15 living.

16 (b) A sustainable living research permit shall include:

17 (1) The specific sustainable living research that may be
18 conducted at the sustainable living research site;

19 (2) The maximum number of structures that may be
20 constructed;

21 (3) The maximum number of individuals that may inhabit or
22 be employees of the sustainable living research site;



1 (4) The specific county codes, ordinances, rules, and
2 permits relating to construction or building
3 requirements, occupancy, zoning, or subdivisions
4 otherwise applicable to the permittee and the
5 permittee's sustainable living research on the site
6 but that do not apply to the permittee and sustainable
7 living research conducted pursuant to the permit; and
8 (5) Other restrictions on the sustainable living research
9 site and the permittee's activities as required by
10 rules adopted pursuant to section -6 or chapter 91,
11 if any.

12 (c) The permit shall be filed and recorded in the records
13 of the county clerk, and pursuant to this chapter, all the
14 benefits and burdens of the permit shall run with the land.

15 (d) If the planning department denies an application for a
16 sustainable living research permit or fails to rule on an
17 application within ninety days after the application is filed,
18 the applicant may appeal, within thirty days thereafter, the
19 planning department's decision or failure to rule, to the
20 appropriate planning commission.

21 § -5 **Sustainable living research permitted; enforcement.**

22 (a) The permittee, when conducting sustainable living research



1 that is specified in the sustainable living research permit,
2 shall comply with all applicable laws and rules except those
3 county codes, ordinances, rules, or permits specified in the
4 permit as inapplicable to the permittee and the research.

5 (b) Nothing in this chapter or the sustainable living
6 research permit shall be deemed to allow the permittee to
7 appropriate or otherwise use underground or surface water
8 without first obtaining a water rights permit or approval if
9 otherwise required pursuant to chapter 174C. New appropriations
10 of water and water rights transfers shall in no event be
11 exempted from state water law and rules.

12 (c) Nothing in this chapter or the sustainable living
13 research permit shall be deemed to allow the permittee to avoid
14 preparing an environment assessment or environmental impact
15 statement where such statement or assessment is otherwise
16 required by law.

17 (d) Relevant employees and agents of the State or the
18 county, at all reasonable times, may enter the sustainable
19 living research site for the purpose of inspecting the site and
20 activities conducted on the site to ensure that conditions
21 specified in the sustainable living research permit are being
22 met.



1 (e) The permittee shall annually submit a report to the
2 planning department and the department of health, describing the
3 sustainable living research and activities conducted during the
4 preceding twelve months and summarizing the results. All
5 information contained in the report and all other information
6 learned from activities pursuant to the sustainable living
7 research permit shall be made available to the public.

8 (f) The planning commission may revoke the sustainable
9 living research permit if it finds, after a public hearing, that
10 the permittee has substantially violated a sustainable living
11 research permit provision, this chapter, an applicable rule
12 adopted pursuant to this chapter or chapter 91, and has failed
13 to correct the violation within thirty days of notification of
14 the violation.

15 (g) A permittee may apply to have a sustainable living
16 research permit amended by submitting a new application pursuant
17 to section -3. If the planning department determines that
18 the proposed amendment will substantially alter the sustainable
19 living research or other activities conducted at the sustainable
20 living research site and does not approve those changes, the
21 permittee may appeal to the planning commission.



1 § -6 **Adoption of rules.** The planning department may
2 include, as part of the permit issued pursuant to this chapter,
3 special rules and conditions that are consistent with the
4 purpose and provisions of this chapter and other applicable laws
5 and policies. If the applicant is not in agreement with any
6 special rules and conditions imposed by the planning department,
7 the applicant may appeal to the appropriate planning
8 commission."

9 SECTION 3. No later than October 1, 2013, the planning
10 department of each county may adopt rules pursuant to chapter
11 91, Hawaii Revised Statutes, regarding the issuance of permits
12 pursuant to this Act.

13 SECTION 4. This Act shall take effect on July 1, 2112.



Report Title:

Sustainable Living Research Act; Counties; Development

Description:

Authorizes the use of certain land, subject to county approval and oversight, for research, development, and testing of sustainable agriculture, development, waste management, and resource management through planned community use. Effective July 1, 2112. (HB111 HD2)

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

