

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO COUNTY PERMITTING AND INSPECTION.

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

1           SECTION 1. The legislature finds that builders in Hawai'i  
2 are generally required to obtain building permits from the  
3 county in which their project is located, for any new  
4 construction, additions or alterations, repairs and renovations,  
5 demolition, or relocation of a building or structure, to ensure  
6 that construction and renovation work is completed in accordance  
7 with federal, state, and local codes and ordinances. In  
8 addition, an inspection and issuance of a certificate of  
9 occupancy by the county is required before the building or  
10 structure can be used.

11           The legislature further finds that county planning  
12 departments have been experiencing hardship in hiring qualified  
13 land use plans checkers, resulting in a chronic backlog of  
14 permit applications. Notably, a survey report issued in April  
15 2022 by the University of Hawaii Economic Research Organization,  
16 titled "Measuring the Burden of Housing Regulation in Hawaii",  
17 found Hawai'i's four counties to be among the nation's eleven



1 most heavily regulated counties when it comes to building homes  
2 and that the average delay in issuing building permits in Hawai'i  
3 is three times longer than the survey sample mean.

4 The legislature also finds that in addition to private  
5 developers, various state departments, including the departments  
6 of agriculture, education, Hawaiian home lands, land and natural  
7 resources, transportation, and the University of Hawaii system,  
8 as well as affiliated state agencies such as the Hawaii housing  
9 finance and development corporation and Hawaii public housing  
10 authority, routinely oversee construction projects, all of which  
11 require approval from the county in which the project is  
12 located.

13 As multiple stages of project review contribute to the  
14 county planning departments' backlog, the legislature believes  
15 it prudent to eliminate some of the barriers that prevent  
16 expeditious construction of projects that are overseen by the  
17 State. Furthermore, state departments and their affiliated  
18 agencies already utilize engineering staff that are qualified to  
19 draft building plans that comply with all applicable building  
20 codes and amendments adopted by the State and its counties.  
21 Therefore, the legislature finds that for state projects, the



1 county building permit, inspection, and certificate of occupancy  
2 requirements are duplicative, and a courtesy notification of the  
3 project to the county should suffice.

4 Accordingly, the purpose of this Act is to exempt state  
5 projects from county building permit, inspection, and  
6 certificate of occupancy requirements under certain conditions.

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

10 "§46- County building permit, inspection, and  
11 certificate of occupancy requirements; exemption; state  
12 projects; notice; county review and comment. (a)  
13 Notwithstanding any other law to the contrary, state projects  
14 shall be exempt from county building permit, inspection, and  
15 certificate of occupancy requirements when compliant with  
16 applicable building codes or county, national, or international  
17 prescriptive construction standards, including construction,  
18 electrical, energy conservation, plumbing, and sidewalk  
19 standards, as applicable; provided that the state agency  
20 responsible for the state project shall submit for review and  
21 comments a building permit exemption notice, on a form as



1 prescribed by the county, to the county in which the state  
2 project is located. The building permit exemption notice shall  
3 include all documents and information pertaining to the state  
4 project as required by the county pursuant to section (b). Any  
5 county in receipt of a building permit exemption notice shall  
6 review the state project and provide written comments to the  
7 state agency within thirty days of the county's receipt of the  
8 notice. If on the thirty-first day, written comments are not  
9 provided, the state project may proceed without having received  
10 written comments.

11 (b) Each county shall adopt ordinances that govern its  
12 processes and procedures regarding building permit exemption  
13 notices and in reviewing and commenting upon state projects,  
14 including the county department to which the building permit  
15 exemption notice under subsection (a) shall be submitted, the  
16 form thereof, and the documents and information that shall be  
17 attached thereto.

18 (c) Nothing in this section shall relieve any state  
19 project from the laws, ordinances, rules, and regulations of the  
20 State and county or any departments or boards thereof with  
21 respect to the construction, operation, and maintenance of the



1 state project, compliance with master plans or zoning laws or  
2 regulations, compliance with building and health codes and other  
3 laws, ordinances, or rules and regulations of similar nature  
4 applicable to the state project.

5 (d) As used in this section:

6 "Building permit" means an authorization required and  
7 issued by a county to perform within the jurisdiction of the  
8 county, specified work governed by the county's building,  
9 construction, electrical, energy conservation, plumbing, or  
10 sidewalk codes, as applicable.

11 "State agency" means any office, department, board,  
12 commission, bureau, division, public corporation, agency, or  
13 instrumentality of the State.

14 "State lands" means all land owned by the State through any  
15 state agency.

16 "State project" means any undertaking of work or  
17 improvement of state lands or any interest therein, developed,  
18 acquired, constructed, reconstructed, rehabilitated, improved,  
19 altered, or repaired by a state agency."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "DKU", written over a horizontal line.

# S.B. NO. 765

**Report Title:**

County Building Permit, Inspection, and Certificate of Occupancy Requirements; Exemption; State Projects; Notice to Counties; County Review and Comments

**Description:**

Exempts state projects from county building permit, inspection, and certificate of occupancy requirements under certain conditions. Requires the state agency responsible for the state project to submit for review and comments, a building permit exemption notice to the county in which the state project is located. Requires the county to review and submit written comments regarding the state project within thirty days of its receipt of notice and if on the thirty-first day, written comments are not provided, the state project may proceed. Requires the counties to adopt ordinances. Defines building permit, state agency, state lands, and state project.

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

