



**GOV. MSG. NO. 1137**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

May 28, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on May 28, 2024, the following bill was signed into law:

HB2090 HD1 SD2 CD1

RELATING TO HOUSING.  
**ACT 037**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

**H.B. NO.** 2090  
H.D. 1  
S.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1           SECTION 1. The legislature finds that Hawaii needs to  
2 increase its housing supply to meet local demand for housing,  
3 mitigate housing cost increases, and prevent displacement of  
4 residents and homelessness. Hawaii has the highest housing  
5 costs in the nation, and a substantial body of research shows  
6 that high housing costs are the result of regulatory  
7 restrictions on the ability to build homes to keep up with  
8 demand. Strict separation of land uses, such as allowing only  
9 commercial uses in certain areas, is one such regulatory  
10 restriction.

11           The legislature further finds that much-needed housing is  
12 particularly appropriate in areas zoned for commercial use.  
13 Allowing mixed commercial and residential uses creates vibrant  
14 neighborhoods by allowing residents to live near businesses and  
15 employers. Furthermore, it reduces the need for long commutes,  
16 decreases traffic congestion, and lowers carbon emissions. The  
17 legislature believes that adapting commercial buildings to



1 residential use preserves Hawaii's natural beauty and  
2 agricultural land by allowing housing in developed commercial  
3 areas rather than on undeveloped land. The legislature notes  
4 that infrastructure for this type of infill construction is more  
5 cost-effective, requiring less upfront infrastructure and  
6 reducing costs for the ongoing delivery of services.

7 Therefore, the purpose of this Act is to:

- 8 (1) Beginning on January 1, 2025, permit residential uses,  
9 including multifamily uses, in areas zoned for  
10 commercial use, with certain exceptions; and  
11 (2) Require, no later than January 1, 2025, each county to  
12 adopt or amend its ordinances to allow for adaptive  
13 reuse of commercial buildings for residential  
14 purposes.

15 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
16 by adding two new sections to be appropriately designated and to  
17 read as follows:

18 "§46-A Residential development; areas zoned for commercial  
19 use; administrative approval. Notwithstanding any law to the  
20 contrary, beginning January 1, 2025, residential uses, including



1 multifamily uses, in any area zoned under this chapter for  
2 commercial use shall be considered permitted; provided that:

3 (1) Residential uses may be limited by ordinance to floors  
4 above the ground floor of a building or structure and  
5 conform to prescribed development standards; and

6 (2) This section shall not apply to any areas zoned under  
7 chapter 206E.

8 **§46-B Adaptive reuse; commercial buildings.** (a) No later  
9 than January 1, 2025, each county shall adopt or amend its  
10 ordinances to allow for adaptive reuse of existing commercial  
11 buildings in the county's building code; provided that adaptive  
12 reuse of existing commercial buildings shall be allowed pursuant  
13 to this section until each county adopts or amends its ordinance  
14 in accordance with this section.

15 (b) Notwithstanding any law, ordinance, or code or  
16 standard to the contrary, each adaptive reuse ordinance shall:

17 (1) Allow for the construction of micro units; provided  
18 that no county shall require a micro unit to be larger  
19 than minimum standards established in the  
20 International Building Code;



1        (2) Allow for adaptive reuse to meet the interior  
2        environment requirements of the International Building  
3        Code; and

4        (3) Provide for an exemption to any requirements regarding  
5        park dedication or additional off-street parking;  
6        provided that:

7        (A) The existing off-street parking satisfies at  
8        least fifty per cent of a county's parking  
9        requirements; and

10       (B) The building's floor area, height, and setbacks  
11       do not change as a result of adaptive reuse;  
12       provided further that this paragraph shall not  
13       preclude a county from exempting a project under this  
14       section from all off-street parking requirements.

15       (c) For purposes of this section, "adaptive reuse" means  
16       the repurposing of existing buildings or structures in whole or  
17       in part for residential purposes. "Adaptive reuse" includes  
18       retrofitting and repurposing of existing buildings or structures  
19       that create new residential units. "Adaptive reuse" does not  
20       include the rehabilitation of any construction affecting



1 existing residential units that are or have been recently  
2 occupied."

3 SECTION 3. Section 107-26, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§107-26 Hawaii state building codes; prohibitions.** In  
6 adopting the Hawaii state building codes, the council shall not  
7 adopt provisions that:

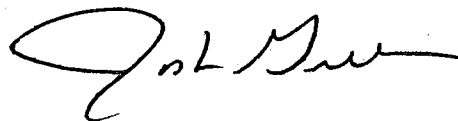
- 8 (1) Relate to administrative, permitting, or enforcement
- 9 and inspection procedures of each county; or
- 10 (2) Conflict with [~~chapters~~]:
  - 11 (A) Chapters 444 and 464[-]; or
  - 12 (B) Section 46-B."

13 SECTION 4. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 28th day of May , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2090, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives





Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate