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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 allow:

- 8 (1) Homes in areas zoned for commercial use, with certain  
9 exceptions; and  
10 (2) Adaptive reuse of commercial buildings for residential  
11 purposes.

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

15 "§46-A Residential development; areas zoned for commercial  
16 use; administrative approval. Notwithstanding any law to the  
17 contrary, residential uses in any area zoned under this chapter  
18 for commercial use shall be considered permitted; provided that:

- 19 (1) Such residential use may be limited by ordinance to  
20 floors above the ground floor of a building or



1 structure and conform to prescribed development  
2 standards; and

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

5 **§46-B Adaptive reuse; commercial buildings.** (a) Each  
6 county shall adopt ordinances that allow for adaptive reuse of  
7 existing commercial buildings in the county's building code.

8 (b) Notwithstanding any law, ordinance, or building code  
9 or standard to the contrary, each adaptive reuse building code  
10 ordinance shall:

11 (1) Allow for the construction of micro units with a  
12 minimum size of two hundred twenty square feet;

13 (2) Allow for adaptive reuse to meet the interior  
14 environment requirements of the International Building  
15 Code; and

16 (3) Provide for an exemption to any requirements regarding  
17 additional off-street parking or park dedication;  
18 provided that the building's floor area, height, and  
19 setbacks do not change as a result of adaptive reuse.

20 (c) Each county shall adopt or amend its ordinances to  
21 implement this section no later than January 1, 2026.



1        (d) As used in this section, "adaptive reuse" means the  
2 repurposing of existing buildings or structures in whole or in  
3 part for residential purposes. "Adaptive reuse" includes  
4 retrofitting and repurposing of existing buildings or structures  
5 that create new residential units. "Adaptive reuse" does not  
6 include the rehabilitation of any construction affecting  
7 existing residential units that are or have been recently  
8 occupied."

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

11        **"§107-26 Hawaii state building codes; prohibitions.** In  
12 adopting the Hawaii state building codes, the council shall not  
13 adopt provisions that:

- 14        (1) Relate to administrative, permitting, or enforcement  
15                and inspection procedures of each county; [~~or~~]  
16        (2) Conflict with chapters 444 and 464[+]; or  
17        (3) Conflict with section 46-B."

18        SECTION 4. In codifying the new sections added by section  
19 1 of this Act, the revisor of statutes shall substitute  
20 appropriate section numbers for the letters used in designating  
21 the new sections in this Act.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on January 1, 2026.

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INTRODUCED BY: ZAC

JAN 19 2024



# H.B. NO. 2090

**Report Title:**

Residential Development; Areas Zoned for Commercial Use;  
Administrative Approval; Counties; Building Codes; Adaptive  
Reuse; Commercial Buildings

**Description:**

Allows residential uses in areas zoned for commercial to be considered permitted as long as the residential use is limited by ordinance to floors above the ground floor of a building or structure and development standards are met, but exempts areas zoned under chapter 206E, HRS, relating to the Hawaii Community Development Authority. Requires each county to adopt ordinances that allow for adaptive reuse of existing commercial buildings in the county's building codes. Effective 1/1/2026.

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

