
A BILL FOR AN ACT

RELATING TO SPECIAL MANAGEMENT AREA PERMITS.

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

1 SECTION 1. The legislature finds that one cause of
2 Hawaii's affordable housing crisis is a severe lack of supply in
3 all housing price categories. One readily available "supply
4 solution" is to reduce the lengthy time and high cost of
5 obtaining certain construction permits. Act 16, Session Laws of
6 Hawaii 2020, amended chapter 205A, Hawaii Revised Statutes, to
7 require homeowners of single-family homes located on parcels
8 abutting the shoreline to obtain special management area major
9 permits. The increased time and cost from this amendment are
10 now affecting local homeowners. Recent experiences in obtaining
11 special management area major permits for single-family homes on
12 shoreline parcels in the city and county of Honolulu demonstrate
13 this increased time and cost. The elapsed time is ten to twelve
14 months, while the special management area major permit cost is
15 \$70,000 to \$130,000. These "soft costs" cannot be mortgaged and
16 do not include other design costs. The additional costs also do



1 not respect the socio-economic position of homeowners who may be
2 decades-long occupants of ohana-owned real estate.

3 Hawaii's housing supply can be increased with reasonable
4 permitting requirements while still adhering to important
5 environmental considerations. Of particular concern are the
6 negative effects that the changes in Act 16, Session Laws of
7 Hawaii 2020 will have on reconstruction efforts on the Lahaina
8 coastline.

9 Accordingly, the purpose of this Act is to amend the
10 definition of "development" in section 205A-22, Hawaii Revised
11 Statutes to clarify that "development" does not include
12 construction or reconstruction of a single-family residence that
13 is less than seven thousand five hundred square feet of floor
14 area and is not part of a larger development, even if the
15 residence is located on a shoreline parcel or a parcel that is
16 impacted by waves, storm surges, high tide, or shoreline
17 erosion.

18 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
19 amended by amending the definition of "development" to read as
20 follows:

21 ""Development":



- 1 (1) Means any of the uses, activities, or operations on
2 land or in or under water within a special management
3 area that are included below:
- 4 (A) Placement or erection of any solid material or
5 any gaseous, liquid, solid, or thermal waste;
- 6 (B) Grading, removing, dredging, mining, or
7 extraction of any materials;
- 8 (C) Change in the density or intensity of use of
9 land, including but not limited to the division
10 or subdivision of land;
- 11 (D) Change in the intensity of use of water, ecology
12 related thereto, or of access thereto; and
- 13 (E) Construction, reconstruction, or alteration of
14 the size of any structure; and
- 15 (2) Does not include the following:
- 16 (A) Construction or reconstruction of a single-family
17 residence that is less than seven thousand five
18 hundred square feet of floor area[; ~~is not~~
19 ~~situated on a shoreline parcel or a parcel that~~
20 ~~is impacted by waves, storm surges, high tide, or~~



- 1 ~~shoreline erosion,~~] and is not part of a larger
2 development;
- 3 (B) Repair or maintenance of roads and highways
4 within existing rights-of-way;
- 5 (C) Routine maintenance dredging of existing streams,
6 channels, and drainage ways;
- 7 (D) Repair and maintenance of underground utility
8 lines, including but not limited to water, sewer,
9 power, and telephone and minor appurtenant
10 structures such as pad mounted transformers and
11 sewer pump stations;
- 12 (E) Zoning variances, except for height, density,
13 parking, and shoreline setback;
- 14 (F) Repair, maintenance, or interior alterations to
15 existing structures;
- 16 (G) Demolition or removal of structures, except those
17 structures located on any historic site as
18 designated in national or state registers;
- 19 (H) Use of any land for the purpose of cultivating,
20 planting, growing, and harvesting plants, crops,
21 trees, and other agricultural, horticultural, or



- 1 forestry products or animal husbandry, or
2 aquaculture or mariculture of plants or animals,
3 or other agricultural purposes, including all
4 traditional fishpond and traditional agricultural
5 practices;
- 6 (I) Transfer of title to land;
- 7 (J) Creation or termination of easements, covenants,
8 or other rights in structures or land;
- 9 (K) Subdivision of land into lots greater than twenty
10 acres in size;
- 11 (L) Subdivision of a parcel of land into four or
12 fewer parcels when no associated construction
13 activities are proposed; provided that any land
14 that is so subdivided shall not thereafter
15 qualify for this exception with respect to any
16 subsequent subdivision of any of the resulting
17 parcels;
- 18 (M) Installation of underground utility lines and
19 appurtenant aboveground fixtures less than four
20 feet in height along existing corridors;



- 1 (N) Structural and nonstructural improvements to
- 2 existing single-family residences, where
- 3 otherwise permissible;
- 4 (O) Nonstructural improvements to existing commercial
- 5 or noncommercial structures;
- 6 (P) Construction, installation, maintenance, repair,
- 7 and replacement of emergency management warning
- 8 or signal devices and sirens;
- 9 (Q) Installation, maintenance, repair, and
- 10 replacement of public pedestrian and bicycle
- 11 facilities, including sidewalks, paths, bikeways,
- 12 crosswalks, stairs, ramps, traffic control
- 13 barriers, signs, signals, and associated
- 14 improvements;
- 15 (R) Trash removal or invasive vegetation removal or
- 16 control, including incidental ground disturbance,
- 17 excluding the use of herbicides;
- 18 (S) Installation of fencing, including associated
- 19 improvements and incidental structures, for
- 20 invasive species control or preservation of
- 21 native habitats on conservation land;



1 (T) Installation, maintenance, repair, and
2 replacement of lighting, fixtures, and equipment
3 to establish compliance with current standards at
4 existing public facilities;

5 (U) Installation, maintenance, repair, and
6 replacement of security measures, including
7 fencing, to existing public facilities; and

8 (V) Hawaiian traditional and customary practices,
9 including work conducted by traditional means
10 near, in, or related to loko i`a, traditional
11 Hawaiian fishponds;

12 provided that whenever the authority finds that any
13 excluded use, activity, or operation may have a
14 cumulative impact, or a significant environmental or
15 ecological effect on a special management area, that
16 use, activity, or operation shall be defined as
17 "development" for the purpose of this part."

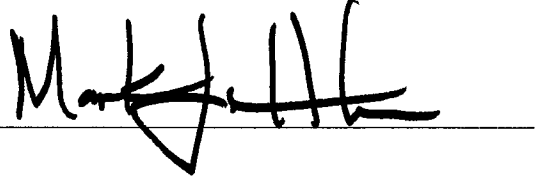
18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mark J. Hill", is written over a horizontal line.

JAN 22 2024



H.B. NO. 2229

Report Title:

Development; Special Management Area; Permitting; Shoreline;
Single-Family Homes

Description:

Amends the definition of "development", in section 205A-22, HRS, to clarify that "development" does not include construction or reconstruction of a single-family residence that is less than 7,500 square feet of floor area and is not part of a larger development, even if the residence is located on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion.

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