
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 the State is facing
2 a housing crisis. A 2019 study commissioned by the department
3 of business, economic development, and tourism found that, using
4 high scenario projections, the State will require an additional
5 46,573 homes by the year 2030, with the city and county of
6 Honolulu requiring 21,392 new units; Hawaii county requiring
7 13,527 new units; Maui county requiring 8,515 new units; and
8 Kauai county requiring 3,138 new units.

9 The legislature further finds that some of the largest
10 obstacles for developers to construct more housing in the State
11 are:

- 12 (1) A lack of areas with proper zoning for residential
13 dwellings to be constructed;
- 14 (2) A lack of infrastructure to support newly developed
15 residential dwellings; and
- 16 (3) Delays in the issuance of building permits for single-
17 family and multi-family projects.



1 The building permit processing times for single-family and
2 multi-family projects vary tremendously across the United
3 States. However, the counties in Hawaii seem to have some of
4 the longest processing times for residential building permits.
5 A study prepared by the university of Hawaii economic research
6 office in April 2022 found that, on average, Hawaii homebuilders
7 wait three times longer for permits than those in other states,
8 which drives up costs significantly and creates uncertainty,
9 serving as a disincentive to build new projects. Furthermore,
10 the study found that, compared to the most regulated markets in
11 the country, Hawaii's permit delays are almost two times longer,
12 meaning it can take between a year and a year and a half for a
13 permit to be approved.

14 The lengthy processing times to obtain a building permit
15 begs the question: what information is necessary for counties
16 when processing building permit applications? The basic
17 responsibilities of the county are to ensure compliance with
18 various building codes and ensure adequate infrastructure
19 capacity to support the proposed project or development.
20 Although the counties are responsible to check for compliance
21 with various building codes, if the construction plans do not



1 satisfy the code and are not corrected prior to construction,
2 the designer (a licensed professional who stamped the plans) and
3 the contractor are ultimately responsible. The county is also
4 not typically involved in litigation as the building permit
5 process is ministerial, mainly to check for code compliance.

6 In other municipalities around the country, building plans
7 are not scrutinized to the extent that they are in Hawaii
8 counties. In Hawaii, the plan review is to ensure that the
9 design meets all applicable codes. However, in other
10 municipalities, the plans are used as a guide and code
11 compliance is done during the inspection of the project during
12 construction. Inspectors who find construction does not satisfy
13 the code either have the correction done in the field or stop
14 construction until proper corrective actions have been taken to
15 ensure the new construction meets the code. Ultimately, the
16 design professional and contractor are responsible to ensure the
17 new construction meets all applicable codes.

18 Accordingly, the purpose of this Act is to establish a
19 permit process that shifts the responsibility for code
20 compliance from the counties to the design professional for all
21 single-family and multi-family residential projects.



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

4 "§46- Building permit applications; certification;
5 review time limit. (a) For single-family and multi-family
6 projects in each county, a building permit shall be issued
7 within sixty days of an application being filed that is stamped
8 by a duly licensed structural, civil, electrical, or mechanical
9 engineer and architect certifying that all plans and
10 specifications are in compliance with the applicable building
11 codes for the respective county. The certification shall
12 include a statement that adequate infrastructure capacity is
13 available to service the project site. During the sixty-day
14 period after the building permit application has been submitted,
15 the respective county shall ensure that the project is in
16 compliance with applicable ordinances regarding land use, set-
17 back, height, and site development requirements for the project
18 site; provided that non-compliance with any of the county's
19 discretionary approvals may delay the county's issuance of the
20 building permit. If a permit submitted under this section is
21 not approved by the county within sixty days of a complete



1 application being filed, it shall be deemed approved; provided
2 that county approval has not been delayed due to non-compliance
3 of the permit with applicable state law or county ordinances.
4 Nothing in this section shall be construed to allow any
5 violation of federal, state, or county laws or rules.

6 (b) A county shall not consider an application complete
7 until:

8 (1) Either:

9 (A) The county has made a reasonable and good faith
10 determination that the project does not have the
11 potential to affect historic properties,
12 archeological resources, or burial sites; or

13 (B) The project has been submitted to the state
14 historic preservation division of the department
15 of land and natural resources and the chapter 6E
16 process has been completed; and

17 (2) The developer submits documentation evidencing that
18 the proposed development does not encroach in Special
19 Flood Hazard Areas identified as "A" or "V" zones on
20 the Federal Emergency Management Agency's Flood
21 Insurance Rate Maps, or has been reviewed for



1 floodplain management compliance and has been issued a
2 development permit for construction by the applicable
3 community official."

4 SECTION 3. New statutory material is underscored.

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



Report Title:

Housing; Counties; Building Permits; Review Time Limits; Code Compliance

Description:

Requires counties to grant building permits within sixty days if the application is stamped and certified by a licensed engineer and architect and other certain conditions are met. (SD1)

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

