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# A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

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

1           SECTION 1. 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-       Maintenance and repairs; group U structures;  
5 remodeling; exemptions from building permit requirements. (a)  
6 Notwithstanding any law to the contrary, the following shall be  
7 exempt from the requirement to obtain any county permit when  
8 located in areas outside of a special management area delineated  
9 pursuant to chapter 205A:

10           (1) Repairs that involve the replacement of component  
11 parts of existing work with like-for-like materials  
12 for the purpose of maintenance, without regard to the  
13 value of the materials or labor; provided that the  
14 repairs do not involve any electrical, plumbing, or  
15 mechanical installations;

16           (2) Group U occupancies that do not exceed one thousand  
17 square feet; and



1       (3) Interior remodeling that does not affect building  
2       square footage or the number of rooms or bathrooms and  
3       does not modify the location of rooms, walls, or  
4       windows.

5       (b) Notwithstanding subsection (a), an owner or occupier  
6 who intends to:

7       (1) Perform exempt repairs and maintenance on any dwelling  
8       larger than three thousand square feet or structure  
9       larger than five thousand square feet that has group  
10       A, B, E, F, H, I, or M occupancy under the  
11       International Building Code;

12       (2) Install a structure larger than one thousand square  
13       feet with group U occupancy; or

14       (3) Perform any interior remodeling work on an existing  
15       structure,

16 shall provide written notice to the appropriate county agency  
17 about the type of proposed work.

18       (c) No work shall commence until the appropriate county  
19 agency has determined that a building permit for the proposed  
20 work is not required to comply with federal, state, or county  
21 floodplain management development standards, statutes, rules,



1 ordinances, codes, or regulations pursuant to National Flood  
2 Insurance Program requirements.

3 (d) The appropriate county agency shall certify the work  
4 within thirty calendar days upon the receipt of the written  
5 notice from the owner or occupier, pursuant to subsection (b).

6 (e) The applicable county fire department and county  
7 building permitting agency may enter the property, upon  
8 reasonable notice to the owner or occupant, to investigate  
9 exempted work for compliance with the requirements of this  
10 section.

11 If entry is refused after reasonable notice is given, the  
12 applicable county fire department or county building permitting  
13 agency may apply to the district court of the circuit in which  
14 the property is located for a warrant, directed to any police  
15 officer of the circuit, commanding the police officer to provide  
16 sufficient aid and to assist the county fire department or  
17 county building permitting agency in gaining entry onto the  
18 property to investigate exempted work for compliance, pursuant  
19 to the requirements of this section.



1       (f) This section shall not apply to buildings, work, or  
2       structures otherwise exempted from building permitting or  
3       building code requirements by applicable county ordinance.

4       (g) This section shall not be construed to supersede  
5       public or private lease conditions.

6       (h) The State and counties shall not be liable for claims  
7       arising from the performance of work described in this section,  
8       unless the claim arises out of gross negligence or intentional  
9       misconduct by the State or the applicable county.

10       (i) This section shall not be construed to exempt any new  
11       or existing buildings, structures, related appurtenances, or  
12       other work from building permit requirements, underlying zoning  
13       requirements, and other requirements of federal, state, or  
14       county floodplain management development standards, statutes,  
15       rules, ordinances, codes, or regulations, pursuant to National  
16       Flood Insurance Program requirements.

17       (j) Any failure to comply with this section shall result  
18       in penalties that are consistent with those imposed by the  
19       applicable county building permitting agency.

20       (k) As used in this section, "group U occupancy" includes  
21       uninhabited structures, including but not limited to



1 agricultural buildings, aircraft hangars, accessory to a one- or  
2 two-family residence, barns, carports, communication equipment  
3 structures, fences, grain silos, livestock shelters, private  
4 garages, retaining walls, sheds, stables, tanks, and towers."

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect on January 1, 3000.



**Report Title:**

County Permits; Special Management Areas; Exemptions

**Description:**

Allows for county permit exemptions for certain kinds of activities, including agricultural and maintenance activities. Effective 1/1/3000. (HD1)

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

