
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 shortage. 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 to allow for the
13 construction of residential dwellings;
- 14 (2) A lack of infrastructure to support newly developed
15 residential dwellings; and
- 16 (3) Delays in the issuance of building permits for
17 single-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 have some of the
4 longest processing times for residential building permits. An
5 April 2022 study prepared by the university of Hawaii economic
6 research organization found that, on average, Hawaii
7 homebuilders wait three times longer for permits than those in
8 other states, which drives up costs significantly and creates
9 uncertainty, serving as a disincentive to build new projects.
10 Furthermore, the study found that compared to the most regulated
11 markets in the country, Hawaii's permit delays are almost two
12 times longer, meaning it can take from one year to one and a
13 half years for a permit to be approved.

14 The legislature also finds that lengthy processing times to
15 obtain a building permit raises questions about what information
16 is necessary for counties when processing building permit
17 applications. The basic responsibilities of the counties are to
18 ensure compliance with various building codes and ensure
19 adequate infrastructure capacity to support the proposed project
20 or development. Although it is the counties' responsibility to
21 monitor for compliance with various building codes, if the



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

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



1 Accordingly, the purpose of this Act is to establish
2 procedures and requirements for single-family and multi-family
3 homes to apply for an expedited permit until June 30, 2031.

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

7 "§46- Expedited permits; single-family and multi-family
8 housing project permit applications; review time eligibility.

9 (a) Permit applications for single-family and multi-family
10 housing projects in each county shall be eligible for an
11 expedited permit approval pursuant to this section.

12 (b) An applicant or the applicant's agent may submit a
13 request to the county for an expedited permit if sixty business
14 days have lapsed after the application was considered complete
15 by the relevant agency and the application has not received full
16 approval by the county. The request by the applicant or the
17 applicant's agent shall include:

- 18 (1) A full and complete set of plans;
- 19 (2) Statements or evidence from the relevant permitting
20 agencies that adequate infrastructure capacity is



1 available to service the project site and specified
2 improvements;

3 (3) The following information from all licensed
4 professionals on record:

5 (A) Policies of insurance that:

6 (i) Name the State and county as additional
7 insurers;

8 (ii) Are in amounts equivalent to at least
9 \$2,000,000; and

10 (iii) Specifically allow coverage for the
11 completed project for the period under
12 section 657-8; and

13 (B) A statement that indemnifies and holds harmless
14 the State, its officers, agents, and employees
15 and the county, its officers, agents, and
16 employees;

17 (4) A statement that sixty business days have lapsed
18 without approval since the application would have been
19 considered complete by the relevant agency; and

20 (5) The required county contractor's statement.



1 (c) For the purposes of subsection (b), applications shall
2 only be considered complete if:

3 (1) Either:

4 (A) Qualified professionals who meet state historic
5 preservation division rules governing
6 professional qualifications for architecture,
7 archaeology, architectural history, or physical
8 anthropology have made a reasonable and
9 good-faith determination that the project does
10 not have the potential to affect historic
11 properties, archaeological resources, or burial
12 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, including for those
17 situations in which the county professional
18 described in subparagraph (A) determines that the
19 project may have the potential to affect historic
20 properties, archaeological resources, or burial
21 sites;



- 1 (2) The applicant submits documentation evidencing that
- 2 the proposed project does not encroach on special
- 3 flood hazard areas identified as "A" or "V" zones on
- 4 the Federal Emergency Management Agency's Flood
- 5 Insurance Rate Maps, or the applicable county official
- 6 has reviewed the proposed project for floodplain
- 7 management compliance and has issued a development
- 8 permit for construction;
- 9 (3) The project is not higher than thirty feet;
- 10 (4) The project is not situated on a shoreline parcel or a
- 11 parcel that is impacted by waves, storm waves, high
- 12 tide, or shoreline erosion and is in compliance with
- 13 all laws, rules, and procedures pursuant to chapter
- 14 205A;
- 15 (5) All plans and specifications submitted to a county
- 16 have been stamped by a duly licensed structural,
- 17 civil, electrical, or mechanical engineer and licensed
- 18 professional, as applicable, certifying compliance
- 19 with the applicable building codes for the respective
- 20 county; and



1 (6) Any other administrative criteria that the county
2 deems necessary to carry out the purpose of this
3 section.

4 If the county determines that the application is not complete,
5 the county shall notify the applicant and specify the
6 information needed to meet the requirements for complete
7 submittal under this subsection.

8 (d) For applications under section 444-2.5, the owner
9 listed on the application shall instead execute a waiver of all
10 claims against the State and county and execute a statement that
11 indemnifies and holds harmless the State, its officers, agents,
12 and employees and the county, its officers, agents, and
13 employees in lieu of subsection (b)(3). All expedited approval
14 requests by the applicant shall be reviewed for completeness by
15 the county within five days of submittal. For building permits
16 that apply for and meet the criteria for an expedited permit,
17 the county shall execute an agreement with the licensed
18 professional on record as assuming approval and oversight
19 responsibility for the permit application. Upon completion of
20 the agreement, the county shall consider the application



1 approved by the licensed professional, issue an expedited
2 permit, and the applicant may proceed with construction.

3 (e) After approval, the licensed professional on record or
4 county shall ensure that the project construction is in
5 compliance with the approved plans under the expedited permit,
6 including but not limited to the requirements under chapter 6E
7 and all applicable ordinances regarding land use, set-back,
8 height, and site development requirements for the project site.
9 State and county inspectors shall not be precluded from entering
10 and inspecting project sites with expedited permits. Licensed
11 professionals and contractors shall address any defects in
12 construction identified by state or county inspectors; provided
13 that the defects in construction are consistent with the
14 specifications in the approved plans. If the defects are not
15 consistent with the approved plans, the licensed professional
16 shall note the disagreement and assume review responsibility as
17 the approving authority or initiate a change to the plans to
18 address the defect. Consistent with the requirements and time
19 periods established by each county, all licensed contractors and
20 the licensed professional or the licensed contractors' or
21 licensed professional's successor agents shall maintain a record



1 of inspected structural, civil, plumbing, and electrical systems
2 after a certificate of occupancy is issued and provide a copy of
3 that record to the applicant and the county.

4 (f) Upon completion of construction, the licensed
5 professional shall certify in writing to the county that a
6 certificate of occupancy is warranted and all laws, rules,
7 ordinances, and conditions governing permitted construction have
8 been met, along with any necessary as-built drawings consistent
9 with the requirements of each county. The county shall issue
10 the certificate to the applicant and may notate that the
11 certificate is approved by the licensed professional under an
12 agreement pursuant to an expedited permit, and not a county
13 official.

14 (g) Each county may adopt rules pursuant to chapter 91 to
15 effectuate the purposes of this section and charge any necessary
16 fees, including defining what constitutes the sixty-day period,
17 which may exclude any time spent awaiting substantive responses
18 or revisions from the applicant necessary to address comments
19 issued during the review process.

20 (h) Nothing in this section shall be construed to allow
21 any violation of federal, state, or county laws, rules, or



1 ordinances. The issuance of a certificate of occupancy shall
2 not be construed to limit or repeal any powers of any county to
3 enforce violations of any law, ordinance, or rule."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2026, and
6 shall be repealed on June 30, 2031.



Report Title:

Housing; Counties; Permits; Permitting Agencies; Licensed Professionals; Expedited Permit; Applications; Requirements

Description:

Establishes procedures and requirements for single-family and multi-family housing project applicants to apply for an expedited permit, including requirements for completeness of expedited permit applications, duties of licensed professionals and the counties during construction, and applications for owner-builder exemptions. Takes effect 7/1/2026. Sunsets 6/30/2031. (CD1)

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

