
A BILL FOR AN ACT

RELATING TO PERMITS.

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

1 SECTION 1. The legislature finds that certain land or
2 water use activities or construction projects may require
3 permits issued by agencies and authorities through the
4 facilitated application process, which is overseen by the
5 department of business, economic development, and tourism.
6 The legislature further finds that the facilitated
7 application process to obtain a permit can be cumbersome and
8 subject applicants to lengthy waiting periods. The legislature
9 additionally finds that a backlog in applications can lead to
10 delays in housing, industrial, and commercial projects, stifling
11 economic development in the State.
12 Accordingly, the purpose of this Act is to establish
13 specific deadlines within the facilitated application process
14 and require the department of business, economic development,
15 and tourism to establish certain resources and processes to help
16 streamline permit applications.



1 SECTION 2. Section 201-62, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§201-62 Facilitated application process.** (a) State
4 agencies are required, and county agencies are authorized and
5 encouraged, to participate in the facilitated application
6 process set forth herein.

7 (b) The department shall serve as the lead agency for the
8 facilitated application procedure and shall be the lead agency
9 to administer the facilitated application procedure for any
10 project that requires both county permit applications and state
11 agency approval.

12 (c) The procedure shall be as follows:

13 (1) An applicant for at least two [~~or more~~] state permits,
14 or at least one state and one county permit, may apply
15 in writing to the department requesting a facilitated
16 application process for the consideration of the
17 application. The written request shall include
18 sufficient data about the proposed project for the
19 department to determine which other agencies or
20 authorities may have jurisdiction;



- 1 (2) ~~[Upon receiving]~~ Within ten days of approving a
2 written request for the facilitated application
3 process, the department shall notify all federal,
4 state, and county agencies or authorities that the
5 department determines may have jurisdiction over part
6 or all of the proposed project, and require those
7 state agencies or authorities and invite those county
8 and federal agencies or authorities to participate in
9 the facilitated application process;
- 10 (3) The applicant and each agency or authority required or
11 agreeing to participate in the facilitated application
12 process shall designate a representative to serve on
13 the facilitated application review team;
- 14 (4) Any state agency or authority designated by the
15 department as a party to an application review that is
16 not able to participate, shall submit an explanation,
17 in writing, to the department as to the reasons and
18 circumstances for noncompliance;
- 19 (5) The representatives of the agencies, authorities, and
20 the applicant may develop and sign a joint agreement
21 among themselves identifying the members of the



1 facilitated application review team, specifying the
2 regulatory and review responsibilities of each
3 government agency and setting forth the
4 responsibilities of the applicant, and establishing a
5 timetable for regulatory review, the conduct of
6 necessary hearings, preparation of an environmental
7 impact statement if necessary, and other actions
8 required to minimize duplication and coordinate the
9 activities of the applicant, agencies, and
10 authorities;

- 11 (6) [Each] Within ten days of receiving notification from
12 the department, each agency or authority shall submit
13 an estimated timeline for permit issuance or approval
14 and issue its own permit or approval based upon this
15 timeline and its own jurisdiction[-]; provided that
16 the department may adjust this deadline based on the
17 complexity of the project. The facilitated
18 application process shall not affect or invalidate the
19 jurisdiction or authority of any agency under existing
20 law; and



1 (7) The applicant shall apply directly to each federal or
2 county agency that does not participate in the
3 facilitated application process.

4 (d) If a state regulatory permit is necessary to obtain a
5 county permit, then a county agreeing to participate in the
6 facilitated application process may advise the applicant of the
7 facilitated application procedure. To apply for the facilitated
8 application procedure, applicants for county permits involving
9 state permit approvals shall submit a form, which shall be
10 issued by the department; provided that this procedure shall
11 apply only to state permits that need to be approved by a state
12 agency following a review of the plans and certifications
13 submitted by the applicant. State permits that are approved by
14 rule require only that the licensed design professional certify
15 that the plans and specifications are in compliance with state
16 rules. No review by a state agency is required for state
17 approval. Plans and specifications requiring state agency
18 review shall be submitted with the facilitated application
19 procedure to the appropriate state agency, with a copy to the
20 department. If a state permit is approved by rule, then the
21 participating county shall provide a set of drawings and



1 specifications submitted by the applicant to the state agency
2 that developed the rules.

3 In developing the procedures for approval by rule and by
4 review, permit requirements shall be clearly stated.

5 Performance standards, rather than specific technologies or
6 procedures, shall be specified when appropriate.

7 (e) The department shall submit an annual report on the
8 status of the facilitated application process, including any
9 recommendations for improvements to the facilitated application
10 process, to the legislature no later than twenty days prior to
11 the convening of each regular session.

12 [~~e~~] (f) For purposes of this section:

13 "Permit by review" means permits approved by the
14 appropriate state departments.

15 "Permit by rule" means permits approved by administrative
16 rule."

17 SECTION 3. Section 201-64, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~+~~]**\$201-64[~~+~~]** **Streamlining activities.** (a) The
20 department may:



1 (1) Monitor permits on an ongoing basis to determine the
2 source of inefficiencies, delays, and duplications and
3 the status of permits in progress;

4 (2) Pursue the implementation of streamlining measures
5 including, but not necessarily limited to, those
6 measures defined in consultation with affected state
7 agencies, county central coordinating agencies, and
8 members of the public; and

9 (3) Design applications, checklists, and other forms
10 essential to the implementation of approved
11 streamlining measures in coordination with involved
12 state and county regulatory agencies, and members of
13 the public.

14 (b) The department shall establish:

15 (1) A single digital portal that allows applicants and
16 agencies to upload applications, permits, and relevant
17 documents and track the status of applications in real
18 time;

19 (2) A fast-track process to expedite approval of low-
20 impact projects;



1 (3) A permit by rule process that allows applications for
2 low-impact projects to be reviewed by a licensed
3 design professional; and

4 (4) Criteria to classify low-impact projects; provided
5 that the criteria shall consider environmental and
6 community impacts.

7 (c) For the purposes of this section, "licensed design
8 professional" means a professional engineer, architect,
9 surveyor, or landscape architect licensed under chapter 464."

10 SECTION 4. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2025-2026 and
13 the same sum or so much thereof as may be necessary for fiscal
14 year 2026-2027 for the establishment of full-time
15 equivalent (FTE) positions within the department of
16 businesses, economic development, and tourism to establish the
17 digital portal and other processes required by section 3 of this
18 Act.

19 The sums appropriated shall be expended by the department
20 of business, economic development, and tourism for the purposes
21 of 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 July 1, 3000.



Report Title:

Permits; Facilitated Application Process; DBEDT; Positions;
Appropriation

Description:

Establishes specific deadlines within the facilitated application process to obtain a permit and requires the Department of Business, Economic Development, and Tourism to establish certain resources and processes to help streamline permit applications. Establishes and appropriates funds for positions within the Department of Business, Economic Development, and Tourism. Effective 7/1/3000. (HD1)

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