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# 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 having 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  
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 seem to have some of  
4 the longest processing times for residential building permits.  
5 An April 2022 study prepared by the university of Hawaii  
6 economic 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  
11 regulated markets in the country, Hawaii's permit delays are  
12 almost two times longer, meaning it can take from one year to  
13 one and a half years for a 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 monitor for compliance  
21 with various building codes, if the construction plans do not



1 satisfy the code and are not corrected before construction, the  
2 designer (a licensed professional who stamped the plans) and the  
3 contractor are ultimately responsible. The county is also not  
4 typically involved in litigation as the building permit process  
5 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 while code  
11 compliance verification is completed upon inspection of the  
12 project during construction. Inspectors who find that  
13 construction does not satisfy the code either have the  
14 correction made in the field or stop construction until proper  
15 corrective actions have been taken to ensure that new  
16 construction meets the code. Ultimately, the design  
17 professional and contractor are responsible to ensure new  
18 construction meets all applicable codes.

19 Accordingly, the purpose of this Act is to establish a  
20 permit process that shifts the responsibility for code



1 compliance from the counties to the design professional for all  
2 single-family and multi-family residential projects.

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

6 **"§46- Building permit applications; certification;**  
7 **review time limit.** (a) For single-family and multi-family  
8 projects in each county, a building permit shall be issued  
9 within sixty days of a complete application being filed that is  
10 stamped by a duly licensed structural, civil, electrical, or  
11 mechanical engineer and architect certifying that all plans and  
12 specifications are in compliance with the applicable building  
13 codes for the respective county. The certification shall  
14 include a statement that adequate infrastructure capacity is  
15 available to service the project site. During the sixty-day  
16 period after the building permit application has been submitted,  
17 the respective county shall ensure that the project is in  
18 compliance with applicable ordinances regarding land use,  
19 set-back, height, and site development requirements for the  
20 project site; provided that noncompliance with any of the  
21 county's discretionary approvals may delay the county's issuance



1 of the building permit. If a permit submitted under this  
2 section is not approved by the county within sixty days of a  
3 complete application being filed, it shall be deemed approved;  
4 provided that county approval has not been delayed due to  
5 noncompliance of the permit with applicable state law or county  
6 ordinances. Nothing in this section shall be construed to allow  
7 any violation of federal, state, or county laws or rules.

8 (b) A county shall not consider an application complete  
9 until:

10 (1) Either:

11 (A) Qualified county professionals who meet state  
12 historic preservation division rules governing  
13 professional qualifications for architecture,  
14 archaeology, architectural history, or physical  
15 anthropology, have made a reasonable and  
16 good-faith determination that the project does  
17 not have the potential to affect historic  
18 properties, archaeological resources, or burial  
19 sites; or

20 (B) The project has been submitted to the state  
21 historic preservation division of the department



1                   of land and natural resources and the chapter 6E  
2                   process has been completed; and

3       (2) The developer submits documentation evidencing that  
4           the proposed development does not encroach in Special  
5           Flood Hazard Areas identified as "A" or "V" zones on  
6           the Federal Emergency Management Agency's Flood  
7           Insurance Rate Maps, or the applicable county official  
8           has reviewed the proposed development for floodplain  
9           management compliance and has issued a development  
10          permit for construction."

11       SECTION 3. New statutory material is underscored.

12       SECTION 4. This Act shall take effect on April 23, 2057.



**Report Title:**

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

**Description:**

Requires counties to grant building permits within sixty days if the completed application is stamped and certified by a licensed engineer and architect and other certain conditions are met. Effective 4/23/2057. (SD2)

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

