
A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

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

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

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

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

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



1 (3) Interior remodeling that does not:

2 (A) Affect building square footage or the number of
3 rooms or bathrooms;

4 (B) Modify the location of rooms, walls, or windows;
5 or

6 (C) Change the use.

7 (b) Notwithstanding subsection (a), an owner or occupier
8 who intends to:

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

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

16 (3) Perform any interior remodeling work on an existing
17 structure,

18 shall submit plans and provide written notice to the appropriate
19 county agency about the type of proposed work.

20 (c) No work shall commence until the appropriate county
21 agency has determined that a building permit for the proposed



1 work is not required to comply with federal, state, or county
2 floodplain management development standards, statutes, rules,
3 ordinances, codes, or regulations pursuant to National Flood
4 Insurance Program requirements.

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

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

13 If entry is refused after reasonable notice is given, the
14 applicable county fire department or county building permitting
15 agency may apply to the district court of the circuit in which
16 the property is located for a warrant, directed to any police
17 officer of the circuit, commanding the police officer to provide
18 sufficient aid and to assist the county fire department or
19 county building permitting agency in gaining entry onto the
20 property to investigate exempted work for compliance, pursuant
21 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, accessories to one- or
2 two-family residences, 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 July 1, 2050.



Report Title:

County Permits; Maintenance; Group U Structures; Remodeling;
Special Management Areas; Exemptions

Description:

Allows for county permit exemptions for certain kinds of activities, including maintenance activities, installing group U structures, and certain interior remodeling work, when located outside a special management area. Effective 7/1/2050. (SD1)

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

