
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 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 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 the question: 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 the counties are responsible to
21 monitor for compliance with various building codes, if the



1 construction plans do not satisfy the code and are not corrected
2 before construction, the designer (a licensed professional who
3 stamped the plans) and the contractor are ultimately
4 responsible. A county is also not typically involved in
5 litigation as the building permit process is ministerial, mainly
6 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 design
18 professional and contractor are responsible to ensure new
19 construction meets all applicable codes.



1 Accordingly, the purpose of this Act is to require permits
2 to be issued within sixty days for certain single-family and
3 multi-family projects if certain conditions are satisfied.

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- Single-family and multi-family permit**
8 **applications; review time limit.** (a) For single-family and
9 multi-family projects in each county, a permit shall be issued
10 within sixty days of a complete application being filed
11 containing plans and specifications that are in compliance with
12 all relevant codes and standards for the respective county. The
13 completed application shall include a statement from the
14 relevant permitting agency that adequate infrastructure capacity
15 is available to service the project site. During the sixty-day
16 period after the permit application has been submitted, the
17 respective county shall ensure that the project is in compliance
18 with chapter 6E and applicable ordinances regarding land use,
19 set-back, height, and site development requirements for the
20 project site; provided that noncompliance with any state or
21 county regulations may delay the county's issuance of the



1 permit. If a permit submitted under this section is not
2 approved by the applicable permitting agency within sixty days
3 of a complete application being filed, it shall be deemed
4 approved; provided that 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, rules, or
8 ordinances.

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

11 (1) Either:

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



- 1 (B) The project has been submitted to the state
2 historic preservation division of the department
3 of land and natural resources and the chapter 6E
4 process has been completed; and
- 5 (2) The developer submits documentation evidencing that
6 the proposed development does not encroach in special
7 flood hazard areas identified as "A" or "V" zones on
8 the Federal Emergency Management Agency's Flood
9 Insurance Rate Maps, or the applicable county official
10 has reviewed the proposed development for floodplain
11 management compliance and has issued a development
12 permit for construction.
- 13 (c) Each county may adopt rules pursuant to chapter 91 to
14 effectuate the purposes of this section."

15 SECTION 3. New statutory material is underscored.

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



Report Title:

Housing; Counties; Permits; Permitting Agencies; Review Time
Limits; Code Compliance

Description:

Requires permits to be issued by applicable permitting agencies within sixty days of a complete application being filed for certain single-family and multi-family projects if certain conditions are satisfied. Automatically deems approved a permit that is not otherwise approved by the applicable permitting agency within sixty days. Effective 4/23/2057. (HD1)

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