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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, to address the  
2       State's ongoing housing shortage, Act 295, Session Laws of  
3       Hawaii 2025 (Act 295), established an expedited permitting  
4       process for single-family and multi-family residential projects.  
5       However, since its implementation, stakeholders have raised  
6       concerns that ambiguities in Act 295 regarding additional  
7       insured requirements, indemnification obligations, and  
8       certification language may inadvertently create uninsurable  
9       conditions, discouraging architects and engineers from  
10      participating in the expedited permitting process.

11      The legislature believes that clarifying these provisions  
12      will ensure that design professionals are not required to assume  
13      liabilities beyond what their professional liability insurance  
14      can cover, thereby improving participation and supporting the  
15      State's broader goal of accelerating housing production.

16      Accordingly, the purpose of this Act is to clarify certain  
17      provisions under Act 295 relating to insurance, indemnification,



1 and certain certificate of occupancy requirements for purposes  
2 of expedited permits.

3 SECTION 2. Section 46-90, Hawaii Revised Statutes, is  
4 amended by amending subsection as follows:

5 1. By amending subsection (b) to read:

6 "(b) An applicant or the applicant's agent may submit a  
7 request to the county for an expedited permit if sixty business  
8 days have lapsed after the application was considered complete  
9 by the relevant agency and the application has not received full  
10 approval by the county. The request by the applicant or the  
11 applicant's agent shall include:

12 (1) A full and complete set of plans;

13 (2) Statements or evidence from the relevant permitting  
14 agencies that adequate infrastructure capacity is  
15 available to service the project site and specified  
16 improvements;

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

19 (A) Policies of insurance that:

20 (i) Name the State and county as additional

21 insurers[+] for general liability insurance;



1 (ii) Are in amounts equivalent to at least

2 \$2,000,000; and

3 (iii) Specifically allow coverage for the

4 completed project for the period under

5 section 657-8; and

6 (B) A statement that indemnifies and holds harmless

7 the State, its officers, agents, and employees

8 and the county, its officers, agents, and

9 employees[+] from and against claims, damages,

10 losses, and expenses, including attorney's fees,

11 arising out of or resulting from the negligent

12 acts, errors, or omissions of the licensed

13 professional;

14 (4) A statement that sixty business days have lapsed

15 without approval since the application would have been

16 considered complete by the relevant agency; and

17 (5) The required county contractor's statement."

18 2. By amending subsection (f) to read:

19 "(f) Upon completion of construction, the [licensed

20 ~~professional shall certify in writing to the county that a~~

21 ~~certificate of occupancy is warranted and all laws, rules,~~



1 ~~ordinances, and conditions governing permitted construction have~~  
2 ~~been met, along with any necessary as-built drawings consistent~~  
3 ~~with the requirements of each county. The]~~ county shall issue  
4 [the] a certificate of occupancy to the applicant and may notate  
5 that the certificate is approved by the licensed professional  
6 under an agreement pursuant to an expedited permit, and not a  
7 county official."

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

12  
INTRODUCED BY:

ZNC

JAN 20 2026



# H.B. NO. 1721

**Report Title:**

Expedited Permits; Insurance; Additional Insureds;  
Indemnification; Certificates of Occupancy

**Description:**

Clarifies insurance, indemnification, and certain certificate of occupancy requirements for purposes of expedited permits.

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