

JAN 23 2026

A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

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

1 SECTION 1. Section 46-88, Hawaii Revised Statutes, is
2 amended by amending subsections (a) through (c) to read as
3 follows:

4 "(a) Notwithstanding any law to the contrary, the
5 following agricultural buildings, structures, and appurtenances
6 thereto that are not used as dwellings or lodging units are
7 exempt from building permit and building code requirements where
8 they are no more than one thousand square feet in floor area:

9 (1) Nonresidential manufactured pre-engineered commercial
10 buildings and structures;

11 (2) Single stand alone recycled ocean shipping or cargo
12 containers that are used as nonresidential commercial
13 buildings and are properly anchored;

14 (3) Notwithstanding the one thousand square foot floor
15 area restriction, agricultural shade cloth structures,
16 cold frames, or greenhouses ~~[not exceeding sixty~~
17 ~~thousand square feet in area per structure,]~~



1 regardless of size; provided that where multiple
2 structures are erected, the minimum horizontal
3 separation between each shade cloth structure, cold
4 frame, or greenhouse is fifteen feet;

5 (4) Aquacultural or aquaponics structures, including
6 above-ground water storage or production tanks,
7 troughs, and raceways with a maximum height of six
8 feet above grade, and in-ground ponds and raceways,
9 and piping systems for aeration, carbon dioxide, or
10 fertilizer or crop protection chemical supplies within
11 agricultural or aquacultural production facilities;

12 (5) Livestock watering tanks, water piping and plumbing
13 not connected to a source of potable water, or
14 separated by an air gap from such a source;

15 (6) ~~Non-masonry fences not exceeding ten feet in height~~
16 ~~and masonry fences not exceeding six feet in height;~~
17 Fences and walls not exceeding ten feet in height;

18 (7) One-story masonry or wood-framed buildings or
19 structures with a structural span of less than twenty-
20 five feet and a total square footage of no more than



1 one thousand square feet, including farm buildings
2 used as:

3 (A) Barns;

4 (B) Greenhouses;

5 (C) Farm production buildings including aquaculture
6 hatcheries and plant nurseries;

7 (D) Storage buildings for farm equipment or plant or
8 animal supplies or feed; or

9 (E) Storage or processing buildings for crops;
10 provided that the height of any stored items
11 shall not collectively exceed twelve feet in
12 height;

13 (8) Raised beds containing soil, gravel, cinders, or other
14 growing media or substrates with wood, metal, or
15 masonry walls or supports with a maximum height of
16 four feet;

17 (9) Horticultural tables or benches no more than four feet
18 in height supporting potted plants or other crops;
19 [and]

20 (10) Nonresidential indigenous Hawaiian hale that do not
21 exceed five hundred square feet in size, have no



14 (1) Nonresidential manufactured pre-engineered [and county
15 pre-approved] commercial buildings and structures
16 consisting of a total square footage greater than one
17 thousand square feet [but no more than eight thousand
18 square feet]; and
19 (2) [One-story] Two-story wood-framed or masonry buildings
20 or structures with a structural span of less than
21 [twenty-five] fifty feet and a total square footage



1 greater than one thousand square feet [~~but no more~~
2 ~~than eight thousand square feet~~] constructed in
3 accordance with county, national, or international
4 prescriptive construction standards, including
5 buildings used as:

- 6 (A) Barns;
- 7 (B) Greenhouses;
- 8 (C) Farm production buildings, including aquaculture
9 hatcheries and plant nurseries;
- 10 (D) Storage buildings for farm equipment, plant or
11 animal supplies, or feed; or
- 12 (E) Storage or processing buildings for crops;
13 provided that the height of any stored items
14 shall not collectively exceed twelve feet in
15 height.

16 (c) The exemptions in subsections (a) and (b) shall apply;
17 provided that:

- 18 (1) The aggregate floor area of the exempted agricultural
19 buildings shall not exceed:
 - 20 (A) Five thousand square feet per zoning lot for lots
21 of two acres or less; and



1 (B) Eight thousand square feet per zoning lot for
2 lots greater than two acres but no more than five
3 acres; [and
4 (C) ~~Eight thousand square feet plus two per cent of~~
5 ~~the acreage per zoning lot for lots greater than~~
6 ~~five acres; provided that each exempted~~
7 ~~agricultural building is compliant with the~~
8 ~~square foot area restrictions in subsection (a)~~
9 ~~or subsection (b);]~~
10 (2) The minimum horizontal separation between each
11 agricultural building, structure, or appurtenance
12 thereto is fifteen feet;
13 (3) The agricultural buildings, structures, or
14 appurtenances thereto are located on a commercial farm
15 or ranch and are used for general agricultural or
16 aquacultural operations, or for purposes incidental to
17 such operations;
18 (4) The agricultural buildings, structures, or
19 appurtenances thereto are constructed or installed on
20 property that is used primarily for agricultural or
21 aquacultural operations [and is two or more



1 ~~contiguous acres in area or one or more contiguous~~
2 ~~acres in area if located in a nonresidential~~
3 ~~agricultural or aquacultural park];~~

4 (5) An owner or occupier that intends to utilize the
5 exemptions under this section shall provide written
6 notice to the appropriate county agency of the size,
7 type, and location of the proposed building,
8 structure, related appurtenances, or development. No
9 work shall commence until the county agency has
10 determined that a building permit for the proposed
11 building, structure, related appurtenances, or
12 development is not required for compliance with
13 county, state, or federal floodplain management
14 development standards, ordinances, codes, statutes,
15 rules, or regulations pursuant to the National Flood
16 Insurance Program requirements;

17 (6) The appropriate county agency shall certify the
18 building, structure, related appurtenances, or
19 development within thirty calendar days upon the
20 receipt of the written notice from the owner or
21 occupier, pursuant to paragraph (5);



1 (7) The owner or occupier shall provide a final as-built
2 written notice to the appropriate county building
3 permitting agency of the final as-built size, type,
4 and location of the building, structure, related
5 appurtenances, or development. Such final as-built
6 written notification shall be provided to the county
7 agency within thirty calendar days of the completion,
8 occupancy, or use of the building, structure, related
9 appurtenances, or development. Failure to provide
10 such written notice may void the building permit or
11 building code exemption, or both, which voidance for
12 such failure is subject to the sole discretion of the
13 appropriate county building permitting agency;

14 (8) ~~No electrical power and no plumbing systems shall be~~
15 ~~connected to the building or structure without first~~
16 ~~obtaining the appropriate county electrical or~~
17 ~~plumbing permit, and all such installations]~~ All
18 electrical power and plumbing systems shall be
19 installed under the supervision of a licensed
20 electrician or plumber~~[, as appropriate, and inspected~~
21 ~~and approved by an appropriate county or licensed~~



10 (9) Disposal of wastewater from any building or structure
11 constructed or installed pursuant to this section
12 shall comply with chapter 342D;

13 (10) Permit-exempt structures shall be exempt from any
14 certificate of occupancy requirements; and

15 (11) The appropriate county fire department and county
16 building permitting agency shall have the right to
17 enter the property, upon reasonable notice to the
18 owner or occupant, to investigate exempted
19 agricultural buildings for compliance with the
20 requirements of this section; provided that if entry
21 is refused after reasonable notice is given, the



1 applicable department or agency may apply to the
2 district court of the circuit in which the property is
3 located for a warrant, directed to any police officer
4 of the circuit, commanding the police officer to
5 provide sufficient aid and to assist the department or
6 agency in gaining entry onto the property to
7 investigate exempted agricultural buildings for
8 compliance with the requirements of this section."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

12

INTRODUCED BY: *Mark W. Rutherford*



S.B. NO. 2743

Report Title:

Building Permits; Agricultural Structures; Exemptions

Description:

Exempts certain agricultural buildings, structures, and appurtenances from building codes and permitting requirements.

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

