
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 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:



- 1 (i) Name the State and county as additional
- 2 insurers[+] under a commercial general
- 3 liability policy;
- 4 (ii) Are in amounts equivalent to at least
- 5 [~~\$2,000,000~~] \$1,000,000; and
- 6 (iii) Specifically [~~allow coverage for the~~
- 7 ~~completed project for the period~~] require
- 8 that the licensed professional maintain
- 9 professional liability insurance that
- 10 provides coverage for claims arising out of
- 11 the completed project, so long as the claim
- 12 is first made and reported in accordance
- 13 with the terms of the policy during the
- 14 period allowed under section 657-8; and
- 15 (B) A statement that indemnifies and holds harmless
- 16 the State, its officers, agents, and employees,
- 17 and the county, its officers, agents, and
- 18 employees[+], from and against claims, damages,
- 19 losses, and expenses, including attorney's fees,
- 20 only to the extent caused by the negligent acts,



1 errors, or omissions of the licensed
2 professional;

3 (4) A statement that sixty business days have lapsed
4 without approval since the application would have been
5 considered complete by the relevant agency; and

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

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

8 "(f) Upon completion of construction, the [~~licensed~~
9 ~~professional shall certify in writing to the county that a~~
10 ~~certificate of occupancy is warranted and all laws, rules,~~
11 ~~ordinances, and conditions governing permitted construction have~~
12 ~~been met, along with any necessary as-built drawings consistent~~
13 ~~with the requirements of each county. The] county shall issue
14 [the] a certificate of occupancy to the applicant and may notate
15 that the certificate is approved by the licensed professional
16 under an agreement pursuant to an expedited permit, and not a
17 county official."~~

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000, and
2 shall be repealed on June 30, 2031.



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.
Repeals 6/30/2031. Effective 7/1/3000. (HD2)

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

