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# A BILL FOR AN ACT

RELATING TO BUILDING CODES.

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

1 PART I

2 SECTION 1. The legislature finds that when a county allows  
3 construction to begin before a final building permit is issued,  
4 such as through phased approval, foundation-only permits, or the  
5 city and county of Honolulu's special assignment inspection  
6 process, subsequent delays in the final permit issuance may  
7 result in a change to the applicable building code mid-project.  
8 For projects already under construction, a forced building code  
9 change often triggers redesigns, demolition, and rework that  
10 materially increase costs and delay completion. Freezing the  
11 applicable building code as of the date a complete permit  
12 application is accepted or the date any authorization to proceed  
13 is granted protects owners and contractors from these midstream  
14 costs.

15 The legislature further finds that the county permitting  
16 backlog occasionally has prolonged approval timelines, which  
17 magnifies the risk that a code may change before a final permit



1 is issued. A clear statewide rule that fixes the applicable  
2 building code at the outset, while preserving a narrow safety  
3 exception, will provide predictability, reduce rework, and speed  
4 delivery of housing and other needed construction.

5 The purpose of this part is to establish that once a county  
6 accepts a complete building permit application or issues an  
7 authorization to proceed with construction, the applicable  
8 building codes, standards, and county amendments shall be fixed  
9 for the life of the permit, subject only to limited life-safety  
10 exceptions and ordinary permit expiration rules.

11 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
12 by adding a new section to be appropriately designated and to  
13 read as follows:

14 "§46- Building codes; point-in-time applicability;  
15 permit application acceptance; authorization to proceed with  
16 construction. (a) The applicable building codes shall remain  
17 in effect for the term of any project at the time the county  
18 issues an authorization to proceed with construction.

19 (b) The applicable code fixed under this section shall  
20 govern plan review, permit issuance, inspections, and issuance  
21 of a certificate of occupancy for the project.



1        (c) No county shall require compliance with any building  
2 code, standard, or county amendment adopted after an application  
3 has been accepted or an authorization has been issued pursuant  
4 to subsection (a) as a condition of continuing plan review,  
5 permit issuance, inspection, or certificate of occupancy for a  
6 project; provided that a county may require compliance with  
7 amendments if the county building official issues written  
8 findings that:

9        (1) A subsequently adopted code amendment addresses an  
10 imminent threat to life or safety that is directly  
11 implicated by the permitted scope of work for the  
12 project; and

13        (2) The requirement is narrowly tailored to address that  
14 threat without imposing unrelated upgrades for the  
15 project.

16        (d) If there is a material change in the project scope  
17 after an application has been accepted or an authorization has  
18 been issued pursuant to subsection (a), then a revised building  
19 permit application shall be submitted. The applicable code for  
20 the revised project shall be the building codes in effect on the



1 date the county issues an authorization to proceed with  
2 construction on the revised project.

3 (e) The applicable code fixed under this section shall  
4 remain in effect for the life of the permit and any extensions  
5 granted under the applicable building code's permit expiration  
6 rules; provided that the applicant diligently pursues the  
7 permit.

8 (f) Nothing in this section shall limit a county's  
9 authority to suspend or revoke permits or authorizations for  
10 cause or to enforce stop-work orders.

11 (g) Each county shall adopt or amend its ordinances as  
12 necessary to implement this section. The ordinances shall  
13 include criteria for:

- 14 (1) Administrative completeness;
- 15 (2) Time frames for applicant responses; and
- 16 (3) Methods of issuing authorizations to proceed with  
17 construction, which may include special assignment  
18 inspections under county ordinance.

19 (h) As used in this section:

20 "Applicable code" means the Hawaii state building codes as  
21 adopted and amended by the state building code council pursuant



1 to section 107-24 and as further amended and adopted by a  
2 governing body of each county pursuant to section 107-B.

3 "Authorization to proceed with construction" means any  
4 written approval by a county building official that allows work  
5 to begin before or apart from issuance of a final building  
6 permit, including phased approval, foundation-only permits,  
7 special assignment inspections, early-start or partial permits,  
8 grading permits that allow structural site work, and utility  
9 permits that authorize trenching or installation of permanent  
10 service equipment.

11 "Complete building permit application" means an application  
12 that the county having jurisdiction has accepted as  
13 administratively complete under its published submission  
14 requirements.

15 "Diligently pursues" means the applicant responds to  
16 requests for information or corrections within the time frames  
17 established by county rule, requests inspections within the time  
18 periods required to keep a permit active, and otherwise proceeds  
19 without unreasonable delay.

20 "Material change" means a change that alters the occupancy  
21 group, increases design occupant load beyond the thresholds that



1 change code requirements, increases building height or area  
2 beyond tabular limits, or changes the primary structural system.  
3 "Material change" does not include corrections responding to  
4 plan review comments, detailing, substitutions of like materials  
5 or equipment, value engineering, field clarifications, and  
6 comparable changes that do not alter code classification."

7 PART II

8 SECTION 3. The legislature finds that Hawaii faces a  
9 housing crisis driven in part by how hard and costly it has  
10 become to build new homes. Fragmented local amendments,  
11 frequent code changes, and applying commercial-style  
12 requirements to small residential buildings raise costs and slow  
13 delivery.

14 The legislature further finds that shifting from a three-  
15 year to a six-year adoption cycle for the state building codes  
16 will reduce churn and design rework and will increase  
17 familiarity and expertise within permitting agencies, with  
18 inspection staff, and among architects and engineers, leading to  
19 more consistent interpretations and faster, more predictable  
20 reviews. Mid-cycle statewide amendments should be limited to



1 narrow circumstances such as federal preemption, error  
2 correction, and urgent life-safety needs.

3       The legislature also finds that requiring triplexes and  
4 fourplexes to comply with the International Building Code often  
5 makes these small residential projects cost prohibitive. When  
6 legal pathways are unaffordable, households are more likely to  
7 live in unpermitted or illegal dwelling units outside modern  
8 safety standards. Applying the International Residential Code  
9 to triplexes and fourplexes, when paired with authority for the  
10 state building code council or counties to require increased  
11 passive fire-safety measures, creates a financially viable path  
12 to build and legalize these homes while improving safety by  
13 bringing them under current codes.

14       The legislature additionally finds that counties should  
15 retain a transparent ability to adopt targeted technical  
16 amendments, either more stringent or less stringent, when  
17 supported by findings, than the statewide codes, and that  
18 counties should have added flexibility to adopt more stringent  
19 energy provisions when those provisions are shown to be cost-  
20 effective over time for typical buildings.



1       The legislature believes that predictability for builders  
2 and homeowners requires clear vesting. The code edition in  
3 effect when a complete building permit application is filed  
4 should govern the project for the life of the permit, with a  
5 short, pre-issuance election window at each statewide update  
6 without mixing provisions from different statewide editions.

7       Accordingly, the purpose of this part is to:

- 8       (1) Specify the applicability of the International  
9       Residential Code, as adopted and amended by the state  
10       building code council;
- 11       (2) Authorize a county to adopt amendments to the Hawaii  
12       state building code that are more stringent or less  
13       stringent than a corresponding state-adopted code  
14       provision, under certain circumstances, and repeal the  
15       counties' existing authority to amend or adopt the  
16       building codes without council approval; and
- 17       (3) Beginning on the effective date of the next statewide  
18       adoption of the International Code Council suite of  
19       applicable published codes as the Hawaii state  
20       building code, change the adoption of the Hawaii state



1 building code from a two-year cycle to a six-year  
2 cycle.

3 SECTION 4. Chapter 107, Hawaii Revised Statutes, is  
4 amended by adding two new sections to part II to be  
5 appropriately designated and to read as follows:

6 **"§107-A International Residential Code; applicability.**

7 (a) Notwithstanding any contrary provision in a model code, the  
8 International Residential Code, as adopted and amended by the  
9 council, shall apply to:

- 10 (1) Detached one- and two-family dwellings;
- 11 (2) Townhouses; and
- 12 (3) Multiplex residential buildings containing three or  
13 four dwelling units and no more than three stories  
14 above grade plane in height, whether units are  
15 arranged side-by-side or stacked; provided that the  
16 total floor area of the building does not exceed eight  
17 thousand square feet;

18 provided that dwelling-unit separation, structural fire  
19 resistance, protection of openings, and means of egress shall  
20 comply with the International Residential Code as adopted and  
21 amended by the council.



1        (b) A building shall not be required to comply with the  
2 International Building Code as adopted by the council solely  
3 because units are stacked or share common structural systems if  
4 the building meets the scope criteria of this section.

5        (c) Nothing in this section shall preclude the council or  
6 a county by ordinance from adopting increased passive fire-  
7 protection requirements applicable to buildings described in  
8 subsection (a) (3).

9        (d) For purposes of this section, "total floor area" means  
10 the sum of floor areas of all stories measured to the exterior  
11 faces of walls, including common areas and attached garages or  
12 carports.

13        **§107-B County amendments to the Hawaii state building**

14 **code.** (a) The governing body of each county may adopt an  
15 amendment to any code adopted under section 107-25 that is more  
16 stringent or less stringent than the corresponding state-adopted  
17 code provisions, without approval by the council, if the county  
18 amendment:

19        (1) Is adopted by ordinance;



- 1       (2) Includes an economic and housing affordability impact  
2       statement that, to the extent practicable, quantifies  
3       construction cost and time impacts;
- 4       (3) For a more stringent amendment, includes findings that  
5       the amendment addresses a demonstrable local climatic,  
6       geologic, topographic, or cultural condition not  
7       adequately covered by the state-adopted code and is no  
8       more stringent than necessary to address that  
9       condition; provided that a county may adopt an  
10       amendment without the findings required by this  
11       paragraph if the ordinance states that the amendment  
12       is expected to reduce project cost or shorten design,  
13       permitting, or construction timelines for residential  
14       construction or for the conversion of existing  
15       buildings to residential use, without reducing health  
16       or life safety; and
- 17       (4) For a less stringent amendment, includes findings that  
18       the amendment maintains an acceptable level of health  
19       and life safety, considers local risk factors, and  
20       advances housing affordability or delivery.



1        (b) The governing body of each county may adopt more  
2 stringent energy conservation requirements within the scope of  
3 the International Energy Conservation Code or ASHRAE Standard  
4 90.1 (Energy Standard for Sites and Buildings Except Low-Rise  
5 Residential Buildings) without the findings required by  
6 subsection (a) (3) if the county determines, and states in the  
7 adopting ordinance, that the amendment is cost-effective, based  
8 on a finding that utility bill savings over the first ten years  
9 will exceed the incremental installed cost of the amendment for  
10 typical buildings in the county. The adopted Energy  
11 Conservation Code may be enforced by the counties on a voluntary  
12 basis.

13        (c) County amendments adopted before the effective date of  
14 the next adoption of the Hawaii state building code shall  
15 continue to apply in the respective county until they are  
16 superseded or readopted under section 107-25, unless no longer  
17 applicable."

18        SECTION 5. Section 107-24, Hawaii Revised Statutes, is  
19 amended to read as follows:



1           "**§107-24 Authority and duties of the council.** (a) Any  
2 law to the contrary notwithstanding, the council shall establish  
3 the Hawaii state building codes.

4           (b) The council shall appoint a subcommittee comprising  
5 the four council members representing county building officials,  
6 whose duty shall be to recommend any necessary or desirable  
7 state amendments to the codes and standards identified in  
8 section 107-25. Any recommended state amendments shall require  
9 the unanimous agreement of the subcommittee.

10           (c) ~~[The]~~ Notwithstanding any other law to the contrary,  
11 beginning on the effective date of the next statewide adoption  
12 of the codes under section 107-25(3), the council shall adopt,  
13 amend, or update codes and standards identified in section 107-  
14 25 on a staggered basis as established by the council~~[; provided~~  
15 ~~that adoption of a code or standard shall be within two years of~~  
16 ~~the official publication date of the code or standard, pursuant~~  
17 ~~to chapter 92, and exempt from the requirements of chapter 91.]~~  
18 on a six-year cycle by adopting every other published edition of  
19 each code. The council shall complete each statewide adoption  
20 within twenty-four months after publication of the edition being  
21 adopted. If the council does not adopt a code or standard



1 identified in section 107-25 within the [~~two-year~~] twenty-four  
2 month time period, that code or standard shall automatically  
3 become part of the Hawaii state building code until superseded  
4 by the adoption of an amended version of the code or standard by  
5 the council pursuant to this subsection.

6 (d) Between six-year adoptions, the council may adopt  
7 limited statewide amendments only to:

- 8 (1) Implement federal preemption or state statutory  
9 changes;
- 10 (2) Correct errors or internal conflicts;
- 11 (3) Address imminent life-safety or post-disaster  
12 resilience issues;
- 13 (4) Maintain eligibility for federal incentives, including  
14 but not limited to mitigation, resilience, or disaster  
15 recovery programs of the Federal Emergency Management  
16 Agency, or alignment with recognized national  
17 standards; or
- 18 (5) Reduce project cost or shorten design, permitting, or  
19 construction timelines for residential construction or  
20 for the conversion of existing buildings to  
21 residential use, without diminishing health or life



1           safety; provided that the council posts a brief  
2           statement of basis describing expected cost or  
3           schedule impacts and life-safety equivalency.

4           ~~[(d)]~~ (e) The council may appoint other investigative,  
5 technical expertise committees, which may include council  
6 members.

7           ~~[(e)]~~ (f) The council shall consult with general building  
8 contractor associations and building trade associations to  
9 gather information and recommendations on construction practices  
10 and training relevant to building codes and standards.

11           ~~[(f)]~~ (g) The council may make expenditures for technical  
12 references, equipment and supplies, and other operating  
13 expenses, and may contract for the conduct of research studies  
14 and other technical services.

15           ~~[(g)]~~ (h) The council may provide education and technical  
16 training and administrative assistance in the form of services  
17 or grants at the state and county levels ~~[relating to the]~~ to  
18 promote consistent, non-duplicative implementation and  
19 enforcement of the Hawaii state building codes adopted pursuant  
20 to this part.



1           ~~[(h)]~~ (i) At the end of each fiscal year, the council  
2 shall submit a written report to the governor on the council's  
3 activities, including the codes and standards adopted, amended,  
4 or updated by the council."

5           SECTION 6. Section 107-28, Hawaii Revised Statutes, is  
6 repealed.

7           ~~["§107-28 County authority to amend and adopt the Hawaii  
8 state building codes without council approval. (a) The  
9 governing body of each county shall amend, adopt, and update the  
10 Hawaii state building codes as they apply within their  
11 respective jurisdiction, in accordance with section 46-1.5(13),  
12 without approval of the council. Each county shall amend and  
13 adopt the Hawaii state building codes and standards listed in  
14 section 107-25, as the referenced Hawaii state building codes  
15 and standards for its respective county building code ordinance,  
16 no later than two years after the adoption of the Hawaii state  
17 building codes.~~

18           ~~(b) If a county does not amend the Hawaii state building  
19 codes within the two-year time frame, the Hawaii state building  
20 codes shall become applicable as an interim county building  
21 code." ]~~



1 SECTION 7. County building code provisions in effect on  
 2 the effective date of this Act shall remain in effect until  
 3 superseded by the next statewide adoption pursuant to section  
 4 107-24, Hawaii Revised Statutes, as amended by this Act, or by  
 5 county amendments adopted under sections 107-B and 107-25,  
 6 Hawaii Revised Statutes.

7 PART III

8 SECTION 8. The purpose of this part is to appropriate  
 9 funds for one staff position and necessary consultant services  
 10 for the state building code council to carry out statewide code  
 11 adoption, economic and hazard analyses, and administrative  
 12 support.

13 SECTION 9. There is appropriated out of the general  
 14 revenues of the State of Hawaii the sum of \$ or so  
 15 much thereof as may be necessary for fiscal year 2026-2027 for  
 16 one full-time equivalent (1.0 FTE) staff position and necessary  
 17 consultant services for the state building code council to carry  
 18 out statewide code adoption, economic and hazard analyses, and  
 19 administrative support.

20 The sum appropriated shall be expended by the department of  
 21 accounting and general services for the purposes of this Act.



1 PART IV

2 SECTION 10. In codifying the new sections added by section  
3 4 of this Act, the revisor of statutes shall substitute  
4 appropriate section numbers for the letters used in designating  
5 the new sections in this Act.

6 SECTION 11. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 12. This Act shall take effect on July 1, 3000.



**Report Title:**

Counties; Point-in-Time Applicability; Building Permits; State Building Code Council; County Authority; Hawaii State Building Code; Amendments; Building Permit Applications; Adoption Cycle; Appropriation

**Description:**

Part I: Fixes the applicable building codes, standards, and county amendments for the life of a building permit, subject to certain exceptions and rules. Part II: Specifies the applicability of the International Residential Code. Authorizes a county to adopt amendments to the Hawaii state building code, under certain circumstances, and repeals the counties' existing authority to amend or adopt the buildings code without council approval. Changes the adoption of the Hawaii state building code from a two-year cycle to a six-year cycle. Part III: Appropriates funds for the State Building Code Council for staffing and necessary consultant services. Effective 7/1/3000. (HD1)

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

