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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 issues an authorization to proceed with construction, the  
7 applicable building codes, standards, and county amendments  
8 shall be fixed for the life of the permit, subject only to  
9 limited life-safety exceptions and ordinary permit expiration  
10 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 **complete building permit application acceptance; authorization**  
16 **to proceed with construction.** (a) The applicable building  
17 codes shall remain in effect for the term of any project at the  
18 time the county issues an authorization to proceed with  
19 construction.



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

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

13       (1) A subsequently adopted code amendment addresses an  
14 imminent threat to life or safety that is directly  
15 implicated by the permitted scope of work for the  
16 project; and

17       (2) The requirement is narrowly tailored to address that  
18 threat without imposing unrelated upgrades for the  
19 project.

20       (d) If there is a material change in the project scope  
21 after a complete building permit application has been accepted



1 or an authorization has been issued pursuant to subsection (a),  
2 then a revised building permit application shall be submitted.  
3 The applicable code for the revised project shall be the  
4 building codes in effect on the date the county issues an  
5 authorization to proceed with construction on the revised  
6 project.

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

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

15 (g) Each county shall adopt or amend its ordinances as  
16 necessary to implement this section. The ordinances shall  
17 include criteria for:

18 (1) Administrative completeness;

19 (2) Time frames for applicant responses; and



1       (3) Methods of issuing authorizations to proceed with  
2       construction, which may include special assignment  
3       inspections under county ordinance.

4       (h) As used in this section:

5       "Applicable code" means the Hawaii state building codes as  
6       adopted and amended by the state building code council pursuant  
7       to section 107-24 and as further amended and adopted by a  
8       governing body of each county pursuant to section 107-B.

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

17      "Complete building permit application" means an application  
18      that the county having jurisdiction has accepted as  
19      administratively complete under its published submission  
20      requirements.



1 "Diligently pursues" means the applicant responds to  
2 requests for information or corrections within the time frames  
3 established by county rule, requests inspections within the time  
4 periods required to keep a permit active, and otherwise proceeds  
5 without unreasonable delay.

6 "Material change" means a change that alters the occupancy  
7 group, increases design occupant load beyond the thresholds that  
8 change code requirements, increases building height or area  
9 beyond tabular limits, or changes the primary structural system.

10 "Material change" does not include corrections responding to  
11 plan review comments, detailing, substitutions of like materials  
12 or equipment, value engineering, field clarifications, and  
13 comparable changes that do not alter code classification."

14 PART II

15 SECTION 3. The legislature finds that Hawaii faces a  
16 housing crisis driven in part by how hard and costly it has  
17 become to build new homes. Fragmented local amendments,  
18 frequent code changes, and applying commercial-style  
19 requirements to small residential buildings raise costs and slow  
20 delivery.



1           The legislature further finds that shifting from a three-  
2 year to a six-year adoption cycle for the state building codes  
3 will reduce churn and design rework and will increase  
4 familiarity and expertise within permitting agencies, with  
5 inspection staff, and among architects and engineers, leading to  
6 more consistent interpretations and faster, more predictable  
7 reviews. Mid-cycle statewide amendments should be limited to  
8 narrow circumstances such as federal preemption, error  
9 correction, and urgent life-safety needs.

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



1           The legislature additionally finds that counties should  
2 retain a transparent ability to adopt targeted technical  
3 amendments, either more stringent or less stringent, when  
4 supported by findings, than the statewide codes, and that  
5 counties should have added flexibility to adopt more stringent  
6 energy provisions when those provisions are shown to be cost-  
7 effective over time for typical buildings.

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

14           Accordingly, the purpose of this part is to:

- 15           (1) Specify the applicability of the International  
16 Residential Code, as adopted and amended by the state  
17 building code council;
- 18           (2) Authorize a county to adopt amendments to the Hawaii  
19 state building code that are more stringent or less  
20 stringent than a corresponding state-adopted code  
21 provision, under certain circumstances, and repeal the



1 counties' existing authority to amend or adopt the  
 2 building codes without council approval; and  
 3 (3) Beginning on the effective date of the next statewide  
 4 adoption of the International Code Council suite of  
 5 applicable published codes as the Hawaii state  
 6 building code, change the adoption of the Hawaii state  
 7 building code from a two-year cycle to a six-year  
 8 cycle.

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

12 **"§107-A International Residential Code; applicability.**

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

- 16 (1) Detached one- and two-family dwellings;
- 17 (2) Townhouses; and
- 18 (3) Multiplex residential buildings containing three or  
 19 four dwelling units and no more than three stories  
 20 above grade plane in height, whether units are  
 21 arranged side-by-side or stacked; provided that the



1           total floor area of the building does not exceed eight  
2           thousand square feet;  
3   provided that dwelling-unit separation, structural fire  
4   resistance, protection of openings, and means of egress shall  
5   comply with the International Residential Code as adopted and  
6   amended by the council.

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

11           (c) Nothing in this section shall preclude the council, or  
12   a county by ordinance, from adopting increased passive fire-  
13   protection requirements applicable to buildings described in  
14   subsection (a) (3).

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

19           §107-B County amendments to the Hawaii state building

20   code. (a) The governing body of each county may adopt an  
21   amendment to any code adopted under section 107-25 that is more



1 stringent or less stringent than the corresponding state-adopted  
2 code provisions, without approval by the council, if the county  
3 amendment:

4 (1) Is adopted by ordinance;

5 (2) Includes an economic and housing affordability impact  
6 statement that, to the extent practicable, quantifies  
7 construction cost and time impacts;

8 (3) For a more stringent amendment, includes findings that  
9 the amendment addresses a demonstrable local climatic,  
10 geologic, topographic, or cultural condition not  
11 adequately covered by the state-adopted code and is no  
12 more stringent than necessary to address that  
13 condition; provided that a county may adopt an  
14 amendment without the findings required by this  
15 paragraph if the ordinance states that the amendment  
16 is expected to reduce project cost or shorten design,  
17 permitting, or construction timelines for residential  
18 construction or for the conversion of existing  
19 buildings to residential use, without reducing health  
20 or life safety; and



1       (4) For a less stringent amendment, includes findings that  
2       the amendment maintains an acceptable level of health  
3       and life safety, considers local risk factors, and  
4       advances housing affordability or delivery.

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

18       (c) County amendments adopted before the effective date of  
19       the next adoption of the Hawaii state building code shall  
20       continue to apply in the respective county until they are



1 superseded or readopted under section 107-25, unless no longer  
2 applicable."

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

5 "**§107-24 Authority and duties of the council.** (a) Any  
6 law to the contrary notwithstanding, the council shall establish  
7 the Hawaii state building codes.

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

14 (c) [The] Notwithstanding any other law to the contrary,  
15 beginning on the effective date of the next statewide adoption  
16 of the codes under section 107-25(3), the council shall adopt,  
17 amend, or update codes and standards identified in section 107-  
18 25 on a staggered basis as established by the council[; provided  
19 that adoption of a code or standard shall be within two years of  
20 the official publication date of the code or standard, pursuant  
21 to chapter 92, and exempt from the requirements of chapter 91.]



1 on a six-year cycle by adopting every other published edition of  
2 each code. The council shall complete each statewide adoption  
3 within twenty-four months after publication of the edition being  
4 adopted. If the council does not adopt a code or standard  
5 identified in section 107-25 within the [~~two-year~~] twenty-four  
6 month time period, that code or standard shall automatically  
7 become part of the Hawaii state building code until superseded  
8 by the adoption of an amended version of the code or standard by  
9 the council pursuant to this subsection.

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

- 12 (1) Implement federal preemption or state statutory  
13 changes;  
14 (2) Correct errors or internal conflicts;  
15 (3) Address imminent life-safety or post-disaster  
16 resilience issues;  
17 (4) Maintain eligibility for federal incentives, including  
18 mitigation, resilience, or disaster recovery programs  
19 of the Federal Emergency Management Agency, or  
20 alignment with recognized national standards; or



1        (5) Reduce project cost or shorten design, permitting, or  
2        construction timelines for residential construction or  
3        for the conversion of existing buildings to  
4        residential use, without diminishing health or life  
5        safety; provided that the council posts a brief  
6        statement of basis describing expected cost or  
7        schedule impacts and life-safety equivalency.

8        [~~(d)~~] (e) The council may appoint other investigative,  
9 technical expertise committees, which may include council  
10 members.

11       [~~(e)~~] (f) The council shall consult with general building  
12 contractor associations and building trade associations to  
13 gather information and recommendations on construction practices  
14 and training relevant to building codes and standards.

15       [~~(f)~~] (g) The council may make expenditures for technical  
16 references, equipment and supplies, and other operating  
17 expenses, and may contract for the conduct of research studies  
18 and other technical services.

19       [~~(g)~~] (h) The council may provide education and technical  
20 training and administrative assistance in the form of services  
21 or grants at the state and county levels [~~relating to the~~] to



1 promote consistent, non-duplicative implementation and  
2 enforcement of the Hawaii state building codes adopted pursuant  
3 to this part.

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

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

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





1 out statewide code adoption, conduct economic and hazard  
2 analyses, and provide administrative support.

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

5 PART IV

6 SECTION 10. In codifying the new sections added by section  
7 4 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

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

12 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. (HD2)

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