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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 PART I

2 SECTION 1. The legislature finds that the State continues  
3 to experience a severe shortage of housing at all income levels  
4 and that high construction costs and long development timelines  
5 limit the State's ability to meet demand. The legislature  
6 further finds that advances in factory-built housing have  
7 created two categories of dwellings that can help address this  
8 crisis: self-contained relocatable housing units, which are  
9 movable and can operate independently of utilities; and  
10 manufactured homes, which are permanently installed and  
11 connected to utilities.

12 The legislature further finds, however, that outdated state  
13 law and inconsistent county permitting processes hinder the  
14 broader use of these homes, creating uncertainty for builders,  
15 landowners, and counties. A clear statewide framework is  
16 necessary to support the development of a wide range of housing  
17 and ensure that county authority is preserved.



1           The purpose of this part is to authorize the construction  
2 and occupation of self-contained relocatable housing units in  
3 the State, with certain restrictions.

4           SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
5 by adding a new part to be appropriately designated and to read  
6 as follows:

7                   **"PART           .    SELF-CONTAINED RELOCATABLE HOUSING**

8           **§46-           Definitions.** As used in this part, unless the  
9 context otherwise requires:

10           "Approved off-site construction inspection or certification  
11 agency" means a third-party agency that is accredited or  
12 otherwise recognized by the International Code Council, the  
13 Modular Building Institute, or a state or local building  
14 official to perform plan review and in-plant inspections for  
15 off-site construction programs.

16           "Manufacturer model number" means the unique identifier  
17 assigned by a manufacturer to a standardized self-contained  
18 relocatable housing unit design or series of designs that are  
19 constructed under an off-site construction program.

20           "Off-site construction program" means a program of design,  
21 construction, and quality assurance for factory-built housing



1 conducted in accordance with the International Code Council or  
2 Modular Building Institute standards 1200, 1205, and 1210 for  
3 off-site construction, or any successor standards, and that:

- 4 (1) Provides plans and specifications for each  
5 manufacturer model number;
- 6 (2) Uses an approved off-site construction inspection or  
7 certification agency to perform plan review and in-  
8 plant inspections; and
- 9 (3) Issues documentation demonstrating that units bearing  
10 a given manufacturer model number have been  
11 constructed in accordance with the approved plans and  
12 applicable building codes.

13 "Residentially zoned lot" means a zoning lot in a county  
14 zoning district that is principally reserved for single-family  
15 and two-family detached dwellings. "Residentially zoned lot"  
16 does not include a lot in a county zoning district that is  
17 intended for rural, low-density residential development, and  
18 open space preservation.

19 "Self-contained relocatable housing unit" means a structure  
20 designed for human habitation that:



- 1 (1) Is constructed and documented in accordance with at  
2 least one of the following compliance pathways:
- 3 (A) Constructed in compliance with title 24 Code of  
4 Federal Regulations part 3280;
- 5 (B) Constructed under an off-site construction  
6 program that demonstrates compliance with the  
7 Hawaii state building code or an applicable  
8 county building code, including but not limited  
9 to the International Residential Code,  
10 International Building Code, or other model  
11 codes, as adopted; or
- 12 (C) Constructed or self-certified in compliance with  
13 section 46-90;
- 14 (2) Has a total enclosed floor area of no more than four  
15 hundred square feet, excluding porches, decks, and  
16 similar appurtenances;
- 17 (3) Retains capability for relocation without structural  
18 disassembly;
- 19 (4) Operates independently of permanent utilities using  
20 integrated or portable systems for power, water, and  
21 wastewater;



1 (5) Uses structural wood components that are pressure-  
 2 treated, otherwise preservative-treated, or  
 3 constructed of naturally durable materials, in  
 4 accordance with the Hawaii state building code or an  
 5 applicable county building code, to provide resistance  
 6 to decay and termites; and

7 (6) Is placed on land with the consent of the landowner.

8 "Transient accommodations" has the same meaning as in  
 9 section 237D-1.

10 **§46- Self-contained relocatable housing units;**  
 11 **ministerial zoning permit; limitations.** (a) Notwithstanding  
 12 any law or ordinance to the contrary, a self-contained  
 13 relocatable housing unit shall be allowed by right on any parcel  
 14 of land with the consent of the property owner, subject only to  
 15 a ministerial zoning permit from the county. Each  
 16 self-contained relocatable housing unit, including any accessory  
 17 dwelling unit, guest house, additional rental unit, or similar  
 18 residential unit, shall be treated as one dwelling unit for  
 19 purposes of any county law limiting the number of such units on  
 20 a lot, and shall be counted toward that limit.



1 (b) Each county shall issue the ministerial zoning permit  
2 within thirty calendar days of a complete application and  
3 payment of a reasonable fee not exceeding the actual review  
4 cost. If no written denial is issued within thirty days, the  
5 permit shall be deemed approved.

6 (c) The ministerial zoning permit application shall  
7 include:

- 8 (1) A completed form, fee, and simple site plan;
- 9 (2) Documentation demonstrating compliance with at least  
10 one of the compliance pathways required for a self-  
11 contained relocatable housing unit, including:

- 12 (A) For a unit constructed in compliance with title  
13 24 Code of Federal Regulations part 3280, a photo  
14 of the United States Department of Housing and  
15 Urban Development certification label and  
16 manufacturer's data plate, or a  
17 label-verification or duplicate data plate from  
18 the Institute for Building Technology and Safety,  
19 the manufacturer, or an inspection agency  
20 approved by the United States Department of  
21 Housing and Urban Development;



- 1 (B) For a unit constructed under an off-site
- 2 construction program, a copy of the off-site
- 3 construction program certification or label for
- 4 the applicable manufacturer model number,
- 5 including documentation from an approved off-site
- 6 construction inspection or certification agency
- 7 that the unit was constructed under that program
- 8 and in compliance with the applicable building
- 9 code; or
- 10 (C) For a unit constructed or self-certified pursuant
- 11 to section 46-90, a copy of the approved
- 12 self-certification, building permit, or other
- 13 documentation submitted to or accepted by the
- 14 county under section 46-90;
- 15 (3) If installed on site, any installation documentation
- 16 required under paragraph (2), including but not
- 17 limited to a manufactured home installation
- 18 certification and verification report, installer
- 19 declaration, or equivalent documentation accepted by
- 20 the county;



- 1 (4) An affidavit that the unit will not be used as a  
2 transient accommodation and will remain relocatable  
3 and self-contained; and
- 4 (5) The property owner's written consent if the applicant  
5 is not the owner.
- 6 (d) The county may deny an application only if:
- 7 (1) The application is incomplete after one request for  
8 missing items;
- 9 (2) The unit lacks valid documentation required under  
10 subsection (c)(2) demonstrating compliance with at  
11 least one of the compliance pathways required for a  
12 self-contained relocatable housing unit;
- 13 (3) The property on which the unit is to be situated lies  
14 within a prohibited area under subsection (i); or
- 15 (4) The siting of the self-contained relocatable housing  
16 unit would create an objective health or safety  
17 hazard.
- 18 (e) No building, electrical, or plumbing permit shall be  
19 required while the unit remains relocatable and self-contained.
- 20 (f) A permit may be revoked if the county finds clear and  
21 convincing evidence that the:



- 1           (1) Unit lacks valid documentation required under  
2           subsection (c) (2) demonstrating compliance with at  
3           least one of the compliance pathways required for a  
4           self-contained relocatable housing unit;
- 5           (2) Application contained material misrepresentation; or
- 6           (3) Unit has been affixed or connected to utilities;  
7           provided that if the unit is built in compliance with  
8           title 24 Code of Federal Regulations part 3280, that  
9           federal standard shall continue to govern construction  
10          and safety, and only local installation and utility-  
11          connection standards shall apply; provided further  
12          that in all other cases, the county building code  
13          shall apply.
- 14          (g) If the unit is constructed under an off-site  
15          construction program, the documentation described in subsection  
16          (c) (2) (B) shall be accepted as conclusive evidence that the  
17          factory-built portion of the unit complies with the Hawaii state  
18          building code or an applicable county building code, and the  
19          county may only enforce local standards for foundations, other  
20          site-built work, and any utility connections. If the unit is  
21          constructed or self-certified pursuant to section 46-90, no



1 county shall require additional inspections of the factory-built  
2 portion of the unit beyond those authorized under that section,  
3 and may only enforce local standards for foundations, other  
4 site-built work, and any utility connections.

5 (h) Each county may adopt reasonable ordinances on  
6 sanitation, access, spacing, and safety of self-contained  
7 relocatable housing units; provided that each legal lot of  
8 record shall be entitled to at least one self-contained  
9 relocatable housing unit, and the counties may authorize  
10 additional units per lot by ordinance. Ordinances adopted under  
11 this subsection shall be objective, clearly defined, and shall  
12 not be applied in a manner that individually or cumulatively  
13 precludes the placement of at least one self-contained  
14 relocatable housing unit on each legal lot of record on which  
15 such a unit is allowed under this section.

16 (i) Any installation of a self-contained relocatable  
17 housing unit pursuant to this part shall be manufactured in the  
18 State or procured by a state-approved distributor.

19 (j) A self-contained relocatable housing unit:

20 (1) Shall not be used as transient accommodations;



- 1 (2) Shall not be sited within the state conservation  
2 district established under chapter 205; and
- 3 (3) May be restricted or prohibited by county ordinance  
4 within special management areas, a special flood  
5 hazard area as delineated on flood maps issued by the  
6 Federal Emergency Management Agency, or areas  
7 designated as high wildfire risk.
- 8 (k) Nothing in this section shall be construed to:
- 9 (1) Authorize occupation of a unit in violation of public-  
10 health rules;
- 11 (2) Preempt state or county nuisance laws;
- 12 (3) Limit the jurisdiction of the department of land and  
13 natural resources over conservation lands;
- 14 (4) Preclude the construction or siting of modular or  
15 factory-built housing certified under the Hawaii state  
16 building code in lieu of homes constructed in  
17 compliance with title 24 Code of Federal Regulations  
18 part 3280; or
- 19 (5) Require a county to allow more units on a lot than are  
20 otherwise permitted, except to the extent that a



1 county authorizes additional self-contained  
2 relocatable housing units by ordinance."

3 SECTION 3. Section 291C-112, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§291C-112 Certain uses of parked vehicles prohibited**  
6 **between 6:00 p.m. and 6:00 a.m.; definition; exceptions.** (a)  
7 ~~[No]~~ Except as provided in subsection (b), no person shall use  
8 any vehicle for purposes of human habitation, whether or not the  
9 vehicle is designed or equipped for that purpose, while the  
10 vehicle is parked on any roadway, street, or highway or other  
11 public property between the hours of 6:00 p.m. and 6:00 a.m. or  
12 while the vehicle is parked on private property without  
13 authorization of the owner or occupant authorizing both the  
14 parking of the vehicle there and its use for purposes of human  
15 habitation.

16 ~~[(b) As used in this section "purposes of human~~  
17 ~~habitation" includes use as a dwelling place, living abode, or~~  
18 ~~sleeping place.~~

19 ~~(e)]~~ (b) This section ~~[does]~~ shall not apply to the  
20 [parking]:





1 and all other matters to which the law relating to interests in  
2 real property applies, regardless of whether the owner of the  
3 manufactured home owns the land on which the home is located.

4 (b) Title to a manufactured home deemed real property  
5 under this section shall be transferred only by an instrument  
6 that satisfies the requirements for a conveyance of real  
7 property and is duly recorded in the office of the assistant  
8 registrar of the land court or the bureau of conveyances, as  
9 applicable. The instrument shall reasonably identify the  
10 manufactured home.

11 (c) A mortgage or other security instrument encumbering a  
12 manufactured home deemed real property under this section shall  
13 be created, perfected, and foreclosed in the same manner as a  
14 mortgage or other security instrument encumbering real property,  
15 and a recorded mortgage or other security instrument that  
16 describes the manufactured home and states that it is or is to  
17 become a fixture on the land shall be effective as a fixture  
18 filing under article 9 of chapter 490.

19 (d) Notwithstanding any law providing for a certificate of  
20 title for a manufactured home, the rights of good-faith  
21 purchasers and mortgagees of a manufactured home deemed real



1 property under this section shall be determined by the records  
2 of the assistant registrar of the land court or the bureau of  
3 conveyances.

4 (e) For purposes of this section, "manufactured home"  
5 means a dwelling unit constructed in compliance with title 24  
6 Code of Federal Regulations part 3280 that is installed on a  
7 permanent foundation and connected to utilities."

8 PART III

9 SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Self-Contained Relocatable Housing; Construction; Occupation;  
Zoning; Manufactured Homes; Real Property

**Description:**

Part I: Authorizes the construction and occupation of self-contained relocatable housing units, with certain restrictions.  
Part II: Specifies that a manufactured home is considered real property, requiring its transfer, conveyance, and mortgage to follow the same recording and enforcement requirements as other real property. 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.*

