
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12 The legislature further finds, however, that outdated state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 and
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 "Self-contained relocatable housing unit" means a structure
14 designed for human habitation that:

- 15 (1) Is constructed and documented in accordance with at
16 least one of the following compliance pathways:
 - 17 (A) Constructed in compliance with title 24 Code of
18 Federal Regulations part 3280;
 - 19 (B) Constructed under an off-site construction
20 program that demonstrates compliance with the
21 Hawaii state building code or an applicable



- 1 county building code, including but not limited
2 to the International Residential Code,
3 International Building Code, or other model
4 codes, as adopted; or
- 5 (C) Constructed or self-certified in compliance with
6 section 46-90;
- 7 (2) Has a total enclosed floor area of no more than four
8 hundred square feet, excluding porches, decks, and
9 similar appurtenances;
- 10 (3) Retains capability for relocation without structural
11 disassembly;
- 12 (4) Operates independently of permanent utilities using
13 integrated or portable systems for power, water, and
14 wastewater;
- 15 (5) Uses structural wood components that are pressure-
16 treated, otherwise preservative-treated, or
17 constructed of naturally durable materials, in
18 accordance with the Hawaii state building code or an
19 applicable county building code, to provide resistance
20 to decay and termites; and
- 21 (6) Is placed on land with the consent of the landowner.



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

3 §46- Self-contained relocatable housing units;
4 ministerial zoning permit; limitations. (a) Notwithstanding
5 any law or ordinance to the contrary, a self-contained
6 relocatable housing unit shall be allowed by right on any parcel
7 of land with the consent of the property owner, subject only to
8 a ministerial zoning permit from the county. Each
9 self-contained relocatable housing unit, including any accessory
10 dwelling unit, guest house, additional rental unit, or similar
11 residential unit, shall be treated as one dwelling unit for
12 purposes of any county law limiting the number of such units on
13 a lot, and shall be counted toward that limit.

14 (b) Each county shall issue the ministerial zoning permit
15 within thirty calendar days of a complete application and
16 payment of a reasonable fee not exceeding the actual review
17 cost. If no written denial is issued within thirty days, the
18 permit shall be deemed approved.

19 (c) The ministerial zoning permit application shall
20 include:

21 (1) A completed form, fee, and simple site plan;



- 1 (2) Documentation demonstrating compliance with at least
2 one of the compliance pathways required for a self-
3 contained relocatable housing unit, including:
- 4 (A) For a unit constructed in compliance with title
5 24 Code of Federal Regulations part 3280, a photo
6 of the United States Department of Housing and
7 Urban Development certification label and
8 manufacturer's data plate, or a
9 label-verification or duplicate data plate from
10 the Institute for Building Technology and Safety,
11 the manufacturer, or an inspection agency
12 approved by the United States Department of
13 Housing and Urban Development;
- 14 (B) For a unit constructed under an off-site
15 construction program, a copy of the off-site
16 construction program certification or label for
17 the applicable manufacturer model number,
18 including documentation from an approved off-site
19 construction inspection or certification agency
20 that the unit was constructed under that program



- 1 and in compliance with the applicable building
2 code; or
- 3 (C) For a unit constructed or self-certified pursuant
4 to section 46-90, a copy of the approved
5 self-certification, building permit, or other
6 documentation submitted to or accepted by the
7 county under section 46-90;
- 8 (3) If installed on site, any installation documentation
9 required under paragraph (2), including but not
10 limited to a manufactured home installation
11 certification and verification report, installer
12 declaration, or equivalent documentation accepted by
13 the county;
- 14 (4) An affidavit that the unit will not be used as a
15 transient accommodation and will remain relocatable
16 and self-contained; and
- 17 (5) The property owner's written consent if the applicant
18 is not the owner.
- 19 (d) The county may deny an application only if:
- 20 (1) The application is incomplete after one request for
21 missing items;



- 1 (2) The 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 (3) The property on which the unit is to be situated lies
- 6 within a prohibited area under subsection (i); or
- 7 (4) The siting of the self-contained relocatable housing
- 8 unit would create an objective health or safety
- 9 hazard.
- 10 (e) No building, electrical, or plumbing permit shall be
- 11 required while the unit remains relocatable and self-contained.
- 12 (f) A permit may be revoked if the county finds clear and
- 13 convincing evidence that:
- 14 (1) The unit lacks valid documentation required under
- 15 subsection (c) (2) demonstrating compliance with at
- 16 least one of the compliance pathways required for a
- 17 self-contained relocatable housing unit;
- 18 (2) The application contained a material
- 19 misrepresentation; or
- 20 (3) The unit has been affixed or connected to utilities;
- 21 provided that if the unit is built in compliance with



1 title 24 Code of Federal Regulations part 3280, that
 2 federal standard shall continue to govern construction
 3 and safety, and only local installation and utility-
 4 connection standards shall apply; provided further
 5 that in all other cases, the county building code
 6 shall apply.

7 (g) If the unit is constructed under an off-site
 8 construction program, the documentation described in subsection
 9 (c) (2) (B) shall be accepted as conclusive evidence that the
 10 factory-built portion of the unit complies with the Hawaii state
 11 building code or an applicable county building code, and the
 12 county may only enforce local standards for foundations, other
 13 site-built work, and any utility connections. If the unit is
 14 constructed or self-certified pursuant to section 46-90, no
 15 county shall require additional inspections of the factory-built
 16 portion of the unit beyond those authorized under that section,
 17 and may only enforce local standards for foundations, other
 18 site-built work, and any utility connections.

19 (h) Each county may adopt reasonable ordinances on
 20 sanitation, access, spacing, and safety of self-contained
 21 relocatable housing units; provided that each legal lot of



1 record shall be entitled to at least one self-contained
2 relocatable housing unit, and the counties may authorize
3 additional units per lot by ordinance. Ordinances adopted under
4 this subsection shall be objective, clearly defined, and shall
5 not be applied in a manner that individually or cumulatively
6 precludes the placement of at least one self-contained
7 relocatable housing unit on each legal lot of record on which
8 such a unit is allowed under this section.

9 (i) A self-contained relocatable housing unit:

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

11 (2) Shall not be sited within the state conservation
12 district established under chapter 205; and

13 (3) May be restricted or prohibited by county ordinance
14 within special management areas, a special flood
15 hazard area as delineated on flood maps issued by the
16 Federal Emergency Management Agency, or areas
17 designated as high wildfire risk.

18 (j) Nothing in this section shall be construed to:

19 (1) Authorize occupation of a unit in violation of public
20 health rules;

21 (2) Preempt state or county nuisance laws;



- 1 (3) Limit the jurisdiction of the department of land and
2 natural resources over conservation lands;
- 3 (4) Preclude the construction or siting of modular or
4 factory-built housing certified under the Hawaii state
5 building code in lieu of homes constructed in
6 compliance with title 24 Code of Federal Regulations
7 part 3280; or
- 8 (5) Require a county to allow more units on a lot than are
9 otherwise permitted, except to the extent that a
10 county authorizes additional self-contained
11 relocatable housing units by ordinance."

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

14 **"§291C-112 Certain uses of parked vehicles prohibited**
15 **between 6:00 p.m. and 6:00 a.m.; definition; exceptions. (a)**
16 **[Nø] Except as provided in subsection (b), no person shall use**
17 **any vehicle for purposes of human habitation, regardless of**
18 **whether [~~or not~~] the vehicle is designed or equipped for that**
19 **purpose, while the vehicle is parked on any roadway, street, or**
20 **highway or other public property between the hours of 6:00 p.m.**
21 **and 6:00 a.m. or while the vehicle is parked on private property**



1 without authorization of the owner or occupant authorizing both
2 the parking of the vehicle there and its use for purposes of
3 human habitation.

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

7 ~~-(e)]~~ (b) This section ~~[does]~~ shall not apply to the
8 [parking]:

9 (1) Parking of vehicles and their use for purposes of
10 human habitation in parks, camps, and other
11 recreational areas in compliance with law and
12 applicable rules and regulations, or under emergency
13 conditions in the interest of vehicular safety~~[-]~~; or

14 (2) Lawful siting or occupation of a self-contained
15 relocatable housing unit as authorized pursuant to
16 part of chapter 46.

17 ~~[-(d)]~~ (c) The department of health ~~[shall promulgate]~~ may
18 adopt rules ~~[and regulations,]~~ pursuant to chapter 91, necessary
19 for the administration of this section.



1 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. (HD3)

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

