
A BILL FOR AN ACT

RELATING TO PERMITS.

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

1 SECTION 1. The legislature finds that certain land or
2 water use activities or construction projects may require
3 permits issued by agencies and authorities through the
4 facilitated application process, which is overseen by the
5 department of business, economic development, and tourism.

6 The legislature further finds that the facilitated
7 application process to obtain a permit can be cumbersome and
8 subject applicants to lengthy waiting periods. The legislature
9 additionally finds that a backlog in applications can lead to
10 delays in housing, industrial, and commercial projects, stifling
11 economic development in the State.

12 Accordingly, the purpose of this Act is to establish
13 specific deadlines within the facilitated application process
14 and require the department of business, economic development,
15 and tourism to establish certain resources and processes to help
16 streamline permit applications.



1 SECTION 2. Section 201-62, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§201-62 Facilitated application process.** (a) State
4 agencies are required, and county agencies are authorized and
5 encouraged, to participate in the facilitated application
6 process set forth [~~herein.~~] in this section.

7 (b) The department shall serve as the lead agency for the
8 facilitated application procedure and shall be the lead agency
9 to administer the facilitated application procedure for any
10 project that requires both county permit applications and state
11 agency approval[~~];~~ provided that the department of
12 transportation may select projects to participate in the
13 facilitated application procedure in a manner similar to the
14 federal FAST-41 program (Fixing America's Surface Transportation
15 Act, P.L. 114-94) to accelerate large-scale infrastructure
16 projects needed for economic development.

17 (c) The procedure shall be as follows:

18 (1) An applicant for at least two [~~or more~~] state permits,
19 or at least one state and one county permit, may apply
20 in writing to the department requesting a facilitated
21 application process for the consideration of the



1 application. The written request shall include
2 sufficient data about the proposed project for the
3 department to determine which other agencies or
4 authorities may have jurisdiction;

5 (2) [~~Upon receiving~~] Within ten days of approving a
6 written request for the facilitated application
7 process, the department shall notify all federal,
8 state, and county agencies or authorities that the
9 department determines may have jurisdiction over part
10 or all of the proposed project, and require those
11 state agencies or authorities and invite those county
12 and federal agencies or authorities to participate in
13 the facilitated application process;

14 (3) The applicant and each agency or authority required or
15 agreeing to participate in the facilitated application
16 process shall designate a representative to serve on
17 the facilitated application review team;

18 (4) Any state agency or authority designated by the
19 department as a party to an application review that is
20 not able to participate, shall submit an explanation,



1 in writing, to the department as to the reasons and
2 circumstances for noncompliance;

3 (5) The representatives of the agencies, authorities, and
4 the applicant may develop and sign a joint agreement
5 among themselves identifying the members of the
6 facilitated application review team, specifying the
7 regulatory and review responsibilities of each
8 government agency and setting forth the
9 responsibilities of the applicant, and establishing a
10 timetable for regulatory review, the conduct of
11 necessary hearings, preparation of an environmental
12 impact statement if necessary, and other actions
13 required to minimize duplication and coordinate the
14 activities of the applicant, agencies, and
15 authorities;

16 (6) [~~Each~~] Within ten days of receiving notification from
17 the department, each agency or authority shall submit
18 an estimated timeline for permit issuance or approval
19 and issue its own permit or approval based upon this
20 timeline and its own jurisdiction[-]; provided that
21 the department may adjust this deadline based on the



1 complexity of the project. The facilitated
2 application process shall not affect or invalidate the
3 jurisdiction or authority of any agency under existing
4 law; and

5 (7) The applicant shall apply directly to each federal or
6 county agency that does not participate in the
7 facilitated application process.

8 (d) If a state regulatory permit is necessary to obtain a
9 county permit, then a county agreeing to participate in the
10 facilitated application process may advise the applicant of the
11 facilitated application procedure. To apply for the facilitated
12 application procedure, applicants for county permits involving
13 state permit approvals shall submit a form, which shall be
14 issued by the department; provided that this procedure shall
15 apply only to state permits that need to be approved by a state
16 agency following a review of the plans and certifications
17 submitted by the applicant. State permits that are approved by
18 rule require only that the licensed design professional certify
19 that the plans and specifications are in compliance with state
20 rules. No review by a state agency is required for state
21 approval. Plans and specifications requiring state agency



1 review shall be submitted with the facilitated application
2 procedure to the appropriate state agency, with a copy to the
3 department. If a state permit is approved by rule, then the
4 participating county shall provide a set of drawings and
5 specifications submitted by the applicant to the state agency
6 that developed the rules.

7 In developing the procedures for approval by rule and by
8 review, permit requirements shall be clearly stated.
9 Performance standards, rather than specific technologies or
10 procedures, shall be specified when appropriate.

11 (e) The department shall submit an annual report on the
12 status of the facilitated application process, including any
13 recommendations for improvements to the facilitated application
14 process, to the legislature no later than twenty days prior to
15 the convening of each regular session.

16 [~~e~~] (f) For purposes of this section:

17 "Permit by review" means permits approved by the
18 appropriate state departments.

19 "Permit by rule" means permits approved by administrative
20 rule."



1 SECTION 3. Section 201-64, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§201-64[+] **Streamlining activities.** (a) The
4 department may:

5 (1) Monitor permits on an ongoing basis to determine the
6 source of inefficiencies, delays, and duplications and
7 the status of permits in progress;

8 (2) Pursue the implementation of streamlining measures
9 including, but not necessarily limited to, those
10 measures defined in consultation with affected state
11 agencies, county central coordinating agencies, and
12 members of the public; and

13 (3) Design applications, checklists, and other forms
14 essential to the implementation of approved
15 streamlining measures in coordination with involved
16 state and county regulatory agencies, and members of
17 the public.

18 (b) The department shall establish:

19 (1) A single digital portal that allows applicants and
20 agencies to upload applications, permits, and relevant



1 documents and track the status of applications in real
2 time;

3 (2) A fast-track process to expedite approval of low-
4 impact projects;

5 (3) A process for improving state agency coordination and
6 timeliness of environmental reviews and infrastructure
7 projects based on the federal FAST-41 program (Fixing
8 America's Surface Transportation Act, P.L. 114-94);

9 (4) A permit by rule process that allows applications for
10 low-impact projects to be reviewed by a licensed
11 design professional; and

12 (5) Criteria to classify low-impact projects; provided
13 that the criteria shall consider environmental and
14 community impacts.

15 (c) For purposes of this section, "licensed design
16 professional" means a professional engineer, architect,
17 surveyor, or landscape architect licensed under chapter 464."

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

DBEDT; DOT; Permits; Facilitated Application Process; Digital Portal

Description:

Establishes specific deadlines within the facilitated application process to obtain a permit and requires the Department of Business, Economic Development, and Tourism to establish certain resources and processes to help streamline permit applications. Authorizes the Department of Transportation to select projects to participate in the facilitated application process. Effective 7/1/3000. (HD1)

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