

JAN 23 2026

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# A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

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

1           SECTION 1. Section 46-88, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) through (c) to read as  
3 follows:

4           "(a) Notwithstanding any law to the contrary, the  
5 following agricultural buildings, structures, and appurtenances  
6 thereto that are not used as dwellings or lodging units are  
7 exempt from building permit and building code requirements where  
8 they are no more than one thousand square feet in floor area:

9           (1) Nonresidential manufactured pre-engineered commercial  
10 buildings and structures;

11           (2) Single stand alone recycled ocean shipping or cargo  
12 containers that are used as nonresidential commercial  
13 buildings and are properly anchored;

14           (3) Notwithstanding the one thousand square foot floor  
15 area restriction, agricultural shade cloth structures,  
16 cold frames, or greenhouses [~~not exceeding sixty~~  
17 ~~thousand square feet in area per structure;~~]



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- 1           regardless of size; provided that where multiple  
2           structures are erected, the minimum horizontal  
3           separation between each shade cloth structure, cold  
4           frame, or greenhouse is fifteen feet;
- 5           (4) Aquacultural or aquaponics structures, including  
6           above-ground water storage or production tanks,  
7           troughs, and raceways with a maximum height of six  
8           feet above grade, and in-ground ponds and raceways,  
9           and piping systems for aeration, carbon dioxide, or  
10          fertilizer or crop protection chemical supplies within  
11          agricultural or aquacultural production facilities;
- 12          (5) Livestock watering tanks, water piping and plumbing  
13          not connected to a source of potable water, or  
14          separated by an air gap from such a source;
- 15          (6) [~~Non-masonry fences not exceeding ten feet in height~~  
16          ~~and masonry fences not exceeding six feet in height;~~]  
17          Fences and walls not exceeding ten feet in height;
- 18          (7) One-story masonry or wood-framed buildings or  
19          structures with a structural span of less than twenty-  
20          five feet and a total square footage of no more than



- 1           one thousand square feet, including farm buildings  
2           used as:
- 3           (A) Barns;
  - 4           (B) Greenhouses;
  - 5           (C) Farm production buildings including aquaculture  
6           hatcheries and plant nurseries;
  - 7           (D) Storage buildings for farm equipment or plant or  
8           animal supplies or feed; or
  - 9           (E) Storage or processing buildings for crops;  
10          provided that the height of any stored items  
11          shall not collectively exceed twelve feet in  
12          height;
- 13          (8) Raised beds containing soil, gravel, cinders, or other  
14          growing media or substrates with wood, metal, or  
15          masonry walls or supports with a maximum height of  
16          four feet;
- 17          (9) Horticultural tables or benches no more than four feet  
18          in height supporting potted plants or other crops;  
19          [and]
- 20          (10) Nonresidential indigenous Hawaiian hale that do not  
21          exceed five hundred square feet in size, have no



1 kitchen or bathroom, and are used for traditional  
2 agricultural activities or education; and

3 (11) Water catchment and storage tanks up to thirty  
4 thousand gallons;

5 provided that the buildings, structures, and appurtenances  
6 thereto comply with all applicable state and county zoning  
7 codes.

8 (b) Notwithstanding the one thousand square foot floor  
9 area restriction in subsection (a), the following buildings,  
10 structures, and appurtenances thereto shall be exempt from  
11 building permit requirements when compliant with relevant  
12 building codes or county, national, or international  
13 prescriptive construction standards:

14 (1) Nonresidential manufactured pre-engineered [~~and county~~  
15 ~~pre-approved~~] commercial buildings and structures  
16 consisting of a total square footage greater than one  
17 thousand square feet [~~but no more than eight thousand~~  
18 ~~square feet~~]; and

19 (2) [~~One-story~~] Two-story wood-framed or masonry buildings  
20 or structures with a structural span of less than  
21 [~~twenty-five~~] fifty feet and a total square footage



1 greater than one thousand square feet [~~but no more~~  
2 ~~than eight thousand square feet~~] constructed in  
3 accordance with county, national, or international  
4 prescriptive construction standards, including  
5 buildings used as:

- 6 (A) Barns;
- 7 (B) Greenhouses;
- 8 (C) Farm production buildings, including aquaculture  
9 hatcheries and plant nurseries;
- 10 (D) Storage buildings for farm equipment, plant or  
11 animal supplies, or feed; or
- 12 (E) Storage or processing buildings for crops;  
13 provided that the height of any stored items  
14 shall not collectively exceed twelve feet in  
15 height.

16 (c) The exemptions in subsections (a) and (b) shall apply;  
17 provided that:

- 18 (1) The aggregate floor area of the exempted agricultural  
19 buildings shall not exceed:

- 20 (A) Five thousand square feet per zoning lot for lots  
21 of two acres or less; and



1 (B) Eight thousand square feet per zoning lot for  
2 lots greater than two acres but no more than five  
3 acres; ~~and~~

4 ~~(C) Eight thousand square feet plus two per cent of~~  
5 ~~the acreage per zoning lot for lots greater than~~  
6 ~~five acres; provided that each exempted~~  
7 ~~agricultural building is compliant with the~~  
8 ~~square foot area restrictions in subsection (a)~~  
9 ~~or subsection (b);]~~

10 (2) The minimum horizontal separation between each  
11 agricultural building, structure, or appurtenance  
12 thereto is fifteen feet;

13 (3) The agricultural buildings, structures, or  
14 appurtenances thereto are located on a commercial farm  
15 or ranch and are used for general agricultural or  
16 aquacultural operations, or for purposes incidental to  
17 such operations;

18 (4) The agricultural buildings, structures, or  
19 appurtenances thereto are constructed or installed on  
20 property that is used primarily for agricultural or  
21 aquacultural operations [~~and is two or more~~



1           ~~contiguous acres in area or one or more contiguous~~  
2           ~~acres in area if located in a nonresidential~~  
3           ~~agricultural or aquacultural park];~~

4           (5) An owner or occupier that intends to utilize the  
5           exemptions under this section shall provide written  
6           notice to the appropriate county agency of the size,  
7           type, and location of the proposed building,  
8           structure, related appurtenances, or development. No  
9           work shall commence until the county agency has  
10          determined that a building permit for the proposed  
11          building, structure, related appurtenances, or  
12          development is not required for compliance with  
13          county, state, or federal floodplain management  
14          development standards, ordinances, codes, statutes,  
15          rules, or regulations pursuant to the National Flood  
16          Insurance Program requirements;

17          (6) The appropriate county agency shall certify the  
18          building, structure, related appurtenances, or  
19          development within thirty calendar days upon the  
20          receipt of the written notice from the owner or  
21          occupier, pursuant to paragraph (5);



1           (7) The owner or occupier shall provide a final as-built  
2           written notice to the appropriate county building  
3           permitting agency of the final as-built size, type,  
4           and location of the building, structure, related  
5           appurtenances, or development. Such final as-built  
6           written notification shall be provided to the county  
7           agency within thirty calendar days of the completion,  
8           occupancy, or use of the building, structure, related  
9           appurtenances, or development. Failure to provide  
10          such written notice may void the building permit or  
11          building code exemption, or both, which voidance for  
12          such failure is subject to the sole discretion of the  
13          appropriate county building permitting agency;

14          (8) ~~[No electrical power and no plumbing systems shall be~~  
15          ~~connected to the building or structure without first~~  
16          ~~obtaining the appropriate county electrical or~~  
17          ~~plumbing permit, and all such installations]~~ All  
18          electrical power and plumbing systems shall be  
19          installed under the supervision of a licensed  
20          electrician or plumber[, as appropriate, and inspected  
21          and approved by an appropriate county or licensed



1 ~~inspector or, if a county building agency is unable to~~  
2 ~~issue an electrical permit because the building or~~  
3 ~~structure is permit-exempt, an electrical permit shall~~  
4 ~~be issued for an electrical connection to a meter on a~~  
5 ~~pole beyond the permit-exempt structure in accordance~~  
6 ~~with the installation, inspection, and approval~~  
7 ~~requirements in this paragraph;]~~ provided that no  
8 exempt structure shall be required to obtain a permit  
9 for the electrical or plumbing work;

10 (9) Disposal of wastewater from any building or structure  
11 constructed or installed pursuant to this section  
12 shall comply with chapter 342D;

13 (10) Permit-exempt structures shall be exempt from any  
14 certificate of occupancy requirements; and

15 (11) The appropriate county fire department and county  
16 building permitting agency shall have the right to  
17 enter the property, upon reasonable notice to the  
18 owner or occupant, to investigate exempted  
19 agricultural buildings for compliance with the  
20 requirements of this section; provided that if entry  
21 is refused after reasonable notice is given, the



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1 applicable department or agency may apply to the  
2 district court of the circuit in which the property is  
3 located for a warrant, directed to any police officer  
4 of the circuit, commanding the police officer to  
5 provide sufficient aid and to assist the department or  
6 agency in gaining entry onto the property to  
7 investigate exempted agricultural buildings for  
8 compliance with the requirements of this section."

9 SECTION 2. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

12

INTRODUCED BY:

*David W. R. [Signature]*



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**Report Title:**

Building Permits; Agricultural Structures; Exemptions

**Description:**

Exempts certain agricultural buildings, structures, and appurtenances from building codes and permitting requirements.

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

