

JAN 19 2007

A BILL FOR AN ACT

RELATING TO BUILDING CODES.

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

1 SECTION 1. The legislature finds that the State has
2 traditionally allowed the individual counties to establish their
3 own building codes. The counties have adopted various portions
4 of the Uniform Building Code, but the code differs from county
5 to county. The status of fragmented building requirements in
6 Hawaii is of serious concern to those involved in building
7 ownership and design. Over forty states have adopted some form
8 of a statewide building code.

9 The adoption of a uniform set of statewide building codes
10 applicable to one and two family dwellings, all other
11 residential uses, and commercial and industrial buildings would
12 make it possible for building owners, designers, contractors,
13 and code enforcers within the State to apply one set of
14 standards. International building codes are currently being
15 considered for adoption by several counties. The health and
16 safety considerations related to these codes are of statewide



1 interest, especially relating to emergency disaster
2 preparedness.

3 The purpose of this Act is to require the department of
4 accounting and general services to establish and implement a
5 state building code that integrates building code plans from
6 each county.

7 SECTION 2. Chapter 107, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 "PART . INTEGRATED STATE BUILDING CODE

11 §107-A Establishment of an integrated state building code.

12 (a) By January 1, 2009, each county shall submit to the
13 department of accounting and general services a county
14 integrated building code plan that has been formally adopted by
15 each county and that is consistent with the requirements of this
16 part. The department shall combine all plans formally adopted
17 by the counties and the building code plan for the design and
18 construction of state-owned buildings to establish an integrated
19 state building code. Upon adoption of the integrated state
20 building code, all buildings and residential homes constructed
21 after the date of adoption shall be exempt from county building
22 codes.



1 (b) The department shall adopt rules pursuant to chapter
2 91 to establish an integrated state building code.

3 (c) For purposes of this part:

4 "Department" means the department of accounting and general
5 services.

6 "Hurricane resistive criteria" means the design criteria
7 for enhanced hurricane protection areas that is capable of
8 withstanding a five hundred-year hurricane event, as developed
9 by the state department of defense for public shelter and
10 residential safe room design criteria.

11 **§107-B Building code plan for state-owned buildings.** The
12 department shall adopt rules pursuant to chapter 91 to provide a
13 building code plan for state-owned buildings. The plan shall be
14 based on the latest editions, as published by the International
15 Code Council, of:

- 16 (1) The International Building Code;
17 (2) The International Residential Code;
18 (3) The International Mechanical Code; and
19 (4) The International Plumbing Code.

20 The plan shall also be based on code provisions based on
21 nationally published codes of standards that include but are not
22 limited to fire, elevator, and electrical energy conservation



1 standards for building design and construction; private sewage
2 disposal; hurricane resistive criteria for shelter construction;
3 and one- and two-family residential construction.

4 The plan shall adopt the recommendation from the
5 International Building Code and limit the construction of single
6 wall constructed residential homes. The plan shall allow
7 repairs and additions to existing single wall constructed
8 residential homes.

9 **§107-C Development of county integrated building code**
10 **plans.** (a) Prior to preparing a county integrated building
11 code plan, each county shall form an advisory committee
12 appointed by the mayor. The county advisory committee may be
13 composed of representatives from citizen organizations, various
14 trade and professional building and construction industries, the
15 county coordinator, and any other individuals deemed appropriate
16 by the mayor. The county advisory committee shall review the
17 plan during its preparation, make suggestions, and propose
18 changes it believes are appropriate.

19 (b) The plan shall be based on the latest editions, as
20 published by the International Code Council, of:

- 21 (1) The International Building Code;
- 22 (2) The International Residential Code;



1 (3) The International Mechanical Code; and

2 (4) The International Plumbing Code.

3 The plan shall also be based on code provisions based on
4 nationally published codes or standards that include but are not
5 limited to fire, elevator, and electrical energy conservation
6 standards for building design and construction; private sewage
7 disposal; hurricane resistive criteria for shelter construction;
8 and one- and two-family residential construction.

9 The plan shall adopt the recommendation from the
10 International Building Code and limit the construction of single
11 wall constructed residential homes. The plan shall allow
12 repairs and additions to existing single wall constructed
13 residential homes.

14 (c) Prior to formal adoption by the county, the county
15 shall submit the plan to the department for review and comment.
16 The department shall provide its comments to the county within
17 ninety days of receiving the proposed plan. Following the
18 department's review, the county shall make the proposed plan
19 available for public review and comment for a period of not less
20 than sixty days. The county shall hold at least one public
21 hearing on the proposed plan during this period.



1 (d) Following formal adoption of the plan by the county,
2 the county shall submit the adopted plan to the department for
3 review. The adopted plan shall be accompanied by the a document
4 that contains for each comment received from the State or the
5 public, a response detailing how the comment has been addressed
6 in the plan or, if it has not been addressed, the reason for not
7 doing so.

8 **§107-D State review of county integrated building code**
9 **plan.** (a) Prior to submitting to the department a plan that
10 has been formally adopted by a county, the county and the
11 department may negotiate plan components the county finds
12 infeasible. The public shall be notified of all plan components
13 that are determined to be infeasible.

14 (b) The department shall review the county-adopted plan
15 and approve, conditionally approve, approve specific elements or
16 components, or disapprove the plan. The department shall have
17 sixty days to render a decision, unless the department gives
18 written notice to the county that additional time is necessary
19 to complete the review.

20 (c) The department shall approve any county plan or
21 revised plan that demonstrates to its satisfaction that:

1 (1) The plan is reasonably complete and accurate, and
2 consistent with this part and rules adopted under this
3 part;

4 (2) The plan is reasonably based on the latest editions of
5 the International Building Codes and reasonably
6 related to any county-specific building design or
7 construction requirements;

8 (3) The plan incorporates hurricane resistive criteria for
9 shelter construction, and one- and two-family
10 residential construction; and

11 (4) The plan accomplishes all of the above in a consistent
12 manner.

13 (d) To expedite and facilitate the plan development,
14 review, and adoption process, the department, at the request of
15 a county, may participate directly in the county adoption
16 process by attending public hearings and county council
17 sessions.

18 (e) The department shall notify the public of the
19 approval, conditional approval, approval of specific elements or
20 components, or disapproval of the plan. The comptroller may
21 hold a public hearing on the plan if the comptroller determines
22 that a public hearing is in the public interest.



1 §107-E Submission schedule for revised county integrated
2 building code plan. (a) Each state-approved county plan shall
3 be revised and submitted to the office every two years to
4 correspond to the each new edition of the International Building
5 Codes, and to address any new county-specific building code
6 problems that have developed since the date of the last
7 revision.

8 (b) Not less than one hundred twenty days prior to the
9 submission of a revised plan to the department, the county shall
10 submit a copy of the proposed revision to its county advisory
11 committee for review and comment. All revisions determined by
12 the county advisory committee or the department to be
13 substantial revisions shall be subject to:

- 14 (1) At least one county public hearing prior to final
15 submission of the revised plan to the department for
16 review;
- 17 (2) Reconsideration and approval by the county advisory
18 committee; and
- 19 (3) Review by the department, where the department shall
20 approve, conditionally approve, approve specific
21 elements or components, or disapprove the plan.



1 In general, any significant changes in policy, implementation,
2 or funding mechanisms, shall be considered substantial
3 revisions. Deadlines for the submittal of substantial revisions
4 shall be pursuant to the schedule outlined in this section.

5 (c) If neither the county advisory committee nor the
6 department deems any changes to be substantial, then those
7 changes shall be incorporated immediately into the plan. If any
8 member of the public contests a determination of "lack of
9 substantial revision," that person may appeal the determination
10 to the comptroller. The decision of the comptroller shall be
11 final.

12 **§107-F Revisions to the integrated state building code.**

13 The department shall be responsible for preparing revisions to
14 the integrated state building code. The first revision shall be
15 completed within six months of the date that all four initial
16 county plans have been approved by the department. The
17 department shall complete each additional state revised plan
18 within six months of the date that all four county revised plans
19 have been approved by the department."

20 SECTION 3. Chapter 107, Hawaii Revised Statutes, is
21 amended by designating sections 107-1 to 107-11 as part I,
22 entitled:



1
2
3
4
5
6
7

"PART I. GENERAL PROVISIONS"

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: *Jamaine R. Brown*



Report Title:

Integrated State Building Code; Emergency Preparedness

Description:

Requires the department of accounting and general services to establish a state building code that includes hurricane resistive criteria that incorporates building code plans from each county.

