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# 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, design, construction, and insurance. Over forty  
8 states have adopted some form 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, and  
12 state buildings would make it possible for building owners,  
13 designers, contractors, and code enforcers within the State to  
14 apply consistent standards. The international building code is  
15 currently being considered for adoption by all counties. The  
16 health and safety considerations related to the codes are of



1 statewide 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.

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

9 **"PART II. STATE BUILDING CODE AND DESIGN STANDARDS**

10 **§107-A Definitions.** As used in this part:

11 "Council" means the state building code council.

12 "Department" means the department of accounting and general  
13 services.

14 "Hurricane resistive criteria" means the design criteria  
15 for enhanced hurricane protection areas that are capable of  
16 withstanding a five hundred-year hurricane event, as developed  
17 by the state department of defense for public shelter and  
18 residential safe room design criteria.

19 "State building construction" means any building  
20 construction project or program initiated by a state agency or  
21 requiring the use of state funds.



1           **§107-B State building code council.** (a) There is  
2 established a state building code council. The council shall be  
3 placed within the department of accounting and general services  
4 for administrative purposes only. The council shall consist of  
5 nine voting members, and one nonvoting member, who shall be the  
6 comptroller or the comptroller's designee. The council members  
7 shall serve six-year staggered terms as defined in paragraphs  
8 (1) to (6). The voting members shall include:

- 9           (1) One county building official from each of the four  
10           counties of the State, to be appointed by the mayor of  
11           each respective county, one every two years, after  
12           which the appointee shall serve a six-year term;
- 13           (2) One member representing the state fire council, to be  
14           appointed by each of the counties designated fire  
15           chief, one every two years, after which the appointee  
16           shall serve a six-year term;
- 17           (3) One member representing the department of health, with  
18           significant experience in building mechanical and  
19           sewage disposal systems, to be appointed by the  
20           governor for four years, after which the appointee  
21           shall serve a six-year term;



1 (4) One member representing the department of labor and  
2 industrial relations, with significant experience in  
3 elevator or fire safety, to be appointed by the senate  
4 president for four years, after which the appointee  
5 shall serve a six-year term;

6 (5) One member representing the structural engineers  
7 association of Hawaii, to be appointed by the speaker  
8 of the house for six years, after which the appointee  
9 shall serve a six-year term; and

10 (6) One member representing the American institute of  
11 architects, Hawaii state council, to be appointed by  
12 the governor for six years, after which the appointee  
13 shall serve a six-year term.

14 (b) Six voting members shall constitute a quorum. The  
15 chairperson of the council shall be elected annually from among  
16 its members by a majority vote of the members of the council.

17 (c) Members shall serve without compensation, but shall be  
18 reimbursed for expenses, including travel expenses necessary for  
19 the performance of their duties.

20 (d) The state building code shall include:

21 (1) The latest edition of the state fire code as adopted  
22 by the state fire council; and



1           (2) The latest edition of the uniform plumbing code, as  
2           copyrighted and published by the international  
3           association of plumbing and mechanical officials,  
4           including its appendices.

5           **§107-C Executive director and executive assistant.** The  
6           council shall appoint, exempt from chapters 76 and 89, Hawaii  
7           Revised Statutes, an executive director, who shall serve at the  
8           pleasure of the council and who shall have administrative  
9           abilities and expertise in engineering or architecture, and an  
10          executive assistant, who shall have experience in statutory and  
11          administrative rulemaking processes.

12          **§107-D Authority and duties of the council.** (a) Any law  
13          to the contrary notwithstanding, the council shall establish a  
14          comprehensive state building code.

15          (b) The design of all state building construction shall be  
16          in compliance with the state building code within one year of  
17          its effective date.

18          (c) The state building code shall include:

19          (1) The latest edition of the international building code,  
20          published by the international code council;



1           (2) Hawaii design standards implementing the criteria  
2                   pursuant to Act 5, Special Session Laws of Hawaii,  
3                   2005, as applicable to:

4           (A) Emergency shelters built to comply with hurricane  
5                   resistant criteria, including enhanced hurricane  
6                   protection areas capable of withstanding a five  
7                   hundred year hurricane event as well as other  
8                   storms and natural hazards; and

9           (B) Essential government facilities requiring  
10                  continuity of operations.

11          (3) Code provisions based on nationally published codes or  
12                  standards that include, but are not limited to,  
13                  residential and hurricane resistive standards for  
14                  residential construction, fire, elevator, electrical,  
15                  plumbing, mechanical, flood and tsunami, existing  
16                  buildings, and energy conservation standards for  
17                  building design and construction, and onsite sewage  
18                  disposal.

19          (d) The council shall appoint a subcommittee comprised of  
20          the four council members representing county building officials,  
21          whose duty shall be to recommend any necessary or desirable  
22          state amendments to the model codes. Any recommended state



1 amendments shall require the unanimous agreement of the  
2 subcommittee.

3 (e) The council may appoint other investigative, technical  
4 expertise committees, which may include council members.

5 (f) The council shall consult with general building  
6 contractor associations and building trade associations to  
7 gather information and recommendations on construction practices  
8 and training relevant to building codes and standards.

9 (g) The council shall review and adopt, as appropriate,  
10 new model building codes within eighteen months of the official  
11 publication date.

12 (h) The council may make expenditures for technical  
13 references, equipment and supplies, and other operating  
14 expenses, and may contract for the conduct of research studies  
15 and other technical services.

16 (i) The council shall provide education and technical  
17 training and administrative assistance in the form of services  
18 or grants at the state and county levels relating to the  
19 implementation and enforcement of the state building code  
20 adopted pursuant to this part.

21 (j) In adopting a state building code, the council shall  
22 not adopt provisions that:



- 1 (1) Relate to administrative, permitting, or enforcement  
2 and inspection procedures of each county; and  
3 (2) Conflict with chapter 464.

4 **§107-E Exemptions.** (a) Upon adoption of rules under this  
5 chapter, the design of all state building construction shall be  
6 in compliance with the state building code within one year of  
7 its effective date, and state building construction shall be  
8 allowed to be exempted from:

- 9 (1) County codes that have not adopted the state building  
10 code; or  
11 (2) Any county code amendments that are inconsistent with  
12 the minimum performance objectives of the state  
13 building code or the objectives enumerated in this  
14 part; or  
15 (3) Any county code amendments that are contrary to code  
16 amendments adopted by another county.

17 (b) Exemptions shall include county ordinances allowing  
18 the exercise of indigenous Hawaiian architecture adopted in  
19 accordance with section 46-1.55.

20 **§107-F County building code authority to amend the state**  
21 **model building code without state approval.** (a) The governing  
22 body of each county shall amend the state building code as it





1 applies within its respective jurisdiction, in accordance with  
2 section 46-1.5(13), without approval of the council. Each  
3 county shall use the model codes and standards listed in section  
4 107-D(c), as the referenced model building codes and standards  
5 for its respective county building code ordinance, no later than  
6 two years after the adoption of the state building code.

7 (b) County amendments shall prohibit the construction of  
8 new single wall constructed residential homes, and also allow  
9 additions that are engineered to comply with the international  
10 building code wind and seismic requirements. If a county does  
11 not amend the statewide model code within the two-year  
12 timeframe, the state building code shall become applicable as an  
13 interim county building code until the county adopts the  
14 amendments.

15 **§107-G Rules.** The department shall adopt rules pursuant  
16 to chapter 91 to provide a building code for state building  
17 construction.

18 **§107-H Annual report.** The department shall report to the  
19 legislature no later than twenty days prior to the opening of  
20 each regular legislative session on the council's activities and  
21 accomplishments."



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

4 **"PART I. GENERAL PROVISIONS"**

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii, the sum of \$500,000, or so much  
7 thereof as may be necessary for fiscal year 2007-2008, for the  
8 operations of the state building code council, including  
9 technical assistance services, and training and administrative  
10 assistance as required.

11 The sum appropriated shall be expended by the department of  
12 accounting and general services for the purposes of this Act.

13 SECTION 5. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 6. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun, before its effective date.

20 SECTION 7. This Act shall take effect on July 1, 2007.



**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 standards. (SD1)

