

PROPOSED

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

S.B. NO. 795
S.D. 1

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, appointed by the comptroller, and one ex
6 officio nonvoting member. The voting members shall include:

- 7 (1) One county building official from each of the four
8 counties of the State;
- 9 (2) One member representing the state fire council;
- 10 (3) One member representing the department of health, with
11 significant experience in building mechanical and
12 sewage disposal systems;
- 13 (4) One member representing the department of labor and
14 industrial relations, with significant experience in
15 elevator or fire safety;
- 16 (5) One member representing the structural engineers
17 association of Hawaii; and
- 18 (6) One member representing the American institute of
19 architects, Hawaii state council.

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



1 (c) Members shall serve without compensation, but shall be
2 reimbursed for expenses, including travel expenses necessary for
3 the performance of their duties.

4 §107-C Executive director and executive assistant. The
5 council shall appoint, exempt from chapters 76 and 88, Hawaii
6 Revised Statutes, an executive director, who shall serve at the
7 pleasure of the council and who shall have administrative
8 abilities and expertise in engineering or architecture, and an
9 executive assistant, who shall have experience in statutory and
10 administrative rulemaking processes.

11 §107-D Authority and duties of the council. (a) Any law
12 to the contrary notwithstanding, the council shall establish a
13 comprehensive state building code.

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

17 (c) The state building code shall include:

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

20 (2) Hawaii design standards implementing the criteria
21 pursuant to Act 5, Special Session Laws of Hawaii,
22 2005, as applicable to:



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

6 (B) Essential government facilities requiring
7 continuity of operations.

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

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



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

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

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

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

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

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

21 (1) Relate to administrative, permitting, or enforcement
22 and inspection procedures of each county; and



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1 (2) Conflict with chapter 464.

2 **§107-E Exemptions.** (a) Upon adoption of rules under this
3 chapter the design of all state building construction shall be
4 in compliance with the state building code within one year of
5 its effective date, and state building construction shall be
6 allowed to be exempted from:

7 (1) County codes that have not adopted the state building
8 code; or

9 (2) Any county code amendments that are inconsistent with
10 the minimum performance objectives of the state
11 building code or the objectives enumerated in this
12 part; or

13 (3) Any county code amendments that are contrary to code
14 amendments adopted by another county.

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

18 **§107-F County building code authority to amend the state**
19 **model building code without state approval.** (a) The governing
20 body of each county shall amend the state building code as it
21 applies within its respective jurisdiction, in accordance with
22 section 46-1.5(13), without approval of the council. Each



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1 county shall use the model codes and standards listed in section
2 107-D(c), as the referenced model building codes and standards
3 for its respective county building code ordinance, no later than
4 two years after the adoption of the state building code.

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

13 **§107-G Rules.** The department shall adopt rules pursuant
14 to chapter 91 to provide a building code for state building
15 construction.

16 **§107-H Annual report.** The department shall report to the
17 legislature no later than twenty days prior to the opening of
18 each regular legislative session on the council's activities and
19 accomplishments."

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



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1 **"PART I. GENERAL PROVISIONS"**

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

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

10 SECTION 5. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

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



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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)

