
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 county, one every two years, after which the
12 appointee shall serve a six-year term;

13 (2) One member representing the state fire council, to be
14 appointed by each county's designated fire chief, one
15 every two years, after which the appointee shall serve
16 a six-year term;

17 (3) One member representing the department of health, who
18 has 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 of representatives for six years, after
9 which the appointee 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 **§107-C Executive director and executive assistant.** The
21 council shall appoint, exempt from chapters 76 and 89, an
22 executive director, who shall serve at the pleasure of the



1 council, and who shall have administrative abilities and
2 expertise in engineering or architecture. The council shall
3 also appoint, exempt from chapters 76 and 89, an executive
4 assistant, who shall have experience in statutory and
5 administrative rulemaking processes.

6 **§107-D Authority and duties of the council.** (a) Any law
7 to the contrary notwithstanding, the council shall establish a
8 comprehensive state building code.

9 (b) The council shall appoint a subcommittee comprised of
10 the four council members representing county building officials,
11 whose duty shall be to recommend any necessary or desirable
12 state amendments to the model codes. Any recommended state
13 amendments shall require the unanimous agreement of the
14 subcommittee.

15 (c) The council may appoint other investigative, technical
16 expertise committees, which may include council members.

17 (d) The council shall consult with general building
18 contractor associations and building trade associations to
19 gather information and recommendations on construction practices
20 and training relevant to building codes and standards.



1 (e) The council shall review and adopt, as appropriate,
2 new model building codes within eighteen months of the official
3 publication date.

4 (f) The council may make expenditures for technical
5 references, equipment and supplies, and other operating
6 expenses, and may contract for the conduct of research studies
7 and other technical services.

8 (g) The council shall provide education and technical
9 training and administrative assistance in the form of services
10 or grants at the state and county levels relating to the
11 implementation and enforcement of the state building code
12 adopted pursuant to this part.

13 **§107-E State building code; requirements.** The state
14 building code shall include:

15 (1) The latest edition of the state fire code as adopted
16 by the state fire council;

17 (2) The latest edition of the Uniform Plumbing Code, as
18 copyrighted and published by the International
19 Association of Plumbing and Mechanical Officials,
20 including its appendices;

21 (3) The latest edition of the International Building Code,
22 as published by the International Code Council;



- 1 (4) 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; and
- 11 (5) 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 **§107-F State building code; prohibitions.** In adopting a
20 state building code, the council shall not adopt provisions
21 that:



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

3 (2) Conflict with chapter 464.

4 **§107-G 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-H 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-E, as the referenced model building codes and standards for
5 its respective county building code ordinance, no later than two
6 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, but shall allow
9 additions that are engineered to comply with the international
10 building code wind and seismic requirements.

11 (c) If a county does not amend the statewide model code
12 within the two-year timeframe, the state building code shall
13 become applicable as an interim county building code until the
14 county adopts the amendments.

15 **§107-I Rules.** The department shall adopt rules pursuant
16 to chapter 91 necessary for the purposes of this part.

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



1 **§107-K State building code; compliance.** The design of all
2 state building construction shall be in compliance with the
3 state building code within one year of its effective date."

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

7 **"PART I. GENERAL PROVISIONS"**

8 SECTION 4. There is appropriated out of the interest
9 earned from the principal in the Hawaii hurricane relief fund,
10 the sum of \$, or so much thereof as may be necessary
11 for fiscal year 2007-2008, and the same sum, or so much thereof
12 as may be necessary for fiscal year 2008-2009, for the
13 operations of the state building code council, including
14 technical assistance services, and training and administrative
15 assistance as required.

16 The sums appropriated shall be expended by the department
17 of accounting and general services for the purposes of this Act.

18 SECTION 5. In codifying the new sections added by section
19 2 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 6. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 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. (SD2)

