

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

BARBARA A. ANNIS
Deputy Comptroller

**STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES**
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
TOURISM AND GOVERNMENT OPERATIONS
ON
April 3, 2008

S.C.R 93, S.D. 1, S.R. 53, S.D. 1

URGING THE STATE BUILDING CODE COUNCIL TO ADOPT EXPEDITIOUSLY PROVISIONS IN THE INTERNATIONAL BUILDING CODE, 2006 EDITION, RELATING TO PHYSICAL ASSISTANCE IN EVACUATION FOR RESIDENTS IN ASSISTED LIVING FACILITIES OR SIMILAR FACILITIES.

Chair Nishihara and members of the Committee, thank you for the opportunity to testify on S.C.R. 93, S.D. 1 and S.R. 53, S.D. 1.

The Department of Accounting and General Services (DAGS) supports the intent of S.C.R. 93, S.D. 1, S.R. 53, S.D. 1. It resolves:

"...that the State Building Code Council is urged to expeditiously adopt provisions in the International Building Code, 2006 edition, relating to physical assistance in evacuation for residents in assisted living facilities or similar facilities;"

The State Building Code Council (SBUC) is currently in the process of adopting the 2006 International Building Code (IBC). Adding the provisions in this resolution should have been a reasonably achievable task if the SBUC had received this resolution months ago. The

approval of the 2006 IBC by the SBUC is scheduled for its next meeting in April. DAGS will work with the SBUC to determine when the provisions of this resolution can be adopted.

To put the implementation timeframe into perspective, the 2006 IBC and provision must first be unanimously approved by the four county building officials on the SBUC, after which the SBUC will approve the changes and, after which the Chapter 91 HRS rule making process will be initiated. The approved codes will be issued as rules of the Comptroller.

Thank you for the opportunity to testify on this matter



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

April 3, 2008

TESTIMONY TO THE SENATE COMMITTEE ON TOURISM AND GOVERNMENT OPERATIONS

Senate Concurrent Resolution 93, SD1/Senate Resolution 53, SD1 - Urging the State Building Code to Expediently Adopt Provisions in the International Building Code, 2006 Edition, Relating to Physical Assistance in Evacuation for Residents in Assisted Living Facilities or Similar Facilities

The Disability and Communication Access Board (DCAB) supports the intent of Senate Concurrent Resolution 93, SD1/Senate Resolution 53, SD1 which seeks to have provisions relating to emergency evacuation of residents in assisted living facilities incorporated into the International Building Code (IBC) 2006.

Last year's passage of legislation creating a State Building Code Council establishing a State Building Code modeled upon the IBC 2006 is a timely and important concept to be considered. The IBC 2006, if not amended, does not completely include all the provisions that the disability community would like to see in order to be consistent with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) or the Federal Fair Housing Accessibility Guidelines. DCAB has prepared several analyses comparing the codes with the knowledge that (1) the IBC 2006 will soon be updated to the IBC 2009 and (2) the ADAAG has a new version that has not yet been adopted by the Department of Justice for enforcement purposes. This is a complex process with several moving targets.

Issues relating to evacuation of assisted living facilities are very important but are not the only issues relating to access and safety for persons with disabilities. We suggest that the resolution, if passed, address the broad issue of including all national provisions of accessibility into the State Building Code.

Thank you for the opportunity to testify.

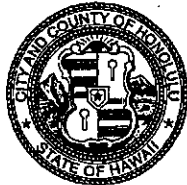
Respectfully submitted,

PATRICIA M. NIELSEN
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honolulu.dpp.org



MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

April 3, 2008

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Tourism
and Government Operations
Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

**Subject: SENATE CONCURRENT RESOLUTION 93 SD1
and SENATE RESOLUTION 53 –
Relating to the Evacuation Assistance for Residents
in Assisted Living Facilities**

Senate Concurrent Resolution 93, SD1 and Senate Resolution 53, SD1 – Urges the State Building Code Council to Expediently Adopt Provisions in the International Building Code, 2006 Edition, Relating to Physical Assistance in Evacuation for Residents in Assisted Living Facilities or Similar Facilities

The City and County of Honolulu supports the intent of Senate Concurrent Resolution 93, SD1 and Senate Resolution 53, SD1, which seeks to have provisions relating to emergency evacuation of residents in assisted living facilities incorporated into a long-term care infrastructure plan. However, we recommended that these resolutions be amended to follow the recommendations provided by the preliminary report to the Twenty-Fourth Legislature State, of Hawaii 2007 (2006 Senate Concurrent Resolution 144, SD1).

We support the inclusion of the State Building Code Council in this process, which was created only July of last year through Act 82 of 2007, as Chapter 107-E of the Hawaii Revised Statute. To insure coordinated requirements, the State Building Code Council, representatives should include but not be limited, to representatives of the State Department of Health, Healthcare Assurance, and the Fire Code officials. This will create a holistic approach to the development of this plan, of which the building codes are only one component. Without this holistic approach, there might be unintended consequences, resulting in hastily made and poorly constructed code requirements that are confusing and could result in poor design and administration. Moreover, quickly crafted requirements may not provide the level of safety as intended by SCR 93 SD1 and SR53 SD1, and may actually increase the cost of these facilities due to conflicts with regulatory requirements of other agencies. Therefore, the State Building Code Council should be allowed to complete its comprehensive review, which is consistent with good social and legislative policy, while being cognizant of the direction that SCR 93SD1 and SR53 SD1 propose in order to meet Hawaii's needed capacity for long-term care.

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Tourism
and Government Operations

Senate

Re: SCR93 SD1 and SR53 SD1

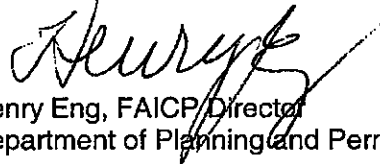
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The State Building Code Council has gone through all four county building codes and is very close to the adoption of a State Building Code based upon the 2006 (IBC). Very shortly, this council will review proposed amendments as recommended by Senate Concurrent Resolution 144 SD1. A technical investigative committee has been created which so far, includes members of the State Fire Council, County Building Officials, Department of Health, Disability and Communication Access Board, and the design industry. Also invited to participate is the Healthcare Assurance representatives to ensure a comprehensive review, as required by the administrative process of this Council.

Thank you for this opportunity to comment.

Very truly yours,



Henry Eng, FAICP Director
Department of Planning and Permitting

HE: jmf
scr93sd1-th.doc