

LATE TESTIMONY



Dear Senators,

I am a local architect in Honolulu and have serious concern in regards to Senate Bill #114. Please see my statement below I had previously sent to my professional organization (American Institute of Architects, AIA) in opposition to Bill #114:

"Yes, the architect is a licensed professional and we do carry professional liability insurance, however at the time of building permitting architects rely upon building department/permitting review as a final comment period to make critical life safety adjustments to drawings. Yes, architects are responsible for reviewing their own work for critical building code issues however, as only design professionals understand building code and code requirements are too often incredibly unique, allowing for multiple interpretations of the general intent of the building code. It is through an authority such as the building department that architects are able to make the right decisions based on an authorized code interpretation. Should Bill#114 be passed and the county agency absolved of any liability related to permit or approval, the life safety conditions for buildings being designed and built has dropped in it's high standard. In addition, the authority the county agency once had would be compromised as a result of reduced responsibility on the part of county plans reviewers.

Thank you,

Reid T. Mizue, AIA LEED AP "

Thank you for your attention and again as an architect, taxpayer, and citizen who uses Honolulu designed and built buildings everyday, I graciously urge you to oppose Senate Bill #114.

Thank you,

Reid T. Mizue, AIA LEED AP

LATE TESTIMONY



AIA Hawaii State Council

A Council of The American Institute of Architects



Senator Will Espero,
Chair, Committee on Public Safety, Government Operations and Military Affairs (PGM)

Senator Michelle Kidani, Vice Chair, PGM

Senator Carol Fukunaga,
Chair, Committee on Economic Development and Technology (EDT)

Senator Glenn Wakai, Vice Chair, EDT

RE: SB 114: Relating to Permit Processing—County Building Permits, No Liability; Architects Stamp

Dear Senators:

On behalf of the more than 800 architect members and other allied design professionals of The American Institute of Architects, AIA Hawaii State Council, we are writing to inform you that our members **OPPOSE SB 114: County Building Permits, No Liability; Architects Stamp** that is scheduled for decision making on Friday, February 11, 2011, 1:15 pm.

The objectives of the Hawaii State Council are to represent AIA members on matters of state-wide interest, and to provide assistance and advice to state, governmental and regulatory bodies regarding issues affecting the architecture profession in Hawaii and our built environment—while protecting the health, safety and welfare of the public we are licensed to serve.

In the past several weeks, we have heard from numerous architects highlighting just some of the major issues embodied in consideration of passage of this Bill (SB 114). These include:

1. **PUBLIC HEALTH, SAFETY AND WELFARE:** While we would all agree that architects have a professional and legal responsibility to meet a certain standard of care—the Counties have an obligation to review and approve plans for the protection of not only the parties involved with that particular project, including the architect, but also the public at large. This Bill would relieve the County(s) of any responsibility for plans submitted with an architects stamp. This is simply not acceptable.

What if a design is non-compliant and has an adverse impact upon a neighboring property or building? Who was supposed to protect the interests of that property? Who is supposed to ensure, for the sake of our citizens, that buildings are compliant?

The County is there to protect the public. Absolving them of their responsibility undermines the very reason for their existence

2. **CHECKS AND BALANCES:** The consumer is victimized if there is no oversight by other responsible parties. Yes, architects are responsible for reviewing their own work for critical building code issues, but understanding building code requirements is incredibly complex, allowing for multiple interpretations of the general intent of the code. It is through the authority such as the building departments that architects are able to make the right decisions based on an authorized code interpretation. Should the county be absolved of liability, the life safety conditions for buildings being designed in high standards would decrease. There would be reduced responsibility on the part of plan reviewers.

3. LEGAL RED FLAGS: From an insurance point of view, this Bill would increase exposure to architects (and engineers, although not listed) and should not be supported. There are Hawaii Laws that embody the public policy to protect design professionals (HRS 672B-1 Design Claim Conciliation Panel) and Economic Loss Doctrine.

You cannot simply say that the architect who stamped the plans bears that responsibility, alone. A harmed citizen should not be forced to pursue recourse against an individual architect with whom the individual has no relationship, nor is it fair to the architect to have unlimited exposure to parties with whom the architect has no contract.

4. MISINTERPRETS PERMIT STREAMLINING: This Bill is a broad misinterpretation of the need to expedite permit processing within our state and counties. Let streamlining be a separate issue and convene a work group to study the complexities of the current process, while seeking to recommend measures and best practices that would insure the public's welfare and safety. AIA would welcome the opportunity to offer our continued expertise and unique perspectives on this process.

We would be happy to continue a conversation with your office and drafters of this bill, to explore options for facilitating the permitting process while insuring the best interests of the public at large. Feel free to contact our office at the address below, and we look forward to making introductions of our 2011 elected leadership to you and your staff.

Thank you for your consideration of our members' perspectives on these important issues. We look forward to engaging in open dialog to assist in your efforts.

Respectfully submitted,

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