

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2358 HD2  
A BILL RELATING TO THE BUILDING CODE

PRESENTATION TO THE  
COMMITTEE ON FINANCE

BY

MAJOR GENERAL DARRYLL D. M. WONG  
ADJUTANT GENERAL

February 29, 2012

Chair Oshiro and Committee members:

I am Major General Darryll Wong, Director of Civil Defense, State Department of Defense. I am providing written testimony in opposition to House Bill 2358 HD2.

We strongly oppose House Bill 2358 HD2 for NUMEROUS reasons. The exemption of state building construction from the Hawaii state building code could threaten our ability to provide safe haven to the people of Hawaii during disasters. The State Public Shelter Program relies on state constructed buildings and exempting these buildings from hurricane resistive standards would severely impact this program.

Currently, the State Public Shelter Program has designated shelters that can accommodate 430,955 people. At 35% evacuation, our planning assumption, we are 74,619 spaces short. Exempting the state constructed Department of Education facilities that we rely on to shelter residents and tourists from severe weather would cause an even greater shortage and could result in loss of life and injury to those attempting to find shelter in an emergency.

House Bill 2358 HD2 also proposes the establishment of a disaster preparedness commission for the purpose of advising the proposed Hawaii state building code council. This measure would duplicate current advisory councils and working groups coordinated by State Civil Defense Division and other State and county agencies. If this

proposal is passed, requiring State Civil Defense to administratively support a disaster preparedness commission and to financially support this commission through travel reimbursements will divert resources from established and successful committees (e.g., Civil Defense Advisory Council, Hawaii State Hazard Mitigation Forum, Hawaii State Earthquake Advisory Council).

We are also opposed to the proposed composition of the voting members of the state building code council in HB 2358 HD2. It lacks representation from the State Department of Health and the Department of Labor and Industrial Relations and limits the county building departments to a non-voting capacity. This measure puts the power to make amendments to building codes and standards in the hands of special interest groups with no mandate to protect lives and property.

The passage of HB 2358 HD2 would result in a weakened Hawaii state building code with no requirement for adoption of the state fire code, which is compiled by experts in life safety and fire protection. The exclusion of the state fire code, the Uniform Plumbing Code, and parts of the International Building Code removes baseline requirements created by experts in their fields. This would enable the state building code council, which again has strong special interest group representation, to ignore the safety and structural recommendations that exist in these current codes.

HB 2358 HD2 could negatively impact the safety of the people of Hawaii by removing specific time frames for the adoption of building codes and by moving to supersede all existing state and county building codes. We recommend reintroducing a specific time frame for adoption of building code requirements by the counties to reduce the risk to people and property. We also ask the committee members to reconsider the blanket supersession of current state and county building codes. This measure could result in a reversal of model building code adoption efforts that have improved structural resistance requirements.

Thank you for the opportunity to provide written testimony that opposes this bill.

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
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[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
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February 27, 2012

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Oshiro:

Subject: H.B. 2358, H.D. 2 Relating to the Building Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly oppose H.B. 2358, H.D. 2 for several reasons and offer the following comments for your consideration:

We oppose the bill's language in the proposed revision to Hawaii Revised Statutes (HRS) 132-3 that the SFC will only propose a state fire code to the State Building Code Council (SBCC). Since its formation in 1979 by the Hawaii State Legislature, the SFC was statutorily empowered to review and adopt the state fire code. Prior to 1979, the Hawaii State Fire Marshal, which was a state-funded agency, was required to review and adopt a state fire code. The majority of the 50 states empower the state Fire Marshal to review and adopt a state fire code. The state fire code prescribes minimum requirements necessary to establish a reasonable level of fire, life safety, and property protection from the hazards created by fire, explosion, and dangerous conditions for occupants and fire fighters.

State and county fire codes address issues such as fire apparatus access roads, fire protection water supply, flammable liquids, gas tank storage, and fire alarm systems. These critical requirements directly relate to life safety and property protection and should be addressed by fire service members who have subject matter expertise and experience in administering and enforcing the fire code. The safety of citizens in commercial and residential buildings and the fire fighters who respond to fire incidents may be jeopardized by a SBCC membership with limited fire protection background and expertise and who may amend or veto any provision in the proposed fire code.

We oppose the proposed new members of the SBCC, which removes all but one voting government regulation member: the SFC. The proposal to designate the four county building officials to nonvoting status creates a grossly imbalanced SBCC membership to private interests that are not motivated by public safety and health. National building and fire code committees

The Honorable Marcus Oshiro, Chair  
Page 2  
February 27, 2012

that review and amend codes are comprised of building life safety regulators, private designers, and industry representatives. These national building and fire code committees balance life safety and health, cost/benefits, and the latest technological improvements. In addition, building and fire service county representation on the SBCC ensures a successful county building and fire code adoption process.

We oppose the replacement of all county and state building codes, ordinances, and regulations in existence on October 1, 2012, by the 2012 International Building Code, which is proposed in Section 107.25. Not only would this usurp the county's authority to administer and permit new building construction, it would also eliminate the cache of codes relating to the health and safety of the built environment, including electrical, plumbing, residential, energy efficiency, elevator, etc. This proposal reveals a lack of understanding of how building codes are interrelated and work together for safety and health.


Currently, Section 107-28 of the HRS allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the SBCC's approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county creates an amendment that makes the SBC less restrictive, final approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments by a county or local jurisdiction, unless approval is granted by the state building authority to allow less stringent requirements. The proposed bill does not reflect this concept.

We oppose exempting the state from its own SBC requirements and question the merits of said requirements as it pertains to building and occupant safety and health, especially when the state would not have to meet those requirements. State projects should meet minimum building code standards as required of the counties and private developers. We believe there are governmental and private liability issues for buildings that do not meet county, state, or national minimum standards.

The SFC and the HFD urge your committee's deferral on the passage of H.B. 2358, H.D. 2.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,



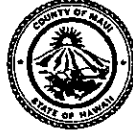
KENNETH G. SILVA  
Chair

KGS/LR:cn

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White




Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

February 28, 2012

TO: The Honorable Marcus Oshiro, Chair  
House Committee on Finance

FROM: Danny A. Mateo  
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 29, 2012; TESTIMONY IN OPPOSITION TO  
HB 2358, HD2, RELATING TO THE BUILDING CODE**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to establish the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. This legislation is in opposition to standard "home rule" principles. Under this measure, the counties would be required to petition the State Building Code Council ("SBCC") to amend the Building Code. This would invalidate the efforts the counties have made over the past several years to update the codes.
2. The legislation proposes to replace county government membership on the SBCC with additional trade organization representation. This would continue to give the counties a voice, but would take away their vote on SBCC matters.
3. This measure would nullify building, electrical, and plumbing codes adopted by the County of Maui and would require the County to use the 2012 International Building Code as amended by the SBCC.

For the foregoing reasons, I oppose this measure.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

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February 28, 2012

TO: Honorable Marcus Oshiro, Chair  
House Committee on Public Safety & Military Affairs

FROM: Joseph Pontanilla, Council Vice-Chair

A handwritten signature in cursive script that reads "Joseph Pontanilla".

DATE: Wednesday February 29, 2012

SUBJECT: **OPPOSITION TO HB 2358, HD 2, RELATING TO THE BUILDING CODE**

Thank you for the opportunity to testify in opposition of this measure. I provide this testimony as an individual member of the Maui County Council.

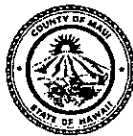
I **oppose HB 2358, HD 2** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to oppose this measure.

12:02:27:kbm/JP: HB 2358 HD2

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
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Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

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February 28, 2012

The Honorable Marcus R. Oshiro, Chair  
House Committee on Finance  
Hawaii State Capitol, Conference Room 308  
Honolulu, Hawaii 96813

Dear Chair Oshiro:

**Re: Testimony in Opposition to House Bill 2358, HD2 relating to the Building Code (Public Hearing on February 29, 2012 at 2:30 pm in Conference room 308)**

As the Lana`i member on the Maui County Council, I would like to offer testimony in opposition to HB 2358, HD2. This measure establishes the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission. The effective date is July 1, 2012.

I oppose the proposed measure, because it would undermine the county's legislative authority to modify building, electrical and plumbing codes to address unique local needs and county operational requirements. As proposed, the Hawaii State Building Code Council (HSBCC) would have sole authority to determine whether to approve county building code amendments. Also, all county building codes adopted prior to October 1, 2012 would be superseded by the building code adopted by the HSBCC, but state building construction would be exempt from compliance with the Hawaii state building code. Finally, building officials from each county would not continue to serve as voting members on the newly-constituted Hawaii state building code council. In my view, the proposed measure is seriously flawed.

I concur with testimony in opposition submitted by Maui County Council Chair, Danny A. Mateo.

Thank you for the opportunity to offer this testimony in opposition.

Sincerely,

A handwritten signature in black ink, appearing to read "Riki Hokama".

Riki Hokama, Councilmember- Lana`i

cc: Council Chair Danny A. Mateo

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
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Director of Council Services  
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February 28, 2012

TO: Honorable Marcus Oshiro, Chair  
House Committee on Finance

FROM: Robert Carroll  
Council Member, East Maui *Robert Carroll*

SUBJECT: **HEARING OF FEBRUARY 29, 2012; TESTIMONY IN OPPOSITION TO HB 2358,  
HD2, RELATING TO THE BUILDING CODE**

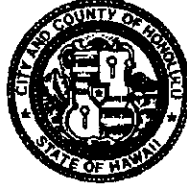
I OPPOSE HB 2358, HD2 for the reasons cited in testimony submitted by the Maui County Council Chair Danny Mateo, and urge you to reject this measure.



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honoluluodpp.org](http://www.honoluluodpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

PETER B. CARLISLE  
MAYOR



DAVID K. TANOUE  
DIRECTOR

JIRO A. SUMADA  
DEPUTY DIRECTOR

February 29, 2012

The Honorable Marcus R. Oshiro, Chair  
and Members of the Committee on Finance  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Oshiro and Committee Members:

Subject: House Bill No. 2358, HD2  
Relating to the Building Code

The Department of Planning and Permitting (DPP), **opposes** House Bill No. 2358, HD2, in its current form. This bill amends Hawaii Revised Statutes (HRS) Sections 46-, 107-, 6E-, 132-, and 514A-.

It appears that the proposed bill was drafted based upon concerns of excessive requirements in the building code for health and safety.

Currently the State Building Code council has met its intended mission, which is to have in the State of Hawaii a composite of codes which will become the State Building Code. Unfortunately, the structure of the new council proposed by this bill will increase bureaucracy that may prevent the accomplishment of its primary mission to adopt a new building code as part of the three year cycle. The reason is that the structure of the proposed council would have too many members without the technical knowledge of the building codes to perform its mission.

We therefore urge that House Bill No. 2358, HD2 be deferred back to committee to address unresolved issues.

Thank you for the opportunity to testify.

Very truly yours

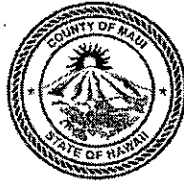
A handwritten signature in black ink, appearing to read "David K. Tanoue".

David K. Tanoue, Director  
Department of Planning and Permitting

DKT:jmf

hb2358hd2-BuildingCode-th-doc

ALAN M. ARAKAWA  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919  
EMAIL: fire.dept@mauicounty.gov

February 28, 2012

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Oshiro:

Subject: H.B. 2358, H.D. 2 Relating to the Building Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC strongly oppose H.B. 2358, H.D. 2 for several reasons and offer the following comments for your consideration:

We oppose bill language that the SFC will only "propose" a state fire code to the State Building Code Council (SBCC), in the proposed revision to Hawaii Revised Statutes 132-3. Since its formation in 1979 by the Hawaii State Legislature, the SFC was statutorily empowered to review and adopt the state fire code. Prior to 1979, the Hawaii State Fire Marshal, which was a funded state agency, was required to review and adopt a state fire code. The majority of the 50 states empower the agency of the state fire marshal to review and adopt a state fire code. The state fire code prescribes minimum requirements necessary to establish a reasonable level of fire, life safety, and property protection from the hazards created by fire, explosion, and dangerous conditions for occupants and fire fighters. The state and county fire codes address issues such as fire apparatus access roads, fire protection water supply, flammable liquids, gas tank storage, and fire alarm systems. These critical requirements directly relate to life safety and property protection and should be addressed by fire service members who have subject matter expertise and experience in administering and enforcing the fire code. The safety of citizens in commercial and residential buildings and the fire fighters who respond to fire incidents may be jeopardized by a SBCC membership with limited fire protection background and expertise, who may amend or veto any provision in the proposed fire code.

We oppose the proposed new members of the SBCC, which removes all but one voting government regulation member, namely the SFC. The proposal to designate the four county building officials to non-voting status, places a grossly imbalanced SBCC membership to private interests that are not motivated by public safety and health. National building and fire code committees that review and amend codes are comprised of building life safety regulators,

The Honorable Marcus Oshiro, Chair  
Page 2  
February 28, 2012

private designers and industry representatives. These national building code committees balance life safety and health, cost/benefits, and the latest technological improvements. In addition, building and fire service county representation on the SBCC, ensures a successful county building and fire code adoption process.

We oppose the superseding of all state and county building codes, ordinances, and regulations in existence on October 1, 2012, and replaced by the 2012 International Building Code, as proposed in Section 107.25. Not only would this would usurp the county's authority to administer and permit new building construction, it would also eliminate the suite of codes relating to the health and safety of the built environment, including the electrical, plumbing, residential, energy efficiency, and elevator codes and standards to name a few. This proposal reveals the lack of understanding of how building codes are interrelated and work together for the safety and health.

Currently, Section 107-28, Hawaii Revised Statutes allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the SBCC's approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county creates an amendment that makes the State Building Code (SBC) less restrictive, final approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments by a county or local jurisdiction, unless approval is granted by the state building authority to allow less stringent requirements. The proposed bill does not reflect this concept.

We oppose exempting the state from its own SBC requirements and question the merits of said requirements as it pertains to building and occupant safety and health, especially when the state would not have to meet those requirements. State projects should meet minimum building code standards as required of the counties and private developers. We believe there are governmental and private liability issues for buildings that do not meet national, state or county minimum standards.

The MFD and the SFC urge your committee's deferral on the passage of H.B. 2358, H.D. 2.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,

  
JEFFREY A. MURRAY  
Fire Chief

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

February 27, 2012

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Oshiro:

**Subject: H.B. 2358, H.D. 2 Relating to the Building Code**

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The KFD and the SFC strongly oppose H.B. 2358, H.D. 2 for several reasons and offer the following comments for your consideration:

We oppose bill language that the SFC will only "propose" a state fire code to the State Building Code Council (SBCC), in the proposed revision to Hawaii Revised Statutes 132-3. Since its formation in 1979 by the Hawaii State Legislature, the SFC was statutorily empowered to review and adopt the state fire code. Prior to 1979, the Hawaii State Fire Marshal, which was a funded state agency, was required to review and adopt a state fire code. The majority of the 50 states empower the agency of the state fire marshal to review and adopt a state fire code. The state fire code prescribes minimum requirements necessary to establish a reasonable level of fire, life safety, and property protection from the hazards created by fire, explosion, and dangerous conditions for occupants and fire fighters. The state and county fire codes address issues such as fire apparatus access roads, fire protection water supply, flammable liquids, gas tank storage, and fire alarm systems. These critical requirements directly relate to life safety and property protection and should be addressed by fire service members who have subject matter expertise and experience in administering and enforcing the fire code. The safety of citizens in commercial and residential buildings and the fire fighters who respond to fire incidents may be jeopardized by a SBCC membership with limited fire protection background and expertise, who may amend or veto any provision in the proposed fire code.

We oppose the proposed new members of the SBCC, which removes all but one voting government regulation member, namely the SFC. The proposal to designate the four county building officials to non-voting status, places a grossly imbalanced SBCC membership to private interests that are not motivated by public safety and health. National building and fire code committees that review and amend codes are comprised of building life safety regulators, private designers and industry representatives. These national building code committees balance life safety and health, cost/benefits, and the latest technological improvements. In addition, building and fire service county representation on the SBCC, ensures a successful county building and fire code adoption process.

The Honorable Marcus Oshiro, Chair  
Page 2  
February 27, 2012

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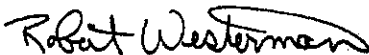
Currently, Section 107-28, Hawaii Revised Statutes allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the SBCC's approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county creates an amendment that makes the State Building Code (SBC) less restrictive, final approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments by a county or local jurisdiction, unless approval is granted by the state building authority to allow less stringent requirements. The proposed bill does not reflect this concept.

We oppose exempting the state from its own SBC requirements and question the merits of said requirements as it pertains to building and occupant safety and health, especially when the state would not have to meet those requirements. State projects should meet minimum building code standards as required of the counties and private developers. We believe there are governmental and private liability issues for buildings that do not meet national, state or county minimum standards.

The KFD and the SFC urge your committee's deferral on the passage of H.B. 2358, H.D. 2.

Please call me at (808) 241-4975 should you have any questions regarding this matter.

Sincerely,



Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld

**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Gary K. Heu**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766

TEL (808) 241-4992 FAX (808) 241-6604

February 28, 2012

The Honorable Marcus Oshiro, Chair  
Committee on Finance  
House of Representatives  
Hawai'i State Capitol, Room 306  
Honolulu, Hawai'i 96813

**Subject:** House Bill 2358 HD 2, Relating to the Building Code  
**Title:** Hawai'i State Building Code and Council; Natural Disaster Commission; Appropriations  
**Description:** Establishes the Hawai'i State Building Code, Hawai'i State Building Code council, and Natural Disaster Preparedness Commission


Dear Chair Oshiro,

I am Larry Dill, County Engineer, County of Kaua'i Department of Public Works. I oppose House Bill 2358 for the following reasons:

1. The Bill proposes to eliminate home rule for the Counties which currently have building codes established to address the needs of their individual jurisdictions. The Counties will have no control over the code they are obligated to enforce.
2. The Bill proposes a Council which would largely be composed of trade-related representatives, and designate the County Building Officials as non-voting members. While the expertise and contributions of the trade-related representatives are valuable, the primary role of the County Building Officials is to focus on life and safety issues which should govern the decisions of building code concerns.
3. The Bill proposes to establish a Hawai'i State Building Code based upon the International Building Code (IBC) and is silent on the International Residential Code; however, the IBC does not have jurisdiction over single family residences.
4. Existing codes would be voided, such as Kaua'i County's adoption of the 2009 International Energy Conservation Code. This would constitute a major step backwards in our efforts to promote energy efficiency.

Thank you for the opportunity to submit this testimony in opposition to HB 2358.

Sincerely,

  
Larry Dill, P.E.  
County Engineer

*An Equal Opportunity Employer*



## LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai'i 96817

Phone: 533-3454; E: [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)

### COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

DATE: Wednesday, February 29, 2012

TIME: 2:30 P.M.

PLACE: Conference Room 308

BILL: HB 2358 Building Codes

### **STRONG CONCERNS**

Aloha Chairs Oshiro and Yamashita, Vice Chairs Lee and Tokioka, and Members of the Committees

My name is Henry Curtis and I am the Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HB 2358, HD2: "There is established a natural disaster preparedness commission ...shall consist of nine members with expertise in climate ...to advise the Hawaii state building code council on matters related to natural disasters and the Hawaii state building code.

The commission shall: (1) Conduct annual scientific evaluations to determine the frequency, location, and intensity of natural disasters... (2) Determine the necessity and effectiveness of proposed amendments to the Hawaii state building code ...and (3) Submit a written report"

### **Climate change is not a natural disaster but rather man-made.**

All Hawaii legal definitions of renewable energy, clean energy and/or alternative fuel do not mention climate impacts or any other impact.

Should not the House join the Senate in decreasing greenhouse gas emissions by going paper-less.

1065 Ahua Street  
Honolulu, HI 96819  
Phone: 808-833-1681 FAX: 839-4167  
Email: [info@gcahawaii.org](mailto:info@gcahawaii.org)  
Website: [www.gcahawaii.org](http://www.gcahawaii.org)



**GCA of Hawaii**

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

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February 29, 2012

TO: HONORABLE REPRESENTATIVES MARCUS OSHIRO, CHAIR, MARILYN B. LEE, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON FINANCE

SUBJECT: **COMMENTS REGARDING H.B. 2358, HD2 RELATING TO BUILDING CODE.** Establishes the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission. Effective July 1, 2012. (HB2358 HD2)

HEARING

DATE: Wednesday, February 29  
TIME: 2:30 p.m.  
PLACE: Conference Room 308

Dear Chair Oshiro, Vice Chair M. Lee and Members of the Committee:

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80<sup>th</sup> anniversary this year; GCA remains the largest construction association in the State of Hawaii. GCA is submitting **comments** regarding H.B. 2358, HD2, Relating to the Building Code.

H.B. 2358, HD2 proposes to amend Chapter 46, Hawaii Revised Statutes (HRS) to allow the Hawaii State Building Code Council to determine whether to approve any amendment to the state building code. This bill also creates a Natural disaster preparedness commission which shall consist of nine members with expertise in climate, geology and other scientific disciplines to advise on the Hawaii state building code council related to natural disasters. Further, this bill amends the membership of the Hawaii State Building Code Council and adds the GCA as a member and HD2 version also adds a representative from the State fire council. The bill also reduces the number homeowner representatives from three to two.

GCA is willing to participate in the Hawaii State Building Code Council, alongside the technical experts in the building industry to ensure a balance of public health and safety with construction industry practices. GCA may have some concerns with amendments proposed to Section 107-25 HRS, which would require that the Hawaii state building code consist of the 2012 International Building Code. However, GCA understands that the bill proposes to offer a balanced approach.

The GCA therefore, requests that this Committee pass out H.B. 2358, HD2 and is willing to participate in the Hawaii State Building Code Council.

Thank you for this opportunity to present our views on this measure.





**Hawaii Farm Bureau**  
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819  
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272  
Fax: (808) 848-1921 • Email: [info@hfbf.org](mailto:info@hfbf.org)  
[www.hfbf.org](http://www.hfbf.org)

MONDAY, JANUARY 30, 2012  
9:15 a.m.  
Conference Room 325

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

**Testimony on HB 2358  
Relating to the Building Code**

Chair Chang, Vice Chair Har, and Members of the Committee:

I am Mae Nakahata, Co-Chair of the Government Affairs Committee for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF would like to express our concerns regarding HB 2019, which would among other things, establish a new Hawaii State Building Code and change the makeup of the State Building Code Council.

As you may know, we are supporting bills introduced this session that would reduce the cost and construction time of low-risk, non-residential farm structures by exempting these structures from county building permit requirements. This exemption is necessary to allow farmers to build, at reasonable cost and in a timely manner, structures to protect their crops and equipment from thieves, vandals, and the weather. **The majority of states across the country have such exemptions for farm structures.** At present, rural farm structures in Hawaii are held to the same standards as homes and commercial buildings in densely populated urban areas.

We respectfully request that if HB 2358 is passed out of your committee, it be amended to contain wording that does not conflict with the possibility of permit relief for agricultural structures. This could be accomplished as follows:

- 1) The proposed makeup of the state building code council has no representation from agriculture; therefore the new council may adopt a building code that would continue to hold low-risk farm structures to the same standards as commercial buildings. We request that a representative from our organization be made a member of the council.

2) HB 2358 contains the sentence: "All state and county building codes, ordinances, and regulations in existence on October 1, 2012, shall be superseded by the Hawaii state building code set forth in subsection (a)." HB 2358, if passed, would therefore negate any permit relief that is passed in other legislation this session. This could potentially be remedied with a statement that this section does not apply to exemptions provided for low risk, non-residential agricultural structures under certain conditions.

Thank you very much for your strong support of agriculture and your thoughtful consideration of our concerns. Please contact Janet Ashman by calling our office at (808) 848-2074 if you have any questions.

**BIA-HAWAII**  
**BUILDING INDUSTRY ASSOCIATION**

**Testimony to House Committee on Finance**  
Wednesday, February 29, 2012  
2:30 p.m.  
Capitol Room 308

**RE: H.B. 2358 HD2, Relating to Building Codes**

Good morning Chair Oshiro, Vice-Chair Lee, and members of the Committee:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii respectfully **provides comments** on H.B. 2358 HD2, whose purpose is to promote uniformity in statewide building standards by establishing the Hawaii State Building Hawaii State Building Code Council and the Natural Disaster Preparedness Commission, adopting the Hawaii State Building Code, and repealing conflicting county building code provisions.

BIA-Hawaii participated in the legislative informational briefing on building codes so we understand the fact that building codes have become overly excessive, increasing the costs of construction, resulting in higher costs for homeowners. In 1991, the President's Commission on Housing reported: "Local building codes are often not geared to supporting cost-effective construction of affordable housing. They sometimes generate excessive costs by requiring unnecessarily expensive materials, unnecessary safety features, unnecessary building code requirements, or outmoded construction techniques."

BIA-Hawaii strongly supports amending the composition of the existing State Building Code Council (SBCC) to assure that all stakeholders, especially from the construction industry, are represented and have a vote. The current SBCC includes seven government officials, one architect, and one structural engineer. We strongly support the proposed composition of the SBCC, which includes a representative from the Building Industry Association of Hawaii. After all, HRS § 107-24(d) stipulates: "The council shall consult with general building contractor associations and building trade associations to gather information and recommendations on construction practices and training relevant to building codes and standards."

BIA-Hawaii expresses the following concerns regarding HB 2358 HD2:

Rep. Oshiro, Chair  
Committee on Finance  
February 29, 2012  
HB 2358 HD2  
BIA-Hawaii testimony

- We are concerned that all state building construction would be exempt from the state building code under this measure. It would seem inequitable to impose these mandates on private construction projects while exempting the entity that created them.
- We are concerned that this bill instructs the SBCC to use the 2012 IBC as a starting point for discussion. The State just recently adopted the 2006 IBC. The 2012 IBC has not yet been thoroughly addressed and its requirements are not yet clear.
- We are concerned that this measure would remove the County's authority to amend and adopt their own building codes. Counties should be able to adopt and modify construction practices based on local conditions and standards.
- We are concerned this bill addresses only the IBC, but not the family of I-Codes that are all interrelated.

Thank you for the opportunity to share with your our views.



FINANCE INSURANCE, LTD.

*Quality Service For Your Insurance Needs*

February 28, 2012

FAX 586-6001

TO: House Committee on Finance  
Representatives Rep. Marcus R. Oshiro, Chair, Rep. Marilyn B. Lee, Vice Chair

SUBJECT: **House Bill 2358 HD2 Relating to the Building Code**

DATE: Wednesday, February 29, 2012 TIME: 2:30 PM PLACE: Conference Room 308

Honorable Members of the Committee:

I am an insurance agent specializing in Architects and Engineers Professional Liability insurance coverage.

I am in opposition to any legislation that abolishes the State Building Code Council that has been working diligently on a unified building code for the State. I agree with the opinion of the Structural Engineers Association of Hawaii's testimony on this bill.

From the insurance standpoint, I look at this as a potential for increased risks to all parties involved. The designers and contractors are left without unified guidelines to follow that are appropriate for Hawaii conditions. Without unified Hawaii design standards to use, it may also invite additional litigation which could actually increase building costs.

By adopting a unified State Building Code agreed to by the county building departments and design professionals, we have consistency and the public's safety foremost in mind. Cost of construction cannot be an over-riding factor over public safety. Like safety requirements for auto manufacturers, the most modern codes need to be applied to buildings. You could grandfather in a car that doesn't have safety belts, but you would never allow a new car to be manufactured without them.

Building codes evolve over time after studies and experts weigh the various risks and economies involved. They take a long time to adopt because each change is vetted by experts in their field.

At the current time the State Building Code Council has already developed a Statewide Building Code that all the counties will be adopting this year to become aligned on the same code. I fully support this effort. The Council members are well-qualified in their respective fields.

Instead of abolishing the Council, we need to continue to support the existing State Building Code Council's effort to complete the unified code and provide sufficient funding so that it can complete its mission in the future.

If you have any questions, I can be reached at Finance Insurance, phone (808)522-2095.

Sincerely,

Karen Hong  
Insurance Agent  
Architects and Engineers Program



Testimony to the House Committee on Finance  
Wednesday, February 29, 2012  
2:30 p.m.  
State Capitol, Room 308

**RE: H.B. 2358, HD2, Relating to the State Building Code**

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

Hawaii Steel Alliance, Inc.

P. O. Box 2880

Aiea, HI 96701

(808) 728-7142

(808) 356-0396 fax

www.hawaiisteel.com

info@hawaiisteel.com

I am Tim Waite, President of the Hawaii Steel Alliance (HSA), a 501(c) (6) nonprofit organization established in May 1997 to encourage and promote the widespread, practical and economic use of cold-formed steel framing for residential and light commercial construction in the Pacific Rim. Our membership comprises the majority of the builders, engineers, suppliers, and framing contractors responsible for over 70 percent of residential construction in Hawaii.

The Hawaii Steel Alliance is **opposed to HB 2358, HD2**, which proposes to amend the State Building Code Council (SBCC) in its entirety. The HSA supports the continuation of the SBCC using the nationally recognized I-Codes, properly reviewed and amended to reflect State of Hawaii best practices for construction, with input from each county. Having a State Building Code is important to secure grants, provide insurance, and allow banks to loan money for construction. Building codes should reflect the latest in construction methods and design, and therefore should remain as current as possible, with each section carefully reviewed by the Council following the procedures in the existing Act HRS 107-24(d).

The HSA has been allowed to actively participate in SBCC Task Group meetings, specifically the Task Group on the IECC. Because of the input we were allowed to give, we were able to work out a series of amendments that will keep residential steel framed housing cost competitive in Hawaii. The key here is participation by the construction community. There should be more builder representation on the Council so that affordability can be considered when new codes are adopted and subsequently amended. While HB 2358, HD2 attempts to reorganize the Council by allowing more builder participation, it goes too far by stripping the voting power of the county building officials who are key to participating in the amendment process.

While not perfect, and not sufficiently funded, the SBCC has completed a lot of work and has added many amendments to the I-Codes as directed in Act HRS 107-24(d). This is a testament to the dedication of the State and County members that comprise this committee. Rather than cut the legs off from the council that is doing the job this Act asked them to do, the HSA recommends properly funding the Council and allowing them to complete their task in the best interest of our entire building community in Hawaii, and the homeowners we represent.

In summary, the Hawaii Steel Alliance is **opposed to HB2358, HD2** the way it is currently written.

Best Regards,

  
Tim Waite  
President



February 28, 2012

Representative Marcus Oshiro, Chairman  
House Committee on Finance  
Hawaii State Capitol, Room 306  
415 So. Beretania St.  
Honolulu, HI 96813

RE: HB 2358 HD2

Dear Chairman Oshiro:

I appreciate the opportunity to provide testimony to you and Members of the House Committee on Finance regarding HB 2358 HD2. My name is Kraig Stevenson; I am the Senior Regional Manager and your liaison to the International Code Council (ICC). The ICC is a private, not-for-profit membership association dedicated to building, plumbing, energy efficiency, fire prevention and sustainable construction, and develops the codes used to construct residential and commercial buildings, including homes and schools. ICC provides the highest quality codes, standards, products and services for all concerned with the safety and performance of the built environment. The ICC model codes are used in all 50 states and by the federal government. The Federal Office of Management and Budget (OMB) recognizes the ICC model codes as "consensus standards" compliant with the requirements of OMB Circular A-119 requiring openness, a balance of interests, due process, a formal appeals process, and consensus. The State of Hawaii and its four counties have historically adopted the International Codes and its legacy national model codes, (Uniform Codes, published by the International Conference of Building Officials).

HB 2358 HD2 proposes to change the membership of the State Building Code Council and its voting representation. The majority of states create a board or council comprised of members from affected disciplines to be the decision making body for the state in regards to updating to new code editions and making changes to codes. Any adjustment to the current membership of the State Building Code Council should be made if it increases expertise and/or provides for an enhanced balance of interests.

HB 2358 HD2 proposes to adopt the 2012 International Building Code (IBC) as the foundation of the Hawaii State Building Code. Inclusion of the 2012 IBC into the legislation will provide the state and county government with the most up-to-date requirements to construct safe, sustainable and affordable buildings while making communities more resilient to natural disasters.

The purpose of a state building code is to consolidate and promote statewide uniformity with the adoption, permitting, application and administration of codes. When state construction and local construction within the state use differing code requirements it not only causes confusion but it will increase the cost of construction. Additionally, design professionals and the trades would have to become familiar with a multitude of different rules and regulations. Publicly funded building construction, including schools, must be constructed to up-to-date



codes to ensure safety, health and general welfare of the occupants. Often public buildings are used as evacuation centers, serving the needs of the local community. New and emerging technologies, building materials, and cost effective construction methods are just a few of the many advantages to adopting new codes and maintaining consistency county to county. What is typical in most states is to adopt the state building code as applicable to all construction, including state construction, and then provide specific amendments which apply to certain buildings, such as agricultural buildings. This tends to eliminate confusion and provide a smooth transition between local construction requirements to state construction requirements.

I must also point out that HB 2358 HD2 may have an unintended consequence. The legislation does not enable the counties to adopt and enforce the State Building Code. The legislation states, that the Hawaii state building code is "applicable to all construction" but the legislation does not contain a provision requiring or directing the counties to adopt the state building code. Therefore the legislation may not provide the counties with the ability to lawfully enforce building code regulations.

Please do not hesitate to contact me if I can provide you with any additional information. I can be reached at 888-422-7233 x 7603 or by email at [kstevenson@iccsafe.org](mailto:kstevenson@iccsafe.org).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Craig Stevenson", with a long horizontal flourish extending to the right.

Kraig Stevenson, CBO  
Senior Regional Manager  
International Code Council





## National Fire Protection Association

Southwest Regional Office - 7071 Warner Ave, F400 - Huntington Beach, CA 92647  
phone: (714) 375-9045 fax: (714) 375-9046 email: rbizal@nfpa.org

**Raymond B. Bizal, P.E.**  
*Southwest Regional Director*

February 28, 2012

The Honorable Marcus R. Oshiro, Chair House Finance Committee  
House District 39  
Hawaii State Capitol, Room 306  
415 South Beretania Street  
Honolulu, HI 96813

RE: HB 2358 HD2 - OPPOSE

Dear Chair Oshiro and Members of the Committee:

I write to express strong opposition to HB 2358 HD2, a bill that hinders the State Fire Council from determining the best fire protection policy for Hawaii. Taking this authority away from the State Fire Council is a serious public safety issue.

We oppose this bill because it would take the authority away from the State Fire Council in reviewing and adopting a State Fire Code – authority held by the State Fire Council for over thirty years. This is extremely important because the State Fire Code contains provisions that demand coordination with the capabilities of the fire service within the state. Many of the issues addressed by the State Fire Code are extremely technical and complicated – from hazardous materials use and storage, to fire protection system details, to alarm relay and dissemination, to preparations for emergency fire operations. Taking this authority away from the State Fire Council could easily result in a life safety issue for firefighters and civilians.

These subject matter experts from the fire service – those that are not only going to be coordinating fire prevention efforts, but also responding to the building when it is stressed to its limits during a fire event – should have the authority to promulgate a state fire code. Nationwide, it is common for the fire service to have the authority to promulgate the State Fire Code as an integral part of emergency services and homeland security. The State Fire Council has intimate knowledge of special needs to achieve fire prevention and to have the ability to best respond to fire and other emergencies in the buildings in Hawaii.

The State Fire Council conducts its meetings in an open forum, with ample opportunity for public input. In fact, the process in Hawaii includes review by an advisory committee, and then also public hearings. The result is a State Fire Code that meets the needs of state and local fire policy to best protect the citizens and businesses of Hawaii.

Additionally, the State Fire Council and county building officials should both be voting members of the State Building Code Council because of the coordination and pre-planning needed to adequately construct buildings that will provide facilities for response in emergencies and to adequately provide the needed fire prevention and fire protection for these buildings. As drafted now, the bill excludes the county building officials as voting members of the State Building Code Council.

The Honorable Marcus R. Oshiro  
February 28, 2012  
Page 2

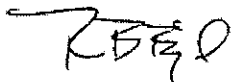
The State Building Code Council also adopts the statewide building codes in an open and public forum that allows for participation by all the stakeholders. Again, this is typical of state adoption processes across the country. Doing so allows ample opportunity to participate and for members of the public to have a voice in the amendment and adoption process.

Also, this bill will take away the authority of the counties to amend the state codes. This is dangerous because it assumes that each county has the same capabilities for emergency response, the same level of emergency preparedness, and the same local conditions. The counties should be given the ability to amend the codes to address county issues.

Opposing this bill will support the high level of emergency response and homeland security that has been provided to the citizens of Hawaii. This bill takes away an important tool available to fire authorities that can help them to determine the best fire protection policy in their communities. Taking this authority away from the State Fire Council jeopardizes safety to the firefighters and to the citizens of the State of Hawaii.

I urge you – for the sake of public safety – to vote NO on HB 2358 HD2.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB Bizal', written over a horizontal line.

Raymond B. Bizal, P.E.  
*Southwest Regional Director*

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# Architectural Diagnostics Ltd.

Building Diagnostics · Failure Analysis · Remedial Architecture · Architecture

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28 February 2012

House Committee on Finance  
Representatives Marcus R. Oshiro, Chair; Marilyn B. Lee, Vice Chair

FAX: 586-6001

**SUBJECT:** House Bill 2358 HD2 Relating to the Building Code  
Hearing Date: 29 February 2012

Honorable Members of the Committee:

I am an architect licensed and practicing in Hawaii since 1969. I am a past president of the Honolulu Chapter AIA, and a past member of the Codes Committee. I taught at the University of Hawaii School of Architecture for 14 years, and have been a member of the faculty of several seminars on the Building Code, including one to be given in May of this year. For the last 25 years I have specialized in investigation and remediation of construction defects. These frequently have to do with the Building Code.

This testimony is on my own behalf and does not represent the views of any organization.

I strongly oppose House Bill 2358:

1. First, some background:

- 1.1 Until 2007, the building codes in Hawaii were based on the Uniform Building Code (the UBC). Starting with the City & County Honolulu in 2007, the counties have been shifting to the International Building Code (IBC). Currently, Hawaii County is using the '91 UBC, Maui County the '98 UBC, Kauai County and the City and County of Honolulu the 2003 International Building Code. The variation from county to county has created some confusion, particularly for out-of state architects with occasional practice in Hawaii.
- 1.2 Most building codes in the US for the past 100 years have been based on one of three model building codes. The Basic Building Code series, written by the Building Officials and Code Administrators (BOCA), started in 1915. The Uniform Building Code series, written by the International Conference of Building Officials (ICBO), started in 1922. The Southern Building Code series written by the Southern Building Code Conference International (SBCCI) started in 1940. In 2000, those three organizations merged to form the International Code Council (ICC) which produces the International Building Code (IBC) series.

Each of these code series consists of an integrated set of codes, including a building code, a fire code, a housing code, a plumbing code, a mechanical code, a residential code and an existing buildings code. All of the codes in each set work together and don't have internal conflicts or gaps in coverages.

The reason the three code groups merged was that, increasingly, architectural, engineering and construction firms no longer practice only in one area, but region or nation-wide. The goal was to increase standardization and decrease differences.

- 1.3 The model building codes were developed with extensive interaction between

designers (architects and engineers), contractors (residential, institutional and commercial), subcontractors (plumbers, masons, carpenters, etc.), municipal officials (building and fire department), insurance industry companies, labor unions, and equipment & material manufacturers. The intent was to get input from all parties involved and develop a set of requirements that reflected the interests and concerns of all parties, with the end goal being the health, safety and welfare of the public.

- 1.4 The model codes have been revised on a regular basis, every three to five years, to enable the code to incorporate the changes necessary for new materials and technologies.

## 2. My reasons for opposing HB 2358

- 2.1 HB 2358 proposes throw out this system which has evolved over a period of 100 years and replace it with one dreamed overnight up by a non-construction legislators.

The Bill is full of proposed changes to the State Building Code and the Code Council that illustrate a lack of understanding of how the code and the construction industry work.

- 2.2 HB 2358 gives the State Building Code Council the right to reject any provisions of proposed model codes which "exceed minimum standards necessary to protect the public health and safety."

The building code **establishes** "the minimum standards to protect the public health and safety." It cannot exceed them, by definition.

- 2.2.1 The '97 UBC starts, "The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment specifically regulated herein."
- 2.2.2 The 2003 IBC expands that statement, saying, "The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the building environment and to provide safety to fire fighters and emergency responders during emergency operations."
- 2.2.3 The protection of public health safety and welfare is the basis by which building codes are justified under the Constitution of the United States.

Is the legislature proposing to establish a building code which does less than protect the public health, safety and welfare?

- 2.3 HB 2358 proposes to change the composition of the State Building Code Council from a group composed of people who work with the building code on a day to day basis to a group of people with general financial interests in construction but no building code specific knowledge.

While the building code has policy implications, it is primarily a highly complex technical document dealing with construction issues. Building exit planning, the required strength of materials and structural components, the required fire-resistance of the buildings, plumbing systems, electrical systems, building equipment, air conditioning and ventilation. All of the pieces must fit together and not conflict with one another.

While establishing all of these requirements, the code does not tell designers how to accomplish the code requirements but sets performance standards and allows each designer to achieve the requirements in his/her own way. Those of us who use the code do not always like every part of it and, in fact, it frequently makes us pull our hair, but we know how it works, it is consistent, it has its own logic and it is integrated. Allowing people who don't understand each of the components and their interrelationships, no matter how well intended, to change selected parts would be disastrous.

If, for instance, the new non-technical State Building Code Council decided to reduce the cost of construction by reducing the hurricane, fire or earthquake resistance standards and, a few years afterward, a building were to suffer severe damage or collapse, with multiple deaths and injuries to the occupants because of those reduced standards, who would be liable? The structural engineer who, based on generally accepted structural engineering standards, weather and probability data, knew that the proposed standards were inadequate but designed to them because the client demanded he/she do so? The developer who demanded the building be designed to the lower standard because he/she knew his/her competitors would do so? The legislators who passed the law? Building failures of this type do in fact occur- in China, Pakistan and other places where normal building code requirements are reduced.

2.4. HB 2358 proposes to require the 2012 edition of the IBC.

The way the code adoption system in works Hawaii is that when a new edition of the relevant model code is issued, say the 2009 IBC, the City & County of Honolulu initiates the adoption process by meeting with representatives of the American Institute of Architects, the Consulting Engineers Council, the Structural Engineers Association, the General Contractor's Association, and the Building Industry Association and any interest groups effected by the proposed changes. Several years ago, I was a member of a panel assembled to consider issues related to termite control. Each organization reviews the changes from the previous edition and expresses its concerns, if any. The Honolulu Building Department staff considers the input in the context of public safety and integrates the selected input into a set of proposed amendments to the Building Code. The proposed amendments, after review by the various organizations, are submitted to the City Council for adoption. This process takes about two years, so the 1997 UBC was adopted in 2000. It may be that the review and adoption process could be done more rapidly, but the process definitely takes time. Adoption of the 2003 IBC took a little longer because the changes from the UBC to the IBC were more complex than those of normal edition to edition changes. After Honolulu has reviewed and adopted a new edition of the code, the other counties follow suit. My understanding is that the other counties follow Honolulu because, they say, they don't have the staff to undertake the entire process on their own.

While proposing that the State Building Code Council adopt the latest edition of the code sounds like a good idea, it ignores good and practical reasons why that is not done.

2.5 HB 2358 proposes to modify the composition of the State Building Code Council.

The composition of the State Building Code Council would be modified from 9 members who work with the code on a daily basis- the building and fire departments and the licensed design professionals (architects and engineers), replacing them 13 assorted of people who have financial interests in the construction industry but do not actually use the code.


The building code is a technical document. If the legislature wants to create an advisory group to provide policy input for the State Building Code Council, that is one issue. Putting control of a critical technical document in the hands of people who don't actually use it or understand how the parts fit together is quite another.

I agree with the points made by Gary Chock and Ian Robertson in their testimony for the Structural Engineers Association of Hawaii.

The proposed modifications to the State Building Code Council and the State Building Code are very bad ideas. I strongly oppose HB 2358.

Sincerely,

**ARCHITECTURAL DIAGNOSTICS, LTD.**

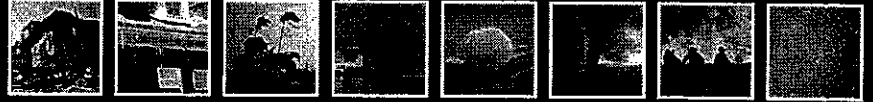
  
Jim Reinhardt  
Its President, AIA-ME, CSI

Jim\120228-HB2358.WPD

EC: SEAOH, AIA



Shanghai China,  
June 2009



February, 16, 2012

TO: House of Representatives  
House Committee on Public Safety & Military Affairs  
Representatives Henry J. D. Aquino, Chair and Ty Cullen, Vice Chair

SUBJECT: House Bill 2358 HD1 Relating to the Building Code

**Insurance Institute for Business & Home Safety  
Statement in Opposition to  
House Bill 2358 Relating to the State Building Code Council**

The Insurance Institute for Business & Home Safety (IBHS) is a 501(c)(3) organization, wholly supported by the property (re)insurance industry. IBHS' mission is to conduct objective, scientific research to identify and promote effective actions that strengthen homes, businesses, and communities against natural disasters and other causes of loss. IBHS does this by conducting research and advocating improved construction, maintenance, and preparation practices.

Among IBHS' highest priorities is the adoption and enforcement of strong, mandatory statewide building codes. IBHS has a number of concerns about HB 2358, but will focus on the composition of the Building Code Council. The code review and adoption in Hawaii is delegated to the Building Code Council, as it is in most states. Generally, the representatives on the Council are engineers, architects, building officials, and the various trades involved in commercial construction. HB 2358 seeks to remove the building official, state fire marshal representative and the structural engineer. IBHS believes each of those positions to be extremely important to a balanced and technically sound Council.

The responsibility for enforcement of the codes is the responsibility of the building official and the state fire marshal's office. Both these representatives possess a strong knowledge of the provisions of the code, as well as knowledge about the challenges of enforcing the technical provisions of the code. Likewise, the structural engineer is generally represented on the Council to provide expertise in the building code, as well as the many standards that are referenced in the code. HB 2358 provides for an architect but deletes the inclusion of a structural engineer. Architects and structural engineers work together to design buildings but possess very different skills, which combine to produce a finished set of drawings for construction. HB 2358 appears to create a Council that would not be reflective of the stakeholders involved in the construction of commercial buildings.

The various volumes of the code contain complex, technical provisions that should be reviewed, amended and adopted by representatives of the construction community who are familiar with and understand the code. HB 2358 replaces the individuals described above with representatives of non-technical organizations that would not typically have knowledge of the codes.



**House Bill 2358 would undermine key components that IBHS believes are essential to an effective state building code regime. A balanced panel of experts in codes is essential to an effective state building regime. We urge that House Bill 2696 be set aside.**

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 6:10 AM  
**To:** FINTestimony  
**Cc:** wedwards@ibhs.org  
**Subject:** Testimony for HB2358 on 2/29/2012 2:30:00 PM

Testimony for FIN 2/29/2012 2:30:00 PM HB2358

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Wanda Edwards  
Organization: Insurance Institute for Business & Home Safety  
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Submitted on: 2/29/2012

Comments:  
February, 16, 2012

**TO:** House of Representatives  
House Committee on Public Safety & Military Affairs  
Representatives Henry J. D. Aquino, Chair and Ty Cullen, Vice Chair

**SUBJECT:** House Bill 2358 HD1 Relating to the Building Code

Insurance Institute for Business & Home Safety Statement in Opposition to House Bill 2358 Relating to the State Building Code Council

The Insurance Institute for Business & Home Safety (IBHS) is a 501(c)(3) organization, wholly supported by the property (re)insurance industry. IBHS' mission is to conduct objective, scientific research to identify and promote effective actions that strengthen homes, businesses, and communities against natural disasters and other causes of loss. IBHS does this by conducting research and advocating improved construction, maintenance, and preparation practices.

One of IBHS' highest priorities is the adoption and enforcement of strong, mandatory statewide building codes. IBHS has a number of concerns about HB 2358, but will focus on the composition of the Building Code Council. The code review and adoption in Hawaii is delegated to the Building Code Council, as it is in most states. Generally, the representatives on the Council are engineers, architects, building officials, and the various trades involved in commercial construction. HB 2358 seeks to remove the building official, state fire marshal representative and the structural engineer. IBHS believes each of those positions to be extremely important to a balanced and technically sound Council.

The responsibility for enforcement of the codes is the responsibility of the building official and the state fire marshal's office. Both these representatives possess a strong knowledge of the provisions of the code, as well as knowledge about the challenges of enforcing the technical provisions of the code. Likewise, the structural engineer is generally represented on the Council to provide expertise in the building code, as well as the many standards that are referenced in the code. HB 2358 provides for an architect but omits the inclusion of a structural engineer. Architects and structural engineers work together to design buildings but possess very different skills, which combine to produce a finished set of drawings for construction. HB 2358 appears to create a Council that would not be reflective of the stakeholders involved in the construction of commercial buildings.

The various volumes of the code contain complex, technical provisions that should be reviewed, amended and adopted by representatives of the construction community who are familiar with and understand the code. HB 2358 replaces the individuals described above with representatives of non-technical organizations that would not typically have knowledge of the codes.

House Bill 2358 would undermine key components that IBHS believes are essential to an effective state building code regime. A balanced panel of experts in codes is essential to an effective state building regime. We urge that House Bill 2696 be set aside.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2012 1:46 PM  
**To:** FINTestimony  
**Cc:** dsengupta@consultingstructuralhawaii.com  
**Subject:** Testimony for HB2358 on 2/29/2012 2:30:00 PM

Testimony for FIN 2/29/2012 2:30:00 PM HB2358

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Dipankar Sengupta  
Organization: Individual  
E-mail: [dsengupta@consultingstructuralhawaii.com](mailto:dsengupta@consultingstructuralhawaii.com)  
Submitted on: 2/28/2012

**Comments:**

The engineers are the most ardent and objective users of the National and State Building Codes. As a responsible member of the Structural Engineers Association of Hawaii I oppose the new House bill 2358 which if adopted would downgrade the quality of Engineering in Hawaii which we are so proud of.