

HB 2358, HD3

RELATING TO THE BUILDING CODE,

Description:

Establishes the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission.

Effective July 1, 2030 (HB2358 HD3)

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Acting Comptroller
Jan S. Gouveia
Deputy Comptroller

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

WRITTEN TESTIMONY
OF
DEAN H. SEKI, ACTING COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
ON
March 20, 2012

H.B. 2358, H.D. 3

RELATING TO THE BUILDING CODE

Chair Espero and members of the Committee, thank you for the opportunity to submit written testimony on H.B. 2358, H.D. 3.

The Department of Accounting and General Services (DAGS) opposes H.B. 2358, H.D. 3.

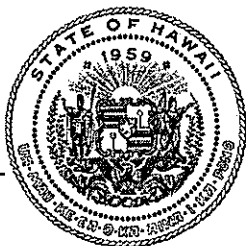
DAGS opposes this bill as it restructures the state Building Code Council (the Council) and creates the Natural Disaster Preparedness Commission (Commission). Our opposition is based on the following concerns:

1. There will be an increase in effort as two agencies, the Council and the Commission, will be reviewing building codes for adoption;
2. The length of time to adopt codes will not be decreased and may in fact increase;

3. The challenges with adoption of new building codes by the respective county councils will remain; and
4. Taxpayer funding will be required to operate these two agencies which have no administrative responsibilities (i.e., permitting and inspection) over the building codes as this is a county function.

As an alternative, we would suggest that the language in H.B. 2434 be revisited as that bill would reduce bureaucracy (by eliminating the Council) and reduce the time required for building code adoption as the State model building codes would be adopted as published, eliminating the need for review by the Council. H.B. 2434 provides that the latest version of the four basic building codes (i.e., the International Building Code, International Energy Conservation Code, the Uniform Plumbing Code and the National Electrical Code) will be the State codes at time of publication, eliminating the 18 month adoption period by the Council and starting the clock for county adoption at publication date. H.B. 2434 also provides for a broader set of codes than just the International Building Code which is reflected in H.B. 2358, H.D. 3. Additionally, the counties, which have the administrative functions, would have authority to amend the State codes to address geographical and cultural differences without the Council's approval which is required in H.B. 2358, H.D. 3.

Thank you for the opportunity to submit written testimony on this matter.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE
on
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY
Tuesday, March 20, 2012
3:20 pm
State Capitol, Conference Room 224

in consideration of
HB2358, HD3
RELATING TO THE BUILDING CODE.

Chair Espero, Vice Chair Kidani, and members of the committee.

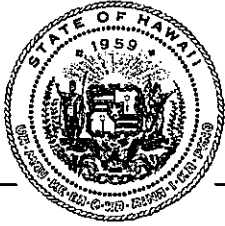
The Department of Business, Economic Development, and Tourism (DBEDT) strongly opposes HB2358, HD3 which dramatically amends the State Building Code Council (Council) and detrimentally strips the building code specialists of their responsibilities.

The bill would remove code-making authority of the four county building division managers.

DBEDT recommends continuing the Council and providing funding support, provided that funding support does not adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to testify on this bill.

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**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS**
Tuesday, March 20, 2012
3:20 PM
State Capitol, Conference Room 224

in consideration of
HB 2358, HD3
RELATING TO THE BUILDING CODE.

Chair Espero, Vice Chair Kidani, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs.

The Office of Planning (OP) strongly opposes this bill which seeks to amend Hawaii Revised Statutes (HRS) ch. 107, pt. II (Supp. 2007) on State Building Code and Design Standards and related laws.

OP administers HRS ch. 205A, the Coastal Zone Management (CZM) law. An objective of the CZM law is to reduce the loss of life and property from coastal hazards. The purpose of building codes is to establish minimum acceptable standards necessary for preserving the public health, safety, and welfare, and to protect property. Thus, building codes and the quality of design and construction of structures play a direct role in protection of life and property in a natural disaster.

Such mitigation also plays a pivotal role in the financial costs of a disaster. In 2005, the Multihazard Mitigation Council conducted a congressionally mandated study, *Natural Hazard Mitigation Saves: An Independent Study to Assess the Future Savings from Mitigation Activities*,

which documented how every \$1 spent on mitigation saves society an average of \$4. The study is widely known and cited, and remains relevant today.

To address the coastal hazard mitigation objective of the CZM laws, OP applied for and received a federal Section 309 Enhancement Area Grant for fiscal years 2006-2010, focused on the building of resilient communities statewide through new building codes with hurricane design standards customized for the unique terrain of the islands of Hawaii. The work under the grant consisted of adoption of state-of-the-art building codes with customized coastal hazard mitigation standards throughout the State of Hawaii; provision of high quality training on interpretation and application of the building codes; and public outreach and education on natural hazard mitigation.

Development of the project proposal included detailed analyses of statewide hazard mitigation priorities. It was determined that completion of the wind speed assessments and wind design standards was a state priority. The Federal Emergency Management Agency (FEMA) - approved State Multi-Hazard Mitigation Plan, the County of Hawaii Multi-Hazard Mitigation Plan, and the Hawaii Geographic Information Coordination Council's I-Plan all recognized the need importance of upgrading the building codes.

Customized wind design standards and maps were developed for the State of Hawaii utilizing funding from the National Oceanic and Atmospheric Administration (NOAA) and FEMA with the concurrence of each county, during the period spanning 2005-2008. In 2008, the American Society of Civil Engineers (ASCE) 7 Standards Committee revised the 2005 Edition of ASCE 7 by designating the State of Hawaii as a Special Wind Region. This designation is significant as it represents a national acceptance of the technical accuracy of the Hawaii wind design standards and it recognizes that for Hawaii, those standards supersede the more generalized national wind standards.

OP initiated training of design professionals and building officials in the private and public sectors in the International Codes in May 2007. In doing so, OP has worked in partnership with the building divisions of each of the four counties, the state agencies with design, building, and management responsibilities, the local chapters of the American Institute of Architects and the Construction Specifications Institute, the Structural Engineers Association of

Hawaii, and the Hawaii Association of County Building Officials. Training has been held consistently since its inception in May 2007. Professional trainers in the International Codes, as well as local experts, have provided training in all four counties of the State.

The bill repeals the structure of a comprehensive building code under HRS ch. 107, by repealing the requirements for plumbing, electrical, and health-related codes. Of great concern is the repeal of residential and hurricane resistive standards for residential construction. These standards would cover one- and two-family detached dwellings and multiple single-family dwellings. In effect, the wind design standards would no longer be required on a uniform basis throughout the State, which will negate hurricane resistance, leading to great human loss, health and social costs, property damage, business interruption, and state liability in the event of a hurricane.

Of equally great concern is the bill's diminishment of the basic role of government in safeguarding health, safety, property, and public welfare. In so doing, the statewide community is subject to greater loss of life and property from natural disasters. Post-disaster assistance from FEMA will be severely limited as FEMA grants aid based on the building codes in place prior to the disaster. OP therefore strongly recommends that this bill be held in Committee.

Please note that House Standing Committee Report No. 936-12 is in error in its statement naming a large number of organizations and individuals as testifying in support of this bill. In fact, those testimonies were in strong opposition to this bill.

Thank you for the opportunity to provide testimony on this measure.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2358 HD3
A BILL RELATING TO THE BUILDING CODE

PRESENTATION TO THE
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MAJOR GENERAL DARRYLL D. M. WONG
ADJUTANT GENERAL

March 20, 2012

Chair Espero, Vice Chair Kidani, Committee Members:

I am Major General Darryll Wong, Adjutant General for the State of Hawaii and Director of Civil Defense, and I am testifying in OPPOSITION to HB 2358 HD3.

HB 2358 HD3 proposes many changes to the Hawaii state building code that will threaten the life and safety of the people of Hawaii. The most dangerous proposition in this measure is the exemption of State construction from Hawaii State building code requirements. This exemption would result in a severe shortage of suitable facilities for the State Public Shelter Program and will contribute to loss of life or injury to Hawaii residents or visitors seeking shelter in an emergency.

The State Public Shelter Program relies on state Department of Education facilities. The elimination of wind resistive criteria from the state building code will result in fewer buildings meeting shelter criteria. Currently, we are 74,619 shelter spaces short based on a planning estimate of 35% of the population evacuating and needing shelter. This shortage will further increase if HB 2358 HD3 is passed.

HB 2358 HD3 also seeks to amend the Hawaii State building code to exclude the State Fire Code, the Uniform Building Code, Design Standards pursuant to Act 5, 2005, and code provisions that are based on nationally published codes or standards.

The current bill language proposes to establish a single code that will supersede all existing codes, which will eliminate existing County and State building codes. As the bill also removes the requirement that the State Building Code be updated within specific periods to the most current model code, the effective building code will be more than two decades old.

The bill also gives the State Building Code Council sole authority to determine minimum code standards, but the proposed composition of the Hawaii State building code council is a thirteen member body that primarily includes industry representatives. The bill proposes that the voting membership of the State Building Code Council include private interest groups and industry representatives, to the near-exclusion and replacement of the technical professionals whose focus is life and safety requirements for building design and construction. Proposed for exclusion are the county building code inspectors as voting members of the council, and removal of the Department of Health and the Department of Labor and Industrial Relations.

The change in the composition of the State Building Code Council as this bill proposes will result in a Council that lacks the expertise to make recommendations for the construction of commercial and residential structures that are resilient and hardened to withstand natural hazard risks.

HB 2358 HD3 also proposes the removal of energy conservation standards for building design and construction. This proposal deviates from the State's commitment to growing a sustainable economy, and is a step backward from energy independence and environmental stewardship.

The current language of the bill proposes the new formation of a natural disaster preparedness commission. The commission would be a replication of natural disaster committees presently in place and which do not require an appropriation such as that proposed. The Hawaii State Earthquake Advisory Committee and the State Hazard Mitigation Forum by their charters support the activities outlined by the proposed bill.

The amendments proposed by HB 2358 HD3 may increase construction activity and benefit the state in the short term; however, it would represent a giant step backward in the safety and retrofit of buildings and could cost lives when a large scale disaster hits Hawaii.

Thank you for the opportunity to provide testimony on HB 2358 HD3.

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

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

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March 19, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: H.B. 2358, H.D. 3 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. 3 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

The Honorable Will Espero, Chair

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March 19, 2012

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 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 collection 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, and the first paragraph of Section 107-24 actually prohibits stricter amendments.

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. 3.

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

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

TESTIMONY ON HOUSE BILL 2358 HD 3
A BILL RELATING TO THE BUILDING CODE
PRESENTATION TO THE
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

March 20, 2012, 3:20pm in Room 224

By Michael P. Hamnett
300 Wai Nani Way, 714
Honolulu, Hawaii 96744
Phone: (808) 292-2838

SUBJECT: Testimony Opposed to HB2358 HD3

Chair Espero, Vice Chair Kidani and Members of the Committee:

My name is Michael Hamnett. I am Executive Director of the Research Corporation of the University of Hawaii and a research faculty member at the University of Hawaii. I have worked in the field of disaster preparedness and mitigation for the past 33 years. I have chaired the Statewide Hazard Mitigation Forum since 1998 and I currently sit on the Hawaii Hurricane Relief Fund Board of Directors. However, I am testifying as a private citizen, albeit one with considerable professional experience related to the substance of HB2358 HD3.

I strongly oppose House Bill 2358 House Draft 3 as written because the proposed bill establishes a disaster preparedness commission that duplicates scientific and technical functions now carried out by committees that already exist, including the Statewide Hazard Mitigation Forum.

More importantly, HB2358 HD3 undermines years of effort to strengthen building and safety standards that have been put in place since Hurricane Iniki struck the state in 1992. That storm did over \$1.8 million (1992 dollars) in damage and destroyed or heavily damaged 6,573 homes. Insurance losses on Kauai and Oahu resulted in the collapse of our private residential insurance industry and the establishment of the Hawaii Hurricane Relief Fund.

In a study conducted for the Office of State Planning in 1993, we estimated that if Iniki had struck Oahu, which it could have, losses would have been about \$18 billion (1992 dollars) and an estimated 109,000 homes would have been heavily damaged or destroyed. A major recommendation from our 1993 study was that building codes should be strengthened. We also recommended that incentives be put in place to encourage home owners to retrofit their homes with the kinds of wind resistive devices required under the current building code.

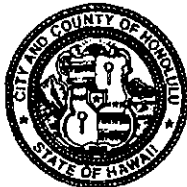
A more immediate risk from changes in building safety standards mandated by HB 2358 is that Hawaii could become ineligible for federal disaster assistance. And, homeowners insurance rates would undoubtedly rise. This may be further compounded by an increase in the risk of hurricanes hitting Hawaii because an increase in the frequency and severity of El Niño events as a result of global warming.

Thank you for the opportunity to submit testimony

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 20, 2012

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Espero and Committee Members:

Subject: House Bill No. 2358, HD3
Relating to the Building Code

The Department of Planning and Permitting (DPP), **opposes** House Bill No. 2358, HD3, 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. However, the proposed legislation attempts to do too much and is likely to have unintended consequences.

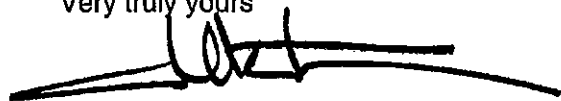
Currently the State Building Code council has met its intended mission, which is to have in the State of Hawaii a composite of codes which will become the State Building Code. Unfortunately, the structure of the new council proposed by this bill will increase bureaucracy that may prevent the accomplishment 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.

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
Re: House bill No. 2358, HD3
March 20, 2012
Page 2

We therefore urge that House Bill No. 2358, HD3 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 'D. Tanoue', is written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf
hb2358hd3-BuildingCode-th-doc

COUNTY COUNCIL

Jay Furfaro, Chair
JoAnn A. Yukimura, Vice Chair
Tim Bynum
Dickie Chang
KipuKai Kualii
Nadine K. Nakamura
Mel Rapozo



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 19, 2012

**TESTIMONY OF TIM BYNUM
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

H.B. NO. 2358, H.D. 3, RELATING TO THE BUILDING CODE
Committee on Public Safety, Government Operations, and Military Affairs
Tuesday, March 20, 2012
3:20 p.m.
Conference Room 224

Dear Chair Espero and Committee Members:

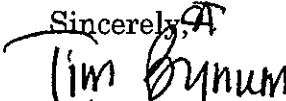
Thank you for this opportunity to submit testimony in opposition of H.B. No. 2358, H.D. 3, relating to the Building Code. My testimony is submitted in my capacity as an individual member of the Kaua'i County Council and the Chair of the Finance/Parks & Recreation/Public Works Programs Committee.

H.B. No. 2358, H.D. 3, proposes to establish the Hawai'i State Building Code, Hawai'i State Building Code Council, and Natural Disaster Preparedness Commission, which will take effect July 1, 2030.

All counties currently have their own building codes in place to address the needs for their individual jurisdictions. Enacting this bill will eliminate home rule for each county and void existing building codes. As for the Hawai'i State Building Code Council, although the trade-related representatives will contribute valuable knowledge and expertise, the primary role for County Building Officials is to focus on life and safety issues governing decisions of building code concerns.

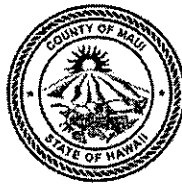
I am aware that County Engineer Larry Dill, County of Kaua'i, has submitted testimony in opposition of this measure. As an individual member of the Kaua'i County Council, I concur with the testimony submitted by Mr. Dill and ask that you hold this measure in committee.

Again, thank you for this opportunity to submit testimony.

Sincerely,

TIM BYNUM
Councilmember
Kaua'i County Council

AB/wa2012-690

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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March 19, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: H.B. 2358, H.D. 3 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. 3 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

The Honorable Will Espero, Chair
Page 2
March 19, 2012

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 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 collection 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.

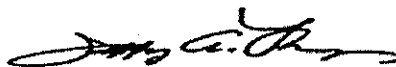
Currently, Section 107-28 of the HRS allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the SBCC's approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county 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 and actually prohibits stricter amendments as proposed in the first paragraph Section 107-24.

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 MFD and the SFC urge your committee's deferral on the passage of H.B. 2358, H.D. 3.

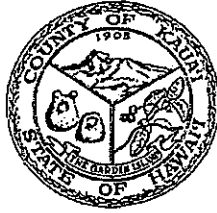
Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



JEFFREY A. MURRAY
Fire Chief

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

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March 16, 2012

The Honorable Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
The Senate
Hawai'i State Capitol, Room 231
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 Espero,

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

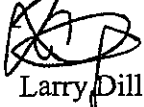
1. The Bill proposes to eliminate home rule for the Counties which currently have building codes established to address the needs of their individual jurisdictions. The Counties will have no control over the code they are obligated to enforce.
2. The Bill proposes a Council which would largely be composed of trade-related representatives, and designate the County Building Officials as non-voting members. While the expertise and contributions of the trade-related representatives is 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. The inclusion of the following industry representatives would be beneficial:
 - a. Building Industry Association
 - b. General Contractors Association
 - c. Hawai'i Building and Construction Trades Council
 - d. Hawai'i Insurers Council

An Equal Opportunity Employer

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,

A handwritten signature in black ink, appearing to read "Larry Dill", written over a horizontal line.

Larry Dill, P.E.
County Engineer

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

March 19, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: H.B. 2358, H.D. 3 Relating to the Building Code

I am Darren J. Rosario, Member of the State Fire Council (SFC) and Fire Chief of the Hawaii Fire Department of the County of Hawaii (HCFD). The SFC and the HCFD strongly oppose H.B. 2358, H.D. 3 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 that review and amend codes are comprised of building life safety

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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 collection 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 and actually prohibits stricter amendments as proposed in the first paragraph Section 107-24.

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 HCFD urge your committee's deferral on the passage of H.B. 2358, H.D. 3.

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

Sincerely,



DARREN J. ROSARIO
Member

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

March 16, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: H.B. 2358, H.D. 3 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. 3 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.

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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 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

The Honorable Will Espero, Chair
March 16, 2012
Page 2

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 collection 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.

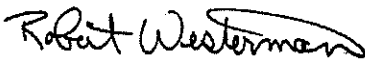
Currently, Section 107-28 of the HRS allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the SBCC's approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county 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 and actually prohibits stricter amendments as proposed in the first paragraph Section 107-24.

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 KFD and the SFC urge your committee's deferral on the passage of H.B. 2358, H.D. 3.

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

March 16, 2012

The Honorable Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
The Senate
Hawai'i State Capitol, Room 231
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 Espero,

I am Douglas Haigh, Building Division Chief, County of Kaua'i Department of Public Works. I
oppose House Bill 2358. The attached document provides a summary of my concerns and
recommended changes to the bill.

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

Sincerely,

Douglas Haigh
Chief, Building Division

cc: County Engineer

HB 2358 - A BILL FOR AN ACT RELATING TO THE BUILDING CODE
Proposed Alternative Language

1. 107-22 Council Representation

Issue: Current bill language deletes all governmental agency representation except the representative from the state fire council. The new membership is heavily weighted to industry representatives.

Concerns: Government agencies that regulate building codes should be represented on the council. The county building officials, State Department of Health, and the State Department of Labor regulate building codes and have special knowledge concerning technical issues. To obtain nongovernmental building code technical knowledge the structural engineers and the architects are the professionals most knowledgeable for such. The inclusion of industry representative is appropriate, but it should be balanced with no more than a third of the total membership. Since most members of the council are homeowners it is not necessary to add three additional members to represent the interests of homeowners.

Alternative language:

- Delete the four nonvoting members and term limits
- Reinstate Items Nos. (1)-(6)
- New industry representatives would be from:
 - Building Industry Association
 - General Contractors Association
 - Hawai'i Building and Construction Trades Council
 - Hawai'i Insurers Council

2. 107-24 Authorities and duties of the council

Issue: Current bill language gives the council sole authority to determine minimum standards and approve any amendment by a county. The bill also removes the requirement that the Hawai'i State Building Code be updated periodically to the most current model code.

Concerns: The counties need the ability to amend the codes as appropriate for their local communities. The counties are responsible for administering the codes and have the legislative process closest to public using the code. A Building Code Council heavily weighted with representatives from one county should not be dictating requirements to the other counties.

The State Building Code should be periodically upgraded to the most current model code to assure a code that responds to the latest in safety and construction technology.

Alternative language:

- Delete all changes to this section

3. 107-25 Hawai'i state building code requirements

Issues: Current bill language establishes a single code and supersedes all existing codes.

Concerns: A single code does not address all the life and safety requirements for building safety. There needs to be a body of codes to address the needs. The counties need existing codes in place until new codes are adopted at the county level or at least a reasonable time to adopt the new codes.

Alternative language:

- Delete all changes to this section

4. 107-28 County building code authority to amend the state model building code with state approval

Issue: Current bill language gives the council sole authority to approve any amendment by a county.

Concerns: The counties need the ability to amend the codes as appropriate for their local communities. The counties are responsible for administering the codes and have the legislative process closest to public using the code. A Building Code Council heavily weighted with representatives from one county should not be dictating requirements to the other counties.

Alternative language:

- Delete all changes to this section

5. 107-26 State building code; prohibitions.

Issue: Current bill language eliminates the prohibition of the state building code to regulate administrative, permitting, or enforcement and inspection of the counties and/or conflict with chapter 464.

Concern: The counties are responsible for administering, permitting and enforcing and inspecting the code. Each county does this differently as appropriate for their community. The state building code should not interfere with this area.

Alternative language:

- Delete all changes to this section

6. 6E-15 Regulations, special conditions or restrictions.

Issue: Current bill language takes away the counties' authority to amend the building code for regulations, special conditions and restrictions.

Concerns: The counties need the ability to amend the codes as appropriate for their local communities. The counties are responsible for administering the codes and have the legislative process closest to public using the code. A Building Code Council heavily weighted with representatives from one county should not be dictating requirements to the other counties.

Alternative language:

- Delete all changes to this section

7. 46-1.55 Indigenous Hawaiian architecture

Issue: Current bill removes this from the county building codes

Concerns: The building codes are the appropriate place for regulating indigenous Hawaiian architecture.

Alternative language:

- Delete all changes to this section

8. 46-15.3 Regulation of adult family boarding home and care home

Issue: Current bill removes this from the county building codes and fire codes.

Concerns: The building codes and fire codes are the appropriate place for regulating adult family boarding homes and care homes. Since there is no administrative enforcement of the State Building Code this change would result in no code enforcement.

Alternative language:

- Delete all changes to this section

9. 132-3 State Fire Code

Issue: Current bill language gives the council sole authority to approve any amendment by the state fire council.

Concerns: The state fire council has the special knowledge needed to amend the state fire code and should not be subject to the approval from the state building code council.

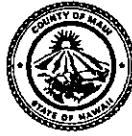
Alternative language:

- Delete all changes to this section

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

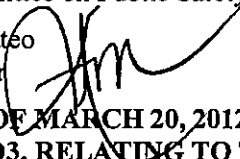


Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

March 19, 2012

TO: The Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations, and Military Affairs

FROM: Danny A. Mateo
Council Chair 

SUBJECT: **HEARING OF MARCH 20, 2012; TESTIMONY IN OPPOSITION TO
HB 2358, HD3, 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.

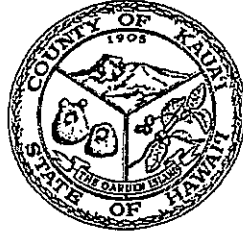
I oppose this measure for the following reasons:

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.

COUNTY COUNCIL

Jay Furfaro, Chair
JoAnn A. Yukimura, Vice Chair
Tim Bynum
Dickie Chang
KipuKai Kualii
Nadine K. Nakamura
Mel Rapozo



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 19, 2012

**TESTIMONY OF KIPUKAI KUALII
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

H.B. NO. 2358, H.D. 3, RELATING TO THE BUILDING CODE
Committee on Public Safety, Government Operations, and Military Affairs
Tuesday, March 20, 2012
3:20 p.m.
Conference Room 224

Dear Chair Espero and Committee Members:

Thank you for this opportunity to submit testimony in opposition of H.B. No. 2358, H.D. 3, relating to the Building Code. My testimony is submitted in my capacity as an individual member of the Kaua'i County Council and the Chair of the Intergovernmental Relations Committee.

H.B. No. 2358, H.D. 3, proposes to establish the Hawai'i State Building Code, Hawai'i State Building Code Council, and Natural Disaster Preparedness Commission, which will take effect July 1, 2030.

All counties currently have their own building codes in place to address the needs for their individual jurisdictions. Enacting this bill will eliminate home rule for each county and void existing building codes. As for the Hawai'i State Building Code Council, although the trade-related representatives will contribute valuable knowledge and expertise, the primary role for County Building Officials is to focus on life and safety issues governing decisions of building code concerns.

I am aware that County Engineer Larry Dill, County of Kaua'i, has submitted testimony in opposition of this measure. As an individual member of the Kaua'i County Council, I concur with the testimony submitted by Mr. Dill and ask that you hold this measure in committee.

Again, thank you for this opportunity to submit testimony.

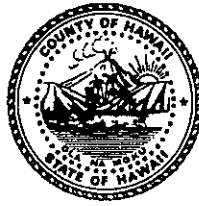
Sincerely,

KipuKai Kualii
Councilmember
Kaua'i County Council

AB/wa2012-690k

William P. Kenoi
Mayor

William T. Takaba
Managing Director



Warren H. W. Lee
Director

Brandon A. K. Gonzalez
Deputy Director

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224
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www.co.hawaii.hi.us

March 20, 2012

The Honorable Will Espero, Chair, and Members of the Committee
Senate Committee on Public Safety, Government Operations and Military Affairs
Hawai'i State Capitol
415 South Beretania Street, Room 231
Honolulu, HI 96813

Chair Espero and Members of the Committee:

SUBJECT: House Bill 2358 HD3 Relating to the Building Code
Date: March 20, 2012
Time: 3:20 PM
Place: Conference Room 224

The Department of Public Works, County of Hawai'i ("DPW-CoH" or "County of Hawai'i," or "County") **opposes** House Bill No. 2358, HD3, ("HB2358, HD3" or "bill") in its current form and respectfully submits this testimony **against** HB2358, HD3. This bill amends Hawai'i Revised Statutes ("HRS") Sections 46-, 107-, 6E-, 132-, 514A-, and 514B-.

- I. HB2358, HD3, eliminates decades of building code improvements and advances within the State of Hawai'i and would have a negative impact upon property owners within the County of Hawai'i

HB2358, HD3, should not proceed since:

1. **It eliminates "home rule" over the County of Hawai'i's building codes by eliminating all state and county building codes, ordinances, and regulations in existence.** (HB2358, HD3, Page 10, lines 3-5). The County of Hawai'i's recent adoption of the 2006 International Building Code with Hawai'i State amendments ("Hawai'i State Building Code") would be superseded. After nearly two years of work to address and integrate the 2006 IBC according to County of Hawai'i building issues, the County of Hawai'i recently adopted the Hawai'i State Building Code to replace the current 1991 Uniform Building Code that has been utilized and enforced. HB2358 would undo much of the work and effort of the County of Hawai'i and its communities in crafting its building code. Additionally, a single code cannot address all of the unique life and safety

requirements for building safety that may be present throughout the island chain of the State of Hawai'i. Furthermore, it eliminates the County's authority to create, impose, and collect administrative fees or penalties relating to building code administration and regulation.

2. **It eliminates "home rule" over the County of Hawai'i's building codes since the County must obtain approval from the Hawai'i State Building Code Council to amend the Hawai'i state building code.** (HB2358, HD3, Page 8, lines 8-10; HB2358, HD3, Page 10, lines 7-12). The County of Hawai'i needs the ability to amend the codes as appropriate for their local communities, so long as such amendments do not contradict the state building code.
3. **It would negatively affect each and every residential property owner within the County of Hawai'i by eliminating their exemption from applicability of the 2009 International Energy Conservation Code ("2009 IECC") since HB2358, HD3, eliminates all state and county building codes, ordinances, and regulations in existence.** (HB2358, HD3, Page 10, lines 3-5). In 2010, the Hawai'i County Council adopted Bill 255 that became Ordinance 10-68. Ordinance 10-68 corrected the major issue of requiring all residential buildings to comply with the 2009 IECC. On page one (1) of Ordinance 10-68, SECTION 2 exempts ALL residential buildings from having to comply with the IECC by specifically DELETING AND REPEALING that requirement as follows "~~This chapter applies to residential buildings, including those that do not contain conditioned space.~~" HB2358 would eliminate this exemption that was requested by the residents of the County of Hawai'i.
4. **It jeopardizes the public health, safety, and welfare by empowering the Hawai'i State Building Code Council to only be able to amend the International Building Code by removing the minimum safety standards established by the International Code Council and set forth within the International Building Code. It does not allow for amendments that may exceed the minimum requirements established by the International Code Council and International Building Code.** (HB2358, HD3, Page 10, Lines 12 – Page 10, Line 2). Presently, the minimum standards are established by technical experts and industry representatives at the International Code Council ("ICC"), of which the State of Hawai'i has representation, the minimum standards are set forth within the International Building Code ("IBC") and the state building code council then reviews and amends the IBC without compromising the minimum standards that are established by the IBC. The effect of HB2358 is the exact opposite. HB2358 renders meaningless the research and study of the ICC in establishing minimum standards. HB2358 puts the minimum standards determination in the hands of a Hawai'i State Building Code Council that will be comprised predominantly of special interest organizations that represent trade related businesses or groups. HB2358 eliminates the voting power of the members that have the primary responsibility and goal of safeguarding public health, safety and welfare. See also points 5, 6, and 7 below.

5. **It eliminates the County of Hawai'i's meaningful government representation upon the Hawai'i State Building Code Council by altering the County's member from a voting member to a non-voting member.** (HB2358, HD3, Pages 3-6). The County's building officials, the State Department of Health, and the State Department of Labor are tasked with enforcing and regulating the applicable codes relating to building. Eliminating the County's ability to vote on matters within our enforcement and regulation responsibility defies common sense. This also undermines the proper vetting and review of proposed IBCs, for the unique characteristics and conditions that are present within the State of Hawai'i and each island therein, before it is adopted as the state building code.
6. **It jeopardizes the technical proficiency of the Hawai'i State Building Code Council by creating a Council comprised predominantly of special interest organizations that represent trade related businesses or groups.** (HB2358, HD3, Pages 3-6). The primary purpose of the building code is to safeguard the life, limb, health, property and welfare of the public. To achieve that primary purpose, building codes are generally comprised of administrative provisions and technical provisions. The regulatory and technical knowledge that creates the administrative and technical provisions of the current building code focuses upon public health, safety, and welfare and is based upon objective research, testing and experience. This also undermines the proper vetting and review of proposed IBCs, for the unique characteristics and conditions that are present within the State of Hawai'i and each island therein, before it is adopted as the state building code.
7. **It undermines the objective composition of the Hawai'i State Building Code Council by creating a Council comprised predominantly of special interest organizations that represent trade related businesses or groups.** (HB2358, HD3, Pages 3-6). Again, the primary purpose of the building code is to safeguard the life, limb, health, property and welfare of the public. To achieve that primary purpose, building codes are generally comprised of administrative provisions and technical provisions. While the input and knowledge of trade related businesses are relevant they must be balanced with the regulatory and technical knowledge that focuses upon public health, safety, and welfare.
8. **It would require the 2012 International Building Code ("2012 IBC") be applicable to all types of construction within the State of Hawai'i, including residential construction.** (HB2358, HD3, Page 8, line 12 – Page 10, line 5). The 2012 IBC is not suitable for residential construction, which is more suitably addressed by the International Residential Code ("IRC").
9. **It would make all state building construction, including but not limited to emergency shelters and essential government facilities, exempt from the 2012 IBC.** (HB2358, HD3, Page 8, lines 12-15; HB2358, HD3, Page 11, lines 2-5).

10. **The testimony previously submitted by various government entities and professional organizations has been overwhelming in opposition to HB 2358.** (Standing Committee Report No. 191-12, dated February 8, 2012; Standing Committee Report No. 601-12, dated February 17, 2012; Standing Committee Report No. 936-12, dated March 2, 2012 *erroneously* listing opposed parties in support of HB2358). Additionally, the record should be clearly and explicitly corrected to show that the Standing Committee Report No. 936-12 is incorrect. A review of the testimony submitted clearly demonstrates that the majority of written testimony opposed HB2358.

Pursuant to HRS section 46-1.5, each county shall have the power to make and enforce within the limits of the county all necessary ordinances covering all, "matters of sanitation [. . .] of inspection of buildings [. . .] of condemnation of unsafe structures, plumbing, sewers[.]" Pursuant to the Hawai'i County Charter and Hawai'i County Code, the DPW-CoH is "responsible for public building construction and inspection; plans, specifications and applications for private building and construction; plumbing, electrical and building permits; and the enforcement of all County ordinances related to building construction and inspection." HB2358 undermines the County's authority; eliminates decades of building code improvements and advances within the State of Hawai'i; and would have a negative impact upon property owners within the County of Hawai'i.

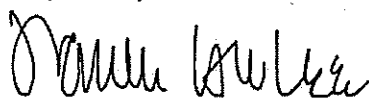
II. Building Codes Exist for the Protection of the Public Health, Safety, and Welfare

The primary purpose of the building code is to safeguard the life, limb, health, property and welfare of the public. To achieve that primary purpose, building codes are generally comprised of administrative provisions and technical provisions. The administrative provisions provide a general framework and address concerns/issues regulated by the government. The technical provisions establish minimum acceptable construction and design standards and are based upon extensive technical studies and analysis by industry professionals and scientists. It is important to note that the **detailed technical provisions are developed in a non-political environment and subject to peer review by those with nationally recognized expertise.** The regulatory and technical knowledge that creates the administrative and technical provisions of the current building code focuses upon public health, safety, and welfare and is based upon objective research, testing and experience. HB2358 is not consistent with the existing framework that creates, reviews, and establishes sound building code regulation.

III. Conclusion

Based in part upon the foregoing reasons, DPW-CoH opposes House Bill 2358 HD3 and respectfully requests that it be set aside. Thank you for the opportunity to testify on this matter.

Respectfully,



Warren H.W. Lee, P.E.
Director

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

March 19, 2012

TO: Honorable Will Espero, Chair
House Committee on Public Safety, Government Operations & Military Affairs

FROM: Joseph Pontanilla, Council Vice- Chair

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

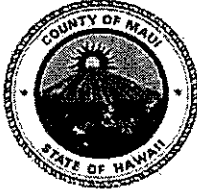
DATE: Tuesday March 20, 2012

SUBJECT: **OPPOSITION TO HB 2358, HD 3, 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 3** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to oppose this measure.

12:03:19:kbn/JP: HB 2358 HD3



ALAN ARAKAWA
MAYOR

COUNTY OF MAUI
CIVIL DEFENSE AGENCY
200 S. High Street
Wailuku, HI 96793-2155
p: 808-270-2785 f: 808-270-7275
civil.defense@mauicounty.gov



ANNA FOUST
EMERGENCY MANAGEMENT
OFFICER

March 19, 2012

TO: The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs

FROM: Anna Foust *Anna Foust*
Emergency Management Officer

SUBJECT: MARCH 20, 2012 PUBLIC HEARING; TESTIMONY IN OPPOSITION TO HB2358, HD3,
RELATING TO THE BUILDING CODE

Thank you for the opportunity to testify in opposition to this measure. I provide this testimony as the Maui Civil Defense Agency, Emergency Management Officer.

I concur with the opposition testimony submitted by Major General Darryll D. M. Wong, Adjutant General; Danny A. Mateo, County of Maui Council Chair; and Jeffrey A. Murray, Fire Chief of the County of Maui.

The Maui Civil Defense Agency relies on state-constructed Department of Education facilities to shelter residents and tourists from severe weather. Exempting the state from the Hawaii state building code and taking away the county's voting rights on the State Building Code Council, disenfranchises and severely undermines the county's ability to address unique local needs, improve structural designs, and develop county operational plans necessary to protect the public.

This measure would negate current hurricane, flood and tsunami regulations, which will severely compromise Maui Civil Defense Agency's ability to protect against loss of life, personal injury and loss of property during a disaster. Additionally, this measure may jeopardize post-disaster assistance currently available from the Federal Emergency Management Agency.

For the foregoing reasons, I respectfully oppose this measure.

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 20, 2012

TO HONORABLE SENATORS WILL ESPERO, CHAIR, MICHELLE KIDANI, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

SUBJECT: **COMMENTS REGARDING H.B. 2358, HD3 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: Tuesday, March 20, 2012
TIME: 3:20 p.m.
PLACE: Capitol Room 224

Dear Chair Espero, Vice Chair Kidani 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 80th anniversary this year; GCA remains the largest construction association in the State of Hawaii whose mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest. GCA is submitting **comments** regarding H.B. 2358, HD2, Relating to the Building Code.

H.B. 2358, HD3 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 and the State fire council as a member to the Council.

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 107-24 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, HD3 and is willing to participate in the Hawaii State Building Code Council.

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

SAH - Subcontractors Association of Hawaii

1188 Bishop St., Ste. 1003**Honolulu, Hawaii 96813-2938

Phone: (808) 537-5619 ✦ Fax: (808) 533-2739

March 20, 2012

Testimony To: Senate Committee on Public Safety, Government Operations, and Military Affairs
Senator Will Espero, Chair

Presented By: Tim Lyons
President

Subject: H.B 2358, HD 3 – RELATING TO THE BUILDING CODE

Chair Espero and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii. The Subcontractors Association of Hawaii is composed of the following nine separate and distinct subcontracting organizations which include:

HAWAII FLOORING ASSOCIATION
ROOFING CONTRACTORS ASSOCIATION OF HAWAII
HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION
TILE CONTRACTORS PROMOTIONAL PROGRAM
PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII
SHEETMETAL CONTRACTORS ASSOCIATION OF HAWAII
PAINTING AND DECORATING CONTRACTORS ASSOCIATION
PACIFIC INSULATION CONTRACTORS ASSOCIATION
ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

We have no official position on this bill however, we would highly recommend that if the bill is moved forward, Part 2 of the bill, Section 4 which amends Section 107-22 should be amended to add a representative from the Subcontractors Association of Hawaii.

The Building Code covers many different subject matters. General contractors are represented by the Building Industry Association and the General Contractors Association. These are two (2) of over the seventy-six (76) classifications that are listed as subcontractors. There is no way that representatives from these two organizations can take into account and truly represent all of those specialty contractors. That is the job of the Subcontractors Association of Hawaii.

Based on the above, we would highly recommend that a representative of SAH be included in the Council.

Thank you.

Testimony of Glenn Ida
Representing,
The Plumbers and Fitters Union, Local 675
1109 Bethel St., Lower Level
Honolulu, Hi. 96813

Comments and Amendments on HB 2358, HD3

Before the Senate:
Committee on Public Safety, Government Operations, and Military Affairs
Tuesday, Mar. 20, 2012
3:20 PM, Conference Room 224

Aloha Chair Espero, Vice-Chair Kidani and Members of the Committee,

My name is Glenn Ida; I represent the 1300 plus active members and about 600 retirees of the Plumbers and Fitters Union, Local 675.

Local 675 proposes the following amendments to HB2358, HD3.

- 1) In Section 107-31, add a representative from the subcontractors as a voting member of the new State Building Codes Council.
- 2) Re-establish Section 107-25(2), which mandates the inclusion of the Uniform Plumbing Code and its appendices as published by the International Association of Plumbing and Mechanical Officials.

The UPC is the basis for the criteria of our apprenticeship program. The contractor Prometric utilizes the UPC in formulating the test questions for licensing with the State.

Thank you for the opportunity to offer my comments and amendments on HB2358, HD3.

Mahalo,
Glenn Ida
808-295-1280



Design Partners Incorporated • Architecture • Planning • Interior Architecture
1580 Makaloa Street • Suite 1100 • Honolulu HI 96814
Telephone (808) 949-0044 • Facsimile (808) 946-9663 • web www.designpartnersinc.com

18 March 2012

TO: Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs

SUBJECT: House Bill 2358 HD 3
Relating to the Building Code

I am a Principal and Architect employed at Design Partners Incorporated with Hawaii license AR 5229 and with a continuing practice in the State of Hawaii for over 28 years. I OPPOSE HB2358 HD3 Relating to the Building Code.

The proposed Bill puts special interest ahead of public safety and should be DEFERRED indefinitely.

In agreement with the Hawaii State Council, American Institute of Architects, I oppose the current HD3 language for HRS 107-22 for:

- Removing the four county building officials from voting membership.
- Removing the state fire council.
- Removing the Structural Engineers Association of Hawaii SEAOH.
- Having the members appointed by the governor.
- Having a very large percentage of members from interests not directly connecte with building design and safety. The technical qualifications of a "diluted" council will be called into question. As the code governs our architect standard of care, the SBCC must have a high level of professional expertise.

I concur with the position of SEAOH, nationally recognized building safety organizations, Hawaii state and county agencies, fire departments, insurance carriers, and other design professional societies who have provided testimony opposing this Bill.

Sincerely,

Duane T. Hamada, AIA, CSI, LEED AP
Design Partners Incorporated

AIA Hawai'i State Council

A Council of The American Institute of Architects



To PGM Hearing 3.20.12
3:20 PM, Room 224

March 20, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs

Re: **House Bill 2358 HD 3**
Relating to the Building Code

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee,

My name is Daniel Chun, responding as Government Affairs Chair of the American Institute of Architects (AIA), a licensed architect with over 30 years of experience and small business owner. After reviewing the bill, the AIA Hawaii Board of Directors voted to **STRONGLY OPPOSE HB 2358 HD3**.

AIA concurs with the **OPPOSING** testimony from nationally recognized building safety organizations, Hawaii state and county agencies, fire departments, insurance carriers, and other design professional societies submitted in past hearings.

In speaking to the composition of the Building Code Council (BCC), AIA opposes the current HD3 language for HRS 107-22 for:

1. Removing the four county building officials from voting membership.
2. Removing the state fire council.
3. Removing the Structural Engineers Association of Hawaii SEA/OH.
4. Having the members appointed by the governor.
5. Having a very large percentage of members from interests not directly connected with building design and safety. The technical qualifications of a "diluted" council will be called into question. As the code governs our architect standard of care, the SBCC must have a high level of professional expertise.

It would be an untenable position, and could lead to dire consequences, if 10 of 13 voting members as proposed in the HD3 draft, were political appointees sent to the committee to represent special interests, but did not have training directly related to protecting public safety. Public safety, health and welfare should be of paramount importance as changes to the SBCC are considered.

The SBCC has achieved notable progress toward unifying and updating building codes in Hawaii. Its shortcomings and future progress are related to the failure to adequately fund its operations.

AIA is concerned that if this bill passes as drafted, architects will face added complexity, increased professional liability and increased business costs related to building code compliance, and the public at large will be placed at risk.

Thank you for the opportunity to **OPPOSE** HB 2358 HD3.

110 Merchant Street, Suite 402
Honolulu, Hawaii 96813-4452
Phone: 808.545.4242
Fax: 808.545.4243
Website: www.aiahonolulu.org

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII
P.O. Box 3348, Honolulu, Hawaii 96801

March 20, 2012

TO: The Senate
 COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
 Senator Will Espero, Chair
 Senator Michelle N. Kidani, Vice Chair

SUBJECT: **House Bill 2358 HD3 Relating to the Building Code**
 DATE: Tuesday, March 20, 2012
 TIME: 3:20 PM
 PLACE: Conference Room 224

Honorable Members of the Committee:

We first note that this bill is inaccurately described as “Establishes the Hawaii State Building Code and Hawaii State Building Code Council”. We already have a Hawaii State Building Code and State Building Code Council that has worked effectively since 2007. In 2007, HRS 107 Part II, State Building Code and Design Standards, established a process that incorporates consideration of the environmental and natural hazards of Hawaii. The present State Building Code process is now resulting in code adoptions by the counties to create more uniform design and construction standards statewide, while respecting the due process rights of the residents of each county. SEAOH supports keeping State Statute HRS 107 Part II, much as the statute now exists but requests that it be funded adequately. Presently, the State Building Code Council operates without any funding.

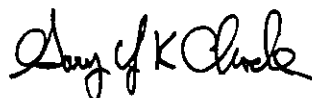
The Structural Engineers Association of Hawaii (SEAOH) opposes House Bill 2358 HD3 and recommend that it be deferred for the following fifteen reasons:

1. The HB2358 revision to HRS Chapter 46 making the existing authority of the counties to adopt local code provisions subject to an appointed building code council veto would be a significant violation of due process of elected county officials and local citizens. This bill would attempt to strip away power vested to the elected representatives of the counties and their residents.
2. This bill would eliminate the county building officials as voting members of the State Building Code Council. The county building officials are essential members of the State Building Council with decades of knowledge on all ramifications of building codes relating to public safety, verification of construction materials, economic factors, and enforcement and administration.
3. The bill would eliminate representatives of the Department of Health and Department of Labor and Industrial Relations. These members represent the agencies that now have statutory responsibility to establish regulations on building ventilation and sanitation of public food establishments and buildings, and safety code standards for elevators and escalators. These comprise what is known as the Health Code and Elevator Code.
4. The Structural Engineers Association of Hawaii (SEAOH) would also be eliminated from membership. SEAOH has served a historic role spanning several decades in assisting Hawaii with the development of the technical portions of the building codes, especially as it relates to hurricane and seismic resistance of buildings.
5. HB2358 would negate hurricane resistive criteria in the Hawaii building codes and furthermore, impact the safety of the hurricane shelters that use this criteria. Insurance rates would surely increase for most homeowners when the insurance industry reacts to the new substandard code that is reduced from what has been used since 2007. The 2005 and 2007 State Legislature mandated the development of hurricane resistive criteria for construction, and so the State Building Code Council has produced Hawaii-specific hurricane wind maps that have been recognized nationally and was awarded the Outstanding Civil Engineering Achievement of 2010 by the American Society of Civil Engineers Hawaii Chapter. To negate this would be negligent and would result in higher insurance rates as the insurance industry factors in the blatant abandoning of scientific criteria on hurricane risk.

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII
P.O. Box 3348, Honolulu, Hawaii 96801

6. This bill would eliminate all tsunami design requirements and zoning of the counties because under the heavy hand of the state "All state and county building codes, ordinances, and regulations in existence on October 1, 2012, shall be superseded" by HB 2358, which eliminates flood and tsunami from the code provisions. Up to now, Hawaii has been a leader in tsunami planning and regulations.
7. This bill would undermine the State Fire Council and eliminate their current authority to adopt a State Fire Code.
8. Under this bill, the State Energy Conservation Code would be repealed. Instead of becoming more energy efficient, no energy conserving features in building construction would be required. This is a backward step against energy conservation in Hawaii.
9. This bill would totally eliminate the residential construction code, electrical code, plumbing code, elevator code, and health code for ventilation and sanitation. That would certainly lead to hazardous conditions in buildings and homes and is against the interests of consumers who have relied on these standards.
10. This bill as currently drafted would invalidate the current building codes of the other three counties adopted by elected officials and impose a watered-down version of the International Building Code as a mandatory substandard building code and thus create tremendous liability of the counties and design professionals to future lawsuits.
11. Under this bill, state construction would be exempted from compliance with the State Building Code. It appears the authors of the bill saw the liability risk to the State if the watered-down and incomplete "code" is used by State agencies, but does make the counties and consumers the " guinea pigs" in a trial and error process of laypersons without technical training and expertise trying to fashion a new code divorced from current accepted standards of professional practice.
12. HB 2358 would jeopardize post-disaster assistance to the State, because FEMA will not grant aid to any extent beyond the codes in place prior to the disaster. With a watered-down building code missing many key standards, existing buildings damaged by a disaster would not be eligible for aid to rebuild them to what they were built to per the current codes.
13. HB2358 would jeopardize current and future awards of FEMA grants and NOAA funding of scientific and engineering research in support of the State Building Code Council process. For example, a tsunami preparedness grant would be lost if HB2358 H.D. 3 passes.
14. The natural disaster preparedness commission and a building code council of members all appointed solely by the Governor creates two administrative decision-making bureaucracies that would be duplicative and inefficient. Scientific evaluations of natural hazards are already contained in the FEMA-mandated Pre-Disaster Hazard Mitigation Plans adopted by each county and the State Civil Defense.
15. HB2358 was inadequately researched and did not begin to understand the organization and scope of codes and technical standards of building design and construction. The bill would strike all codes except for the International Building Code. For example, the International Building Code does not have jurisdiction over single-family residences; yet somehow, the Building Industry Association of Hawaii whose membership is primarily homebuilders , the Hawaii Housing Finance and Development Corporation and Hawaii Association of Realtors, are placed on the State Building Code Council even though they are not even stakeholders in the International Building Code. They should be concerned with the residential code, but that is eliminated by HB2358 to create a lack of standards for home construction with all risk assumed by the consumer.

Gary Chock, S.E.
Ian Robertson, Ph.D., S.E.
For SEA0H





Where building safety research leads to real-world solutions.

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 preparedness 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 its comments on the composition of the Building Code Council. The code review and adoption process 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 from the Council. IBHS believes each of those positions are extremely important to a balanced and technically sound Council.

The responsibility for enforcement of the codes rests with the building official and the state fire marshal's office. Both these representatives possess a strong knowledge of the provisions in the code, as well as knowledge about the challenges of enforcing the technical provisions of the code. Similarly, the structural engineer is generally included on the Council to provide expertise about 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 representatives who have considerable building code expertise with representatives of non-technical organizations who would not typically have knowledge of the codes.

House Bill 2358 would undermine key components that are essential to an effective state building code regime, such as having a balanced panel of experts in codes represented on the Building Code Council. We urge that House Bill 2358 be set aside.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 5:15 AM
To: PGM Testimony
Cc: mike@kelsoarchitects.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Michael Kelso
Organization: Kelso Architects, inc.
E-mail: mike@kelsoarchitects.com
Submitted on: 3/19/2012

Comments:

I am an Architect and owner of Kelso Architects inc. practicing in the State of Hawaii. I OPPOSE HB2358 HD3 Relatinig to the Building Code because it puts special interest ahead of public safety and should be DEFERRED indefinitely.
I agree with the position of SEA0H, and other professionals who have provided testimony.

Sincerely,
Kelso Architects, in., by its President, Michael Kelso

Architectural Diagnostics Ltd.

Building Diagnostics · Failure Analysis · Remedial Architecture · Architecture

19 March 2012

Senate Committee on Public Safety, Governmental Operations and Military Affairs
Senator Will Espero, Chair

SUBJECT: House Bill 2358 Relating to the Building Code
Hearing Date: 20 March 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 am the new Honolulu AIA representative to the State Code Council.

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. I have been qualified in Hawaii's courts as an expert in Building Code issues.

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.

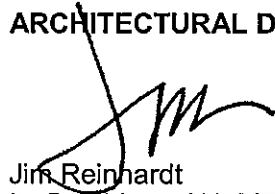
The building code is a technical document. If the legislature wants to create an advisory group to provide policy input for the State Building Code Council, that is one issue. Putting control of a critical technical document in the hands of people who don't actually use it or understand how the parts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

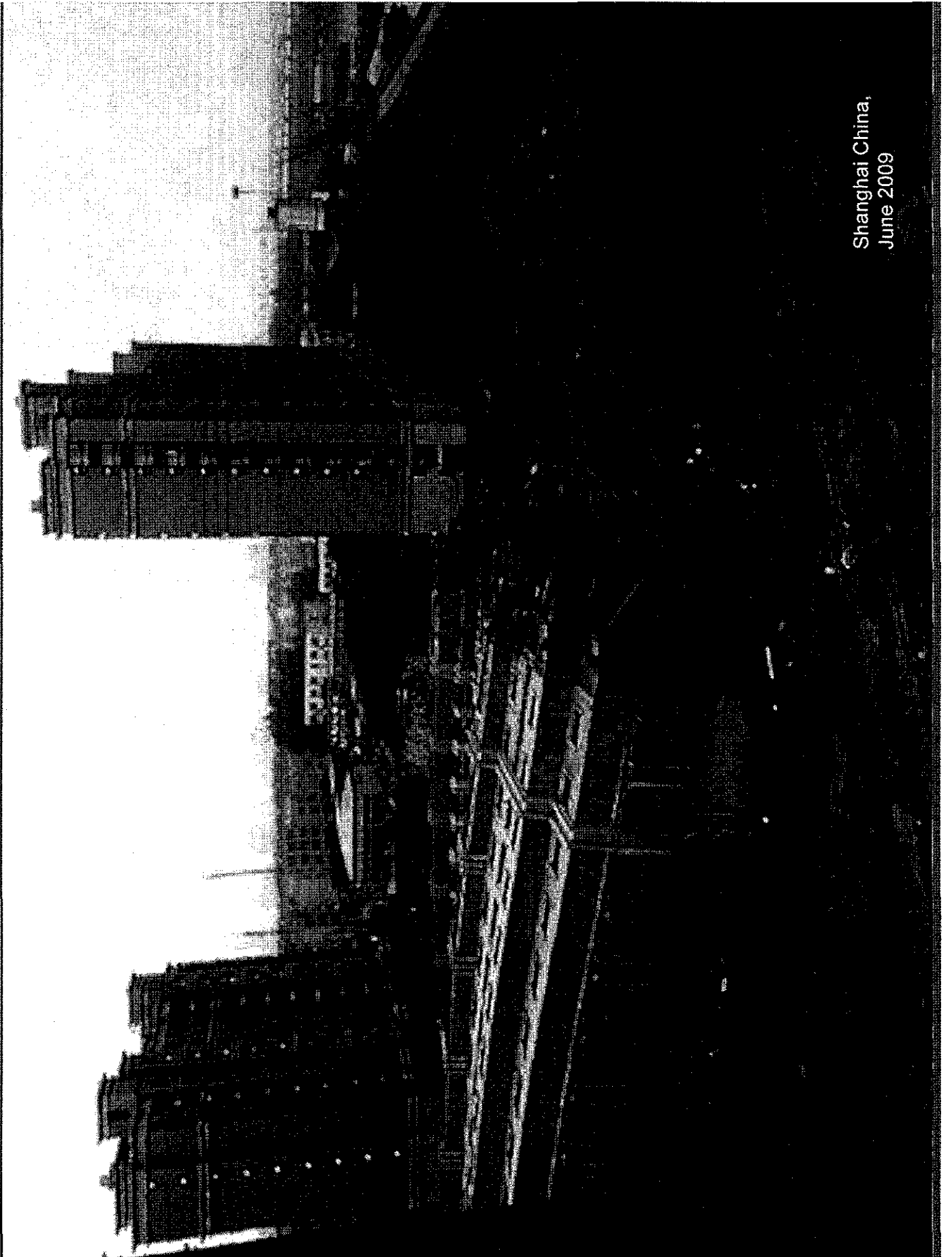
ARCHITECTURAL DIAGNOSTICS, LTD.


Jim Reinhardt
Its President, AIA-ME, CSI

Jim\120319-HB2358.WPD

EC: SEAOH, AIA

Shanghai China,
June 2009





March 19, 2012

Senator Will Espero, Chairman
Senate Committee on Public Safety, Government Operations, and Military Affairs
Hawaii State Capitol, Room 231
415 So. Beretania St.
Honolulu, HI 96813

RE: HB 2358 HD3

Dear Chairman Espero:

I appreciate the opportunity to provide testimony to you and Members of the Senate Committee on Public Safety, Government Operations and Military Affairs regarding HB 2358 HD3. 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 HD3 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 including local and state government officials charged with the duty to administer the adopted code(s) 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 only be made if it increases expertise and/or provides for an enhanced balance of interests.

HB 2358 HD3 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. State construction should not be exempted from the Hawaii state building code. 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.

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.

Respectfully Submitted,

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

Kraig Stevenson, CBO
Senior Regional Manager
International Code Council



ENGINEERING CONCEPTS, INC.
Consulting Engineers

March 19, 2012

RE: HB 2358, HD3 – RELATING TO BUILDING CODES

To Whom It May Concern:

I am an Engineer owner of Engineering Concepts, Inc. and am license and practicing in the State of Hawaii. I **OPPOSE** HB2358 HD3 Relating to the Building Code.

It puts special interest ahead of public safety and should be DEFERRED indefinitely.
I agree with the position of SEA0H, and other professionals who have provided testimony.

Sincerely,

Myron Nomura
President



SARWAR STRUCTURAL ENGINEERING
CONSULTING SERVICES

March 20, 2012

TO: The Senate
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

SUBJECT: HB 2358 HD3
A Bill Relating to the Building Code
Tuesday, March 20, 2012

Chair Espero, Vice Chair Kidani, and Members of the Committee:

My name is Afaq Sarwar. I am a licensed structural engineer with business office and residence on the Big Island of Hawaii.

I strongly **oppose** House Bill 2358 HD3. I would request that this bill be **deferred** indefinitely.

There are many reasons for my opposition to this bill. These include:

- The bill appears to be aimed at fixing problems that do not exist, and in the process is likely to create a few we do not need.
- The bill is very unfortunate in that it appears to put special interests ahead of public safety.
- The bill would very likely jeopardize post-disaster assistance to the State from FEMA due to the circumstances and conditions it would create.
- In general, I agree with the position of Structural Engineers Association of Hawaii stated in their testimony in opposition to the bill.

Thank you for the opportunity to provide testimony in **opposition** of this bill.

A handwritten signature in black ink that reads 'Afaq Sarwar'.

Afaq Sarwar, SE
Principal



March 19, 2012

To: The Honorable Will Espero, Chair
Members, Hawaii Senate Committee on Public Safety, Government Operations, and Military Affairs

From: Tim Shestek
Senior Director, State Affairs

RE: **HB 2358 HD 3 - OPPOSE**

The American Chemistry Council (ACC) is writing in opposition to HB 2358 HD 3, legislation pertaining to the state building code. Specifically, we are concerned with language in the bill that proposes to delete the state's existing energy efficiency standards.

ACC member companies manufacture the raw materials for a myriad of industries, including products that help buildings and homes save energy. The business of chemistry employs over 800,000 workers, making it one of the largest US industries in terms of employment. We have been an active supporter of the Energy Efficient Codes Coalition (EECC), a collective effort of business interests, architects, affordable housing advocates, utilities and environmental organizations working together to promote increased energy efficiency.

As you may know, buildings consume 40 percent of all energy used in the United States. Strong energy efficiency standards are the "low hanging fruit" in terms of steps that can be taken to reduce energy demand. Energy efficiency building codes and incentive programs benefit homeowners, the environment and the economy. In fact, energy is one of the biggest expenses of homeownership and will continue to put a strain on household income as energy prices continue to rise. Smaller utility bills will help families, especially those with lower incomes, to continue to maintain and afford their homes.

ACC urges the committee to oppose legislation that could potentially weaken strong energy efficiency standards for residential and commercial buildings.

Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me or ACC's Hawai'i based representatives Red Morris and/or John Radcliffe at 808-531-4551





FINANCE INSURANCE, LTD.

Quality Service For Your Insurance Needs

March 19, 2012

TO: Senate Committee on PGM
Senator Will Espero, Chair; Senator Michelle Kidani, Vice Chair

SUBJECT: **House Bill 2358 AHD3 Relating to the Building Code**

DATE: Tuesday, March 20, 2012 TIME: 3:20PM PLACE: Conference Room 224

Honorable Members of the Committee:

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

I am in **opposition** to this legislation and support the amendments proposed by the Structural Engineers Association of Hawaii (SEAOH).

The current draft of the bill, is unfairly slanted toward special interests, who have no professional expertise, and takes away the Counties vote on the Council.

I have reviewed the draft SEAOH has proposed and fully support it.

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 of Dwight Perkins
Senior Director of Field Services, IAPMO Group
Tuesday, March 20, 2012

H.B. NO. 2358 H.D.3

Senator Will Espero, Chairman, it is an honor today to provide you testimony on H.B. NO. 2358 H.D. 3. Relating to the Building Code.

I would respectfully request that you consider amending H.B. No. 2358 H.D.3 in section **107-25 Hawaii state building code. The proposed legislation removes “(2) The latest edition of the Uniform Plumbing Code, as copyrighted and published by the International Association of Plumbing and Mechanical Officials, including appendices.”** On behalf of the IAPMO Group we would most appreciate if you would retain the current language that I cited HB NO. 2358 H.D.3

Hawaii has a long history of adopting the Uniform Plumbing Code. Prior to adopting the Uniform Plumbing Code as the statewide plumbing code the various counties throughout the state adopted previous editions of the Uniform Plumbing Code.

The advantages of a uniform plumbing code adopted by various local jurisdictions have long been recognized. Disorder in the industry as a result of widely divergent plumbing practices and the use of many different, often conflicting, plumbing codes by local jurisdictions influenced the Western Plumbing Officials Association (now the International Association of Plumbing and Mechanical Officials [IAPMO]) to form a committee of plumbing inspectors, master and journeyman plumbers, and sanitary and mechanical engineers, assisted by public utility companies and the plumbing industry to create a basic plumbing document for general use. The product of this effort, the first edition of the *Uniform Plumbing Code*[™] (UPC[™]) was officially adopted by IAPMO in 1945. The widespread use of this code over the past five decades by jurisdictions throughout the United States and internationally is testament to its merit.

With the publication of the 2003 Edition of the *Uniform Plumbing Code*, another significant milestone was reached. For the first time in the history of the United States, a plumbing code was developed through a true consensus process. The 2012 edition represents the most current approaches in the plumbing field and is the fourth edition developed under the ANSI consensus process. Contributions to the content of the code were made by every segment of the built industry, including such diverse interests as consumers, enforcing authorities, installers/maintainers, labor, manufacturers, research/standards/testing laboratories, special experts and users.

The UPC is designed to provide consumers with safe and sanitary plumbing systems while, at the same time, allowing latitude for innovation and new technologies. The public at large is encouraged and invited to participate in IAPMO's open consensus code development process. This code is updated every three years.

Cell: 503-307-9944 Ph: 503-982-1193 • Fax: 503-982-1193 • dperkins@iapmo.org

International Association of Plumbing and Mechanical Officials
4755 East Philadelphia Street. Ontario, California-USA 91761-2816



The *2012 Uniform Plumbing Code* is sponsored by the American Society of Sanitary Engineering (ASSE), the Mechanical Contractors Association of America (MCAA), the Plumbing-Heating-Cooling Contractors National Association (PHCC-NA), the United Association (UA), and the World Plumbing Council (WPC).

The International Association of Plumbing and Mechanical Officials has been protecting the public's health and safety for more than eighty five years by working in concert with government and industry to implement comprehensive plumbing and mechanical systems around the world. As a membership-based association, IAPMO is proud to utilize an open consensus process in the development of our flagship *Uniform Plumbing Code*® and *Uniform Mechanical Code*®. These codes are established through scientific research, debate, and analysis, strengthening our position at the forefront of the plumbing and mechanical industries.

Thank you for allowing the IAPMO Group the opportunity to testify on this legislation.

Cell: 503-307-9944 Ph: 503-982-1193 • Fax: 503-982-1193 • dperkins@iapmo.org

International Association of Plumbing and Mechanical Officials
4755 East Philadelphia Street. Ontario, California-USA 91761-2816



AIA Hawai'i State Council

A Council of The American Institute of Architects



To PGM Hearing 3.20.12
3:20 PM, Room 224

March 20, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs

Re: **House Bill 2358 HD 3**
Relating to the Building Code

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee,

My name is Daniel Chun, responding as Government Affairs Chair of the American Institute of Architects (AIA), a licensed architect with over 30 years of experience and small business owner. After reviewing the bill, the AIA Hawaii Board of Directors voted to **STRONGLY OPPOSE HB 2358 HD3**.

AIA concurs with the **OPPOSING** testimony from nationally recognized building safety organizations, Hawaii state and county agencies, fire departments, insurance carriers, and other design professional societies submitted in past hearings.

In speaking to the composition of the Building Code Council (BCC), AIA opposes the current HD3 language for HRS 107-22 for:

1. Removing the four county building officials from voting membership.
2. Removing the state fire council.
3. Removing the Structural Engineers Association of Hawaii SEAoH.
4. Having the members appointed by the governor.
5. Having a very large percentage of members from interests not directly connected with building design and safety. The technical qualifications of a "diluted" council will be called into question. As the code governs our architect standard of care, the SBCC must have a high level of professional expertise.

It would be an untenable position, and could lead to dire consequences, if 10 of 13 voting members as proposed in the HD3 draft, were political appointees sent to the committee to represent special interests, but did not have training directly related to protecting public safety. Public safety, health and welfare should be of paramount importance as changes to the SBCC are considered.

The SBCC has achieved notable progress toward unifying and updating building codes in Hawaii. Its shortcomings and future progress are related to the failure to adequately fund its operations.

AIA is concerned that if this bill passes as drafted, architects will face added complexity, increased professional liability and increased business costs related to building code compliance, and the public at large will be placed at risk.

Thank you for the opportunity to **OPPOSE** HB 2358 HD3.



ARCHITECTURE
INTERIOR DESIGN

To PGM Hearing 3.20.12
3:20PM, Room 224

March 19, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs

SUBJECT: House Bill 2358 HD 3
Relating to the Building Code

Dear Chair Espero, Chair Kidani and Members of the Committee

I am a licensed architect in the State of Hawaii, and president of a small architectural firm. I have practiced in Hawaii for more than thirty years.

I strongly **OPPOSE** HB2358 HD3 Relating to the Building Code as it puts special interest ahead of public safety and should be **DEFERRED** indefinitely. I agree with the position of the AIA Hawaii State Council and SEAOh.

Sincerely yours,

PACIFIC ASIA DESIGN GROUP, INC.

Ann N. Matsunami, AIA, LEED®AP
President

1650 LIUHA STREET
SUITE 201
HONOLULU, HI 96817
TEL (808) 545-1711
FAX (808) 545-2510
EMAIL MAIL@PADGROUP.COM



Testimony to the Senate Committee on Public Safety, Government Operations, and Military Affairs
Tuesday, March 20, 2012
3:20 p.m.
State Capitol, Room 224

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

Hawaii Steel Alliance, Inc.

P. O. Box 2880

Aiea, HI 96701

(808) 728-7142

(808) 356-0396 fax

www.hawaiisteel.com

info@hawaiisteel.com

Chair Espero, Vice-Chair Kidani, and Members of the Committee:

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 which proposes to substantially modify the State Building Code Council. The HSA supports the continuation of the SBCC, using nationally recognized model building codes (such as the I-Codes) that are important to secure grants, provide insurance, and allow financial institutions to provide construction loans. The HSA has been allowed to actively participate in the 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 help keep residential steel framed housing cost competitive in Hawaii. The committee and task groups were open to our suggestions and welcomed all comments in the 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 and volunteers 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 improving the Council by giving them more time to do their work 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 HB 2358.

Best Regards,

Timothy J. Waite, P.E.

President

cc: mtorres

1347 Kapiolani Blvd. Suite 401
Honolulu, HI 96814
March 19, 2012

To PGM Hearing 3.20.12
3:20 PM, Room 224

March 20, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs


Re: **House Bill 2358 HD 3**
Relating to the Building Code

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee,

I am an architect working at InForm Design and I am licensed and currently practicing in the State of Hawaii. I OPPOSE HB2358 HD3 relating to the Building Code.

In my opinion, it puts special interest ahead of public safety and should be DEFERRED indefinitely. I agree with the position of SEA OH, AIA and other professionals who have provided testimony opposing this bill.

Sincerely,



John Harada, AIA, LEED AP
InForm Design

March 19, 2012

To PGM Hearing 3.20.12
3:20 PM Room 224

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs

**Re: House Bill 2358 HD3
Relating to the Building Code**

Dear Chair Espero, Vice Chair Kidani and members of the committee:

My name is Joe Ferraro, I am a founding principal of a local architectural firm, Ferraro Choi and Associates a small business registered in Hawaii and a Fellow in the American Institute of Architects. I am a registered Architect in the State of Hawaii and in New York State and have been practicing in Hawaii for the last 30 years. I am writing in strong opposition to HB 2358.

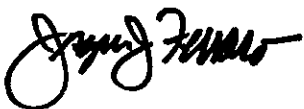
Our local Chapter and State Council of the AIA along with the Building Code Council oppose the language modifications in HD3 language for HRS 107-22 for the following reasons:

- Removal of the four county building officials from voting membership
- Removal of the state fire council
- Removal of the Structural Engineers Association of Hawaii
- Having 10 of the 13 members appointed by the governor as political appointees
- Having a large percentage of the members from interests not directly connected with the building design and safety. The technical qualifications of the members will be called into question. As the code governs our architect's and engineer's standard of care, the SBCC must have a high level of professional expertise.

The public's health and safety should be paramount in selection of the SBCC and concerns for the risks to the standard of care that guides licensed professionals of this state. The board has made sweeping changes in the past few years to bring Hawaii into the conformance with the rest of the country under a state building code as prescribed in the unified set of International Building Codes thanks to the hard work of professionals who are directly involved in the design and construction industry. Should this legislation pass I can imagine a public outcry.

As a small business owner and a licensed professional in this state I strongly encourage you to oppose this legislation.

Thank you for this opportunity to oppose HB2358 HD3.



Joe Ferraro, FAIA, LEED AP

Testimony Against House Bill 2358
by Steven Businger

On September 11, 1992 hurricane Iniki scored a direct hit on the island of Kauai. Over a period of only three hours, the category-3 hurricane caused damage equivalent to the total general fund budget of the state of Hawaii at that time and wiped out the historical profits of the Hawaii homeowners insurance industry. Economic impacts were felt even a decade after the event. As we approach the twentieth anniversary of Hurricane Iniki (2012), let's give some thought to simple actions that we can take to reduce the impact of the next Hawaiian hurricane. House Bill 2358 states that it would supersede "All state and county building codes, ordinances, and regulations in existence", and strikes down hurricane, flood, and tsunami regulations. Building codes are developed to protect the public interest in response to the devastation brought on by past disasters, with reference to the best science and engineering available. Leaving such decisions to a panel is dangerously short sighted.

We are fortunate in Hawaii that our island chain presents a small target for relatively rare central Pacific hurricanes. Although Kauai has been impacted by three hurricanes since the mid-1950s (Dot in 1959, Iwa in 1982, and the category-3 Iniki on this day in 1992), it has been over a century since a major hurricane has struck the Island of Hawaii and Maui. On August 9, 1871 a major hurricane struck both the Island of Hawaii and Maui, leaving tornado-like destruction in its wake. This event was well documented in the many newspapers of the time, which allowed us to determine that the hurricane was at least a category-3 storm.

There is much the public can do to mitigate the damage in advance of hurricanes (hurricane clips to keep the roof from blowing off, and storm shutters to protect windows, etc.). Insurance risk models begin projecting property losses as winds hit 40 mph. However, a major obstacle to overcome is public complacency. No one living in Hawaii today was a witness to the destruction visited on the Islands of Hawaii and Maui in the 1870's. As a result of this long absence of impact, a number of myths have arisen; such as "the volcanoes protect us," "only Kauai gets hit," or "there is no Hawaiian word for hurricane." This last is not a surprise since words such as hurricane and typhoon arise from local words for the winds observed. It is noteworthy that David Malo (1843) defined five different Kona Winds. Also note that there is no Hawaiian word for tsunami.

The idea that the large volcanoes of the Island of Hawaii and Maui protect us from tropical cyclones may seem logical, since as islanders know, these mountains do play a dominant role in determining the local weather during prevailing trade-wind conditions. However, past experience in Hawaii and other mountainous islands (Island of Hispaniola, the Philippines, and Taiwan, etc), as well as numerical modeling studies (Chambers 2008), teach us that this is wishful thinking. While the Big Island is the largest Hawaiian island, its area of roughly 4000 square miles is only ~10% of the area that experienced tropical-storm force winds in recent Hurricane Irene. The height of Mauna Loa, the highest point on the Island of Hawaii, is just over 14,000 feet, but the average elevation of the island is closer to 3,000 feet, and this compares to the circulation of a hurricane,

which reaches 50,000 feet. A hurricane on the right track with the right steering flow will pass right over the Island of Hawaii, like a speed bump, leaving a wake of destruction just as it did in 1871. The fact is that there is a real threat of hurricane landfall for all the Islands of Hawaii, including Oahu.

As the 20th anniversary of Iniki nears (2012) it is appropriate that we take stock of where Hawaii stands. Vote no on House Bill 2358.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 16, 2012 6:29 AM
To: PGM Testimony
Cc: mokamoto@nextdesignllc.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Michael Okamoto
Organization: Individual
E-mail: mokamoto@nextdesignllc.com
Submitted on: 3/16/2012

Comments:

March 20, 2012

TO: The Senate
COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

FROM: H.R. Riggs, Ph.D., P.E. 

SUBJECT: House Bill 2358 HD3 Relating to the Building Code

DATE: Tuesday, March 20, 2012

TIME: 3:20 PM

PLACE: Conference Room 224

I oppose the bill. This bill removes vital safeguards that have been developed over time to maintain public safety. It seems strange to me that this bill has gotten as far as it has, given our experience with Iniki and the recent Chile and Japan tsunamis. I support the current process of developing a state-wide building code; however, the recommended changes in membership of the State Building Council or equivalent are unwise. Membership from the county building officials seems wise, as does membership from the structural engineering and architectural professions. Membership from Health and Labor is also important to represent knowledge of their respective areas of expertise.

The hypocrisy of the legislation in exempting the state construction from complying with the state building code is intolerable. It is again a sign of "do as I say, not as I do" actions of government.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 17, 2012 12:45 PM
To: PGM Testimony
Cc: Ralph.Nagamine@co.maui.hi.us
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ralph Nagamine
Organization: Individual
E-mail: Ralph.Nagamine@co.maui.hi.us
Submitted on: 3/17/2012

Comments:

DATE: March 17, 2012

TO: Senate Committee on Public Safety, Government Operations and Military Affairs
The Honorable Will Espero, Chair

SUBJECT: House Bill 2358 HD3 Relating to the Building Code

Pursuant to the Maui County Charter, the Department of Public Works (DPW) protects and enhances the quality of the public's health, safety, property, and environment by developing and operating the county's road, drainage, and bridge systems and by administering its building codes.

I am the administrator for DPW's Development Services Administration (DSA), which oversees activities related to development; from the subdivision of land to the inspection of buildings for code compliance. I also serve as Maui County's representative on the State Building Code Council. This email testimony is being submitted in opposition to House Bill 2358 HD3.

House Bill 2358 HD3 should not proceed for the following reasons:

1. The proposed bill will take away "home rule" over Maui County's building codes. Under the proposed bill, the county must petition the State Building Code Council to amend its code(s).
2. The proposed bill establishes a new Natural Disaster Preparedness Commission, which will add more bureaucracy to an already cumbersome code adoption process.
3. The proposed bill expands the State Building Code Council from 9 members to 13 members by adding (non-technical, special interest) representation and removes county voting on the State Building Code Council. I.e., Maui County will have voice, but no vote.
4. The proposed bill nullifies building, electrical and plumbing codes that were adopted by Maui County and requires Maui County to use the 2012 International Building Code (IBC) as amended by the State Building Code Council. Without adopting its companion International Residential Code (IRC), houses must be built using the IBC, like commercial buildings. In addition, the proposed bill does not replace the 2006 Uniform Plumbing Code and the 2008

National Electrical Code which were adopted by Maui County, thus leaving no regulations for plumbing and electrical installations.

I respectfully request that the Committee hold House Bill 2358 HD3 Relating to the Building Code.

Respectfully submitted,
Ralph M. Nagamine, L.S., P.E.
Development Services Administrator
Department of Public Works
County of Maui
(808)270-7379

DATE: MARCH 16, 2012

The Senate
COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

SUBJECT: Statement in Opposition to House Bill 2358 Relating to the State Building Code

As a homeowner, I oppose HB2358 for the reasons cited in testimony submitted by the SEA OH Legislative Committee Chairs Gary Chock and Ian Robertson—dated March 20, 2012, and urge you to reject this measure.

Sincerely,

Linda Moran

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 10:07 AM
To: PGM Testimony
Cc: emuinc@hawaii.rr.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ernest Umemoto
Organization: Individual
E-mail: emuinc@hawaii.rr.com
Submitted on: 3/19/2012

Comments:

I am an Architect and am license and practicing in the State of Hawaii. I OPPOSE HB2358 HD3 Relating to the Building Code.
It puts special interest ahead of public safety and should be DEFERRED indefinitely.
I agree with the position of SEAOH, and other professionals who have provided testimony.

March 19, 2012

To: Public Safety, Government Operations and Military Affairs committee (PGM)

Attn: PGM Chair Will Espero, and Honorable Senators Michelle N. Kidani, Rosalyn H. Baker,
Pohai Ryan and Sam Slom

Subj: HB2358 HD3 Relating to the Building Code

I am a licensed Structural Engineer in the State of Hawaii and principal at Consulting Structural Hawaii, Inc. I have been a practicing structural engineer in the State of Hawaii for more than 40 years. I **OPPOSE** HB2358 HD3 Relating to the Building Code.

I agree with the position of the Structural Engineers Association of Hawaii (SEAOH).

HB 2358 HD3 puts special interest ahead of public safety and should be DEFERRED indefinitely.

Roy K. Yamashiro, P.E., Principal
Consulting Structural Hawaii, Inc.

1347 Kapiolani Blvd. Suite 401
Honolulu, HI 96814
March 19, 2012

Hawaii State Legislature
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: HB2358 Testimony

To Whom It May Concern:

I am an architect working at InForm Design and I am licensed and currently practicing in the State of Hawaii. I OPPOSE HB2358 HD3 relating to the Building Code.

In my opinion, it puts special interest ahead of public safety and should be DEFERRED indefinitely. I agree with the position of SEAOH and other professionals who have provided testimony opposing this bill.

Sincerely,



Ann Kutaka, AIA, LEED AP, SCDP
InForm Design

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 2:13 PM
To: PGM Testimony
Cc: donshawaia@mac.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Don Shaw AIA
Organization: Individual
E-mail: donshawaia@mac.com
Submitted on: 3/19/2012

Comments:
To PGM Hearing 3.20.12 3:20 PM, Room 224 March 20, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs

Re: House Bill 2358 HD 3 Relating to the Building Code

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee,

My name is Don Shaw AIA, and I am licensed by the City and County of Honolulu as Third Party Reviewer. I am also an International Code Council Certified Plans Examiner, as well as a licensed architect with over 30 years of experience.

After reviewing the bill, I STRONGLY OPPOSE HB 2358 HD3.

I am concerned that if this bill passes as drafted, architects will face added complexity, increased professional liability and increased business costs related to building code compliance, and the public at large will be placed at risk.

Thank you for the opportunity to OPPOSE HB 2358 HD3.

Regards,

Don Shaw AIA
808-295-7429

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 2:04 PM
To: PGM Testimony
Cc: paul@donoho-llc.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Paul Donoho
Organization: Individual
E-mail: paul@donoho-llc.com
Submitted on: 3/19/2012

Comments:

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee,

My name is Paul Donoho, a Hawaii licensed architect with over 20 years of experience and small business owner. After reviewing the bill, I STRONGLY OPPOSE HB 2358 HD3.

I concur with the OPPOSING testimony from the Hawaii AIA, nationally recognized building safety organizations, Hawaii state and county agencies, fire departments, insurance carriers, and other design professional societies submitted in past hearings.

In speaking to the composition of the Building Code Council (BCC), AIA opposes the current HD3 language for HRS 107-22 for:

1. Removing the four county building officials from voting membership.
2. Removing the state fire council.
3. Removing the Structural Engineers Association of Hawaii SEAOH.
4. Having the members appointed by the governor.
5. Having a very large percentage of members from interests not directly connected with building design and safety. The technical qualifications of a "diluted" council will be called into question. As the code governs our architect standard of care, the SBCC must have a high level of professional expertise.

It would be an untenable position, and could lead to dire consequences, if 10 of 13 voting members as proposed in the HD3 draft, were political appointees sent to the committee to represent special interests, but did not have training directly related to protecting public safety. Public safety, health and welfare should be of paramount importance as changes to the SBCC are considered.

The SBCC has achieved notable progress toward unifying and updating building codes in Hawaii. Its shortcomings and future progress are related to the failure to adequately fund its operations.

I am concerned that if this bill passes the public at large will be greatly placed at risk.

Thank you for the opportunity to OPPOSE HB 2358 HD3.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 1:38 PM
To: PGM Testimony
Cc: gwood@m5architecture.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

Testimony for PGM 3/20/2012 3:20:00 PM HB2358

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Gordon S. Wood, AIA
Organization: Individual
E-mail: gwood@m5architecture.com
Submitted on: 3/19/2012

Comments:

After reviewing the bill, I find that I must STRONGLY OPPOSE HB 2358 HD3.

I concur with testimony from nationally recognized building safety organizations, Hawaii state and county agencies, fire departments, insurance carriers, and other design professional societies submitted in past hearings.

In speaking to the composition of the Building Code Council (BCC), I oppose the current HD3 language for HRS 107-22 for:

1. Removing the four county building officials from voting membership.
2. Removing the state fire council.
3. Removing the Structural Engineers Association of Hawaii SEAOh.
4. Having the members appointed by the governor.
5. Having a very large percentage of members from interests not directly connected with building design and safety. The technical qualifications of a "diluted" council will be called into question. As the code governs our architect standard of care, the SBCC must have a high level of professional expertise.

Please choose to indefinitely defer any further consideration of this bill.

Mahalo

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday March 20, 2012
Conference Room 224
3:20 PM

Testimony in Opposition to HB2358 HD3
RELATING TO THE BUILDING CODE

Submitted by:
Donald Thomas

Mr. Chair, Mr. Vice Chair, and Honorable Members of the Public Safety, Government Operations, and Military Affairs Committee, I have served as a member of the Hawaii State Earthquake Advisory Committee for the last dozen years and as Chair for the last three years. The goal of our committee is to reduce the adverse economic impacts and the threat to life and health resulting from earthquakes in Hawaii. As part of this effort, we have found that the most effective strategy to accomplish that goal is to implement and enforce building codes designed to withstand the effects of earthquake shaking. The same is true for protecting homeowners and residents from the effects of hurricane winds, flooding, and other natural hazards: structures designed to conform to modern codes will have a far better chance of surviving these events than will structures built to older code requirements. HB2358 will do tremendous damage to an ongoing effort, supported by our committee, to bring Hawaii Building Codes up to date and begin to incorporate some of the expensive lessons that have been learned by other communities that have suffered severe losses to hurricanes, to earthquake shaking, and to flood hazards worldwide. Prior to the implementation of the State Building Code Council, each county enforced their own building codes that, in at least one case, is nearly two decades out of date.

As a resident of Hilo, I have heard a great deal of debate over the implementation of new building codes, allegedly because of the additional costs. In my opinion, these arguments are short-sighted and irresponsible: there are better, and more ethical, places to pinch pennies on construction of a dwelling than on its inherent safety as a shelter. Perhaps the best demonstration of that fact is the $M = 7.0$ earthquake in Haiti in 2010 that killed more than

300,000 of Haiti's residents and left an estimated 1,000,000 homeless – many of whom are still living in tents nearly two years later. No doubt, the concrete homes and other structures that were built there with inadequate reinforcing steel were less expensive – and they were inexpensive death-traps for their occupants in an earthquake that would have been a minor inconvenience for a well-engineered structure. Construction of a code-compliant structure may cost 5% to 10% more than one lacking basic safety design features; that “savings” will prove to be a false economy in the next Iniki-scale hurricane or a Kalapana magnitude earthquake when substandard homes increase the loss of life, increase the injury rates, and lengthen the economic disruption associated with largely unnecessary losses of our housing stock. This bill removes the residential construction code, the plumbing code, and a host of other protections for the eventual owners of those homes who will, knowingly or not, be exposing themselves, and their families, to far higher risks of loss of their homes to the inevitable earthquakes and other natural hazards that occur here in Hawaii.

In the interest of the safety and well-being of our resident communities, I ask that you defer this bill. If it is enacted, it will have long term detrimental impacts on every resident of Hawaii.

Thank you for this opportunity to offer testimony; I am speaking as a private citizen and my statement does not reflect an official position of the University of Hawaii or any other State agency.



KY International, Inc.
Architects & Planners

To PGM Hearing 3.20.12
3:20 PM, Room 224

March 19, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs
Michelle Kidani, Rosalyn Baker, Pohai Ryan, Sam Slom

Subject: House Bill 2358 HD 3 Relating to the Building Code

Dear Chair Espero and Members of the Committee,

My name is Robert Yoneoka, Principal and founder of KY International, Inc., a licensed architect practicing in the State of Hawaii with over 30 years of experience. **I STRONGLY OPPOSE THE HOUSE BILL 2358.** I am in opposition to any legislation that abolishes the State Building Code Council. To remove county building officials, state fire council, Structural Engineers Association of Hawaii SEAOH, and to replace them with members appointed by the governor is not protecting the public's safety. The bill would eliminate existing codes including hurricane, electrical, plumbing, elevator, health code for ventilation and sanitation. How could this be for the good of the public's safety? This would lead to hazardous conditions in buildings and homes. I agree with the opposing testimony from nationally recognized building safety organizations, SEAOH, fire departments, insurance carriers, and other design professional societies who have provided testimony.

I strongly urge your committee to defer the passage of House Bill 2358 HD 3 indefinitely.

Sincerely,

Robert Yoneoka, AIA
Principal



KY International, Inc.
Architects & Planners

To PGM Hearing 3.20.12
3:20 PM, Room 224

March 19, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs
Michelle Kidani, Rosalyn Baker, Pohai Ryan, Sam Slom

Subject: House Bill 2358 HD 3 Relating to the Building Code

Dear Chair Espero and Members of the Committee,

My name is Henry T.Y. Kwok, Principal and founder of KY International, Inc., a licensed architect practicing in the State of Hawaii with over 35 years of experience. **I STRONGLY OPPOSE THE HOUSE BILL 2358.** I am in opposition to any legislation that abolishes the State Building Code Council. To remove county building officials, state fire council, Structural Engineers Association of Hawaii SEAOh, and to replace them with members appointed by the governor is not protecting the public's safety. The bill would eliminate existing codes including hurricane, electrical, plumbing, elevator, health code for ventilation and sanitation. How could this be for the good of the public's safety? This would lead to hazardous conditions in buildings and homes. I agree with the opposing testimony from nationally recognized building safety organizations, SEAOh, fire departments, insurance carriers, and other design professional societies who have provided testimony.

I strongly urge your committee to defer the passage of House Bill 2358 HD 3 indefinitely.

Sincerely,

Henry T.Y. Kwok, AIA
Principal



KY International, Inc.
Architects & Planners

To PGM Hearing 3.20.12
3:20 PM, Room 224

March 19, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs
Michelle Kidani, Rosalyn Baker, Pohai Ryan, Sam Slom

Subject: House Bill 2358 HD 3 Relating to the Building Code

Dear Chair Espero and Members of the Committee,

My name is Vivyan L. Chang, Senior Associate of KY International, Inc., a licensed architect with 15 years of experience. I **STRONGLY OPPOSE THE HOUSE BILL 2358**. I am in opposition to any legislation that abolishes the State Building Code Council. To remove county building officials, state fire council, Structural Engineers Association of Hawaii SEAOh, and to replace them with members appointed by the governor is not protecting the public's safety. The bill would eliminate existing codes including hurricane, electrical, plumbing, elevator, health code for ventilation and sanitation. How could this be for the good of the public's safety? This would lead to hazardous conditions in buildings and homes. I agree with the opposing testimony from nationally recognized building safety organizations, SEAOh, fire departments, insurance carriers, and other design professional societies who have provided testimony.

I strongly urge your committee to defer the passage of House Bill 2358 HD 3 indefinitely.

Sincerely,

Vivyan L. Chang, AIA
Senior Associate



KY International, Inc.
Architects & Planners

To PGM Hearing 3.20.12
3:20 PM, Room 224

March 19, 2012

Honorable Will Espero, Chair
Senate Committee on Public Safety, Government Operations & Military Affairs
Michelle Kidani, Rosalyn Baker, Pohai Ryan, Sam Slom

Subject: House Bill 2358 HD 3 Relating to the Building Code

Dear Chair Espero and Members of the Committee,

My name is Carole Ueki, Associate at KY International, Inc., a design professional with over 20 years of experience. **I STRONGLY OPPOSE THE HOUSE BILL 2358.** I am in opposition to any legislation that abolishes the State Building Code Council. To remove county building officials, state fire council, Structural Engineers Association of Hawaii SEAOH, and to replace them with members appointed by the governor is not protecting the public's safety. The bill would eliminate existing codes including hurricane, electrical, plumbing, elevator, health code for ventilation and sanitation. How could this be for the good of the public's safety? This would lead to hazardous conditions in buildings and homes. I agree with the opposing testimony from nationally recognized building safety organizations, SEAOH, fire departments, insurance carriers, and other design professional societies who have provided testimony.

I strongly urge your committee to defer the passage of House Bill 2358 HD 3 indefinitely.

Sincerely,

Carole Ueki
Associate

SMA Technical Check

Senate Majority Research Office

To: Malene

Date: 3/19

From: dennis

Re: Hearing Agenda for 3/20

(1) **Pass "As Is"** (Measure(s) contain(s) no technical errors or only minor technical errors which need not be corrected.)

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(2) **Senate Draft Recommended** (Measure(s) contain(s) technical errors that need to be corrected; or substantive or legal problems that need to be addressed.)

HB2358

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Comments: ["Click here and type"](#)

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Date: 3/19

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(2) **Senate Draft Recommended** (Measure(s) contain(s) technical errors that need to be corrected; or substantive or legal problems that need to be addressed.)

HB2358

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Comments: ["Click here and type"](#)

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Senate Majority Research Office

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Date: 3/19

From: dennis

Re: Hearing Agenda for 3/20

(1) **Pass "As Is"** (Measure(s) contain(s) no technical errors or only minor technical errors which need not be corrected.)

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HB2358

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Comments: ["Click here and type"](#)