

LATEALAN M. ARAKAWA
MAYORKEITH A. REGAN
MANAGING DIRECTOR**OFFICE OF THE MAYOR**Ke'ena O Ka Meia
COUNTY OF MAUI - Kalana O Maui
March 16, 2012

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

SUBJECT: HOUSE BILL 2358 HD3 RELATING TO THE BUILDING CODE

Dear Chair Espero and Committee Members:

The County of Maui opposes House Bill 2358 HD3 in its entirety.

The subject Bill proposes to eliminate Maui County's right to adopt construction-related codes and amend such codes to reflect the wishes of its citizens. Currently, HRS 107 provides a process for the State Building Code Council (SBCC) to develop statewide amendments and for Maui County to adopt these amendments as well as our own County amendments. The current process works well and does not need to be changed. The proposed Bill will make Maui County subservient to a non-elected SBCC comprised of representatives from special interest groups.

We oppose the Bill's proposal to nullify Maui County's construction codes; such as, building, electrical, plumbing and energy codes that have been adopted by Maui County's elected Council. This act further exacerbates the situation by leaving a void to regulate these construction activities.

The creation of a new "Natural Disaster Preparedness Commission" is ill-advised. The SBCC is presently unfunded and there are insufficient financial resources to create and fund a new Commission that essentially duplicates work already being done by existing advisory groups working in cooperation with the State Civil Defense agency.

Under the proposed Bill, state construction would be exempt from the State building code. The State needs harden facilities that can be used as shelters for our residents and visitors during extreme weather events or as a result of disasters. Why create a State building code that does not affect State facilities?

There are numerous other objectionable provisions in the subject Bill, such as, increasing the SBCC's membership and eliminating Maui County's vote on SBCC matters. Simply stated, this Bill is seriously flawed and not needed. I respectfully request that you hold the Bill in committee.

Sincerely yours,

ALAN M. ARAKAWA
Mayor



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

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

March 20, 2012

Senate Committee on Public Safety, Government Operations, and Military Affairs

HB 2358 HD3

Relating to the Building Code

Room 224

3:20 PM

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

I am Janet Ashman, testifying on behalf of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFBF **supports the intent of HB 2358 HD3** to provide a uniform state building code that would be less burdensome than current county codes. We thank the committees that have heard the bill so far for recognizing that farmers and ranchers are impacted by state and county building codes, and for including a representative of HFBF on the proposed building code council.

However, we would like to express a concern with one aspect of HB 2358 HD3. The bill contains the sentence: "All state and county building codes, ordinances, and regulations in existence on October 1, 2012, shall be superseded by the Hawaii state building code set forth in subsection (a)." We are concerned that HB 2358 HD3, if passed, could negate any permit relief passed in other legislation by this Legislature this session.

HFBF is supporting other bills introduced this session that would reduce the cost and construction time of low-risk, non-residential farm structures by exempting these structures from county building permit and code requirements. This exemption is necessary to allow farmers to build, at reasonable cost, structures to protect their crops and equipment from thieves, vandals, and the weather. A majority of U.S. states have such exemptions for farm structures. At present, rural farm structures in Hawaii are held to the same standards as homes and commercial buildings in urban areas.

Therefore, we respectfully request that if HB 2358 HD3 is passed out of your committee, its wording be amended to ensure that these potential agricultural permit exemptions will not be automatically superseded.

Thank you very much for your strong support of agriculture and your thoughtful consideration of our concerns. Please contact me at 808-848-2074, if we can be of assistance.

LATE

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

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March 20, 2012

Senate Committee on Public Safety, Government Operations, and Military Affairs Hearing Date: Tuesday, March 20, 3:20 pm., Conference Room 224

Honorable Senators Will Espero, Chair; Michelle Kidani, Vice Chair; and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs

Subject: **HB2358 HD3, Relating to Building Codes Comments and Recommendations**

Dear Chair Espero, Vice-Chair Kidani, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH), representing 65 member firms with over 1,800 employees throughout Hawaii, understands that there are some "growing pains" as Hawaii institutes a Statewide Building Code. We remain committed to the necessity of a State Code, and to making changes to make the Code work better. However, we have significant concerns that some of the revisions set forth in the bill are counter to public safety and good public policy

Firstly, the bill attempts to make too many changes to the State Building Code without adequate study and consideration of the implications of the changes. Therefore we propose deferring decision-making on the bill to allow the parties to come to an agreement on revised language that is more suitable than that presented in the HD3.

We believe the following would be positive changes to the State Building Code:

1. We support the creation of a natural disaster preparedness advisory commission with experts that could support the State Building Code Council in crafting codes that adequately reflect Hawaii's unique conditions. However, this commission should be advisory only and should not have the power to limit the Council's decisions on codes related to natural disasters.
2. We are concerned with the modifications to the year makeup of the Council proposed in HD3; specifically, the removal of the County building officials and representatives of the State Fire Council and Department of Health. Therefore, we propose that the Council retain its original six members, and adds two members consisting of a representative from the Building Industry Association of Hawaii and a representative from the General Contractors Association of Hawaii.
3. We support extending the frequency of code review to no later than every 6 years. The current 3 year review mandated by the law has been difficult if not impossible for the Council to meet – mostly because they have insufficient funding to get the amended codes written into law.
4. We support an appropriation of funds from the Hawaii Hurricane Relief Fund in order to provide funds for the Council to carry out its duties. Appropriate funds should also be set aside for the function of the Natural Disaster Preparedness Advisory Commission.

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

Page 2 of 2

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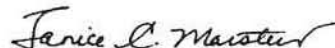
We understand that there has been some concern about the windborne debris impact resistance requirements for residential construction contained in the International Building Code (IBC). The IBC 2006 edition mandated impact resistive glazing for all buildings in hurricane prone regions. Based on cost-benefit research conducted by the Hawaii Hurricane Relief Fund in 2000, the frequency of hurricane landfalling in Hawaii did not economically justify such onerous requirements for home construction. Therefore, the structural engineering community worked with State Civil Defense to develop alternatives, such as options for residential buildings and exemptions for farm and low-occupancy buildings, that were eventually adopted by the State Building Code Council.

We believe that these Hawaii-specific modifications adequately address concerns about the onerous nature of the debris impact resistance requirements in the IBC, and strongly believe that the hurricane criteria should not be deleted from the State Building Code. In summary, we believe that the state building code enhances public safety and changes should be made with caution. We oppose many of the revisions set forth by HB2358 HD3, and recommend the bill be deferred to allow time to work on compromise language.

We thank you for the opportunity to comment on this bill. Please do not hesitate to contact us if you have any questions regarding our testimony.

Respectfully submitted,

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII



Janice C. Marsters, Ph.D.
Past President and Legislative Committee Co-Chair
808.371.8504

LATE

TNDA

TN DESIGN ASSOCIATES, AIA, INC.
Architecture and Planning

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 Timothy Newberry, responding as a representative of the Hawaii State Council for the American Institute of Architects Honolulu Chapter (AIA), a licensed architect with over 25 years of experience and small business owner. After reviewing the bill, I **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 SEAHO.
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 feel 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.

Timothy Newberry, AIA

President

TN Design Associates, AIA, Inc.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 19, 2012 5:23 PM
To: PGM Testimony
Cc: tony@rmasalesco.com
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM

LATE

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

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Anthony Borge
Organization: Individual
E-mail: tony@rmasalesco.com
Submitted on: 3/19/2012

Comments:

In support of H.B 2358 HD3 Relating to Building Codes

RMA Sales is a 50 year old locally owned and operated company with over 16 employees. We manufacture/distribute windows, doors, hurricane/security screens and other related building products throughout the State. RMA is also a member of the Building Industry of Hawaii. We strongly support this bill since it will fill a void by providing representation from the construction industry on the State Building Council.

Respectively submitted by Anthony Borge

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 6:25 AM
To: PGM Testimony
Cc: ropa@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: Michael J. Riehm, AIA, NCARB
Organization: Riehm Owensby Planners Architects
E-mail: ropa@hawaii.rr.com
Submitted on: 3/20/2012

Comments:

I strongly oppose this bill because architects will face added complexity, increased professional liability, and increased business costs related to code compliance as a result of this bill. Moreover, the health, safety and welfare of the public at large will be compromised.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 10:16 AM
To: PGM Testimony
Cc: daunna@lava.net
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: andrew charles yanoviak, aia,apa,csi
Organization: Individual
E-mail: daunna@lava.net
Submitted on: 3/20/2012

Comments:

I Fully Concur w/AIA Hawaii Council Testimony Submitted by Government Affairs Chair Daniel Chun, FAIA and Other National and Hawaii Building and Fire Codes Officials in STRONG OPPOSITION to HB 2358 HD 3 in Its Entirety!

I Apologize for Not Responding Earlier within the Last Two Months; However, each Time that I Consulted w/Local and National Officials as well as Other Professional Society and Construction Industry Members, I was Satisfied by the Fact that SO MANY were in STRONG OPPOSITION to Such Extraordinarily BIZARRE State Legislative Proposals!

Further, I am Extremely Disappointed that State Legislators and Administrators would Choose to BLATANTLY IGNORE the GOOD WORKS on Behalf of Hawaii nei that has been Diligently Performed by AIA Honolulu (Comprising Honolulu, Hawaii and Kauai Counties) and AIA Maui over the Past Several Years in STUDIOUSLY and VERY CAREFULLY Addressing Various Zoning, Building and Fire Code Provisions and Their Coordinated Interdependent Interrelationships within the ARDUOUS Process of Arriving at CONSENSUS on a Four County Basis w/Regard to Individually Adopted COUNTY CODES within the Context of a Statewide Model Building Codes at the Level of the International Codes Council and the National Fire Protection Association as well as the National American Institute of Architects, National Society of Professional Engineers, the American Planning Association, the Green Building Code Council, National Association of Home Builders, etc. These and Other National Construction, Real Estate, Insurance, and Finance Industries Promulgate the Planning, Design and Construction STANDARDS as well as STANDARDS of Professional Practice on which CODES Provisions are BASED - And, for Our State Legislators and Administrators to IGNORE these CONTEXTUAL PREMISES And DERIVATIONS is a MOST GRIEVOUS CARDINAL SIN Unworthy of Respectable State Legislators and Administrators which has PROFOUND NEGATIVE RADICAL AFFECTS on Not Only REGULATORY ENVIRONMENTAL But Also, ECONOMIC and CIVIL SOCIETAL IMPACTS!!!

PLEASE KILL This TOTALLY UNWARRANTED BILL Before IT KILLS US COMMUNALLY in Hawaii nei!!!

P.S. The Next Time that State Legislators or Administrators want to MESS w/Our PROFESSIONAL Kuleana, PLEASE Have the Akamai COURTESY to Consult w/AIA Honolulu CODES And BUILDING PERFORMANCE And INTEGRATED PROFESSIONAL PRACTICE COMMITTEES And GOVERNMENT RELATIONS COMMITTEES FIRST; Because, for Years Our AIA HONOLULU CHAPTER CODES COMMITTEE (of Which I Have Served as Chair for Several Years as well as Serving on the 5-Member Steering Committee of the National AIA Building Performance and Regulations Committee with ICBO, ICC, NFPA, NCARB, etc. Liaison Duties) SERVES Hawaii nei as a FORUM w/Building, Fire and Zoning Officials, Other Professional Society and Construction Industry Members in Attendance = ALL

DUTIFULLY INVOLVED BASED on Case-Study APPLICATION. INTERPRETATION And ENFORCEMENT Real-World Experiences with CODES and STANDARDS HISTORICAL DEVELOPMENTS and IMPLEMENTATION in SERVING ITS FUNDAMENTAL PURPOSE in Upholding SOCIETAL PROVISIONS for HEALTH, SAFETY and WELFARE And SUSTAINABLE DESGN FACTORS = the VERY BASIS on Which Architects and Their Consulting Engineers are Licensed and Maintain Their PROFESSIONAL LICENSES via MANDATORY Annual CONTINUING EDUCATION Requirements - With ALL DUE RESPECTS to State Legislators and Administrators, HB 2358 HD 3 Reflects an Area of PROFESSIONAL PRACTICE where There is NO ROOM for NOVICES to Make RASH DECISIONS!!!

Mahalo and Aloha for This Opportunity to Provide Testimonial COMMENTS in This Regard!

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 20, 2012 11:17 AM
To: PGM Testimony
Cc: shaunroth@alum.mit.edu
Subject: Testimony for HB2358 on 3/20/2012 3:20:00 PM
Attachments: HB 2358HD3 AIA strongly opposed-1.pdf

LATE

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

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Shaun Roth
Organization: Individual
E-mail: shaunroth@alum.mit.edu
Submitted on: 3/20/2012

Comments:

I concur with the AIA position outlined by Daniel Chun which strongly opposes HB 2358 HD3.

LATE

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

**Testimony to Senate Committee on Public Safety, Government Operations, and
Military Affairs**

Tuesday, March 20, 2012
3:20 p.m.
Capitol Room 225

RE: H.B. 2358 HD3, Relating to Building Codes

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

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

BIA-Hawaii respectfully **provides comments** on H.B. 2358 HD3, which establishes the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission. The purpose of this bill is to promote uniformity in statewide building standards by establishing the Hawaii State Building Code Council and the Natural Disaster Preparedness Commission, and adopting the Hawaii State Building Code.

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

BIA-Hawaii **strongly supports** amending the composition of the existing State Building Code Council (SBCC) to assure that all stakeholders, especially from the construction industry, are represented and have a vote. The current SBCC includes seven government officials, one architect, and one structural engineer. We strongly support the proposed composition of the SBCC, which includes a representative from the Building Industry Association of Hawaii.

Other states have a SBCC that has a better balance of members. For example, Washington's SBCC includes a wide range of industry representation; out of a total of 15 voting members, four are elected officials, one is a code official, one person represents general construction--commercial and industrial, one person represents persons with disabilities, one person represents manufacturers, installers or suppliers of building materials or components, one

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
March 20, 2012
HB 2358 HD3
BIA-Hawaii testimony

person represents architects, one is a fire protection engineer, one person represents the general public, one person represents structural engineers, one person represents general construction, residential and multifamily housing, one person represents construction building trades, and one person represents mechanical engineers. Four additional ex-officio members are non-voting.

The State of New York has a similar composition: out 17 members, six are elected officials, four are agency officials, and the remaining seven represent the fire service, architects, professional engineers, code enforcement, builders, trade union, and persons with disabilities.

BIA-Hawaii expresses the following concerns regarding HB 2358 HD3:

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

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